

UNION OF MYANMAR (BURMA) @A long-term human rights crisis

Introduction

Profound and bitter political strife continues in the Union of Myanmar (Burma), and political opponents engaged in various anti-government activities are still being arrested and sentenced to prison terms, or in some cases, to death by the ruling State Law and Order Restoration Council (SLORC).

Amnesty International has collected the names of some 200 people who were arrested in connection with opposition political activities in the first seven months of 1991, and are apparently still detained. In the latest crackdown on any public opposition to its policies, the SLORC reportedly arrested hundreds of students involved in apparently peaceful demonstrations in early December 1991 which called for the release of previously detained students and Nobel Peace Prize Laureate Daw Aung San Suu Kyi.

Background to the Human Rights Crisis

During the 1988 mass popular uprising against one-party military rule in Myanmar, the authorities allegedly shot down thousands of mostly peaceful demonstrators and arrested thousands of others. Since the coup later that year, which reasserted military control of the country, the SLORC has arrested thousands of its own citizens in a continuing repression of its critics and opponents. Many of those arrested were tortured or ill-treated during interrogation. Military tribunals established in July 1989 have sentenced hundreds of detainees to long prison terms or to death using summary trial procedures which fall far short of international fair trial standards and, according to the evidence, trials of political prisoners in civil courts have also been unfair. The military authorities continue to arbitrarily seize, torture and ill-treat, sometimes to death, members of ethnic minorities in rural areas affected by armed insurgency.

Shortly after the 18 September 1988 military coup, the SLORC legalized political parties and promised elections in May 1990. At the same time, the SLORC enacted harsh martial law provisions, such as Martial Law Order 2/88, which prohibits gatherings of more than five people, and Notification 8/88, which prohibits public criticism of the military. These decrees are still in force and have been used to arrest anyone opposing the SLORC's policies. Hundreds of people were arrested in the aftermath of the coup, and the tempo of arrests accelerated in mid-1989 after a series of confrontations over martial law restrictions between opposition political parties, such as the National League for Democracy (NLD) and the SLORC.

Although elections were held in May 1990, the SLORC has not given any indication when it will convene the People's Assembly, and has refused to hand over power to the NLD, which won over 80% of the parliamentary seats. Instead, it has repeatedly declared its intention to "destroy" NLD and other civilian opposition politicians if they persist in calling for a transfer of power.

In August 1990 the political atmosphere deteriorated further following confrontations between security forces and Buddhist monks and other peaceful demonstrators in Mandalay, Myanmar's second largest city, during which four people were allegedly killed when security forces opened fire. Allegations about the incident precipitated a boycott of military personnel by Buddhist monks, who refused to accept alms or have other religious dealings with soldiers and their dependents. In the following months the SLORC did not convene parliament or even enter into discussions with the NLD, whose leaders called for a transfer of power to the legally elected civilian politicians. Some NLD leaders proposed the formation of a counter-government, and when the SLORC learned of these proposals they arrested hundreds of opposition figures, including 56 members of parliament and 84 Buddhist monks.

Arrests

The severe restrictions the SLORC has placed on access to individual prisoner information by independent investigators, and the harsh threats and punishments aimed at those who might try to communicate such information to the outside world, make detailed and accurate data hard to obtain. Nevertheless, as of early 1992, Amnesty International has identified more than 1500 prisoners of conscience and possible prisoners of conscience. Amnesty International knows of nearly 600 people who were arrested in connection with anti-government activities in the first seven months alone of 1991, and has identified the names of 200 of these prisoners. Such figures probably reflect only a part of the total number of political prisoners currently held.

Those arrested in 1991 include members of legally-registered political parties, clandestine political organizations, and ethnic minority, communist or student armed insurgency groups. The authorities allege that some of them were involved in violent acts of political sabotage, that others had committed treason because they advocated the replacement of the current SLORC administration with a civilian government led by elected members of parliament, that still others were inciting unrest and committing criminal defamation through anti-government gatherings or criticism of the military, and that some were in contact with armed anti-government movements. However, it appears that a significant proportion of those accused of assisting armed opposition movements were not themselves advocates of violence, and that many of those accused of treason merely advocated a peaceful transfer of power by the military to the civilian politicians elected in 1990. In the political circumstances obtaining in Myanmar today, the largest group of such

prisoners are imprisoned because of their belief that the SLORC should promptly convene parliament and transfer power to elected civilian politicians.

