

MYANMAR

A CHALLENGE FOR THE INTERNATIONAL COMMUNITY

INTRODUCTION

The State Law and Order Restoration Council (SLORC, Myanmar's military government) has shown a cynical contempt for the basic human rights of the Burmese people and for calls by the international community to improve its human rights record. Since the first United Nations (UN) General Assembly resolution was adopted on Myanmar in 1992, the SLORC has made almost no progress in implementing any of the recommendations made by the UN. Although some prisoners of conscience have been released since 1992, scores more have taken their place in prisons throughout the country. Repression of ethnic minorities continues unabated by the SLORC, in spite of 15 cease-fire agreements with armed ethnic minority groups. Radical restrictions on the rights to freedom of speech, assembly and movement remain in place for all citizens in Myanmar.

In 1997 the SLORC continued to use short term arrests as a tactic to intimidate political activists, a tactic employed since their seizure of power in 1988. Hundreds of political activists, most of them members of the National League for Democracy (NLD), the largest legal opposition political party, were arrested in the first six months of 1997. Although the majority of these people were held for brief periods, at least 57 others were sentenced to long terms of imprisonment. Renewed NLD activity since the release of party leader Daw Aung San Suu Kyi in 1995 has been matched by increasing repression of party members by Military Intelligence (MI).

On 23 July 1997 Myanmar was formally admitted into the Association of Southeast Asian Nations (ASEAN)¹ at its summit in Kuala Lumpur, Malaysia. Since Myanmar became an ASEAN member, non-governmental organizations and ASEAN dialogue partners² have urged ASEAN nations to pursue the issue of human rights in Myanmar with their new regional partner, but no improvements have been forthcoming. ASEAN members had encouraged the SLORC to enter into a dialogue with the NLD, and on 17 July just before the summit Lieutenant General Khin Nyunt, SLORC Secretary 1, met with NLD chairman U Aung Shwe, raising hopes that talks would begin. The NLD continued to call for a dialogue, but stated that Daw Aung San Suu Kyi must be included.

On 16 September the SLORC announced that the U Aung Shwe on behalf of the party had withdrawn from a meeting that day because she had not been included.

¹At that time ASEAN members were: Thailand, Indonesia, Vietnam, Brunei, Malaysia, Singapore, and the Philippines.

²Dialogue partners include the EU, New Zealand, Australia, Japan, Canada, and the USA.

On 12 September the NLD announced that they would be holding a large party congress on 27-28 September to mark the ninth anniversary of its founding. The NLD formally applied to the authorities for permission to hold the meeting, which was granted by the Yangon (Rangoon) Division Law and Order Restoration Council Chairman. The Chairman told the NLD that only 300 participants could attend and that the meeting must be conducted in a “*peaceful and orderly manner*”.³ In spite of widespread fears that the SLORC would arrest NLD members who attempted to attend the meeting, as they had done on three previous occasions, no arrests were known to have taken place. However on Sunday 28 September some 30 NLD members in the vicinity of Daw Aung San Suu Kyi’s compound, the meeting’s venue, were forced into trucks by the security forces and dropped on the outskirts of Yangon. Several hundred other NLD members were turned away by Military Intelligence personnel and riot police from the gates of the compound. According to reports there was also large presence of Union Solidarity Democracy Association (USDA, a SLORC-organized citizens’ group) members. Nevertheless over 700 people attended the meeting, which Daw Aung San Suu Kyi hailed as the most successful in the NLD’s history. She also thanked the SLORC for allowing the meeting to take place.

This year also saw continuing widespread repression by the SLORC of ethnic minority civilians. Thousands of Rohingyas, Muslims from the Rakhine (Arakan) State, fled from poverty, forcible relocations and forced labour into neighbouring Bangladesh. A forcible relocation program in early 1997 in the Shan State caused tens of thousands of ethnic minorities to flee into Thailand. In February the SLORC launched a large offensive against the Karen National Union (KNU), the last major armed ethnic minority group not to have agreed a cease-fire, which resulted in some 20,000 civilians fleeing from fighting and human rights violations into Thailand. Refugees from the Shan, Karenni, and Karen ethnic minority groups provided detailed information about extrajudicial executions, forced labour and portering, and forcible relocations accompanied by cruel, inhuman or degrading treatment.⁴

This report provides an update on political imprisonment in Myanmar during the first nine months of 1997. It concludes with recommendations to the UN General Assembly and the SLORC.

