



ASIA PACIFIC OUTLOOK

DECEMBER 2017 ISSUE 7

Featured in this

Centre calls for urgent
action on Myanmar

Violence eases in
The Philippines but
risks remains

Concerns about
political situation in
Cambodia

Atrocity risks
reduced in Thailand



Australian Government

Department of Foreign Affairs and Trade



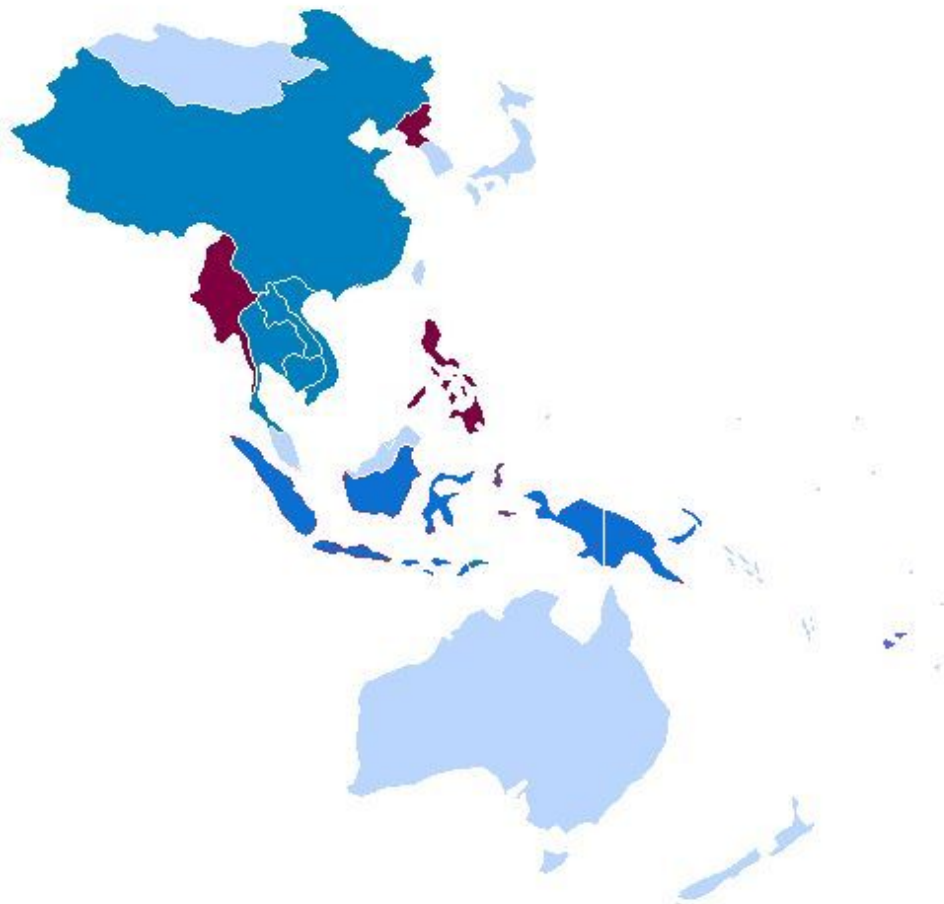
AP R2P

Asia Pacific Centre for the Responsibility to Protect



THE UNIVERSITY
OF QUEENSLAND
AUSTRALIA

REGIONAL ATROCITY RISK ASSESSMENT



Very High

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

High

Moderate
(high to low)

Indonesia
Papua New Guinea

Low

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

Very low

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



Myanmar

Myanmar remains at a very high risk of ongoing atrocities especially in the aftermath of fresh militant attacks in Rakhine state on 25 August, which was met with lethal force by the Tatmadaw in sustained clearing operations for more than three weeks. This not only resulted in the biggest exodus of Rohingya refugees into Bangladesh (over half a million so far) but also the displacement of about 40,000 people, including non-Muslim communities

in Rakhine. More than 1,000 people are estimated to have been killed following the military's clearing operations against militants associated with the Arakan Rohingya Salvation Army (ARSA), who staged a planned attack against border policemen a day after the submission of the final report of the Kofi Annan-led Rakhine Advisory Commission. Despite the claim of the Myanmar government that clearing operations by security forces were concluded on 5 September, there are continuing reports of atrocities or threats of violence against the remaining Rohingya community in Rakhine. For example, a day after Aung San Suu Kyi's diplomatic briefing on 19 September, the government reported that twenty homes were razed and a bomb was detonated near a mosque in Mi Chaung Zay village in Buthidaung township.¹ Some civilian refugees claimed that they were terrorised by Myanmar soldiers and vigilante Buddhist mobs razed their villages.² Myanmar's army chief, Min Aung Hlaing, however, blamed the ARSA militants for the explosion outside a mosque and accused them of forcing some 700 villagers out of Mi Chaung Zay.³ Some Muslim villagers trapped in Rakhine since the 25 August attacks have expressed desire to leave after receiving threats from Rakhine Buddhists but were denied safe passage by the state government.⁴

