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Issue 3

December 2024

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The Indo-Pacific

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Foreword

As 2024 draws to a close, we cover a range of human rights and humanitarian issues in the region.

The issue begins with an analysis of recent Chinese aggression against the Philippines in the South China Sea, with the former continuing to assert its territorial claims over disputed waters and atolls.

Sri Lanka witnessed a landmark political change, with political outsider Anura Kumara Dissanayake taking power before his National People's Party swept to victory in parliamentary elections. This has given the new leader a strong mandate to roll out his left-wing policies, but whether he can solve the political and economic problems Sri Lanka faces remains to be seen.

In Singapore, the controversial use of the death penalty to punish drug traffickers and murderers has continued to raise human rights concerns. The government continues to face criticism for violating the right to human dignity and for its unfair procedural practices.

Pakistan and Cambodia have both seen crackdowns against the right to freedom of speech and expression, with both trying to suppress the voices of people.

Neighbouring Myanmar continues to suffer from a dual problem, reeling from the effects of Typhoon Yagi, made worse by the dire humanitarian situation and civil conflict. The systemic failure and lack of accountability by the Tatmadaw needs to be addressed to solve both problems.



The South China Sea dispute: Analysing Chinese aggression and the Philippines' territorial claim

Shagufta Sen

Key takeaways

- Recent skirmishes in the South China Sea (SCS) between China and the Philippines, including firing water cannons and sideswiping Filipino patrol vessels near the Scarborough Shoal, are evidence of the former's renewed aggression in an area contested under international law.
- China remains reluctant to resolve this territorial dispute, which pertains to the former claiming Second Thomas Shoal and the entire SCS based on its so called 'nine-dash line', which demarcates its territorial claim over the SCS.
- The Philippines also claims certain islands and atolls in the region and has enacted two maritime laws to strengthen its claim over these disputed territories by outlining its maritime boundaries. Satellite imagery in recent years has shown that China has increased its efforts to reclaim land in the SCS by physically expanding the island's size or creating artificial islands.
- Despite the 2016 ruling of the Permanent Court of Arbitration (PCA), China has continued to assert its claim over the disputed region and to further strengthen its claim has recently published the geographical coordinates of its baselines around the disputed Scarborough Shoal. The dispute, having reached an impasse, sees no resolution as China continues to reject the negotiation of the Code of Conduct and adhering to international law.

Introduction

Since August, new flashpoints have emerged in the already ongoing dispute between China and the Philippines regarding their territorial claims in the SCS. This includes the collision of several Chinese and Philippine vessels near the Sabina Shoal in the disputed Spratly Islands in August, claimed by both countries, as Xianbin Jiao and the Escoda Shoal respectively.[1][2] China has also been accused of firing water cannons at Filipino ships carrying supplies to fishermen in the disputed Scarborough Shoal, and other acts of aggression like harassing Filipino fishermen, the militarisation of artificial islands and blockade of ships.[3] Both states remain steadfast in their respective claims despite previous legal rulings and pressure from the international community and regional partners, leading to fears of further violence. Given the continuation of acts of aggression against the Philippines by China, the article aims to examine from a geopolitical context what have been the recent actions taken by both states to stake their claims in the SCS.



Chinese coastguard ships use water cannon on a Philippine resupply vessel in the South China Sea (Adrian Portugal/Reuters, 2024)

What is the dispute?

The Chinese aggression pertains to the Scarborough Shoal, also known as the Huangyan Island in China, which has remained the focal point of the territorial dispute between China and the Philippines, with both claiming sovereignty over it.[4] The contested dispute is well within 200 nautical miles of the Philippines' exclusive economic zone (EEZ), and approximately 472 nautical miles from the coast of China.[5] China also stakes claim over almost all of SCS under its 'nine-dash line' designation of territory, and has continued to maintain a military presence around the Scarborough Shoal since 2012.[6][7] In 2016, the PCA ruled China's claims had no legal basis under the United Nations Convention on the Law of the Sea (UNCLOS), but this has not deterred China from making its claims and backing them with force. The Philippines continues to seek support from its allies, like the United States, and the wider international community due to escalation of aggression by China in recent months.[8]

The consequences of Chinese aggression

Chinese aggression has risen in recent months with repeatedly harassing of Philippines troops and members of its coast guard in the SCS. This includes ramming into boats, firing water cannons and pointing military-grade lasers.[9] On 24 August 2024, a Chinese coastguard ship collided with a Philippine vessel in the disputed SCS.[10] On 8 October, Chinese coast guard ships fired water cannons at Filipino vessels carrying supplies for fishermen in the Scarborough Shoal.[10] There is a strong argument that these acts by China are violations of international law.[11] On 12 November, Filipino Secretary of the Department of National Defence Gilberto Teodoro stated there had been an "increased demand by Beijing" for the Philippines to concede its sovereign rights in the area, while China iterates that the maritime conflict between both nations "was triggered by the infringement activities and provocations of the Philippines".[12]

To counteract Chinese aggression Philippines President Ferdinand Marcos Jr. signed two maritime laws in November, the Philippines Maritime Zones Act and the Philippines Archipelagic Sea Lanes Act.[13] The former declared the sovereignty of the Philippines and defined its sovereign rights over the maximum extent of its maritime zone in the SCS, while the latter ensures the protection of the country's sovereignty and maritime domain by designation the routes and areas that shall be utilised and accessed by foreign military vessels and foreign registered aircraft.[14][15] These enactments made by the Philippines reflect their assertion of its maritime and territorial claims over the SCS. They further reinforce the claim of the island state by delineating the maritime boundaries of the nation along with regulating passage through its waters.[16]

In the aftermath of this legislation, China released a set of geographical coordinates on 10 November that included its baseline claim of its territorial sea and around the Scarborough Shoal.[17] China's Foreign Ministry stated that this move had been made to lawfully strengthen its "maritime management", which it claims is consistent with international law.[18] Marcos Jr., rebuffed the claims made by China on 11 November, underscoring that the Philippines "does not agree" with Beijing's definition of "sovereign territory".[19]



A Chinese coastguard ship collides with a Philippine vessel in disputed waters of the South China Sea (Al Jazeera, 2024)

China also condemned the new laws and denounced them as “illegal”, including Scarborough Shoal and “most of the island and reefs of Spratly Island.”[20] The Department of Foreign Affairs (DFA) of the Filipino government responded to this move by summoning the Chinese ambassador, Huang Xiliain, to register the Philippines’ protest. The DFA highlighted that the baselines infringed upon the sovereignty of the Philippines, claiming the Chinese were violating international law, especially UNCLOS 1982 and the 2016 Arbitral Award by the PCA.[21]

The enactment of these laws has increased geopolitical tensions in the region, as the new legislation has not been well-received by its neighbouring state, Malaysia, which protested it on the note that it encroaches upon its territory. [22] Malaysian Deputy Foreign Minister, Mohamad Alamin highlighted that the enactments made by the Philippines encroach upon their territorial claim over the oil rich Malaysian state of Sabah in the northern Borneo. [23] Irrespective of tensions surged by the legislations, they clearly align with the Philippines’ strategy of strengthening defence ties with the U.S. and its allies, providing a clear framework for collaborative actions.[24]

The international response

Recent Chinese aggression has led to public criticism from the international community. The U.S. envoy to Manila, MaryKay Carlson, used

November’s Manila Dialogue to condemn China’s actions, rejected its territorial claims and claimed that Beijing was “unwilling to abide by international law”. [25] The U.S. government also released a statement supporting the enactment of new maritime laws by Marcos Jr and the Philippines.[26] Amid the escalating situation, the Philippines has continued to strengthen its ties with other nations in the Indo-Pacific region, like Australia, also a close ally of the U.S. This includes the recent signing of a defence agreement with the U.S., which would provide the island nation with \$500 million of long-term military aid.[27]