U David Hla Myint, a prisoner of conscience and NLD member of parliament for Ngapudaw constituency, was arrested in January 1991 for flying the NLD flag at the same height as the Myanmar flag. An official statement mentioned in August that he had been convicted of violation of State Flag Law. Another prisoner of conscience Nai Dawn Dho, a Buddhist monk and an activist seeking cultural freedom for the Mon ethnic minority group, was also arrested in January after he had insisted on using the Mon language to answer questions in a university exam. Daw Cho Cho Kyaw Nyein, a prisoner of conscience and General Secretary of the Anti-Fascist People's Freedom League (AFPFL), was arrested on 19 January 1991 and reportedly sentenced in May to seven years' imprisonment. Prisoner of conscience U Kyi Myint, General Secretary of the Burma United Democratic Party and a high school teacher, was arrested in March 1991 after he reportedly compared Senior General Saw Maung to Iraqi President Saddam Hussein. U Khin Maung Win, U Hla Myint, and U Khin Tun, three NLD leaders from Bago Division, were arrested on 22 July 1991 for involvement in making anti-government speeches on 19 July, the national holiday commemorating Martyrs Day. The three are considered by Amnesty International to be prisoners of conscience.

Up to 900 students were reportedly arrested in early December 1991 on the campus of Yangon Arts and Sciences University (YASU) for demanding the release of previously detained students and 1991 Nobel Peace Prize Laureate Daw Aung San Suu Kyi. Students gathered on the campus on 9, 10, 11 December in an apparently peaceful demonstration and were arrested during and after the gathering by military intelligence personnel. Amnesty International believes that many of them are prisoners of conscience. Those arrested include Bo Bo Htun, who was arrested on 9 December while distributing leaflets at a student volleyball game. He was allegedly tortured, and his whereabouts are not known. Other prisoners are Zaw Min Khing, a final year zoology student, and a female lecturer in geography who was reportedly detained because she had asked security forces not to arrest her students.

The SLORC has subsequently announced that all colleges, universities and technical schools would be closed. The official media stated that the education and health ministries had made the decision because of the "disturbances and unscrupulous elements and some political parties". Universities had been reopened by the government in May 1991, after having been closed by the military authorities since 1988.

Detention without charge or trial

The SLORC continues to use the provisions of the 1975 State Protection Law to detain prisoners of conscience and possible prisoners of conscience without charge or trial. The 1975 State Protection Law provides for the detention of anyone who there is "reason to believe will commit, is committing or has committed an act endangering popular peace or state security and sovereignty". The law previously allowed for up to three years' detention or restricted residence for non-violent activities construed as threatening public order or the security of the state. In August 1991 the SLORC issued Law No 11/91, which amended the 1975 State Protection Law to allow for up to five years' detention without charge or trial. U Nu, a former prime minister, and the NLD leader Aung San Suu Kyi, both prisoners of conscience held without charge or trial, are detained under the administrative detention provisions of this law.

Unfair political trials

It is unclear in some cases whether individual political prisoners are detained without charge or trial or were tried and sentenced. However, many are known to have been sentenced by military tribunals which were established in July 1989 in order to try alleged martial law offenders. Such tribunals use summary trial procedures which contravene international fair trial standards; they can waive "unnecessary" witnesses, and defendants have no right to judicial appeal. Some political prisoners tried by military tribunals have reportedly been denied any opportunity to see defence counsel before trials or to have defence counsel present during courtroom proceedings. Those convicted are liable to one of three sentences: at least three years' imprisonment with labour, life imprisonment, or the death penalty. To Amnesty International's knowledge, there has never been an acquittal of a political detainee by a military tribunal.

Some political prisoners are also tried and sentenced in civilian courts, but these courts do not guarantee a fair trial. The right to legal counsel is greatly restricted and the civilian judiciary appears vulnerable to military pressure to hand down long sentences to political opponents.

Amnesty International has gathered the names of some 80 opposition political figures who were tried and sentenced between January and July 1991, among whom were some people arrested in 1990. In May military tribunals reportedly sentenced 46 or 47 people, including 32 members of parliament, to prison terms of 20 or 25 years for "high treason" and 10 years for "misprision", that is, knowledge of treason. Prisoners of conscience Khin Maung Swe and Chan Aye, who were arrested along with dozens of other NLD members of parliament in October 1990, were reportedly both sentenced to ten years for "misprision". Kyi Maung, NLD former Acting Chairman, and Chit Khaing, NLD former Acting General

Secretary, both of whom were arrested in September 1990, reportedly had their sentences of ten and seven years respectively doubled on new charges of "misprision".