UN Secretary General Antonio Guterres on 28 September called on the Myanmar authorities "to end the military operations; to allow unfettered access for humanitarian support; and to ensure the safe, voluntary, dignified and sustainable return of the refugees to their areas of origin."⁵ He also stressed that "the violence in Rakhine – whether by the military or radical elements within communities—must end."⁶ As well, he expressed concern over the "current climate of antagonism towards the UN and non-government organisations"⁷ in Rakhine which can lead to violence such as the reported attacks on the International Committee of the Red Cross (ICRC) in the state capital of Sittwe. In closing his statement, the Secretary General stressed that the UN is prepared to work in partnership with the Myanmar government in addressing the urgent humanitarian issues in Rakhine; that it has "no agenda other than to help Myanmar advance the well-being of its people"; and it has "no interest other than to see all communities enjoying peace, security, prosperity and mutual respect."⁸

Despite the call of the UN chief for an international response to the Rakhine crisis, the Security Council remained divided, with China and Russia supporting the Myanmar government's position in dealing with the situation. Specifically, China's ambassador to the UN stressed the need for the international community to be patient with the government in Nay Pyi Daw and provide it with the assistance it needs as there is no quick fix to the complex communal conflict in Rakhine. For his part, the Russian ambassador to the UN warned that "excessive pressure" could only exacerbate further the crisis. Meanwhile, many members of the Security Council joined the calls of the US, Britain, and France for an end to violence in Rakhine and a strong response from the 15-member Council.

On 6 November, the UN Security Council again called on the government and the military in Myanmar to end the "excessive use of military force and communal violence" in Rakhine; for the civilian government to implement measures "to prevent and respond to incidents of sexual violence"; and for Myanmar to work with the Special Representative on Sexual Violence in Conflict. The Council also expressed continuing concerns over limited access to humanitarian aid to affected areas in Rakhine and demanded that the government ensure immediate, safe, and unhindered to UN and other humanitarian actors to deliver assistance to these areas.⁹

Amidst threats of targeted sanctions against the Tatmadaw from the European Union and the United States, the Myanmar government continue to deny that atrocities were being committed by security forces against the stateless Rohingyas even as the military announced on 26 October that it started withdrawing its troops from Buthidaung and Maungdaw townships in Rakhine. On 27 October, the government also announced that it is allowing the resumption of UN food aid in northern Rakhine amidst reports that Rohingya children fleeing to Bangladesh were arriving "close to death" from malnutrition. More than 60 percent of Rohingya refugees who fled to Bangladesh since the 25 August ARSA militant attacks were children. Notwithstanding these positive steps from the government and the military, Myanmar still refuses to allow the three-member fact finding mission of the UN into Rakhine to conduct an independent investigation on allegations of human rights violations by the military. For her part, Suu Kyi visited Rakhine on 2 November, which included a day trip to Buthidaung and Maungdaw where she reportedly met with some Rohingya community leaders. She encouraged both Muslim and Buddhist communities to live peacefully and assured them of government assistance. Her trip to Rakhine came on the heels of a US State Department delegation's visit to the area and bipartisan efforts in the US senate to pass a resolution calling for renewed sanctions against Myanmar. It has been reported that the US is seriously considering recommendations to call the recent Rohingya crisis as "ethnic cleansing."

Meanwhile, at the regional level, ASEAN remained divided on the issue despite issuing a statement condemning the ARSA attacks and expressing concern about the humanitarian crisis in Rakhine since the militant attacks. Malaysia in particular

dissociated itself from the statement issued by the Philippines as chair of ASEAN as it criticized the statement's failure to even mention the Rohingyas. (Kuala Lumpur's response comes as a surprise to many in the region as it has been the practice in ASEAN not to use the term Rohingya in its statements to accommodate Myanmar. In fact, Malaysia did the same as chair of ASEAN in 2015 when it issued a chairman's statement on the "illegal migrants" in reference to Rohingya refugees coming by boats from Rakhine and Bangladesh.) Notwithstanding the bickering within the ASEAN, individual members such as Indonesia and Thailand have engaged the government and the military in Myanmar as part of their continuing efforts in assisting the country in managing the conflict in Rakhine through humanitarian assistance and bilateral aid. During her speech in Washington D.C. at the Asia Society, Indonesian Foreign Minister Retno explained that Jakarta is pursuing a "4+1" formula in helping Myanmar deal with the Rakhine crisis: 1) restoration of peace and stability in Rakhine; 2) maximum restraint and end to violence; 3) protection of all civilians regardless of ethnicity or religion; 4) ensure humanitarian access; and 5) implementation of the Kofi Annan report's recommendations. For its part, the Thai government has assured that it will provide shelter for refugees coming from Rakhine even as it also pledged 5 million baht or US\$150,000 of humanitarian assistance to Rakhine state through the ICRC. Meanwhile, Singapore pledged SGD \$100,000 or USD \$73,000 humanitarian aid for displaced communities in Rakhine, which will be coursed through the ASEAN Coordinating Centre for Humanitarian Assistance (AHA Centre). The AHA Centre in mid-October dispatched 80 tons of humanitarian relief aid in Sittwe for affected communities in Rakhine.¹⁰

Overall, the UN and ASEAN must work together with the Myanmar government and other stakeholders in crafting an effective regional response. Specifically, there are three priority areas for immediate action, namely: 1) prevent further escalation of violence in Rakhine; 2) respond more substantively to the humanitarian crisis; and 3) contain the threat of extremist militants, which could seriously undermine regional stability. These are essential to ensuring the safe return of refugees and internally displaced persons in Rakhine; they are also central to the realization of the Kofi Annan Advisory Commission's recommendations in the long-term. Indeed, these recommendations should serve as a roadmap for the Myanmar government, ASEAN, and the international community to work together to promote long-term peace in Rakhine.

