



ASIA PACIFIC OUTLOOK

JULY 2017 ISSUE 6

Featured in this issue...

Violence in Marawi
(Philippines)

Rakhine Myanmar
Call for donors
conference

DPRK ongoing issues

Election watch
Cambodia



Australian Government

Department of Foreign Affairs and Trade



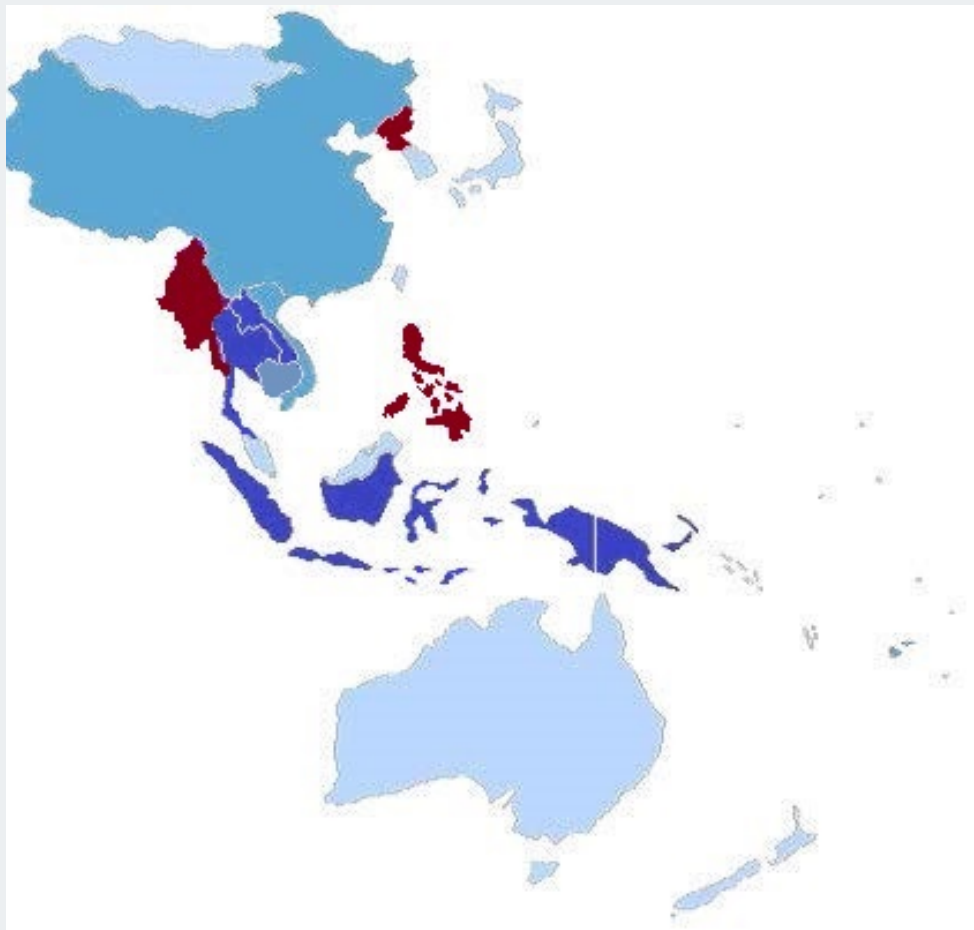
AP R2P

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
Thailand

Low

Cambodia, China, Laos, Timor-Leste, 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

PROTECTION PRIORITIES

VERY HIGH RISK COUNTRIES



Democratic People's Republic Korea

Crimes against humanity as documented by the 2014 UN Commission of Inquiry appear to continue with impunity in the DPRK, and there has been little progress in improving the human rights situation in the country. The DPRK regime continues to channel state resources to building its nuclear and missile programs rather than to ensuring the welfare of its population. The people of the DPRK are particularly vulnerable at present, as the country is currently enduring the worst drought since 2001, which has exacerbated already serious shortfalls in food production resulting from the August 2016 flood. In late April, the Food and Agriculture Organization warned of worsening serious food insecurity in the DPRK.

