



# ASIA PACIFIC OUTLOOK

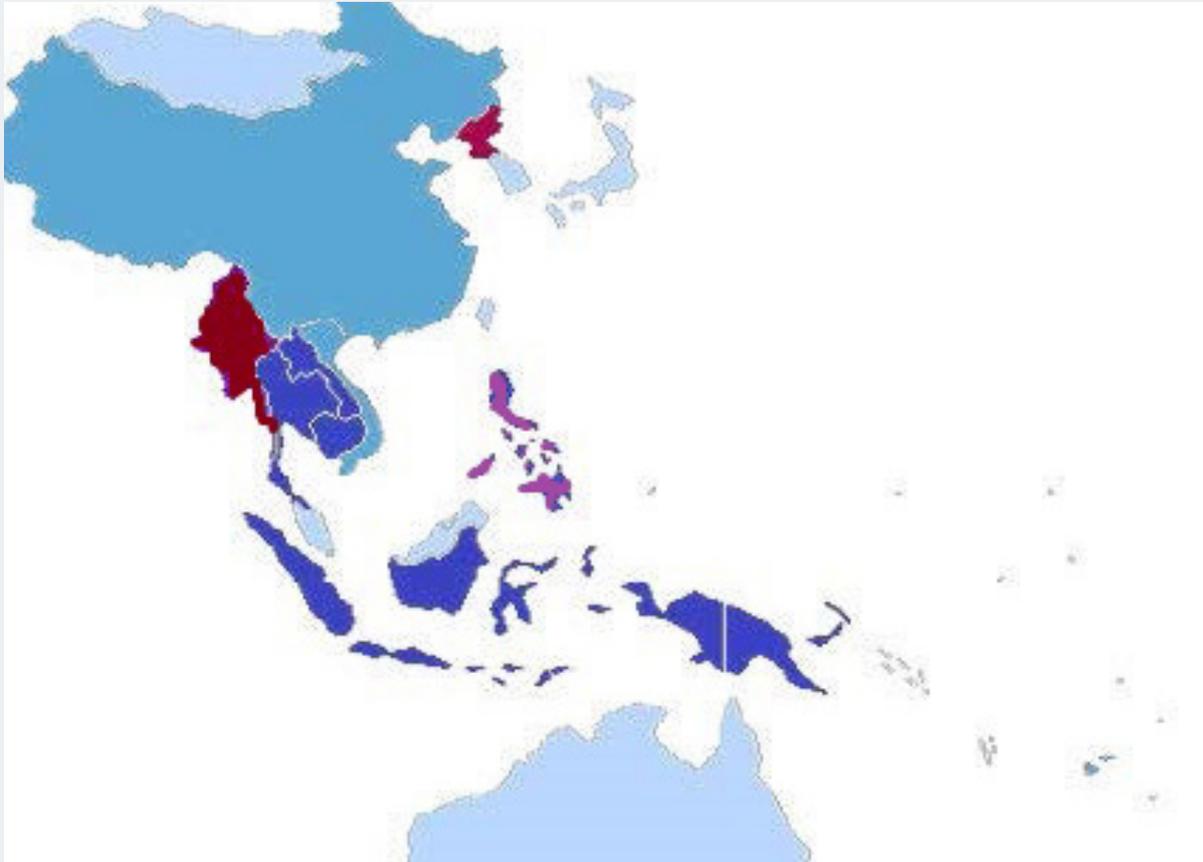
NOVEMBER 2016 ISSUE 4

Featured in this issue...

