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£Myanmar

@The climate of fear continues, members of ethnic minorities and political prisoners still targeted

August 1993

captions:

Pro-democracy demonstrators in Mandalay, Myanmar's second city, protest against 26 years of one-party military rule in 1988.

Burmese monks demonstrate outside the Myanmar Embassy in Bangkok.

Mohamed Ilyas, a Burmese Muslim from the Rakhine State, was believed to have been tortured to death in June 1992 by Military Intelligence personnel.

The Salween River, which marks the border between Myanmar and Thailand.
Karen women in a refugee camp in Thailand.

A former porter who was found unconscious in the jungle, abandoned by troops and covered with sores infested with maggots.

Karen children in a refugee camp in Thailand.

A woman who had been raped by the **tatmadaw**.

1. INTRODUCTION

The State Law and Order Restoration Council (SLORC), Myanmar's military rulers, continues to commit grave human rights violations against the Burmese people with impunity. Members of political opposition parties and ethnic minorities alike live in an atmosphere of fear which pervades all areas of the country. Some improvements have been made in the human rights situation, but the SLORC has not instituted more fundamental changes which would provide the population of Myanmar with protection from ongoing and systematic violations of human rights. Amnesty International welcomes these limited improvements, but it believes that the degree and scope of human rights violations in Myanmar continue to warrant serious international concern. In the material which follows, Amnesty International's concerns in the period from September 1992 until July 1993 are described in detail.

Although over 1700 political prisoners have been released since April 1992, hundreds of others are believed to remain imprisoned after unfair trials or are detained without charge or trial. The rights to freedom of expression and assembly are still denied, although the tactics the SLORC uses to restrict them have changed. Because most perceived critics of the military have been silenced and remain behind bars, the SLORC now uses the Military Intelligence Services (MIS) to intimidate and harrass any real or impugned government critics who have been released or who remain at liberty. However, people who openly criticize the SLORC are still being arrested and sentenced to terms of imprisonment after unfair trials, and conditions of detention remain very poor, particularly for students and young people.

Gross human rights violations against ethnic minority groups systematically committed by the Myanmar armed forces constitute a pattern of repression and state-sanctioned violence which has been ongoing since at least 1984. The army,

known as the **tatmadaw**, continues to torture, ill-treat, and extrajudicially execute members of ethnic minorities, including the Karen, Mon, Shan, and Kayah groups.

Whole villages are subject to being arbitrarily seized as porters or unpaid labourers where they are routinely severely mistreated or even killed by the **tatmadaw**. Ethnic minorities are also accused of supporting insurgent groups and have been ill-treated and extrajudicially killed on the spot in their villages or fields. For the past two years women and children have been subject to a wide range of human rights violations, including rape and murder, as they have been left behind in their villages after men have fled in the face of **tatmadaw** abuses.

2. BACKGROUND

Civil unrest erupted throughout Myanmar – then Burma – in March 1988.¹ Mass demonstrations led by students and Buddhist monks calling for an end to 26 years of one-party military rule broke out throughout the country in the following months, when thousands of mostly peaceful demonstrators were killed by the Myanmar security forces. The military re-established control over the country on 18 September 1988 in a *coup d'etat* when the SLORC was formed as the new ruling body. Although the SLORC allowed political parties to register and promised elections for May 1990, at the same time it began to arrest thousands of opposition party members and leaders, which culminated in a series of mass arrests in mid-1989.

In spite of the detention of much of its leadership, the National League for Democracy (NLD, the main opposition political party), gained over 80% of the parliamentary seats in the May 1990 elections. However the SLORC has refused to allow the parliament to convene and in late 1990 and early 1991 arrested scores of members of parliament-elect and monks who protested against continued military rule. In December 1990, 12 elected representatives fled to areas controlled by ethnic minority armed groups, and declared themselves the “National Coalition Government of the Union of Burma” (NCGUB). The NCGUB continued to assert its claims to legitimacy as the elected government of Myanmar and maintains its headquarters at Manerplaw in the Kayah State. By 1991 it had become virtually impossible for opposition parties to function within Myanmar itself. In December 1991 hundreds of students were arrested in Yangon (Rangoon, the capital) and Mandalay during demonstrations calling for the release of Daw Aung San Suu Kyi, leader of the NLD and 1991 Nobel Peace Prize Laureate who has been detained since July 1989.

The status of martial law

After having violently suppressed the pro-democracy uprising, the SLORC declared martial law when it reasserted military control in the September 1988 *coup d'etat*.

For the past five years the SLORC has ruled by decree, issuing martial law orders to impose new restrictions on the rights to freedom of expression and assembly.

Beginning in 1992 the SLORC abolished a few martial law decrees, including two which bestowed judicial authority on military commanders and empowered them to conduct summary trials by military tribunals using procedures falling far short of international fair trial standards. Order No 12/92, issued on 26 September 1992, revoked Martial Law Orders No 1/89 and 2/89, which had established these tribunals in July 1989. Under the provisions of the earlier decrees, military tribunals could waive “unnecessary witnesses” and reject the recalling of witnesses who had already testified. Those who opposed martial law authority could only be tried by military tribunals. Those found guilty of such offences received one of three sentences:

the death sentence; life imprisonment; or a jail term of at least three years with hard labour. There was no right to judicial appeal. To Amnesty International's knowledge, no one was ever acquitted by a military tribunal in the three years of their existence. Although Amnesty International welcomes the abolition of military tribunals, it remains concerned that hundreds of political prisoners who were tried and sentenced to long terms of imprisonment by these tribunals remain in prison. The SLORC also lifted curfew restrictions in place since September 1988, which were

“deleted” by Order No 10/92 on 10 September 1992. However many other martial law decrees remain in force, including the prohibition on public gatherings of more than five people in Order No 2/88, and Notification 8/88, which forbids public criticism of the military. In proclaiming a state of emergency, including martial law, governments are still bound by the rule of law and must not become a law unto themselves. International law lays down strict limits on when a state of emergency can be proclaimed and the permissible scope of emergency powers.

In Myanmar, on the pretext of maintaining public order, the procedural formalities of martial law continue to be a convenient facade for the indiscriminate suppression of dissent and fundamental human rights. The vague and sweeping martial law decrees which are still in force continue to result in the arbitrary detention, torture and unfair trial of people perceived as a political threat, yet whose only crime is advocating the peaceful transfer of power.

Furthermore, even if international law permits the suspension of rights during a state of emergency, some rights may never be suspended, including the rights to life and freedom from torture. Both have been violated in a systematic way in Myanmar under the cloak of martial law and the threat to national security.

The National Convention

Since the May 1990 elections, the SLORC has reiterated the need for continued military control over the country in order to ensure national sovereignty and integrity.

At the same time, the SLORC has stated its commitment to establishing “multi-party democracy”; they have also declared that they will hand over power only when a “strong constitution” is in place. However a mechanism for drafting a constitution was not established until April 1992, almost two years after the election had taken place. SLORC Declaration No 11/92 stated that a National Convention would be convened “in order to lay down basic principles to draft a firm constitution”, but no indication was given as to when the constitution itself would be drafted or who would write it. On 2 October the SLORC issued Order No 13/92, which established a Commission for Holding the National Convention, composed mainly of serving military officers, and announced that the Convention would be held by 10 January 1993. The Commission's task was to “perform a supervisory role” which would ensure that convention delegates adhered to six prescribed objectives when establishing basic principles for the constitution, the last of which set forth “Participation of the Defence Services in the leading role in the national politics of the state in the future.”² The Commission would also be involved in the selection of delegates for the Convention, who were to come from eight different groups, including representatives from elected members of parliament, political parties,³ and public service personnel.

In the run-up to the Convention itself, the official media in early December warned of people whom it claimed were attempting to undermine the Convention: “*These resentful elements are power-mad politicians who want to depend on foreign powers...These people are colluding and scheming with overt and underground destructive elements...*” Unofficial reports stated that eight members of the NLD had been instructed by the National Intelligence Bureau not to undermine the Convention and allegedly threatened severe action against them. Leaflets were reportedly circulated in Yangon and Mandalay criticizing the upcoming National Convention and the preordained prominent role for the military in the country's political life, and during December and January the SLORC arrested at least 17 people accused of distributing such leaflets (see Chapter 3).

Major General Myo Nyunt opened the Convention on 9 January in Yangon, exhorting delegates to seriously consider the leading role of the defence forces in politics. Some 699 delegates attended, 120 of them elected members of parliament and some 90 from the NLD. However, 37 other NLD members of parliament—elect who remain in prison have no voice in the Convention. Many of these are prisoners of conscience,

and Amnesty International is calling for their immediate and unconditional release.

Amnesty International obtained an unofficial translation of the rules for delegates, which set out restrictions on freedom of expression and assembly. Section 24 of Chapter 4 reportedly stipulated that "a) *Representatives must not use any words that may damage loyalty to the State*" and "k) *Walkouts, individually or in groups, and any other shows of protest, are not allowed.*" Chapter 5 stated: "e) *No paper or leaflets of any sort which have not been approved by the National Convention Working Committee are allowed to be brought in to either lodging or meeting places.*" Delegates were also closely supervised by the Military Intelligence during the first session of the Convention, and MIS personnel were assigned to stay in each dormitory.

On 11 January General Myo Nyunt unexpectedly announced the Convention's adjournment until 1 February because of "a need to give sufficient preparation time for the delegates to continue and to prepare for the discussions." However unofficial sources have widely reported that the real reason for the abrupt adjournment was a protest by some 90 delegates at the SLORC's insistence on a continued prominent role for the military in the future government. The Convention reconvened on 1 February amid a large presence of security forces in Yangon and widespread reports of continuing objections by delegates to the military's role in politics. The plenary session lasted one day, after which the discussion groups comprising each of the eight categories of delegates broke up into group discussions on chapter headings for the constitution. During a 24 February presentation, Aung Shwe, NLD Chairman, reaffirmed the necessity of the military's participation in politics.

