

# ASIA PACIFIC REGIONAL OUTLOOK

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## Featured in this issue...

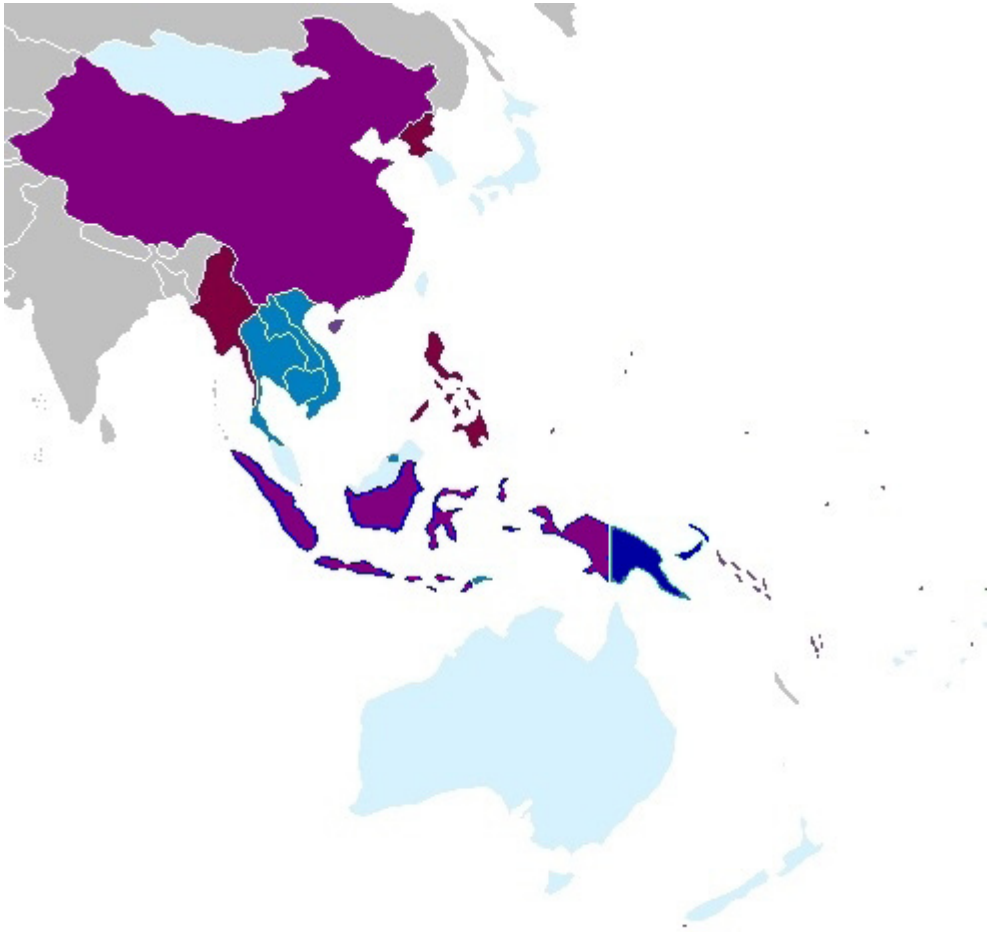
ICJ rules that Myanmar must take measures to prevent genocide

Special report on hate speech and incitement

Tensions remain in Papua New Guinea and West Papua

Human protection overlooked in North Korea

# REGIONAL ATROCITY RISK ASSESSMENT



Very High

Myanmar  
Democratic People's Republic of Korea (DPRK)  
The Philippines

High

China, Indonesia(West Papua)

Moderate  
(high to low)

Papua New Guinea

Low

Brunei, Cambodia, Laos, Thailand, Timor-Leste and Vietnam

Very low

Australia, Fiji, Japan, Kiribati , Malaysia, Marshall Islands, Micronesia, Mongolia, Nauru, New Zealand, Palau, Republic of Korea, Samoa, Singapore, Solomon Islands,Taiwan,Tonga, Tuvalu, Vanuatu

## MYANMAR VERY HIGH RISK | ONGOING ATROCITY CRIMES



Myanmar remains at very high risk for atrocities as violence in Rakhine state continues amidst intensified counter-insurgency operations by the Tatmadaw against the Arakan Army (AA). The protagonists are resorting to illegal arrests, detention, and kidnapping of civilians, as well as the use of landmines which are now reported to be present in four townships in Chin and Rakhine states. Meanwhile, the NLD government remains adamant in denying that genocidal intent or actions have taken place in Rakhine following the ICJ's order for Myanmar to take provisional measures in protecting the Rohingya community from genocide.

Six Rohingyas—two women and four children—were killed and 12 others injured in the first month of 2020 because of shelling and explosions in Rakhine. The Myanmar military and the AA insurgents blamed each other for civilian casualties even as more than 100,000 people have been displaced for the past year since the AA intensified its attacks against government forces in December 2018. The AA has also resorted to kidnapping or detaining civilians, including 16 government employees<sup>1</sup>, 18 firefighters<sup>2</sup>, a local NLD chief, and some local MPs in Rakhine and Chin states suspected of collaborating with the Tatmadaw.<sup>3</sup> In separate occasions, it also detained and later released 12 bus<sup>4</sup> and 25 ferry passengers<sup>5</sup>, and 16 drivers of local ferries to pressure companies to pay taxes in areas controlled by AA to fund its troops and its political wing, the United Arakan League (UAL).<sup>6</sup> These atrocities by AA against civilians were apparently aimed at exerting pressure on the government and Tatmadaw to recognise it as a legitimate ethnic armed group, which has been ignored by the NLD and the Myanmar military in the peace and ceasefire negotiations. Accordingly, it is also part of AA's strategy to convince the Tatmadaw for a prisoner exchange as the latter has also detained civilians in Rakhine who were suspected of being sympathisers of the insurgents.<sup>7</sup>

Civilians continue to face significant risks in northern Myanmar as encounters between ethnic armed groups and military forces intensify. A landmine monitoring group reported in December that mines had been laid in four additional townships due to ongoing conflict between AA and the Tatmadaw: Paletwa in Chin state and Maungdaw, Kyaukpyu, and Buthidaung in Rakhine.<sup>8</sup>

Meanwhile, the safe repatriation of Rohingyas from Bangladesh has not progressed given the escalation of violence in Rakhine. Bangladesh has also started fencing Rohingya camps to restrict the refugees' movements even as the government also imposed blackout on internet access in the camps by confiscating mobile phones and SIM cards.<sup>9</sup> The construction of barbed wire fencing in camps is part of Bangladesh's efforts in strengthening border security, particularly in containing the smuggling of drugs across from Myanmar. Myanmar apprehended over 170 Rohingyas aboard a boat in the Adaman Sea in December and were suspected of fleeing refugee camps in Bangladesh. Seventeen were resettled and reunited with their families in Sittwe while another 29 were determined to be from Maungdaw district.<sup>10</sup> The remaining boat passengers are still being processed for verification even as a good number of them are believed to be from Bangladesh.

In December 2019, the International Court of Justice (ICJ) heard the case filed by The Gambia against Myanmar in which no less than Aung San Suu Kyi was present to deny that there was any genocidal intent on the part of the military forces against the Rohingyas in Rakhine. While acknowledging that the Myanmar defence forces may have used disproportionate force in the conduct of clearing operations against the Arakan Rohingya Salvation Army (ARSA) militants and civilians in 2017, Suu Kyi said that soldiers who were proven to have committed war crimes will be prosecuted through the country's military justice system. She also claimed that Myanmar has taken significant steps to address the root causes of the conflict in Rakhine between affected communities as part of implementing the recommendations of the Kofi Annan Commission, including measures to build mutual trust among all communities, access to livelihoods, education and health services, as well as citizenship. Accordingly, she pointed out that these measures do not reflect genocidal intent or acts of genocide.<sup>11</sup>

The ICJ largely rejected the Myanmar government's case and demanded that it take four provisional measures in order to comply with the 1948 Genocide Convention: 1) take all measures within its power to prevent commission of all acts within the scope of Article II of the Convention; 2) ensure that the Myanmar military and all groups under its control, direction, or influence do not commit acts under Article II of the Convention, including conspiracy to commit genocide, of direct or public incitement to commit genocide, of attempt to commit genocide, or of complicity of genocide; 3) take effective measures to prevent the destruction and ensure the preservation of evidence related to all allegations of acts within the scope of Article II of the Convention; and 4) submit a report to the Court on all measures taken to give effect to its order within four months, and every six months thereafter, until the Court renders its final decision on the case.<sup>12</sup>

In response to the ICJ's order, the NLD government reiterated its denial of genocide and accused some human rights groups of "presenting a distorted picture of the situation in Rakhine", which affected Myanmar's relations with some countries and "hampered [its] ability to lay the foundation for sustainable development in Rakhine."<sup>13</sup>

## Recommendations:

### **The Government of Myanmar should:**

1. Fulfil its responsibility to protect vulnerable groups in Rakhine, including the remaining Rohingya community, Arakanese civilians, and other ethnic minority groups affected by ongoing conflict between the Tatmadaw and the AA forces.
2. Take immediate steps to comply in full with the provisional measures ordered by the ICJ.

