



ASIA PACIFIC OUTLOOK

AUGUST 2018 ISSUE 9

Featured in this issue...

Atrocity crimes risk in Myanmar remain very high

Post Cambodia elections country remains calm and risk of atrocity crimes reduced

Philippines risk remain high despite decline in the number of killings



Australian Government
Department of Foreign Affairs and Trade

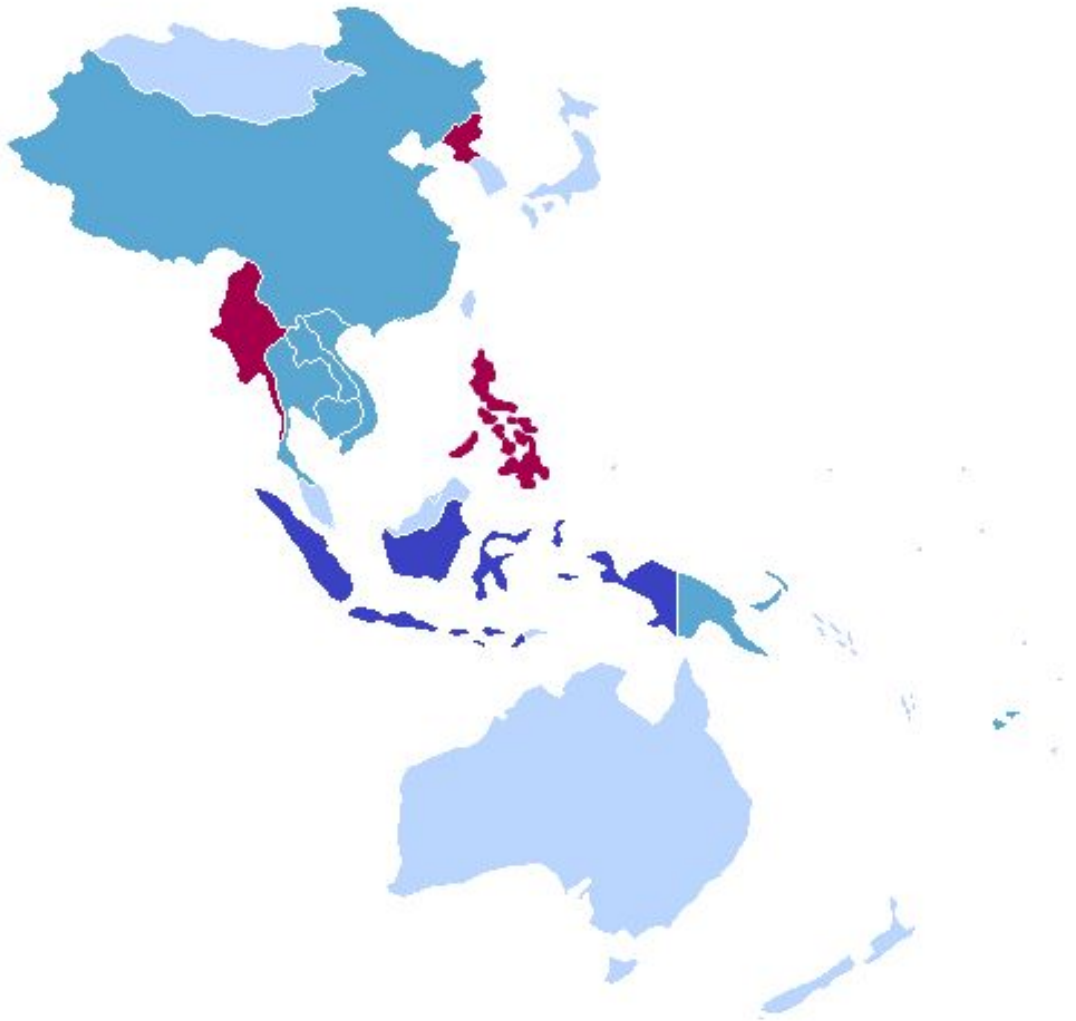


Asia-Pacific Centre for the
Responsibility to Protect



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

Low

Cambodia, China, Laos, Papua New Guinea, Thailand, Timor-Leste and Vietnam

Very low

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



Myanmar -Very High Risk/Ongoing Atrocity Crimes

The risk of atrocity crimes in Myanmar remain very high/ongoing. More than 500,000 refugees seek shelter in and around Cox's Bazar in Bangladesh, enduring appalling conditions. The humanitarian crisis in Rakhine continues and the UNHCR and other humanitarian agencies face enormous challenges in providing humanitarian assistance to the stateless Rohingya people who fled to Bangladesh to escape the widespread and systematic commission of atrocity crimes by the Myanmar military (Tatmadaw). The much-reduced Rohingya community still inside Rakhine are highly vulnerable to human rights violations, which continue to be committed by the security forces, local militias, and Arakanese nationalists. Despite the overwhelming evidence of atrocity crimes presented by the UN, human rights organizations, and the media, the Myanmar government and military still strongly deny that atrocity crimes were committed against the Rohingya during the Tatmadaw's clearing operations against ARSA militants in August last year and continue to block independent international investigations. Media access to Rakhine remains highly restricted and two local journalists working for Reuters were charged by a Yangon court for violation of the colonial-era Official State Secrets act for their reporting of a massacre perpetrated by the Tatmadaw. The government has signed agreements with the UN on humanitarian assistance for affected communities in Rakhine and the repatriation of Rohingyas from Bangladesh, their safety, access to humanitarian aid, and opportunities for livelihood are not guaranteed.

Despite mounting international pressure for an independent investigation of the atrocity crimes committed against the Rohingya people, the government and the Tatmadaw remain uncooperative and have failed to hold perpetrators accountable. For example, the International Criminal Court's efforts to get Myanmar's response to the petition filed by Bangladesh (a party to the Rome Treaty) for an investigation into atrocity crimes against the Rohingya was rebuffed by NLD government. The government also remains adamant in its refusal to grant a visa to UN Special Rapporteur on Human Rights in Myanmar, Yang-hee Lee, and the three-member panel created by the UN Human Rights Council last year. However, the government welcomed a delegation of the UN Security Council member states into Myanmar, who visited Rakhine following their trip to Bangladesh and met with Suu Kyi and army chief Min Aung Hlaing. The UN Secretary General's Special Envoy to Myanmar, Catherine Shraener Burgener, also met with both civilian and military leaders.