However, another NLD statement believed to be issued in February stated that "*The SLORC has ruled that all public servants should stay clear of politics. If public servants are to avoid politics, all soldiers, from officers down, should also stay clear of politics.*" The statement also suggested a referendum to determine whether the military should have a leading role in politics. The Convention was again adjourned on 7 April and reconvened on 7 June. It remains unclear who will draft the new constitution, when it will be drafted, and whether a public referendum will be held to approve the constitution.

The SLORC's views on human rights

In the face of conclusive evidence of a consistent pattern of widespread human rights violations throughout the country, the SLORC has repeatedly denied that human rights violations occur in Myanmar. In a speech given on 7 November 1992 Lieutenant General Khin Nyunt asserted that "*traditionally in Myanmar there has never been any torture of those who have violated the laws*". The SLORC has only admitted to holding political prisoners on one occasion in April 1992, when they issued Declaration No 11/92 which allowed for the release of such prisoners not deemed a threat to "national security". Both previously and subsequent to that announcement the SLORC has characterized the arrest and detention of political prisoners as "*legal action...taken only against those who violate the existing laws*". On 20 February Lieutenant General Khin Nyunt stated "*...there are no restrictions on human rights, no torturing, and no religious discrimination at all in Myanmar.*"

The SLORC also frequently issues statements which assert that by criticizing its human rights record, foreign governments and organizations are interfering in Myanmar's internal affairs. In this regard, neither Amnesty International nor other human rights organizations have been officially permitted to visit Myanmar to conduct free and independent investigations. On 3 June the Voice of Myanmar reported a speech given by Senior General Than Shwe, head of the SLORC, about human rights:

"The external forces that bear malice towards us are inciting the people by using human rights and democracy as an excuse. The western countries' human rights and standards of democracy cannot be the same as our Asian standards. We must choose the human rights standard and the democratic path compatible with the tradition

of our country and people.”

The SLORC has claimed both in international fora and in Myanmar itself that human rights standards cannot be applied in the same way to every country. In the statement of the Myanmar Government to the plenary session of the UN World Conference on Human Rights held in Vienna from 14 to 25 June 1993, Foreign Minister U Ohn Gyaw said:

“There is no unique model of human rights implementation that can be superimposed on a given country.”

As a result of the SLORC's refusal to take responsibility for human rights violations or to recognize international human rights standards, the Myanmar security forces continue to commit systematic violations of human rights with impunity throughout the country.

In Myanmar's towns and cities, anyone thought to be critical of the SLORC can be arrested, tortured, and tried unfairly under laws which criminalize non-violent political activity. In predominantly ethnic minority areas, security forces routinely ill-treat, torture and extrajudicially kill those it has forced to act as porters or unpaid labour, or whom it suspects of supporting local insurgent groups.

Amnesty International knows of no cases in which security forces responsible for human rights violations have been brought to justice.

International initiatives

On 3 March 1992 the United Nations Commission on Human Rights adopted Resolution 1992/58, which expressed concern about “the seriousness of the human rights situation in Myanmar” and called for the nomination of a Special Rapporteur to examine the human rights situation there and to report to both the forty-seventh session of the General Assembly and the forty-ninth session of the Commission on Human Rights.

Professor Yozo Yokota of Japan was appointed, and submitted a preliminary report, which expressed concern about arbitrary arrests and ill-treatment and torture to the forty-seventh session of the General Assembly on 13 November 1992. On 18 December the General Assembly adopted without a vote a resolution on Myanmar, which expressed grave concern at the continued situation of human rights there. The resolution called on the SLORC to release Daw Aung San Suu Kyi and other political prisoners; highlighted the plight of large numbers of refugees who fled from massive human rights violations to neighbouring countries; and expressed concern about torture and arbitrary executions of ethnic minority groups.

Also in December the Special Rapporteur Professor Yokota visited Myanmar but was not allowed to meet Daw Aung San Suu Kyi and other detained political leaders. According to reports, Professor Yokota wrote a letter on 14 December to Foreign Minister U Ohn Gyaw protesting the fact that he was denied such permission by the SLORC and that some people in Yangon who wanted to make contact with him were instructed by the intelligence services not to do so. The Special Rapporteur submitted an extensive report to the Commission on Human Rights on 17 February, detailing human rights violations in Myanmar and providing a comprehensive analysis of both international and Myanmar law applicable to the human rights situation there.

On 10 March 1993 the Commission on Human Rights at its forty-ninth session adopted without a vote a strong resolution on Myanmar which extended the mandate of the Special Rapporteur for one year. The resolution also expressed “its deep concern at the violations of human rights in Myanmar which remain extremely serious” and strongly urged the Myanmar Government “to restore full respect for human rights and fundamental freedoms”. It called on the Myanmar Government “to consider lifting emergency measures, which should cease to be the basis of law” and urged it to cooperate fully with the Commission and the Special Rapporteur, which had been denied previously.

3. POLITICAL DETENTION

On 24 April 1992 the SLORC issued Declaration 11/92, which stated that all political prisoners not deemed a threat to national security would be released; from that time until the end of July 1993 over 1700 political prisoners have reportedly been freed. However after mid-1992 the SLORC has not made public the names of those who have been freed and as a consequence Amnesty International has obtained the names of only 123 of the more than 1700 released political prisoners. Prisoners of conscience⁵ who have been recently released include U Hla Wai, a Democratic Party for a New Society (DPNS) leader who had been arrested on the eve of the election in May 1990 and sentenced to three years' imprisonment. The exact date of his release is not known, but he was probably released in early 1993. U Thumingala Linkaryar, also a prisoner of conscience and a prominent Buddhist monk, who was arrested in late 1990 for participation in a monks' boycott of the military⁶, was released on 24 March 1993 from Mandalay prison. Aung Din, a student leader and prisoner of conscience arrested in 1989, was released from Thayet Prison in mid-1993. While Amnesty International welcomes these and other releases, it calls on the SLORC to release all other prisoners of conscience immediately and unconditionally.

Amnesty International has documented the cases of hundreds of other political prisoners whom it believes may remain in detention, among them 37 members of parliament-elect, most of whom have been sentenced to long terms of imprisonment. At least 66 prisoners of conscience are still detained, including Daw Aung San Suu Kyi, the 1991 Nobel Peace Prize laureate who has been held under house arrest for over four years. Although since 25 April 1992 she has been allowed to receive occasional family visits, she remains in detention without charge or trial in almost complete isolation from the outside world. In December 1992 there was grave concern for the state of her health, but conditions of her detention have improved after a family visit in April. In February, Minister of Information Brigadier General Myo Thant stated that her release would only be considered after five years, which is the maximum period of time that political prisoners may be detained without charge or trial under Myanmar law.⁷ Those who also remain imprisoned are people from every part of Burmese society, including monks, students, lawyers, workers, and even former military officers.

Political trials

On 1 January 1993 the official Myanmar media announced that all death sentences would be commuted to life imprisonment, and that all sentences of more than 10 years would be reduced to 10 years. The state radio reported: *"To commemorate the forthcoming national convention, prison sentences handed down by civilian courts or by the military tribunals between September 18, 1988, and December 31, 1992, will be reduced with effect from January 1."* Amnesty International welcomes the steps the SLORC has taken to commute death sentences and reduce other prison sentences for political prisoners. However the organization remains concerned that hundreds of political prisoners who have been sentenced by military tribunals are still serving sentences they received after unfair trials. Prisoners of conscience tried under such procedures include U Kyi Maung, an NLD leader and member of parliament-elect from Bahan, Yangon township, who was arrested in October 1990 and received two 10 year sentences from military tribunals in November 1990 and May 1991 respectively. In December 1991 the SLORC also stripped him of his status as a member of parliament-elect, and disqualified him from seeking re-election for 10 years. Amnesty International calls for U Kyi Maung's immediate and unconditional release.

Other political prisoners were tried by military tribunals just before their abolition on 26 September 1992. Seven students, all of whom were arrested on 8 June, were sentenced by a military tribunal in Yangon to 10 years' imprisonment on 23 September. They were charged under Section 5j of the 1950 Emergency Provisions

Act, which provides for long terms of imprisonment for non-violent activities construed as threatening public order or the security of the state and often used in sentencing political detainees. The names of the seven are: Maung Naing Naing, Maung Tun Tun, Maung Nay Yein Kyaw, Maung Soe Naing, U Tin Tun, U Tun Shein and U Swe Tint, all held in Insein Prison. They belong to the All-Burma Federation of Student Unions (ABFSU), an association of student groups formed during the 1988 demonstrations. The seven were originally arrested in Yangon for distributing anti-government leaflets in May 1992 which criticized the forthcoming National Convention. The leaflets reportedly called for free and fair participation in the Convention and also demanded the release of Daw Aung San Suu Kyi and other political prisoners. Amnesty International is concerned that they did not receive a fair trial under the summary procedures used by military tribunals and believes that they may be prisoners of conscience, detained solely for the peaceful expression of their non-violent political views.

Nai Tun Thein, Nai Ngwe Thein, and Nai Bala, three central executive committee members of the Mon National Democratic Front (MNDF)⁸ who were arrested in December 1991, all received 14 year prison sentences in late 1992. Although further details about their trials are not known, they are believed to have been sentenced under the 1950 Emergency Provisions Act and the 1962 Printers' and Publishers' Registration Law, a law enforcing censorship provisions which severely restrict the rights to freedom of expression. Both Nai Tun Thein and Nai Ngwe Thein are in their 70's and are reportedly in poor health and held in incommunicado detention. Amnesty International considers all three to be prisoners of conscience and calls for their immediate and unconditional release.