### **ASEAN should:**

1. Implore Myanmar to comply with the ICJ's provisional order and demand that the government holds perpetrators of war crimes accountable.
2. Demand that Myanmar follows through with its commitment to ensure the safe, voluntary, and dignified repatriation of Rohingya refugees.

### **The UN should:**

1. Increase and enhance support for the protection of refugees.



On 18 December 2019, the UN General Assembly passed a resolution condemning the “long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People’s Republic of Korea, including those that may amount to crimes against humanity”. The resolution expressed “very serious concern” over continuing reports of, inter alia: torture and other cruel, inhuman or degrading treatment; political prison camps; enforced and involuntary disappearances; the forcible transfer of populations and severe limitations on the freedom of movement; the situation of refugees and asylum seekers; “all-pervasive and severe

restrictions” on civil and political rights; violations of economic, social and cultural rights; and gross violations of the human rights and fundamental freedoms of women and girls.<sup>14</sup>

International pressure on the DPRK to address its pervasive culture of impunity continues to wane. Although the UN General Assembly resolution condemning DPRK’s systematic abuse and repression passed by consensus without a vote, for the first time since 2008, the Republic of Korea (ROK) declined to co-sponsor the resolution. For the second consecutive year, in early December the US government refused to endorse a formal UN Security Council debate on the human rights situation in DPRK, which effectively blocked the discussion. China and Russia also steadfastly oppose using the UN Security Council as a forum to discuss human rights concerns in the DPRK, arguing that it only serves to harden Pyongyang’s position. Seizing the opportunity to press for a more conciliatory approach, in December China and Russia jointly proposed a draft UN Security Council resolution to lift some sanctions on the DPRK and create, as China framed it, a “favourable environment for dialogue” and “the necessary conditions for and impetus to a political settlement of the situation”.<sup>15</sup>

These developments occurred just weeks before the end-of-year deadline Kim Jong-un set for the US to soften its demands on denuclearization. The failed Trump-Kim summit in Hanoi in February and the breakdown of working-level US-DPRK talks in Stockholm in October precipitated a freeze in US-DPRK diplomacy and stalled intra-Korean engagement, and corresponded with Pyongyang’s increasingly hostile rhetoric and thirteen separate missile tests in the latter half of 2019.<sup>16</sup> Against this backdrop, DPRK’s warning that it interpreted formal discussion or condemnation of the country’s human rights situation in the UN as “another serious provocation” appeared to shape US and ROK decisions to refrain from raising human rights concerns.<sup>17</sup> The change of tactic in adopting a lower profile, less condemnatory approach to human rights is part of a broader attempt to ease tensions and resume diplomatic talks—representing a similar logic to Japan’s March 2019 decision to, in the first time in 11 years, not join the European Union in sponsoring a draft Human Rights Council resolution condemning DPRK human rights abuses.

Pyongyang’s extreme sensitivity to international condemnation of its human rights record and routine threats to cut diplomatic ties if human rights concerns are raised creates dilemmas with regard to the best approach to addressing ongoing crimes against humanity in the DPRK. As Assistant UN Secretary-General Mohamed Khaled Khari, Departments of Political and Peacebuilding Affairs and Peace Operations, acknowledged in his briefing to the UN Security Council in December, “a breakdown in diplomacy will not help the human rights or humanitarian situation” in the DPRK.<sup>18</sup> At the same time, Human Rights Watch contends that Pyongyang is “empowered” in the absence of international pressure, and that the DPRK is “never going to improve its human rights record unless the world demands it”.<sup>19</sup> Similarly, in a letter to ROK President Moon Jae-in in December, a group of 67 civil society organisations and human rights experts (including UN Special Rapporteur on the situation of human rights in the DPRK, Tomás Ojea Quintana) expressed their concern that refraining from public criticism of systematic human rights violations in the DPRK “will only embolden those in North Korea’s leadership who are responsible for the worst abuses”.<sup>20</sup>

Pyongyang has proven adept at using human rights as a bargaining tool in its relations with the US, Japan and ROK. Even actors who have previously led efforts to shed light on the regime’s crimes and pursue accountability are divided on how to move forward on improving the human rights situation. Yet, caving to Pyongyang’s demands that human rights remain off the diplomatic agenda if nuclear talks are to resume has thus far yielded little progress on either front. Furthermore, DPRK’s persistent refusal to cede any ground on engaging with the UN Special Rapporteur or grant access to special mandate holders undercuts the rationale that adopting a more conciliatory approach in the UN can open channels for deeper engagement with UN human rights bodies. In this vein, Quintana continues to call on the ROK and US (as well as Russia and China) to stop sidelining human rights concerns from denuclearization, sanctions relief and peace talks, and to start clearly sending the message that improving the human rights situation is integral to headway on these issues.<sup>21</sup>

A longstanding recommendation in this regard is for any proposal for sanctions relief to be tied to: (1) Pyongyang allowing the UN country team free and unimpeded access to all parts of the country in order to assist in meeting the needs of vulnerable persons, and (2) DPRK authorities engaging with the UN Office of the High Commissioner for Human Rights and accepting the UN Special Rapporteur’s request for a country visit. The latter could help open a parallel track for dialogue on human rights alongside denuclearization and peace talks, or, in the very least, stress to Pyongyang that its severe human rights abuses are not a negotiating tool that can be leveraged in nuclear talks in the absence of meaningful concessions or reforms aimed at safeguarding its population from atrocity crimes.

## Recommendations

### **The government of the DPRK should:**

1. Immediately cease the commission of crimes against humanity, and engage constructively with the UN Office of the High Commissioner for Human Rights (OHCHR), the Special Rapporteur and the OHCHR field office in Seoul to develop plans to faithfully implement human rights treaty obligations.

### **The US and Republic of Korea should:**

1. Raise concerns over ongoing crimes against humanity in their diplomatic engagement with the DPRK, including integrating measures to improve the human rights situation in denuclearization, sanctions relief and peace talks.

### **The UN Security Council should:**

1. Ensure that human rights concerns are integrated into any proposal for sanctions relief, including conditioning sanctions relief on DPRK authorities

### **China and the Republic of Korea should:**

1. Recognise DPRK citizens as refugees *sur place* and respect the principle of non-refoulement. China should adopt measures to protect the rights of DPRK citizens residing in or transiting through China, particularly women and girls who are systematically subjected to sexual violence, exploitation and abuse.

### **The OHCHR should:**

1. Monitor patterns of abuse that may amount to crimes against humanity in the DPRK, investigate unresolved human rights issues, raise awareness and visibility of the human rights situation, and work with civil society and other governments to continue to press for accountability and an end to impunity.

## THE PHILIPPINES VERY HIGH RISK



The Philippines remains at a very high risk for atrocities as the Philippine National Police (PNP) at the beginning of the year more intensified anti-drug war campaign against middle- and high-value targets. Extra-judicial killings are also expected continue in light of the government's anti-communist insurgency operations and stalled peace talks with the Communist Party of the Philippines-National Democratic Front (CPP-NDF). In Mindanao, attacks by ISIS-affiliated groups against the military and civilians are likely to continue.

As of 30 November 2019, the PNP reported that there were 5,552 drug suspects who were killed in the government's anti-drug war operations. Over 8,000 high value targets were arrested that include 222 foreign nationals, 297 elected officials, 82 uniformed personnel, and 347 government employees.<sup>22</sup> In late December, the PNP also announced that it will roll out the use of body cameras by policemen in 2020 as part of "improving the government's drug war image" and dispel perceptions about police brutality.<sup>23</sup> Public opinion remains highly supportive of the government's anti-drug war, with 73% believing that the number of drug users in the Philippines has decreased significantly since President Duterte took office in 2016. However, 76% of the respondents believe that multiple human rights abuses were committed in the anti-drug war<sup>24</sup> and 56 % agreed that the UN Human Rights Council should investigate the EJKs in connection with the drug war.<sup>25</sup> In October, the PNP Internal Affairs Service reported that 461 suspects died in police custody since President Duterte took over in 2016.<sup>26</sup> Meanwhile, in an effort to address concerns about PNP corruption, the Department of Justice said that it will criminal charges against former PNP Chief Oscar Albayalde and 12 of his former subordinates for allowing a drug lord to escape in exchange for Pesos 10 million.<sup>27</sup> Notwithstanding all these concerns, the approval rating of President Duterte remains very high at 87% based on public opinion survey in December 2019.<sup>28</sup>

The risk of atrocities in the Philippines are expected to continue in relation to extra-judicial killings. A Senate panel that investigated the series of killings in Negros Occidental and Negros Oriental between October 2018 and July 2019 recommended that the PNP and the Armed Forces of the Philippines (AFP) investigate police, military, and anti-communist vigilante groups for human rights violations and file appropriate charges. Farmers, human rights defenders, church workers, and unarmed civilians were targeted in the killings.<sup>29</sup> Meanwhile, a human rights advocacy group said that the Philippines was deadliest place among 23 countries for the third year with 50 people killed between January to November 2019 for protecting land against encroaching industries. It was also the deadliest country for land rights activists.<sup>30</sup> Between September and November 2019, four environment protection activists were killed in country.<sup>31</sup> Since July 2016, a total of 46 judges, prosecutors, and lawyers have been killed in the country as of 28 January 2020.<sup>32</sup>

In Mindanao, suspected ISIS-linked militants launched a grenade attack near a Catholic Church in December, injuring 23 people including 9 soldiers. The AFP blamed the Bangsamoro Islamic Freedom Fighters (BIFF) for the attack, although the latter denied responsibility for the attack claiming that they do not attack civilians.<sup>33</sup> Martial law in Mindanao was lifted by the government following its imposition in May 2017 in the aftermath of the Marawi siege by ISIS-affiliated militants. In December, a local court convicted Andal Ampatuan Jr. and other members of his clan for the murder of 58 people that included 32 journalists in the worst-election related violence in the country in November 2009. The massacre, which took place in Maguindanao, resulted in the signing of the Philippines domestic law against genocide and crimes against humanity by President Arroyo.