Compounding existing difficulties in humanitarian access and raising adequate funds to assist DPRK citizens, Pyongyang's recent violations of UN sanctions have escalated tensions and deepened the DPRK's international isolation. Along with repeated warnings of its intention to carry out another nuclear test, the DPRK's recent military provocations include: firing four missiles in the sea near Japan's northwest coast on 5 March; conducting multiple short- and medium-range ballistic missile tests in April and May; testing a new rocket engine that could be fitted with an intercontinental ballistic missile on 23 June, and firing an intercontinental ballistic missile on 4 July that reportedly could be capable of reaching the west coast of the United States. As cause for further alarm, in early March Malaysia offered oral testimony to the Organization for the Prohibition of Chemical Weapons that traces of the outlawed nerve agent VX were used in the killing of Kim Jung-un's half-brother in the Kuala Lumpur airport in February 2017.

Amidst concern that escalating military hostilities will divert attention from ongoing crimes against humanity in the DPRK, one recent positive development is increased recognition of the linkage between Pyongyang's accelerated militarization and serious human rights abuses endured by the North Korean people. In Resolution 2321 (November 2016), the UNSC for the first time connected the 'grave hardship that the people in the DPRK are subjected to' to Pyongyang's 'pursuing nuclear weapons and ballistic missiles instead of the welfare of its people'. During the UNSC's first ever thematic debate on human rights on 18 April, some UNSC members, including the US, Japan and Ukraine, reiterated concern that widespread human rights violations are instrumental in the advancement of DPRK's military program, and should be viewed as potential triggers to conflict and instability in Northeast Asia¹. UN Secretary-General Antonio Guterres likewise made this connection at the 28 April meeting of the UNSC on non-proliferation in the DPRK, noting that 'improvement in human rights will not only protect the livelihoods and dignity of people of the DPRK, but also promote long-term security and stability in the region and beyond'².

Regarding the current human rights situation, on 13 March 2017, Tomás Ojea Quintana presented his first report to the UN Human Rights Council since he assumed the role of the UN Special Rapporteur on the human rights situation in DPRK in August 2016. Ojea Quintana's report provided an update on his November 2016 visit to Japan and the Republic of Korea. Drawing on firsthand information he received on the situation in the DPRK, the Special Rapporteur noted particular concern over ongoing serious human rights violations pertaining to: political prison camps, overseas workers, and trafficked women and girls. The report provided information on serious crimes occurring in at least four political prison camps that reportedly remain in operation and hold an estimated 80,000-120,000 individuals in detention, where they are at risk of torture, forced labour and summary execution. Many of the cases of political imprisonment in the DPRK may qualify as enforced disappearance under international law because authorities detain prisoners without giving any notice or information to their relatives.

The Special Rapporteur also voiced particular concern over the situation of overseas workers, who are taxed 60-90% of their wages to supply foreign currency to the DPRK government, which may constitute conditions of forced labour under international law. Other reported serious human rights violations concern women and girls who are trafficked to China for exploitation in forced marriage. Some of these women are involuntarily repatriated and placed in detention in the DPRK, and are forced to leave children born in China behind. The Special Rapporteur noted his 'very serious' concern for these children, many of whom are unregistered and are effectively stateless without access to essential services. Ojea Quintana called for instituting a 'formal tracing mechanism' that could assist women to locate the children they have been separated from in China, and to advocate for their reunion. The report also highlighted continued concern over the lack of freedom of information in the DPRK, as well as unresolved cases of enforced disappearances and abduction of foreign nationals, mainly from Japan and the Republic of Korea.

At the same Human Rights Council meeting in which the Special Rapporteur presented his report on 13 March, the OHCHR-appointed Group of Independent Experts on Accountability on the DPRK also presented their report on avenues for seeking justice for victims of crimes against humanity in the DPRK. The report underscored that crimes against humanity in the DPRK are 'of a gravity rarely seen', and are an 'international concern and cannot go unpunished'. Among the key recommendations of the report, the group of experts called on the UN Security Council to refer the situation in the DPRK to the International Criminal Court, and for UN member states to support other complementary criminal accountability processes, including the establishment of an ad hoc international tribunal. The group of experts also made concrete recommendations to the OHCHR, including to providing greater resources to the OHCHR field office in Seoul to support international criminal justice experts to assess available information and evidence, with a view toward: (1) identifying the crime base; (2) mapping command structures and linkages; (3) identifying gaps in evidence or information; (4) developing possible investigation and prosecution strategies; and (5) developing 'blueprints for suitable international or internationally assisted court models'. In support of these efforts, the group of experts further recommended for member states to provide financial support for a DPRK accountability fund, and for regional actors to incorporate accountability for human rights violations in the DPRK into regional dialogue platforms and to support continued consultations, and information and evidence gathering.³

As an initial step in support of these recommendations, on 20 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'.⁴ The HRC resolution on the DPRK also extended the mandate of the Special Rapporteur for one year.

