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MYANMAR

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*"While there are signs of relaxation of restrictions and some progress in economic, social and cultural rights, many civil and political rights are still severely restricted. Particularly, the right to life, liberty and security of person, freedoms from slavery, torture or cruel, inhuman or degrading treatment and punishment, freedoms of thought, opinion, expression, peaceful assembly and association are widely violated and ignored especially in connection with forced labour, forced relocation, political activities including activities related to political parties and the National Convention."*¹

Introduction

Amnesty International welcomes certain incremental improvements which the State Law and Order Restoration Council (SLORC), Myanmar's military authorities, have made in regards to the human rights situation. However the organization remains concerned that a system of repression is still in place which is being used to violate the fundamental human rights of the people of Myanmar. During 1993 non-violent critics of the SLORC were arrested and sentenced to long terms of imprisonment, and ethnic minorities, particularly the Karen, were still at grave risk of repressive measures by the Myanmar security forces in the course of their counterinsurgency operations. Torture and ill-treatment of both ethnic minorities during forced portering and of political prisoners in Myanmar's jails continues to be a common occurrence. Some 70 prisoners of conscience remain in detention, most of whom have been sentenced after blatantly unfair trials. Other prisoners of conscience who have been released are routinely subjected to intimidation, which takes the form of surveillance, threats, and interrogation. Delegates to the SLORC-controlled National Convention have also been subject to similar repressive measures which have denied them the rights to freedom of expression and assembly.

Improvements which have been made include the release of some 2,000 political prisoners from April 1992 until December 1993, leaving an estimated several hundred in detention. Military tribunals, which used unfair trial procedures to sentence hundreds of political prisoners to long terms of imprisonment, have been abolished. Most recently in October the SLORC withdrew its previous reservations to Articles 15 and 37 of the Convention on the Rights of the Child to which it had acceded in July 1991. Articles 15 and 37 respectively guarantee all children the right to freedom of association and the right not to be tortured, and are now fully applicable in Myanmar. The SLORC has also agreed to begin working with the International Committee of the Red Cross (ICRC) to train military officers in international humanitarian law and the four 1949 Geneva Conventions to which Myanmar acceded in August 1992. In January the SLORC commuted all death sentences to life imprisonment and reduced all sentences of more than 10 years to 10 years; however, only those sentences handed down from 18 September 1988 to 31 December 1992 were affected by this decree. Amnesty International welcomes these improvements, but is concerned that the SLORC has refused to make more fundamental changes in its human rights policy and

¹Oral Statement made by the United Nations (UN) Special Rapporteur on Myanmar, Professor Yozo Yokota, to the Third Committee of the General Assembly on 24 November 1993.

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practice.

Developments at the National Convention

The National Convention, which was initially convened by the SLORC on 9 January 1993 in order to establish principles for the drafting of a new Constitution,² met intermittently throughout the year. In the context of the Convention, the rights to freedom of expression and assembly were severely curtailed by the SLORC. At least 17 people were arrested in December 1992 and January 1993 for distributing leaflets criticizing the forthcoming Convention. Delegates were also closely supervised by the Military Intelligence Service (MIS) during the first session of the Convention and MIS personnel were assigned to each dormitory where delegates stayed.

On 7 June during the plenary session of the Convention after a two month recess, Chief Justice U Aung Toe, the Chairman of the National Convention Convening Work Committee, reiterated the need for the defence services' *"leading role in national politics"*. He also proposed both regional and national legislative bodies with *"participation of the representatives of the Defence Services"* and a non-elected president. In conclusion he called for *"the Defence Services commander-in-chief to exercise state power in accordance with the constitutional provisions in times of national emergency..."*

Intimidation of delegates in the form of warnings and threats continued during the mid-year Convention sessions. On 28 June, while panel discussions were taking place at the Convention, SLORC Secretary-1 Lieutenant General Khin Nyunt indirectly warned delegates in a speech to civil servants: *"...if the delegates use their rights wrongfully by using the National Convention as a political platform, the aims and objectives of the National Convention will be diverted."* An elected member of parliament from the Chin State made a speech on 11 June criticizing the SLORC's proposal to rename the states, and was reportedly later reprimanded by the Chairman of the National Convention Convening Work Committee. Subsequently the SLORC required that all speeches by delegates be approved by Convention officials before their presentation.