### **Recommendations**

#### **The Government of The Philippines should:**

1. Take positive steps to fulfil its responsibility to protect by adhering to international human rights law in its anti-drug war campaign. It should address the public's continuing concerns about human rights violations committed by police and other law enforcers in the country.
2. Address the continuing violations of human rights by police, military, and anti-vigilante groups in relation to the government's counter-insurgency campaign by filing appropriate charges against violators.
3. Investigate attacks and extra-judicial killings of judicial officials, lawyers, human rights defenders, as well as land rights and environmental activists and prosecute the perpetrators of EJKs.





The situation in the Xinjiang Uighur Autonomous Region (XUAR) of China, which in 2018 the UN Committee on the Elimination of Racial Discrimination likened to a “no rights zone”, where Muslim minority groups are “being treated as enemies of the State based on nothing more than their ethno-religious identity”, presents an ongoing risk of crimes against humanity in China.<sup>34</sup>

Since 2016, the Chinese government has subjected an estimated 13 million Uighurs and other Turkic Muslims in XUAR to an intrusive system of mass surveillance, large-scale arbitrary detention, forced political indoctrination, and severe restrictions on movement and religious practice.<sup>35</sup> Upwards of a million Uighurs and other Turkic Muslims have been remanded in state custody in what Chinese authorities refer to as ‘re-education’ or ‘de-extremification’ facilities.<sup>36</sup> Family members both within China and overseas continue to report that they have limited or no access to information about persons held in state detention,<sup>37</sup> and children of detained parents are being treated as de-facto orphans and placed in state-run institutions “without parental consent or access”.<sup>38</sup> The government is also allegedly separating Uighur children from their parents and enrolling them in state boarding schools, which resembles a government-led “parallel campaign to systematically remove children from their roots” alongside the broader effort to “transform the identity of Xinjiang’s adults” through ‘re-education’ and religious repression.<sup>39</sup>

In mid-November 2019, *The New York Times* published more than 400 pages of leaked internal documents from government authorities in XUAR, which included nearly 200 pages of internal speeches by President Xi Jinping and more than 150 pages of directives and reports laying out a “ruthless and extraordinary campaign” of surveillance and control of the region’s Turkic Muslims.<sup>40</sup> The documents reveal that there was initially “more resistance to the crackdown inside the [Chinese Communist] party than was previously known”, and confirm the pivotal role that Communist Party Secretary of XUAR Chen Quanguo played in quashing dissent in order to move forward with the mass detention program.<sup>41</sup>

Within weeks of the initial document release, the International Consortium of Investigative Journalists (ICIJ) reported that it had obtained an additional 24 leaked internal documents that contained a “classified list of guidelines, personally approved by the region’s top security chief, that effectively serves as a manual for operating the camps”. ICIJ’s reporting revealed the “inner workings of the camps, the severity of conditions behind the fences, and the dehumanizing instructions regulating inmates’ mundane daily routines”.<sup>42</sup> The leaked documents build on the body of evidence attesting to the systematic nature of the mass detention program that was directly mandated by authorities in XUAR and sanctioned by high-level officials in Beijing, thus adding further credence to the assessment that the treatment of Turkic Muslims in China may amount to crimes against humanity.

On 4 December the US House of Representatives, on a vote of 401-1, overwhelmingly passed an amended version of the Uyghur Human Rights Policy Act passed by the US Senate in September.<sup>43</sup> The bill requires regular monitoring of the situation, including the forcible repatriation of Uighurs to China and an investigation into the Chinese companies involved in the construction and operation of detention facilities and the intrusive surveillance program in Xinjiang.<sup>44</sup> It also calls on President Trump to impose sanctions on senior officials responsible for serious human rights abuses of Uighurs and other Turkic Muslims in China under the Global Magnitsky Act, and specifically names Chen Quanguo, which would represent the first sanctions directly on a member of China’s politburo. Before coming into effect, a reconciled version of the House and Senate bills needs to be agreed by Congress and endorsed by President Trump. In mid-January, the US Congress resumed negotiations on a reconciled bill, an effort given added impetus by the release of the annual report of the US bi-partisan Congressional-Executive Commission on China that stated that there are “strong arguments based on available evidence” of crimes against humanity linked to the mass detention program in XUAR.<sup>45</sup>

Along with the US, in recent months a number of countries have publicly called on China to respect the rights of its Turkic Muslim. This includes a statement on Xinjiang issued on behalf of 23 countries at a UN General Assembly Third Committee session on the Committee for the Elimination of Racial Discrimination in late October.<sup>46</sup> China’s UN Ambassador Zhang Jun responded by labelling the statement a “gross interference in China’s internal affairs and deliberate provocation”.<sup>47</sup> China also secured support for a rebuttal statement issued by Belarus on behalf of 54 countries, including Pakistan, Russia, Egypt, the Democratic Republic of Congo and Serbia. This statement went even further than Ambassador Zhang in defending China’s policies in XUAR, noting China’s “remarkable achievements in the field of human rights” through successfully returning “safety and security” to Xinjiang where “the human rights of people of all ethnic groups there are safeguarded”.<sup>48</sup> This mirrored the strategy China adopted in the UN Human Rights Council in July. In response to a letter of concern issued by 22 (mostly Western) states, UN ambassadors from 37 countries including Russia, Saudi Arabia, North Korea, Myanmar, Algeria, the Philippines and Zimbabwe issued a letter commending China’s counter-terrorism policy.<sup>49</sup> Arab and Muslim-majority states also continue to refuse to speak out against China’s treatment of Turkic Muslims, with some even voicing support for China’s policies in Xinjiang.<sup>50</sup>

Despite the silence or support China has secured from many countries, condemnation of China’s policy by the UN and Western governments and media continues to rankle Beijing. In December, China responded by ramping up its political propaganda, including through editorials in state-run media and documentary videos posted on Twitter and YouTube that discounted media reports and leaked documents as “fake news” and stridently defended China’s counter-terrorism approach in Xinjiang.<sup>51</sup>



In the face of China's extremely defensive posture, some analysts have argued that there is a need to move beyond a human rights approach and stress to Beijing the potential humanitarian and security implications of its repressive policies.<sup>52</sup> Although China may have temporarily diminished the threat of terrorist attacks in XUAR, its treatment of Turkic Muslims could be used to justify attacks on Chinese nationals abroad or leveraged by terrorist organizations in their recruitment campaigns, as witnessed in materials issued by al Qaeda and ISIS in 2019.<sup>53</sup> UN human rights experts have made similar arguments in recent months, but have stressed that security and human rights are mutually dependent. In a letter to China's representative to the UN in Geneva, in early November twelve senior UN human rights experts, including 10 UN Special Rapporteurs and two Working Group chairs, expressed concern that China's 2015 Counter-Terrorism Law had enabled measures that "not only violate fundamental rights but also may contribute to further radicalization of persons belonging to the targeted minorities, creating major and growing pockets of fear, resentment and alienation. The disproportionate emphasis placed by the authorities on the repression of rights of minorities risks worsening any security risk".<sup>54</sup>

### **Recommendations**

#### **The government of China should:**

1. Immediately halt violations in XUAR that may amount to crimes against humanity, and take active measures to prevent the recurrence or escalation of such violations.
2. Direct the government in XUAR to repeal the 2017 Regulation on De-extremification, and respond favourably to the requests of UN special procedures mandate holders to undertake an official visit to China with unhindered access to detention facilities in Xinjiang.
3. Accept OHCHR technical assistance and advice to ensure that its national security, counter-terrorism or counter-extremism laws and practices adhere to China's obligations under international law.

#### **The OHCHR and special procedures mandate holders should:**

1. Continue to call for the immediate release of persons involuntarily held in detention without due process, closely monitor the situation in Xinjiang, and continue to urge China to uphold the human rights and fundamental freedoms of Turkic Muslims and to accept independent UN observers in Xinjiang.

#### **The UN Human Rights Council should:**

1. Establish an investigation to gather information to assess whether patterns of abuses in Xinjiang constitute crimes against humanity that are universally prohibited under international law.

In 2019, Indonesia experienced two widespread series of riots, some of the largest rioting seen in the country since the 1998 civil unrest that saw the end of President Suharto's reign.

Civil unrest occurred following the 17 April 2019 elections when a series of riots broke out in cities across Indonesia—though numbers were most prolific in Jakarta—which led to the deaths of eight people and injured hundreds more.<sup>55</sup> The riots were largely curbed when the two main political factions came to a truce as President Joko Widodo offered main opposition leader, Prubowo Subianto, the position of Defence Minister.<sup>56</sup> This led to a de-escalation of both large-scale political rioting and the posting of online hate speech between the two party's followers.

