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Justice Ajit Singh Bains

Ajit Singh Bains (d.), the 70-year-old chairman of the Punjab Human Rights Organisation (PHRO) and a former judge of the Punjab and Haryana High Court, was arrested on April 3, 1992. He was arrested by police in Chandigarh, which is in Punjab state in India. He is being held in Bural jail, Chandigarh, under the Terrorist and Disruptive Activities (Prevention) Act (TADA). [Detail Inside].

EDITORIAL

IS HUMAN RIGHTS WESTERN CONCEPT ?

The rulers always try to find some excuse for their misdeeds or for their self-interest. Interestingly, nowadays in some of the countries of South Asia and South-East Asia, they are trying to pursue civil and political rights as western concept so the East should not abide by these rights. How funny !

Never in the history of the East right of expression, assembly, freedom of writing are considered as a hinderance to the development of the society. If one goes through, for instances, Ramayan -- a Hindu mythology -- one can see that the Dhobi (wash-man) expressed his views in front of the King Ram and he even dared to accuse Queen in the Royal courtyard. However, he was not punished for his expression. The teachings of Buddhism, Christianity, Islam all preach about humanity and people's rights. To kill anyone in the detention camps, torture to obtain confessions are not Eastern concepts rather to work against these evil tactics and notions are the Eastern concepts of taking side of justice.

Especially in the third world countries rulers are trying to divert peoples attention from the fundamental human rights. Because of economic reason and US role in many countries, and as people's sentiment is against the US authority and rulers of some countries are trying to manipulate this sentiment in their own favour saying human rights is US concept or Western concept. Therefore, now people have to unite against any conspiracy by the states against fundamental rights.

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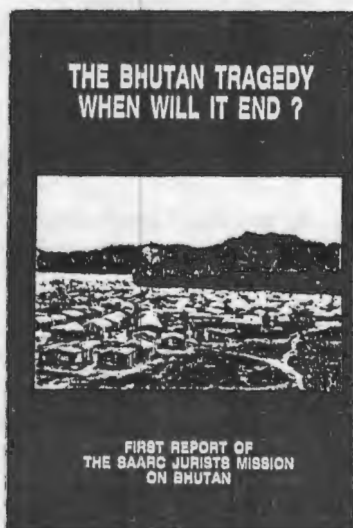
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BHUTAN



governmental and non-governmental) that have been published, during the last few years, on the human rights situation in Bhutan; and contains the discussion with the Bhutanese victims of human rights violations.

[Note: Some of the readers of the book entitled "The Bhutan Tragedy When Will It End?" commented wrong data of population in Page 7, Second Paragraph, Line 5. However, we had already corrected the page. If any uncorrected above-mentioned data found, we kindly request you to read as "The Sarchops comprise about 31% of the..." - Editor].

Pro-Democracy Activists Being Tried

According to a reliable source 41 persons are being tried for pro-democracy activities by the High Court in Thimphu.

Informal Sector Service Centre (INSEC) is aware that the Bhutan Government has reported a large turnout to view the trial. The public may be attending the trial out of curiosity, as it is the first public trial ever conducted, but the official media in Bhutan has not missed the opportunity for twisting the situation in its propaganda campaign.

Disappearance

INSEC has been receiving the information of disappearance of pro-democracy activists in Bhutan. For the timebeing we are re-printing a letter submitted to the Bhutan King by one of the relatives of victims.

To,
His Majesty the King of Bhutan

Sub: Whereabouts of Mr Bishnu Sapkota

Your Majesty,

I humbly beg to submit that my husband Mr Bishnu Sapkota was arrested by the Royal Bhutan Army during peace rallies at Sibsoo on September 21, 1990. Even after lapse of almost two years we have not been able to keep contact with him. His whereabouts have remained unknown creating tremendous worries in

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Introduction of Book

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EXTRACT: The book undertakes a study of the legal system and laws of Bhutan of the implementation of such laws and the functioning of the institutions of Bhutan's legal system; carefully reviews and assesses the numerous reports and documents (both

our minds about his safety. His only fault was that he had joined the peace protest. He had never been involved in any violent activity though he belonged to the Bhutan Peoples Party.

It is seen as against humanity to detain a person without order from a court of law and not to permit his family members, even his wife to meet him.

I would therefore beg Your Majesty to kindly look into his case and do justice befitting a human being.

Thanking you,

Yours humble citizen,

(sd)
Devika Sharma
Village: Bara
P.O. Sibsoo
Date: June 8, 1992

BANGLADESH

Chittagong Hill Tracts : Massacre at Lougong Cluster Village

A horrible massacre occurred at Lougong cluster village in Panchari Upazila on April 10, 1992, at 12:00-13:00 p.m. by the VDP (Village Defense Party) and Ansars. Hundreds were killed and many injured. It originated from an incident of which there is no eyewitness nor any proof. The place of occurrence is about 22 km north-west of Khagrachari Town.

At around 11:30 am on the day, someone informed the local VDP members that a Bengali cowboy was killed by Santi Bahini and two others were injured. The assassinated cowboy (about 11-12 years old) was allegedly chopped and killed with dao and two others were injured.