Crisis in Rakhine, Myanmar

Extra-Judicial Killings  
in The Philippines

# REGIONAL ATROCITY RISK ASSESSMENT



**Very High** Democratic People's Republic of Korea (DPRK)  
Myanmar

**High** The Philippines

**Moderate  
(high to low)** Indonesia  
Papua New Guinea  
Thailand  
Timor-Leste

**Low** Cambodia, China, Fiji, Kiribati, Laos, Vietnam

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

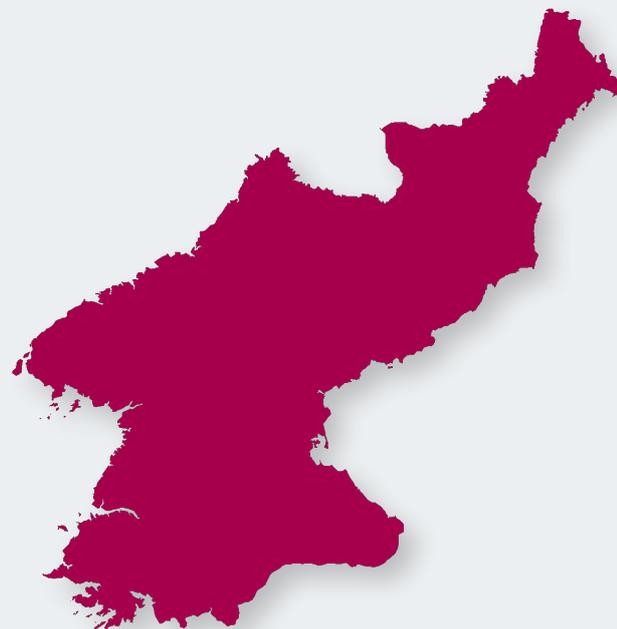
# PROTECTION PRIORITIES VERY HIGH RISK COUNTRIES



## Democratic People's Republic Korea

In February 2014, the UN Commission of Inquiry (COI) on human rights in the DPRK (North Korea) concluded that 'systematic, widespread and gross violations of human rights have been, and are being, committed by the Democratic People's Republic of Korea, its institutions and officials', and indicated that many of these violations may 'constitute crimes against humanity'.<sup>1</sup> The COI urged DPRK authorities to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice.

Crimes against humanity appear to continue with impunity in the DPRK. On 15 November 2016 the Third Committee of the General Assembly passed a resolution that expressed concern at the continued failure of DPRK authorities to prosecute systematic, widespread and grave human rights violations. For the third consecutive year, the Committee called on the UNSC to refer DPRK's human rights situation to the International Criminal Court. The resolution also called on the UNSC to consider further targeted sanctions against persons who appear most responsible for crimes against humanity in the DPRK.



Although the Security Council remains divided on an ICC referral and targeted sanctions, modest progress has been made in pursuing accountability for crimes against humanity in DPRK through the Human Rights Council. Pursuant to the March 2016 request of the Human Rights Council, in September the High Commissioner for Human Rights designated two 'independent experts on accountability' to support Tomás Ojea Quintana, the Special Rapporteur on the human rights situation in DPRK, to explore appropriate approaches to seek accountability for crimes against humanity and to recommend mechanisms for securing truth and justice for victims of possible crimes against humanity.

In late November, the newly appointed independent experts on accountability in the DPRK (Sonja Biserko and Sara Hossain) are visiting Japan and the Republic of Korea (ROK) to meet with state officials, civil society organizations, academic experts, journalists as well as victims and their families. Ojea Quintana is also undertaking his first visit to Northeast Asia in

his role as the DPRK Special Rapporteur mandate holder, with visits scheduled to the ROK from 16-22 November, and Japan from 23-26 November. The Special Rapporteur has indicated that he intends to use insights gathered from these visits to make concrete recommendations for improving the human rights situation in the DPRK in his next report to the Human Rights Council, scheduled for March 2017. The Special Rapporteur's report will also include as an annex a report by the group of independent experts on accountability with recommendations following from their consultations in Northeast Asia.

Unfortunately, the independent experts and Special Rapporteur were unable to meet with officials in the DPRK, as Pyongyang continues to reject requests for country visits by OHCHR special procedure mandate holders, based on the argument that country-specific mandates are politicized, selective and represent double standards. In response, Ojea Quintana has noted that engagement with the UN is critical to improving the human rights situation in the DPRK, and has urged countries with leverage to encourage DPRK authorities to cooperate with and respond positively to requests for visits by OHCHR mandate holders and officials.

Despite limitations to in-country access, in his latest report to the General Assembly issued in September, the Special Rapporteur reported that as of August 2016, the UN human rights field office in Seoul has been 'fully operational to implement its mandate'.<sup>2</sup> The Office is mandated to: "strengthen monitoring and documentation of the situation of human rights as steps towards establishing accountability in the DPRK; enhance engagement and capacity-building with the Governments of all States concerned, civil society and other stakeholders; and maintain visibility of the situation of human rights in the Democratic People's Republic of Korea including through sustained communications, advocacy and outreach initiatives."<sup>3</sup>

DPRK's nuclear and missile programs continue to overshadow and impede progress on improving its human rights situation. Just nine months after its fourth nuclear test in January 2016, on 9 September Pyongyang conducted its fifth and reportedly largest-ever nuclear test. DPRK authorities have also recently launched several missiles, some of which landed in the territorial waters of Japan's exclusive economic zone.