The Myanmar government in June attempted to create its own three-member commission to investigate atrocities in Rakhine to be composed of one foreign and two local experts. But Tatmadaw and military representatives in parliament, along with USDP and Arakanese MPs, strongly opposed the inclusion of a foreign expert in the commission. Army Chief Min Aung Hlaing threatened to take strong action against the civilian government if it pushes through with its plan to appoint a foreign member to the investigative panel. To date, the body has not been created. Apart from international pressures, the initiative to form its own three-member investigative panel may have also been prompted by a call by local and international religious leaders who met in Yangon in May for the Myanmar government to "take full responsibilities for a thorough and transparent investigation into multiple crimes in Rakhine state and elsewhere" in the country.

Meanwhile, there are signs that progress towards implementing the recommendations of the Rakhine Advisory Commission's (the "Kofi Annan Commission") have stalled. The official responsible for administering the Advisory Board resigned on 10 July due to frustration over what he considered as lack of commitment on the part of the government and the military to fully implement the recommendations of the panel. Kobsak Chutikul, a retired diplomat and former member of the Thai parliament, pointed out that the commission has been "kept on a short leash" by the government and has not achieved much for the last six months. Specifically, he pointed out that the panel has been barred from accepting external funding, its meetings were limited online, and has not been provided with a permanent office in Myanmar. As well, the military has not met with the members of the panel. Government officials continued to maintain the fiction that the crisis in Rakhine is an internal matter, that the Tatmadaw committed no violations, and that alleged atrocities committed against the Rohingya were "fake news." Kobsak argued that international efforts in implementing the Kofi Annan commission's recommendation are better served through the UN Secretary General's Special Envoy to Myanmar. It is clear that there can be no serious progress on this issue until the government acknowledges the reality of the serious atrocity crimes committed by its security forces.

The situation has also deteriorated in other parts of the country. The military sustained its assault operations against ethnic armed organizations in Kachin and Shan states which began in the first quarter of the year, resulting in the forcible displacement of civilians in these areas. Some 20,000 people have been displaced since January this year, bringing the UN estimate of internally displaced persons to over 100,000 in both states since hostilities erupted following the breakdown of the peace agreement between the Tatmadaw and the Karen Independence Army (KIO) in 2011. An army unit of the Tatmadaw accused of being responsible for atrocities committed in Rakhine last year has been redeployed in Kachin. Fighting between the military and several ethnic armed organizations in northern Myanmar have intensified over the last three months, which killed several Tatmadaw troops and armed rebels from the Northern Alliance (composed of Kachin Independence Army (KIA),

Ta'ang National Liberation Army (TNLA), Arakan Army (AA), and the Myanmar National Democratic Alliance Army (MNDAA)), including TNLA's six women civilian medics who were allegedly killed by military forces while in captivity.

Overall, the very high risk of atrocities in Myanmar is likely to continue as the military and its militias remain unaccountable for human rights violations in Rakhine as well as in Kachin, and Shan states. Implementation of the recommendations of the Rakhine Advisory Commission is unlikely in the foreseeable future. In Shan and Kachin states, the military's intensified operations are expected to continue as ethnic armed organizations in these areas refuse to sign the National Ceasefire Agreement (NCA). Signing the NCA is a precondition set by both the government and the military for these armed organizations to join the Panglong 21 peace talks. The Panglong 21 peace dialogue aims to end ethnic armed rebellion. However, the Tatmadaw insists that any peace agreement must be in accordance with the 2008 Constitution written by the military. In fact, in the third Panglong 21 dialogue in mid-July, army chief Min Aung Hlaing asserted that it is only the military that truly represents the people of Myanmar, including all ethnic nationalities. This signifies the Tatmadaw's unyielding position that ending ethnic armed rebellion in the country should be negotiated under its own terms, which clearly undermines the NLD's peace initiative.

Recommendations

The government of Myanmar must:

1. Take immediate steps to fulfil its legal obligations by ending the commission of atrocity crimes by security forces and preventing their recurrence.
2. Uphold its primary responsibility to protect vulnerable populations, especially the Rohingyas in and displaced from Rakhine, and civilians in Shan and Kachin states, from atrocity crimes.
3. Take tangible steps to implement the recommendations of the Advisory Committee on Rakhine State, chaired by Kofi Annan.
4. Ensure the full and prompt investigation of allegations of atrocity crimes, including sexual and gender based violence, and take urgent steps to ensure legal accountability.
5. Provide full and unfettered access to the UN-mandated fact-finding mission to conduct an independent investigation of atrocity crimes;
6. Ensure immediate, safe, and unhindered access of humanitarian assistance to all affected communities in Rakhine, Shan, and Kachin states as required by international law.
7. Lift restrictions on journalists and access to and reporting of information with respect to affected communities in Rakhine, Shan, and Kachin states, and immediately cease the prosecution of journalists that report on the perpetration of atrocity crimes.
8. End systematic discrimination against the Rohingya by, amongst other things, immediately repealing the Protection of Race and Religion laws and the 1982 Citizenship Law.