The plenary session reconvened again on 9 August, when delegates submitted 22 reports setting out their views on the basic principles for the drafting of the constitution. Despite reports of intimidation, some delegates publicly disagreed with the SLORC's vision of the country's political future. Delegates from the Shan Nationalities League for Democracy (SNLD) made the following statement: *"If a system of genuine multiparty democracy is to be practised, the political parties should be allowed to organize freely and they should not be controlled and restricted under the law."* The party also called for a parliamentary administration because *"...we do not have the power to restrain the president from becoming a dictator in our country..."*. The SNLD further urged *"A provision for freedom of writing, publication, speech and expression"*. The Kokang Democracy and Unity Party also called for freedom of expression: *"...the national races of the Union shall have the right to create their own destiny in accordance with their own literature, customs, and traditions...The national races shall enjoy freedom to publish and distribute newspapers, journals and magazines..."*

The final plenary session of 1993 was convened on 6 September. On 9 September U Aung Toe, Chairman

²The 1974 Constitution was suspended when the SLORC seized power on 18 September 1988 and declared martial law; subsequently they have ruled by decree. Almost 700 delegates attended the National Convention, 120 of them elected members of the People's Assembly including some 90 from the National League for Democracy (NLD), which had won the 1990 elections. Amnesty International January 1994AI Index: ASA 16/03/94

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of the National Convention Convening Work Committee, presented the Committee's "*basic principles on which the fundamental principles of the state should be based*", which he claimed was "*a serious appraisal*" of the 22 delegates' reports. The principles call for a president as head of state elected by an electoral college; a bicameral union legislature and regional and state legislatures; and the participation of members of the defence services in all legislative bodies and all levels of administration. The principles also provide that public service personnel should "*stay clear of party politics*". The "*fundamental rights and duties of citizens*" include: "2. Every citizen shall enjoy justice, liberty and equality, as prescribed by the constitution. 3. No citizen shall be detained for more than 24 hours without a court order...8. It is the responsibility of every citizen to ensure the peace and tranquillity of the general public and the prevalence of law and order." The principles further stipulate that the Commander-in-Chief shall have the right to use state power in a state of emergency. Under principles relating to the penal code and sentences, two provisions are set out: "1. There shall be no right to allow the prescription of any retroactive penal codes. 2. There shall be no right to hand down any sentences that tarnish and disgrace human dignity."

Although the majority of the delegates publicly agreed with the prominent role assumed by the military in the nation's political structure, some delegates who were members of political parties, including the NLD, were evidently disappointed by the SLORC's declaration of principles for constitution-drafting. The NLD objected to what it saw as the SLORC's failure to allow for further discussion, particularly the issue regarding the military's role in government. According to reports, Aung Shwe, Chairman of the NLD, and Khun Tun Oo, leader of the Shan Nationalities League for Democracy (SNLD) were both threatened by the SLORC for their public opposition to the military's continued hold on power and their calls for "*a genuine democracy*" in which the military would be subordinate to an elected parliament.

On 16 September the convention was adjourned by Lieutenant General Myo Nyunt, Chairman of the National Convention Convening Commission, until 18 January 1994 "*to enable the delegates to...prepare, research and collect data to present suggestions on chapter headings such as state structure when the National Convention resumes in the near future.*" Lieutenant General Khin Nyunt said in a 4 August interview with the *Singapore Business Times* that: "*The next step will be the drafting of the new Constitution, and based on it we will have a new government and the transfer of power.*" However the SLORC has not yet set a timetable for the actual drafting of the Constitution or for the transfer of power to a civilian government.

Political Detention

In April 1992 the SLORC began to release political prisoners, thousands of whom had been arrested during the military crackdown of the pro-democracy movement from 1988 to 1991. The SLORC continued to report releases of political prisoners throughout 1993 but did not publish their names. At the end of December, some 2,000 political prisoners had reportedly been released, but hundreds more remain in detention. Those who are still detained include Nobel Peace Prize laureate and prisoner of conscience Daw Aung San Suu Kyi, who is now in her fifth year of house arrest. According to media reports, at the end of October Foreign Minister Ohn Gyaw claimed during an unofficial visit to Japan that the restrictions placed on her movements were applied in accordance with Myanmar domestic law. He reiterated the SLORC position that she would be free to leave the country at any time if she joins her family in the United Kingdom. In this regard, Amnesty International renews its call for Aung San Suu Kyi to be released immediately and without any conditions placed on her freedom.

