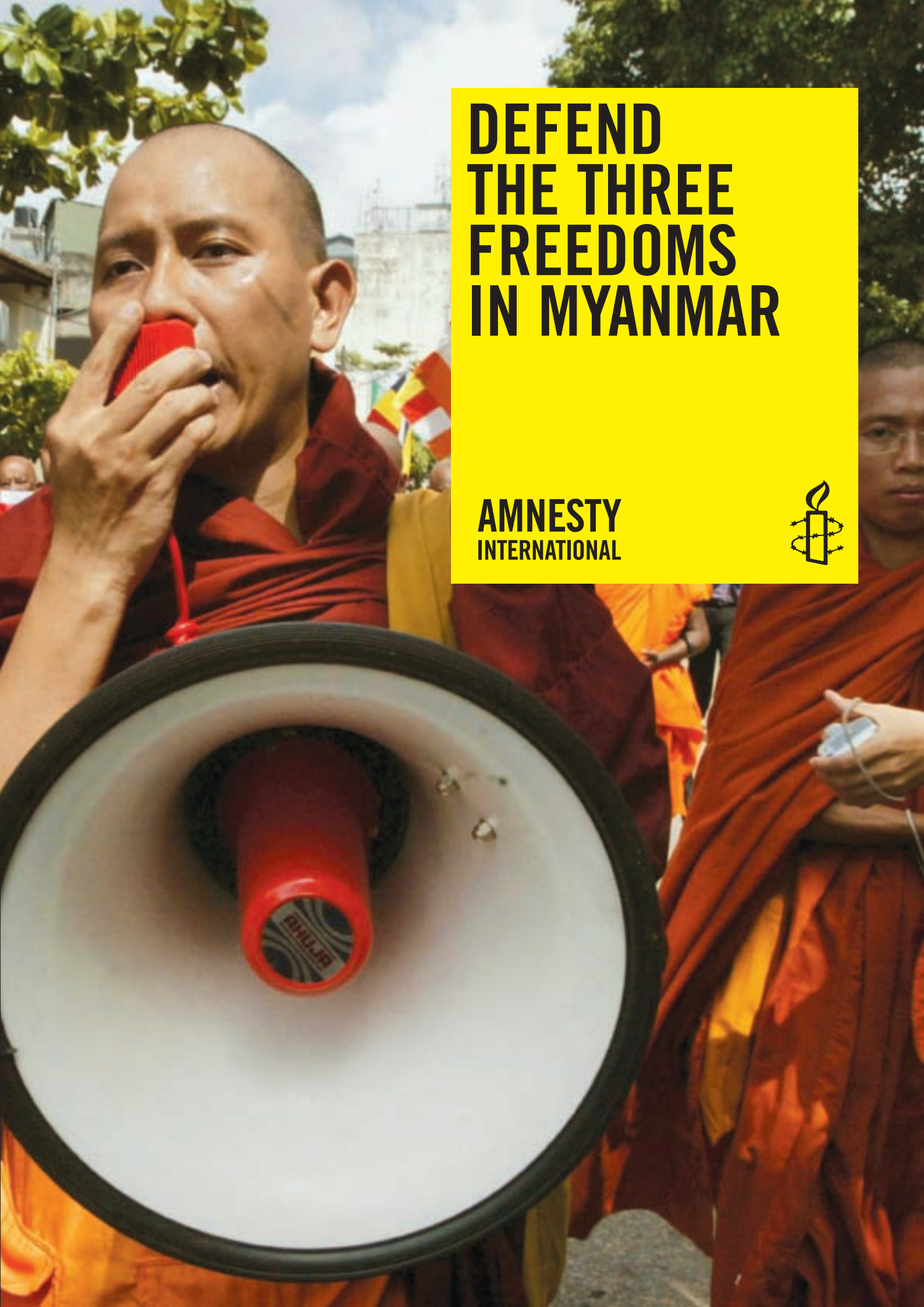


DEFEND THE THREE FREEDOMS IN MYANMAR

AMNESTY
INTERNATIONAL





DEFEND THE THREE FREEDOMS IN MYANMAR

Myanmar's authorities have promised free and fair elections. The majority of governments, including Myanmar's neighbours in the Association of Southeast Asian Nations (ASEAN), are calling for and hoping this will be the case.

However, the reality is that the expression of such hopes will do little to address the restrictions on human rights already in place. And calling for free and fair elections will not address the widespread human rights violations taking place.

In order to protect the human rights of the people of Myanmar during and after the elections, **Amnesty International is calling for:**

- Myanmar's authorities to guarantee **the three freedoms of expression, association and peaceful assembly for all**. This includes being able to campaign for a boycott of the elections, to report openly on the elections, to print campaign material without censorship, to speak freely and without punishment

to the media, to join political parties and to hold meetings and demonstrations.

- All **political prisoners arrested for their peaceful activism to be released** immediately and unconditionally.
- The **repression of ethnic minority activists to cease** immediately.
- The international community, particularly Myanmar's neighbours and other concerned **governments, to publicly call for the three freedoms to be respected** and to speak out forcefully if individuals are harassed and detained for their peaceful political views and activities in the lead-up to the elections and beyond.