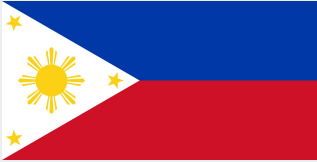
Recommendations

The Myanmar government should:

1. Uphold its primary responsibility to protect vulnerable populations in Rakhine, including the stateless Rohingyas, from atrocities by security forces and non-state armed groups;
2. Immediately end all violence against civilians, including all forms of sexual violence;
3. Take positive steps to ensure that members of the security forces, militias, and civilian extremists in Rakhine are held legally accountable for their actions;
4. Provide complete and unfettered access to the UN-mandated fact-finding mission to conduct an independent investigation of these alleged atrocities by perpetrators in Rakhine;
5. Ensure the immediate, safe, unhindered access to humanitarian organizations providing assistance to all affected communities in Rakhine;
6. Cooperate with the UN, ASEAN, and other stakeholders in fully implementing the recommendations of the Kofi Annan-led Rakhine Advisory Commission.

The international community should:

1. Continue to engage with the Myanmar government and the Tatmadaw through formal and backdoor diplomacy;
2. Deepen its commitment to provide adequate and sustained humanitarian assistance to the Rohingya refugees in Bangladesh and internally displaced persons in Rakhine by increasing material and personnel support for UN and other international humanitarian aid programs, especially by the donor community;
3. Coordinate efforts in shaping an effective regional response to the Rakhine crisis, with ASEAN taking a more proactive stance on the issue by using its existing mechanisms to halt the violence and atrocities in Rakhine, ensure protection of all civilians, and access to humanitarian assistance;
4. Encourage Myanmar to commit to the full implementation of the Kofi Annan Advisory Commission's recommendations;
5. Consider further targeted sanctions to encourage the security forces to comply with their international legal obligation and ensure full accountability for alleged violations.



The Philippines

The Philippines remains at a high risk for atrocities despite the government's successful operations in ending the siege of Marawi by ISIS-linked terrorist groups in late October following the killing of extremist leaders Isnilon Hapilon and Omarkhayam Maute. A number of militant stragglers reportedly remain in the area and could pose a threat to civilians in that part of Mindanao. In the meantime, the unresolved cases of alleged extra-judicial killings in relation to the Duterte administration's war on drugs still puts the

Philippines at high risk for atrocities notwithstanding the decision of the government to transfer the anti-drug operations from the police to the Philippine Drug Enforcement Agency (PDEA) following public outrage over the killing of young teenagers from poor communities by policemen given that President Duterte's executive order still calls for high police visibility in the war on drugs.

On 23 October, Defence Secretary Delfin Lorenzana formally announced the end of the 5-month siege of Marawi in Mindanao, which resulted in more than 1,100 people dead that includes 919 militants and 165 soldiers and policemen. Some 1,780 civilians held hostage by the militants were rescued by security forces, including a Catholic priest.¹¹ Over 77,000 families or more than 350,000 individuals were internally displaced by the conflict, some of whom have started to go back to their villages in Marawi following the end of military operations against the militants.¹² It is estimated that the damage from the 5-month urban warfare in Marawi is about USD 1-2 billion,¹³ with the Philippine government allocating about PHP5 billion (USD 97 million) for reconstruction and P10 billion (USD 194 million) rehabilitation of the city.¹⁴ Donor countries such as the US, Australia, Japan, China, and other Western countries have committed to provide assistance to the Philippines for the rehabilitation and reconstruction of Marawi.

Notwithstanding the government's declaration of the end to the 5-month siege, there are still remaining militant stragglers in Marawi and nearby areas, which can pose a threat to civilians especially those who are returning to their villages. As of 5 November, the Philippine military said that it is still conducting clearing operations in the main battle area of Marawi even as claims by captured militants that foreign fighters remain in the area are still being verified.¹⁵ Meanwhile, despite the killing of Abu Sayyaf leader Hapilon and Omar Maute, militant terrorists could regroup and stage new attacks to undermine government efforts in the reconstruction and rehabilitation of Marawi. The Bangsamoro Islamic Freedom Fighters (BIFF), a breakaway faction of the Moro Islamic Liberation Front (MILF), could also stage attacks in Marawi and other urban centres in Mindanao as it attempts to be the Islamic State's new standard bearer in the region.¹⁶ It is therefore critical for the international community to continue providing military assistance to the Philippines, including training in urban warfare, to enable its security forces to effectively contain the threat of violent extremism in Mindanao. Indeed, Australia and the United States, along with ASEAN members such as Indonesia and Malaysia, have provided the critical assistance to the Philippine military that contributed to the successful end to the 5-month siege of Marawi by the IS-linked militants.