The international community should:

1. Support efforts to ensure that atrocity crimes are properly investigated, evidence collected, and alleged perpetrators held accountable for violations of international humanitarian and human rights law. Specifically, the UN Security Council should refer the matter to the International Criminal Court. Should that proposal not succeed, the UN General Assembly should establish an investigatory mechanism.
2. Utilize diplomatic means to demand that the Myanmar government and Tatmadaw fulfil their obligations to prevent atrocity crimes, grant humanitarian access, protect vulnerable populations, cooperate with the United Nations, and hold perpetrators accountable.
3. Employ targeted measures, including sanctions, travel bans and the withdrawal of cooperative arrangements, against institutions and individuals thought responsible for atrocity crimes, until legal accountability is achieved.
4. Suspend all military aid and training programs with the Myanmar armed forces.
5. Provide adequate and sustained humanitarian assistance to Rohingya refugees in Bangladesh and refugees from other conflict affected areas who are in Thailand, as well internally displaced persons in Rakhine, Shan, and Kachin states.
6. Take steps to prepare for the resettlement of displaced Rohingya in Myanmar. This process should be overseen by the UNHCR.
7. Carefully review development programming to ensure that it does not in any way reward or support the government's actions in Rakhine or support programs connected to individuals and institutions responsible for the commission of atrocity crimes.
8. Coordinate efforts in shaping an effective regional response with ASEAN.
9. ASEAN should take a more pro-active stance by using its diplomatic mechanisms to influence the Myanmar government, taking steps to ensure protection of all civilians in conflict-affected areas and humanitarian access in these areas, and strongly encourage Myanmar to commit implement the Rakhine Advisory Commission's recommendations in full.

10. ASEAN should seriously consider suspending Myanmar's membership if the government continues to take measures to fulfil its legal, political, and moral obligations.
11. Civil Society actors should continue to raise international awareness about the commission of atrocity crimes and advocate for accountability, humanitarian protection, and atrocity prevention in Myanmar.

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² Larry Jagan, "UN envoy averts possible coup in Myanmar," The Bangkok Post online, 23 June 2018, from <https://www.bangkokpost.com/opinion/opinion/1490754/un-envoy-averts-possible-military-coup-in-myanmar>, accessed on 23 June 2018.

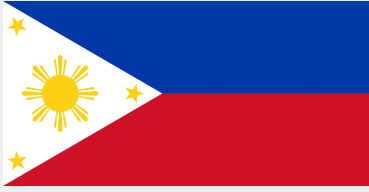
³ Poppy McPherson and Shaun Naing, "Exclusive: Citing lack of progress, secretary to Myanmar's Rohingya panel quits," Reuters Online, 21 July 2018, from <https://www.reuters.com/article/us-myanmar-rohingya-panel-exclusive/exclusive-citing-lack-of-progress-secretary-to-myanmars-rohingya-panel-quits-idUSKBN1KA2IB>, accessed on 22 July 2018.

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⁷ Lawi Weng, "Tatmadaw Denies Killing 6 Female TNLA Medics While In Captivity," The Irrawaddy online, 20 July 2018, from <https://www.irrawaddy.com/news/burma/tatmadaw-denies-killing-6-female-tnla-medics-captivity.html>, accessed on 24 July 2018.



Philippines -Very High Risk/Ongoing Atrocity Crimes

The risks of atrocities in the Philippines remain high despite significant decline in the number of killings related to the Duterte administration's anti-drug war since July 2016. This is because of expected increase in political violence and killings related to the mid-term elections in 2019, as well as the continuing extra-judicial killings (EJKs) perpetrated against indigenous peoples, environmental activists, and media practitioners. Despite

Duterte's signing of the Bangsamoro Organic Law on 26 July, the risk of political violence in Mindanao remains high not only because of the upcoming 2019 elections but also due to continuing threats posed by ISIS-affiliated extremists who will exploit disaffection within the Muslim community with regard to the slow pace of rehabilitation and rebuilding of Marawi. Deadlock in the peace negotiations between the government and the leaders of the communist party means that civilians—particularly indigenous peoples—will continue to be at risk as they continue to be caught in the crossfire between military forces and communist insurgents in conflict-affected areas of Mindanao.

Drug-related killings have remained significantly low since the first quarter of 2018 compared to the first 18 months of the Duterte administration following the takeover of the Philippine Drug Enforcement Agency (PDEA) of the anti-drug operations from the Philippine National Police (PNP) in October last year. This may be due to the adoption of new PNP rules of engagement in January this year, which saw the number of deaths (292 total) decrease thus far to 1 per 100 drug operations (or 1.66% out of 17,566 total operations from 19 January to 15 May) compared to 3,987 deaths or 5 per 100 operations (or 4.86% out of a total of 81,919 total operations from July 2016 to 18 January 2018). With the new rules also came supplemental guidelines issued by the new PNP leadership that underscored the importance of adhering to the rule of law and respect for human rights, as well as ensuring that local anti-drug units involve only vetted cops who passed stringent screening and strict background check.

Notwithstanding these positive developments, the PNP reports that the total number of deaths in Duterte's anti-drug war from 1 July 2016 to 30 June 2018 has now reached 4,354. This figure is of course disputed by human rights defenders and civil society groups who place the figure at close to 20,000. But an independent analysis of drug war-related killings as reported by media sources in the Philippines apparently confirms the significant abatement in deaths following the suspension of PNP-led operations in 2017 after the murder of a Korean businessman by some policemen and the transfer of the operations from the PNP to the PDEA in October 2017. The discrepancies between the official figures provided by the PNP and other sources may be attributed to the number of deaths still under investigation, which as of April 2018 was at about 16,000. Of this figure, the PNP claimed that it has resolved 8,700 cases and asserted that not all of them were related to anti-drug operations. As well, the PNP claimed that the crime rate in the Philippines went down over the last two years (1 July 2016 to 30 June 2018) under Duterte by 21.48 percent (or a total of 1,040,987 reported crimes) compared to the same period between 2014 and 2016 (with a total of 1,325,789 reported crimes). It attributed this decline to the government's "effective anti-drug war" policy. Although crimes against persons such as homicide, physical injuries, and rape also went down, the PNP acknowledged that the murder rate increased by 1.19 percent over the last two years (or 19,210 total), with Metro Manila registering an increase of 112 percent (or a total of 3,444 compared to 1,621 between 2014 and 2016).