Recommendations

For the government of the DPRK

- Immediately cease the systematic commission of crimes against humanity.
- 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 the DPRK people.
- 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:
 - o economic and social rights,
 - o the rights of women and children,
 - o human rights education,
 - o a rights-based approach to development,
 - o family reunification.

- 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 five special procedure mandate holders, including the 2015 requests of the Working Group on Arbitrary Detention and the Working Group on Enforced and Involuntary Disappearances.
- Resume bilateral and regional human rights dialogue with China, the Republic of Korea and Japan.

For Regional Actors

- 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.
- All states should 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.
- All state should encourage DPRK authorities to cooperate with the OHCHR, and to invite special procedure mandate holders for country visits.
- All states should welcome discussion of human rights accountability in the DPRK in regional dialogue platforms, and support continued consultations and information and evidence gathering.
- The government of China should support children born of DPRK women in China, and consider establishing a formal tracing mechanism to help reunite children with mothers from whom they have been separated.

For the International Community

- The UN system should address grave human rights violations in the DPRK in a coordinated and unified manner in accordance with Secretary-General's Human Rights Up Front Initiative.
 - 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 on the humanitarian situation in DPRK, including an analysis of the impact of sanctions;
 - 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.
- 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.

PROTECTION PRIORITIES

VERY HIGH RISK COUNTRIES



Myanmar

Myanmar remains at a very high risk of atrocities amidst the continuing crisis in Rakhine state and the military's counter-insurgency operations against armed ethnic organisations in the country. The NLD government remains adamant in refusing an international fact-finding mission to investigate alleged atrocities committed by soldiers against the stateless Rohingyas in the aftermath of clearing operations against militants following the deadly attacks in October 2016 in Rakhine. Specifically, the government refused to issue visas to members of the Commission of Inquiry on Rakhine created by the UN Human Rights Council in March even as it also restricted access in conflict areas during the 12-day trip to Myanmar in July by UN special rapporteur Yang Hee Lee, who was on her third visit to the country since the NLD took over in 2016.

In her end of mission statement, the UN special rapporteur pointed out that she was not able to meet with the Rohingya community in Rakhine state even as she noted that they remain displaced in Kyein Ni Pyin camp. In contrast, Rakhine Buddhist community were resettled from their Ka Nyin Taw camp while the Kaman Muslim community leaders and their members were offered to move to Yangon instead of returning to their place of origin. Accordingly, the government's non-uniform treatment in resettling these three communities undermine the long-term prospect for a durable solution to the 120,000 internally displaced persons who are still living in camps in Rakhine. Earlier, the Rakhine Advisory Commission headed by former UN Secretary General Kofi Annan in its interim report recommended the closure of these camps for the three communities.⁵ In the meantime, some 80,000 children in Maungdaw district of Rakhine, which is 90 percent Rohingya, may be suffering from acute malnutrition and would need treatment. This stems from restrictions imposed by the military against aid access and preventing locals from fishing and farming. Many Rohingya households in Maungdaw where men left due to the military operations since October last year are likely to go hungry.⁶

Meanwhile, the NLD government argued that a UN fact-finding mission tasked to investigate alleged atrocities committed by the Myanmar military against the Rohingyas could only aggravate communal tensions in Rakhine and will not be a constructive exercise.⁷ The refusal of the government to cooperate with the UN mission comes amidst fresh allegations of atrocities committed by security forces in May while they are conducting clearing operations, including sexual violence against Rohingya women.⁸ Landmine explosions in Rakhine were also reported in mid-July, which killed two Rohingya men and a teenager, which cut short a visit to Maungdaw by a 15-member delegation of local and international journalists who were given access to the township for the first time since the militant attacks in October 2016.⁹ The media delegation spent about two days in Buthidaung and had a chance to listen to allegations made by Rohingya Muslim women about atrocities committed by the military. These allegations were however denied by Myanmar's border guard police commander.¹⁰ The NLD government also blamed Muslim militants for some of the killings and kidnappings of Rohingyas in Rakhine over the past nine months as they were perceived to be collaborating with the government.¹¹ For their part, 14 opposition parties led by the pro-military Union Solidarity and Development Party (USDP) have called for the declaration of martial law in troubled areas of Rakhine following a series of attacks against civilians, Muslims and other communities in the state, as well as the discovery of tunnels and arms allegedly belonging to "terrorist" groups. The opposition parties in January this year called on the National Defence and Security Council, which is dominated by the military, to intervene in security and rule of law issues affecting Myanmar.¹²