Overall, the crisis in Marawi underscores further the importance of implementing the peace agreement between the MILF and the Philippine government and for the latter to seriously push for the enactment of the Bangsamoro Basic Law (BBL), which could help stem the rise of violent extremism in Mindanao amidst growing frustration among Muslim communities over the continuing delay in the passage of the BBL. Indeed, the Duterte administration should give priority to the passage of the BBL in the next 6-12 months given its majority control of both houses of the Philippine legislature and prior to the mid-term elections in 2019. As well, it is also important for the government to address the legitimate grievances of communities affected by the Marawi crisis following reports by Amnesty International that both the militants and government forces were involved in human rights violations, including looting some business establishments and residential houses at the height of the siege.¹⁷ For its part, the Philippine military assured the public that it will probe the allegations made in the Amnesty International report and enforce accountability against soldiers who were involved in human rights violations and engaged in looting in Marawi.¹⁸

Meanwhile, President Duterte on 10 October issued an executive order mandating the Philippine Drug Enforcement Agency (PDEA) to take the lead in his administration's anti-drug campaign amidst increased public criticisms of alleged extra-judicial killings committed by policemen against young teenagers from poor communities. The order, which barred the Philippine National Police (PNP) and other agencies from spearheading the anti-drug operations, aims to "pinpoint precise accountability" in the campaign.¹⁹ As this developed, the head of the PDEA assured the public that there will be no human rights violations and EJKs as the agency takes over the anti-drug operations from the PNP and that the organization will strictly adhere to rules and regulations.²⁰ The shift in the government's strategy stemmed from public outrage over the killing of young teenagers from poor urban communities in the hands of policemen, which prompted a senate investigation. President Duterte met with the parents of the victims and assured them that criminal charges will be filed against the abusive policemen.

Despite the continuing high public support (88 percent) for Duterte's anti-drug campaign, there is an increasing perception among majority of Filipinos that EJKs were being committed by policemen during drug enforcement operations. Overall, 73 percent of survey respondents across the country believe that EJKs were present in the drug operations and, across income classes, over 70 percent of respondents believe that EJKs were being committed by law enforcement agents.²¹ Although the government has mandated the PDEA to take over from the PNP its anti-drug campaign, some human rights advocates in the country have expressed concerns over the president's executive order which states that the PNP should still maintain police visibility as a "deterrent to illegal drug activities."²² A broad alliance of concerned citizens made up of lawyers, judges, law professors, and law students in the Philippines was launched on 2 November to fight against EJKs and increased human rights violations in the country linked to the government's anti-drug war. The group aims to promote public awareness about EJKs and legal assistance to victims of human rights violations allegedly committed by law enforcers in connection with drug enforcement operations.²³

Recommendations

The Philippine government should be commended for adhering to the Geneva conventions in its military operations against extremists in Marawi during the 5-month siege. As it focuses on reconstruction and rehabilitation of the city, it should:

1. Continue to provide protection of civilians who fled the onslaught of terrorist attacks since 23 May and provide for their humanitarian needs, some of whom are now returning to their villages;
2. Probe and enforce accountability against security forces who violated international humanitarian law and international human rights law during the siege of Marawi;
3. Push for the immediate passage of the Bangsamoro Basic Law in accordance with the Philippine constitution and support its immediate implementation;
4. Seriously consider the lifting of martial law in Mindanao as the security situation improves; and
5. Continue to seek help from the international community in enhancing the capacity of the Philippine military to respond to threats from violent extremists in Mindanao.

With regard to the continuing anti-drug war, the Duterte administration should:

1. Heed the call of the international community as well as concerned sectors in the Philippines for holding the police and other law enforcement agents accountable for alleged EJKs.
2. Call on the PNP to improve on its internal investigations of alleged impunity committed by its uniformed personnel based on mounting investigative reports by independent media on police abuse in relation to the drug war.
3. The Philippine legislature should consider passing a law that mandates the PNP to conduct a more efficient investigation of alleged impunity committed by uniformed personnel and for the creation of special courts to try criminal cases against policemen.



Democratic People's Republic Korea

Patterns of serious human rights violations that are consistent with the crimes against humanity documented by the 2014 UN Commission of Inquiry continue to be observed in the DPRK. Recent reports of the UN Secretary-General, Antonio Guterres, and the UN Special Rapporteur on the human rights situation in the DPRK, Tomas Ojea Quintana, noted particular concern over widespread human rights violations associated with: the use of political prison camps and torture and ill-treatment of persons in detention; restrictions on

the freedom of movement; unresolved cases of abductions and separated families; chronic and worsening food insecurity and lack of access to health services; a strict system of surveillance that severely limits freedom of information; and violations of the rights of women, children and persons with disabilities.²⁴

The DPRK regime continues to channel state resources to accelerating its nuclear and missile program rather than to ensuring the vital needs of its population. On 2 September 2017, Pyongyang conducted its sixth and most powerful nuclear test to date, and afterward claimed that it had detonated a hydrogen bomb designed to be loaded onto an intercontinental ballistic missile (ICBM). On 29 August and 15 September, Pyongyang launched ballistic missiles over Japan. The latter launch travelled over 3,700km, marking DPRK's longest-ever missile test, and occurred a day after Pyongyang threatened to 'sink' Japan and turn the US into 'ashes and darkness' in an apparent response to fiery rhetoric from the Trump administration.