Pyongyang's military build up only reaffirms the need to ratchet up efforts to protect human rights in the DPRK. As the recent Third Committee General Assembly resolution noted, 'the impact of diverting resources to advance nuclear weapons and ballistic missiles programs on the humanitarian and human rights situation of the citizens' of the DPRK is a 'grave concern'.<sup>4</sup> One concrete example of the link between grave human rights abuses and DPRK's militarization is DPRK's practice of sending workers abroad to work in conditions of forced labor, with the possible diversion of their wages to fund the state's military program. Because DPRK's military program is sustained in part by human rights violations, determined action to address serious and systematic human rights violations is integral to any effort to stabilize the Korean peninsula.

Thanks in part to the work of the Commission of Inquiry, which specifically referred to R2P, the international community will remain engaged in the human rights situation in the DPRK. In addition to the regularly scheduled discussions on North Korean human rights in the Human Rights Council and the General Assembly, it is hoped that the Security Council will also continue to hold Arria Formula meetings on the situation.

#### 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 improving its human rights situation.
- 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 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 and children, human rights education, a rights-based approach to development, and 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.
- Russia should not implement recent extradition treaties with the DPRK.
- China should implement the recommendation of the Committee against Torture's fifth periodic report on China to allow the Office of the UN High Commissioner for Refugees access to DPRK nationals who have crossed the border to determine whether they qualify for refugee status.
- Japan, the Republic of Korea and the US, as well as all other key diplomatic actors, should ensure that human rights accountability is an integral part of their diplomatic engagement with the DPRK.
- All states should encourage DPRK authorities to cooperate with the OHCHR, and to invite special procedure mandate holders for country visits.
- Northeast Asian states, for whom the death penalty remains a difficult issue, should consider instigating a regional dialogue on the question of the death penalty, possibly in cooperation with the European Union.

## 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 UN Human Rights Council should task the Special Rapporteur or OHCHR to devise a comprehensive policy on humanitarian assistance in the DPRK; and support the group of independent experts on accountability to devise practical mechanisms of 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, prepare to provide technical assistance if requested, 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 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



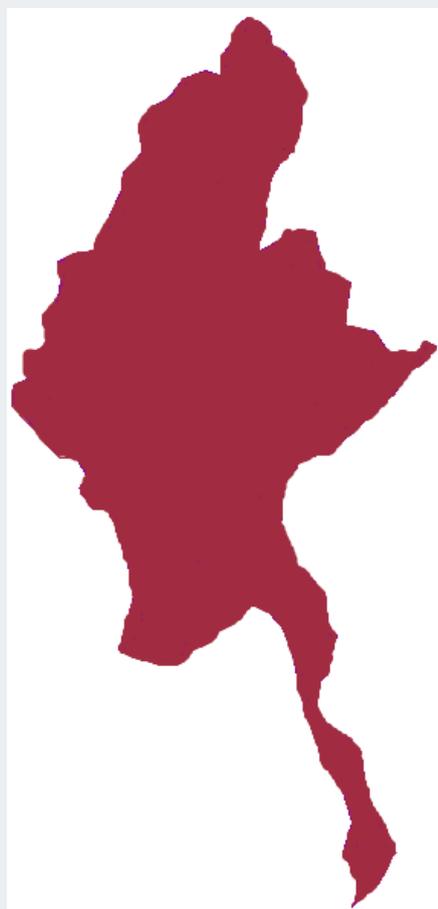
### Myanmar

The situation in Rakhine state has become significantly less stable in the aftermath of the October attacks by suspected militants in Maungdaw and Rathedaung townships against border and security forces. Military operations continue in these areas where a large community of stateless Rohingyas live, many of whom have fled to Bangladesh where they are also not welcome. The NLD government rejected allegations made by international human rights organizations about abuses committed by security forces against the Muslim community in Rakhine since the attacks. As of mid-November, the state media reported that civilian and military casualties reached more than 130, with 102 militants and

32 soldiers killed. The killing of civilians and other alleged abuses must be thoroughly and impartially investigated, as they may constitute atrocity crimes. At present, there is a very high risk of atrocities in Rakhine state. We also assess that there is an emerging risk of a military coup against the NLD government that actors need to be aware of and guard against .