Earlier in July, a mob of Rakhine Buddhists attacked a group of Rohingya men in the capital of Sittwe, killing one of them. No arrests were made even as the unarmed junior policeman accompanying the Rohingya men fled the scene and was unable to protect them from the mob.¹³ In Meikhtila township in Mandalay, a group of Buddhist nationalists attacked a Muslim man on 11 July, which was considered by the local NLD branch as criminal act that should have been averted by the local police. The local police however denied that the attack was made by the Ma Ba Tha, which has been banned by the national government.¹⁴ Myanmar's State Buddhist Sangha authority has banned the use of Ma Ba Tha on 23 May and has given the group until 15 July to remove signboards bearing

the name all over the country. The NLD government also vowed to take legal action if the group fails to comply by the deadline.¹⁵

In Bangkok, a Thai court found a military general, several police and local government officials, and some Myanmar nationals including a Rohingya man guilty of crimes in relation to human trafficking of Rohingya refugees in the Thai-Malaysian border. They were among 62 out of 103 defendants convicted of taking part in organised transnational crime, forcible detention leading to death, and rape in a trial that began in 2015. The Thai government started a crackdown of criminal gangs in 2015 following the discovery of several shallow graves along the Thai-Malaysian border where traffickers held hostage several refugees in jungle camps.¹⁶

With regard to the peace process with ethnic minorities in the country, the second session of the 21st Century Panglong Conference, which was convened in May, made significant progress that augurs well for long-term peace in Myanmar. Specifically, a consensus was reached on 37 of the 41 points discussed on a range of political, economic, security, land, and environment issues by 1,400 participants from various sectors, including the government, parliament, the military, armed ethnic organisations, and civil society groups. Among the agreed points include: 1) the establishment of a Union based on democracy and federalism, with the right to self-determination; 2) no special privilege to be given to any ethnic race; and 3) for states and divisions to write their own constitutions and laws in accordance with the country's 2008 Constitution.¹⁷ The second round of the peace dialogue will be convened after six months and will discuss key principles of federalism, which includes equality and self-determination. Two critical issues that also need to be discussed are about the federal army and secession, which are important to the ethnic minorities. The military insists on having just one federal army and would not agree to the ethnic minorities' position of maintaining their own armed forces. This issue has been the bone of contention between the military and ethnic armed organisations since the negotiations began on the text of the national ceasefire agreement (NCA). A number of ethnic armed groups that did not sign up to the NCA¹⁸ continue to face counter-insurgency attacks by the military, particularly in the northern part of the country. Given that the composition of the Tatmadaw officer corps and troops remain predominantly from the majority ethnic Burman, it appears unlikely that the military would agree to any concessions that the NLD would give to ethnic armed organisations that would undermine the territorial integrity and security of the country.

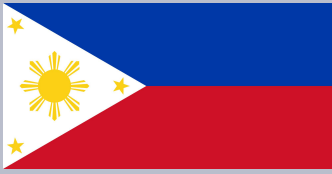
Recommendations:

The NLD government should continue to uphold its primary responsibility to protect vulnerable populations in Myanmar, including the stateless Rohingya in Rakhine and other communities affected by the continuing violence since the outbreak of October 2016 attacks by militants in Maungdaw and Buthidaung districts.

- Continuing allegations of atrocities committed by security forces against the Rohingya community should be investigated by an independent fact-finding body that would be acceptable to both the NLD government and the international community. ASEAN should assist in this regard in order to break the stalemate between the Myanmar government, on the one hand, and the UN and other international organisations.
- The NLD government and the military should find ways to adequately respond to the concerns of the international community, including members of ASEAN, with regard to providing humanitarian assistance to all affected communities in Rakhine.
- The international community should continue to provide capacity building assistance to Myanmar, specifically in enhancing its border protection and counter-terrorism capability and in addressing the root causes of conflict in Rakhine as well as other conflict areas in the country.
- **The international community should also give priority to convening a donors' meeting to encourage the civilian government and the military to work together in strengthening and deepening the democratic transition in Myanmar, with appropriate incentives such as sustained development assistance for poverty reduction, promotion of human rights, peace building, conflict prevention, and atrocities prevention.**

PROTECTION PRIORITIES

VERY HIGH RISK COUNTRIES



The Philippines

The crisis in Marawi in Mindanao that broke out following an attack by an ISIS-linked terrorist group on 23 May and the government's continuing anti-drug war have put the Philippines at a very high risk of atrocities. The international community should continue extending support to the Philippine military as it continues to battle with the terrorist Maute group close to two months after the entire island of Mindanao was placed under martial law by President Duterte.