Soon after being reinstated, the government proposed new legislation and some reworking of the country's criminal code, while also looking to remove the country's anti-corruption agency<sup>57</sup>. Large-scale student protests erupted across Indonesia cities, with the bulk of protest occurring in Jakarta. Five students died during the unrest, and many others were injured. The rioting temporarily halted the government's intentions to change the penal code, which "would have banned pre-marital sex and penalized insults against the government",<sup>58</sup> while also installing harsher laws against Indonesia's LGBTQI+ community.

What both cases of civil unrest reveal is the growing influence of hard-line and conservative Islam on Indonesian politics, law, and society and culture. The rioting also proves that Indonesians, especially the very politicised student body (a group known to be activists for some decades), realise the strength of protest and mass movement to express a democratic right, something many press agencies in Indonesia and abroad emphasise in their reporting of the two situations.

Of major concern for the country's large population living in cities such as Jakarta and other low-lying areas, were the recent onset of torrential monsoon rain in late 2019, early 2020, that flooded large parts of the country's capital, and were to blame for landslides in West Java and Banten.<sup>59</sup> 66 people have been reported killed, while others risk death due to waterborne diseases. Already suffering due to a gradual sinking, in Jakarta the flooding displaced some 36,000 people, though this figure does not include many of those who were living "unofficially" in *kampungs* (small makeshift villages populated by the poorest Indonesians). Across the country it was estimated that up to 130,000 people were displaced due to this weather pattern.<sup>60</sup> *Channel News Asia* reported that 158 communities in the capital city had been affected by flooding.<sup>61</sup> The Indonesian government have stated that climate change will significantly affect the country, while *Time* reports that "Experts say the devastating floods are a reminder that the world's fourth-most populous country is highly vulnerable to climate change." The most affected are the poorest, exemplified by the wealthier pieces of infrastructure in Jakarta such as hotels and government buildings sitting some three feet higher than poorer districts, meaning all water flows into these poorer areas. While no violence was reported, this record downpour of water (the most recorded in over a century),<sup>62</sup> signals the potential risks of climate change as the population increases simultaneously.

## West Papua

On 14 January 2020, Human Rights Watch released its *World Report 2020*<sup>63</sup> that notes the trigger for the outbreak in violence in West Papua as the racist attacks against students in August 2019. It goes on to outline the disproportionate crackdown by Indonesian authorities who sent more than 6,000 military personnel to Papua and West Papua. Associated human rights abuses included the shutting down of the Internet to prevent footage and information getting out, restrictions on media and civil society access to West Papua, and an incident of shooting into a crowd of protesters.

Consolidating the evidence is a report by the International Coalition for Papua published in January 2020,<sup>64</sup> which notes unique aspects of the situation in West Papua, including "unresolved political conflict, racism and serious development deficits." The report notes recurring episodes since 2017 of human rights violations, coupled with growing aspirations among West Papuans for self-determination.

The exact number of those killed during the violence in 2019 is unclear, however the ICP report cites 189 civilian fatalities, including several children. In addition, the military crackdown also led to thousands of indigenous Papuans being displaced from Nduga.

One of the key indicators for a risk of atrocity crime is a lack of accountability, and the ICP report stresses that impunity for security force members who have committed human rights abuses has allowed a culture where political arrests and harsh crackdowns on freedom of expression are viewed as the appropriate responses.

In January 2020, two civil society organisations, The Alliance of Independent Journalists (AJI) and the Southeast Asia Freedom of Expression Network (SAFEnet) filed a lawsuit over the actions of Indonesian authorities. They are suing President Widodo and the Communications and Information Ministry over the internet blackout imposed in Papua and West Papua, which they say were an example of government misconduct.<sup>65</sup>

The high rates of political arrests, transfer of prisoners, and use of treason charges has been raised in a November 2019 report

by the Papuans Behind Bars organisation, which found that in 2019 there were 22 treason charges compared with five in 2018. They claim the vast majority of arrests were for participation in peaceful assembly and political protests.<sup>66</sup> The ICP report suggests that authorities also tend to use vague criminal provisions to arrest and prosecute protesters, such as the emergency law.

Further clashes occurred between Indonesian state forces and the West Papua National Liberation Army during December 2019, and several arrests made due to tensions around the West Papuan National Flag Day on the first of the month.<sup>67</sup>

In the wake of the mid-2019 violence, the situation facing West Papua has gained more attention, and a number of bodies have issued statements in support of the protection of human rights. This includes a call by the Africa Caribbean Pacific Group to peacefully address the causes of the conflict and allow a mission to be conducted to produce a report on the West Papuan human rights situation in advance of the July 2020 meeting of the Pacific Islands Forum Leaders.<sup>68</sup>

Leaders at the Pacific Islands Summit in Tuvalu in 2019 encouraged Indonesia to expedite the long-proposed visit to West Papua by the UN high commissioner for human rights, Michelle Bachelet, which remains stalled.<sup>69</sup> Also of concern in relation to potential risk for violence and atrocity crime is the reported presence in Papua of Islamic State linked groups, such as Jemaah Ansharut Daulahmembers (JAD). Eight suspected militants were arrested in December. Authorities believe the remoteness of Papua makes it attractive for extremist groups as a training location.<sup>70</sup>

A positive development was the meeting held in January 2020 between civil society organisations and youth leaders in Papua. By facilitating open discussions on peaceful solutions to the conflict, local CSO initiatives such as these may help mitigate the risk of further violence.<sup>71</sup>

## **Recommendations**

### **The Indonesian Government should:**

1. Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
2. Continue to ensure freedom of speech and freedom of protest.
3. Take positive steps to address entrenched racial discrimination, hate speech and incitement against all minority groups, including West Papuans.
4. Ensure human rights are protected during times of increased conflict and violence, prevent the use of torture and hold members of security forces who act outside of international law accountable.

### **Indonesia's international partners should:**

1. Identify and take positive action to develop avenues for cooperation with the Indonesian government and society in the areas of combatting violent extremism and terrorism, preventing sectarian conflict, and reducing incitement and hate speech



Over 37% of the population of Papua New Guinea (PNG) lives below the poverty line.<sup>72</sup> Such high rates of poverty can be a risk factor for social and political unrest, and indeed PNG has seen high levels of conflict and violence, especially since the 2017 election. In May 2019, Prime Minister Peter O’Neill resigned and James Marape was elected leader, promising improvements in health care, education and the economy. To date little improvement has been seen.<sup>73</sup> Tensions are exacerbated by the presence of extractive industries, which have historically seen little or unequal revenue returned to local communities as well as long term environmental destruction.

In the referendum held in November 2019, 97.7% voted in favour of independence for Bougainville. The referendum had been promised as part of the 2001 peace agreement. Since the referendum is non-binding, Bougainville is now in a period of limbo that could lead to political and social unrest if the PNG government obstructs the result or if negotiations go on indefinitely.<sup>74</sup> The history of violent conflict around Bougainville’s independence provides a further risk factor for outbreaks of violence in the wake of the referendum, and for the commission of atrocity crimes. Around 10% of the population was lost during the civil war of 1989-1998,<sup>75</sup> and a lack of accountability for crimes committed, including massacres, torture and sexual violence, has led to a sense of injustice and ongoing grievances.<sup>76</sup> While the referendum was carried out peacefully, those underlying tensions resulting from trauma and impunity may become inflamed should the post-referendum process not proceed effectively or in a timely manner.

PNG is plagued by extremely high levels of gender based violence in particular, a fact that was reflected in the July 2019 massacre in the Hela Province which saw several children as well as women, including pregnant women, killed.<sup>77</sup> Two out of three women in PNG experience domestic violence.<sup>78</sup> Women and girls, especially vulnerable women such as single mothers or the mentally ill, are also targeted with sorcery-related violence.<sup>79</sup> In January 2020, two women and a man were found in the Mendi River, believed to have been the victims of sorcery-related executions.<sup>80</sup> High rates of migration within the country for work and the spread of fake information on social media are both factors fuelling sorcery-related violence.<sup>81</sup>

Although relevant legislation exists, as does a national strategy to combat gendered violence, there is a lack of enforcement of the law, and a culture of impunity continues. Attacks against women who speak out on gendered violence have also been reported.<sup>82</sup> Harassment and even extortion of LGBT people is known to take place, underscored by the criminalisation of homosexuality.<sup>83</sup>

Recent years have seen serious escalations in tribal violence, such as the Hela massacre. The introduction of modern weapons over the past three decades has “disrupted the traditional rules of tribal fighting that had historically limited the effects and consequences of the fighting and restrained fighters from going too far.”<sup>84</sup> Tribal violence is more likely to involve fatalities, with civilians attacked and villages – including infrastructure like schools - destroyed.<sup>85</sup> The risk of atrocity crime including crimes against humanity is significant.

Weak state structures and a lack of transparency in government can be underlying causes for a higher potential for atrocity crime. Both Human Rights Watch and Amnesty International reported in their 2019 overviews that police brutality and violence by security forces continues to be a problem in PNG, along with a general lack of accountability and widespread corruption.<sup>86</sup> PNG has a proposal before Parliament to establish an Independent Commission Against Corruption and is also planning a Human Rights Commission,<sup>87</sup> both of which may result in human rights improvements over the long term.