In the early morning of 9 October, a group of some 250 armed men attacked two border police and outposts in Maungdaw and Rathedaung townships in Rakhine, Myanmar, resulting in the death of nine policemen. This was followed by clashes that killed five Myanmar army troops, with some 15 men

reportedly killed and four other detained by the military in follow up operations after the attack in Maungdaw village. The border gates between Bangladesh and Myanmar were closed indefinitely and some 400 schools in the area were ordered to close on 10 October. While the situation in the area appeared to normalize immediately after the attack and calm was maintained for more than a month, some 2,000 Rohingyas were forced to leave their villages in Maungdaw as the military continued to conduct operations against militants.<sup>5</sup> On 4 November, during a visit to northern Rakhine by a group of nine foreign diplomats, a gun-attack was launched on two policemen in Nurula village of Maungdaw. One of the officers died.<sup>6</sup> Clashes between government troops and militants erupted again in northern Rakhine on 12 November and reportedly left 27 people dead. The government claimed that some 60 attackers ambushed security forces in Maungdaw that resulted in one soldier and six attackers killed. A military officer also died in a subsequent confrontation with some 500 armed men in which the army called in air force helicopters. Following a clearing operation before 13 November, security forces reportedly fired on 20 armed men that resulted in 19 killed. As of 17 November, Myanmar's state media reported that over 130 people have been killed since the attack of 9 October, with 102 militants and 32 soldiers as casualties.<sup>7</sup>



Meanwhile, hundreds of Rohingyas fled to Bangladesh to escape the military crackdown in Rakhine, with some reportedly gunned down while crossing the Naaf river that separates Myanmar from Bangladesh. Those fleeing by boats were pushed away by Bangladeshi border forces and stranded at sea.<sup>8</sup>

The Myanmar army has prohibited access to media reporters in northern Rakhine amidst various allegations of burning of houses, rape, and extra-judicial killings against the Rohingya community following the 9 October attacks.<sup>9</sup> The UN Special Rapporteur on Human Rights in Burma Yanghee Lee has called on the government to allow 'complete access' to northern Rakhine and for an impartial investigation of reported human rights violations by security forces against civilians.<sup>10</sup> Subsequently, she criticised the government for placing the region on lockdown for six weeks, which was followed by step up operations in the area after a visit by an international delegation. Lee also pointed out that although Aung San Suu Kyi has said that her government is following the rule of law in responding to the crisis, she is unaware of any efforts to look into allegations of human rights violations in Rakhine.<sup>11</sup>

For its part, the Arakan state parliament formed a commission to investigate the Maungdaw attacks and to help indigenous Buddhist Arakanese peoples who fled from the clashes. While the Rakhine state government has provided food relief to internally displaced native Arakanese from Maungdaw and Buthidaung, the Muslim Rohingyas were not able to avail of the same and instead were forced seek refuge in jungle areas.<sup>12</sup> Following a visit to Rakhine by a group of nine diplomats that included representatives from the US, UK, UN, and China, the Myanmar government announced on 4 November that it will allow the resumption of aid to northern Rakhine. The delegation visited the area for two days and called for an independent and credible investigation into the attacks and the subsequent military operations.<sup>13</sup> Meanwhile, the Rakhine State Advisory Commission chaired by former UN Secretary General Kofi Annan paid a visit to the state capital on 16 November and met with representatives from Rakhine state government and those from the Buddhist and Muslim communities. According to Al Haj U Aye Lwin, a Muslim member of the commission, there was willingness on the part of both Buddhist and Muslim communities in Rakhine to achieve peace in order for economic development in the area to take off. With regard to the attacks in Maungdaw, both sides expressed concerns about the impact of ongoing military operations and lockdown in the area on the safety of both communities, especially women and children. While the Buddhist community representatives expressed support for the issuance of national verification cards (NVCs) for the stateless Muslim community in Rakhine to allow them greater freedom of movement, the latter expressed hope that they will be given citizenship instead of the NVCs, which still marks them as outsiders.<sup>14</sup> The seven-member commission however cancelled their scheduled visit to Maungdaw on 17 November due to the "unstable situation" in the township.<sup>15</sup>



Renata Lok-Dessallien (C), the U.N.'s resident and humanitarian coordinator and the United Nations Development Programme's resident representative in Myanmar, visits a village in Maungdaw township, western Myanmar's Rakhine state, Nov. 2, 2016. Courtesy RFA