In his state of the nation address at the opening of Congress in July, Duterte reiterated his government's resolve to continue with the campaign. In his speech, he stated that the illegal drugs war "will be as relentless and chilling," even as he criticised human rights advocates for failing to condemn "drug-lordism, drug dealing, and drug pushing." He also stated that while critics of his administration were concerned about human rights, he was concerned about human lives, particularly the lives of "the youth who are being wasted and families being destroyed" all because of illegal drugs. Public opinion remains favourable towards President Duterte, with 69 percent of Filipinos saying that the drug war and fighting criminality (50 percent) are his top achievements. His trust and approval ratings remain very high as well—at 88 percent and 87 percent, respectively—across geographic areas and income classes.

In the coming months, the level of political violence in the Philippines may be expected to increase in the run-up to the 2019 mid-term elections for local government posts and seats in both houses of Congress that are up for grabs. Between 19 February and 11 July this year, six local government officials have already been killed in different parts of the country, four of whom were gunned down in July alone. One of these officials is a defense lawyer of a suspected drug lord and another one is included in the government's narco list of politicians allegedly involved in drug trade. Thus far, there have been 6 vice mayors and 10 mayors who were assassinated since Duterte started his term in July 2016. In the village-level election held in May, 33 people were killed and 19 others wounded. While this year's number of casualties is significantly lower compared to the last village elections in 2013 (with 109 people killed and 59 injured), the risk of election-related violence is likely to increase in the coming months. Elected village heads play a crucial role in local and national elections in 2019 as they act as grassroots organisers for political parties.

Meanwhile, the number of environmental activists killed in the Philippines in 2017 increased by 71 percent to 48 compared to 28 in 2016, according to a Global Witness annual report released recently. It was the highest recorded number

THE PHILIPPINES VERY HIGH RISK

of environment related killings in Asia in a single year and the Philippines ranked second after Mexico (which had a total of 57 killings). The report said that 20 of the killings (or 41.6 percent) were linked to protests against agribusiness, with soldiers suspected of having been involved in 56 percent of the murders, and 67 percent of these happened in resource-rich conflict areas of Mindanao. Accordingly, indigenous peoples in these areas were the primary victims of attacks against environmental activists and human rights defenders, allegedly perpetrated by military forces who are also conducting counter-insurgency operations against communist rebels in Mindanao.

Journalists continue to be targets of assassinations or EJKs. Four media practitioners were killed between 2 May and 23 July this year, bringing the total of journalists murdered in the country since 1992 to 79. In 2017, the Philippines ranked sixth among countries in Asia with four journalists who were killed out of a total of 26 in the region.

In the meantime, the Duterte administration should be commended for ending the more than 20 years of conflict with the Moro Islamic Liberation Front, with the signing of the Bangsamoro Organic Law (BOC). While this positive development would no doubt contribute significantly to reducing violence in the areas covered by the law, the risk of atrocities remain especially in parts of Mindanao where pro-ISIS militants and former members of MILF who refuse to recognise the peace agreement continue to wage war against government forces. They are likely to recruit more militants not only from factions within the MILF who may later be frustrated with unmet expectations in the transition process of implementing the BOC, as well as from communities who are growing impatient with the slow pace of rehabilitation following the Marawi siege by militants last year. The implementation of the government's comprehensive rehabilitation and recovery program of Marawi has been delayed following the disqualification of a Chinese-led development consortium in late June. However, the task force overseeing the program remained optimistic that the rehabilitation of Marawi is still on track to be completed in December 2021. Even so, Maranao residents in Marawi continue to strongly oppose the government's China-funded commercial centres and military bases in the city. Some 140,000 Marawi residents continue to be displaced as the government has cordoned off the former war zone due to unexploded bombs and IEDs. A recent survey of Marawi residents, including those living in IDP camps, showed that only 30 to 50 percent that President Duterte is concerned about Muslims, which is significantly lower than the 83 percent average in the provinces of predominantly Muslim provinces of Lanao del Sur and Maguindanao. Those living in camps feel neglected (30 percent), while overall Marawi residents feel that their present quality of life is worse now (56 to 80 percent).

Civilians in Mindanao are also at risk in areas affected by ongoing counter-terrorist operations by the military, specifically against the ISIS-affiliated group Bangsamoro Islamic Freedom Fighters (BIFF), which in early July foiled an attempt by the latter to occupy a town hall in Maguindanao. In early June, some 20,000 civilians were forced to flee their villages in Maguindanao and North Cotabato as the Armed Forces of the Philippines (AFP) conducted air strikes and ground operations against the BIFF forces in effort to destroy the militants' explosives factory in southern Liguasan.

In the months ahead, the risk of election related violence in Mindanao is likely to increase prior to the 2019 national and local elections. In the last village-level elections in May, the Commission on Elections (COMELEC) designated 295 villages as areas of concern in northern Mindanao where intense political rivalries and private armies exist. In eastern Mindanao, some 8,500 military forces were deployed to ensure peaceful and orderly conduct of elections. In 2009, the Philippines enacted its first domestic law against genocide and crimes against humanity following the massacre of over 50 people, which included 37 journalists in Maguindanao.

Recommendations:

With regard to the anti-drug war, the Philippine government must:

1. Take positive steps to ensure that the security forces conduct themselves in a manner consistent with their legal obligations under international human rights law.
2. Continue to ensure that the Philippines Drug Enforcement Agency leads anti-drug policy, and that there is adequate oversight of police.
3. Ensure that allegations of extra-judicial killings committed by police and security forces against drug suspects, journalists, indigenous peoples, and environmental protection activities are properly investigated and the perpetrators held accountable before the law.
4. Immediately cease the public incitement of violence against drug users, drug dealers and other targeted communities.
5. Comply with the Supreme Court's ruling by providing full documentation of police operations taken as part of the anti-drug war as part of ensuring accountability.
6. Fulfil its international legal obligations by cooperating with the Prosecutor of the International Criminal Court.
7. Reconsider its decision to withdraw from the International Criminal Court

THE PHILIPPINES VERY HIGH RISK

With regard to the peace in Mindanao and the rehabilitation of Marawi, the Philippine government should:

1. Continue to provide protection for civilians and support humanitarian assistance to
2. internally displaced persons especially those who are now returning to their residence in Marawi.
3. Respond adequately and effectively to the needs of residents of Marawi as they attempt to rebuild their lives and address the concerns in relation to the government's rehabilitation plans.
4. Investigate alleged violations of international humanitarian law and international human rights law during the siege of Marawi and hold perpetrators accountable.
5. Ensure the smooth transition process and effective implementation of the Bangsamoro Organic Law.