Eyewitnesses and relatives of victims stated that the VDP members brought the dead body and instigated the Bengali settlers saying, "See how this boy was

chopped and killed. Don't you feel anything? You also should do the same to the Paharis. Otherwise we will chop you like this boy". By then many people arrived. At the same time some 50-60 VDP and Ansars went to the Lougong Pahari cluster village and asked the people to surrender all their weapons, e.g. knives, daos, axes, etc.

The Paharis were very busy for the celebration of their new year "Biju" feast which falls on 12 April. Young boys, old people and small children were at home; SSC candidates were busy with their studies in the houses (exams begin on 22 April).

Location: Loguog Pahari cluster village was composed of people from 25 villages. The militia brought them together in 1989-90. There were about 500-900 families in 600 houses, consisting of 6 members each on average. Another cluster village is located about one km from the Pahari cluster village and a BDR camp at a distance of 200-250 yards from the Pahari village.

Occurrence: After the VDP and Ansars agitated the Bengali Settlers, at around 12 noon, they went home to bring daos, axes, sticks, etc. They collected weapons from the Paharis and the VDPs and Ansars gave them to Bengalis. They also surrounded the Pahari village and together with the Bengalis attacked the Paharis.

The eyewitnesses who escaped said the Bengalis began to chop anyone they found in front of them. Those who were trying to escape, the VDPs and Ansars brushfired at them. Then they put fire to the house around the village, locking the people inside. Mothers who were feeding their children were shot dead and the children were thrown into the fire. One boy of 17 years said he saw three children thrown into the fire.

Upen Chakma, 17, is a SSC candidate of this year. He had 9 members in his family but he lost five of them. He lost his sister Kajola, 8, sister-in-law Sona, 35, two nieces Gopa Debi, 12, and Santona, 8, and brother Sukomy, 22, SSC candidate. His mother, and two brothers (Milon Kanti, 14, and Joycee, 18) went to the jungle and he came to Khagrachari town through the jungle, walked for two days without food. He said

people tried to kill him. Twice he was shot at but he was saved, because two other girls were instead shot dead (names unknown). A local Bengali villager Dr Jamaluddin who was taken to the spot to help the victims is said to have counted 300 dead bodies but could not stand to count further. The eye-witnesses said the number of the dead reached 558 by the second day. 20 minutes after the incident the BDRs arrived. But by that time hundreds of tribal were already killed and all the houses were destroyed. Around 1:00 pm the Bengalis stopped their operation and the BDRs surrounded the village and informed the military camp (Panchari army camp, 5 miles away). No one, after that, was allowed to go inside the massacre area.

The Brigadier of Khagrachari was informed (allegedly) at about 8 pm and at 11 pm he went to the spot, found only 11 dead bodies (he said) and sent a statement to the national press in Dhaka and informed the government authority. He also gave the same statement to the BBC correspondent. It was announced in the morning 11 April that 10 tribal and 1 non-tribal were killed by the Shanti Bahinis and 9 were injured.

The tribal Chairman of the local government (Khagrachari Dist) said (name omitted) that even though the incident occurred at 12 noon to 1 pm, he was informed only at 8 pm. Immediately he was ready to go to the spot but the Brigadier did not allow him to go at night. Next day he went on his own and he saw 138 dead bodies with his own eyes, ready to be cremated. He stated also that many more dead bodies were removed on the day of the occurrence and at night 6 trucks of bodies were removed.

Mr Boisishtha Moni Chakma, 38, who arrived at Khagrachari town circuit house with his three little children Jugotatta, 9, Putul Sona, 3.5, and Tapan Bikash, 5 months, said that he was in the jungle when his elder son Jugotatta was carrying his two younger brothers after his mother was shot dead. The father ran away with his children. After the incident on the next day he went to find his wife and he counted 39 bodies which were gathered for cremation. He asked the BDRs to show his wife's face, they removed the cover from on her face for a few seconds and when he wanted the dead body to cremate, the BDRs refused to give.

Anil Bikash Chakma, 19, s/o late Nisimoni Chakma and Riten Chakma, 20, s/o Randra Lal Chakma of the same village stated that they saw 10-20 children thrown into the fire and killed.

Similarly, an eye witnesses identified two injured and 13 killed on 12 April. On 13 April four more dead bodies were found in the nearby jungle who were seriously injured but tried to run away.

Incidental Facts: The members of the CHT Hill Peoples Council and the Hill Students Council jointly invited a Team of some 29 guests from Dhaka to Khagrachari to celebrate the "Biju" feast. There were Barristers, lawyers, journalists, human rights workers, students leaders and the Deputy Attorney General Mr Hasan Arif. This was informed to the DC and ADC who arranged the Khagrachari Circuit House for their stay and vehicles for them to go around.

They found the situation very critical but the hosts were very normal. Gradually some people came and started talking about the incident which occurred on the previous day. They openly expressed that it was a planned massacre to draw the attention of the guests coming from Dhaka, that the Shanti Bahini created this situation. The Team realised that the military intelligence people were all around, watching with walkie-talkies. They wanted to know details of the guests and not only the names and profession/organisation.