Meanwhile, the NLD government rejected the claim made by Human Rights Watch in its report alleging that more than 400 houses in three Rohingya villages in Maungdaw were burned based on satellite images recorded on three different dates in October and November. It countered that there were only 155 houses that were burned and that the acts of arson were committed by militants.<sup>16</sup> Following instructions from Aung San Suu Kyi, an Arakan State Information Committee was created on 17 November to release timely information on the ongoing conflict in Maungdaw. This move came about as the government rejected allegations made by international rights groups that human rights violations and extra-judicial killings were being committed by Myanmar's security forces.<sup>17</sup>

Elsewhere in Myanmar, fighting continued between ethnic armed groups and the military in Kachin and Shan states even as government peace negotiators are hoping to hold a national peace dialogue in November, with or without all ethnic armed organisations present.<sup>18</sup> Some 40,000 internally displaced persons in Kachin and northern Shan states are facing food shortages due to blockades imposed by the military and funding cuts to international relief organisations. Over 100,000 people who are fleeing these conflict areas have been living in makeshift camps controlled by the government.

#### Recommendations:

##### For the government of Myanmar:

- The government of Myanmar has the primary responsibility to protect all populations in its territory, including the Rohingya in Rakhine.
- The government should create an impartial body to investigate alleged violations of international humanitarian and human rights law in Rakhine state since October 2016.
- Allow unimpeded access to humanitarian aid for both Arakanese and Muslim communities in Rakhine who have been affected by the attacks and clearing operations in Maungdaw.
- Enable the Rakhine State Advisory Commission to carry out its mandate, including conducting investigation on the ground to gather the sentiments of affected Buddhist and Muslim communities in the area
- Continue to push for a political dialogue with all ethnic armed groups and encourage other armed groups to sign the national ceasefire agreement in the spirit of the 21st Century Panglong.
- Ensure the protection of civilians fleeing Kachin and Shan states, including access to food and temporary shelter

##### For the international community

- ASEAN should continue to provide capacity-building assistance to Myanmar in the areas of border security, immigration, conflict prevention, peace-building.
- ASEAN should seriously consider activating the Troika mechanism and engage the government of Myanmar in a dialogue in response to the ongoing humanitarian crisis in Rakhine, Karen and Shan states.
- ASEAN should consider appointing a group of special envoys from Indonesia, Malaysia and Thailand to engage with the government of Myanmar in dealing with these crises, specifically on a fact-finding mission in these conflict areas.
- ASEAN should utilize the AICHR, ACWC, and AIPR to engage with Myanmar and encourage and assist the government to fulfill its responsibility to protect
- The UN should continue to assist the Rakhine State Advisory Commission in carrying out its mandate, including the prevention of another outbreak in the area
- The international community should encourage Myanmar and Bangladesh to start border protection dialogue and provide assistance to both states in dealing with the border security threats, including deterring terrorist or militant attacks
- Major donor countries such as Australia, Japan, the United States, and the EU should continue to provide capacity building assistance to Myanmar's police and security sector to enable them to respond to peace and order problems with due respect to the rule of law and human rights protection.

# PROTECTION PRIORITIES

## HIGH RISK COUNTRIES



### The Philippines

The Philippines remains at a high risk for atrocities in light of the continuing anti-drug war of President Duterte. As of 17 November, the Philippine National Police (PNP) has reported that there were 4,897 persons killed since the start of the anti-drug campaign on 1 July this year. Of this figure, 1,896 suspected drug personalities were killed during police operations and 3,001 were victims of extra-judicial or vigilante-style killings.<sup>19</sup> Additionally, the PNP reported that there have been over 36,000 drug personalities who have been arrested and over 788,000 people who surrendered as pushers (56,899) or users (731,547).<sup>20</sup> With regard to extra-judicial killings (EJK), vigilante-style, or unexplained deaths, the PNP reported that, as of 23 October, there were 2,766

incidents of unexplained killings, 2,153 deaths under investigation, and 613 deaths investigations that were concluded (of which 396 are with suspects arrested and 217 with suspects remaining at large).<sup>21</sup>