Fazal Ahmed, a Burmese Muslim member of parliament-elect from Maungdaw South Constituency in the Rakhine (Arakan) State, was reportedly sentenced to two years' imprisonment in March 1993. Fazal Ahmed was arrested in June 1992 along with Mohamed Ilyas and possibly two others; the official reason for their arrests was involvement in a bomb explosion near Maungdaw town. Mohamed Ilyas was reportedly beaten to death while in detention and died on 23 June 1992. Fazal Ahmed is a member of the National Democratic Party for Human Rights and is imprisoned in Sittwe Central Jail in the Rakhine State. In spite of the fact that Amnesty International does not have further details of his trial, the organization remains concerned that he may not have received a fair trial, and calls on the Myanmar authorities to review his case.

Although military tribunals have been abolished, the civilian judiciary continues to be subject to intimidation from the military authorities sufficient to undermine its independence, and restrictions placed on political prisoners' access to legal counsel deny them any real opportunity to prepare a proper defence. In January 1992, the deputy Divisional Justice of the Ayeyarwady Division Criminal Justice Department in Patheingyi was arrested for his role in freeing up to 50 villagers who had been arrested during a "mopping up" operation in the Ayeyarwady Delta. He was reportedly arrested by Military Intelligence officers while hearing a case in his own court and sentenced by military tribunal the same day on an unknown charge to six years' imprisonment.

Recent Arrests

Although the rate of political arrests has decreased significantly since 1991, arrests of those who publicly criticize the SLORC continue and hundreds of political prisoners are believed to remain in detention. One of these is prisoner of conscience U Shwe Ohn, who was arrested in late December 1992 for writing and distributing an essay which made suggestions to the National Convention about the new constitution. He was reportedly sentenced to one year's imprisonment in February 1993, but Amnesty International has no further details about his trial or sentencing. U Shwe Ohn is a 70-year-old lawyer and the Chairman of the Democratic League for

the National Races of the Shan State (DLNRSS), which was deregistered by the SLORC in February 1992. Before the National Convention opened in January 1993, U Shwe Ohn distributed a paper criticizing the military's continued hold on political power and challenging the SLORC's often-repeated assertion that politicians are "less efficient" than the military. He questioned the need for a large standing army, especially as half the national budget of Myanmar is spent on defence and as a consequence development needs are neglected. He also stated that the military should not be involved in politics and called on them to hand over power to the elected representatives.

Eleven other government critics were also arrested in December in the run-up to the National Convention. On 9 December trade unionist Nay Lin was arrested in Yangon, reportedly for putting up posters calling for the release of Daw Aung San Suu Kyi. The SLORC announced on 25 January that Nay Lin, Kyaw Soe Win, aged 24 and Kyaw Soe Lin, aged 26, two brothers from Dagon township, Yangon, were arrested for "*writing propaganda graffiti with intent to mislead and agitate the people...[and] for destroying the beauty of the city*". Nay Lin is reportedly the youth organizer for the Federation of Trade Unions in Burma (FTUB). Saw Aung, a Telecommunications clerk, and Myint Than, a Myanmar Airways Corporation Sales Clerk, also members of the FTUB, were arrested on 31 December. Although members of workers unions have been involved in opposition activities in Myanmar, Amnesty International has no further information about trade union activity. Independent trade unions are illegal. Amnesty International has no information about whether Saw Aung and Myint Than have been charged or tried, but is concerned that they would not receive a fair trial. The organization urges the Myanmar authorities to review the arrests and detention of Saw Aung and Myint Than and either charge the two with a recognizably criminal offence and ensure that they receive a fair trial, or release them.

Nay Lin, Kyaw Soe Lin, and Kyaw Soe Win were reportedly sentenced to seven years' imprisonment in January 1993, but Amnesty International has no further information about the charges brought against them or other details of their trials. Amnesty International is concerned that Nay Lin, Saw Aung and Myint Than may have been arrested for the peaceful expression of their non-violent political beliefs, and possibly for their membership in a trade union.

In the 25 January statement the SLORC named Thein Tun, aged 44, who allegedly gave the orders to Nay Lin to write the graffiti, Naing Ko Ko, and Sein Myint as having been arrested at about the same time as Nay Lin. Unofficial sources report that Naing Ko Ko is about 26 years old and sells electrical goods in Thingangyun. Other sources told Amnesty International that Thein Tun is a schoolteacher who fled to Thailand shortly after the 1988 coup and received refugee status from the Office of the United Nations High Commissioner for Refugees (UNHCR). The SLORC has alleged that Thein Tun, Naing Ko Ko, and Sein Myint are members of political opposition movements operating in Thailand. In the 25 January announcement the SLORC claimed that "*Thein Tun and Naing Ko Ko slipped back illegally into Myanmar during August 1992 and persuaded and agitated innocent youths. Sein Myint is involved in business with illegal organizations in Thailand...*" The SLORC stated further that "*Authorities concerned have taken legal action against Thein Tun, Naing Ko Ko and six others for instigating false rumours and having contacts with terrorist organizations*", but it is not clear who the other six are. The three were reportedly sentenced to seven years' imprisonment. Amnesty International has no further details about their trials, but is concerned that they did not receive a fair trial and calls on the SLORC to review their cases.

Htay Myint *alias* Khin Soe, aged 37 from Thingangyun township, Yangon, Daw Khin Mar Aye (f), aged 53 from Thingangyun township, and U Aung Myint, aged 57 from South Okkalapa township, Yangon, were all arrested on 16 December in Yangon. The authorities state that they made the arrests after receiving information that "*plans*

[were] being made to write and distribute propaganda leaflets with intent to destroy the peace and tranquillity of the country". They further alleged that the three were arrested in possession of the propaganda leaflets which they had written. The leaflets were written in the name of the People's Workers Unity League and the Lower Burma Workers Unity League and entitled "To fight for democratic human rights". All three were reportedly sentenced to three years' imprisonment in January 1993, but Amnesty International has no further information about the charges brought against them or the details of their trials. However Amnesty International believes that they may be prisoners of conscience, arrested solely for the peaceful expression of their non-violent political views, and calls on the SLORC to review their cases. In January the SLORC arrested 14 people for distributing leaflets, but only named three of them, whom it asserted were the "instigators". Shwe Htoo *alias* Aung Zeya, aged 49, Yi Yi Myint (f), aged 24, and Moe Kyaw Oo, aged 28, were arrested in Mandalay for distributing leaflets which the SLORC claimed "aimed at obstructing the National Convention and undermining peace and tranquillity in the country." The three are alleged to have written the "propaganda leaflets" and to have mailed them to "universities, colleges and schools in major cities... [and] factories and offices, and distributed leaflets in busy places". They have reportedly been sentenced to three years' imprisonment, but it is not known what laws they were charged under or where they are detained. Amnesty International is concerned that the three may be prisoners of conscience, detained solely for the peaceful expression of their non-violent political views, and is calling on the SLORC to review their cases. Official sources claim that all three had been previously involved in anti-government activities. Shwe Htoo was a high school teacher who retired in 1987. He was reportedly involved in opposition activities with students in the 1988 unrest, when he met Moe Kyaw Oo, and then left Myanmar for Thailand. He returned in June 1989 to "instigate youths to write dissident literature". Yi Yi Myint, a mathematics student at Mandalay University, reportedly took part in a demonstration there on 8 August 1990 where there were alleged shootings and many arrests by the SLORC. Yi Yi Myint herself was reportedly injured at this demonstration, and official sources state that false rumours were spread by the ABFSU that she had been shot and killed by security forces.⁹

Seventy-four-year-old retired Brigadier General Aung Gyi, one of the founders of the NLD, his brother-in-law Ko Maung Maung and Zaw Lin, a lawyer, were reportedly sentenced on 27 April 1993 in Yangon to six month prison terms. The exact date of their arrests is unknown. Aung Gyi was reportedly sentenced for having failed to pay for eggs he had ordered for his bakery business, but Amnesty International is concerned that he may have in fact been targeted for prosecution because of his opposition political activities, and that the criminal charges against him may be spurious. During 1987 and 1988, Aung Gyi wrote a series of letters to General Ne Win¹⁰, which reportedly emphasized the need for economic reform and exposed human rights violations. As a result, Aung Gyi was arrested and detained briefly in July 1988. After his release he formed the NLD in September 1988 along with retired General Tin U and Daw Aung San Suu Kyi, but he resigned from the party in December of that year. He then formed the Union National Democracy Party, which won only one seat in the 1990 elections. According to reports, recently Aung Gyi once again became more vocal in his opposition to the SLORC. He wrote a leaflet opposing the military's involvement in drafting the constitution, which was distributed to delegates at the first session of the National Convention in January. He was arrested shortly thereafter, and later tried on charges relating to a long-standing dispute with one of his suppliers about payment for eggs which he had received.

However Amnesty International believes that he may be detained solely for the peaceful expression of his non-violent political views, and calls on the SLORC to review his case.

In late January 1993 Paw Oo, a 19-year-old student, was reportedly arrested for copying and distributing an anti-government newsletter entitled *New Era*, published by Burmese dissidents in Thailand and smuggled into Myanmar. Amnesty International has no further details about his arrest. Both Aung Myint Thein and Tun Oo were also reportedly arrested in January for putting up anti-government posters in Yangon, but Amnesty International has no further information about their arrests. Ko Swe, a writer, was allegedly arrested in January as well, but Amnesty International has no other details about his case.