On 11 October 2024, ASEAN at the 14th ASEAN-UN Summit issued a statement calling for confidence building measures that could “reduce tensions and the risk of accidents, misunderstanding and miscalculations” in the SCS.[28] While underscoring that it “looked forward to the early conclusion of an effective and substantive” code of conduct that is “in accordance with international law”. [29] For the past two decades, the negotiations over a “code of conduct” in the SCS between ASEAN and China have been delayed, and in July 2023, a deadline of three years had been agreed to conclude and expedite the process.[30] On 15 October 2024, the Philippines government expressed its eagerness to hold dialogues with China regarding the finalisation of regional COC in the South China Sea. Marcos Jr., urged the ASEAN leaders and China at an ASEAN summit in October that the negotiations for the SCS Code of Conduct should be expedited. China continues to maintain that it is committed to settling the dispute “on the basis of respecting historical facts and international law”. [31] Two reasons remain pertinent to the negotiations not being fruitful in resolving the dispute. Firstly, as per ASEAN negotiators, there is no consensus on the geographical area where the code should be applicable, as there are different net parts claimed in the SCS; secondly, there remain doubts over China’s willingness to sign a legally binding agreement, given that it has already dismissed the outcome of the PCA.[32]



Satellite imagery showing Chinese military construction activity on Triton Island (The Guardian, 16 September 2024)

Conclusion

Despite the 2016 PCA ruling, China shows no signs of withdrawing its territorial claims in the SCS and acts of aggression are only increasing. These actions have multiple consequences, they violate international law and norms, affect China's standing internationally, and most importantly it raises the risk of conflict between China and the Philippines and its allies, like the U.S. ASEAN, in collaboration with the wider international community, needs to make concerted efforts to resolve the dispute, and this is possible through multilateral diplomacy, which ensures strict compliance with maritime obligations and the preservation of the maritime rights of the Philippines. China's continued military activities in the SCS also undermine the process of reaching a peaceful dispute settlement. Hence, a robust lawfare strategy would need to be employed by the broader international community in the region to prevent further skirmishes and violations of international law.

Policy recommendations

- The ASEAN Code of Conduct, which remains central to resolving the dispute, requires a unified front from the organisation in addition to also pressure from external partners like the U.S., to resolve the Chinese reluctance to negotiate the COC.
- ASEAN should also strengthen its security cooperation with the Philippines and other states in the Indo-Pacific region affected by the dispute to protect it from continued Chinese aggression and also preserve its maritime rights.
- The international community, including the United Nations and regional partners, need to make concerted efforts to reinforce maritime laws and the 2016 PCA ruling to prevent further violation of maritime rights and international law by China in the SCS.

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People's Liberation? Sri Lanka's 2024 elections see a left-wing bloc push the establishment aside

Robert Sutton

Key takeaways

- The Sri Lankan Presidential election in 2024 has seen political outsider Anura Kumara Dissanayake take power as Sri Lankan President and subsequent parliamentary elections has given him and his National People's Party (NPP) coalition a substantial mandate for change.
- Economic and political instability over the past 3 years has eroded the legitimacy of Sri Lanka's political class, starting with the fall of the Rajapaksa family, to a lack of mandate under Ranil Wickremesinghe. This has opened the way for the relative outsider to sweep into power.
- There are encouraging, albeit tentative, signs that traditional splits along ethnic lines are dissolving and the NPP coalition is making inroads with the Tamil community. But the new Leftist government will face significant challenges with regards to the economic situation and their own past involvement in ethnic politics.

Introduction

Sri Lanka underwent back-to-back elections this year, which together resulted in an upset victory for Anura Kumara Dissanayake and his NPP coalition. Presidential elections took place in September, in alignment with Sri Lanka's established 5-year cycle, with the President-elect calling the Parliamentary elections early, otherwise scheduled for 2025. The unavoidable elephant in the room for these elections has been the Sri Lanka's recent economic and political crisis. By 2022, it had spiralled into the

political and social uprising known as the Aragalaya (Struggle), which brought down the dominant Rajapaksa family. The fallout of this crisis continues to set the national agenda, and the terms of the resultant International Monetary Fund (IMF) bailout would play a major role in Dissanayake's election campaign.

Dissanayake and the NPP have traditionally been minor players in Sri Lankan politics, only holding three seats after the previous elections in 2020. As such, their runaway success has been seen by many as a radical change in course for the Indian Ocean nation.[1] This article will examine the conduct of the elections, the reasons behind the NPP's meteoric success as well as exploring the expected impacts on Sri Lanka's humanitarian and civil rights issues.



NPP Leader Anura Kumara Dissanayake arriving at a Polling Station for the Presidential election. (Eranga Jayawardena/AP, 2024)

Conduct of the elections

Beginning with the conduct and process of the elections, the overall tone of reports is that this year represents a general improvement compared to past election cycles.

The Commonwealth Observer Group, in its Interim Statement released on 23 September 2024, recognised a number of improvements made to the functional conduct of the elections. [2] These included efforts to increase accessibility for visually or hearing-impaired voters, as well as legislation which nominally strengthens controls on campaign finance and expenditure, though in the latter case it was noted that the Election Commission “lacked capacity” to effectively enforce these laws.

The statement also noted “widespread allegations of the misuse of state resources” and reports of “isolated incidents of physical and online intimidation”, although it did not elaborate on or ascribe these alleged acts to any particular culprit. [3] These reports were echoed by the EU Observation Mission, which further noted the “misuse of incumbency” by the Wickremesinghe campaign, which featured government officials and administrators at its rallies and conducting campaign work. [4] Following November’s vote, The Asian Network for Free Elections reported that their observers witnessed no violent incidents, nor “major violations”, but did note what they perceived as issues with ballot secrecy. [5] With regards to voter turnout, the Election Commission of Sri Lanka reported it to be 79% for the Presidential Election [6], but that voter engagement waned for the Parliamentary vote, dropping to 68.9%. [7]

Another point of note is that the Parliamentary election saw the first openly transgender candidate, Chanu Nimesha, who ran for the Socialist Party of Sri Lanka, albeit unsuccessfully. [8]

Contenders and key issues

While Dissanayake’s victory should be not understated, critical weaknesses of the established alternatives should be noted. Following the collapse of the Rajapaksa family’s

coalition over the last few years, the Presidential field was left seriously contested by Ranil Wickremesinghe, a long-time statesman and the incumbent President following Mahinda Rajapaksa’s flight from the country and Sajith Premadasa, leading Samagi Jana Balawegaya (SJB), the official lead Opposition group since 2020.

The NPP coalition brought together Dissanayake’s own Janatha Vimukti Peramuna, or JVP, a Marxist-Leninist Party, with an array of civil society groups. The NPP ran a working-class populist campaign focused heavily on anti-corruption, taxes and the cost of living. [9] Their success has been generally attributed to the broad loss of legitimacy and public satisfaction suffered by the traditional political establishment thanks to the recent crisis.

Outcomes of the Election

In many ways the culmination of the political forces set in motion by the 2021’s economic collapse, the NPP was able to capitalise effectively on the soaring poverty rates and entrenched corruption of the establishment, managing to out-do two blocs which had previously been dominant in Sri Lanka politics, albeit after a rare second round of counting. [10]



Security personnel and voters outside a polling station in Colombo, 14 November. (AP Photo/Eranga Jayawardena, 2024)

Wickremesinghe, as the immediate successor to the Rajapaksa's government, had incurred substantial unpopularity thanks to the terms of the bailout agreement negotiated by his administration with the IMF.[11] Additionally, Wickremesinghe's connections to the Rajapaksa's government and his proven toleration of corruption amongst political allies did him no favours.[12]

This groundswell of popular anger was enough to tilt Sri Lankan electoral concerns away from the competing Sinhalese and Tamil nationalisms, and the security concerns lingering from the civil war and 2019's Easter Bombing, towards a new focus upon the economy.[13] Polling as of 12 November 2024 indicated a substantial lead to the NPP coalition, estimating they would gain 124 seats (out of 225). This placed them comfortably ahead of the SJB and Wickremesinghe's New Democratic Front, while the Rajapaksa led Sri Lanka People's Front was expected to be virtually routed from Parliament.[14]

Indeed, with the final count completed by 15 November 2024, this proved to be essentially the case.[15] NPP secured a decisive electoral majority, taking 61.5% of the national vote, which translated into 159 seats. SJB came in a fairly distant second, taking 40 seats from 17.4%, while Wickremesinghe's NDP trailed with just 5 seats. [16] These results represent a massive turn around for Dissanayake and the NPP/JVP, and effectively secures a mandate for their agenda.