Meanwhile, the Philippine government in October sent an invitation to UN Special Rapporteur on Extra Judicial Killings Agnes Callamard to visit the country in response to earlier expressions of concern by the UN about the alleged extra-judicial killings related to the anti-drug war. Specifically, the invitation requested that in the public presentation of the rapporteur's investigation, President Duterte would be present and be allowed to ask questions and provide additional information for clarification.<sup>22</sup> For her part, Callamard accepted the invitation but made some conditions for her visit. This includes assurances that witnesses who will meet with her will not be harassed, punished, or subjected to judicial proceedings. She also requested that the Special Rapporteur on Health be invited.<sup>23</sup> The Philippine government is yet to respond to Callamard's request. Apart from the UN, the government also issued invitations to the EU and the US even as President Duterte continued to denounce their criticisms of his anti-drug war campaign. On 1 November, the US State Department announced that it has put a stop to the planned sale of 26,000 assault rifles to the PNP following a US senator's opposition to it due to concerns about the human rights situation in the country.<sup>24</sup>

On 13 October, Fathou Bensouda, Prosecutor of the International Criminal Court, issued a statement expressing concern over the reported extra-judicial killings of alleged drug dealers and users in the Philippines and the statements of high officials in the country "which seem to condone such killings and further seem to encourage State forces and civilians alike to continue targeting these individuals with lethal force."<sup>25</sup> She pointed out that EJKs may fall under the jurisdiction of the ICC "if they are committed as part of widespread or systematic attack against a civilian population pursuant to a State policy to commit such attack."<sup>26</sup> She also reminded the Philippine government that, as party to the ICC, the court has jurisdiction over atrocity crimes in its territory that were committed by its nationals since 1 November 2011. In response to the ICC prosecutor's statement, President Duterte said that he is willing to be investigated by the ICC even as his official spokesman denied that drug-related killings or EJKs were state-sanctioned.<sup>27</sup> Subsequently, Duterte said that the Philippines may follow Russia's move to withdraw from the ICC even as he alleged that only small countries are being battered by the court.<sup>28</sup>

Notwithstanding international concerns about the ongoing anti-drug war in the Philippines, President Duterte remains popular in the country. His approval rating slightly declined from 91 percent in July to 86 percent in September.<sup>29</sup> With regard to the overall performance of the Duterte administration, 75 percent expressed satisfaction and 8 percent unsatisfied, with 17 percent undecided. Specifically on the campaign against drugs, 85 percent were satisfied, 7 percent unsatisfied, and 7 percent were undecided. On human

rights, 74 percent were satisfied, 11 percent unsatisfied, and 15 percent were undecided.<sup>30</sup> It is significant to note that 71 percent of the public believe that it is very important that drug suspects were caught alive, with 23 percent saying it is somewhat important.<sup>31</sup> While on a national scale Filipinos do not consider fighting criminality as an urgent national concern (which actually went down from 52 percent in July to 31 percent in September), peace and order was the most urgent concern at the community level throughout the country (27.4 percent) and especially in the National Capital Region (41.7 percent), with proliferation of drugs as the highest concern nationally (18.3 percent) and in the nation's capital (25.0 percent).<sup>32</sup>

Elsewhere in the country, the Philippine government is making significant progress in the pursuit of peace agreements with Muslim rebel groups in Mindanao as well as with the communist insurgents. On 7 November, President Duterte signed an executive order reconstituting the Bangsamoro Transition Commission (BTC) and increasing the number of representatives from 15 to 21. The commission, which will have 11 representatives from the Moro Islamic Liberation Front (MILF), is tasked under a 2014 peace agreement to draft a new Bangsamoro Basic Law, which failed to pass under the previous administration.<sup>33</sup> Earlier in the same month, Duterte met with Moro National Liberation Front (MNLF) head Nur Misuari to discuss the latter's role in the peace process in Mindanao.<sup>34</sup> The MNLF is reported to have some grievances against the previous administration for not having been consulted in the peace agreement with the MILF. Criminal proceedings against Misuari for his group's attack in Zamboanga in 2013 have been suspended by a local court for six months in recognition of his important role in the ongoing peace negotiations between the government, the MILF, and the MNLF. He was also instrumental in negotiating the release of some civilians who were kidnapped by the Abu Sayyaf. Meanwhile, a bilateral ceasefire agreement between the government and the communist National Democratic Front (NDF) is expected to be signed before December after it was postponed last October due to some issues that remained unresolved in their peace negotiations. The government is also considering the release of prisoners as part of confidence-building with the communist insurgents.<sup>35</sup>