4. CONDITIONS OF DETENTION

Former political prisoners who had been detained in jails throughout the country have consistently testified that they were held in extremely poor conditions, which Amnesty International believes constitutes a pattern of cruel, inhuman or degrading treatment. Students and young people especially appear to be targeted for ill-treatment and torture. Conditions are said to be particularly bad in Insein, Thayet and Tharawaddy prisons, where hundreds of political prisoners are held. Prisoners are routinely restrained by shackles, deprived of food and water, and held in extremely overcrowded cells with poor sanitation. They rarely receive any medical treatment for diseases which are common in Myanmar's prisons, including malaria, skin conditions, and dysentery. One former political prisoner who was released in January 1993 described the conditions he was held under for eight months in Mawlamyine (Moulmein) Prison:

"There were 300 people on one floor, all in one room. We had only three buckets of water per day, and in the corner was the only toilet. We had to sleep in rows, 150 in each row. There was very little room to move...I had shackles on the whole time, during the day and night. The chain goes through the ankles to the belt [round the wrist] and down to the other ankle. Only political prisoners have shackles on the whole time..I had sores on my legs..."

Political prisoners are also subject to torture and ill-treatment, particularly during interrogation in the initial phases of detention. However prisoners are also beaten and deprived of food and water if they protest against conditions of their detention. One former political prisoner described his treatment by the Military Intelligence in an army barracks in mid-1992:

"I was interrogated every other day for two weeks. They beat me, tied me up by my wrists, and rubbed a bottle up and down my shins...There were three people interrogating me...they would also torture me. It lasted 20 minutes a day, with each one taking a turn each. They put a bag over my head, and poured water over me for a long time...there was a very small hole in the bag in order to breathe, but it was still difficult...they also beat me with an iron rod covered with rubber so it wouldn't leave marks...I was beaten a lot around the ribs and back."

Deaths in Custody

Amnesty International has previously documented the deaths in custody of 10 political prisoners since the 1988 *coup d'etat*¹¹. Subsequently the organization has learned of seven other deaths of political prisoners, most of whom appeared to have died because they did not receive proper medical treatment for illnesses often caused or exacerbated by poor conditions of detention. However in at least two of the deaths described below, political prisoners were evidently beaten to death by prison officials. Amnesty International urges the SLORC to ensure that all detainees do not die as a result of torture or cruel, inhuman or degrading treatment, including poor conditions and inadequate medical care. The organization also calls on the SLORC to initiate immediate and impartial investigations of all deaths in detention, to make the results of such investigations public, and to bring to justice those found responsible for torture in the past.

Ko Kyaw Win, a tutor and political activist in his late 30's, died in Mandalay Prison

in early 1990 from untreated dysentery, although he was reported to be in excellent health at the time of his arrest. He had been arrested at the end of June 1989 during a nationwide roundup of opposition party members and was held without charge or trial. Ko Kyaw Win was the general secretary of the Evergreen Party, which was deregistered by the SLORC in 1989, and had been active in the opposition movement since 1976 when he attended Mandalay University. U Soe Win, an opposition leader in his late 60's, also died from dysentery in early 1992 in Insein Prison. He belonged to the Communist Party of Burma (CPB), and was reportedly sentenced to 20 years' imprisonment, but the dates of his arrest and trial are not known. Ko Than Win, an NLD member from Ma Ubin, died from untreated dysentery in Tharawaddy Prison, but Amnesty International has no further details about the date or circumstances of his death.

A Karen political activist called David died in hospital after being transferred there from jail on 2 August 1992. Aged 58, he was reportedly in good health at the time of his arrest during the 1988 pro-democracy movement, when he had given speeches against the military. The specific cause of his death is not known, but Amnesty International is concerned that poor conditions of detention may have contributed to his death.

Aye Lwin, a 38-year-old activist held in Insein Prison, reportedly died from internal injuries in early December 1992 after being severely beaten by a prison official. Although he was vomiting blood, he received no medical care and died in his cell. According to reports, two political prisoners who protested against Aye Lwin's treatment were subsequently beaten. He had been sentenced to death for an attack on Thingangyun police station outpost in Yangon and had also been badly beaten during a hunger strike in Insein Prison in 1990, after which time his health reportedly deteriorated. Amnesty International is concerned that Aye Lwin died as a result of repeated and severe beatings by prison officials, and calls on the SLORC to immediately initiate an impartial investigation into his death.

Mohammed Ilyas, a Muslim in his early 60's from Maungdaw township, Rakhine (Arakan) State, was reportedly beaten by Military Intelligence Services (MIS) personnel on 19 June 1992, and died on 23 June. The local secretary of the NLD, he was arrested with Fazaal Ahmed on 13 June for alleged involvement in a bomb explosion near Maungdaw town. He was reportedly held in incommunicado detention and severely beaten, and on 19 June he was taken to hospital, where he later died. After Amnesty International urged the SLORC to investigate this case, they claimed that he died of acute gastro-intestinal disease while undergoing medical treatment. However, unofficial sources have stated that Mohamed Ilyas was in good health at the time of his arrest. Amnesty International remains concerned about the circumstances of his death, particularly in light of the gross violations of human rights committed by the SLORC against Muslims in the Rakhine State.

U Khin Maung Myint, the 63-year-old Chairman of the Peoples' Progressive Party¹² (PPP) died in Insein Jail in mid-February 1993. He reportedly died from a stomach disorder in the prison hospital. He had been sentenced to 20 years' imprisonment on 6 November 1989 for contact with illegal organizations. During the pro-democracy movement in 1989, he had reportedly given several speeches criticizing the military and was arrested in June of that year along with all the Central Committee members of the PPP. Amnesty International is concerned that he did not receive adequate medical care which may have contributed to his death.

5. A CLIMATE OF FEAR AND INTIMIDATION

Amnesty International is concerned by widespread intimidation of real or impugned critics of the SLORC by Military Intelligence (MIS) personnel, which constitute real restrictions on freedom of expression and association. The SLORC has effectively deterred most of the population from public opposition to its continued hold on power through surveillance activities, intimidation, and threats to anyone who may

have criticized the military in the past or is likely to do so now. It is no longer necessary for the SLORC to conduct mass arrests as a means of silencing its critics because many of them remain behind bars and others are too frightened to speak out.

Those who have managed to evade arrest or who have been released have expressed fear for their safety and that of their families if they oppose the SLORC. Therefore in the material which follows, Amnesty International has omitted specific incidents of intimidation and threats in order to protect both its sources and the individuals concerned.

Martial Law decrees greatly restricting the rights to freedom of expression and assembly, including those which prohibit gatherings of more than five people and forbid public criticism of the military, remain in place. Another decree which is still enforced is Order No 1/90, enacted on the eve of the May 1990 elections, the provisions of which require that all households of the 42 townships of Yangon division register their visitors with the local Law and Order Restoration Councils (LORC) and report to the local LORC when any of their members leaves the household. A 25 March radio broadcast announced that the LORC had been checking visitor registrations "to prevent destructive elements from taking refuge in homes" and reminded people living in Yangon Division that "...severe action will be taken against those who have failed to register visitors..." In this way the local LORC's can effectively track the movements of everyone in Yangon division in order to facilitate surveillance activities.

Former political prisoners are subject to surveillance by the all-pervasive Military Intelligence Service, and many of them were instructed to sign documents at the time of their release stating that they would not become involved in politics. Some are reportedly required to report regularly to the local authorities – sometimes as often as twice a day. During the visit of Professor Yozo Yokota, the UN Special Rapporteur, to Yangon in December 1992, several former political prisoners were warned by the authorities not to attempt to contact him or they would be re-arrested.

Many former prisoners of conscience have not been released unconditionally, and Amnesty International calls on the SLORC to ensure that conditions which deny their rights to freedom of expression and assembly are lifted immediately.

Intimidation takes other forms, including warnings to civil servants not to get involved in politics and "refresher courses" for teachers and doctors, who are also part of the civil service. Under Order No 1/91, which was issued on 30 April 1991, public service personnel and their dependents are prohibited from engaging in "party politics". During a meeting at the Ministry of Home Affairs on 8 March, all public service personnel were reminded by Major General Tin U, Secretary-2 of the SLORC, to "refrain from party politics". Lieutenant General Khin Nyunt, head of the Office of Strategic Studies which supervises the activities of all military and civilian intelligence bodies, opened a series of refresher courses for doctors in October 1992 and January and February 1993. During the October session he said:

"...the refresher course for doctors is being held with the objectives of promoting patriotism, conviction in and practice of the three cardinal causes [non-disintegration of the union, non-disintegration of national solidarity and perpetuation of sovereignty], and management and discipline in public health."

In a 1 May Worker's Day speech, Senior General Than Shwe, Chairman of the SLORC, exhorted all workers to avoid politics:

"...they are required to be aware of the three following guidelines: to stay away from party politics; to avoid bureaucratic ideology and procedures; and to be free from corruption. If the noble and clean life of the workers is subjected to the colour of party politics, discord and disunity among workers are bound to emerge..."

The SLORC widely publicizes arrests of people who openly criticize the military in the government-controlled media, which in itself is another form of intimidation.

The families of dissidents who have fled Myanmar are also subject to interrogation

and surveillance by the MIS. The MIS routinely conducts surveillance activities and interrogates dissidents and their friends and families. Students are a particular target for intimidation because of their leading role in the 1988 pro-democracy movement. Universities were closed from June 1988 until May 1991, and were closed again in December of that year following student demonstrations calling for the release of Daw Aung San Suu Kyi. They were finally reopened in August 1992 accompanied by a large security force presence in Yangon and Mandalay and warnings in the official media against the disruption of "peaceful studies".

6. HUMAN RIGHTS VIOLATIONS AGAINST MEMBERS OF ETHNIC MINORITIES

Since at least 1984, the armed forces in Myanmar have committed gross human rights violations, including torture, ill-treatment, extrajudicial execution and arbitrary detention, against thousands of people belonging to various ethnic minority groups.