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Amnesty International also remains concerned about prison conditions of political prisoners, which often constitute cruel, inhuman or degrading treatment. Torture and ill-treatment, sometimes resulting in deaths in custody, has been routine in Myanmar's prisons. Most recently on 13 October Aing Ko, aged 31, died after not receiving treatment for an unspecified illness at Thayet Prison, Upper Myanmar. Although further details are not available, Amnesty International believes that lack of medical care may have contributed to the death of Aing Ko. Amnesty International is also concerned about the health of Paw U Tun **alias** Min Ko Naing, a prominent student leader who has been imprisoned since March 1989. After his arrest there were widespread reports that he had been severely tortured and as a result was in poor health. In August during a visit to Myanmar, members of the United States (USA) Congress were able to meet with him briefly at Insein Prison, and reported that he appeared weak and disoriented. Visits to political prisoners by non-family members are almost never permitted, and this occasion was evidently the first time that Paw U Tun had been seen by outsiders. Paw U Tun is being held in solitary confinement in a dark cell although he is able to see his family for 15 minutes every two weeks, something which is normally granted to political prisoners in Myanmar only after being sentenced. He was sentenced in late 1991 to 15 years' imprisonment by a military tribunal which was blatantly unfair.³ Amnesty International is calling for a review of Paw U Tun's trial and sentence, and is further concerned that he is held in conditions amounting to cruel, inhuman or degrading treatment.

The Congressmen were also permitted to see retired General Tin U and retired Colonel Kyi Maung, two prisoners of conscience and prominent NLD leaders also held at Insein Prison. Tin U, a founder and Chairman of the NLD, was arrested at the same time as Aung San Suu Kyi in July 1989. He is in his late 60's. Kyi Maung, now in his mid 70's, led the NLD to victory in the May 1990 general elections. He was arrested in September 1990 during a SLORC crackdown on those members of parliament-elect who had urged the SLORC to convene the National Assembly after the elections. Both were sentenced to long terms of imprisonment by military tribunals and subsequently have been allowed brief visits from their families once every two weeks. Both had reportedly received visits in April by two former USA Congressmen, the first time outsiders gained access to any political prisoners.⁴

Recent Arrests

The SLORC continued to arrest members of the political opposition in mid-1993, including students and NLD activists. On 7 July students staged a demonstration at the Hlaing campus of Yangon (Rangoon) University to commemorate the anniversary of the student union building's demolition by security forces in 1962 when scores of students were killed. During the 1993 demonstration an unknown number of students evidently raised the Flying Peacock flag, the traditional symbol of political opposition in Myanmar. U Soe Min, a tutor, reportedly began to beat Maung Nyan Lin, the student who was carrying the flagpole, who was then arrested by Military Intelligence personnel present at the scene. Some reports indicate that Maung Nyan Lin had initially hit U Soe Min with the flagpole, although it remains unclear whether or not this actually occurred. Several other students were reportedly arrested at the same time, although Amnesty International has no further details about the circumstances of their arrests. Maung

³Although military tribunals were abolished by the SLORC in September 1992, dozens of political prisoners who were tried by them remain imprisoned. Tribunals used procedures falling far short of international fair trial standards, including the right to judicial appeal.

⁴Access to political detainees was denied to the United Nations Special Rapporteur on Myanmar, Professor Yozo Yokota, during his December 1992 visit to Myanmar.

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Nyan Lin, an Economics student, was reportedly later sentenced to five years' imprisonment, along with five other unnamed students who were arrested at the same time, and there are further reports that he was beaten in detention. Amnesty International is concerned that he may not have received a fair trial, and that he may have been ill-treated while in detention.

Amnesty International also learned that Tin Soe, a member of parliament-elect and NLD township office Chairman, was sentenced to two years' imprisonment on 18 August 1993. No further information is available about his arrest and trial, but Amnesty International is concerned that he may be a prisoner of conscience, arrested solely for the non-violent expression of his political views. Other NLD activists Dr Aung Khin Sint and his assistant Than Min were arrested on 3 August 1993 for writing and distributing letters and leaflets to delegates at the National Convention. Dr Aung Khin Sint is a Convention delegate and the NLD member of parliament-elect for Mingala Taungnyunt (1) constituency in Yangon; Than Min is an NLD Executive Committee member in Mingala Taungnyunt township. The authorities allege that Dr Aung Khin Sint wrote a letter in April 1993 addressed to "*Esteemed National Convention delegates chosen by the SLORC*" which was copied and posted by Than Min to all the delegates. The authorities also claim that in June 1993 Dr Aung Khin Sint distributed by mail "*seven selected points from the paper presented at the National Convention by the NLD*" to the NLD National Convention delegates; and that Than Min made copies of points presented by the Shan State Kokang Democratic Party at the National Convention which were given to him by Dr Aung Khin Sint. The authorities state that Dr Aung Khin Sint used the official address list of delegates, given to each National Convention delegate, to distribute the above material.