#### Recommendations:

##### For the government of The Philippines:

- The government should fulfill its primary responsibility to protect its population from the risk of atrocities related to its anti-drug war.
- Facilitate the proposed visit of the UN Special Rapporteur on Extra-Judicial Killings.
- Accommodate specific requests made by the UN Special Rapporteur on EJKs to ensure an impartial, free, and transparent investigation into reported extra-judicial or vigilante killings related to its anti-drug war.
- Judicial and legislative institutions in the Philippines should adopt a proactive response to the rising number of deaths in connection with the administration's campaign against drug by ensuring access to justice and legal counsel to poor drug suspects and conducting legislative investigations on reported excessive use of force by the police, including those who were killed while in police custody.
- Civil society groups, including religious organisations, should provide assistance to communities with high incidence of drug proliferation problems by providing education on human rights and drug rehabilitation, as well as protection of innocent civilians from abuse by police and law enforcers.
- Local and international media should continue to monitor and report on the continuing anti-drug war in the Philippines and validate police and law enforcement reports on the number of deaths, excessive use of force, and vigilante killings.

##### The international community should:

- Remind the government of The Philippines of its responsibility to protect and monitor the situation carefully.
- Provide expert assistance to the government in managing the overwhelming number of drug users who surrendered and need rehabilitation
- Provide assistance to the national and local governments in building rehabilitation centres in the country, including the training of police and law enforcement agents in developing a community-level approach to rehabilitation

# PROTECTION PRIORITIES

## MODERATE RISK COUNTRIES



### Indonesia

Indonesia continues to transition into a stable democracy and 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 important strides towards easing tensions in West Papua. The Indonesian government has frequently voiced its support for R2P and its commitment to implementing the principle. Indonesia has 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 Indonesia has substantial ethnic and religious minorities, and communal violence between them – some of which has amounted to atrocity crimes – is not uncommon. 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. In late 2015, there was also an increase in religious violence against minorities. A number of churches were burned to the ground by conservative Christian communities established tent churches. The government ordered that these should be dismantled in January, causing further tensions and the risk of sectarian violence. In November, a bomb was discovered outside a Buddhist temple in Aceh. In late July, violence erupted in the town of Tanjung Balai, close to Medan on the island of Sumatra, when a mob attacked property belonging to the Chinese Buddhist minority, destroying at least three Buddhist temples. More recently, sectarian violence has emerged in East Kalimantan. In November, a church in Samarinda was firebombed. 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 mayor for allegedly 'defaming' the Qu'ran. Similar protests were held elsewhere. Although security forces maintained security effectively, some protestors were violent and slogans included the incitement of violence against non-Muslims.

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 fueled by hate speech and occasionally incitement. Indonesia has many sectarian fault lines 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 terrorist attacks on civilians. In January 2016, terrorists associated with the Islamic State (IS) launched a series of attacks across Jakarta, resulting in eight deaths (including four terrorists). In July, a suicide bomber attacked a police station in central Java. In August, the authorities arrested six people suspected of planning to launch terrorist attacks in Singapore. In October, an individual in West Java, inspired by IS, attacked police with a knife. The risk

of terrorism is exacerbated by the fact that ‘thousands’ of Indonesians have travelled to Syria and Iraq to fight with IS and may look to return to Indonesia in order to commit atrocity crimes. To combat this threat, Indonesia has stepped up security and intelligence cooperation with neighboring states and has also adopted large scale education and deradicalisation programs. Though they have not eliminated the threat altogether, these initiatives have helped limit the growth of radical extremism and terrorism.

### 3. Secessionist conflict in West Papua.

Secessionist conflict in West Papua also contains atrocity risks, with both government forces and secessionists accused of targeting civilians over the past few years. After a brief upsurge of violence in September 2015, the situation in West Papua has been relatively stable in 2016. President Widodo continues to support initiatives aimed at reducing tensions. These include an end to the transmigration of Javans to Papua, the lifting of the travel ban imposed on foreign journalists and the release of several Papuan political leaders. 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. Activists therefore argue that development must go hand in hand with improvements in human rights. Indonesia is sensitive to criticism of its rule by some South Pacific countries, such as the Solomon Islands.

#### 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.

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.

# PROTECTION PRIORITIES

## MODERATE RISK COUNTRIES



### Papua New Guinea

Papua New Guinea (PNG) continues to confront a number of challenges which could give rise to atrocity crimes. In particular PNG experiences extremely high levels of gender and sexual based violence. This, combined with pervasive and deep-seated gender inequality, elevates the risk of atrocity crimes. A report in March 2016 by Medecins sans Frontieres found that two-thirds of women in PNG had been beaten by their partner (compared to a global average of one third) whilst a UNDP report notes that the first sexual experience for one in ten girls/women in PNG is rape.