Scores of these groups, who comprise one third of the population, inhabit the mountainous areas surrounding the central Burma plain. They have lived in Myanmar for centuries alongside the majority Bamar (Burman) group.

The armed forces, known as the **tatmadaw**, have committed human rights violations in the context of its counter-insurgency activities against various ethnic minority armed opposition groups, who have been struggling for greater autonomy since 1949 after Myanmar gained independence from the United Kingdom. Over the past five years these groups have lost a considerable amount of territory which they had controlled in Myanmar, and by 1993 the SLORC held most of the territory, including the major roads and towns throughout the country. In late 1991 and early 1992 the SLORC conducted a massive offensive against opposition groups, particularly against the forces of the Karen National Union (KNU), in the Ayeyarwady Delta, and around Azin and Manerplaw, the KNU's headquarters in the Kayin (Karen) State. These military operations were accompanied by widespread human rights violations, including extrajudicial killings and torture of civilians who were seized by the army.

In August 1992 the Government of Myanmar acceded to the four Geneva Conventions of 1949, which establish the internationally-recognized minimum humane standards of conduct to be observed in situations of internal or external armed conflict.

Common Article 3 of the Geneva Conventions, which applies to all parties to an internal armed conflict, specifies the following minimum standards: "(1) Persons taking no active part in the hostilities...shall in all circumstances be treated humanely...". With respect to non-combatants, Common Article 3 prohibits, among other things:

- "(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment..."

The Government of Myanmar is legally bound under international law to ensure that the principles enshrined in Common Article 3 are adhered to and that all civilians are protected from attack, including torture and extrajudicial executions.

On 6 October 1992 the **tatmadaw** attacked the village of Saw Hta in Papun township, northern Kayin State, which had been held by the KNU. SLORC troops reportedly arbitrarily seized hundreds of civilians to act as porters, including members of the Shan ethnic minority who were transported from the Shan States. One woman from Hlaingbwe township told Amnesty International that her 18-year-old daughter had been taken as a porter for one month during the Saw Hta offensive and required extensive medical treatment on her return. She also reported that many women had been killed in the area when they were serving as porters, including Mu Kler Hey Moe, who lived in her village. The **tatmadaw** continued to launch offensives in the Saw Hta area during November and December. According to reports, porters, many of whom became weak from malaria and malnutrition, were beaten during these

*offensives if they could not perform their duties to the satisfaction of the **tatmadaw**. However human rights violations against ethnic minorities are not confined to areas of counter-insurgency activities. During 1991 and 1992 in Myanmar's western Rakhine (Arakan) State, the **tatmadaw** conducted a campaign of terror clearly targeted at Burmese Muslims, which included ill-treatment and extrajudicial killings on a massive scale¹³. There was almost no insurgent activity in the Rakhine State at the time, and it appeared that the SLORC was conducting this campaign to force Burmese Muslims to leave the country. As a result, a quarter of a million of them fled to neighbouring Bangladesh. During the period from September 1992 until 6 July 1993 28,563 refugees were repatriated under an agreement signed in April 1992 between the Bangladeshi Government and the SLORC.*

*The **tatmadaw** also commits human rights violations in areas of the Kayin State where there is little or no activity by the KNU, including ill-treatment and extrajudicial executions of civilians during forced portering or on routine army patrols through the countryside. During early 1993 the SLORC did not launch a major dry season offensive, which normally occurs between November and May each year, although there were isolated skirmishes and attacks by both the **tatmadaw** and opposition groups.*

*Nonetheless the **tatmadaw** continued to ill-treat and extrajudicially execute members of ethnic minorities, including the Karen, Kayah, Shan and Mon. The military routinely arbitrarily seized ethnic minorities as porters to carry supplies or to act as unpaid labour for building roads and other construction projects¹⁴. The army also ill-treated and extrajudicially executed villagers it claimed were either insurgents or provided support to them. One woman in her 50's described the situation in Hlaingbwe township, Kayin State where she lived: "I cannot remember a time in my life when there have not been soldiers and fighting and portering. But it used to be that they would go away for a while, now they're here all the time."*

These human rights violations are part of a general pattern of repression of ethnic minority groups by the **tatmadaw**. Troops routinely enter villages, burn houses, steal livestock and crops, and evict villagers from their homes. One Karen man from Hlaingbwe township, Kayin State, described what had happened in his village in March 1993 which compelled him to seek refuge in Thailand:

"Just before I left troops used mortars and heavy artillery and fired into the surrounding area. The SLORC had asked for food but the villagers hid for fear of being taken as porters, so the SLORC fired into the area. That night the soldiers burned unoccupied houses, which I could see because by then I was hiding in the vicinity."

Some villages lost over half their population as inhabitants fled to Thailand to escape these abuses. A woman from Hlaingbwe township was forced to move in November 1992 by the army because they wanted to build a new barracks in her village, and subsequently she left Myanmar because she said she was constantly harrassed by soldiers and could not afford to build a new house.

Forcible relocation of thousands of villagers by the **tatmadaw** has escalated enormously in the Kayah, Mon, Kayin, and Shan States as part of its efforts to cut links of intelligence, food, money and recruits between armed opposition groups and local civilians¹⁵. Most recently in early 1993 thousands of Mon and Karen civilians have reportedly been forced to relocate from their villages by the **tatmadaw**. Relocations are often accompanied by human rights violations such as ill-treatment and extrajudicial killings.

Human rights violations against members of the Karen ethnic minority

In April 1993 Amnesty International interviewed scores of Karen refugees in Thailand, who were themselves victims of human rights violations, who had witnessed such violations committed against others, or were personally acquainted with the victims of such abuses. They had fled from Kamamaung, Hlaingbwe, Thaton, Pa'an, and Papun townships in the Kayin State and Bilin township in the Mon State. Those who gave

testimony to Amnesty International consistently 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.

Human rights violations in the context of forced portering and unpaid labour

Members of ethnic minorities and ethnic Burmans alike are at risk of being arbitrarily seized by the **tatmadaw** to act as porters or to perform unpaid labour. Most of the victims are members of ethnic minorities, but the military also takes people from towns and cities who are ethnic Burmans. Those who are seized are usually not told how long they will be held and typically have no rights to refuse the military's demands or to protest the fact that they are being held against their will. Porters and unpaid labourers are often ill-treated or tortured while they are held and denied adequate food and medical treatment.

The circumstances of forced portering varies, but troops often first coerced the village headman into recruiting porters from his village. Porters were often taken in rotation, with each person taking his turn for duty, but troops also seized porters at random from their homes, while they were working in their fields, or on local roads. The number of porters which the military takes depends on the scale and nature of their operation. Sometimes army units round up several people from one village to go on patrol or carry supplies, and sometimes hundreds of porters are seized from different locations and brought together. One ethnic Burman from the Mon State described the circumstances of his detention as a porter:

"I was taken to the Maw Pa Thu battle in February 1993 – I was arrested in Gyaundaung, a port on the Gyaing River, and taken to Kawkareik army barracks for two nights.

The army was gathering porters during this time and by the time we left there were 500 porters...including traders pulled off buses coming from Rangoon...when we left Kawkareik we were tied together with a rope in groups of six...We had to walk for 6 days before we got to the frontline...I was there for over one month."

Because there were relatively few battles during the 1992-1993 dry season in Myanmar, many former porters interviewed by Amnesty International in April 1993 had not actually seen combat. However several of those who gave testimonies indicated that they had in fact been forced to work in the midst of battles. One former porter, an ethnic Intha from Inle Lake in the Shan States, said that while he was carrying supplies on the frontline, the **tatmadaw** retreated and he was left among the bodies of dead soldiers when the armed opposition group advanced on the position. Other porters had to carry injured soldiers to safety and bury the dead. Porters said that if they refused to go to the frontline, they were beaten by troops.

Villagers were sometimes able to pay porter taxes to the military in lieu of porter duty, but often they could not afford to pay on a regular basis, when troops routinely came through their village demanding payment. The army frequently did not release porters until they had seized new recruits and porters could only avoid further service by escaping. Porters were kept in army custody for periods varying from a few days to a few months, and some have been taken as many as 20 times in one year. Former porters and labourers said that they were taken so frequently that they could not remember how many times they were seized altogether. Most of those interviewed by Amnesty International were poor farmers or day labourers from villages in the Kayin and Mon States, and many had spent so much time serving as porters or unpaid labour they could no longer make a living. A man from Hlaingbwe township explained why he left his country:

"We are just simple farmers, but when we are taken so often there is no chance for us to grow our own food and then we are beaten so..It's just no good anymore. That is why I left."

Porters are made to transport ammunition and food, carry supplies at the frontline during battles, and sweep the roads ahead of troops to check for mines or clear

the way. Some porters who were walking ahead of soldiers lost their legs or were killed after stepping on a mine. One Muslim man from Hlaingbwe township who was arbitrarily seized as a porter in February 1993 described what he saw: *"Another man, about 20, was killed when he stood on a mine on...the track from Hlaingbwe to Shan Ywa Thit...He was carried for a while, but died within the same day.."*

Unpaid labourers are also forced to work building army barracks, cutting bamboo, and constructing roads and railway lines. A Muslim man from Hlaingbwe township described his duties as an unpaid labourer:

"..I often had to do forced labour for the army. It was working on the road into Hlaingbwe. Each family is given an area 10 feet square which they have to complete...We were extending the road, which involved breaking rocks, digging...Every seven days, the whole town has to give...labour to keep the town clean, and sometimes that also means cleaning the army barracks."