With regard to the communist insurgency, the Philippine government should:

1. Revive the peace talks with the CPP/NPA as soon as possible, and ensure accountability for violators of human rights committed by both soldiers and communist rebels against civilians, particularly indigenous peoples, in resource-rich conflict areas in Mindanao.
2. Review the terror list generated by the Department of Justice, remove the names of those included in the list and who were falsely accused of being supporters of the CPP/NPA, and ensure the protection of their rights to contest their inclusion in the list.

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From 2-10 July 2018, the UN Special Rapporteur on the human rights situation in the DPRK, Tomás Ojea Quintana, conducted a field mission to Seoul. Based on meetings with people who have recently left the DPRK, the Special Rapporteur assessed that '[r]egrettably, there have been no substantial changes in the serious human rights situation on the ground'. DPRK citizens continue to suffer from abuses that, according to the 2014 UN Commission of Inquiry, could amount to crimes against humanity. Grave human rights violations are associated with the DPRK's extensive use of political prison camps and labour camps, as well as severe restrictions on freedom of expression, movement, and access to information. There are also reports that the humanitarian situation is worsening due to chronic food insecurity, lack of safe drinking water and sanitation, and early childhood malnutrition.

According to recent reporting, only 488 refugees from the DPRK safely entered the Republic of Korea in the first half of 2018. This represented an 18% drop from the same period a year earlier. The decrease appears to be in part due to harsher border controls, including the DPRK installing new wire fencing and an increase in China detaining and repatriating DPRK citizens who have crossed into China. The Special Rapporteur has expressed concern over forcibly repatriated women in particular, amidst recent reports of torture and other degrading treatment of women at holding centres near the border with China.

In June, the US State Department issued its Trafficking in Persons Report 2018, which listed DPRK among tier 3 countries with worst record of human trafficking. The following month, the Global Slavery Index published data indicating that the DPRK has the worst record of modern day slavery practices out of 167 countries surveyed. The data covers slavery and slavery-like conditions, including human trafficking, forced labour, debt bondage, forced or servile marriage, and the worst forms of child labour. The Global Slavery Index estimated that 2.6 million DPRK citizens (or approximately 1 in every 10 people) live in slavery conditions.

While the serious human rights situation remains largely unchanged, the inter-Korean Summit on April 27 and the meeting between US President Donald Trump and DPRK leader Kim Jong-un on June 12 in Singapore show signs of political rapprochement. Efforts to de-escalate tensions and reduce the risk of military confrontation on the Korean Peninsula should be encouraged. However, there are troubling signs that human rights are being sidelined as the political situation improves. Neither the Panmunjom Declaration that emanated from the inter-Korean Summit nor the DPRK-US statement following the talks in Singapore expressly mentions human rights issues. The government of ROK also appears to have recently withdrawn or cut funding for organisations working to advance human rights in the DPRK, which are reportedly under pressure to avoid criticising Pyongyang as talks progress.

US Secretary of State Mike Pompeo visited Pyongyang in early July to follow up on denuclearization commitments made at the June meeting in Singapore. DPRK authorities are reportedly resisting any further movements toward denuclearization unless the US begins to relieve sanctions. Meanwhile, a week prior to Pompeo's visit to Pyongyang, members of the US House of Representatives introduced a resolution calling for 'complete, verifiable, and irreversible human rights improvements' as part of the US strategy for denuclearization of the Korean peninsula. If passed, the resolution would link sanctions relief with improvements in the human rights situation, which is broadly consistent with the North Korean Human Rights Reauthorization Act of 2017 that President Trump signed into law on 20 July.

A practical way that the US could help improve human rights is to condition any talks on sanctions relief to the DPRK authorities engaging with the UN Office of the High Commissioner for Human Rights and accepting the UN Special Rapporteur's request for a country visit. This could help open a parallel track for dialogue on human rights alongside denuclearization and peace talks, as called for by Ojea Quintana. The Special Rapporteur has indicated that human rights dialogue could first address economic and social rights of the people of DPRK, which is 'a priority that all actors can agree on—the Government of the DPRK, as well as the international community'. The DPRK has already taken some positive steps in human rights as the political situation has thawed, including the release of US nationals held in detention in DPRK and an agreement to hold a reunion event with the ROK for separated families in August. Such actions suggest that despite Pyongyang's strong protests over raising human rights concerns as part of denuclearisation talks, it is possible to secure human rights concessions as the DPRK becomes less politically isolated.

The humanitarian situation in the DPRK remains dire despite improvements in humanitarian access. Total food production in DPRK decreased by 7.42 percent in the first half of 2018 compared to similar period last year, and it is estimated that 10 million people or approximately 40% of the population require humanitarian assistance. The UN is struggling to provide needed assistance due to a dramatic decline in humanitarian funding for the DPRK since 2012. The UN has raised only 10 percent of the \$111m it has requested for the DPRK through the 2018 Needs and Priorities Plan to provide vital health, water, sanitation and food security assistance to about 6 million people.

For the first time since 2011, in early July the DPRK accepted a country visit from the head of the UN Office for the

Coordination of Humanitarian Affairs. According to UN Emergency Relief Coordinator Mark Lowcock, 'the funding gap comes as humanitarian access has significantly improved across DPRK in recent years. In other words, if donors step up now and provide the needed funding, the United Nations and its partners will be able swiftly to scale up delivery of aid to those most in need and closely monitor the deliveries so that donors know their funds are well spent'. Lowcock also voiced concern over the negative humanitarian impact of sanctions. Although sanctions exempt humanitarian aid, they have resulted in a collapse of the banking channels needed to transfer funding as well as delays in delivering humanitarian supplies throughout the country. Recalling that the 2014 UN Commission of Inquiry explicitly includes 'the right to food and related aspects of the right to life' as core aspect of DPRK human rights, there is a need to review the impact of the sanctions regime on the humanitarian situation, and to consider how upscaling humanitarian funding may contribute to the improvement of human rights in the DPRK.