The authorities further alleged that Dr Aung Khin Sint "*has abused his privilege of attending the National Convention as a delegate, has sent threatening and anonymous letters to National Convention delegates and to his own party members and is secretly and unscrupulously engaged in political agitation...with intent to undermine the National Convention*". Amnesty International has no evidence however, of any threats having been made by Dr Aung Khin Sint and believes that he did no more than express his views on the progress of the Convention's discussions to fellow members of the Convention and the NLD. Some reports indicate that Dr Aung Khin Sint was attempting to encourage NLD members of parliament-elect to oppose the military's continued leading role in the country's future political life.

According to the SLORC's written response to the Special Rapporteur on Myanmar's Report to the UN General Assembly in October 1993,⁵ Dr Aung Khin Sint and Than Min were charged under Section 5J of the 1950 Emergency Provisions Act which states: "*He who...causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security or the reconstruction of stability of the Union...shall be sentenced to seven years in prison, a fine or both.*" The SLORC commented that "*Both were found to have instigated the delegates attending the National Convention by surreptitious means to cause disruption and disorder among the delegates.*" They were also charged under Sections 17 and 20 of the Registration of Printers and Publishers Law, which allows for 14 years' imprisonment for printing and publishing material without registering it with the authorities. In relation to that charge, the SLORC claimed "*The infringement of this law for illegal action mentioned above, including letters of threat to the delegates.*" Dr Aung Khin Sint was further charged under Section 5 (1) (4) of the Myanmar Official Secrets Act, which concerns improper use of official secret documents. In

⁵The UN Special Rapporteur on Myanmar submitted a report to the 48th Session of the General Assembly, which contained reports of human rights violations and included the SLORC's response by *note verbale* dated 17 October 1993. For a fuller discussion, please see below.

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this regard the SLORC stated that "*He infringed the above law by making use of an official document in committing the above-mentioned illegal acts.*"

Dr Aung Khin Sint and Than Min were both sentenced to 20 years' imprisonment on 15 October 1993, although Amnesty International has no further details of their trials. Amnesty International considers both Dr Aung Khin Sint and Than Min to be prisoners of conscience, arrested solely for the peaceful expression of their political views, and is calling for their immediate and unconditional release. The organization is further concerned that the vaguely-worded provisions of the Myanmar Official Secrets Act, the Registration of Printers and Publishers Law, and the 1950 Emergency Provisions Act have been used to sentence prisoners of conscience to long terms of imprisonment for their non-violent political opposition activities.

Dr Aung Khin Sint had previously been arrested in October 1990 at the same time as many other members of parliament-elect, and was released after several weeks. He is a 58-year-old medical doctor and a former Assistant Director of the Health Education Department and former Chairman of the Union of Health Service Personnel. He was the secretary of the Burma Medical Association and Chairman of the Union of Health Servants during the pro-democracy movement of 1988. When the NLD was founded he became a member and contested the general elections in May 1990.

At least 10 other NLD activists were arrested in mid-1993, including Ma Thida, a 27-year-old well-known fiction writer and surgeon who was arrested on 7 August. She had served as Daw Aung San Suu Kyi's campaign assistant during the pro-democracy movement and at the time of her arrest worked at the Muslim Free Hospital in Rangoon. She was reported to have had some gastric problems since her arrest, but following official concern about her health she has begun to receive food from her family. In a related arrest, Khin Maung, a former NLD township chairman, was arrested on 27 July. He had recently helped to form a faction of the NLD which did not agree with those in the party whom they believed cooperated too closely with the SLORC. Others who were arrested for NLD opposition activities are: Bo Lay, a student arrested 7 July; Han Sein, an NLD supporter arrested 10 August; Kyaw Than, a former NLD township Chairman arrested 4 August; Kyi Myint, an NLD MP-elect arrested 11 August; Lwin Oo, an NLD supporter arrested 10 August; Nay Tin Myint, a university student arrested 7 August; Thet Oo, a university student arrested on 19 June; and Tin Tun, an NLD supporter arrested on 10 August.