In spite of compelling evidence of the continued use of forced labour and portering by the **tatmadaw**, the SLORC had repeatedly denied that such practices exist in Myanmar, and claim that all such labour is voluntary. In a 14 December 1992 press release issued by the Permanent Mission of the Union of Myanmar in Geneva, the SLORC described what it refers to as "Myanmar's Tradition of Labour":

"In Myanmar's history there has never been such a thing as 'slave labour' as people in some parts of the world have experienced...voluntary contribution of labour in our country is a form of self-help...The Myanmar people have a tradition of making merit by labour contribution...Some people who are strangers to our traditions and to our way of thinking and living do not understand the ways and means that are used here."

Torture and extrajudicial killings of porters and unpaid labourers

Porters are routinely beaten and kicked if they are too weak to carry their heavy loads, if they attempt to escape, or if they cannot speak the Burmese language well. Almost all of those interviewed said that they were either given no food or only a small amount of rice a day. Porters frequently fall ill from malnutrition and malaria, but receive no medical treatment, and instead are forced to continue working until they collapse and are abandoned by the side of the road. One man described what he saw while he was a porter in Pa'an district:

"At about midday, an old man in the group just ahead of me could no longer carry his load. He told the soldiers that he was very weak and begged them to let him rest. They hit him across the back of the neck with a wooden stick, made of teak, and he fell down dead on the spot. They then dragged him to the side of the path and just left him and ordered us to march on."

Amnesty International obtained direct testimony from 19 refugees who had been ill-treated by the military while being forced to serve as porters or unpaid labour. Typically, they were kicked with heavy boots, beaten with bamboo or wooden sticks, fists, and rifle butts because they were too ill, or too weak from exhaustion or lack of food and water, to perform their duties to the satisfaction of the army.

A woman from Hlaingbwe township was forced to carry ammunition for seven days in March 1993 with her 70-year-old husband, whom she said was often beaten because he could not manage his load. When they were released by the army, she had to carry him home where he died five days later after suffering from a high fever. A 23-year-old farmer from Hlaingbwe township who was being treated for tuberculosis in a refugee camp had been seized as a porter for the tenth time in December 1992 and held for almost one month before escaping. During that time he was beaten every day on the head, back, and chest with a carbine until he began to cough blood.

A 46-year-old man from Kamamaung township who was taken as a porter in November 1992 described his treatment:

"Last time I was gone on military patrol for more than 10 days...I carried heavy artillery, six 81 millimetre mortar bombs...I was beaten when the sun was blazing"

hot. I was beaten on the side of the head..."

Refugees had witnessed or knew personally over 30 porters killed by the army because they could not manage their loads or were trying to escape. Porters were shot dead, stabbed with bayonets and beaten or kicked to death by troops and then abandoned on the road. A man who had been taken as a porter in late 1992 and had himself been kicked in the back and still suffered pain in the kidneys witnessed two killings during the six weeks he was forced to serve the army. One of the victims was an old man who was beaten to death, and another an 18-year-old man:

"He told one soldier that he could bear it no longer and begged for some water...the soldier then shot him about four times in the stomach in front of us all. They just left his body there too."

A Muslim man from Hlaingbwe township who was seized by the army in March 1993 witnessed the death of a 40-year-old unskilled labourer while he was on porter duty:

"...one man from Hlaingbwe town fell down from weakness and the weight of his load. The soldiers beat him with the butts of their rifles and kicked him as he lay on the ground. They dragged him up again, but he was dizzy and wobbly and when they put his load back on his back he fell down again. Then they shot him...I knew him quite well, and he was never in very good health."

The husband of a 23-year-old woman from Bilin township was seized by the army to be a porter in February 1993 and had not returned two months later. She was eventually told by a former porter who had been taken with her husband that he had seen him beaten to death in Pa'an township because he could not carry his load.

No Ke, the husband of another woman from Bilin township, was taken as a porter in February 1993 and had not returned by April; his wife told Amnesty International that she thought he had died, but was too frightened to ask local troops what had happened to him. Another former porter said that he had witnessed at least 10 people left for dead by the army after being beaten, among them a 45-year-old umbrella repairman bayoneted to death in February 1993.

A Muslim man from Hlaingbwe township saw his cousin killed by soldiers when they both attempted to escape from porter duty in January 1993. He described what happened:

"The guard woke up and shined a torch in our direction. I jumped over a ridge and hid there, but my cousin - he was very ill with malaria at the time, I had told him not to try and come with me but he was desperate to leave - he was too weak to move quickly and he was shot. I had to keep on running, I saw that he had been shot in the chest..."

A man from Hlaingbwe township who had been taken in early 1993 for six weeks as a porter described the deaths of three porters from exhaustion and beatings:

"...Muang Aye and Tin Thaug, who were brothers, and one other man...were beaten to death because they were so weak they could no longer carry their loads."

Attacks on villagers

Ill-treatment

Not only were members of the Karen ethnic minority ill-treated or extrajudicially executed by the **tatmadaw** while being forced to serve as porters or unpaid labour, but they were also seized in their villages or fields and subjected to ill-treatment or even killed on the spot. Troops on patrol arbitrarily seized and ill-treated villagers, often accusing them of supporting insurgent groups, or sometimes for no apparent reason at all. One man from Kamamaung township, who had previously been beaten during porter duty, was seized by soldiers in late 1992 in his village, accused of being a member of the Karen National Union (KNU), and tied up and beaten until the village headman intervened and persuaded the soldiers to free him. Another man from Kamamaung township was taken from his house by soldiers in early 1993 and pistol-whipped on the head along with two friends. They were interrogated by a drunk lieutenant who accused them of being in the KNU and also questioned them about

other villagers. A man from Hlaingbwe township who was forced by the army to look out for KNU troops was regularly beaten with a bamboo stick and a gun if he was late in reporting to them. He was forced to perform guard duty over the period of one year until he fled to Thailand in April 1993.

A farmer from Thaton township who left his village because he was accused of being an insurgent and beaten in February 1993 recounted what happened to him:

"...They were interrogating me and beating me with the butt of a gun on the chest, back, and head. This happened when I was working in the fields. The 99th Regiment is about two miles away. If they come and...you are in the fields you get accused [of being an insurgent]...The army just hates the Karen...I don't speak Burmese...if you don't speak Burmese you always get beaten more...They would hit me twice, then ask a question, then hit me again..."

A farmer from Pa'an township who was accused of being an insurgent and subjected to near-suffocation while working in his field in March 1993 described his treatment:

"...I denied it. They took me back to the village and asked the headman who told them I was just an ordinary villager. Then they put a plastic cape over my head and poured water into the cape. This was an army cape they used to keep off the rain. They wrapped it around my head, tied it around my neck and made a hole in the top and poured water in. The village headman spoke up for me and they took it off...He said, 'you've taken this man as a porter many times, he's just an ordinary villager.'"

A man from Thaton township was also subjected to near-suffocation when the **tatmadaw** poured water into a plastic sheet which was tied around his head in February 1993.

He recounted how three years previously the **tatmadaw** had shot him in the arm as he was running away from them. He showed Amnesty International a very deep and long scar on his forearm, which was paralyzed as a result of the shooting. On this occasion the army accused him of being a member of the KNU, which he denied, and then tied him up and left him. As soon as he managed to get free, he fled with his family to Thailand.

Extrajudicial execution

In addition to the 30 civilians killed by the army during forced portering, refugees told Amnesty International that they had witnessed or knew personally 25 other people who were extrajudicially executed by the **tatmadaw**. A man from Kamamaung township who fled from Myanmar because the army had ordered his village to relocate knew two fellow villagers who were shot and killed in December 1992 while they were working as farmers. He described the death of one of them, Pee La Wee, aged 30:

"He was loading rice at harvest time and bringing it back to the village. He just got home and got down from his bullock cart to release the bullocks when he saw some SLORC soldiers. He must have thought that it was best not to face them. He moved away from the cart and the soldiers opened fire at close range. He died on the spot."

Pwoh, another villager, was shot by the **tatmadaw** when he went to his field to round up his cattle, allegedly while they were questioning him about KNU activity in the area. He was later tied upside down in the village for three days and was carried off on a stretcher, but did not return to his village, and is presumed dead.

A farmer from Hlaingbwe township testified that Li Ma, his 35-year-old uncle, was bayoneted in the chest in September 1992 by the army because he was reportedly accused of hiding KNU soldiers in his house outside the village. A woman from Pa'an township said that two fellow villagers, De Da Wa and Saw Oo, were killed on their way back from the fields in February 1993 by an army unit on patrol. KNU troops had recently been in the area when the **tatmadaw** entered the village and killed them as well as two others from a neighbouring village. In September 1992 a woman who was fleeing with her husband and other villagers from advancing troops near Saw Hta, Papun township, saw her husband die instantly after being shot. She was also shot in the

attack and showed Amnesty International a large scar on her arm which she said was the result of the bullet passing in one side of her forearm and out the other. Another woman from Papun township who witnessed the shooting of two men, Pa Tha Gyi and Pa Ha Gyi, in February 1993 told Amnesty International what she saw:

“At 8am about 30 soldiers came into the village...their guns were drawn, the safety was off and they were ready to shoot. They came in to get porters...As my son was running away two other men with him were shot and killed...then they caught my son...[he] was taken as a porter - he couldn't manage his load and was boxed in the ears and went deaf.”

A woman from Bilin township saw three members of her family killed by the army all during March 1993. Previously her 75-year-old husband had had his ear shot off by the army when he could no longer manage his load as a porter and fell down. Her 30-year-old son, Gyaw Than, was shot dead by the 99th Regiment as he tried to flee from troops who were attempting to seize him for porter duty. She also witnessed her 30-year-old cousin Hla Shwe being beaten to death in the middle of his village by the army for refusing to accept the position of village headman. (Village headmen are often made responsible by the army for finding porters on a regular basis and are sometimes beaten if they do not find enough people). Another cousin Pa Doh, aged 40, was beaten to death when he was caught by the army working in his fields and accused of growing food for the KNU. The woman buried all three relatives.