Escalating tensions on the Korean peninsula could spark conflict that would have a devastating impact on populations in the region. The responsibility to protect these populations entails diligently preventing warfare which, if ignited, forebodes large-scale, indiscriminate attacks that would constitute widespread war crimes. There is an urgent need for confidence-building and peacebuilding initiatives to reduce the DPRK's isolation from the international community and dissuade Pyongyang from its current course of rapid militarization, witnessed in some 22 missile launches in 15 tests between February and October 2017, which surpasses the total number of successful missile tests the DPRK conducted in the preceding three decades.

In response to Pyongyang's military build-up in violation of UN sanctions, the UNSC has on three separate occasions this year resolved to toughen sanctions on the DPRK (S/RES/2356, 2 June 2017; S/RES/2371, 5 August 2017; and S/RES/2375, 11 September 2017). Imposed in response to Pyongyang's sixth nuclear test in early September, the most recent sanctions prohibit the sale of natural gas to the DPRK, set a cap on refined petroleum sales, ban DPRK textile exports, and place restrictions on DPRK overseas laborers, whom Pyongyang reportedly exploits in slave-like conditions to channel funds back to its military program. In a briefing on 27 October, the UN Special Rapporteur on the human rights situation in DPRK raised concerns over the detrimental impact of the extensive sanctions regime on the population, citing reports that sanctions may have prevented cancer patients from accessing chemotherapy and blocked the import of equipment for persons with disabilities.

There is a continued need for the UNSC to review existing sanctions, and give consideration to human rights when drafting and revising sanctions to ensure that they do not exacerbate the vulnerabilities confronting ordinary citizens. Sanctions should be understood not as a punishment but as part of a comprehensive strategy to change Pyongyang's behavior, which must also entail steadfastly pursuing openings to engage DPRK authorities in taking immediate, concrete steps to improve the human rights situation. According to Ojea Quintana, ensuring accountability for past serious violations of human rights is integral to opening opportunities for technical assistance and dialogue. 'The more the international community has insisted on the necessity of seeking justice and upholding universal human rights principles, the more the authorities have seemingly opened to a conversation with human rights mechanisms on ways to fulfill their obligations, at least in certain areas'.²⁵ Recent openings include the DPRK engaging with the Committee on the Rights of the Child in the CRC's September 2017 review of the DPRK's country report, and the DPRK engaging with the Committee on the Elimination of Discrimination against Women, which is scheduled to review the DPRK's country report in November 2017. As an additional sign of goodwill, in May of this year Pyongyang accepted a country visit by the Special Rapporteur on the rights of persons with disabilities (the official report on the visit is scheduled for March 2018).

Following the March 2017 report of the OHCHR-appointed Group of Independent Experts on Accountability on the DPRK, on 24 March the Human Rights Council adopted a resolution that expanded the capacity of the OHCHR field office in Seoul to establish a 'central information and evidence repository', and to support 'experts in legal accountability assess all information and testimonies with a view to developing possible strategies to be used in any future accountability process'.²⁶ The High Commissioner for Human Rights is expected to offer an oral update to the Human Rights Council in March 2018 on the steps the OHCHR Office in Seoul has taken to implement these measures.

Recommendations

For the government of the DPRK

1. Immediately cease the systematic commission of crimes against humanity.
2. Work towards fulfillment of the Responsibility to Protect by ceasing human rights violations, abiding by UN sanctions, and reallocating the domestic budget away from disproportionate military expenditures toward protecting and ensuring the welfare of its people.
3. Engage in confidence-building and peacebuilding initiatives to de-escalate tensions that could ignite armed conflict.
4. 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 for technical assistance to faithfully implement human rights treaty obligations as well as the universal periodic review recommendations that were accepted by the DPRK in 2014, including recommendations relating to:
 - economic and social rights,
 - the rights of women,
 - the rights of children,
 - human rights education,
 - a rights-based approach to development,
 - family reunification.
5. Follow through on the September 2015 invitation from the DPRK's Minister of Foreign Affairs to the High Commissioner for Human Rights to visit the country, and respond favorably to the outstanding requests for country visits from four special procedure mandate holders, including the 2015 requests of the Working Group on Arbitrary Detention and the Working Group on Enforced and Involuntary Disappearances.
6. Initiate discussions with the International Committee of the Red Cross concerning access to detention facilities.
7. Engage in bilateral and regional human rights dialogue.