Sri Lankan President Anura Kumara Dissanayake took power after sweeping presidential elections in September 2024. (Ishara S. Kodikara, AFP 2024)

The NPP's victories has been met with sweeping and starry-eyed proclamations of a "new era" for Sri Lankan politics.[17]

Ethnic politics and the JVP's checkered past

Despite their 'outsider' reputation and appeal, the NPP is not as divergent from typical Sri Lankan politics as at first glance. Ethnic politics have long been highly contentious and frequently militarised in Sri Lanka. Political parties are effectively ethnic parties in almost all cases, representing either the Sinhalese or Tamil communities, with crossover only really happening at the alliance or coalition level. A major question stemming from this election cycle is whether or not the NPP's success will herald any substantial shift in the State's attitudes and behaviour towards Tamils?

This is where the rhetoric surrounding Dissanayake's win begins to run up the realities of the JVPs political history. Although highly oppositional to the economic policies and dominance of the Sri Lanka's capitalist class, the JVP has historically operated through a framework of Sinhalese nationalism (albeit an anti-elite, grassroots form), and has consistently analysed calls for Tamil autonomy as concessions to western or Indian imperialism.[18] Their infamous, and brutally suppressed, uprising during the late 1980's mobilised lower caste and economically depressed youth against both the government of the time, and the Indian intervention in the burgeoning civil war.[19] The JVP only accepted the implementation of the (never fully applied) "13th Amendment" of the Sri Lankan Constitution, which devolved some powers to the Tamil north and east of the country in June of this year.[20] The legacies of this civil war remain a key focus for both rights groups and politicians, seeking to capitalise on the mass bloodshed and violence unleashed during the conflict. Mass killings and forced disappearances remain at best nominally



4A Protest in remembrance of Disappeared victims in Mullaitivu, in 2019. (Allison Joyce)

investigated, more typically not at all.[21] In this year's elections, the NPP has been able to garner at least some support from Tamil areas, although barely a plurality. Dissanayake did not perform well in Tamil areas during the Presidential vote, with most votes there flowing towards Premadasa and the SJB, although more specifically towards Premadasa's allies in the Tamil National Alliance (who subsequently ran separately in the Parliamentary election, denying SJB those votes).[22]

However, a clearer change emerged in November, with Tamil voters warming to the prospective new government. Dissanayake's campaign made not-insubstantial efforts to court Tamil voters and appeal to at least some of the issues dear to them, promising the release of political prisoners, the return of lands seized by the state during the civil war and a repeal of the "draconian" "Prevention of Terrorism Act", a promise which has been walked back somewhat. [23]

Despite these overtures, support for Tamil interests by NPP has clear limits, with Dissanayake having disavowed the notion of conducting a greater investigation and punishment of suspected war criminals, being quoted by the Tamil Guardian as claiming "even victims do not expect anyone to be punished". [24]

It is clear the NPP does not wish to push the ethnic question too far, whether thanks to cynical electoral pragmatism or its own chauvinist tendencies. The military presence in the Tamil majority regions continues to deepen, and "militarisation" remains high despite the change in government.[25]

Conclusion

In short, the 2024 elections in Sri Lanka can fairly be understood as a resounding call for change. The rapid ascendancy of the NPP coalition to the Presidency and a near unprecedented Parliamentary majority clearly demonstrates the failures of Sri Lanka's political establishment, and offer a rare chance for systemic reform.

Although the NPP has taken a harsh line against the Sinhala political-economic establishment on behalf the lower economic classes, it has shied away from engaging with the grim legacies of Sri Lanka's civil war. While certainly preferable to the aggressively nationalist, militarist and authoritarian leanings of the now departed Rajapaksa government, the new government must be viewed with caution, if one considers a just resolution for the oppression suffered by Tamils as a key component of improving Sri Lankan democracy. Any potential efforts towards such a reconciliation by the NPP will have to reckon with the Sinhalese nationalists (within and without), who would likely turn on them if they are too accommodating of Tamil interests or demands.

Dissanayake's government will also now have to navigate the entrepreneurial desires of the middle classes who followed their anti-corruption message, but who would certainly balk at more radical restructuring of the Sri Lankan economy in favour of their working class and rural voter base. The economic straits in which Sri Lanka finds itself remain dire, and the NPP will have to balance their ambitious agenda against the material circumstances in which they are now responsible for governing.

Policy Recommendations

- Ensuring cost of living relief for Sri Lankan citizens in the wake of the economic crisis should be a paramount consideration, and reversing the disastrous rise in poverty rates, potentially through renegotiating the IMF arrangement.
- The new NPP majority government should work to fully investigate all reports of atrocities and disappearances stemming from the Civil War.
- The “13th Amendment” to the Constitution should be fully implemented, ensuring political devolution to Tamil regions in Sri Lanka’s North and East.
- The government should halt or reverse the deepening military involvement and presence in public life within the Tamil-majority regions, as well as honour its pledges to return seized lands and free political prisoners.

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The death penalty in Singapore and human rights concerns

Noor Afrose

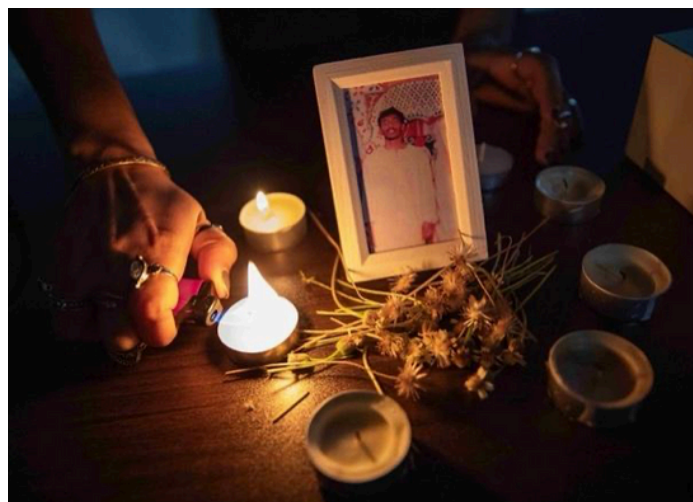
Key takeaways

- In Singapore, the mandatory death penalty is applied for drug trafficking and other offenses, including premeditated murder, under the rigid regulations of the Misuse of Drugs Act (MDA) and Penal Code. Four people were executed in the month of November 2024, emphasising the continuing application of the death penalty and serious human rights concerns.
- This enforcement breaches international human rights obligations and norms, particularly Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR), which stipulates that the death penalty may only be utilised for "the most serious crimes," and undermines the rights to a fair trial and presumption of innocence.
- Singapore should conform to international standards, and the nation ought to abolish the death penalty except for the gravest offenses and implement a moratorium, leading towards humane and proportional justice in line with international benchmarks.

Introduction

While the global movement is towards the abolition of the death penalty, Singapore persists in maintaining an active death row, thus going against the trend.[1] In 2024, nine people were executed in Singapore, with four in November alone.[2] Since the easing of COVID-19 restrictions in March 2022, there have been twenty-five executions, mainly for drug-related crimes.[3]

Singapore has 31 capital offenses, with 15 subject to the mandatory death penalty, including murder, terrorism, and drug offenses. [4] Executions have become routine as the government aggressively combats drug trafficking. The Singaporean government asserts that the death penalty safeguards society against drug abuse.[5] However, this stance has faced extensive international criticism. Human rights law stipulates that the death penalty should be reserved for the "most serious crimes," which does not align with international standards concerning drug offences.[6] Moreover, many of these executions have drawn condemnation due to unfair trial practices, disrespect for human dignity, and infringement of human rights. This article looks at how Singapore's increased use of the death penalty, especially for drug offences, is causing serious human rights problems and suggests steps to address this issue.