Deaths in detention

U Maung Ko, a senior member of the NLD and a labour leader, died in detention on 9 November 1990. He had been arrested in a mass crackdown on the NLD, monks, and other opposition groups on 23 October 1990. Senior General Saw Maung, the head of the SLORC, declared that Maung Ko had committed suicide after he had "confessed" to military intelligence personnel about plans developed by the opposition for the formation of a counter-government. However, Maung Ko's family and others believe that he died as a result of torture. They said that his body was covered in bruises and that one leg was broken. Amnesty International remains concerned that Maung Ko may have died as a result of torture or ill-treatment while in detention.

Reports of the circumstances of the death in detention in January 1991 of U Tin Maung Win, an NLD member of parliament arrested in October 1990, aroused concern that his death may have been as a result of torture or ill-treatment. His family reportedly saw his body, which they said showed signs of injuries. The authorities stated that he died from leukemia, which his family and friends reportedly claimed he did not suffer from when he was arrested.

The allegations concerning U Maung Ko and U Tin Maung Win are among several reports that Amnesty International has received about political prisoners dying as a result of torture or ill-treatment in Myanmar.

Continuing human rights violations against ethnic minorities

The Myanmar armed forces continue to arbitrarily seize, torture and extrajudicially execute members of ethnic minorities in rural areas affected by armed insurgency. The victims include people who were detained or targeted for shooting because soldiers suspect they may sympathize with or support ethnic minority guerrilla groups that have been fighting the Burmese armed forces for many years. They also include people seized by the army and compelled to perform portage - carrying food, ammunition and other supplies - or mine clearing work. Among those who allegedly have been killed or ill-treated are members of the Karen, Mon and Indian ethnic minorities, groups which include people belonging to the Christian, animist and Muslim religious minorities.

In February 1991 a Buddhist Karen man was punched and stabbed by soldiers who had seized him and compelled him to drive his cart up a trail they feared might be mined. A Muslim Indian woman was seized as a porter in April 1991 and was beaten to death by soldiers because she suffered an epileptic seizure which made it impossible for her to

perform porter duties. Also in April a Mon farmer was beaten when he failed to answer soldiers' questions about insurgency troop movements, apparently because he could not speak Burmese.

Government troops also extrajudicially execute those whom they have taken as porters and others whom they suspect of involvement with armed opposition groups. In November 1990 an Indian farm labourer was seized as a porter and deliberately shot because he could not carry his load. In May 1991 a Karen Buddhist man was executed after he had finished serving as a porter because the soldiers who had seized him discovered he had a brother who was an insurgent.

Most recently, Amnesty International has received reports that the Myanmar armed forces have been committing a wide range of human rights violations against the Rohingyas, a Muslim minority from the Rakhine (Arakan) State, which borders Bangladesh. Burmese troops have allegedly forcibly evicted Rohingyas from their homes, arbitrarily detained them and, in some cases, tortured or executed them. These reports are consistent with reports of the actions of the armed forces in other parts of Myanmar where there are large ethnic minority populations and armed insurgency groups. As a result of these alleged human rights violations, a reported 40,000 Rohingya refugees have fled into Bangladesh since early 1990.

Amnesty International has concluded that in many cases, the arbitrary seizure of members of ethnic minorities is not based on any legal authority, but is an expression of the Burmese army's de facto power to detain arbitrarily, torture or ill-treat and even kill people in its custody with impunity, particularly when the victims come from politically weak sectors of Myanmar society.

The Death Penalty

Over 100 people have been sentenced to death in Myanmar since the establishment of military tribunals in July 1989, both by military tribunals and in civilian courts. Seven people were sentenced in March and April 1991 including Myo Aung Htwe, who was 17 years old when convicted of involvement in a rocket attack on a radio transmitter. Although the courts continue to hand down death sentences, the authorities claim that no executions have taken place for many years, and this appears to be the case.

Conclusion

Amnesty International is concerned that the military have applied laws in existence before the SLORC assumed power and martial law provisions issued since then in an attempt to eliminate non-violent opposition in the same way as they deal with armed insurgency. It believes the SLORC has interpreted the often vague and sweeping language of laws and

provisions restricting freedom of opinion, expression and assembly in such a way as to make it impossible for non-violent political opponents to express their views without the constant risk of being arrested and imprisoned for acts that do not amount to recognizably criminal offences.

Amnesty International believes that the available evidence is sufficient to justify serious international concern about gross and systematic violation of human rights and to warrant renewed and insistent appeals to the Myanmar authorities to release immediately and unconditionally all Burmese prisoners of conscience, and to guarantee that all other political prisoners have access to a fair trial and other legal protections. The organization further believes that the authorities should allow appropriate international human rights monitoring bodies the kind of access to all Burmese political prisoners that will make possible an independent and impartial assessment of the true reasons for their detention.