³SLORC: INFORMATION SHEET NO. A-0143(I/L), September 26, 1997 as reported in the 30 September 1997 edition of Burmanet.

⁴For further details, please refer to *MYANMAR: Ethnic minority rights under attack*, July 1997, (AI Index ASA 16/20/97).

II. ARRESTS AND TRIALS

Reliable reports during the early part of 1997 indicated that NLD members were subjected to harassment and intimidation in the form of short-term arrests, pressure to resign from the party, and orders for local NLD offices to remove their signboards. Members were threatened with job loss and denial of medical care and education for their families if they did not resign. The SLORC also continued to put pressure on NLD members of parliament-elect to resign from both the party and from their positions. At the time of writing over 45 MPs-elect have reportedly resigned.

In January the SLORC announced that 14 people, including five NLD members, were sentenced to seven years' imprisonment for involvement in student-led protests⁵ in December 1996. They were sentenced on 27 January at the Insein Township Court under the provisions of the 1950 Emergency Provisions Act after being "*found guilty of agitation and throwing rocks at security personnel during the student unrest last December*". On 18 January it was announced that twenty people, including 14 NLD members, had also been sentenced to seven years' imprisonment.⁶ Amnesty International has not been able to obtain the names of those who were sentenced or any further details, but fears that they did not receive a trial which upheld international standards for fairness. Political trials in Myanmar fall far short of international fair trial standards, which include the right to legal counsel, the right to call witnesses for the defence, and the right to an open trial.

Access to the compound of Daw Aung San Suu Kyi continued to be extremely limited. Those few who were allowed to enter were made to register with Military Intelligence personnel at the gate. Since September 1996 the NLD has not been allowed to hold its weekend public gatherings. However the SLORC permitted the party to hold a ceremony on 12 February 1997 to commemorate the 50th anniversary of Union Day, when the Panglong Agreement was signed by some ethnic minorities.⁷ Scores of NLD members who had either attempted to make their way to Yangon to attend the ceremony at Daw Aung San Suu Kyi's compound, or those who had actually attended the

⁵Students in Yangon and other towns staged demonstrations that month to protest lack of human rights in Myanmar; they also called for the formation of their own student union and for a higher quality of education. For a full discussion please refer to *MYANMAR: Intimidation and Imprisonment, September - December 1996*, February 1997, (AI Index ASA 16/01/97).

⁶*Agence France Presse*, Rangoon, 28 January 1997.

⁷The Panglong Agreement formed the basis for the establishment of the Union of Burma after independence from the United Kingdom.

event were arrested by the authorities. Some of these people were detained for a short time; however, others received prison sentences of up to two years.

The SLORC also targeted NLD members by charging them with criminal offences and sentencing them to long terms of imprisonment. On 12 April 1997 **Dr. Than Aung**, NLD MP for Mingalataungnyunt township, was sentenced to four years' imprisonment for alleged medical malpractice. He was arrested on 21 February 1997 and charged under Section 304(a) of the Penal Code, which pertains to causing a person's death through negligence. According to opposition sources he treated a man who was suffering from advanced tuberculosis and then sent him to the emergency room of Yangon General Hospital. The person died on his way to the hospital. On 23 May **U Myo Khin**, the 39-year-old NLD Yankin township secretary in Yangon Division, was sentenced to four years' imprisonment by the Yankin Township Court after his arrest on 12 May. According to the SLORC, he "*had made fraudulent alterations in the family registration list and the citizen registration card.*"⁸ In Myanmar these two official documents are used by the SLORC to control the movement of population. For example if anyone is found staying in a house whose name is not on the family registration list, the householder can be prosecuted for failing to report the guest to the local authorities. Although U Myo Khin and Dr. Than Aung were convicted of criminal offences, Amnesty International believes that the arrests and prosecution of the two men were motivated solely by their leadership roles in a legal political opposition party and not for any recognizable criminal act or commission.