It also found that 23% of male perpetrators were children when they first committed a sexual assault and that 80% of male respondents reported that they believed that they were entitled to sex from women. As a result, 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.

High rates of violence partly result from the government's relaxed attitude. Violence against women, including gang rape and domestic violence, is a widespread problem. Intra-family violence was criminalized only in 2013, and reports suggest that significant sections of the community still do not understand that it is illegal. There is no law that addresses all aspects of gender-based violence. Moreover, the laws that do exist have not been rigorously enforced and impunity remains the norm. Endemic sexual violence has many sources: grinding poverty, low levels of development and education, deeply entrenched discrimination against women and girls, limited legislative protections and limited enforcement of the law when it comes to the rights of women and girls, chronically high levels of unemployment, alcoholism and drug abuse.

#### Recommendations:

The government of PNG and its partners should:

- 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

The death of King Bhumipol in October was greeted with a wave of mourning which has eased political tensions across the country. The transition of authority to the Crown Prince will take place after one year, though considerable doubt remains about the possible effects of the transition and the potential for instability. 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 could potentially escalate. The first few months of 2016 saw a reduction in violence by Pattani rebels, which was loudly trumpeted by the government in Bangkok. Whilst violence in the region is around 50% lower than it was the previous year, the emergence of more radical terrorist organizations, such as 'Black Swan' could pose heightened risk in the future. In August, a wave of eleven bombings, many of them targeting sites visited by Western tourists such as Phuket, resulted in four deaths and dozens of injuries. Islamist insurgents are thought to be responsible. In October, a night market in Pattani was bombed, killing a Thai Buddhist and wounded more than a dozen others. Government forces have launched a crackdown in response, but have been accused by Amnesty International of using torture and other human rights violations. If true, this would not only contravene Thailand's international legal obligations, but also constitute a counter-productive use of violence likely only to inflame tensions further.

#### Recommendations.

- Progress should be made on the transition to civilian and democratic government 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 Pattani 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

## MODERATE RISK COUNTRIES



### Timor Leste

Timor-Leste recovered well from the 2006 crisis that saw the state come close to collapse. Oil and gas revenues helped the Aliança da Maioria Parlamentar (AMP) government headed (until 2015) by Xanana Gusmão rebuild after the conflict by providing financial incentives to former rebels, grants to encourage the return of displaced civilians, granting generous state pensions to the veterans, and granting lucrative construction contracts to other potential spoiler groups. These measures helped the government restore peace and stability. The government has enacted new restrictions

on journalism, which make it more difficult for the independent media to report on government activity. In an effort to diminish its reliance on international experts, the government also expelled all international staff from the judicial system, significantly weakening the system's capacity and creating an immediate backlog of cases. The government's pragmatic approach to conflict resolution has certainly succeeded in stabilizing the country, and the situation there has significantly improved over the past decade resulting in a reduced risk of atrocity crimes. However, many of the underlying problems remain unaddressed. Thus far, the government has drawn on reserves in order to maintain its spending and analysts suggest that it could continue to do this for some time into the future.

In a promising development, the government of Timor Leste appointed a National R2P Focal Point and co-hosted with the government of the Republic of Korea the 6th annual meeting of the Global Network of R2P Focal Points in Seoul in June.

#### Recommendations.

- To address the primary concern of Timor-Leste's unsustainable reliance on oil and gas revenues, a renewed effort must be made to diversify the nation's economy. This can only be achieved through unified efforts to support the country's non-oil sectors, such as agriculture, tourism, fisheries and small industry.
- Reducing poverty and unemployment and improving human security should be a priority for the government of Timor-Leste and its international partners. The government should improve infrastructure and government services, strengthen education and health care , and enhance climate change readiness.
- The government of Timor-Leste should implement the recommendations of the Commission for Reception, Truth and Reconciliation (CATR) and the Commission of Truth and Friendship (CTF), including by establishing the proposed National Reparations Program and Public Memory Institute.
- The role, responsibilities and duties of each of the security forces ought to be clearly defined so as to avoid overlap and tension in the future. The training of each should be tailored to suit their specific roles.
- The government should reconsider its decision to dismiss international judicial personnel and advisors.
- The government should repeal recent legislation restricting the national media.
- The government of Timor-Leste should support its newly appointed National Focal Point on R2P to promote the implementation of R2P in the Asia Pacific, and to develop a national plan of action for advancing R2P in Timor-Leste.

## Endnotes

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