As of 15 July, the Philippine military reported a total of 537 casualties since the start of the attacks in Marawi, with 399 terrorist militants including foreign fighters, 93 government troops, and 45 civilians killed. The number of civilian casualties killed by terrorists are expected to rise as the military tries to recover more bodies in their clearing operations. About 1,723 civilians were rescued and 502 firearms were recovered by government soldiers. The military said that it was exercising caution in engaging with the remaining Maute militants in Marawi as some of their fighters were children deployed in the frontline. It also claimed that the militants were forcing some of the civilian hostages to fight, loot homes and business establishments, or serve as sex slaves. The US and Australia have provided technical and humanitarian assistance to the Philippine government as it attempts to end the siege in Marawi. Indonesia and Malaysia have also committed to help the Philippines in securing their common maritime borders from fleeing and incoming foreign terrorists in Mindanao.

Meanwhile, some 522,000 people have been displaced since the crisis broke out, with nearly 27,000 civilians staying in 87 evacuation centres and over 438,000 staying in host families or in other temporary shelters. The humanitarian crisis may be exacerbated by the growing impatience of displaced civilians who are concerned about looting in their homes and businesses in Marawi and the possibility of martial law being extended beyond the 60-day period allowed by the constitution. President Duterte on 17 July said that he will be asking the legislature to extend martial law in Mindanao until the end of the year to ensure that the terrorist threat has been contained. On 22 July, both houses of the Philippine Congress in a joint resolution approved the extension of martial law until end of the year. Of the 64 Mindanao representatives in the lower house, 54 voted yes to the resolution, four voted no, and seven were absent. In the Senate, all senators from Mindanao voted yes to the resolution.¹⁹ However, some senators who voted in favour of extending martial law in Mindanao also indicated that they would support a resolution cutting it short if human rights violations are committed by the military and other law enforcement agents.

The implications of the Marawi crisis for the peace process with Muslim rebels in Mindanao and the Muslim community elsewhere in the country must be managed well by the government. For one, it has become more urgent now for President Duterte to push for the passage of Bangsamoro Basic Law (BBL) in the national legislature. The Bangsamoro Transitional Commission (BTC) has submitted the draft revised BBL to President Duterte on 17 July, which he promised to support and certify as an urgent bill to the Philippine Congress. In the meantime, the government should be careful in responding to calls made by some sectors for requiring Muslim communities to have identification cards as part of monitoring possible ISIS-linked terrorist groups moving into other parts of the country. This suggestion is outright discriminatory against Muslim communities and should not be pursued.

With regard to the anti-drug war of President Duterte, the Philippine National Police (PNP) claimed that as of 20 June 2017, the total number of personalities who were killed during police operations since 1 July 2016 is 3,200. It also reported that it has conducted investigations on additional 2,000²⁰ drug-related killings and has yet to identify the motives behind an additional 7,000 murders and homicides. The Internal Affairs Service of the PNP conducted 1,912 drug-related cases and recommended 159 police officers dismissed.²¹ The Duterte administration has asserted that there is no new wave of killings in the Philippines in relation to the drug war and argued that a change in the definition of extra-judicial killings (EJKs) by the Philippine Human Rights Commission has deceived the public.

During the universal periodic review of the Philippines in the UN Human Rights Council in Geneva in May, Allan Peter Cayetano, who is now the country's foreign affairs secretary, pointed out that the "real number" of homicide cases under the Duterte administration since it assumed power in July 2016 was 9,432, which includes 2,692 deaths from law enforcement operations.²² He also pointed out that the Philippine government will welcome any special rapporteur on EJKs to investigate the drug-related killings in the country provided that he or she is not biased or unfair as the current rapporteur Agnes Callamard.²³

Notwithstanding these assertions by the Duterte administration, a number of local human rights advocates, media organisations, and the Catholic Bishops Conference of the Philippines continue to denounce the alleged EJKs in the country in connection with the anti-drug war. More recently, some members of the Philippine Senate expressed dismay over the downgrading of criminal charges from murder to homicide against police officers who killed a suspected drug lord who was already in jail. Meanwhile, an investigative report conducted by Reuters said that some policemen use hospitals to send corpses of drug suspects who were killed in order to destroy evidence in crime scenes.²⁵