The death penalty for drug offences

According to the MDA in Singapore, the death penalty can be applied for drug trafficking when the quantity of drugs exceeds a specified threshold.[7] Possession of 15 grams of pure heroin, 30 grams of cocaine, or 500 grams of marijuana can lead to a mandatory death penalty.[8] There is minimal room for mitigating circumstances under Section 17 of the MDA – the courts view anyone caught with these quantities as traffickers.[9] Nevertheless, this policy has faced criticism for being excessively harsh and even a breach of human rights.

Singapore has executed several individuals for drug trafficking in 2024, prompting global criticism. For instance, Masoud Rahimi Mehrzad, a dual Singaporean–Iranian citizen, was executed in Singapore on 29 November for trafficking 31.14 grams of heroin, exceeding the 15-gram threshold for the death penalty.[10] Appeals and clemency requests, including one from Iran, were unsuccessful.[11] Rosman bin Abdullah, apprehended in 1997, received the death penalty in 2010 for trafficking approximately 57.43 grams of heroin and was executed on 22 November, just a day after United Nations experts raised concerns regarding his mental state.[12] Additionally, a 39-year-old Malaysian and a 53-year-old Singaporean were hanged for drug trafficking on 15 November.[13] In October, two individuals were also executed: a 64-year-old man on 16 October[14] and Mohamed Azwan bin Bohari on 4 October.[15] Earlier this year, a 59-year-old man was executed on 7 August for trafficking 35.85 grams of heroin,[16] and a 45-year-old man was executed on 2 August for 36.93 grams.[17] In some instances, families were informed only four days prior to the execution instead of the usual seven days, preventing them from properly saying goodbye. [18]

International human rights law, particularly Article 6(2) of the ICCPR, states that the death penalty should be reserved for the "most serious crimes," excluding drug offenses.[19]

UN experts and agencies,[20] including the UN Office on Drugs and Crime, have urged nations to abolish the death penalty for drug-related crimes,[21] yet Singapore persists in ignoring these recommendations.

Furthermore, Singapore's legal system undermines fair trial rights. The law operates under a presumption of guilt until innocence is proven, shifting the burden of proof from the interrogators to the accused, which contravenes Article 14(2) of the ICCPR.[22] The Post-Appeal Applications in Capital Cases (PACC) Act of 2024 also imposes extremely tight deadlines for appealing death sentences. If a prisoner requests an appeal and it is approved, they have a mere three days to present their case.[23] Critics argue that this rush for efficiency robs inmates of adequate time to prepare a legal defence, depriving them of dignity and their right to justice.[24] Moreover, human rights advocates who are raising concerns against the death penalty face significant suppression.

The government stifles dissent through the Protection from Online Falsehoods and Manipulation Act. In one instance, the Transformative Justice Collective and activist Kokila Annamalai were ordered to issue "factual corrections" regarding their criticism of the executions.[25] Annamalai refused to comply, leading the government to label the accurate posts as false on social media platforms like Meta and X.[26]



Around 40 prisoners are held in Institution A1, where they're waiting execution by hanging (Rebecca Wright/CNN 2024)

In another case, an anti-death penalty exhibition was blocked, as it was deemed to present "a false and misleading depiction of the Singapore legal system."^[27] This strategy suppresses free speech and hinders discussions about the death penalty, violating international human rights standards that protect activists' rights.

Death Penalty for other crimes

In Singapore, the death penalty applies to offenses such as murder, kidnapping, hostage-taking, terrorism, and other crimes related to state and military issues. However, this is not applicable for all these offenses. The mandatory death penalty is enforced for intentional murder as defined in Section 300(a) of the Penal Code following the Penal Code (Amendment) Bill 2012. Consequently, the punishment for other types of murder under Sections 300(b), (c), and (d)—which did not include an intention to kill—was changed to life imprisonment and caning. Other offenses that carry the mandatory death penalty include piracy and certain terrorism acts.

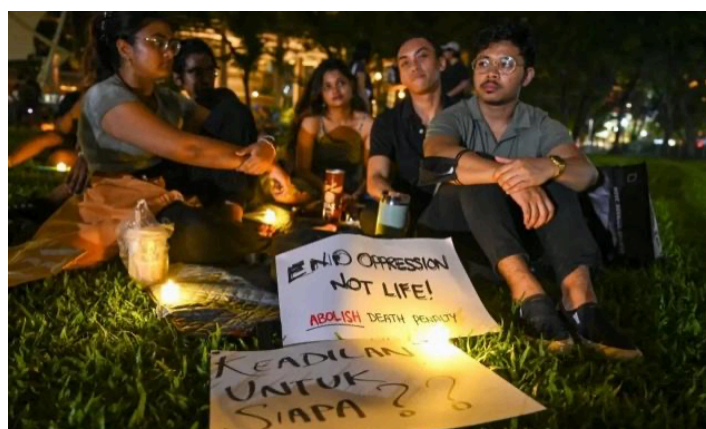
In February 2024, Ahmed Salim, a Bangladeshi painter, received a death sentence for murdering his Indonesian girlfriend, Nurhidayati Wartono Surata, in 2018 after she expressed a desire to end their relationship.^[28] His defence claimed he was mentally unwell due to adjustment disorder, but the court deemed his actions premeditated and sentenced him to death - a ruling that was upheld on appeal. ^[29]

This case illustrates the rigidity of mandatory death sentences, which remove the necessary judicial discretion to evaluate mitigating circumstances, often leading to disproportionate penalties.^[30] These practices violate international human rights standards on the right to a fair trial as outlined in Article 14 of the ICCPR Article 14 and the laws undermine justice by preventing courts from thoroughly considering the relevant details of each case. Moreover, the laws infringe on a non-derogable

right by mandatorily enforcing execution without discretion. Hence, it can be said that Singapore's laws fail to comply with the ICCPR's principles of proportionality, fairness, and humane treatment. The recent execution of Ahmed Salim demonstrates the inflexible application of the death sentence, highlighting the rigid, self-justifying nature of a legal system that superficially acknowledges international law while offering focus on deterrence over proportionality and justice.

The international response

Singapore has encountered significant backlash from global organisations due to its enforcement of the death penalty, especially concerning drug-related crimes. The UN urged Singapore to stop the execution of Rosman Bin Abdallah, sentenced to death in 2010 for trafficking a small quantity of drugs, as recently as November 2024. ^[31] UN experts clarified their stance, stating that "under international law, only crimes of extreme gravity involving intentional killing can be considered as 'most serious.' Drug offences clearly do not meet this threshold."^[32] They emphasised that applying the death penalty to drug offenses is a severe infringement of human rights norms. The UN also noted that the death penalty has not curbed drug trafficking and called on Singapore to abandon its use.



A vigil for Malaysian national Nagaenthran K. Dharmalingam, sentenced to death for trafficking heroin into Singapore, at Speakers' Corner in Singapore (Human Rights Watch, 2024)

The European Union (EU) has also criticised Singapore, releasing statements in October and November 2024. In November, the EU condemned two drug-related executions and advocated for Rosman's death sentence to be changed to life imprisonment.[33] The EU stated that "the death penalty is incompatible with the inalienable right to life and is a cruel, inhumane and degrading punishment."[34] They mentioned that it should not exist in the 21st century and contradicts international human rights norms.

Amnesty International similarly criticised Singapore's executions, including that of Azwan bin Bohari, who was executed for drug trafficking while a legal challenge was pending.[35] Amnesty declared the execution "unlawful" and accused Singapore of ignoring international safeguards for inmates on death row. They called for an end to all executions in Singapore and the establishment of a moratorium as a preliminary step towards abolishing the death penalty.[36] In a joint declaration, Harm Reduction International and six other organisations expressed concern about the declining human rights situation in Singapore. [37] They highlighted two recent executions for drug offenses while noting the censorship of anti-death penalty activists.[38] They called for an immediate halt to all executions and urged international pressure on Singapore to respect human rights.[39]

Crucially, Singapore disregarded these appeals and executed Rosman Bin Abdallah on 22 November 2024. This action reflects Singapore's commitment to its death penalty policy despite widespread international disapproval. Global organisations took this opportunity to highlight violations of international human rights standards, while Singapore opted to emphasise its legal framework over human rights issues. This stance reveals a troubling resistance to the global movement towards the abolition of the death penalty.