## **Recommendations:**

### **The government of Papua New Guinea should:**

1. Address the severity of violence by increasing police presence in conflict-affected areas, reviewing regulations governing the supply and use of firearms, and holding perpetrators accountable.
2. Implement the National Strategy to Prevent and Respond to Gender Based Violence 2016-2025 and provide sensitive and adequate support to victims of SGBV.
3. Respect the result of the Bougainville referendum and work collaboratively and in a timely manner to implement the result.
4. Take positive steps to fulfil its Responsibility to Protect by reviewing the challenges it confronts and committing to building or strengthening necessary government and non-government capacities.

### **Foreign donors should:**

1. Support the government and civil society actors to strengthen atrocity prevention capacities, especially in the fields of the rule of law, the prevention of gender-based violence, and the establishment of local capacities for conflict resolution

# SEXUAL AND GENDER BASED VIOLENCE

## Myanmar and Bangladesh

In November 2019, Gambia (backed by 57 member states of the Organisation of Islamic Cooperation) filed a case against Myanmar at the International Court of Justice (ICJ). The case relates to the acts of genocide allegedly committed during the 2017 “clearance operations” against the Rohingya community. Thousands were killed, hundreds of thousands displaced, and the use of sexual and gender based violence reported to be endemic.

On 23 January 2020, the ICJ ordered Myanmar to “take all measures within its power” to protect the Rohingya population from genocide.<sup>88</sup> It also noted evidence provided in the Fact-Finding Mission including of “mass killings, widespread rape and other forms of sexual violence, as well as beatings, the destruction of villages and homes, denial of access to food, shelter and other essentials of life.” The Myanmar government continues to deny the crimes that have been documented in the FFM and by human rights agencies, including the systematic use of SGBV against the Rohingya.

While sexual violence is recognised as a constituent act of genocide, prosecution of sexual crimes as part of genocide has been limited to date. It has been suggested that what sets the Rohingya ICJ case apart is the extent to which the ICJ may rely on evidence of sexual violence committed by Myanmar’s military against Rohingya civilians in evaluating the genocide charge.<sup>89</sup>

Meanwhile however, violence against ethnic minorities continues in Myanmar, including the use of gendered tactics. Amnesty’s October 2019 report on Shan State published new evidence of the torture of men and boys as well as forced labour, villagers displaced multiple times (with women often disproportionately affected) and the ubiquitous use of sexual assault by military officers.<sup>90</sup> And the danger continues for the Rohingyas, with women and children using “once-dormant smuggling routes to escape refugee and displacement camps in Bangladesh and Myanmar.”<sup>91</sup> Many are attempting to reach countries where an arranged marriage has been set up for them, such as Malaysia. Partly the impetus to attempt escape, which carries its own substantial risks, is the lack of safety in refugee camps and ongoing risk of sexual assault.

In Bangladesh, 16 people were sentenced to death for the murder of a 19 year old student. She had made a complaint of sexual assault by her school principal, and after refusing to drop the complaint, was burned to death. While the holding of perpetrators accountable is a positive development, rates of sexual abuse of women and children, as well as child marriage, remain high in Bangladesh.<sup>92</sup>

In its 2019 overview, Amnesty International reported a sharp increase in gendered violence in Bangladesh, with “at least 17,900 reported cases of violence against women, including 5,400 reported rape cases. At least 988 women and girls (including 103 minors aged between 7-12 years) were murdered after rapes, attempted rapes, sexual and physical tortures, acid violence, and dowry-related violence.”<sup>93</sup>

## Indonesia and Malaysia

Indonesia has recently increased the minimum age for marriage to 19 (with parental consent). Child marriage has long been associated with a range of physical and mental health effects, and associated higher risks of domestic violence, for example.<sup>94</sup> Rates of sexual assault and harassment continue to be high in Indonesia,<sup>95</sup> however Parliament has not passed a longstanding draft bill on sexual violence, and the definition of rape in the criminal code remains narrow and outdated.

The proposed new Criminal Code contains a number of provisions that will be detrimental to women, and LGBT people.<sup>96</sup> This includes censorship of contraception options, punishment of extramarital sex by up to one year in jail, and a range of provisions that could be used to target LGBT people.

Similarly, LGBT people are institutionally and legally discriminated against in Malaysia, according to both Amnesty International and Human Rights Watch.<sup>97</sup> HRW states that homosexual acts are punishable by up to 20 years in prison and mandatory whipping, while transgender people are regularly arrested in some states. The country’s leadership has made a number of statements that the country will not accept rights for LGBT people.

## Papua New Guinea

In the October 2019 Regional Outlook, the Centre noted the gendered nature of outbreaks of violence in PNG during 2019. This was reflective of high rates in general of SGBV in PNG, and a broader culture of impunity. According to Amnesty International, few perpetrators were brought to justice during 2019, with some paying compensation to victims instead of facing trial.

The former head of mission of the ICRC<sup>98</sup> in PNG has raised concerns about the severity of tribal violence with the spread of modern weapons, and noted that the violence sometimes targets women and children. The need for health care and trauma assistance for survivors of such violence is high.

# SEXUAL AND GENDER BASED VIOLENCE

## Recommendations

### **The Government of Myanmar should:**

1. Comply in full with the ruling of the ICJ to take all measures to protect its population from genocide.
2. Investigate and prosecute sexual and gender-based violence, including as crimes under international law and issue explicit official orders to Tatmadaw officers prohibiting sexual violence and mandate training for officers, especially for those operating in areas of armed conflict, such as Shan and Kachin states.
3. Review legislation and the Penal Code to ensure that SGBV is adequately covered under Myanmar law and that victims have legal recourse.
4. Develop formal agreements with neighbouring countries to prevent trafficking of women and children from Myanmar.

### **The Government of Indonesia should:**

1. Ensure the proposed Criminal Code does not discriminate against or withhold rights from particular groups such women and LGBT people.

### **The Government of Papua New Guinea should:**

1. Ensure laws against sexual and gender based crimes are upheld and perpetrators held accountable.
2. Provide adequate and sensitive medical and psychological treatment for survivors of SGBV.



# HATE SPEECH AND INCITEMENT IN THE SOUTHEAST ASIA

## Special Report: Hate Speech and Incitement in Southeast Asia

As highlighted in the UN's 2019 Strategy and Plan of Action on Hate Speech, hate speech is on the rise globally and is a major contributor of neo-Nazi movements, anti-Muslim sentiment, homophobia, and the persecution of various minorities.<sup>99</sup> The Southeast Asian region is no different and social media has played a significant role in belittling and ostracising minority and majority groups alike, either ethnic, racial, religious or political. Hate speech via social media has been a tool used against the Rohingya by the Myanmar government, and is noted by the UN's fact-finding mission as a contributor to this minority's genocide.<sup>100</sup>

Hate speech and its incitement is being addressed in varying ways in varying parts of the globe. The EU is seen to be the most advanced and has introduced widespread legislation to counter this growing problem. Various countries within the EU are also advancing legislation in an attempt to curb online racist and homophobia content; this is not to suggest all nations within the EU are equitable in their attempts to curb this problem. Similarly, the EU and other European institutions and governments are investing large-scale funds to both stop online hate speech, and to understand the ever-changing environment in which it is being promulgated.

Southeast Asia lags in many aspects in attempting to curb online content that may lead to incitement and violence. Governments across the region may have proposed hate speech legislation in both civic and penal codes, but legislation directly dealing with hate speech still awaits becoming Acts. For example, in The Philippines, House Bill No. 6963: proposed Hate Speech Act remains stifled by parliament and not enacted. Similarly, in 2017 Myanmar proposed both a Hate Speech Prevention Bill and the Interfaith Harmonious Coexistence Bill that incorporated hate speech, and both have been politically sidelined. What does exist in the region is legislation that speaks indirectly to hate speech; religious freedom Acts and electronic media Acts are examples of laws that vaguely address the topic but never extend so far as to curb hateful content.

In many Southeast Asian countries this lack of law is due to governmental caution, possibly apathy, realising that legislation that curbs online content might hinder their own political propaganda and interests. Similarly, societal and cultural restrictors, including a lack of education, are also key stallers. Countries or regions that adhere to various religious laws might find their messages against other religions deemed 'hateful' if content veers towards anti-Christian rhetoric, for example. Given the region's varied belief systems and cultures, and the rise in hard-line and conservative Islam, governments remain tentative to actually enforce rulings over any online content that might encroach on religious freedom or freedom of speech.

As a result, even base definitions of hate speech largely remain opaque, and while NGOs and CSOs actively workshop to educate civil and governmental organisations about hate speech, there is a general reluctance to write into legislation or to transmit via regional education, a solid definition of what is and what is not hateful and dangerous speech. Some backlash is due to the worry about limiting freedom of speech, but for the most the hesitancy signals a government's reluctance to realise this ever-growing phenomena a policy or legislation problem. More so it is seen as a problem that needs be countered by corporations and businesses. The emphasis is then placed on the private sector, and blame for hate speech posts and any ongoing incitement rests with social media's lack of proper policing; or, a lack of proper accountancy and transparency given a company such as Facebook's huge global influence.