With regard to the peace talks with communist rebels, President Duterte has cancelled ongoing negotiations following a series of attacks by New People's Army in Mindanao and in the Visayas that saw one militia man and two Philippine marines killed and four presidential security personnel wounded. During his State of the Nation Address (SONA) at the opening of the Philippine legislature, he said that he will no longer pursue peace talks with the Communist Party of the Philippines and ordered the military to be "unforgiving" in their counter-insurgency operations against the rebels.²⁴ As a consequence, it is likely that hostilities between the NPAs and government forces in the country will resume and increase further, with both sides potentially committing atrocities against civilians especially indigenous people who are caught in the crossfire particularly in mining areas of Mindanao.

Despite ongoing concerns about martial law in Mindanao and alleged EJKs in relation to the anti-drug war, President Duterte's approval and trust ratings increased in the second quarter ending June. Specifically, his approval rating went up from 78 percent in March to 81 percent in June, and his trust rating improved from 76 percent to 81 percent.²⁶ Another independent public opinion survey report indicated that Duterte's approval rating nationwide remains high at 78 percent, although his approval rating in Mindanao went down from 87 percent in March to 75 percent in June (due to concerns about the declaration of martial law). However, the decline in his approval rating in Mindanao was offset by increased satisfaction elsewhere in the country. Overall, his net approval rating was 66 percent (78 percent satisfied minus 12 percent not satisfied), which was the highest he has achieved so far.²⁷

Recommendations

The Philippine government should uphold its commitment to international norms by adhering to the Geneva Conventions in its efforts to bring an end to the crisis in Marawi.

- Specifically, it should continue to protect civilians who fled the onslaught of terrorist attacks since 23 May and provide for their humanitarian needs, as well as ensure the protection of other civilians who are still held hostage by the Maute terrorists.
- The international community should continue providing assistance to the Philippines in its efforts to end the siege of Marawi through technical support for the Philippine military and humanitarian aid to internally displaced persons.
- Push for the passage of the Bangsamoro Basic Law that is in accordance with the Philippine constitution and domestic laws and support its immediate implementation.

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

- 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.
- 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
- 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.
- Cooperate with concerned UN bodies by allowing an independent investigation into alleged EJKs committed by policemen in relation to the anti-drug operations.

PROTECTION PRIORITIES

MODERATE RISK COUNTRIES



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. The Indonesian government has frequently voiced its support for R2P and its commitment to implementing the principle. 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. 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. 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. With the defeat of IS in Mosul and the group's imminent wider collapse in Iraq and Syria, 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, making Indonesia the second largest sending state (behind Russia) of jihadist fighters arrested there.²⁹ It is thought that the total number of Indonesian foreign fighters in the Middle East numbers in the 'thousands'. Analysts predict that the military defeats suffered by IS will prompt the organization to change its tactics, turning from the acquisition and holding of land within the territory of its self-proclaimed 'caliphate' towards international terrorism, with returning fighters in the vanguard. 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.

To combat this threat, Indonesia has stepped up security and intelligence cooperation with neighboring states and has also adopted large scale education and de-radicalisation programs. Amongst other things, Indonesia and Malaysia agreed in July 2017 to boost military cooperation targeting IS fighters.³⁰ 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.³¹ 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. Indonesia's parliament is currently considering tougher anti-terrorism legislation which would enable the government to strip Indonesian citizenship from individuals that participated in foreign wars and establish criminal penalties for 'speech, thought, behavior or writing' that could endanger other communities.

3. Secessionist conflict in West Papua.

The situation in West Papua has been relatively stable in 2017. President Widodo continues to support initiatives aimed at reducing tensions. Some of these measures are controversial, however, and as a result have not been implemented fully. The government has also launched initiatives to improve economic development, including an initiative to construct new power stations to supply electricity to West Papua. At the same time, the government has continued to arrest independence activists and to detain and disrupt peaceful demonstrations against Indonesian rule. It also continues to restrict humanitarian access to the province, and limits access by foreign journalists, prompting calls for an easing on restrictions so that more assistance can be delivered to the province and greater transparency can be added to human rights reporting there. Protests and confrontations between West Papuan activists and the security forces or Indonesian nationalist groups remain common.