Before being brought to trial on 27 September all 10, including Ma Thida and Khin Maung, were held in incommunicado detention until they were charged under three laws commonly used to sentence political opponents of the SLORC to long terms of imprisonment. They were charged under Section 17(1) of the 1908 Unlawful Associations Act, which states: "*Whoever is a member of an unlawful association,...or in any way assists the operations of any such association, shall be punished with imprisonment for a term which shall not be less than two years and more than three years...*". In this regard they were accused of distributing materials which had been published by opposition groups operating outside of Myanmar. The 10 were also charged under Section 5(J) of the 1950 Emergency Provisions Act. In relation to the written material which they had allegedly distributed, they were charged under Sections 17 and 20 of the 1962 Printers and Publishers Act.

On 15 October all 10 defendants were sentenced to 20 years' imprisonment each: they received sentences of three years under the Unlawful Associations Act; seven years under the Emergency Provisions Act; and 10 years under the 1962 Printers and Publishers Law. Amnesty International is concerned that the

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vaguely-worded provisions of these three laws were used to sentence them to long terms of imprisonment for their non-violent political opposition activities, and is calling for a review of the charges brought against them. Amnesty International believes that Khin Maung, Bo Lay, Han Sein, Kyaw Than, Kyi Myint, Lwin Oo, Nay Tin Myint, Thet Oo, and Tin Tun may be prisoners of conscience, and is seeking further information about their cases. The organization considers Ma Thida to be a prisoner of conscience, imprisoned solely for her peaceful activities in the NLD, and calls on the SLORC to release her immediately and unconditionally.

Human rights and ethnic minorities

Human rights violations committed against members of ethnic minorities, who live mostly in the areas surrounding the central Burman plain, have been endemic since at least 1984. Although nine ethnic minority armed opposition groups have signed ceasefire agreements with the SLORC since 1989,⁶ several other groups, including the Karen National Union (KNU), are still fighting for greater autonomy from the central Myanmar authorities. The *tatmadaw*, or Myanmar armed forces, continues to carry out its counter-insurgency policies in areas of armed opposition, and as a result, civilian populations in the Kayin (Karen), Kayah, Shan, and Mon states are subject to repression, characterized by forced relocation of entire villages, forced unpaid labour and portering duties, extrajudicial killings, torture and ill-treatment.

Human rights violations against members of the Karen ethnic minority

In April 1993 Amnesty International interviewed scores of Karen refugees who had fled to Thailand to escape ongoing human rights violations committed by the *tatmadaw*, including ill-treatment and extrajudicial killings.⁷ In October 1993 the organization was able to interview newly-arrived Karen refugees who had subsequently left Myanmar in mid-1993. They reported more recent human rights violations, including ill-treatment and extrajudicial killings, particularly in the context of the arbitrary seizure of civilians for forced portering duties. Many of those who gave testimonies to Amnesty International expressed fear of ill-treatment or harassment by the authorities on their return to Myanmar if their identities were revealed or could be established. In the material that follows Amnesty International has therefore left out details that would identify its sources, including the names of villages in Hlaingbwe and Hpa'an townships where violations took place.

Almost all of those interviewed in October 1993 were farmers or day labourers from Hlaingbwe township, an area where the Karen National Union (KNU) is active. However, the *tatmadaw* controls the territory in the township, taking porters and patrolling villages on a regular basis as part of their counter-insurgency campaign against the KNU. Porters are characteristically seized by the *tatmadaw* and forced to carry loads of rice and ammunition from one military camp to another. They are usually not told how long they will be forced to serve, are typically given little or nothing to eat, and are often beaten and sometimes killed if they attempt to escape or do not perform their duties to the satisfaction of the *tatmadaw*.

⁶They are: the Palaung State Liberation Party; the Pa-O National Organization; the Shan State Progressive Party; the Kachin Defence Army; the Kayah National Guard; the Myanmar National Democracy Alliance (Kokang); the Myanmar National Solidarity Party (Wa); the New Democratic Army (Burmese Communist Party); and the Shan State Army.

⁷Please see *Myanmar: The climate of fear continues, members of ethnic minorities and political prisoners still targeted*, 8 October 1993, AI Index ASA 16/06/93.