Conclusion

The almost continuous application of the death penalty in Singapore, particularly for drug offenses, highlights another significant deviation from recognised international human rights standards. Most executions occur due to mandatory death penalties for drug-related crimes under the MDA, undermining trial rights and resulting in wrongful convictions by assuming intent to traffic based on the quantity of drugs. Furthermore, the recently passed Post-Appeal Applications in Capital Cases Act exacerbates procedural injustices by enforcing rushed timelines. Violating the right to life, the right to a fair trial, and the prohibition against cruel, degrading, or unusual punishment breaches international law and should not be enforced in such circumstances. Therefore, it can be argued that Singapore's rigid commitment to the death penalty highlights the urgent need for reform. Ultimately, a more balanced sentencing approach, adherence to due process standards, and alignment with international human rights principles must be pursued to restore justice and dignity.

Policy Recommendations

- Singapore needs to repeal the mandatory death sentence for all offenses by amending its Misuse of Drugs Act and Penal Code. One way to do this is through the introduction of judicial discretion, which would enable judges to consider mitigating factors such as the accused's intention, participation and mental state. This would align Singaporean law with international human rights standards, including the ICCPR – which confines the death penalty to the "most serious crimes."

- Similarly, Singapore could abolish the death penalty for more serious crimes, and replace it with life imprisonment, with or without parole. Modifying this would still address public safety concerns while creating a more humane and rehabilitative justice system.
- The UN can offer Singapore technical assistance and advisory support in moving in the direction of international human rights standards. It too can promote capacity-building efforts and call for a moratorium on executions as a first step toward eventual abolition. UN bodies, such as the Special Rapporteur on Extrajudicial Executions, have capacity to monitor fair trial standards and provide legal expertise.

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The recent crackdown on freedom of expression in Pakistan

Ramsha Ali

Key takeaways

- Pakistan has experienced a recent and troubling rise in attacks on freedom of expression and assembly in Pakistan, as the state imposes stringent measures to limit the involvement of everyday people in politics and policy-making.
- The government has been accused of using excessive force against protestors, minor college students, and Baloch ethnic groups. Media outlets are heavily censored, and the labels of terrorists are being applied to the public arbitrarily. Given this, the human rights abuses have skyrocketed in the country.
- This situation is driving Pakistan towards a state of civil unrest, highlighting the urgent need for reforms to avoid illegitimate use of power against civilians, which can be brought about through domestic and international pressure.

Introduction

Freedom of expression is a constitutional right in Pakistan as per Article 19, but the country has seldom seen it being implemented in its true essence. But the violation of this right and other human rights violations of Pakistanis have recently increased, as the restrictions on media, political oppositions, non-governmental organisations, and protests have occurred. People with political opinions counter to the government face the risk of forcible disappearances, and the online critics of the government are labelled and targeted.[1] This article explores the ongoing curb on

freedom of expression and broader human rights violations in Pakistan through the lens of the state tactics to curb people's voices, including crackdowns on protests in Islamabad and the targeting of students, journalists, and the minority Baloch people. The erosion of these fundamental freedoms is leading to built-up frustrations in everyday people, and pushing Pakistan into ongoing civil unrest, or potentially another period of martial law.

Why is there a rise in the curb of freedom of expression in Pakistan?

Since the dramatic fall of former Prime Minister Imran Khan and leader of the political party, Pakistan Tehreek e Insaaf (PTI), there has been a rise in political activism and public protests in Pakistan.[2] This activism and unrest, as well as questions over the legitimacy of the current government, have increased since February 2024's allegedly rigged general elections.[3]



A policeman fires tear gas shells towards PTI supporters and activists during a protest in Islamabad on October 4. (Mohammad Asim/White Star, 2024)

The blowback from Khan's ousting and the questions surrounding the elections' legitimacy has left the government anxious about losing control over its decision-making powers, prompting Islamabad to impose stringent measures on rights to freedom of expression and assembly. Such measures were being implemented even before Khan was arrested, such as blanket bans on Imran Khan's speeches, and bans on private television channels, mobile internet and social media platforms.[4]

However, these restrictions have now extended beyond limiting Khan and his party's influence, increasingly targeting more of the population, and state violence has become the norm in Pakistan.

The D-Chowk Dharna in Islamabad

On 15 October, political opposition party PTI announced a protest in the D-Chowk of Islamabad.[5] The intention was to challenge the legitimacy of the current government and what it describes as the unjust imprisonment and torture of former Prime Minister Imran Khan.[6] Following the announcement, the government deployed approximately 10,000 police and military personnel, in Islamabad, including the use of over 600 containers, in 27 different locations, to stop the protestors from reaching the protest avenue.[7] The result was pitched battles across the city, as protestors trying to reach the protest avenue clashed with the security forces. Over 100



Protesters are taking to the streets in support of imprisoned former Prime Minister Imran Khan (Getty Images, 2024)

protestors were arrested during the clashes with reports of tear gas exchanges and stone pelting. [8]

The army was subsequently brought into Islamabad between 5 and 17 October, and mobile and internet services were suspended in the twin cities of Islamabad and Rawalpindi for several days.[9][10] Between 24 to 27 November, the city again witnessed an unprecedented and violent crackdown on protestors gathering at the request of PTI and demanded the release of Imran Khan. The army was again deployed across the city and shoot-on-sight orders were issued.[11] Disturbing videos of violence, torture, and killings of unarmed civilians by police have been circulating on the social media pages of PTI, despite the internet blockade and mainstream media censorship. While the exact number is difficult to confirm, there are claims that 100 people were killed on the night of 26 November, with hundreds more injured.[12]

Amnesty International condemned the government's actions and called for a "prompt, impartial, and effective investigation into the deaths and injuries of protestors as well as the unlawful use of force including lethal and less-lethal weapons by security personnel." [13]

Student protests in Lahore

After a rape case was reported in Punjab College in Lahore in October, students started massive protests across the city, demanding accountability from the authorities who were allegedly trying to cover up the incident. In response, college officials issued an official statement denying the rape case, despite numerous witnesses coming forward on social media to corroborate the incident and recounting hearing screams from the basement where it happened.[14] The government responded to the protests by shutting down campuses where protests were taking place, and at least 28 students were injured in confrontations with police. [15]

Between 18 and 19 October the government shut down all schools and universities in the Punjab as the protests grew.[16][17] Overall, more than 250 students were arrested protests.[18]

The spokesperson of the Punjab government, Azma Bukhari, echoed the university's stance by denying the rape case during a press conference, saying, "there is no video evidence to prove the incident" and shifted blame to PTI, claiming the student wing of PTI was responsible for spreading the rumours and inciting violence. [19][20] The government also issued First Investigation Reports (or FIRs), required to start criminal proceedings against journalists trying to cover the protests as well as students for what the government described as "committing offences" and propagating "false information." [21]



Police officers detain a demonstrator during a students' protest over an alleged on-campus rape in Punjab, in Rawalpindi, Pakistan, Thursday, Oct. 17, 2024. (W.K. Yousafzai, A.P. Photo, 2024)

This apparent coalition between the government and college authorities to suppress the truth sent a wave of fury throughout the country.

Labelling of government critiques as digital terrorists

Another attack on the freedom of the people of Pakistan has been the negative labelling of anyone critical of the government and military.