In the evening the guests requested the hosts to arrange for a visit to the spot at Lougong. Accordingly next morning they started for Panchari but when they arrived at Panchari Camp, five miles away from the spot, they were taken to the camp at 11 am. The camp commander Captain Reza, began to speak with us, wanted to know why they wanted to go there, and so on. He first said that they needed government and higher authority's permission because it was declared an insurgent area. The guests also tried to explain that there was no such gazette notification to the people of this country, neither did anyone know about it. The Captain took three full hours to explain their difficulties to grant them permission, their restrictions to reach there, the danger they were supposed to face from Santu Bahinis (SBs), etc. He also then mentioned that

after 3 pm no one can move on the road. But very tactfully he never said that he would now allow them to go to the spot. He and his intelligence agents said that the incident was affiliated with the Shanti Bahinis. That is why they were so eager to go there. At 2:30 pm they returned to Khagrachari town.

The Brigadier Sharif Aziz was very rigid and negative about their visit but he sent some intelligence agents to motivate some of the guests to go to meet him. First he wanted to meet Rosaline and sent Lt. Col. John Gomes to take her. He talked to her about 1 and half hours only on the things that had happened in Lougong, which was co-incidence, pre-arranged and to show the inability of the army there. He also said that the Team could not go to CHT without government permission and without notifying the army there. He said the number of deaths were only 11 but when she remarked about the alleged number which exceeds few hundreds, he said it was exaggerated. He tried to justify refusal of the visit in the morning because they were not notified of their visit.

At 11 pm a group of guests were taken to his office to get a briefing on the incident where he repeatedly accused the tribal organisers for the incident, and was very rigid about the number of deaths. He gave a briefing for two hours till 1 pm. On the next day another meeting was organised for the rest of the guests. As the guests had shared information with each other, it was easier for them to speak and ask questions to the Brigadier. On the evening of 13th April, the group of guests asked cross questions and to them the Brigadier acknowledged the number of deaths were 138, which information, was given to group by the Chairman.

Informal Sector Service Centre (INSEC), an organisation working in the field of human rights, is deeply concerned and shocked by the news of the massacre at Chittagong Hill Tracts (CHT) by the Bangladesh Rifles on April 10, 1992 where hundreds of innocent CHT triable people were killed, as reported by reliable sources.

Not only this time, but since the restoration of parliamentary democracy, we have been receiving the news of human rights violation in CHT and atrocities committed by Security Forces.

In this changed context of the world situation we ask the Bangladesh government to respect the "rule of law" and respect democratic values and norms. Therefore, INSEC vehemently condemns the brutality committed by Bangladesh Rifles and urges the Government of Bangladesh to:

1. Establish an impartial and independent judicial enquiry commission to investigate the Logang massacre.
2. Establish an impartial and independent judicial enquiry commission to investigate past incidents of killing, rape, torture, arbitrary arrests, destruction of villages, destruction of religious places and illegal occupation of land.
3. Stop relocation of hill people in cluster villages, dismantle all cluster villages, and rehabilitate all hill people on their ancestral lands.
4. Stop all human rights violations perpetrated on the hill people by the Bangladesh Security Forces, Ansar and Village Defense Parties and to take all necessary measures to make sure that massacres and other human rights violations does not occur in the future.
5. Form a national committee to investigate the present situation in the CHT.
6. Lift all restrictions imposed on the hill people.
7. Allow a free flow of information about events in the CHT and publish findings of the enquiry and punish those found guilty.

[Source: Justice and Peace Commission, Bangladesh]

INDIA

PUNJAB: Justice Bains' Arrest : A Mockery of Indian Democracy

Background

Ajit Singh Bains, the 70-year-old chairman of the Punjab Human Rights Organisation (PHRO) and a

former judge of the Punjab and Haryana High Court, was arrested on April 3, 1992. He was arrested by police in Chandigarh, which is in Punjab state in India. He is being held in Bural jail, Chandigarh, under the Terrorist and Disruptive Activities (Prevention) Act (TADA). He was reportedly arrested for a speech he made on March 18 at a Sikh gathering. Prior to his arrest, several articles appeared in the Punjab press in which Mr Bains asserted that police had threatened to kill him unless he ceased his activities with the PHRO.

Under the TADA, suspects may be detained without charge for up to one year. If convicted for knowingly facilitating the commission of "any disruptive activity," a defendant is sentenced to not less than five years in prison. Under the TADA any act or speech questioning human sovereignty or supporting any claim for succession is deemed "disruptive activity".

Justice Bains gave his opinion on March 18, 1992. This is a fact. He was arrested on April 3, insulted and threatened with torture, handcuffed and humiliated in various ways. Many prominent individuals and organisations in India and abroad have denounced his arrest. These are the facts which no one can deny. At the same time, according to the police and "official sources" the government has every right to arrest who make "highly inflammatory and seditious" statements. But can it be said that justice has been served just because the police and the "official sources" have already judged that his speech was "highly inflammatory and seditious"? And that for this reason is it justified to imprison him under the TADA?

The truly apprehensible thing is that Justice Bains has been arrested because of his views. The police and the "official sources" themselves openly admit that there is no other reason. In other words, if he had views other than the ones he put forward on March 18, 1992, then he would not have been arrested. It follows from this that Justice Bains can get out of jail if he changes his views. Should the police and "official sources" then be asked to advise Justice Bains as to which opinions he should have so that he might come out of prison?

Besides everything else, it is quite evident that people like Justice Bains are putting forward a set of ideas which are not well liked by the government of India.