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A man from Hpa'an township who was seized as a porter for 10 days in July 1993 was beaten on the chest and slapped in the face by the *tatmadaw* because he was weak from malaria and could not carry his load. He told Amnesty International that just before he was seized the *tatmadaw* killed five villagers from Hpa'an township who were riding in bullock carts on their way to fertilize their fields. The *tatmadaw* took the five as porters, and after three days accused them of being members of the KNU and then killed them. Soldiers slit the throats of Pa Khay, 28 years, Mon Pa Tun, 25 years, Po Saw Ke, aged 38 and Mya San, 30 years. Du Po, 27 years, was reportedly shot twice in the head and once in the back. Another man from Hpa'an township was taken as a porter in August for five days and severely mistreated, apparently because of his brother's activities in the KNU. He showed Amnesty International a small round scar on his thigh which he said was a result of being burned seven times with a cheroot.

A 37-year-old man who had himself been kicked in the chest and back during porter duty in August told Amnesty International that three of his associates were killed by the *tatmadaw* when they tried to evade being taken as porters. Pa Cha Tu, a 25-year-old day labourer, Maung Nyunt Thauung, an 18-year-old day labourer, and Kyaw Tee, a 23-year-old farmer were killed in September and their bodies thrown down a well. Pa Cha Thu was shot dead and the other two were stabbed to death. Kyauk Lee, a 24-year-old farmer, was killed shortly after the first three. He had been seized in order to guard the road after the *tatmadaw* accused him of being in the KNU, and was then put in stocks for two days in an army camp. The *tatmadaw* officer told villagers to inform the family to come and retrieve him and when they did not do so, he was shot in the stomach and his body was left to be collected by his family.

One 29-year-old farmer who was taken as a porter in August for two weeks was kicked repeatedly in the hip because he could not understand Burmese. Although he escaped, his brother, who was seized at the same time, died of untreated dysentery. He had been healthy before his capture. Also in August a relative witnessed from a nearby field the killing of Ah Thu, a 50-year-old farmer who was stabbed to death in the chest by the *tatmadaw* because he was ill and could not carry his load. Afterwards troops covered his body with leaves and left it for relatives to retrieve later.

A 38-year-old farmer told Amnesty International what happened to him in August:

"At night when we heard the army coming we hid beside a stream, but they caught us anyway. I was taken for 10 days, then I escaped. When I fell down in the rain they kicked me and abused me. They kicked me in the back on 10 different occasions. I have to get penicillin injections now for internal injuries. They only fed us once a day...they treated us like slaves."

Women are also seized for porter duty, particularly if men from the village have fled in the face of *tatmadaw* abuses. One woman was taken to an army camp in July along with her baby and 20 other women. She told Amnesty International that those women with small children are only required to carry troops' knapsacks, but if they are alone, they must carry a 16 kilo container of rice. A mother of four children from Thaton district who was seized for porter duty in mid-1993 was beaten in retaliation for a KNU ambush of *tatmadaw* troops. She explained what had happened to her:

"I was taken for two or three days. Sometimes they beat me...they hit me on the back, they broke the cane stick on my back. My back still hurts sometimes. I can't count how many times I've been taken [as a porter] - maybe six or seven times."

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Torture and ill-treatment also occurs outside the context of forced portering. Karen civilians are at risk of being seized by the army in their fields and villages, accused of working for the KNU, and subjected to torture or ill-treatment. A man from Hlaingbwe town was tortured by the security forces during his imprisonment in mid-1993 for working briefly in a civilian capacity for the KNU. Security forces tied his hands behind his back and knocked eight of his teeth out with boots and a rifle butt. He told Amnesty International that over a two day period security forces rolled a wooden bar up and down his shins four times a day. He showed a large round discoloured mark on his shin which he said was a result of this commonly-used torture technique, known in Myanmar as "the iron road".

In October the army accused a farmer of being a KNU member, tied his hands behind his back, covered his head with a plastic bag, and then poured hot water into it. His wife said that he would have suffocated had she not intervened. She witnessed another relative being ill-treated by the *tatmadaw* in September who was also accused of belonging to the KNU. The man was seized by troops as he was clearing the forest and beaten and kicked before being released.