The Events of May 1997

On 21 May 1997 the NLD announced that some 50 senior members of their party had been arrested in the run-up to a party meeting on 27 May to celebrate their election victory that day in 1990.⁹ Members of parliament-elect and other party leaders were detained as they made their way from their homes around the country to Yangon. Other party leaders from outside Yangon were warned not to attempt to travel to the meeting, although they were apparently not arrested if they complied with the SLORC demand. Two hundred MP's-elect and 100 party organizers had been invited to the meeting, some of whom managed to arrive at the home compound of Daw Aung San Suu Kyi before being arrested. Preliminary meetings of NLD members were held on 23 May at the compound.

⁸SLORC INFORMATION SHEET NO. A-0047, 26 May 1997, as reported electronically in Burmanet.

⁹ The SLORC did not recognize the results of the May 1990 general elections; instead, they arrested scores of NLD members of parliament-elect and other party leaders.

On 22 May the SLORC made a public statement about the arrests, saying:

*“It is a very obvious political movement by the NLD to create unnecessary problems in the country and also by forcing the government to take strong measures against them so that the anti-government propaganda can be played in their favour.”*¹⁰

The next day the SLORC denied that arrests had been made, claiming that: *“[t]here are instances where local authorities have requested some invited party members to refrain from taking the course of action which is geared to create chaos in the country.”*¹¹ During previous mass arrests of NLD members in 1996 the SLORC said that they did not arrest people, but rather *“invited”* them for questioning at government guesthouses.

The meeting took place as scheduled on 27 May, although only 10 NLD executive committee members were allowed into Daw Aung San Suu Kyi’s compound. Other NLD members, diplomats and journalists who were invited to the opening ceremony were turned away by a large group of security forces in the area. The authorities also blocked the entrances to the NLD headquarters in Yangon as well as the homes of senior NLD leaders U Tin U and U Kyi Maung. SLORC officials claimed that the NLD had not sought permission from them to hold the meeting and was deliberately provoking the arrests. The NLD issued a statement repeating its call for dialogue with the SLORC.

NLD sources said that in total 316 people, including 50 MPs elect, were detained in advance of the meeting. However it is unclear if this number represents people who were actually detained or includes those who were warned to stay in their homes during the meeting. According to the NLD, by 6 June all of those who had been detained were released. Other sources indicate that the detainees, who were treated well, were held at government guesthouses.

The arrests echoed the events of May 1996, when over 260 NLD members of parliament-elect were arrested by the authorities in a pre-emptive move to prevent an anniversary meeting from taking place. The news of the 1997 arrests also came one day after the USA signed into law economic sanctions which prevented any new US investment in Myanmar. The arrests evoked international criticism from both

¹⁰Reuter, Bangkok, 22 May 1997.

¹¹Agence France Presse, Bangkok, 23 May 1997.

non-governmental organizations (NGOs) and governments, including the USA, Japan, the UK and other European countries.

Arrests and trials of NLD members and trade unionists, June - August

On 19 June the NLD announced that five NLD members, including three cousins of Daw Aung San Suu Kyi, had been arrested in Yangon. **Khin Maung Win** alias **Ko Sunny**, the official NLD photographer; **Cho Aung Than**, Daw Suu's first cousin and former assistant; **Daw Khin Ma Than** (f) alias **Nge Ma Ma Than**, his sister; **U Shwe Myint Aung**, alias **Myint Swe**, her husband; and **U Ohn Myint**, a veteran politician and NLD advisor were arrested, allegedly for obtaining a videotape of Daw Aung San Suu Kyi and arranging for it to be taken out of the country.¹² Reports about the exact date of their arrests vary, but the five were believed to have been arrested beginning on 13 June. U Ohn Myint was released in mid-June.

On 13 June **Myo Aung Thant**, an executive committee member of the Federation of Trade Unions - Burma (FTUB), was arrested at Mingaladon international airport, Yangon, by National Intelligence Bureau personnel on his return from Thailand. His wife and children were also reportedly arrested at the same time but it is not known if they are still held. **U Khin Kyaw**, also an executive committee member of the FTUB, and his wife were arrested later that day at their home in Yangon. The FTUB is not legally recognized in Myanmar, where independent trade union activity is completely prohibited. It was formed in 1991 by trade union members who were reportedly dismissed from their jobs and harassed by the SLORC because of their trade union activities.