4. Risk of extra-judicial killings

In July 2017, the Indonesian government announced its intention to adopt anti-drug policies similar to those adopted by the Duterte government in The Philippines. President Jokowi was quoted by media as instructing security forces to 'shoot' foreign drug traffickers who resist arrest.³² Though the government has so far not called for the extra-judicial killing of people accused of links with the drug trade, these statements are of concern and could potentially constitute incitement to commit extra-judicial killings.

Recommendations

For the government of Indonesia:

- Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
- Develop and implement a comprehensive strategy for tackling violent extremism that strengthens the security forces whilst protecting core human rights.
- Adopt stronger measures to prevent Indonesians travelling overseas to commit atrocity crimes for IS and others.

- Take steps to ensure the maintenance of the rule of law and order in areas afflicted by sectarian violence.
- Conduct a thorough assessment of risks of sectarian violence and develop an action plan to address it.
- Promote inter-faith dialogue and local capacities for conflict resolution in regions affected by communal strife.
- 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.
- Consider improving humanitarian and media access to West Papua.
- Refrain from using incendiary language about the drugs trade that could be interpreted as incitement to commit extra judicial killings.

For the international community:

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



Protests, partially organised by Hizbut Tahrir Indonesia, against former Jakarta governor Basuki "Ahok" Tjahaja Purnama. Image by Wikimedia Commons user Cahaya Maulidian. CC BY-SA 4.0.

PROTECTION PRIORITIES

MODERATE RISK COUNTRIES



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. Restricted physical integrity is a vital indicator of risk of sexual and gender based violence and the situation in PNG indicates widespread and systematic tolerance of high levels of violence against women (especially) and widespread impunity. These are strong indicators of heightened risk of sexual and gender related atrocity crimes.

Recommendations:

The government of PNG and its partners should:

- 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.
- Ensure a free, thorough and transparent investigation into all elements of the 2017 election.
- Publicize, educate and enforce the human rights of girls and women.
- Ensure improved access to justice for the victims of gender and sexual based violence.
- Tackle impunity by strengthening the training and accountability of security forces, including police.
- Increase support for the victims of sexual and gender based violence.
- Develop and implement a strategy for reinforcing anti-violence norms amongst men.
- Empower women through increasing educational and economic opportunities.

PROTECTION PRIORITIES

MODERATE RISK COUNTRIES



Thailand

Thailand remains in a transitional state and there are mixed assessments about its future trajectory, some suggesting a return to authoritarian government and others predicting a more stable future course.³³ It is true that 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 as yet to be scheduled elections in 2017. The state of uncertainty exacerbated by the death of King Bhumipol in October 2016 has now largely subsided. Constitutional reforms have been adopted that will pave the way to new parliamentary elections in 2017, with the military retaining a quarter of the seats in parliament.

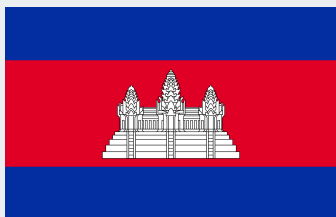
There are signs that the Islamic insurgency in the country's south has escalated. In June 2017, insurgents detonated a roadside bomb that killed six soldiers. A few days later, a car bomb wounded 12 soldiers and two civilians, and a 15 July assault on a restaurant injured 15 Buddhist civilians. Meanwhile, 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. Meanwhile, the government continues to negotiate with the MARA and to support major development programs (some in partnership with the World Bank) designed to tackle some of the economic causes of the conflict and reduce support for the more radical elements of the opposition. At the same time, the July attack has caused the government to step up its counter-insurgency operations in the south, increasing the risk of both extremist attacks and civilian casualties in counter-insurgency operations. Malaysia has also stepped up policing activities aimed at inhibiting the supply of people and materiel from Malaysia to the BRN.

Recommendations.

- Progress should be made on the transition to civilian and democratic government continues in full consultation with all the relevant parties.
- The government of Thailand should fulfil its responsibility to protect by protecting civilians from terrorism and insurgent attacks.
- 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.
- The government should explore options for negotiations with the Patani insurgents.
- Non-state armed groups must refrain from targeting civilians and should be prepared to enter negotiations in good faith.
- All those responsible for violent crimes against civilians must be held accountable.

PROTECTION PRIORITIES

ONE TO WATCH



Cambodia

Although Cambodia confronts many challenges, at the present time, the risk of atrocity crimes is low. The government's decision to appoint a National R2P Focal Point in 2016 is especially commendable and noteworthy. Cambodia experienced atrocities under the Khmer Rouge regime (1975-79), but the peace process in the early 1990s and subsequent state consolidation have had a major positive impact

in the country, together with the opening of the economy which has produced rapid economic growth and a rise in the overall standard of living. There are still 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.