For instance, Justice Bains considers it is a matter of conscience to call upon the rulers of India, whom he considers to be "killers" and "tyrants", to quit Punjab. The Indian government, for sure, has another set of ideas, yet it responds to Justice Bains not by replying to the charges he has laid, but by arresting him. It is absurd that one of the Punjab police's accusations against Justice Bains is that he said that "the Khalsa was founded (for shedding slavery), for finishing oppression and Khalsaji, till now the oppression is on. Youths are being killed in fake police encounters and even the dead bodies are not given to their families". But was the Khalsa born in 1699 to fight oppression and does oppression exist at this time or not? Are young people being killed in fake encounters or not? Are human rights being violated in Punjab or not? Of course Justice Bains has been arrested but such questions cannot be made to go away like that. They must be answered. This laying of charges against the Indian government by Justice Bains, and his arrested by the Indian government with the subsequent justification that he had made a "highly inflammatory and seditious" statement, is at the heart of a conflict which is being waged for the very conscience of democracy in India, and the lines are quite sharply drawn. Either Justice Bains relinquishes his right to conscience and ceases to be "highly inflammatory" and "seditious", or the Indian government stops being "tyrants" and "killers". Otherwise there is no possibility for an end to the conflict.

The Indian government has laid the charge of sedition against Justice Bains because of its authority, while Justice Bains stresses the conditions of violence and terror which this authority has unleashed in Punjab. In this respect, the clash between authority and condition; has besides other things, led to violence against the person of Justice Bains and many others. It is this violence, sanctioned by authority, which must not be permitted by all women and men of conscience. This act of committing violence against Justice Bains is a painful reminder of how in the early 1980s, the India government responded to the peaceful agitation in Punjab for some demands by committing violence against those who were raising their voices. Justice Bains has been peacefully demanding that the Indian government should stop the violation of human rights and, right from day one, he has emphasised that the

problem in Punjab is not a matter of "law and order" but a matter of setting the just demands which have been raised.

The Indian government presents the question of the territorial integrity of India as an abstract aim which stands over and above everything else, in the same way that it puts the authority of the Indian state over everything else as well. In fact, both are quite inter-related. The government of India's conception of territorial integrity pre-supposes that only the Indian state is sovereign and inviolable and no one else. It disregards the fact that such a sovereignty and inviolability can only be sanctioned by a sovereign people and not an enslaved people. A sovereign people, in this context, are the people of the various nations and tribes which together constitute the Indian Union. If these people are not sovereign and do not voluntarily pass on their sovereignty to the Indian state, then the Indian state cannot have sovereignty.

The Indian state merely asserts its authority by the act of its being and committed violence against those who do not agree with the conditions which its authority has created. The fundamental problem really is that in India, as well as on the world scale at the present time, authority and conditions have come into conflict and the people have been pushed off the centre-stage. Apart from anything else, what this conflict reveals is the extent to which the government has itself become a factor threatening the "unity and integrity" of the Indian Union.

Far from trading acrimonious charges about "sedition", what is needed is for all Indians to struggle to resolve this clash between authority and condition and contribute to the renewal of India on the basis of a free and voluntary union of all its constituent nations and tribes. In a situation where one is negligent or irresponsible towards this clash, anarchy and violence will rule the roost while demand for human rights and dignity gets deadline. Such is the tragic situation that has emerged in Punjab in such short relief over the last decade. An extremely self-serving notion of the "unity and integrity" of India and of the authority of the Indian state is presented on the basis of which the impression is created that all struggle for legitimate economic and political demands are merely so many "law and order" problems. Under this impression, the

most unconscionable crimes have been committed against people all over India, not just in Punjab, but in Tamil Nadu, Nagaland, Andhra Pradesh, Kashmir, U.P., Delhi and other places.

Reactions

After the arrest of Justice Bains, Justice V.R. Krishna Iyer, the former Supreme Court Judge of India, denounced his imprisonment and accused the government of detaining him "on the basis of tales which are made to order by the Punjab police". In a letter dated May 6, 1992 to Prime Minister, Justice Iyer states:

"...I am finding it increasingly difficult to understand much less appreciate, how a civilised government can permit the thwarting of civil liberties and human rights on a scale that is being practised in several parts of our country, more particularly in Punjab, Andhra Pradesh, Jammu and Kashmir, North East and now Tamil Nadu. The proximate cause of my concern is the arrest, handcuffing, ill-treatment and the continued custody of Justice Ajit Singh Bains... That a well respected and prominent figure like Justice Bains could be subjected to such treatment at his age of 71 years highlights not merely the attitude and practices of the Punjab police but more alarmingly the role of a so-called "elected" "popular" state government and indirectly the role of the Central Government... One cannot sufficiently strongly condemn the action of the Punjab police and the state government. Where the executive government fails the people, the judicial system is expected to provide the needed relief to the aggrieved. Even our courts, including the Supreme Court of India seem paralysed with what, I don't understand. I am told that an earlier decision of the Punjab and Haryana High Court striking down some of the provisions of the by-now obnoxious TADA had been stayed by the Supreme Court of India five years ago and the Supreme Court is yet to find time to take up the case for hearing!"

Medical Care Denied

According to a report from the human rights organisation of India, namely, the Movement Against State Repression and the Peoples Union of Civil Liberties concerning over the lack of adequate medical facilities being provided to Justice Ajit Singh Bains.

Justice Bains had developed breathing trouble in the jail and the jail doctor had recommended that he should be shifted to the Post-Graduate Institute of Medical Science. The Government disregarded the advice and got Justice Bains examined by the jail doctor.