According to FTUB sources, the two detained trade unionists had been documenting economic and social hardships, including the widespread use of forced labour in Myanmar, and passing the information to the international trade union movement. Myo Aung Thant is a member of the All Burma Petro-Chemical Corporation Union, formed during the 1988 pro-democracy movement. U Khin Kyaw is a member of the underground Seaman's Union of Burma.

The Government of Myanmar is party to the International Labour Organisation (ILO)¹³ Convention No 87 on freedom of association and the right to collective

¹²Initially it was believed that the videotape in question was one relating to Myanmar's potential membership in ASEAN; however it was later revealed by the SLORC to have been a videotape of Daw Aung San Suu Kyi talking about the plight of Karen refugees in March 1997.

¹³The UN specialized agency dealing with labour issues.

bargaining. Over the past several years the ILO has been concerned with the SLORC's non-compliance with Convention No 87 and at the June 1997 ILO Conference, Myanmar's failure to implement this convention was identified as a situation of particular gravity and a case of continued failure to implement the convention.

On 27 June 1997 Lieutenant General Khin Nyunt spoke about the arrests of these six political prisoners during a press conference. He began his speech by saying: "Today's press conference, is being held for the purpose of relating and recounting to the people, the vile and vicious drama of terrorism staged in the name of democracy and human rights." He claimed that Myo Aung Thant in conjunction with Maung Maung alias Pyit Thit Nyunt Wai, who lives in Thailand, recruited Cho Aung Than, his sister Nge Ma Ma Than and her husband Myint Swe to pass money to the NLD. According to General Khin Nyunt, this money came from organizations funded by the US Government. He also asserted that in March 1997 the four, along with Ko Sunny, had helped to produce a video of Daw Aung San Suu Kyi, in which she appealed on behalf of the Karen refugees who had fled to Thailand. The video, showing her in Karen national dress, was smuggled out of the country.

General Khin Nyunt went on to explain that Myo Aung Thant and Khin Kyaw had attended a meeting in Ranong, southern Thailand on 4 June 1997, which he claimed was convened by Maung Maung in order to plan "terrorist" attacks, such as bombing the Chinese and Indonesian embassies in Yangon and assassinating an unnamed SLORC leader. However the "plot" was thwarted when Myo Aung Thant was arrested at the airport in Yangon and explosives were seized in Kawthaung, Myanmar. Maung Maung later denied his involvement and the involvement of Khin Kyaw and Myo Aung Thant.¹⁴

Two explosions had occurred in Yangon during the six months preceding the press conference. On 25 December 1996 the Kaba Aye Pagoda was bombed, killing five people. At the time the Karen National Union and the All Burma Students Democratic Front (ABSDF, an armed student opposition group) were blamed by the SLORC for the attack. In April 1997 a parcel bomb delivered to the home of General Tin U, SLORC Secretary 2, exploded and killed his daughter. In the 27 June press conference Khin Nyunt blamed the latter incident on expatriate Burmese dissident groups, although no arrests were known to have been made in relation to the incident.

On 17 August 1997 the SLORC announced that Cho Aung Than, Myint Swe, and Nge Ma Ma Than received sentences of 10 years' imprisonment on 15 August at the Insein Special Court. According to the announcement, the three were sentenced to three years' imprisonment for "breaching" the 1908 Unlawful Associations Act and seven years' imprisonment under the 1950 Emergency Provisions Act. The vaguely-worded

¹⁴*Bangkok Post*, an English language daily newspaper published in Thailand, 30 July 1997.

provisions of these two laws are frequently used by the SLORC to sentence activists to long terms of imprisonment for their peaceful political activities. Amnesty International believes that Cho Aung Than, Myint Swe, and Nge Ma Ma Than are prisoners of conscience, detained solely for their involvement in the NLD, a political party which has consistently espoused non-violence.

On 9 October Amnesty International learned that Cho Aung Than was in Yangon General Hospital, and issued an urgent appeal to the SLORC for him to receive proper medical care. On 10 October the government stated that prison doctors decided to hospitalize him on 26 September for high blood pressure and denied that his condition was serious. The SLORC also stated that they were improving prison conditions in Myanmar and upgrading prison health facilities.¹⁵ Amnesty International welcomes these initiatives, as poor prison conditions have been a long-standing concern in Myanmar.