Recommendations

The government of the DPRK must:

Immediately cease the commission of crimes against humanity.

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. The DPRK should engage with the OHCHR prior to October, when the Special Rapporteur's next annual report on the human rights situation in the DPRK is due to be discussed in the UN General Assembly.

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 favourably to the outstanding requests for country visits from four special procedure mandate holders, including the 2015 requests of the Working Group on Arbitrary Detention and the Working Group on Enforced and Involuntary Disappearances.

Initiate discussions with the International Committee of the Red Cross concerning access to detention facilities.

Engage in bilateral and regional human rights dialogue.

The international community should:

1. Reaffirm that the DPRK has a Responsibility to Protect its population from atrocity crimes, and that there is a collective responsibility to address widespread and systematic human rights violations in the DPRK to live up to the responsibility to protect principle and to achieve stability on the Korean peninsula.
2. Support confidence-building and peacebuilding initiatives between the DPRK and ROK to de-escalate tensions and reduce the DPRK's international isolation.
3. The governments of the United States and Republic of Korea in particular should encourage DPRK authorities to cooperate with the OHCHR, to invite special procedure mandate holders for country visits, and to engage in parallel human rights dialogue alongside peace and denuclearisation talks.
4. Welcome discussion of human rights accountability in the DPRK in regional dialogue platforms and support continued consultation and information gathering.
5. Respect the principle of non-refoulement and refrain from repatriating individuals to the DPRK where they are likely to face torture or other serious human rights violations.
6. Support the ROK and DPRK in initiatives to build confidence between the two countries
7. Address grave human rights violations in the DPRK in a coordinated and unified manner. Specifically:
 - The Human Rights Council should continue to support the Special Rapporteur and implement the recommendations of the group of independent experts on accountability to secure truth and justice for victims of crimes against humanity in the DPRK.
 - The OHCHR should closely monitor human rights in the DPRK; investigate unresolved human rights issues including the practice of sending workers abroad in conditions of forced labour; prepare to provide technical assistance and deepen its support for the UN's engagement.
 - The General Assembly should continue to maintain visibility of the human rights situation and call for accountability in the DPRK.
 - The Security Council should request a report from the Secretary-General assessing the impact of sanctions on the human rights and humanitarian situation in the DPRK.
 - The Security Council should hold regular meetings on the issue with the participation of the UN High Commissioner for Human Rights, Special Rapporteur and other relevant experts.
 - Donor states should increase humanitarian funding for the DPRK as requested by the UN Emergency Relief Coordinator.
8. Civil Society actors should continue to raise awareness and visibility of the human rights situation and advocate for accountability, including supporting efforts to map suspected perpetrators of serious crimes and the related chain of command structure in the DPRK.

¹Statement by the United Nations Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Tomas Ojea Quintana, mission to Seoul, United Nations Office of the High Commissioner for Human Rights, 10 July 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23352&LangID=E>

² L.S., 'The Dark Side of Peace on the Korean Peninsula, The Economist, 17 July 2018,

<https://www.economist.com/open-future/2018/07/17/the-dark-side-of-peace-on-the-korean-peninsula> ; See also, 'Human Rights in North Korea', June 2018 Briefing Paper, Human Rights Watch, 5 June 2018, <https://www.hrw.org/news/2018/06/05/human-rights-north-korea>

³ United Nations General Assembly Document A/HRC/37/69, 'Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea', 9 March 2018, para 17, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/37/69

⁴ Trafficking in Persons Report (Washington, DC: Department of State, United States of America, June 2018), <https://www.state.gov/documents/organization/282798.pdf>

⁵The Global Slavery Index (Nedlands: Walk Free Foundation, July 2018), <https://www.globalslaveryindex.org/2018/data/country-data/north-korea/>

⁶ Jeongmin Kim, 'As North and South Korea Cosy Up, Human Rights Groups Struggle for Cash', The Japan Times, 28 June 2018, <https://www.japantimes.co.jp/news/2018/06/28/asia-pacific/politics-diplomacy-asia-pacific/north-south-korea-cosy-human-rights-groups-struggle-cash/#.W1posTMza9Y>

⁷H.Res.976- 115th Congress: Expressing the sense of the House of Representatives that complete, verifiable and irreversible human rights improvements...; 28 June 2018, <https://www.govtrack.us/congress/bills/115/hres976>

⁸ H.Res.2061-Northe Korean Human Rights Reauthorization Act of 2017, Public Law No: 115-198, United States of America, 20 July 2018. <https://www.congress.gov/bill/115th-congress/house-bill/2061>

⁹ 'Statement by the United Nations Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Tomas Ojea Quintana, mission to Seoul', United Nations Office of the High Commissioner for Human Rights, 10 July 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23352&LangID=E>

¹⁰ Ibid.

¹¹Mark Lowcock, 'UN Humanitarian Chief: Why I'm Visiting North Korea', CNN, 9 July 2018, <https://edition.cnn.com/2018/07/09/opinions/north-korea-un-mission-lowcock-opinion/index.html>

Indonesia continues its transition into a stable democracy and continues to adopt measures that contribute to the implementation of R2P. It has relatively strong National Human Rights Institutions and has developed a National Plan of Action for the Promotion and Protection of Human Rights. In addition, Indonesia has resolved violent disputes in Timor-Leste and Aceh, and the Widodo government is committed to making progress to easing tensions in West Papua. A number of potential risks remain, however:

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 the Middle East, there are strong concerns that Indonesian foreign fighters in the Middle East may begin to return to Indonesia in greater numbers. Indeed, IS-linked individuals are increasingly carrying out lone wolf terrorist attacks within Indonesian society. Thus far, more than 400 Indonesian jihadist foreign fighters have been arrested in Turkey. It is thought that the total number of Indonesia foreign fighters in the Middle East numbers in the 'thousands'. Increasing terrorism appears to be having a negative impact on the wider appeal of Islamism within Indonesia, however, with recent polls suggesting a decline in support for Islamist parties there.