However, the 2018 national elections could 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. There are two potential scenarios that could give rise to atrocity crimes. Both relate to the fact that the government of Hun Sen is much less popular than it once was. In the first scenario, the government fails to conduct a free and fair election and cracks down on the opposition. In response, the opposition rejects the legitimacy of the election and its supporters take to the streets leading to violence. In the second scenario, free and fair elections produce a majority in support of the opposition but the government led by Prime Minister Hun Sen and backed by the military refuses to transfer power. In this scenario, opposition supporters might take to the street to demand a transfer of power and security forces might use violence to impose their will. Given the potential of these two scenarios to give rise to atrocity crimes it is imperative that all efforts are taken to ensure that the election is free and fair and conducted in a peaceful fashion and that all parties commit to the peaceful transition of power should the election result demand it.

The indications thus far in 2017 have not been wholly positive. A number of steps are especially concerning. First, the government is adopting measures that reduce the likelihood of free and fair elections. This includes a new law disbanding parties that threatens to dissolve parties whose members have been convicted of crimes – a move that clearly targets the opposition since several prominent opposition figures have been prosecuted in the past for political crimes. Second, the use of threats and incendiary language by the government. Prime Minister Hun Sen has warned of a civil war if he loses power. Third, there are 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.

Cambodia held its commune elections in early June with the ruling Cambodia People's Party (CCP) of Prime Minister Hun Sen winning a smaller majority (50.76% share of the votes, down from 61.67% in 2012) of commune chiefs and councillors compared to the main opposition party—Cambodia National Rescue Party (CNRP) of Sam Rainsy and Kem Sokha—which increased its gains (43.83% share of the votes, up from 30.58% in 2012) from the previous elections. Voter turnout was the highest (90.37%) with over 7.8 million registered voters casting their ballots. In the run up to this year's communal elections, there was a significant increase in violent rhetoric from the ruling party, with no less than the prime minister warning that Cambodia could descend into a civil war if the opposition party wins as well as next year's general elections.³⁴ 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.³⁵

Meanwhile, the ruling party in both houses of the Cambodian parliament passed amendments to the Country's Political Parties Law that prohibit any political party from using the voice, image, or written messages of a convicted criminal. These amendments, which are allegedly aimed at the opposition parties of Sam Rainsy and Kem Sokha, also prohibit naming political parties after an individual.

PROTECTION PRIORITIES

ONE TO WATCH

The current opposition members of parliament under the Sam Rainsy Party would then be forced to change their party's name in the remaining six months of their term and for CNRP to start replacing its party signage across the country.³⁶ While opposition party leaders and civil society groups have asked the Cambodian king not to sign the amendments to the law,³⁷ the Constitutional Council hastily cleared it with no changes.

The amendments to Cambodia's Political Parties Law do not bode well for the country's long-term stable democracy where major political parties are able to compete fairly and freely based on platforms and performance. It could also contribute to further polarisation in Cambodia, especially in the context of the general elections in 2018, which could lead to increased risk of election-related violence. It is critical for both the ruling and opposition parties to work together towards national reconciliation in order to focus on long-term social and economic development of Cambodia and its people.

Recommendations

The government of Cambodia should:

- 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. Specifically, it should heed the call of the UN Secretary-General to "resume... cooperation and dialogue" with opposition parties in advance of the election and to "refrain from violence, intimidation and harassment". It is imperative that the government take steps to ensure a "non-threatening environment of democratic dialogue" which is "essential for political stability and a peaceful society". With this in mind, the ruling party and the opposition parties should restart their "culture of dialogue" and engage in a genuine effort to work towards national reconciliation.
- Ensure that the military remains neutral and respect the results of the general elections.
- Restrain the use of incendiary language and threatens that inhibit the likelihood of free and fair elections and risk escalating tensions.
- 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.
- Take steps to ensure the more consistent application of international human rights law in domestic settings.
- Implement, in full, the measures proposed by Prime Minister Hun Sen in his 2015 speech on the Responsibility to Protect.
- 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.

For civil society

- Civil society and the private sector should work together to ensure that national elections in 2018 are free, fair and peaceful.
- International actors should support the efforts of Cambodian organizations to implement R2P

For international partners

- Encourage and support the government of Cambodia to ensure that the 2018 national elections are free, fair and peaceful.
- Support national and local initiatives to promote peaceful elections in 2018.

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