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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:
FREEDOM OF EXPRESSION

Written statement* submitted by Asian Legal Resource Centre (ALRC), a non-governmental
organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2003]

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- This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Freedom of expression in Asia

1. As the Asian Legal Resource Centre has previously observed (E/CN.4/2002/NGO/75), in Asia, freedom of expression is often violated under the guise of national security, public order, defamation, blasphemy, and nebulous references to "Asian values". Every year, journalists, activists, human rights defenders and other persons concerned with raising sensitive issues in public fora are detained, tortured, imprisoned, disappeared and killed.
2. Numerous Asian nations have ratified the International Covenant on Civil and Political Rights (ICCPR), which affirms the right to freedom of expression under article 19. The same article, however, also provides that certain restrictions to this right may be carried out "for the protection of national security or of public order". In many Asian countries, this clause has been used to justify arrest and detention without trial, censorship and political repression. The Asian Legal Resource Centre has addressed the effects and potential effects of national security laws in Asia, notably in Malaysia and Hong Kong SAR, in other written statements submitted to the fifty-ninth session of the Commission. In its written statement on freedom of expression in Asia to the fifty-eighth session it also remarked upon conditions in Korea, Pakistan, Singapore and Myanmar. Conditions in each of these countries remain unchanged or have deteriorated during the past year. Further comments follow.
3. MYANMAR: Despite the release of democratic opposition leader Aung San Suu Kyi from house arrest again during 2002, and the release of many members of the National League of Democracy from imprisonment, the people of Myanmar continue to be denied even the most basic rights to freedom of expression. While most of those released from political detention had served full seven or fourteen-year terms, others who in the last year have raised their voices in opposition to the military regime continue to be sentenced to similar periods. The Asian Legal Resource Centre has in its written statement on food scarcity in Myanmar raised the case of Dr Salai Tun Than, an elderly agronomist with a distinguished career of service to the state currently serving a seven-year sentence for a one-man protest. More recently, two Buddhist nuns were arrested as they also stood up defiantly in public. At least 16 journalists are also known to be languishing in prison, while others seeking to uphold the credibility of their profession and exert their right to freedom of expression have fled into exile from where they continue to publish and broadcast independent news on Myanmar. Meanwhile, 2002 saw the suspension from publication and forced closure of a number of popular periodicals understood to have breached strict regulations. The expansion of television programming continues exclusively under government auspices, and a commercial radio station recently permitted to open in the capital is restricted to the broadcasting of entertainment and music programmes. Internet access continues to be highly restricted and subject to government scrutiny.
4. BANGLADESH: Although freedom of expression and the press is constitutionally guaranteed in Bangladesh, journalists and the media there have not been permitted to operate freely. On 22 November 2001, for instance, journalist Shahriar Kabir was arrested on a charge of resorting to anti-state activities. Three days later, Zaiba Malik and Bruno Sorrentino, journalists with Britain's Channel 4 television who had worked with Kabir, were arrested on the same charges. They were accused of conspiring to

portray Bangladesh as a stronghold of Islamic extremism. Kabir was held under the Special Powers Act (SPA) of 1974, which allows authorities to detain any person without a warrant or a magistrate's permission. Detention under the SPA should last no longer than one month, but is commonly extended indefinitely. Kabir was held until 7 January 2002, allegedly under inhumane conditions, which included him being forced to drink water from the toilet to survive. The Government of Bangladesh also banned the 4 April 2002 issue of the Far Eastern Economic Review, a Hong Kong-based magazine, because it allegedly contained an "anti-Bangladesh campaign and statements critical of Bangladesh".

5. CHINA: In recent years, the Chinese government has increased its control over the access to, and dissemination of, information on the internet, such as blocking anti-government websites and the Google search engine in September 2002. Many laws have been enacted to govern internet activities in China. Starting from 1 August 2002, China launched the Temporary Regulation on the Management of Internet Publication. The regulation requires all online publishers to operate an editorial system to censor content of their websites. Any content related to state security, social stability or other major topics must be submitted for official approval before publication on a website. At the same time, many people were arrested in China because of what they read and wrote online. For instance, in August 2002, a court in Tianshui City, Gansu province, sentenced former police officer Li Dawei to 11 years in prison for downloading and printing 500 reactionary articles from the internet. Two other internet activists Liu Di and Li Yibin were arrested and detained in November 2002.