Regional actors should:

1. Reaffirm that the DPRK has a responsibility to protect its population from atrocity crimes, and that there is a collective responsibility to address widespread and systematic human rights violations in the DPRK to live up to the responsibility to protect principle and to achieve stability on the Korean peninsula.
2. Support confidence-building and peacebuilding initiatives to de-escalate tensions, and reduce DPRK's international isolation.
3. Encourage DPRK authorities to cooperate with the OHCHR, and to invite special procedure mandate holders for country visits.
4. Welcome discussion of human rights accountability in the DPRK in regional dialogue platforms, and support continued consultations and information and evidence gathering.
5. Respect the principle of non-refoulement and refrain from repatriating individuals to the DPRK where they are likely to face torture or other serious human rights violations.
6. The government of the Republic of Korea should place human rights high on the dialogue agenda with the DPRK.

The international community should:

1. Support confidence-building and peacebuilding initiatives with the DPRK to de-escalate tensions that could ignite armed conflict.
2. Address grave human rights violations in the DPRK in a coordinated and unified manner.
 - The Human Rights Council should continue to support the Special Rapporteur, and implement the recommendations of the group of independent experts on accountability to secure truth and justice for victims of crimes against humanity in the DPRK.
 - The OHCHR should closely monitor human rights in the DPRK; investigate unresolved human rights issues, including the practice of sending workers abroad in conditions of forced labour; prepare to provide technical assistance; and deepen its support for the UN's engagement.
 - The General Assembly should continue to maintain visibility of the human rights situation and call for accountability in the DPRK.
 - The Security Council should request a report from the Secretary-General assessing the impact of sanctions on the human rights and humanitarian situation in DPRK;
 - The Security Council should hold regular briefings on the issue with the participation of UN High Commissioner for Human Rights, Special Rapporteur and other relevant experts.
3. Civil Society actors should continue to raise awareness and visibility of the human rights situation, and advocate for accountability, including through supporting efforts to map suspected perpetrators of serious crimes and the related chain of command structure in the DPRK.



Indonesia

Indonesia continues its transition into a stable democracy and continues to adopt measures that contribute to the implementation of R2P. In particular, it has resolved violent disputes over Timor-Leste and Aceh, and the Widodo government has made strides towards easing tensions in West Papua, though significant sources of risk remain in that province. Indonesia has relatively strong National Human Rights Institutions and has developed a National Plan

of Action for the Promotion and Protection of Human Rights. A number of potential risks remain, however:

1. Sectarian conflict and incitement in Aceh, Sumatra, Kalimantan and Jakarta.

The most significant risk confronting Indonesia stem from the potential for communal violence between the country's significant ethnic and religious minorities and majority Muslim population. Intolerance and inter-communal violence – some of which has amounted to atrocity crimes – is still not uncommon despite the government's best efforts to prevent and stop it. In recent polls among young Indonesians, more than half suggested that they were intolerant towards and prepared to discriminate against members of minority groups, including minority Muslim sects.²⁷ As such, signs of sectarian conflict must be treated seriously. Over the past two decades, the government has performed relatively well in preventing the escalation of violence but sectarian conflict remains a problem in the provinces of Aceh (Muslim-Christian/Buddhist), Sumatra (Muslim-Buddhist) and, most recently, Kalimantan. Granted significant autonomy by its peace agreement with Jakarta, the conservative regional government in Aceh has allowed the passage of Sha'ria law and tightened religious restrictions. Physical punishments for even minor offences are now relatively common. Authorities there have publicly flogged people accused of being homosexuals (homosexuality is unlawful in Aceh, but lawful in the rest of Indonesia).²⁸ Since late 2015, there has also been an increase in religious violence against minorities and evidence of the imposition of harsh penalties for violations of religious law. On Sumatra, violence erupted in July 2016 in the town of Tanjung Balai, close to Medan. A mob attacked property belonging to the Chinese Buddhist minority, destroying at least three Buddhist temples. Order was restored by the security forces and an uneasy peace has prevailed since. More recently, sectarian violence has emerged in East Kalimantan. In November 2016, a church in Samarinda was firebombed, allegedly by Muhammed Juhanda, a known extremist and former prisoner.

In the past twelve months, sectarian conflict and incitement to violence has also emerged in Jakarta. On 5 November, 150,000 protestors spearheaded by the militant Islamic Defenders Front took to the street to demand the arrest of Jakarta's Chinese Christian governor for allegedly 'defaming' the Qu'ran. Similar protests were held elsewhere. The city's Christian major, Ahok, was removed from power and subsequently imprisoned. These events have provoked concerns about the rising influence of extremist organizations and growing religious intolerance.

Although the government has stepped in each time to quell sectarian tensions and apprehend suspects, ongoing low-level sectarian violence reflects deep-seated animosities between groups and is fuelled by hate speech and occasionally incitement. There are strong indications that in many parts of the country, including in its capital, extremist organizations are becoming increasingly influential. Indonesia has many sectarian faultlines and there are evidently extremist groups who seek to escalate tension and incite violence against other groups. If not properly handled, small scale violence could rapidly escalate into large scale atrocity crimes.