We cannot let the repression continue while Myanmar's elections go ahead. With your help, we can work towards a global outcry that ensures the people of Myanmar are protected in the lead-up to the 2010 elections and beyond.

Myanmar is part of the Association of South East Asian Nations (ASEAN). The other nine members of ASEAN are Brunei, Cambodia, Indonesia, Laos, Malaysia, Philippines, Singapore, Thailand and Vietnam. Your action will demand these nations support the three freedoms in Myanmar.



Authorities in Myanmar (also known as Burma) will hold the country's first elections in 20 years on 7 November 2010. But unless immediate action is taken, people's ability to speak out and organise themselves freely will continue to be severely restricted; political prisoners will remain behind bars; and any opposition to the government on the streets could be violently suppressed.

Following the last elections in 1990, the winning party, the National League for Democracy (NLD), was stopped from taking power by the military. Many of their members, including party leader Daw Aung Sang Suu Kyi and activists from ethnic minority groups, are still imprisoned for their peaceful political activities.

For more than 20 years the authority's human rights record has been terrible. The security forces have used excessive and, at times, lethal force against peaceful protesters. Torture by the army and police is common and the authorities suppress those who stand up for human rights, often by sentencing them to long terms of imprisonment after unfair trials. People are frequently sent to prisons far away from their families and are held in very poor conditions. Many fall ill in prison. Some die.

There are more than 2,200 political prisoners in Myanmar today. This is double the number of political prisoners since the start of the 'Saffron Revolution' of September 2007.

Authorities have not taken any steps to improve their poor human rights record – instead the situation is deteriorating.

The three freedoms of **expression**, **peaceful assembly** and **association** are severely restricted in the lead-up to Myanmar's elections.

Above: A man votes in Myanmar's controversial 2008 constitutional referendum at a polling station in Hlaeuk Township near Yangon. © AP Photo/Democratic Voice of Burma

Right: Boats with 'NO' (to the 2008 draft Constitution) on its sail, floating down the Bluchon River in Kayah State, Myanmar, May 2008. This peaceful protest was part of anti-constitutional referendum activities by ethnic Karenni activists. © KNGY

NEW CONSTITUTION

In May 2008, Myanmar's authorities held a referendum on a new constitution giving immunity to perpetrators of human rights violations, including government officials and the security forces. In the lead-up to the poll, the authorities introduced a new law prohibiting public criticism of the referendum and its socio-political organisation, the Union Solidarity and Development Association, launched a 'vote yes' campaign. The 'vote no' movement by peaceful anti-government activists was severely restricted through cash incentives, monopolisation and manipulation of the media, harassment, arrests and violent attacks on individuals. More than 70 'vote no' activists were arrested in April 2008 and Amnesty International is aware of at least 55 people who are still behind bars.

The government proceeded with the referendum in the immediate aftermath of Cyclone Nargis, which struck the country on 2 and 3 May 2008, leaving more than 140,000 people dead or missing. The authorities later announced that 98.1 per cent of eligible voters had voted during the referendum and that 92.4 per cent of these were in favour of the new constitution.

Amnesty International has learned that soldiers marched cyclone survivors to the

polls and evicted people taking shelter in schools and monasteries so they could be used as polling stations. Some survivors were warned that if they did not vote, they would not be allowed to return to their homes.

ELECTORAL LAWS

In March 2010, the government enacted five electoral laws and four bylaws for the forthcoming elections. These laws clearly violate the rights to freedom of expression, peaceful assembly and association:

- They arbitrarily exclude whole sections of Myanmar's society, including "persons serving a prison term under a sentence passed by any court" (*Pyithu Hluttaw Election Law*, SPDC Law No. 3/2010, chapter IV and *Amyotha Hluttaw Election Law*, SPDC Law No. 4/2010, chapter IV). This excludes more than 2,200 political prisoners.
- The Political Parties Registration Law bars all political prisoners from membership of a political party, including Daw Aung San Suu Kyi and hundreds of other imprisoned opposition members (*Political Parties Registration Law*, SPDC Law No. 2/2010, chapter II).
- The electoral laws limit who can run in the elections and may be applied to non-violent opposition groups. "Credible contact" with an "unlawful association"

can lead to a person being categorised as ineligible (*Pyithu Hluttaw Election Law*, SPDC Law No. 3/2010, chapter V).

- The electoral laws also list a number of offences and penalties, including a vaguely-worded provision against "exhorting" persons to vote or not in the elections (*Pyithu Hluttaw Election Law*, SPDC Law No. 3/2010, chapter XIII and *Amyotha Hluttaw Election Law*, SPDC Law No. 4/2010, chapter XIII). This is in blatant violation of the right to freedom of expression.