The human rights groups have expressed apprehension over Justice Bains' health and asked the State Government to take appropriate steps immediately. They have warned that if Justice Bains develops any serious medical problem, they would hold the Government responsible.

Bains Interviewed

One of the weekly magazine (dated May 2-8, 1992) of India took interview of Justice Bains in jails. Some part of the interview is reprinted below.

Q - Why have you been arrested ? A - Because there is not a shred of democracy left in this country. This regime has turned out to be totally fascist and such regimes immediately pounce upon people who apprise others of their rights. This was expected. The government could not tolerate a man who spoke out against the abuse of human rights. Q - Is your family being harassed? A - The police ransacked my whole house. My telephone is kept under surveillance. Since my arrest we've received no mail, when on an average I receive at least 12 letters a day. By all these actions, the police are only lending credence to the Amnesty report. Q - How do you react to your handcuffing? A - To be honest, I was shocked when a policeman handcuffed me. There must be some high authority bend upon humiliating me. The second time, when they took me to Anandpur Sahib on April 21, they wanted to handcuff me but somehow, at the last minute, the idea was dropped. Q - Do the police deny having handcuffed you? A - The police are professional liars. They have realised that arresting and handcuffing me was a big mistake. It was a violation of the Supreme Court guidelines which forbid a high court judge from having to appear in a court for any crime. But these chaps have crossed all limits and that only means the end of the democratic set-up.

Source: (1) *It is a matter of conscience*, by Hardial Bains. (2) PHRO

NEPAL

NEPAL AND AMNESTY INTERNATIONAL

No one can deny that police of Nepal are in need of human rights education. INSEC, some months ago, submitted a letter to the Prime Minister G.P. Koirala regarding educational training to police force. We had also assured that INSEC is ready to provide such human rights education if government allows. However, there is no response yet.

Torture under police custody has been found very often by human rights organisations like FOPHUR, HURON, CVICT, INHURED and INSEC. After presentation of many evidences government always remained silent. Despite many delegation to the government, it never showed concern to improve human rights situation in Nepal. Rather sometime the office bearer tried to pursue Western diplomats that in South Asia Nepal situation is better. Even the poor diplomats rhetorically repeat the same language as if human rights situation in Nepal should, first, be like other South Asian countries then only it should be think over to progress further.

During the recent local elections Nepal death, booth capturing, etc. became very common. If same practice is to continue, no doubt, Nepal will be number one violent state in near future (See silent election observation in Nepal).

Amnesty International recently published a report on Nepal "Summary of Human Rights in Nepal". The Nepalese press gave wide coverage of this report. In the meantime, the Nepalese Home Minister in an interview to the Independent (weekly) said, "The report is exaggerated. No particular incidents have been referred to as to where it occurred. In some respects the report reads like a political party's pamphlet". However, unlike other South Asian Home Minister, he said, "The organisation can send its own representatives to verify the alleged violation of human rights...I have no objection if Amnesty International wishes to send a team to assess the situation".

It is an irony to say that after the coming of the democratic government in Nepal human rights situation is not improving. Though Home Minister himself admitted, "The police force trained during the previous regime is still there and we have had no training programmes for them". However, in the case of human rights violations, he always speaks the same language as the police does. The police were trained during the previous regime to safeguard the Panchayat system, and, now, the police are working to safeguard Nepali Congress, opposition leaders raised this question many times in the parliament as well as in the press.

It is also to be noted that during the period of the interim government, a number of Commissions were formed to investigate into the abuse of human rights violation during the Panchayat regime. Those Commissions completed their works and submitted reports to the government. However, no report has come to public. No human rights violators have been punished nor they are held on trial yet.

Therefore, Amnesty International report on Nepal is not like a political pamphlet rather a diplomatically written report.

THAILAND

Thai Peoples Movement : Role of NGOs

BANGKOK BLOODBATH stated in its first issue "The darkest days in the history of Thailand at dawn on Monday May 18, 1992 at Bangkok's Democracy Movement area around Paan Fah bridge.

The political history of Thailand reads like a text book on the containment of democratic system by bureaucrats with the military in the leading role. Thai democracy has suffered a long period of, what may be called, an infantile disease. During the past 59 years there were 50 governments. The government were either military dominated or, most of the time led by powerful military man, except for two period i.e. 3 years after Second World War and during uprising in 1973

There were twelve successful coups d'etat and after the successful coup, the ruling power would promulgated an interim constitution and start the drafting of permanent one. The latest constitution promulgated in December 1991 is the fifteenth for the Thai people.

On February 23, 1991 the military led by Supreme Commander Gen. Sunthorn Kongsompong toppled the elected government of Prime Minister Chatichai Choonhang and imposed martial law on the country. The military junta which separated the coup, called itself the "National Peace Keep Council (NPKC)". Upon imposition of martial law, pressure groups and human rights organisations joined academics and students to protest the military take over of power.

The NPKC, soon after taking over power, initiated the drafting of a new constitution under a committee headed by Deputy Prime Minister Michai Ruchuphan. When the draft constitution was sent to the National Legislative Assembly, nominated by NPKC, the one that came out of the second-reading commission contained the following provision among others: (a) a party state electoral system, (b) a provision that allowed officials to concurrently hold political office, and (c) a 360-member senate to be directly nominated by the NPKC with the same power as the elected house.