A 45-year-old woman from Pa'an township described the killing of five fellow villagers by the 99th Regiment in March 1993:

“The soldiers came into the village and went into houses in one section...They got into the houses and shot at random...It was suppertime so everyone was at home. Those who were killed were: Win Htay, age 24; Sein Aung, aged 23; Ma Min, a 14-year-old girl; Moe Loe, an 18-year-old woman; and Ma Chau, a 16-year-old girl...Others were injured...Before this happened there had been two battles about one mile from the village.”

A woman from Bilin township whose husband had disappeared after being taken as a porter in February, helped to bury the bodies of four fellow villagers who were killed by the 99th Regiment. Myint Aung, So Nyein, Mo Da, and Na Ka No were all caught outside of the village and shot dead. Almost two thirds of the villagers subsequently fled from their homes.

In January 1993 troops from the 99th Regiment came into a village in Thaton township and seized four young farmers, dressed them up as insurgents, photographed and then killed them. A 46-year-old woman who had remained behind witnessed the killings after most of the villagers had fled from the army. The young men were on their way to the river to bathe when they were caught. Another woman saw them being beaten with bamboo sticks and rifle butts before they were taken outside the village and shot dead. Those killed were: Naing Ga No, aged 22; So Nein, aged 20; Mi Aung, aged 18; and Maw Da, aged 17. The soldiers shot them in the back of the neck and left the bodies behind for the villagers to bury. After the shootings troops burned seven houses, and ordered the entire village to relocate to another area. Patrols from the nearby barracks came through the village constantly, confiscating livestock and taking porters and other unpaid labourers to work at the army camp.

Human rights violations against women and children

In 1991 Myanmar acceded to the Convention on the Rights of the Child. However, Myanmar made a reservation to Article 37, which reaffirms the prohibition against torture or other ill-treatment of children. Freedom from torture is a fundamental right which may never be derogated from in any circumstances. Myanmar's reservation suggests that the government may violate the right if necessary to further certain goals such as the “perpetuation of national sovereignty”. This is unacceptable and Amnesty International urges Myanmar immediately to lift this reservation.

All members of the population are liable to seizure by the army for forced portering

and labour duties. Although men are taken most frequently, children and women, including those who are pregnant or nursing their infants are also arbitrarily seized. Men often flee from their villages or sleep outside their homes for fear of being taken as porters, and the military seize anyone who remains, including women and children. As a result, in the past two years women have been seized much more frequently to act as porters, and are subject to the same human rights violations as men. However in addition to beatings and poor conditions, women are at risk of rape by troops during their detention as porters.

One woman from Kamamaung township who was seized in September 1992 by the army with about 25 other women told Amnesty International that her friend, who was four months pregnant, had suffered a miscarriage from carrying heavy loads and lack of food.

Another woman from Thaton township who was nursing her young child was forced by the military to carry a load of rice on her back and her child in front for one week in March 1993. A boy of 15 was taken in late 1992 for a month by the army, and when he resisted being taken, he was beaten, tied with a rope by his wrists, and dragged in the dirt by soldiers. When he tried to escape again, he was shot on the top of his head and was still recovering from his head wounds as well as malaria a month later. His brother, who had been taken at the same time, was killed in the escape attempt. A 75-year-old mother of 10 from Papun township was beaten in February 1993 with the butt of a rifle on her back because she could not speak Burmese. The beating occurred in the middle of the village when troops asked her about insurgent troop movements, a question she could not understand.

One young woman who was seized with her aunt described the general conditions during the month she was detained as a porter:

"I was taken from my village with 10 other local girls in November [1992, during the SLORC offensive on Maw Pa Thu]...we were collected together with another 100 villagers,...all of whom were women...We were given very little to eat, and even then it was unhusked rice, so we had to spend hours taking the husk off with our fingers. My aunt died, from starvation and fever. I had to bury her myself. She was so thin, no flesh at all."

A 49-year-old Christian woman who had also been taken as a porter 10 times recounted what had happened to her:

"They kicked me with army boots in my lower back, and I fell on to a stone they kicked me so hard. I was only given a little rice and salt - that's why I got weak. I still have pains in my chest from this."

One 15-year-old boy, an orphan who was supporting his blind grandmother by selling goods on the street, was seized by the army along with some 500 other men in October 1992. He described his treatment as a porter at the hands of the **tatmadaw** before he managed to escape:

"...I had a fever and could not carry on. They kicked me in the side of my chest - even now the scar has not healed...I am still having treatment for my injury. The medics say I have three broken ribs. I hurt inside a lot, and it is difficult to move around."

He showed Amnesty International a long gash by his left ribs which he said was the result of being kicked.

A former porter from Hlaingbwe township who was himself beaten witnessed the killing in February 1993 of a 15-year-old boy who was ahead of him:

"...I heard him crying out as he was hit, then I walked past his body which was just left by the side of the track. He had a bad gash in the top of his head, and there was a lot of blood."

Amnesty International interviewed several women who were forced to work on roads, including a 20-year-old Karen Muslim woman with three children who had to guard the road from insurgents from Pa'an to Hlaingbwe for one month in March 1993. She described her duties there:

"...All day and all night we were meant to stay awake and watch the road...Sometimes soldiers would drive along the road to check that we were awake. If they found us sleeping they made us hop like a frog between one tree and the next, or would give us other kinds of punishments...One woman, who was very old, maybe 80, died after about 10 days of sitting under the tree - it was very hot...Another two children, about 10 and 12, also died."

Another woman from Thaton township was forced to sweep the road with a rake to check for mines on three different occasions, for several days each time. She told Amnesty International this particular duty was usually performed by women. Others were forced to sweep up the army's tracks after them, and one woman worked for almost one month in early 1993 repairing a road and was released only when a new shift came to relieve her. A 55-year-old Muslim woman who was forced to stay at an army camp in March 1993 with five other women described her duties there:

"At Yebyu camp I was made to dig bunkers, latrines, look after the vegetable garden, fetch water for them, clean their uniforms...when we couldn't manage the jobs - especially the digging, that was very hard - we were beaten by the soldiers. At night we had to sleep in the same place with the soldiers. The young women - I was the only old one - were forced to sleep with the soldiers, all night."

Rape

Young women and their relatives told Amnesty International that soldiers frequently rape young women they have seized as porters. One 16-year-old Muslim woman from Hlaingbwe township described her treatment:

"At night we were made to sleep separately from the male porters, in with the soldiers...they would come and pull girls out from the group and make the girls sleep with them...all of them were very rough with us girls, treated us not like humans...Only when the soldiers were drunk were they happy, and would then be a bit more gentle...But they would take us all the time, whether they were drunk or not."

A 45-year old woman from Bilin township who had lost track of the number of times she had been taken as a porter told Amnesty International what had happened to her 17-year-old daughter in March 1993:

"Before I left my daughter was taken as a porter...when the men run away they take the women but that's better [for the army], because they can make them work in all kinds of ways, both in the day and during the night. My daughter had to work in this way, but she was only taken for a few days, because she is very thin, and they [the soldiers] like them with a bit of flesh."

Amnesty International learned of two cases of sexual abuse of young girls by the army which took place in Pa'an township, Kayin State in 1991. One three-year-old girl was raped by a drunk soldier who was billeted in her parents' house while they were working in the fields. The parents returned to the house and found the girl bleeding from the vagina; but were too frightened of the armed soldier to bring the child to the hospital until that evening. She was stitched up by a doctor and was evidently able to identify her attackers, but it is not clear if they were arrested by the authorities.

An eight year old girl who was walking to school with her brother was attacked by three drunk soldiers and sexually molested by them. She screamed for help and her brother ran to tell his parents, who then arrived on the scene. The girl was lying on the ground with her clothes ripped, and taken to the hospital for treatment of abrasions of the vaginal walls, bruises and scratches. The family later made a complaint to the authorities, who reportedly threatened them with death. Although the case was eventually taken up, the soldiers were reportedly not brought to justice.

Human rights violations against members of other ethnic minorities

Although Amnesty International was not able to interview members of the Mon ethnic minority, it is concerned at reports of human rights violations in the Mon State,

including ill-treatment and extrajudicial killings in the context of SLORC counter-insurgency activities against the Mon National Liberation Army (MNLA). On 10 March, SLORC 408 battalion reportedly entered Ale Sakhan village in Yebyu township, and opened fire on buildings and civilians. Mi Yin, a 32-year-old female stall owner, was shot dead as a result, and others were reportedly injured in the attack. Previous to the attack, SLORC troops had reportedly burned down one house in the village in order to intimidate villagers, and on 28 May the villagers were told to relocate to another area.

Amnesty International is also concerned by reports of human rights violations against members of the Shan ethnic minority. SLORC troops reportedly use forced labour, including prisoners, in the eastern Shan States to construct roads. Labourers, who are allegedly held in shackles, given very little food, and frequently fall ill with malaria, are detained in labour camps and work under armed guard. Amnesty International interviewed an eyewitness who had seen several bodies of Shan porters floating down the Salween River in late March and early April. According to a 27 March report in the Thai English language newspaper *The Nation*, hundreds of porters were being used by SLORC troops in order to build a road from Pa Saung, Kayah State to Saw Hta in the Kayin (Karen) State, and porters were killed and dumped in the river when they became too exhausted to work. On 29 March the SLORC issued a press release denying the report, which stated: "...*there had not been even one single case of civilians being used by the Tatmadaw for the construction of roads or as porters in that region*". Nonetheless Amnesty International remains concerned at widespread reports of forced labour and portering in the Kayah State.