On 15 August Myo Aung Thant was “*sentenced to Transportation for Life for committing High Treason, (3) years imprisonment for breaching the Unlawful Associations Act and another (7) years under the Emergency Provisions Act*”¹⁶ at Insein Special Court. Article 57 of Chapter III of the 1957 Burmese Penal Code defines transportation for life as: “*equivalent to transportation for twenty years*”. According to unofficial sources, the trial took place in less than ten days and was held in closed sessions. Political trials in Myanmar are generally held *in camera*, and the accused rarely have access to legal counsel of their choice. Amnesty International is concerned that Myo Aung Thant did not receive a trial in accordance with fair trial standards. Information about the whereabouts and status of Ko Sunny and Khin Kyaw is not known, but Amnesty International fears for their safety, as torture is common in Myanmar’s prisons.

Amnesty International remains concerned by the SLORC’s use of both short-term detention and long sentences of imprisonment as methods to repress peaceful political activities in Myanmar. In spite of the fact that from 1992 -1995 the authorities reportedly released over 2,000 political prisoners, there are well over 1,200 political prisoners currently held throughout the country. Their numbers are growing steadily, particularly since the SLORC’s renewed crackdown on the NLD beginning in 1996. Ninety-three of these are prisoners of conscience and hundreds more are possible

¹⁵SLORC Information Sheet No. A-0165 (1), as published electronically in Burmanet on 11 October 1997.

¹⁶ SLORC INFORMATION SHEET NO.A-0095 (I/L), 17 August 1997, as reported electronically in Burmanet.

prisoners of conscience, about whom Amnesty International is seeking further information.

III. CONDITIONS OF IMPRISONMENT FOR POLITICAL PRISONERS

Prison conditions in Myanmar are characterized by overcrowding and lack of proper food, sanitation, and medical care. Both political and criminal prisoners are subjected to harsh prison regimes, and torture during initial interrogation is common. After political prisoners have been sentenced they are normally allowed to see their families every two weeks, who can provide them with additional food and medicine. However if prisoners have no family or if they are in a prison which is located far away from their homes, they often do not receive anything to supplement their meagre diet. Political prisoners are also subject to severe physical punishment if they break arbitrary prison rules, such as prohibition of all reading materials.

In November 1995 29 political prisoners, many of them NLD leaders, were placed in tiny cells in Insein Prison meant to house military dogs and deprived of blankets and sufficient food and water. They received this treatment because they had attempted to send information about poor prison conditions to the United Nations. Two of them have subsequently died in custody. **U Win Tin**, a 67-year-old writer and one of the founding members of the NLD who has been imprisoned since July 1989, was placed in a military dog cell for an extended period at that time. He suffers from a heart condition and spondylitis and was hospitalized in mid-1997. He was hospitalized again on 19 September for cardiac problems, and on 9 October Amnesty International issued an urgent appeal to the SLORC to provide him with proper medical care. The SLORC subsequently claimed that he was not in critical condition, but had been transferred to Yangon General Hospital so that his health would improve more rapidly. U Win Tin is a prisoner of conscience.

Dr. Aung Khin Sint, a medical doctor, NLD member of parliament-elect and prisoner of conscience, is also in poor health. He has been hospitalized since 11 June 1997, suffering from heart problems, diabetes, and high blood pressure. Amnesty International issued an urgent appeal to the SLORC on 9 October about his condition; the SLORC responded that his condition was not critical. Dr. Aung Khin Sint was originally arrested in August 1993 and sentenced to 20 years' imprisonment. He was released in February 1995, but rearrested in July 1996 and is believed to be serving the remainder of his sentence.

In April and May 1997 at least 51 political prisoners were reportedly transferred to prisons in areas far from their homes. These prisons are: Mandalay and Myinkyan Prisons, Mandalay Division; Myitkyina and Machanbaw Prisons, Kachin State;

Tharawaddy and Taungoo Prisons, Bago Division; Myaungmya Prison; Insein Prison, Yangon Division; Patheingyi and Tharythary Prisons, Ayeyarwady Division. Conditions at Myittha Prison, in the far north of the country, are reportedly particularly harsh. There are no prison doctors and medication is in short supply. Prisoners often suffer from anaemia and are not protected against the cold weather.