This draft led to severe criticism by democratic groups in the country (lawyers, university professors, students, human rights organisations, legal aid groups and others). After the public outcry, the NPKC made a series of concessions and an announcement that its members will not accept any political positions after the next election and it will nominate only 270 senate members.

However, the democratic groups continued their opposition to the undemocratic draft constitution. On November 19, 1991 the biggest protest rally against the military in recent years was held at Sanam Luang in which over 60,000 people participated representing political parties, NGOs, students and the general public. Anti-military rallies also spread to others province in the country.

In spite of the determined opposition of democratic groups, the draft constitution was overwhelmingly endorsed by the National Legislative Assembly on December 7, 1991. The general election was announced to take place on March 22, 1992.

The general election was called by NPKC only after the new constitution was adopted. The result of the general election was that no party won the majority of the seats to form the new government. Nevertheless 5 parties (total 195 MPs) which had close connection with the NPKC formed a "Coalition Government" by supporting Gen. Suchinda Kraprayoon who was not an elected MP and the brain behind the February 1991, coup. On April 7, 1992 Gen. Suchinda was appointed a Royal command approved by the King and countersigned by NPKC as the new Prime Minister of Thailand. He accepted this post despite his repeated pledge to the public that he will not accept this high office. Then many NPKC members were nominated to control important positions in the cabinet and other powerful positions in the government. This situation led to intense dissatisfaction among the Thai people in various sectors e.g. students, academics, workers, teachers, villagers, professionals, etc.

After February coup, many people from human rights organisations, NGOs, students, workers, teachers etc. decided to form an umbrella organisation called "Campaign for Popular Democracy (CPD)". Since then, CPD has spearheaded the movement to raise democratic consciousness by campaigning against martial law and for a democratic constitution. Later it joined with the students movement and those political parties which were implicated in the corruption charges or were newly formed.

The day that Gen. Suchinda was appointed as Prime Minister, about 100,000 students held an "anti-Suchinda" rally at Thammasat University. Pro-democracy groups called for the General to step down citing the rise to power of an unelected Premier as "undemocratic". The four opposition parties also joined the emerging protest and stated their rejection of an unelected Prime Minister.

The four opposition political parties (total 165 MPs) together with the students and the democratic

movement vowed to oppose Suchinda and called for the resignation.

Different types of protests were launched such as fasting, hunger strike, continued on May 4, 1992, an estimated 60,000 to 100,000 demonstrators participated in a pro-democracy rally. At this rally former Bangkok Governor and leader of the Palang Dhamma Party announced his intention to begin a hunger-strike until death to press for Suchinda resignation.

The swelling "pro-democracy" campaign which was popularly labelled as an "anti-Suchinda" rally continued protest in Bangkok. It also spread to different cities like Chiangmai and Khon Kaen.

More than 200,000 attended the pro-democracy rally on the evening and night of May 17, 1992. On the night while protesters sat peacefully behind military barbed wire barricades, a police station was burnt on the side patrolled by the military. The military allowed this burning to be filmed by government television. This incident was used by the military as the excuse to begin firing on the demonstrators.

The military began to fire on the protest at 1:00 am without the warning of teargas and only brief use of water canon. At 4 pm troops began using live ammunition and this was clear from the nature from the wounds among those being treated by the voluntary medical teams.

The vast majority of the protesters remained in place and were joined others from other parts of Bangkok.

At 9 pm of 18 May troops again opened fire without warning. Voluntary medical teams were set up in the Royal hotel to treat the wounded able to get into the hotel. Wounds at this time were clearly caused by high power ammunition used in M16 and similar weapons.

"...At 3 pm of May 18th, we, a group of four people, two men and two women, were on our way to go the demonstration at the Democracy Monument. But all the roads to the rally were blocked off by arm forces. We wandered around small streets near the Bangkok Administrative Council and walked on small lanes until we got to Tanow Road and had our dinner there.

We were unable to get through the rally as arm forces had set up road-barriers on all streets. We were told that we perhaps could make a get through the Monument through another small lane behind the Royal Hotel. Finally, we got to the Royal Hotel and we stayed there for the whole night as we thought this was the safe place. There, we saw so many people gathering on the street and in front of the Hotel. There were so many people that we could not really move or go anywhere. The crowd had no leadership and gathered into small groups everywhere. Some shouted slogan, other criticised the government.

Sometime at around 10 pm, we saw a group of motorbikes quickly drove off from the street and a few minutes later public buses which were seized by a group of protestors were driven in. When the first bus arrive, a group of protestors got on to the bus and on its roof, before it was parked on Rajadamnurn Road as a barricade to prevent the arm force to move from Sanamlung into Rajadamnurn Road. A few minutes later, the second bus also arrived and people jumped into the bus. The rest of the protestors began yelling and shouting in support of the barriers that were newly set up. But when the third bus arrived, the driver were driving it quite fast heading toward the blockade. Then the shooting began. I saw the third bus driver shot at the head and all the people on the buses were shot and fell off like fallen leaves. Many people on the street were also shot. There were more than 1000 people die at that time. The shooting went on un-stopped for a long time. Only some of the people who were wounded and lies far from the shooting spot that were rescued. The rest, including dead bodies, were pick up by the arm forces when the crows retreated back and the arm forces further advanced towards the Royal Hotel. All of the bodies were throws into GMC military trucks and even their blood strain were clean off.