Islamist attacks are quite common. In early May, a series of attacks on churches and police buildings killed 14 police officers and civilians. In another incident, extremists attacked police buildings with swords and were killed. The worst attacks, however, were in Surabaya on May 13-14, where two families detonated suicide bombs, killing themselves and 14 others.

Indonesia is acutely aware of this issue and has stepped up measures to combat it. It is increasing the size of its anti-terrorism police unit, Detachment 88. A new anti-terrorism law gives the security forces wide ranging powers to arrest and detain terror suspects for up to nine months without trial. More than 180 suspects were arrested in the wake of the May attacks. In the same month, 18 terrorism suspects were killed in security operations and in July counter-terror forces tracked and killed three suspected terrorists. The judiciary has also begun to adopt a harder line against Islamist terrorism. In June 2018, the IS-linked cleric Aman Abdurrahman was sentenced to death. Besides its increasingly hard-line approach, Indonesia has adopted large scale education and de-radicalization programs aimed at preventing violent extremism. It has also stepped up security and intelligence cooperation with neighbouring states to prevent the undetected return of foreign fighter. One such example is the 'four eyes' initiative launched January 2018, which sees six ASEAN states (Indonesia, Malaysia, the Philippines, Singapore, Thailand and Brunei) collaborate on the fight against Islamic terrorism through the sharing of intelligence and resources.

Communal conflict and incitement in Aceh, Sumatra, and Kalimantan

Communal violence between the country's many different ethnic and religious groups remains a source of risk. Over the past two decades, the government has performed relatively well in preventing the escalation of violence, intolerance and inter-communal violence - which has escalated to atrocity crimes - is still prevalent in some parts of the country. Communal violence remains an issue in Aceh, Sumatra, and Kalimantan especially. Granted significant autonomy by its peace agreement with Jakarta, Aceh's conservative regional government has imposed increasingly harsh punishments for minor offences.

In 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 emerged in East Kalimantan. In November 2016, a church in Samarinda was firebombed, allegedly by Muhammed Juhanda, a known extremist and former prisoner.

The government has intervened each time to ease sectarian tensions and apprehend suspects and has begun to adopt longer-measures aimed at addressing sectarian strife. For example, new election guidelines introduced in January aimed to prevent inflammatory language and sermons, and limit hate speech. Ongoing low-level sectarian violence reflects deep-seated animosities between groups and is fueled by hate speech and occasionally incitement. There are strong indications that in many parts of the country, including its capital, extremist organisations are becoming increasingly influential. If not properly handled, small scale violence could rapidly escalate into atrocity crimes.

Conflict in West Papua

Separatist conflict in West Papua persists. There are sporadic violent and sometimes lethal clashes between West Papuans and the Indonesian government. The Indonesian military has recently been accused of shooting a West Papuan woman dead,¹ and torturing a youth to death in an ambush plan.² In February, the West Papuan National Liberation Army in the Papuan Highlands made a fresh declaration of war against the Indonesian military. They have "ordered a general mobilisation

of all its soldiers in Papua to carry out operations against what it calls the “invaders”. Much of this conflict is centred around the control of resources in Papua, a mining rich area, with the West Papua National Liberation Army looking to close the operations of foreign companies that are exploiting the resources.³

The tensions in West Papua are exacerbated by poor living conditions. The province is also grappling with a measles outbreak, as a result of lacking clean health facilities and immunizations, that has killed over 100 people.⁴ The Indonesian government is growing sensitive over the publication of issues within the region and recently expelled a BBC journalist from West Papua.⁵

Recommendations

The government of Indonesia should:

1. Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
2. Develop and implement a comprehensive strategy for tackling violent extremism that strengthens the security forces whilst protecting core human rights.
3. Take steps to ensure the maintenance of the rule of law and order in areas afflicted by sectarian violence.
4. Conduct a thorough assessment of risks of sectarian violence and develop an action plan to address it.
5. Promote inter-faith dialogue and local capacities for conflict resolution in regions affected by communal strife.
6. 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.
7. Ensure that security operations against non-state armed groups, including those in West Papua, are conducted in a manner consistent with Indonesia's international legal obligations.
8. Support efforts to report and monitor patterns of communal violence.

The international community should:

1. Encourage Indonesia to take active steps to fulfil its responsibility to protect.
2. Explore avenues for cooperation with the Indonesian government and society in the areas of combatting violent extremism and terrorism, preventing sectarian conflict, and reducing incitement and hate speech.
3. Provide assistance when requested to help the government and civil society tackle their remaining challenges.
4. Support efforts to report and monitor patterns of communal violence

¹ <http://www.bbc.com/news/world-asia-42985439>

² <https://www.freewestpapua.org/2018/01/06/west-papuan-boy-tortured-to-death-by-the-indonesian-military-in-nduga/>

³ <https://www.radionz.co.nz/international/pacific-news/350911/west-papua-liberation-army-in-fresh-campaign-against-indonesia>

⁴ <https://citizen.co.za/news/news-world/1797789/indonesia-papua-health-politics-economy/>

⁵ <http://tabloidjubi.com/eng/indonesian-military-sensitivity-sends-bbc-journalist-packing-papua/>



The deteriorating political situation surrounding the July 2018 in Cambodia increased the risk of violence, including atrocity crimes, from low to moderate. Although the election was neither free nor fair, it was largely peaceful and the country has remained calm, reducing the risk of atrocity crimes back to low.

Concerned about its loss of public support, the government adopted a host of measures to ensure its victory in an election that was neither free nor fair – storing up potential trouble for the future. In particular, the government: (1) banned the principal opposition party, the Cambodia National Rescue Party (CNRP), and the imprisoned opposition leader, Kem Sokha; (2) intimidated and sometimes closed independent media outlets, both news agencies and radio stations, and civil society groups; (3) restricted freedom of speech by passing a ‘lèse Majesté law’¹ and changing Cambodia’s constitution; making it illegal and punishable, with up to five years imprisonment, to insult the king or the government. These were a direct challenge to the country’s democratic process and to uphold Human Rights. Moreover, Cambodia can become indicted by the International Criminal Court (ICC), as they have signed the Rome Statute. The Cambodian government can, therefore, be prosecuted in the case of any atrocity crimes committed within the nation.