The army has been heavily criticised by the public for illegally abetting the current government to come into power during this year's general elections.[22]

To counter and stifle this criticism, anyone online who implements language critical of the government is being labelled as a "digital terrorist." [23] This was publicly confirmed by the military at the end of the 83rd Formation Commanders Conference, on 30 May, where it announced that a crackdown on critics would take place to defeat what it described as an "anti-military campaign" in Pakistan. [24][25]

This clampdown has led to the arbitrary arrests of journalists and social media users accused of spreading "negative propaganda" and the murder of at least 8 journalists this year. [26][27] This includes Matiullah Jan, a journalist covering the protests, who was abducted by the government from outside the Pakistan Institute of Medical Sciences hospital in Islamabad on 27 November. [28] The arrest and killing of journalists is not new to Pakistan, with journalists Imran Riaz Khan and Sami Abraham arrested and disappeared on 11 May and 24 May 2023 respectively, for their outspoken coverage of domestic political situations. [29][30][31][32]

The government has also been trying to control digital media platforms amidst the rising protests. [33] In August 2024, a firewall was installed by state officials to track and block content considered propaganda against the government. [34] This includes a ban on X (formerly Twitter), making it inaccessible to the public without Virtual Private Networks, or VPNs. [35] From prison, Imran Khan stated on X on 24 July, that "a few people living in the 70s who are completely ignorant of how social media works are distributing the title of digital terrorism [...] If the majority of the population are called terrorists even now, it will have dangerous consequences for the country." [36] Khan is not wrong, with more repression in person and on social media threatening to lead to more civil unrest.

The ill-treatment of Baloch protestors

While the Baloch ethnic group has suffered from state oppression for decades in Pakistan, this year has seen an uptick in attacks on the community. Balochs have been long demanding justice for the extrajudicial killings of their people and the release of hundreds of forcibly disappeared Balochi people, allegedly detained by Pakistan's military agencies.[37] To demand an end to these and other human rights violations taking place in Balochistan protestors, including women, travelled thousands of miles from Turbat to Islamabad in January 2024.[38]

The protestors slept in freezing temperatures in the vicinity of the National Press Club in Islamabad, and the government responded with a massive disinformation campaign, intimidation, arbitrary arrests, and detention.[39] Baton charges, arrests of protestors including women and children, firing of water cannons in extreme temperatures and use of tear gas are just some of the examples of the many violent measures taken by state officials against the unarmed protestors including the elderly and children. Online videos of protests on social media showed the police dragging women and men towards police vans while beating them with clubs.

Police also prevented supplies of food, tents, and blankets from reaching the protestors and enforced frequent electricity cut-offs and mobile signal interference, preventing the protestors from issuing media updates about their protests. [40] In the end, protestors had to wrap up their sit-in after round-the-clock harassment at the hands of Islamabad police and harsh climate conditions.[41]

Protest organiser, Mahrang Baloch, told Amnesty International "the anti-Baloch attitudes of the state, judiciary, media, and state-aligned intellectuals have forced us to conclude this phase of our protest.

Over the past month, our peaceful protest has been surrounded from all sides by police, and we have been subjected to harassment, profiling, and threats daily." [42]

The unjust treatment of Balochs at the hands of the government is increasingly inflaming the separatist movements in Balochistan. Given the importance of the province in terms of the China-Pakistan Economic Corridor project, Gawadar port, and large exports of gold and natural gas, Pakistan's economy cannot afford such political and social instability in the province. It is high time for Pakistanis to pay close attention to what is happening in Balochistan if they want to avoid the looming dangers of a large breakdown.



Baloch human rights activist Dr. Mahrang Baloch addressing a protest gathering in Gwadar, Pakistan, on August 9, 2024. (Baloch Yakjehti Committee/X, 2024)

Conclusion

2024 has witnessed a dramatic increase in state repression and violence in Pakistan, in an attempt to curb the fundamental human rights of the people. These measures have fuelled public anger, creating a rift between the public and state authorities. The key question is whether the government and country can sustain the escalating level of tension before the socio-political fabric fractures.

The alleged illegitimacy of the current government is already seen as a scar on the democratic values of the country and given this, the denial of constitutional and human rights of the people and a disregard for their freedom will not help Pakistan in the long term. The shift towards an autocratic mode of governance is eroding trust further and undermining public confidence in state institutions. If these repressive practices continue unchecked, the country's efforts to rebuild its economy and address societal crises will remain fruitless. The indifference and hostility towards public sentiments can also lead to civil unrest, damaging the country's internal stability and international standing. Urgent reforms are needed to restore the political and social stability of the country and revive the hopes of the people in the state.

- The government should pay heed to the cries of Balochs instead of adopting a hostile attitude towards them. Balochistan carries immense potential for the economic development of Pakistan through its natural resources and geo-strategic location, and the current practices of the government are only fuelling separatist movements in the region. The first step should be the establishment of a committee to address the legitimate concerns of the Baloch people.

Policy Recommendations

- The government needs to respect the civil and political rights of the people and give them enough room to express themselves if it wants to avoid public anger and the freefall of trust in the regime. Media outlets should be free to deliver different political opinions to cater to the demands of a progressive young population.
- There should be a clear separation of powers in the administrative framework of the country as per its constitution. A lack of involvement in politics by the military elite would help mend the ties between civilians and the armed forces.
- An immediate apology should be issued to the public condemning the rape case in the private college. The use of excessive force over minor students and their torture should be investigated immediately to regain the trust of the students in state authorities.

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Man-made disaster, fuelled by Natural Disaster: Typhoon Yagi and Myanmar's latest crisis

Phoo Wai Yan Myint

Key takeaways

- Typhoon Yagi caused widespread destruction in Myanmar in September, displacing millions and worsening an already dire humanitarian situation. The country's vulnerability to natural disasters has been worsened by the ongoing civil war and systemic government failures.
- Myanmar's ruling military junta, the Tatmadaw, has failed to address the man-made and natural disasters the country faces, and the lack of accountability, obstruction of humanitarian aid, and systemic neglect have turned a manageable disaster into an escalating catastrophe.
- Because of the already dire situation Myanmar faces, it is urgent to break the cycle of crises through immediate intervention or mediation for peacebuilding initiatives between the Tatmadaw and opposition forces, and for humanitarian aid organisations to be given immediate and unimpeded access to affected regions.

Introduction

In September 2024, Typhoon Yagi, swept across over Southern China and Southeast Asia. While Yagi affected several countries, its effects have been most severe in Myanmar, where the amount of damage and the number of fatalities is higher than elsewhere. The typhoon caused flooding and landslides across the country which compounded the nation's already dire humanitarian crisis after years of civil war. Human rights violations; a lack of humanitarian

aid because of this conflict has already led to hardship and mass displacement.

Myanmar's recent history has seen its people face persistent challenges when it comes to natural disasters, largely due to a high rate of poverty, poor governance, scarce resources, and an insufficient level of disaster preparedness. Typhoon Yagi was no different, with its impact increasing the suffering of the Burmese people. For this reason, this article will scrutinise how the effects of Typhoon Yagi have affected Myanmar and how the pre-existing and conflict humanitarian crisis has made the situation worse.

The impacts of Typhoon Yagi

Yagi struck the region on 8 September, causing devastating floods and landslides in Myanmar. The typhoon lasted until 12 September—including in Bago, Kayah, Kayin, Magway, Mandalay, Mon, Nay Pyi Taw, and Eastern and Southern Shan State. Flooding impacted more than 69 townships, resulting in 433 fatalities, and 89 missing by 22 September. The typhoon



Aid relief efforts by the International Committee of the Red Cross (ICRC, 2024)

hit critical infrastructure, including roads, bridges, schools, and telecommunication towers, hindering relief efforts and preventing access to the worst-hit regions.[1]

Overall, around 890,000 people have been affected by the disaster, with more than 320,000 people displaced into temporary shelters. Many of these areas have already been home to significant numbers of internally displaced persons (IDPs), whose pre-existing needs such as food, water, medical support, and hygiene products have not been met. Prior to the typhoon, the number of IDPs was already 3.1 million people, including one million in now flood-affected regions.[2]

Floodwaters aggravated existing public health concerns, especially in areas with inadequate water, sanitation, and hygiene infrastructure, increasing the risk of water-borne diseases.[3] The typhoon also destroyed agricultural land, including over 643,000 acres of crops, which has immediately worsened food security in flood-affected areas.[4] In addition, and as a consequence of the civil war, the previous use of chemical weapons and explosive devices by the Tatmadaw[5] has raised concerns that flooding would lead to contamination and make previously safe areas hazardous.[6]