Burmese Muslim refugees

On 5 November a representative of the United Nations High Commissioner for Refugees (UNHCR) signed a Memorandum of Understanding with the SLORC in Yangon, which guaranteed UNHCR access to those Burmese Muslim refugees, sometimes known as Rohingyas, who are repatriated from Bangladesh to Myanmar's western Rakhine State.⁸ The agreement stipulates that "*UNHCR will be given access to all returnees; that the returnees will be issued with the appropriate identification papers and that the returnees will enjoy the same freedom of movement as all other nationals*". In addition, UNHCR and the World Food Programme will provide assistance to the returnees in the Rakhine State, and other aid programmes will be established which will benefit the whole population in resettlement areas. International UNHCR staff plan to begin operations in the Rakhine State in early 1994.

Amnesty International welcomes this important step taken by the SLORC, but remains concerned that those Burmese Muslims returning from Bangladesh, thousands of whom had been detained by the *tatmadaw* before fleeing the country, would be particularly at risk of a reoccurrence of human rights violations by the *tatmadaw*, including the arbitrary detention of civilians for forced labour and portering.

⁸Over 250,000 Burmese Muslim refugees fled from Burma in 1991 and 1992, escaping torture, including rape, extrajudicial killings, and forced portering at the hands of the *tatmadaw*. For a further discussion please see *Union of Myanmar: Human rights violations against Muslims in the Rakhine (Arakan) State*, May 1992, AI Index 16/06/92)
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Activities of international human rights bodies

The United Nations Commission on Human Rights

In March 1993 the Commission on Human Rights adopted a resolution which extended the mandate of the Special Rapporteur on Myanmar for another year and strongly urged the Myanmar Government to restore respect for human rights and fundamental freedoms. The resolution also called on the Special Rapporteur, Professor Yozo Yokota, to report on the human rights situation in Myanmar to the 48th Session of the General Assembly and the Commission on Human Rights' 50th session in early 1994. To this end, Professor Yokota visited Myanmar from 9 to 16 November 1993, met with officials of the SLORC, visited Insein Prison in Yangon and travelled to areas in the Rakhine State where Burmese Muslim refugees are being repatriated from Bangladesh. During his visit to Insein Prison, he was able to meet only two political prisoners, retired General Tin U and Dr Aung Khin Sint. In a 25 November interview with the British Broadcasting Corporation (BBC) he stated that he was disappointed he could not meet with prisoners privately during the prison visit. Professor Yokota also noted that during his trip to Myanmar he could only meet two released political prisoners privately, both of whom expressed fears that their visit would become known to the SLORC.

On 27 October the United Nations issued Professor Yokota's Report, written before his trip to Myanmar. It summarized allegations of such human rights violations as arbitrary detention; torture; cruel, inhuman or degrading treatment; "disappearances"; summary or arbitrary execution; and forced portering. The report also set out the SLORC's response to these allegations, which included categorical denials of summary and arbitrary executions and human rights violations in the context of forced portering by the Myanmar security forces. In reference to the arrests and sentencing of Dr. Aung Khin Sint, Than Min, Ma Thida and nine other NLD activists, the SLORC responded by stating that "*Legal Action was taken against the following persons...for infringing the existing laws.*" The response also included the details of the laws under which the 12 were charged, but Amnesty International remains concerned that these laws were used to punish them for their peaceful political activities. In conclusion, the report expressed concern about recent political arrests and the use of emergency laws to impose long sentences of imprisonment and called on the SLORC to allow international observers at any future trials of those charged under emergency decrees.

On 24 November Professor Yokota made an oral statement to the Third Committee of the General Assembly, which, while welcoming certain improvements in the human rights situation, expressed concern about "*...many serious restrictions and grave violations of human rights and fundamental freedoms*". He expressed his disappointment that the SLORC would not permit him to see Daw Aung San Suu Kyi or most other detained political leaders as well as most of those activists who had been released. He also stated that in spite of releases of political prisoners in the last 18 months, some 500 remained in detention.

Professor Yokota welcomed recent improvements, including the SLORC's withdrawal on 15 October 1993 from previous reservations they had made to Articles 15 and 37 of the Convention on the Rights of the Child. He also welcomed the SLORC's stated agreement to begin working with the International Committee of the Red Cross (ICRC) to train military officers in international humanitarian law and the four 1949 Geneva Conventions to which Myanmar acceded in August 1992. Professor Yokota will submit his final report to the 50th session of the Commission on Human Rights in early 1994.