Facebook (including its other social media avenues Twitter and Instagram), is one of the main social media companies in Southeast Asia, but is far from the only platform. Others include Sina, Weibo, WeChat, Line and Qzone.<sup>101</sup> Some companies (but certainly not all) are taking active measures to identify hate speech in all forms, from bullying at a classroom level, to propaganda used to incite large-scale mass terror. Regulation by the private sector has come in the form of AI intervention, policy change, and various grants and financial undertakings to help educate civil and governmental organisations. Similarly, interfaces are being constantly updated to remove or alleviate the potency of online content that may be harmful to others.

Yet a private company working in the Southeast Asia region is only obliged to act according to a State's legislation, and therefore while a company such as Facebook might have a moral obligation to stop, report and remove hateful or dangerous speech, it need only abide by legislation on a nation-by-nation case and, as noted above, this legislation remains lacking. It should be noted that over-regulation of social media sites is in fact detrimental to their overall ethos, and it will hinder their business models. If this occurs and sites such as Facebook over-regulate, users will find other sites that allow more freedom to express any form of message.

The Southeast region in general then finds itself at an impasse in which governments and social media will only act to a point, and only then as long as this is not detrimental to either a position of power, or a financial situation. Regulation is best seen in users and this is the target group most CSOs and NGOs aim their education at, knowing that ongoing workshops for users on what hate and danger speech are is the most legible means of de-escalating a problem that is certainly prevalent and powerful in Southeast Asia.



# HATE SPEECH AND INCITEMENT IN THE SOUTHEAST ASIA

## **Recommendations**

### **Southeast Asian governments should:**

1. Recognize the importance of direct hate speech and danger speech legislation, and implement this legislation in its civil and penal codes.
2. Work with the private sector, including social media sites and internet companies more broadly, to implement a range of generic policy measures across the region, rather than on a state-by-state basis.
3. Adopt the UN's 2019 Strategy and Plan of Action on Hate Speech.
4. Work with CSOs and NGOs at large-scale educational programmes for all ages and all users.

# END NOTES

- 1 Min Aung Khine, "AA Frees 16 Myanmar Govt Employees After Abduction," The Irrawaddy online, 2 January 2020, from <https://www.irrawaddy.com/news/burma/aa-frees-16-myanmar-govt-employees-abduction.html>, accessed on 4 January 2020.
- 2 Min Aung Khine, "AA Frees 16 Myanmar Govt Employees After Abduction," The Irrawaddy online, 8 November 2019, from <https://www.irrawaddy.com/news/aa-frees-18-myanmar-firefighters-one-dies.html>, accessed on 18 November 2019.
- 3 "Arakan Army Detains NLD MP Accused Of Tatmadaw Collaboration," Myanmar Now online, 5 November 2019, from <https://myanmar-now.org/en/news/arakan-army-detains-nld-mp-accused-of-tatmadaw-collaboration>, accessed on 5 November 2019.
- 4 Min Aung Khine, "AA Frees 12 of 31 Bus Passengers Detained in Myanmar's Rakhine State," The Irrawaddy online, 31 October 2019, from <https://www.irrawaddy.com/news/burma/aa-frees-12-31-bus-passengers-detained-myanmars-rakhine-state.html>, accessed on 31 October 2019.
- 5 Min Aung Khine, "AA Releases 25 Hostages, Blames Myanmar Military for Deadly Bombing," The Irrawaddy online, 5 November 2019, from <https://www.irrawaddy.com/news/burma/aa-releases-25-hostages-blames-myanmar-military-deadly-bombing.html>, accessed on 5 November 2019.
- 6 "Arakan Army abducts 16 drivers," Mizzima online, 31 December 2019, from [http://www.mizzima.com/article/arakan-army-abducts-16-drivers?\\_cf\\_chl\\_jschl\\_tk\\_=f18fe65539ca5299d014b5d1a097abfe9feb7d90-1580173446-0-ASNbWITLgmDXuAa9kdbFhIUzGOF0C0tbcOKjhBjkys6R\\_ZFGGEruvYZs1v1hM4kb4bGggI3XLPXiE6ksOcoQAYBAK-v9vIJNrvdq3mQTSOY6gR6B\\_gb9\\_80vYYPQBPCjc-IA2oJ-OvLBZhHaZQbapQdN7VlFUnlHPnQomX0Rdeks64BKYYvZkM9UJMeIjLA8mYAR05f6XL7oRmx0iO5APR4xurlBdOloNSYoy4\\_CX-tzDu\\_PQgIx4NojfDbYrKvBCB\\_6A9xfEXQxGuxOp02Qpe-2uqT3Iz5XPVuhu\\_nMdikrvOkTi\\_dxyXYEPmDMOBQ](http://www.mizzima.com/article/arakan-army-abducts-16-drivers?_cf_chl_jschl_tk_=f18fe65539ca5299d014b5d1a097abfe9feb7d90-1580173446-0-ASNbWITLgmDXuAa9kdbFhIUzGOF0C0tbcOKjhBjkys6R_ZFGGEruvYZs1v1hM4kb4bGggI3XLPXiE6ksOcoQAYBAK-v9vIJNrvdq3mQTSOY6gR6B_gb9_80vYYPQBPCjc-IA2oJ-OvLBZhHaZQbapQdN7VlFUnlHPnQomX0Rdeks64BKYYvZkM9UJMeIjLA8mYAR05f6XL7oRmx0iO5APR4xurlBdOloNSYoy4_CX-tzDu_PQgIx4NojfDbYrKvBCB_6A9xfEXQxGuxOp02Qpe-2uqT3Iz5XPVuhu_nMdikrvOkTi_dxyXYEPmDMOBQ), accessed on 1 January 2020.
- 7 Min Aung Khine, "AA Pushes Myanmar Military on Prisoner Exchange," The Irrawaddy online, 26 November 2019, from <https://www.irrawaddy.com/news/burma/aa-pushes-myanmar-military-prisoner-exchange.html>, accessed on 27 November 2019.
- 8 Tanzin Hlaing, "Landmines Spreading Across Myanmar: Monitoring Report," The Irrawaddy online, 20 December 2010, from <https://www.irrawaddy.com/news/burma/landmines-spreading-across-myanmar-monitoring-report.html>, accessed 20 December 2019.
- 9 "Bangladesh starts fencing Rohingya camps," Outlook India online, 16 December 2019, from <https://www.outlookindia.com/newscroll/bangladesh-starts-fencing-rohingya-camps/1682239>, accessed on 17 December 2019.
- 10 "Myanmar Continues to Investigate Detained Rohingya Boat People," Radio Free Asia (RFA) online, 16 January 2020, from <https://www.rfa.org/english/news/myanmar/myanmar-boat-people-17-resettled-01162020172324.html>, accessed on 19 January 2020.
- 11 "Daw Aung San Suu Kyi's ICJ speech in full," Myanmar Times online, 11 December 2019, from <https://www.mmtimes.com/news/daw-aung-san-suu-kyis-icj-speech-full.html>, accessed on 28 January 2020.
- 12 Application of the Convention on The Prevention and Punishment of the Crime of Genocide (The Gambia V. Myanmar), 23 January 2020, from <https://www.icj-cij.org/files/case-related/178/178-20200123-ORD-01-00-EN.pdf>, accessed on 23 January 2020.
- 13 Press Statement on the decision by the ICJ on 'provisional measures' in the case brought by The Gambia against Myanmar, Ministry of Information, The Republic of the Union of Myanmar, 23 January 2020, from <https://www.moi.gov.mm/moi:eng/?q=announcement/23/01/2020/id-20583>, accessed on 23 January 2020.
- 14 See A/C.3/74/L.26, United Nations General Assembly, 31 October 2019, <https://undocs.org/A/C.3/74/L.26>
- 15 S/PV.8682, Verbatim Record of UN Security Council, 11 December 2019, p.5. See also "China, Russia say lifting some sanctions on North Korea could help break the deadlock", *Reuters*, 17 December 2019. <https://www.cnbc.com/2019/12/18/china-russia-say-lifting-some-un-sanctions-on-north-korea-could-help-break-the-deadlock.html>
- 16 Colum Lynch, "South Korea Declines to Co-Sponsor North Korea Human Rights Resolution for the First Time Since 2008", *Foreign Policy*, 15 November 2019. <https://foreignpolicy.com/2019/11/15/south-korea-declines-cosponsor-north-korea-human-rights-un-resolution-first-time-since-2008/>
- 17 "North Korea warns UN on discussing country's human rights", *Al Jazeera*, 5 December 2019. <https://www.aljazeera.com/news/2019/12/north-korea-warns-discussing-country-human-rights-191205010116514.html>
- 18 S/PV.8682, Verbatim Record of UN Security Council, 11 December 2019, p.3
- 19 "North Korea: Systematic Repression", *Human Rights Watch*, 14 January 2020. <https://www.hrw.org/news/2020/01/14/north-korea-systematic-repression>; "Human Rights Watch urges Seoul to speak up on N.K.'s human rights situation", *Yonhap News Agency*, 15 January 2020.
- 20 "Letter to President Moon Jae-in Re: ROK's stance on human rights in North Korea", *Human Rights Watch*, 16 December 2019, <https://www.hrw.org/news/2019/12/16/letter-president-moon-jae-re-roks-stance-human-rights-north-korea>
- 21 Jacob Fromer, "North Korea may become 'more isolated' without a deal with U.S., UN envoy warns", *NK News*, 24 October 2019. <https://www.nknews.org/2019/10/north-korea-may-become-more-isolated-without-a-deal-with-u-s-un-envoy-warns/>
- 22 Cathrine Gonzales, "PNP to intensify drug war vs middle-level, high-value targets in 2020," *Inquirer News* online, 6 January 2020, from <https://newsinfo.inquirer.net/1209448/npn-to-intensify-drug-war-vs-middle-level-high-value-targets-in-2020>, accessed on 30 January 2020.
- 23 Darwin Pesco, "PNP to roll out body cameras in 2020 to change drug war image," *Manila Times* online, 27 December 2019, from <https://www.manilatimes.net/2019/12/27/supplements/npn-to-roll-out-body-cameras-in-2020-to-change-drug-war-image/667889/>, accessed on 30 January 2020.
- 24 Melissa Luz Lopez, "SWS: Majority of Filipinos see many abuses, killings in drug war," *CNN Philippines* online, 13 January 2020, from <https://www.cnnphilippines.com/news/2020/1/13/SWS-Filipinos-see-abuses-drug-war.html?fbclid=IwAR0xPilMLHmA78ENre-VJnSfdwW4XqbVsndVAYtb4LtSrQNoGfZhdhZILU>, accessed on 30 January 2020.
- 25 "Fourth Quarter 2019 Social Weather Survey: 76% of Filipinos see many human rights abuses in the administration's war on illegal drugs, 24% see few," *Social Weather Stations*, 12 January 2020, from <https://www.sws.org.ph/swsmain/artclDisppage?artcsyscode=ART-20200112221436>, accessed on 13 January 2020.
- 26 Rambo Talabong, "Over 450 die under police custody since Duterte assumed office," *Rappler.com*, 22 October 2019, from [https://www.rappler.com/nation/243157-deaths-under-police-custody-since-duterte-assumed-office-2016?utm\\_medium=Social&utm\\_campaign=Echobox&utm\\_source=Facebook%23Echobox=1571738072](https://www.rappler.com/nation/243157-deaths-under-police-custody-since-duterte-assumed-office-2016?utm_medium=Social&utm_campaign=Echobox&utm_source=Facebook%23Echobox=1571738072), accessed on 22 October 2019.
- 27 Donna Pazzibugan, "DOJ charges Albayalde, 12 'ninja cops' with graft," *Inquirer News* online, 17 January 2020, from <https://newsinfo.inquirer.net/1214299/doj-charges-albayalde-12-ninja-cops-with-graft>, accessed on 30 January 2020.
- 28 Catherine S. Valente, "Duterte approval rating up in 2019," *The Manila Times* online, 21 December 2019, from [https://www.manilatimes.net/2019/12/21/news/national/duterte-approval-rating-up-in-2019/666069?utm\\_medium=Social&utm\\_source=Facebook%23Echobox=1576863900](https://www.manilatimes.net/2019/12/21/news/national/duterte-approval-rating-up-in-2019/666069?utm_medium=Social&utm_source=Facebook%23Echobox=1576863900), accessed on 21 December 2019.
- 29 Marchel Espina, "Negros killings: Senate panels recommend probe of cops, army, vigilante group," *Rappler.com*, 28 January 2020, from [https://www.rappler.com/nation/250350-senate-panels-recommend-probe-policemen-army-vigilante-group-negros-killings?utm\\_medium=Social&utm\\_campaign=Echobox&utm\\_source=Facebook%23Echobox=1580168104](https://www.rappler.com/nation/250350-senate-panels-recommend-probe-policemen-army-vigilante-group-negros-killings?utm_medium=Social&utm_campaign=Echobox&utm_source=Facebook%23Echobox=1580168104), accessed on 30 January 2020.