Particularly concerning has been the increase in the use of hate speech and threats by the government and directed towards the opposition and some groups of foreigners. Prime Minister Hun Sen, from the Cambodians Peoples Party (CPP), has for example used provocative language by calling Australian protesters “dogs” and threatening to “beat” them.² Hun Sen warned of a civil war if he lost power,³ a threat made real by his claim to have purchased new weapons stocks from China.⁴ A ruling party spokesman warned that the army would not stay neutral in the election and that it would side with the government if violent clashes ensue over 2018 election results.

The international community responded by trying to persuade the government to change and putting pressure on it to do so. The US reduced its aid programs, and the EU threatened to do the same. Both the EU and the US refused to provide funds or monitors for the election as both judged there to be no chance of it being free or fair.⁵ UN Human Rights experts expressed concern about the situation.⁶ A 2018 UN Human Rights report expressed concern about the intimidation of opposition supporters and civil society organizations.⁷

By and large, protests have remained peaceful but some protests over land disputes, such as a conflict in Kratie in March 2018, have turned violent, with security officials opening fire on the protesters, allegedly killing two and hurting multiple individuals. The government denied that anyone was killed and blocked access to UN Human Rights officials.⁸

Recommendations:

The Government of Cambodia should:

1. Take steps to prevent incitement and hate speech. In particular, it should immediately end the use of incendiary language and threatens that inhibit the likelihood of free and fair elections and risk escalating tensions.
2. Ensure that those responsible for political violence and other acts of violence are held accountable for their actions and ensure that there is no impunity.
3. Take steps to ensure the more consistent application of international human rights law in domestic settings.
4. Implement, in full, the measures proposed by Prime Minister Hun Sen in his 2015 speech on the Responsibility to Protect.
5. Work with partners, including civil society, to develop a national action plan that would address atrocity crime risk factors in order to prevent potential future atrocities.

The international community should:

1. Underline to the government of Cambodia the importance of fulfilling its international human rights obligations, including those related to freedom of speech and the media, and consider the application of targeted economic measures against those responsible for violations.
2. Review development partnerships to ensure that they do not exacerbate the risks of violence or human rights abuse and, wherever possible, help build national resilience to the threat of atrocity crimes.

¹ Niem Chhang and Andrew Nachemson. “Lèse majesté law now in effect”. Phnom Penh Post, 5 March 2018.

² Ben Sokhean. “PM walks back threat to ‘beat’ Australia protesters, while calling them ‘dogs’” Phnom Penh Post, 28 February 2018. From <http://www.phnompenhpost.com/national/pm-walks-back-threat-beat-australia-protesters-while-calling-them-dogs>, accessed on 5 March 2018.

³ Michael Peel and Jamil Anderlini, “Cambodia’s Hun Sen warns of ‘civil war’ as election looms,” The Financial Times online, 1 June 2017, from <https://www.ft.com/content/3894454c-4681-11e7-8519-9f94ee97d996>, accessed on 25 July 2017.

⁴ Ben Sokhean. “‘Thousands of tonnes’ of weapons imported: PM” Phnom Penh Post, 1 March 2018.

⁵ BBC. “US cuts Cambodia aid over democracy concerns”. 27 February 2018.

⁶ United Nations Human Rights, office of the high commissioner. 20 February 2018

⁷ Erin Handley “Cambodian ambassador to UN criticises human rights report”. Phnom Penh Post. 09 March 2018.

⁸ From <http://www.phnompenhpost.com/national/cambodian-ambassador-un-criticises-human-rights-report>, accessed on 13 March 2018.

THAILAND LOW RISK



The risk of atrocity crimes in Thailand has fallen from moderate to low as a result of the easing of tensions in Bangkok and reduction of violence in the country's south. Challenges remain, however. Thailand remains in a transitional state and its government claims that it is on track for a return to civilian rule in 2018, a move initially scheduled for 2017. The military-led government has curbed political and civil rights, especially rights of association and rights to protect, but has pledged that these rights will be restored once democratic and civilian government resumes following national elections. Furthermore, little has been done to establish accountability for the killing of up to 90 protestors by security forces in 2010, whilst legal proceedings have been employed to intimidate and silence witnesses.¹

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

Recommendations:

1. The government should appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
2. Progress should be made on the transition to civilian and democratic government continues in full consultation with all the relevant parties.
3. The security forces should ensure that their counter-terrorism actions are consistent with domestic law and Thailand's international legal obligations, especially human rights obligations. Those responsible for violations of human rights should be held accountable.
4. The government should explore options for negotiations with the Patani insurgents. Non-state armed groups must refrain from targeting civilians and should be prepared to enter negotiations in good faith.
5. All those responsible for violent crimes against civilians, including during the 2010 crackdown in Bangkok, must be held accountable before the law.

¹Human Rights Watch, 'Silencing a Witness to Thailand's Deadly 2010 Crackdown', 23 July 2018, at <https://www.hrw.org/news/2018/07/23/silencing-witness-thailands-deadly-2010-crackdown>

PAPUA NEW GUINEA LOW RISK



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 opened fire on student protestors and unarmed suspects in 2016. Unless these related problems are addressed, they could sow the seeds for future communal violence around elections.

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

Recommendations:

The government of PNG and its partners should:

1. Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P
2. 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.
3. Publicize, educate, and enforce the human rights of girls and women.
4. Ensure improved access to justice for the victims of gender and sexual based violence.
5. Tackle impunity by strengthening the training and accountability of security forces, including police.
6. Increase support for the victims of sexual and gender based violence.
7. Develop and implement a strategy for reinforcing anti-violence norms amongst men.
8. Empower women through increasing educational and economic opportunities.
9. Fulfil its responsibility to protect all populations on its territory, including refugees and asylum seekers.