Another area in the Kayah State where forced labour occurs is Pehkong township where civilians have been forced to work on the Aung Ban – Loikaw railroad, with each family member made to provide labour for several days per month. Amnesty International interviewed one eyewitness, who had been taken as a porter himself three times, and described seeing prisoners in December 1992 working on the railway with their legs in shackles, and given insufficient food and clothing in the winter.

During battles in the Pehkong area in October 1992, the former porter said that eight porters died there, including U Hla, who was shot dead because he could not carry his load. He also described the killing of Khin Win Shwe, age 45, in Kya In Set Gyi township. She was evidently mentally disturbed and shouted that she had contacts with insurgents, and was then seized by SLORC troops and tied up before being shot in the head.

7. HUMAN RIGHTS ABUSES BY ARMED OPPOSITION GROUPS

Amnesty International condemns as a matter of principle the torture and killing of prisoners by anyone, including armed opposition groups. In "*No law at all*", published in October 1992, Amnesty International raised concerns about serious abuses by various armed opposition groups, including torture and execution of prisoners. Amnesty International calls on all armed opposition groups to abide by Common Article 3 of the Geneva Conventions, which applies to all parties to internal armed conflict. Common Article 3 states: "(1) Persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely..."

The organization has not been able to investigate fully all such abuses. Amnesty International has been concerned about the treatment of Soe Lin and Ne Win Aung, both imprisoned by one faction of the All Burma Student Democratic Front (ABSDF), the armed student opposition group. Both were believed to be held in incommunicado detention at an ABSDF camp on the Thai-Burmese border. In February Amnesty International wrote to General Bo Mya, President of the Democratic Alliance of Burma (DAB), which acts as an umbrella organization for many armed opposition groups

including the ABSDF. In the letter the organization expressed concern that Ne Win Aung and Soe Lin continued to be held in incommunicado detention, conditions in which their freedom from torture or ill-treatment cannot be ensured. In May they were reportedly sentenced to 10 years' imprisonment by a military tribunal for suspected "traitorous" activities.

In July a staff member of a non-governmental organization based in Thailand was able to interview them, and at the time of the visit they were both reportedly in good health and had received medical attention. A close family member of one of the prisoners was also able to visit him, and subsequent visits are said to have been agreed by the leadership of the ABSDF. Amnesty International welcomes the reported improvement in the conditions of detention of Ne Win Aung and Soe Lin, and calls on the ABSDF to abide by the provisions of the Geneva Convention in treating all prisoners humanely.

8. RECOMMENDATIONS

Myanmar: "No law at all" (AI Index ASA 16/11/92), October 1992 sets out a detailed and comprehensive set of recommendations to the SLORC, including human rights safeguards to be incorporated into the Constitution. In the material which follows, Amnesty International reiterates these and includes new ones, especially with regard to ethnic minorities.

Prisoners of conscience and other political prisoners

1. Release all prisoners of conscience immediately and unconditionally and lift restrictions on those prisoners of conscience who have already been released.

2. Ensure that all other political prisoners are promptly charged and tried by procedures which conform fully to internationally-accepted standards for fair trial.

Past evidence suggests that courts are subject to intimidation by the military, and so the SLORC must make every effort to ensure that the military does not manipulate the judiciary, whether directly or indirectly, and permits the courts to determine cases objectively, impartially and independently.

3. Review the convictions of all political prisoners tried by military tribunals and by civilian courts, and ensure that any who have been unfairly tried be re-tried promptly and in accordance with international fair trial standards, or released.

4. Ensure that all prisoners have immediate and regular access to relatives, and lawyers and doctors of their choice.

5. Ensure that the prisoner's family is informed immediately of the fact and place of his/her detention and of any transfer to another prison.

Human rights violations against ethnic minorities

1. Immediately release civilians who have been arbitrarily seized against their will by the military for forced portering and ensure that other civilians are not taken for forced portering or labour duties.

2. Ensure that the Myanmar security forces do not ill-treat, kill unlawfully, or arbitrarily arrest members of ethnic minorities.

3. The SLORC must strengthen the chain of command and exercise effective control to prevent human rights violations from occurring. They must issue strict orders instructing their forces to abide by international human rights and humanitarian law standards, in particular those relating to the humane treatment of civilians and others taking no part in hostilities. The Myanmar Government has acceded to the Geneva Conventions, which stipulates that civilians must be protected and cannot be targeted for deliberate and arbitrary killings or torture, including rape.

4. Any individual suspected of committing or ordering abuses such as deliberate and arbitrary killing, torture or ill-treatment, should be removed from any position of authority and all duties in which he or she comes into contact with members of ethnic minority groups. Such perpetrators should be held to account for their actions.

Discovering the truth and bringing those responsible to justice

1. Conduct impartial and independent investigations into all allegations of torture, rape, deaths in custody and ill-treatment of prisoners, whether they are held in prisons or other official places of detention, or forcibly detained by the military to serve as porters or other labourers.
2. Bring those found responsible to justice where there is evidence of involvement in torture, extrajudicial execution or other human rights violations. The prosecution of those found responsible is an essential act in ensuring the prevention of human rights violations in the future.
3. Grant adequate compensation to the victims of ill-treatment and torture and to the families of those who have been unlawfully killed.

Access to international organizations

1. Ensure full and free access to the Special Rapporteur on Myanmar, utilizing all the expertise in the United Nations, by permitting a joint visit with the Special Rapporteur on Torture and the Special Rapporteur on Extrajudicial Execution. Grant full cooperation to the Special Rapporteurs, including free access to ethnic minority areas, all prisons or other places of detention where political prisoners are held, and all political prisoners who have been released.
2. Grant the International Committee of the Red Cross free and full access to all prisoners, wherever they are held, in order that it can fulfil its humanitarian role for the protection of prisoners.
3. Grant the Office of the United Nations High Commissioner for Refugees (UNHCR) free access to areas in the Rakhine State in order that they may fully and effectively monitor the human rights situation of Burmese Muslims who have been or will be returned from Bangladesh.

Ratification of international human rights instruments

Amnesty International recommends that Myanmar ratify the Protocols to the Geneva Convention; the International Covenant on Civil and Political Rights (ICCPR) and its two optional protocols; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention relating to the Status of Refugees and its 1967 protocol.

The new constitution and human rights protection

Amnesty International recommends that the protection of fundamental human rights be incorporated into the new constitution, which should enshrine comprehensive safeguards in accordance with international standards and require that the law and judicial practice in Myanmar be made consistent with these safeguards. In particular Amnesty International believes that the prolonged use of emergency provisions in Myanmar has encouraged widespread human rights violations, and therefore recommends that any constitutional provisions and other laws regulating states of emergency - including martial law - comply fully with international standards. The provisions should ensure that emergency measures cannot be introduced or maintained as a means to suppress legitimate rights, and the provisions must expressly prohibit the suspension of those rights which in international law cannot be derogated from under any circumstances.

Endnotes

1. In June 1989 the name of the country was changed to Myanmar. The English spelling of the names of several cities and regions were also changed.
2. The five other principles are: "1) Nondisintegration of the union, 2) Nondisintegration of national solidarity, 3) Perpetuation of sovereignty, 4) Emergence of a genuine multi-party democratic system, 5) Development of Lawkapala [eternal Principles of Justice, liberty, and equality in the state]".
3. The following parties are allowed by the SLORC to operate: The National League for Democracy; the Shan Nationalities League for Democracy; the National Unity Party; the Union Pa-oh National Organization; the Shan State Kokang Democratic Party; the

Mro or Khami National Solidarity Organization; the Lahu National Development Party; the Union Kayin League; the Kokang Democracy and Unity Party; and the Wa National Development Party.

4. The categories of representatives are:

1) political parties; 2) elected representatives; 3) national races; 4) peasants; 5) workers; 6) intelligentsia and technocrats; 7) public service personnel; 8) other persons who should be invited.

5. These are people imprisoned, detained or who have other physical restrictions imposed on them for their political, religious, or other conscientiously held beliefs, or by reason of their ethnic origin, sex, colour, language, provided that they have not used or advocated violence.

6. Monks refused to perform religious rituals for the military and their families, and as a result, scores were arrested in late 1990.

7. 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 or sovereignty". The law was amended in August 1992 to allow for up to five years' detention without charge or trial.

8. The MNDF was deregistered by the SLORC as a legal political party on 19 March 1992. In September 1988 the SLORC allowed political parties to register in preparation for the May 1990 elections. Over 240 parties registered, but only 10 now remain.

9. The demonstration had been held to mark the anniversary of mass demonstrations in 1988 when hundreds of people were shot dead in the streets.

10. General Ne Win seized power in a 1962 *coup d'etat* and controlled the country until his resignation in July 1988; it is widely believed that Ne Win exerts considerable influence over the SLORC.

11. Please refer to "*Myanmar: No Law At All, Human rights violations under military rule*", October 1992 (Amnesty International Index Number ASA 16/11/92).

12. The People's Progressive Party was deregistered by the SLORC in 1989.

13. Please see *UNION OF MYANMAR (BURMA): Human rights violations against Muslims in the Rakhine (Arakan) State*, May 1992, Amnesty International Index Number ASA 16/06/92.

14. In the last two years the **tatmadaw** has also recruited porters and unpaid labourers from major towns and cities, including members of the majority Burman ethnic group.

Please see "*No law at all*" for a further discussion.

15. Under this strategy, known as the "four cuts", large areas are declared "free-fire" zones; ethnic minority communities are forced to move to "strategic hamlets" crops and villages are destroyed, and expulsion orders warn that any villagers remaining in their homes will be shot on sight. For a fuller discussion see "*No Law at all*".

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