The international response to the crisis

Humanitarian efforts in Myanmar face significant challenges, largely due to severe underfunding, with only 27 percent of required funding for the Office for the Coordination of Humanitarian Affairs (OCHA) 2024 Humanitarian Needs and Response Plan secured.[7]

However, despite this underfunding, international organisations or United Nations agencies like the World Food Programme, the UNOCHA, Myanmar Red Cross Society (MRCS), and International Federation of Red Cross (IFRC) have attempted to support recovery efforts and community



Local residents wade through a flooded road in Naypyidaw (Al Jazeera, 2024)

resilience. For instance, IFRC and MRCS has launched a 2.5 million CHF response plan to assist 25,000 people over the next year. They are conducting field visits and needs analysis. Based on the results, they provide shelters and essential household items, trained volunteers for first-aid, providing mental health, psychosocial support, and holding awareness-raising sessions for hygiene across the areas.[8]

Furthermore, USAID, the European Union (EU), and the Association of Southeast Asian Nations (ASEAN), the Coordinating Centre for Humanitarian Assistance Centre on Disaster Management have also provided funding for humanitarian projects. USAID has donated \$3 million for flood-affected communities.[9] While the EU pledged €2.2 million.[10] AHA delivered a letter of sympathy and offer of assistance to the regime in Myanmar, while the latter has already accepted assistance from ASEAN.[11]

Myanmar's history has made the typhoon's impact worse

Myanmar is ranked 11 globally in terms of exposure to natural hazards and capacity to prepare for and respond to hazard events and disasters.[12] However, the effects of the typhoon have been amplified and the reasons hindered by the ongoing issues the country faces.

First, Myanmar has been engulfed in a civil war since 2021, when the Tatmadaw overthrew the democratically elected government.[13] The regimes fight against several armed groups has seen widespread violence, displacement, and economic devastation. By the end of 2023, 2.6 million people had fled their homes, and 18.6 million people needed humanitarian assistance. [14] This conflict has meant the Tatmadaw has done little to address the vulnerability of the community regarding humanitarian needs, including those relating to climate change and natural disasters.

Agriculture, the backbone of Myanmar's rural economy was already severely affected. In Kayah State, armed attacks have decimated rice fields and left farmers without work.[15] This caused food scarcity and an enormous economic blow to the region. Infrastructure destroyed by airstrikes and bombardments has further restricted the movement of goods and people, leaving IDPs and refugees vulnerable to a two-fold catastrophe.[16] The ruins enhance resentment, increasing support for armed resistance and destabilising the region.

The Tatmadaw has also deployed a "Four-cuts" strategy, which targets unarmed civilians to disrupt food, funds, information, and recruitment for opposition groups.[17] This approach has succeeded in obstructing the delivery of humanitarian aid, previously seen in past crises like Cyclone Nargis in 2008, when the former military-led government denied humanitarian assistance from international aid agencies. The denial of entry to both local and international organisations has exacerbated the crisis and led to these areas staying impoverished and vulnerable.[18] Moreover, the regimes use of checkpoints and extortion of aid convoys has discouraged organisations from scaling up their operations.[19] Adding to this dire situation, aid workers have been frequently targeted, with over 1,500 incidents of violence reported between 2021 and 2024.[20] These include 43 deaths, 34 injured, and 16 kidnapped.[21]

Conclusion

The dual crises in Myanmar, man-made and natural, underscore the disastrous results of a regime that prioritises power consolidation over public welfare. The remnants of Typhoon Yagi magnified the pre-existing and dire humanitarian crisis; and revealing the vulnerabilities of a nation caught between civil war, systemic neglect, and environmental disaster. Ineffective responses, international sanctions, and the military junta's deliberate blocking of humanitarian assistance has left millions of Myanmar residents trapped in a circle of misery. This pressing issue requires an urgent and more coordinated approach, centred on ceasefire negotiations, better humanitarian access, and meaningful accountability of the regime. Otherwise, people of Myanmar will continue to suffer unnecessarily.



A woman and child wade through a flooded road in Naypyitaw, Myanmar (Associated Press, 2024)

Policy Recommendations

- ASEAN should continue to push for mediation and a ceasefire between the Tatmadaw and opposition groups and enhance coordination with AHA to deliver aid directly to affected communities.

- The Tatmadaw needs to immediately cease hindering or targeting local aid organisations and remove any restrictions on providing humanitarian assistance to flood affected areas. These groups should also engage with communities to established decentralised hubs for more logistical operations and easier aid delivery.
- The Tatmadaw should focus on better governance and design efficient systems for disaster-preparedness and climate resilience, such as early warning systems, building disaster-resistant structures, community education and training, national evacuation plans, and adopting sustainable agricultural practices.
- The international community needs to pressure both parties to engage in talks for a sustained ceasefire, while any lifting of sanctions needs to be reticent on the Tatmadaw allowing humanitarian corridors and ceasing any illegal acts on civilians and aid workers.

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Freedom of expression and assembly in Cambodia

Esm'eralda Marion

Key takeaways

- Concerns over human rights are rising in Cambodia under Prime Minister Hun Manet, with his government increasingly cracking down on freedom of assembly and expression. This includes attacks on protestors, activists and journalists, and the passing of restrictive legislation.
- Domestic and international human rights groups have condemned the government for its increasingly oppressive nature that has little tolerance for critical opinions. Cambodia also has international legal obligations to uphold these freedoms, as well as obligations as part of the Association for Southeast Asian Nations, or ASEAN.
- It is imperative that the Hun Manet government adhere to these obligations and work to reverse any legislation that undermines it, and to ensure that its peoples fundamental human rights are upheld. This includes journalists, protestors, activists, and everyday Cambodians.

Introduction

In Cambodia, there is an alarming pattern of the Hun Manet government restricting free speech and assembly and targeting journalists and protestors. While the constitution guarantees these freedoms, there has been a noticeable downward trajectory in championing these rights through censorship and surveillance. There has also been a crackdown on media through restrictive legislation targeting journalists and digital platforms. This has become a dilemma for not

only journalists but also the general public and activists who are keen on exercising their rights to criticise government decision making.[1] Therefore, the objective of this article is to scrutinise Cambodia's freedom of assembly and expression landscape by describing how these rights are viewed under Cambodia's legal framework and also to assess some of the threats and violations in reference to these fundamental rights.



Cambodian Prime Minister Hun Manet (left), stands next to his father, Hun Sen (Human Rights Watch, 2024)

Cambodia's international legal obligations

Cambodia has ratified both international and regional legal frameworks and standards which strive to protect the freedom of assembly and expression. These frameworks have been key in establishing critical prescriptive measures and fundamental principles concerning execution of human rights values at the

national level. This includes the Universal Declaration of Human Rights, which obligates Cambodia to protect freedom of expression and peaceful assembly in Articles 19 and 20.[2] The International Covenant on Civil and Political Rights explicitly declares the right to expression as per Article 19, and Article 21 stresses that restrictions ought to be confined to the law that is essential for democratic interests and public order.[3][4]

Cambodia is also a member of ASEAN, and the principles 23 and 24 of the groups Human Rights Declaration articulates that everyone is entitled to express their opinion without intrusion and to seek, obtain and convey information, as well as assemble peacefully.[5] Despite these ratifications, the government has continued to pass laws that undermine the freedom of assembly and expression and to target dissent from protesters, journalists and activists.[6]

Analysis of Cambodia's legal framework

While the Cambodian constitution does seemingly protect the execution of striking and organisation of peaceful protest under Article 37, and the rights to freedom of expression, information, publication and assembly under Article 41, the document also states that nobody is to employ these rights to violate the honour of others or interrupt the society's good customs, law and order and state security.[7][8] This, then, does not guarantee an absolute right to free assembly and expression, thereby permitting certain limitations in defined circumstances solely to uphold public order.