30 Rina Chandran, "Study: PH deadliest nation for farmers, indigenous people over land disputes," ABS-CBN news online, 11 December 2019, from <https://news.abs-cbn.com/spotlight/12/11/19/study-ph-deadliest-nation-for-farmers-indigenous-people-over-land-disputes>, accessed on 11 December 2019.

31 Nick Aspinwall, "Threats, raids and murders stalk Filipino environment activists," Al Jazeera online, 6 December 2019, from [https://www.aljazeera.com/news/2019/11/threats-raids-murders-stalk-filipino-environment-activists-191128071615516.html?utm\\_source=hootsuite&utm\\_medium=facebook](https://www.aljazeera.com/news/2019/11/threats-raids-murders-stalk-filipino-environment-activists-191128071615516.html?utm_source=hootsuite&utm_medium=facebook), accessed on 6 December 2019.

32 Jodesz Gavilan, "LIST: Judges, prosecutors, lawyers killed under Duterte gov't, Rappler.com, 29 January 2020, from [https://www.rappler.com/newsbreak/iq/216239-list-judges-prosecutors-lawyers-killed-under-duterte-government?utm\\_medium=Social&utm\\_source=Facebook%23Echobox=1572963559](https://www.rappler.com/newsbreak/iq/216239-list-judges-prosecutors-lawyers-killed-under-duterte-government?utm_medium=Social&utm_source=Facebook%23Echobox=1572963559), accessed on 30 January 2020.

33 Jeanette I. Andrade, "AFP blames BIFF for Mindanao blasts that wounded 23 people," Inquirer News online, 24 December 2019, from <https://newsinfo.inquirer.net/1205167/afp-blames-biff-for-mindanao-blasts-that-wounded-23-people>, accessed on 24 December 2019.

34 "Committee on the Elimination of Racial Discrimination Reviews the Report of China", United Nations Office of the High Commissioner on Human Rights, Geneva, 13 August 2018.

35 "China's Algorithms of Repression: Reverse Engineering a Xinjiang Police Mass Surveillance App", Human Rights Watch, 1 May 2019.

36 "Eradicating Ideological Viruses: China's Campaign of Repression Against Xinjiang's Muslims", Human Rights Watch, 9 September 2018.

37 Lily Kuo, "'My Soul, Where are you?': Families of Muslims Missing in China Meet Wall of Silence", *The Guardian*, 13 September 2018.; Rob Schmitz, "Families of the Disappeared: A Search for Loved Ones Held in China's Xinjiang Region", *NPR*, 12 November 2018.; Kate Lyons, "Families of Missing Uighurs use Tiktok Video App to Publicise China Detentions", *The Guardian*, 20 August 2019.

38 "China: Xinjiang Children Separated from Families", Human Rights Watch, 15 September 2019.

39 John Sudworth, "China Muslims: Xinjiang Schools used to Separate Children from their Families", *BBC News*, 4 July 2019.

40 Austin Ramzy and Chris Buckley, "The Xinjiang Papers-'Absolutely No Mercy': Leaked Files Expose how China Organized Mass Detentions of Muslims", *The New York Times*, 16 November 2019. <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html?action=click&module=Top%20Stories&pgtype=Homepage>

41 Ibid.

42 Bethany Allen-Ebrahimian, "Exposed: China's Operating Manuals for Mass Internment and Arrest by Algorithm", *International Consortium of Investigative Journalists*, 24 November 2019. <https://www.icij.org/investigations/china-cables/exposed-chinas-operating-manuals-for-mass-internment-and-arrest-by-algorithm/>

43 "US House approves Uighur Act calling for sanctions on China's senior officials", *The Guardian*, 4 December 2019.; Daniel Flatley, "U.S. House passes Xinjiang Bill, Prompting Threat from China", *Bloomberg*, 4 December 2019.

44 "US Senate Passes Legislation to Hold China Accountable for Rights Abuses in Xinjiang", *Radio Free Asia*, 12 September 2019.

45 "Congressional-Executive Commission on China Annual Report 2019", 116 Congress First Session, 18 November 2019.; See also Joshua Lipes, "China's Actions in Xinjiang may amount to 'Crimes Against Humanity', says US Rights Report, *Radio Free Asia*, 8 January 2020. <https://www.rfa.org/english/news/uyghur/cecc-01072020190715.html>

46 "Joint statement on human rights violations and abuses in Xinjiang", Statement delivered by Ambassador Karen Pierce, UK Permanent Representative to the UN at the Third Committee session on the Committee for the elimination of racial discrimination, Foreign and Commonwealth Office, 29 October 2019

47 "China warns US that criticism over detention of Uighurs is not 'helpful' for trade talks", *Reuters*, 29 October 2019.

48 Ibid.

49 "Nearly 40 countries defend China over Xinjiang internment camps in U.N. letter", *The Japan Times*, 13 July 2019.

50 "China's global power damps criticism of Uighur crackdown", *Financial Times*, 23 December 2019. <https://www.ft.com/content/51a1bf9a-2015-11ea-92da-f0c92e957a96>

51 Chris Buckley and Austin Ramsay, "Facing Criticism over Muslim Camps, China Says: What's the Problem?", *The New York Times*, 9 December 2019.; Jo Kim, "Why China's Xinjiang Propaganda Fails", *The Diplomat*, 16 December 2019.