Among those transferred from Insein to Myittha Prison is **Khin Zaw Win** *alias* Kelvin, arrested in 1994 for attempting to pass information to the UN Special Rapporteur on Myanmar. He was also one of the 29 prisoners placed in military dog cells for extended periods of time. Khin Zaw Win was reportedly badly tortured in early 1996 and his health has subsequently deteriorated. **U Win Htein**, a former army officer and Daw Aung San Suu Kyi's press secretary who was arrested in May 1996, was transferred from Insein to Myingyan Prison. He is also believed to be in poor health. Amnesty International considers both men to be prisoners of conscience and has grave concerns about the state of their health.

Deaths in custody of political prisoners continue to be regularly reported and Amnesty International has documented the cases of 20 deaths since the SLORC came to power in 1988. Most of the deaths appear to have been caused by ill-treatment or lack of proper medical care. Such was the case with **U Tin Shwe**, a 67-year-old lawyer, prominent writer and member of the NLD central committee. U Tin Shwe, one of the founding members of the NLD, was imprisoned for calling for parliament to be convened after the NLD landslide victory in the 1990 general elections. When he was arrested in late 1990 he was reportedly in good health. In November 1995 he was one of the 29 political prisoners confined in tiny military dog cells. By April 1997 he was suffering from a serious heart condition. That month his family asked the authorities if he could receive treatment at Yangon General Hospital but the SLORC refused their request. Although there is a hospital inside Insein Prison, it has extremely limited facilities. On 23 April U Aung Shwe, NLD Chairman, wrote to General Than Shwe, the SLORC chairman, calling for U Tin Shwe to receive proper treatment and stating that the NLD would hold the authorities responsible if anything happened to him. On 8 June 1997 U Tin Shwe died from a heart attack in his cell at Insein Prison. Amnesty International is concerned that ill-treatment in the military dog cells in late 1995 and a lack of proper medical treatment contributed to his death.

The health of political prisoners is also placed at risk by forced labour. In the past five years hundreds of thousands of civilians, including political and criminal prisoners, have been forced to work on roads, dams, railway lines and other state-sponsored infrastructure projects. Reliable reports indicate that prisoners must work while chained and in harsh conditions, characterized by long working hours and insufficient food, water, and medical care. On 22 July 1997 at a meeting of the Prisons Department of the Ministry of Home Affairs, Lieutenant General Mya Thin, the Minister

for Home Affairs, recommended the use of prison labour to develop the country. A report of the meeting quoted him as saying:

“...the persons serving sentences at prisons constitute a considerable labour force. They too are members of the public but their performance gets wasted in the prisons, he said. He spoke of the need to make use of their working abilities in nation-building work. He said the Prisons Department is involved in agriculture and livestock breeding and quarry as well as regional development projects.”¹⁷

Amnesty International had previously received reliable reports that chained prisoners were widely used in quarrying stone and working in agriculture projects. It is concerned that these prisoners have been subjected to conditions constituting cruel, inhuman or degrading treatment, and in light of the recent SLORC comment, fears that the use of prison labour under such conditions will increase in Myanmar. The ILO is currently carrying out a Commission of Enquiry into forced labour in Myanmar, since the SLORC is failing to implement the provisions of Convention No 29 to which it is a party.

¹⁷*The New Light of Myanmar*, the English language version of the SLORC-controlled press, 22 July 1997, as reported in Foreign Broadcast Information Service, 25 July 1997.

RECOMMENDATIONS

For the last nine years the international community has repeatedly called on the SLORC to improve Myanmar's human rights record. However frustrated by the lack of responsiveness on the part of the SLORC, it has never been more important to sustain and increase this pressure, especially as Myanmar is brought into broader international contact through its membership in ASEAN. Amnesty International calls on the 52nd UN General Assembly to adopt a strong resolution on Myanmar. The resolution should call on the SLORC to:

- release all 93 prisoners of conscience immediately and unconditionally;
- improve prison conditions in Myanmar and, as a first step, grant immediate access to the International Committee of the Red Cross (ICRC) to all prisoners in the country;¹⁸
- either charge all political prisoners with recognizably criminal offences and try them in accordance with international standards for fair trial, or release them immediately;
- grant immediate and complete access to the UN Special Rapporteur on Myanmar, in accordance with his mandate. Since his appointment in 1996 he has not been permitted to visit Myanmar.

¹⁸The ICRC closed its offices in Yangon in mid 1995 because the SLORC would not permit them access to prisoners.