The death figures released by the government that confirmed by all hospital officials, including the Vachira Hospital, did not include the death toll of those on the street

At around 2 am in the morning of May 19th, the shooting had stopped but most of the crowd still gathered in front of the Royal Hotel and near Pingraw Bridge. They continued to shout at the arm forces and

Gen Suchinda Some angry protesters then began smashing windows of the Public Relation Department office opposite the Royal Hotel before setting a fire there. Others set fire on nearby cars and police motorbikes in front of the office on Rajadamnurn Road.

But at 3 am everything seemed so quiet. It was a scaring silent like something horrible was going to happen. At around 5 am, the another round of shooting began. I could hear shooting from all side and it was very noisy. Everyone tried to escape and a big crowd of people moved towards the Hotel. At that time, I was in the top floor of the Hotel so I could not really see how many people had run into the Hotel. The shooting lasted for over an hour. It was really like a war had began. Then the arm force moved into the Hotel..." [Niran and Narongsak - Interviewed on May 22, 1992, at the SCC, 1 pm — by Asia-Pacific Solidarity].

The Bangkok massacre has been the subject for international concern too. So an international fact-finding mission to Thailand on the events of May 17-21, 1992 formed by Hong Kong-based network of regional NGOs. The Mission consists of 8 members from six countries, namely, Mr Padma Ratna Tuladhar (MP), Nepal; Dr Syed Husin Ali (Malaysia); Ms Ito Asahi (Japan); Lano Chin Sek (Hong Kong); Dr Bruce Mcleod (Canada); Mr Murray M. Thomson (Canada); Mr Varrie Asedillo (Philippines); Mr Jose Manuel Diakno (Philippines). The Mission reached the below-mentioned conclusions:

1. That the massive public street demonstrations which began in April and built to numbers exceeding 200,000 per day, were almost entirely peaceful, both by design and in practice. The demonstrations reflected the will of many segments and all classes of Thai society, for a more democratic government free from military control.
2. That the military and police actions directed by the Suchinda government to oppose and disperse the protesters went far from being measures of crowd control. They approached in ferocity acts of violent suppression which reflected the code name given to them, "the Enemy's Destruction", strongly suggesting that the violence was carefully planned.

3. That the number of casualties, of which the official government figures now stand at 46 killed, given that over 700 are missing, are most likely higher by a factor of 10 or more. The mission as impressed by the careful enumeration and checking procedures adopted by the Hotline Tracing Centre located at Mahidol University, coordinating seven others centres seeking missing persons resulting from the events in May. Testimonies from eye-witnesses and families of the casualties leave little doubt in our minds that many victims remain to be counted for — an accounting for which the military authorities and the government are responsible.

4. That no official emergency response was coordinated and initiated, leaving on-site medical care reliant on volunteer doctors (most of whom were inexperienced) and nurses. An organised team would have decreased morbidity and might have lessened mortality. Ambulances were actively prevented from gaining access to the casualties, and medical staff were physically assaulted and intimidated while carrying out their professional duties.

5. That evidence of eyewitnesses and medical personnel strongly suggests that indiscriminate shootings of people on the streets took place during the 4-day period. There is also evidence of ill treatment of detainees, including death threats and beatings.

6. That restrictions were imposed on the right to counsel and the security of lawyers. While lawyers from the Law Society of Thailand had no difficulty in visiting persons detained at police stations, lawyers from human rights organisations were denied access to prisons. Moreover, some lawyers as well as others human rights advocates are still receiving death threats up to the present time.

7. That some evidence strongly suggests, but does not confirm, the use by military and police forces of agents provocateurs, to incite protestors to acts of violence, and to suggest to the general public that the demonstrators were involved in burning buildings in downtown Bangkok. Acts of violence did take place during this period including exchanges of stones and bricks and other objects by police and

demonstrators alike. These acts were vastly disproportionate in extent and lethality.

We believe that no demonstrators used guns, let alone those with the destructiveness of M16 automatic weapons. Moreover, both Thai and foreign journalists reported observing brick-throwers on the side of the demonstrators later chatting and mingling with the police. There were also reports that persons who burned a police station wore bullet-proof vests, and that police had been removed from the station before it was burned.

8. That during the 47 days in which General Suchinda acted as Prime Minister, radio and television stations succumbed to government manipulations and control, in marked contrast to the spirited independence of reporting and opinion maintained by the principal newspapers, both Thai and English.

9. That far too little attention has been given to those bereaved, or still awaiting word of missing relatives. Families of missing persons are known to have been blocked by the authorities from obtaining information about them. Whereas it is noted that the Social Welfare and Interior Departments have given financial aid to the bereaved families, support has not been extended to the missing persons.

The Thailand situation and movement shows how NGOs and human rights organisation can play a vital role to promote democracy. Because the role of NGOs and human rights organisation, students organisations and professional organisations was pivotal.