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On 6 December the General Assembly adopted without a vote a resolution which "*deplores the continued violations of human rights in Myanmar*" and also welcomes improvements as outlined by the Special Rapporteur on Myanmar. It expresses regret at "*the recent harsh sentences meted out to a number of dissidents*" and calls on the SLORC "*to put an end to violations of the right to life and integrity of the human being...*" In conclusion the resolution decided to continue dealing with the issue of human rights in Myanmar at the General Assembly's 49th session in 1994.

Other International Organizations

The Inter-Parliamentary Union (IPU), which is an international organization of representatives of "Sovereign States", initially took up the issue of detained parliamentarians in Myanmar in 1991. Although NLD candidates won over 80% of the parliamentary seats in the May 1990 general elections, they were never allowed by the SLORC to convene the National Assembly. When the NLD urged the SLORC to do so as soon as possible, the SLORC responded by arresting scores of NLD members of parliament-elect in late 1990 and early 1991, some 29 of whom remain imprisoned. In February 1991 Amnesty International made an initial submission to the Committee on the Human Rights of Parliamentarians of the IPU about their detention, and in March 1991 the Committee at its 52nd Session in Geneva adopted a resolution expressing concern about detained parliamentarians-elect in Myanmar. Amnesty International has continued to make submissions to the Committee, who at their quarterly meetings have adopted a series of resolutions asking the SLORC for further information and requesting an on-site IPU visit to Myanmar. To date a request for such a visit has not been granted, and Amnesty International urges the SLORC to allow the IPU full access to all detained parliamentarians in Myanmar.

The International Labour Organization (ILO), a specialized agency of the UN, convenes the International Labour Conference annually, which comprises representatives from workers' and employers' groups as well as governments. At the 80th International Labour Conference in Geneva in June 1993, Amnesty International raised its concerns relevant to the SLORC's implementation of the ILO Conventions Numbers 29 and 87 on forced labour and freedom of association respectively with the Committee on Application of Standards. The Myanmar Government has ratified both these Conventions; however, to Amnesty International's knowledge, it allows no independent trade union activity, in contravention of Convention No 87 on freedom of association and the right to organize. Amnesty International's concerns also relate directly to the forcible conscription of porters, who are frequently detained at their workplace or at army camps and are severely mistreated, even killed, and the arrest and imprisonment of trade unionists in Myanmar.⁹ Representatives of the SLORC told the Committee that new labour legislation would be drafted to replace the 1976 labour laws and denied categorically that workers were arrested or tortured. Concluding its debate, the Committee expressed its "*deep concern and firmly urged the Government to adopt, in the very near future, measures in legislation and practice to guarantee to all workers and all employers...the right to organize...*" The Committee also decided to include this case as a special paragraph in its report as a mark of its serious concern about the situation.

⁹Nay Lin, a youth organizer for the Federation of Free Trade Unions in Burma (FTUB), was arrested in December 1992 for putting up posters calling for the release of Aung San Suu Kyi. Please see *Myanmar: The climate of fear continues*, 8 October 1993 (AI Index ASA 16/06/93).

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Recommendations

Amnesty International has set out a detailed and comprehensive set of recommendations to the SLORC for the protection of human rights in *Myanmar: "No law at all"* (AI Index ASA 16/11/92), October 1992, and *Myanmar: The climate of fear continues* (AI Index ASA 16/06/93), October 1993, including human rights safeguards to be incorporated into the Constitution. Among these are recommendations listed below which Amnesty International believes that, if implemented, would remedy the particular human rights violations addressed in this report:

1. Release all prisoners of conscience immediately and unconditionally, including Dr Ma Thida, Dr Aung Khin Sint, and Than Min, all of whom were sentenced in October 1993 to 20 years' imprisonment.
2. Immediately release civilians who have been arbitrarily seized against their will by the military for forced portering and ensure that Myanmar security forces do not ill-treat, kill unlawfully, or arbitrarily arrest members of ethnic minorities.
3. Ensure that all the laws and practices of the Union of Myanmar are brought into conformity with international human rights law. Amnesty International is particularly concerned about the vaguely-worded provisions of martial law decrees and legislation enacted before the September 1988 *coup d'etat* which are used to imprison people for their non-violent political activities or beliefs.
4. Permit international human rights and humanitarian bodies such as the UN Commission on Human Rights and the International Committee of the Red Cross (ICRC), and representatives of the Interparliamentary Union (IPU) access to Myanmar, including full and free access to all prisons and other places of detention; and areas where ethnic minorities live.