2. Islamist terrorism (country-wide)

A number of Islamist terrorist groups, some of them with alleged ties to the Islamic State (IS) or Al Qaeda operate inside Indonesia, and there is a persistent threat of terrorism. There are indications of rising support for extremists in some parts of the community. One in five young Indonesians reportedly support the establishment of a caliphate.²⁹ With the defeat of IS in the Middle East, there are strong concerns that Indonesian foreign fighters in the Middle East may begin to return to Indonesia in greater number, constituting a much heightened risk of atrocity crimes. Thus far, more than 400 Indonesian jihadist foreign fighters have been arrested in Turkey.³⁰ It is thought that the total number of Indonesian foreign fighters in the Middle East numbers in the 'thousands'. Recent events in Marawi, The Philippines, as well as a spate of relatively low level terrorist attacks in Indonesia in 2016-2017 emphasize the salience of this threat. In recent weeks, extremists burnt down a police post but were shot by security forces.

To combat this threat, Indonesia has stepped up security and intelligence cooperation with neighboring states and has also adopted large scale education and de-radicalization programs. Amongst other things, Indonesia and Malaysia agreed in July 2017 to boost military cooperation targeting IS fighters.³¹ It has also cooperated with The Philippines to hunt down and arrest militants associated with the violence in Marawi. This has included banning extremist organizations, such as Hizbut Tahrir and the Islamic Defenders Front, which the government maintains oppose the national ideology of *pancasila*.³²

Though these measures have not eliminated the threat altogether, these initiatives have helped limit the growth of radical extremism and domestic terrorism. Cooperation will need to be significantly stepped up, however, to deal with the new threat of returning foreign fighters.

3. Secessionist conflict in West Papua.

The situation in West Papua has been relatively stable for most of 2017 but there have been signs of increasing tensions and some increase in violence. In October, the separatist National Liberation Army of West Papua (TNP) declared a battlezone in the far east of province and stationed 100 people including 25 armed militia in two villages which house around 1,500 people, several hundred of whom are migrant workers from Sulawesi. The Indonesian army accuses the rebels of holding the villagers hostage, which the TNP denies. The TNP has also launched a wave of attacks on the police, killing three and wounding twelve in a series of incidents. President Widodo continues to support initiatives aimed at reducing tensions and whilst the security forces maintain a heavy presence their response to this latest violence has been restrained. It is imperative that, should the security forces decide to use force, they comply with their international legal obligations and ensure the protection of non-combatants.

Recommendations:

For the government of Indonesia:

1. Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
2. Develop and implement a comprehensive strategy for tackling violent extremism that strengthens the security forces whilst protecting core human rights.
3. Adopt stronger measures to prevent Indonesians travelling overseas to commit atrocity crimes for IS and others.
4. Take steps to ensure the maintenance of the rule of law and order in areas afflicted by sectarian violence.
5. Conduct a thorough assessment of risks of sectarian violence and develop an action plan to address it.
6. Promote inter-faith dialogue and local capacities for conflict resolution in regions affected by communal strife.
7. Accelerate efforts to reform the governance of West Papua, to make it more inclusive, accountable and responsive to the people's needs, and stimulate economic development.
8. Ensure that security operations against non-state armed groups, including those in West Papua, are conducted in a manner consistent with Indonesia's international legal obligations.
9. Consider improving humanitarian and media access to West Papua.

For the international community:

1. Encourage Indonesia to take active steps to fulfil its responsibility to protect.
2. Actively explore 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
3. Provide assistance when requested to help the government and civil society tackle their remaining challenges.



Papua New Guinea

Papua New Guinea's 2017 election was marred by violence and allegations that thousands of names were left off the electoral register. These come on top of recurrent allegations that the PNG police have opened fire on student protestors (2016) and unarmed suspects. Unless these related problems are addressed, they could sow the seeds for future communal violence, including atrocity, crimes around elections.

Papua New Guinea (PNG) also continues to confront a number of challenges which could give rise to atrocity crimes. High rates of violence are endemic across PNG. The town of Lae, for example, has one of the world's highest murder rates. In particular, PNG experiences extremely high levels of gender and sexual based violence. Sexual violence is endemic and the country is judged by many to have the highest rate of sexual and 'domestic' violence of any country in the world outside a context of armed conflict. In the past few months, there has been a spate of attacks on women accused of sorcery. Six women have been killed.

An additional humanitarian crisis has been caused by the closure of the Australian detention facility on Manus Island. 820 refugees and asylum seekers are to be forced to leave the facility. In a context where there has been past violence between local communities and the detainees, in which several detainees were injured and one killed, they have realistic fears for their safety and are refusing to leave the facility. The government has cut off water and electricity, making living conditions appalling. UNHCR reports that there is insufficient off-site accommodation, medical services and other infrastructure to meet the basic needs of these vulnerable populations. It is also reports concerns about their safety and security.