6. MONGOLIA: Many journalists in Mongolia increasingly live in fear of criminal prosecution and imprisonment for writing about public officials. In June 2002, the Secretariat of the Government of Mongolia complained to the Division of Combating Against the Most Serious and Organized Crimes of the Police Department in order to create a criminal case against several journalists of the daily newspaper "Udriin sonin", for its publication of a critical statement against the government and ruling ex-communist party. Several journalists of the "Udriin sonin" have since been charged with defamation. Powerful officials have also ruined other journalists who have accused them of defamation after publishing critical articles. In another case of denial of freedom of expression, on 13 November 2002 more than 50 demonstrators were arrested when voicing their concerns over the adoption of the Law on Private Land, which they claim unfair and unconstitutional. Most of those arrested were activists of the Democratic Party, who were then sent to the "Center of Identification" located in Denjin Myanga in the northern part of Ulan Bator. During the demonstration, police also locked 11 activists inside the Democratic Party office.

7. SINGAPORE: Serious restrictions on freedom of speech and the right to peaceably assemble persist in Singapore. During 2002, Dr Chee Soon Juan, a neuro-psychologist and member of the Singapore Democratic Party who had previously lost his teaching job at the National University of Singapore due to his political affiliation, faced two defamation suits brought by Senior Minister Lee Kuan Yew and Prime Minister Goh Chok Tong. The suits were brought after Chee raised questions during the general election of November 2001 about the Singapore government's 1997 loans to Indonesia. Police also investigated him for breaking the rules at Singapore's Speaker's Corner, for questioning the government's ban on Muslim girls wearing headscarves to

school. On 1 May 2002 he was arrested with his party colleague Gandhi Ambalam for holding a public event without a permit. Chee had earlier applied to hold a rally advocating basic human rights for workers worldwide, but was rejected on the arbitrary grounds that the gathering could lead to public disorder. On 8 October 2002 Chee was convicted and imprisoned for five weeks.

8. INDONESIA: Despite hopes that human rights in Indonesia would improve after the removal of former President Suharto in May 1998, these aspirations have remained largely unfulfilled. The military and police there continue to exert political influence, to the detriment of the people's right to free expression, among others. As recently as mid-January 2003, villagers in Aceh were denied their rights to freely express themselves and assemble in support of the peace agreement that was signed on 9 December 2002 between the Indonesian government and the Free Aceh Movement. Thousands of villagers from East and North Aceh were prevented from joining a demonstration for peace in Lhokseumawe. During the incident, Indonesian troops and police shot four villagers, beat and seriously injured five, and detained ten. Such state-managed violence raises serious questions the commitment of the Government of Indonesia both to peace and freedom of expression within the archipelago.

9. MALAYSIA: In addition to its wanton political use of national security regulations, the Government of Malaysia has not shied away from heavy-handed tactics to inhibit the growth of a genuinely free press in that country. During January 2003, the Asian Legal Resource Centre was among other regional groups concerned by the Malaysian police raid on the offices of internet news agency Malaysiakini over the contents of its website. During the raid, the Malaysiakini editor was detained and interrogated by police threatening to charge him with sedition. The offices's computer equipment was also confiscated.

10. To address the continued violations of freedom of expression throughout Asia, the Asian Legal Resource Centre calls upon the Commission to

- a. Discourage governments from passing laws restricting freedom of expression.
- b. Pressure governments to release persons held for the peaceful exercise of their right to freedom of expression, and reform domestic laws to meet international human rights standards.
- c. Encourage the adoption of international human rights standards for freedom of expression as described by the ICCPR, or the adherence and maintenance of those standards by countries that have ratified the ICCPR.
- d. Investigate those governments alleged to have violated the right to freedom of expression of journalists, opposition politicians and their supporters and other citizens.