Various penal codes and legislative provisions also define the limitations of free expression. For instance, the 2009 Penal Code incorporates provisions which can be construed to limit free speech, especially on defamation and incitement as with Article 305 which prescribes penalties for persons publicly slandering others and may encompass public officials and institutions.[9] Defamation laws are also used

in situations where an individual or organisation believes that their reputation has been unjustifiably assaulted thereby bringing about legal action for those articulating dissenting views.[10]



Neth Pheaktra holding copies of Charter books (KT/Khem Sovannara, 2024)

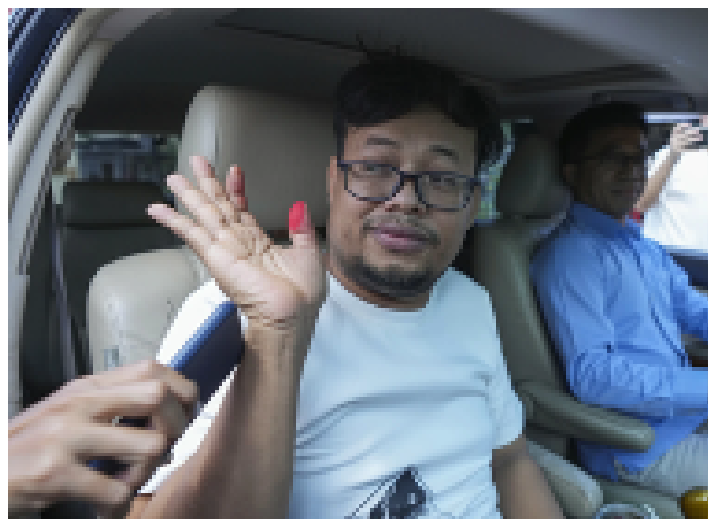
Cambodia's restrictive Charter

Despite existing legislation limiting free expression, the adoption of new regulation, as is the case with the Charter for Professional Journalism which was endorsed in August 2024, clashes with fundamental rights despite assurances by the government that the Charter seeks to boost journalistic ethics and principles. UN experts have called for its suspension due to its alleged failure to adhere to international human rights standards.[11] Termed as "misleading and prejudiced" experts have highlighted that while the Charter should have factored in inclusivity and transparency, it failed to constitute the "the rights of correction and reply" or integrate a "public interest override." [12] However, Cambodia's Minister for Information, Neth Pheaktra, has contended that the charter is well-founded in the constitution, appropriate laws and conventions.[13]

As journalists continue being exposed to harassment, the issue of censorship has also come to light in reference to the Charter. Media as a crucial avenue for voicing individual opinions is being threatened by censorship due to provisions that emphasises the dissemination

of only credible information as opposed to employing appropriate measures to validate information before dissemination.[14] Furthermore, the internet, a free dissemination platform for information and one ideal for discussions and social activism, is also susceptible to censorship based on attempts by the state to censor certain content, thereby limiting free expression. The government has however argued that the Charter is not meant to limit press freedom but accentuated that journalists are not immune to prosecution. [15] Moreover, as media is an ideal tool for promoting and protecting human rights, those that publicly criticise and speak up against the government's policies are considered to be launching an attack against the state instead of legitimately exercising free expression. The government has however argued that it does not suppress free speech but instead punishes those violating the law.[16]

Whereas the dissemination of impartial information by media outlets should not be limited, journalists should also not be prosecuted for reporting on sensitive issues. The administration has however argued that as part of promoting press freedom and ensuring the safety of journalists, the Charter guarantees a favourable setting for implementing the code of ethics of professional journalism as it establishes minimum ethical and professional conduct standard that is applicable to all journalists and any individual conducting activities in relation to media.[17] Nonetheless, criminal charges directed towards journalists as a way of regulating and restricting free expression is a violation of the rights guaranteed in the Cambodian constitution and international law. There is therefore need for the state to reevaluate and realign the Charter as per international law despite its support by Cambodia's Permanent Mission in Geneva, the Ministry of Information and various press associations.[18][19]



Cambodian freelance journalist, Mech Dara, released on bail (AP Photo/Heng Sinith, 2024)

Threats and violations to Cambodia's freedom of assembly and expression

While Cambodia has a history of repressing its people, there has been a concerning uptick in attempts to silence activists, journalists and legislators, who have been apprehended and prosecuted for voicing their opinions.[20] On 1 July 2024, ten environmental activists from conservation group Mother Nature received a prison sentence ranging between six and eight years for allegedly plotting against the administration and insulting the king.[21] The group had voiced concern on the alleged pollution in the Tonle Sap River, the nationwide destruction of natural resources, illegal logging and filling-in of lakes in the capital.[22] Human rights groups argued that this was an attempt to "muzzle criticism of government policies." [23]

During the 31 October 2024 conference on Trust in Cambodian News, Pa Chanroeun, president of the Cambodian Institute for Democracy, noted that the detention of journalists defied press freedom as some faced prison sentences. He highlighted that allegations against citizens and journalists were widespread especially in relation to sensitive matters being termed as inciting social disorder.[24] For instance, those at the

forefront exposing corruption and human trafficking are susceptible to prosecution much like Mech Dara, an investigative reporter, who faces a two years prison term after being charged with "inciting social unrest".[25]

Whereas media operates as a watchdog to denounce, offer feedback, and most importantly uncover hidden stories, government measures and regulations weaken the press by limiting media freedom. Chhan Sokunthea, executive director of the Cambodian Center for Independent Media, highlighted during the Trust in Cambodian News conference that, "independent journalists who dare to report on sensitive issues like land disputes, politics, or the environment, have met challenges – they've had their licenses revoked or been hit with lawsuits, and it's difficult to find institutions to help them," thereby emphasising that an independent press council could assist shielding these journalists. [26] In addition, journalist reporting on sensitive issues equally face threats and violence as is the case with the murder of Chhoeung Chheng, Kampuchea Aphiwat news website journalist who previously reported on deforestation, and was fatally shot on 4 December 2024 in Siem Reap province and succumbed to his injuries on 7 December 2024.[27]

Human rights organisations have also raised concern regarding the prevalence of arbitrary arrest and detention, a tool that has been



Members of the press interview US ambassador to Cambodia W Patrick Murphy in front of the Phnom Penh Municipal Court in March (Phnom Penh Post, 2024)

employed for oppression by state apparatus. For instance, Amnesty International and Human Rights Watch released a public statement of concern on 28 August 2024 over arbitrary arrests of about 94 people as of late July for calling out the agreement the administration signed with neighbouring Laos and Vietnam due to concerns on land concessions, ceding land and sovereignty to Vietnam, and foreign interests' privileges above Cambodians. According to the statement, "At least 59 of those arrested, which include environmental, human rights and other activists, remain unlawfully detained and charged for peacefully expressing their views, including several children."[28]

As Cambodian journalism associations request for an autonomous press council to reinforce ethical values and boost journalists' safety as is the case with other ASEAN countries, Tep Asnarith, Information Ministry spokesperson stated during the Trust in Cambodian News conference, that each ASEAN country had differing media practices and that Cambodia's instruments have always defended journalists thereby underscoring the need to adhere to the journalism charter.[29]

Conclusion

Freedom of assembly mirrors the significance of free speech where individuals can express their opinions as per the various methods prescribed by the law. While Cambodia's detailed bill of rights in the constitution signifies its dedication to basic human rights, the implementation of new regulations that unjustifiably limit some of these freedoms as is the case with expression, is a sharp contrast to its dedication. Furthermore, there is an increasing challenge in aligning security interests with the protection of civil liberties especially with reference to growing risks like hate speech and social disorder. Thus, a balance that guarantees both order and safety of the Cambodian society and protection of basic rights needs to be established. The state's protection of these fundamental freedoms is therefore an indication of safeguarding

democracy by not suppressing public opinion and affirming free peaceful assembly. International organisations are equally fundamental in pressurising the Cambodian government to align its legislative measures with international human rights standards in addition to re-examining the government's restrictive policies.

Recommendations

- A system of checks and balances ought to be endorsed in order to restrain any abuse of power and limit government interference within the rights of free expression and assembly.
- The Cambodian government should guarantee not only the independence of human rights defenders, journalists and media but also create a safe space for their operation.
- The government should review and amend national legal regulations as per international human rights standards while also monitoring the progress of their implementation.
- The Cambodian government, civil society and media should collaborate to establish self-regulatory media systems that will foster free expression and professionalism.

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