Recommendations:

The Government of PNG and its partners should:

1. Thoroughly investigate all allegations of the use of excessive force by the security forces and ensure full legal accountability for all shootings and other acts of violence.
2. Publicize, educate and enforce the human rights of girls and women.
3. Ensure improved access to justice for the victims of gender and sexual based violence.
4. Tackle impunity by strengthening the training and accountability of security forces, including police.
5. Increase support for the victims of sexual and gender based violence.
6. Develop and implement a strategy for reinforcing anti-violence norms amongst men.
7. Empower women through increasing educational and economic opportunities.
8. Fulfil its responsibility to protect all populations on its territory, including refugees and asylum seekers.

The Government of Australia should:

1. Take immediate action to end the humanitarian situation on Manus Island and ensure the protection of refugees and asylum seekers.
2. Make appropriate arrangements to immediately transfer former detainees on Manus Island to Australia or accept New Zealand's offer to accept them and facilitate their swift transfer to New Zealand.



Thailand

The risk of atrocity crimes in Thailand has fallen from moderate to low as a result of the easing of tensions in Bangkok and reduction of violence in the country's south. Challenges remain, however. Thailand remains in a transitional state and its government claims that it is on track for a return to civilian rule in 2018, a move initially scheduled for 2017. The military-led government has curbed political and civil rights, especially rights of association and rights to protect, but has pledged that these rights will be restored once democratic and civilian government resumes following national elections.

There also remain signs that the Islamic insurgency in the country's south could escalate. It is now thought that the 'Islamic State' group has fighters inside Thailand. There was an upsurge of violence and terrorist style attacks in June-July but the situation has calmed since then. Meanwhile, the oppositionist *Barisan Revolusi Nasional* (BRN) continues to reject peace talks and refuses to cooperate with the MARA Patani group in conducting negotiations with the government. Since then, the situation has stabilized. However, reports persist of the use of torture and other abuses by security forces against prisoners suspected of being members of non-state armed groups.

Recommendations:

1. Progress should be made on the transition to civilian and democratic government continues in full consultation with all the relevant parties.
2. The government of Thailand should fulfil its responsibility to protect by protecting civilians from terrorism and insurgent attacks.
3. The security forces should ensure that their actions are consistent with domestic law and Thailand's international legal obligations, especially human rights obligations. Those responsible for violations of human rights should be held accountable.
4. The government should explore options for negotiations with the Patani insurgents.
5. Non-state armed groups must refrain from targeting civilians and should be prepared to enter negotiations in good faith.
6. All those responsible for violent crimes against civilians must be held accountable.

CAMBODIA LOW RISK - SITUATION TO WATCH



Cambodia

The deteriorating political situation in Cambodia has the potential to increase the risk of violence, including atrocity crimes, from low to moderate. In particular, the decisions to ban the main opposition party, the Cambodia National Rescue Party (CNRP) and close some independent media outlets are a direct challenge to the country's democratic process.

Cambodia has also seen the use of threats and incendiary language by the government intended to weaken the opposition. Prime Minister Hun Sen has warned of a civil war if he loses power. There are also concerns about the potential role of the military amidst statements from the Prime Minister and senior military leaders that their loyalty lies with the Prime Minister and not the state. The Prime Minister has warned that Cambodia could descend into a civil war if the opposition party wins as well as next year's general elections.³³ Also, a ruling party spokesman warned that the army will not stay neutral and will side with the government if violent clashes ensue over election results.³⁴ The country's increasingly authoritarian leader, Hun Sen, has also claimed that foreign powers are determined to engineer regime change. Many fear that this will be used as an excuse to further crackdown on the opposition which could have mounted a viable challenge to the government in 2018.

As a result of these moves, Cambodia's 2018 national elections will almost certainly not be free and fair, creating the potential for protests and disharmony that could provoke a violent response. The country confronts many political, economic, social and humanitarian challenges relating to underlying risk factors that will have to be addressed moving forward with the issue of land seizures foremost amongst them. Besides land management, other challenges include persistent human rights violations including the freedom of speech, freedom of assembly and the freedom from torture and ill-treatment.

In this context, the 2018 national elections will likely create heightened the risk of political violence and hate speech/incitement that could give rise to atrocity crimes. The situation there should be carefully monitored and steps adopted to reduce tensions.

Recommendations:

The Government of Cambodia should:

1. Take steps to ensure that the 2018 election is free and fair, free of incitement and hate speech, is conducted peacefully and does not give rise to post-election violence.
2. Ensure that the military remains neutral and respect the results of the general elections.
3. Immediately end the use of incendiary language and threatens that inhibit the likelihood of free and fair elections and risk escalating tensions.
4. Ensure that those responsible for any political violence and other acts of violence are held accountable for their actions and ensure that there is no impunity.
5. Take steps to ensure the more consistent application of international human rights law in domestic settings.
6. Implement, in full, the measures proposed by Prime Minister Hun Sen in his 2015 speech on the Responsibility to Protect.
7. Work with partners, including civil society, to develop a national action plan that would address the risk factors that the country faces in order to prevent potential future atrocities in Cambodia.

The international community should:

1. Monitor the situation in Cambodia carefully.
2. Underscore to the government of Cambodia the importance of ensuring that the 2018 national elections are free, fair and peaceful and that moves to inhibit this cause serious damage to Cambodia's international reputation.
3. Support national and local initiatives to promote peaceful elections in 2018.

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