52 Mollie Saltskog and Colin P. Clarke, "China's rights abuses in Xinjiang could provoke a global terrorist backlash", *Foreign Affairs*, 16 January 2020.

53 Ibid.

54 OL CHN 18/2019, Letter from the Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on the right to privacy; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment", Palais Des Nations, Geneva, 1 November 2019.

55 Erin Cook, "After the Riots: Indonesia's Post-Election Future," *The Diplomat* May 30, 2019, <https://thediplomat.com/2019/05/after-the-riots-indonesias-post-election-future/>

56 Erwin Renaldi, "Indonesia's President Selects Cabinet, Appointing Opposition Leader as Defence Minister," *ABC News*, October 23, 2019, <https://www.abc.net.au/news/2019-10-23/indonesia-president-appoints-opposition-leader-to-cabinet/11631518>

57 "Behind the Student Protests that Have Rocked Indonesia," *Reuters*, November 8, 2019, <https://nypost.com/2019/11/08/behind-the-student-protests-that-have-rocked-indonesia/>

58 Ibid.

59 Hillary Leung, "66 People Have Died in Indonesia's Devastating Floods. Here's What You Need to Know," *Time*, January 8, 2020, <https://time.com/5761097/jakarta-indonesia-floods/>.

60 Ibid.

61 Siwage Dharma Negara, "Commentary: Jakarta, the Fastest Sinking City in the World Faces the Biggest Flooding Challenge," *CNA*, January 7, 2020, <https://www.channelnewsasia.com/news/commentary/jakarta-fastest-sinking-city-in-the-world-floods-challenge-river-12237202>.

62 Joshua Berlinger, "66 People Now Killed by Flooding in Jakarta, and More Rain Appears to be on the Way," *CNN*, January 6, 2020, <https://edition.cnn.com/2020/01/06/asia/jakarta-floods-intl-hnk/index.html>

63 Human Rights Watch World Report 2020: Events of 2019, [https://reliefweb.int/sites/reliefweb.int/files/resources/hrw\\_world\\_report\\_2020.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/hrw_world_report_2020.pdf)

64 HUMAN RIGHTS AND CONFLICT ESCALATION IN WEST PAPUA, <https://humanrightspapua.org/images/docs/HumanRightsPapua2019-ICP.pdf>

65 Marchio Irfan Gorbiano, "Civil Groups Sue Government Over Papua Internet Ban," *Jakarta Post*, January 23, 2020, <https://www.thejakartapost.com/news/2020/01/22/civil-groups-sue-government-over-papua-internet-ban.html>

66 “Papuan Behind Bars: An Online Resource About Political Prisoners in West Papua,” Jan 2018-Oct 2019, [https://www.papuansbehindbars.org/wp-content/uploads/2019/11/PBB-Jan-2018-Oct-2019-Nov2019.EN\\_web.pdf](https://www.papuansbehindbars.org/wp-content/uploads/2019/11/PBB-Jan-2018-Oct-2019-Nov2019.EN_web.pdf)

67 Hundreds of people were detained in Papua ahead to 1 December, 9 December 2019, <https://eng.jubi.co.id/hundreds-of-people-were-detained-in-papua-ahead-to-1-december/>

68 79 ACP States call for human rights situation in West Papua to be addressed, 14 December 2019, [https://dailypost.vu/news/acp-states-call-for-human-rights-situation-in-west-papua/article\\_9e25a50a-1ebe-11ea-bd79-375821e25846.html](https://dailypost.vu/news/acp-states-call-for-human-rights-situation-in-west-papua/article_9e25a50a-1ebe-11ea-bd79-375821e25846.html)

69 Pacific leaders push for UN rights commissioner visit to Papua, 16 August 2019, <https://www.rnz.co.nz/international/pacific-news/396833/pacific-leaders-push-for-un-rights-commissioner-visit-to-papua>

70 Amy Chew, IS-linked Indonesian Militants Looking to Papua for Hideouts, Training Sites, 23 December 2019, <https://www.benarnews.org/english/news/indonesian/JAD-militants-Papua-12232019170920.html>

71 Local leaders are looking for conflict resolution in Papua, 27 January 2020, <https://eng.jubi.co.id/local-leaders-are-looking-for-conflict-resolution-in-papua/>

72 Asian Development Bank, <https://www.adb.org/countries/papua-new-guinea/poverty>

73 Joshua McDonald, Human Rights Stagnate Under New Leadership in Papua New Guinea, 21 January 2020, <https://thediplomat.com/2020/01/human-rights-stagnate-under-new-leadership-in-papua-new-guinea/>

74 Kylie McKenna, The Bougainville referendum: Celebrations turn to sadness and hope, 30 January 2020, <https://www.lowyinstitute.org/the-interpretor/bougainville-referendum-celebrations-turn-sadness-and-hope>

75 Kate Lyons, Bougainville referendum: region votes overwhelmingly for independence from Papua New Guinea, 11 December 2019, <https://www.theguardian.com/world/2019/dec/11/bougainville-referendum-region-votes-overwhelmingly-for-independence-from-papua-new-guinea>

76 Catherine Wilson, Facing ghosts of the past in Bougainville, 11 October 2018, <https://www.lowyinstitute.org/the-interpretor/facing-ghosts-past-bougainville>

77 ‘I’m coming for you’: PNG PM furious after children, pregnant women massacred, 10 July 2019, <https://www.smh.com.au/world/oceania/pregnant-women-children-reportedly-killed-in-png-violence-20190710-p525t6.html>

78 Jewel Topsfield, New steps in a nation’s quest to end family violence, 13 October 2019, <https://www.smh.com.au/world/oceania/new-steps-in-a-nation-s-quest-to-end-family-violence-20191010-p52zcx.html>

79 Charlie Campbell, How a 7-Year-Old Girl Survived Papua New Guinea’s Crucible of Sorcery, 16 July 2019, <https://time.com/longform/papua-new-guinea-witchcraft-justice/>

80 <https://www.thenational.com.pg/sorcery-killings/>, 9 January 2020

81 Campbell, Time Magazine

82 Amnesty International, Human Rights in Asia-Pacific 2019, <https://www.amnesty.org/en/documents/asa01/1354/2020/en/>

83 Ibid

84 Ahmad Hallak, A violent, centuries-long war on Australia’s doorstep is getting deadlier, 7 January 2020, <https://www.smh.com.au/world/oceania/a-violent-centuries-long-war-on-australia-s-doorstep-is-getting-deadlier-20200106-p53pbb.html>

85 Ibid

86 Human Rights Watch World Report 2020, <https://www.hrw.org/world-report/2020/country-chapters/papua-new-guinea>, and Amnesty International

87 Johnny Blades, PNG defends human rights efforts following damning NGO report, 20 January 2020, <https://www.rnz.co.nz/international/pacific-news/407708/png-defends-human-rights-efforts-following-damning-ngo-report>

88 Top UN court orders Myanmar to protect Rohingya from genocide, <https://news.un.org/en/story/2020/01/1055841>

89 Why Rohingya genocide case is making history, Ashley Major, 28 January 2020 <https://www.thelawyersdaily.ca/articles/17630/why-rohingya-genocide-case-is-making-history-ashley-major>

90 “Caught in the Middle” Abuses against civilians amid conflict in Myanmar’s Northern Shan State, Amnesty International, <https://www.amnesty.org/download/Documents/ASA1611422019ENGLISH.PDF>

91 Caleb Quinley, Why Rohingya women and girls are risking dangerous smuggling routes, 16 January 2020, <https://www.thenewhumanitarian.org/news/2020/1/16/Rohingya-trafficking-refugees-forced-marriage>

92 Bangladesh: Child sexual abuse reportedly on rise, Md. Kamruzzaman, 8 January 2020 <https://www.aa.com.tr/en/asia-pacific/bangladesh-child-sexual-abuse-reportedly-on-rise/1696828>

93 Human Rights in Asia Pacific: Review of 2019, <https://www.amnesty.org/download/Documents/ASA0113542020ENGLISH.PDF>

94 Indonesia raises minimum age for marriages in a bid to end child brides, Tasha Wibawa <https://www.abc.net.au/news/2019-09-29/indonesia-raises-minimum-age-for-girls-to-marry/11523894>

95 <https://indonesiaexpat.biz/featured/anti-sexual-violence-law-will-be-passed/>

96 HRW Indonesia: Draft Criminal Code Disastrous for Rights, <https://www.hrw.org/news/2019/09/18/indonesia-draft-criminal-code-disastrous-rights>

97 <https://www.amnesty.org/download/Documents/ASA0113542020ENGLISH.PDF> and <https://www.hrw.org/world-report/2020>

98 A violent, centuries-long war on Australia’s doorstep is getting deadlier, Ahmad Hallak, <https://www.smh.com.au/world/oceania/a-violent-centuries-long-war-on-australia-s-doorstep-is-getting-deadlier-20200106-p53pbb.html>

99 UN Strategy and Plan of Action on Hate Speech, May, 2019, <https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf>

100 “Myanmar: Events of 2018,” Human Rights Watch, <https://www.hrw.org/world-report/2019/country-chapters/burma>

101 Bianca-Rose Mao, “Asian Social Media: 5 Networks You Should Know About,” Synthesio, July 3, 2018, <https://www.synthesio.com/blog/asian-social-media/>.