[Source : Campaign for Popular Democracy]

INSEC ACTIVITIES, 1992

HUMAN RIGHTS AND SOCIAL AWARENESS RAISING PROGRAMME

Introduction

The political developments and achievements of people movement of 1990's have not yet reached or reached with a minimal effect in rural areas. The economic, social and political power situation developed

historically cannot be tackled immediately. The 90 percent people living in rural areas have understood little about their constitutional and human rights and other issues. In such circumstances, there is every possibility that the political and democratic rights which have been achieved can be concentrated in the hands of few people. Therefore, it is necessary to make rural masses aware of human rights and their democratic and constitutional rights. General masses are not able to think about human rights and their citizen rights. In other words, lack of awareness and illiteracy have become a strong barrier against institutionalisation of democracy in Nepal.

It is well-accepted fact that without conscious support and active involvement of the general masses of people democracy cannot be developed and even sustained. We have the evidence of the fact that in different countries of the world, because of the lack of awareness among people, people were used and manipulated by exclusive groups, cliques and individuals to fulfil their vested interests. Therefore, if people are not aware of their rights and duties, they will not be able to enjoy human rights and sustain democracy.

On the basis of the experiences gained while conducting the voters awareness programme and in accordance with recommendation of evaluation study, INSEC is launching a long-term "Human Rights and Social Awareness Raising Programme". At present, this programme is fixed for one year.

Objectives

The primary objective of the programme is to raise the level of awareness of rural people regarding human rights; social, cultural and economic rights as well as their fundamental rights as guaranteed by the Constitution of Nepal, together with the ways of raising their socio-economic consciousness.

Coverage

The programme is covering 25 out of 75 districts of Nepal which includes each 5 districts from 5 regions. The selected districts are comparatively in remote and difficult areas.

Target Group

The target group of the programme are both literate and illiterate people. Basically, this programme is being conducted among grass-root people. Due consideration has been given to women and deprived people.

Programme Implementation

This programme will be implemented in following ways:

- Organising workshop, debates, talk programmes and human rights training.
- Conducting awareness programme in group meetings.
- Distributing educational materials and human rights kit to schools, social and service institutions or organisations.
- Displaying posters.
- Film show

Orientation Training Programme to Field Workers

A 7-day long orientation programme was organised for the 30 field staffs regarding human rights and social awareness raising programme.

Proceedings:

Mr Sushil Pyakurel, Co-ordinator of INSEC, welcomed all the participants. Highlighting on the programme he made it clear that why this programme is being launched.

Altogether there were 12 national and foreign resource persons, namely, Dr Clarence J. Dias, International Centre for Law in Development (ICLD), New York; Messrs John Scott Murphy, Diplomacy Training Programme (DTP), University of New-South Wales, Sydney, Australia; Basudev Dhungana, ex-President of Nepal Bar Association; Surya P. Shrestha, Chief Election Commissioner, Nepal; Bharat P. Sharma, Nepal Environment Conservation Group; Hari Upreti, Advocate; Prakash Kaphley, Director of INSEC; Sushil Pyakurel; Co-ordinator of INSEC; Thakur Dhakal and Shiva Hari Dahal; and Ms Kamala Bhasin, Action for Development, India and Silu Singh, SUS, Nepal.

SAARC JOURNALISTS MEETING HELD

The idea of forming a Forum of South Asian Journalists for Human Rights received a boost at the two day planning meeting of South Asian Journalists held in the Nepalese capital of Kathmandu on March 23-24, 1992. Eleven journalists took part in the two-day deliberations and they were each one from Bangladesh, India, Pakistan and seven from Nepal. The meeting was jointly sponsored by the Informal Sector Service Centre (INSEC), Nepal and the New York-based International Centre for Law in Development (ICLD).

The main objective of the meeting was to get South Asian journalists together to consider the feasibility of the idea of forming a Forum of South Asian Journalists for Human Rights. The idea was floated because of the realisation of the tremendous role journalists could play in promoting the noble cause of human rights in the region because of the large audience of the news media. Inherent in the above idea was the desire to fulfil the need for adequate flow of information about human rights among the countries of the region because it has been felt that human rights issues, particularly

the violations of human rights, do not get the media coverage they deserve in individual countries and also that human rights news in one country does not often get reported in the press of other countries of the region. Added to this is the stark fact that human rights violations in South Asia continue to occur in numerous forms and they are of great magnitude. Against this background, the idea behind the planning meeting was to explore the avenues of joint efforts among journalists of the region in promoting human rights in their own individual countries as well as in the South Asian regions as a whole.

HURIDOCs CONFERENCE ATTENDED

INSEC representative Mr Shiva Hari Dahal attended the Conference on "Information for Human Rights" organised by HURIDOCs on May 4-7, 1992, in Crete. HURIDOCs is a world-wide network of human rights organisation concerning dissemination of human rights information. The aim of the Conference was to discuss and evaluate past experience and to discuss the future perspectives of HURIDOCs.

BURMA

CAN THE INTERNATIONAL COMMUNITY BE FOOLED?

Recently, the Military Junta allowed the family members of Aung San Suu Kyi to meet her, including other political prisoners. They have also announced that some of the political prisoners have been released.

The recent changes of the Burmese military junta is quite simple and this is their way of lying the people for almost over three decades. As the Burmese military junta is facing a lot of international pressure including its own neighbouring countries, they want to show something is done so that people think they are moving toward democracy in Burma.

There is another important thing they announced they are going to negotiate with elected candidates within few months and call for national convention within 6 months. However, it is to be noted that they are not in the position to call for national convention because they are not elected by people.

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BOOK-POST

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