The authorities said that the laws are necessary because "there may be acts by subversives to disrupt elections" and reminded citizens that a harsh 1996 *Law Protecting the Peaceful and Systematic Transfer of State Responsibility* is still in force. The law provides for a five to 20 year prison sentence for anyone who "incites, delivers speeches or makes oral or written statements that undermine the stability of the state, community peace and tranquillity and prevalence of law and order". Any organisation that violates the law can be suspended.

In June, the Union Election Commission banned political parties from undertaking campaigning activities that could "harm security, the rule of law and community peace".

THE REPRESSION OF ETHNIC MINORITY POLITICAL ACTIVISTS

Khun Bedu, Khun Kawrio and Khun Dee De – political activists from the Karenni ethnic group in Myanmar – were arrested in 2008 for their peaceful opposition to the constitutional referendum. As leading members of an activist youth group called Kayan New Generation Youth, they had organised a group of local dissidents to release balloons, launch paper boats and paint walls with their peaceful political messages.

After 15 days of interrogation, during which they were repeatedly tortured, the three men were sentenced by military officials without a trial, judge or lawyer. Khun Kawrio and Khun Bedu were given 37 years and Khun Dee De 35 years in prison.

Activists from ethnic minority groups, like those in the country's mainstream political opposition, risk arrest, imprisonment and torture simply for attempting to carry out their legitimate work.

For more information see Amnesty International's report *The repression of ethnic minority activists in Myanmar*, February 2010.





SUPPRESSION OF PEACEFUL POLITICAL DISSENT

The authorities have for many years justified the imprisonment of thousands of people on the basis that they were seeking to cause unrest or that they posed threats to or committed acts deemed to disrupt law and order, peace and tranquillity. These terms are found in a range of vaguely-worded security laws that allow a very broad interpretation of what constitutes a threat to their rule, and allow authorities to label peaceful political dissent as criminal (see Amnesty International's submission to the UN Periodic Review of Myanmar, January 2011).

The vast majority of the 2,200 political prisoners in Myanmar are being punished merely for exercising their rights to the three freedoms.

Many of those in prison are leaders of political parties or grassroots activists who, unless they are released, will not be able to participate in the elections. Prison conditions in Myanmar are harsh – torture is common and prisoners are denied sufficient food and basic healthcare. Political prisoners are frequently transferred to remote locations far from their families and support networks.

There is a real fear that activists, especially those from ethnic minorities and the NLD, which is boycotting the elections, will come under increased repression as the elections approach.

And new censorship rules introduced in June undermine any remaining scope for independent journalism around the elections process.

PAST CRACKDOWNS

History shows that public acts of dissent have resulted in brutal crackdowns.

8/8/88

On 8 August 1988, students took to the streets in the former capital Yangon (also called Rangoon) to demand democracy and human rights from their government and an end to 26 years of military rule. Over the next six weeks, the demonstrations grew in number and popular support and spread across the country. Security forces moved in and violently suppressed the uprising, killing more than 3,000 people and causing the enforced disappearance of an unknown number of others.

Saffron Revolution

In September 2007, monks led tens of thousands of people in peaceful demonstrations across Myanmar known as the Saffron Revolution. The government eventually responded with lethal force, firing bullets into crowds and beating protesters. It is believed that more than 100 people were killed in the crackdown. As security forces in Myanmar are almost never held to account for human rights violations, the use of excessive force in policing demonstrations is a real concern.

Widespread and systematic human rights violations persist in Myanmar. Unless the international community urgently pays attention and demands essential human rights protection in the lead-up to the coming elections and beyond, people will continue to be denied the three freedoms and yet another opportunity for positive change will be lost.

Buddhist monks pray at a riot police road block in downtown Yangon, Myanmar, 26 September 2007. © AP Photo/The Mandalay Gazette, HO

ACT NOW

As Myanmar's elections draw near, the international community, particularly Myanmar's neighbours, are under pressure to speak out against the repression of dissent.

It is time for them to speak with one voice, telling Myanmar's authorities to uphold the three freedoms.

When Myanmar's security forces violently put down peaceful protests during the 2007 Saffron Revolution we pressed ASEAN to act. They subsequently issued several strong statements, expressing "revulsion" at the crackdown. However, ASEAN has yet to speak out strongly on the upcoming elections.

Over the past few months, the foreign ministers of Indonesia, Malaysia, the Philippines and Thailand have gone on the record, stressing the need for credible elections to be held. But more targeted pressure needs to come from ASEAN as a whole in order to address the human rights that are most at risk in the lead-up to the elections and beyond.

This is a critical time to call on ASEAN to exercise its influence and press Myanmar's authorities to protect the three freedoms of expression, peaceful assembly and association.

WRITE TO ASEAN

Urge ASEAN member states to uphold the binding principles of the ASEAN charter of "respect for fundamental freedoms, the promotion and protection of human rights, and social justice", by pressing Myanmar's authorities to:

- **Release immediately and unconditionally all prisoners of conscience** arrested solely on the basis of their peaceful political activity, ethnicity, or religion.
- **Ensure that all people in Myanmar can enjoy the three freedoms of expression, peaceful assembly and association** throughout the elections and beyond.

Tell the ASEAN ministers to defend the three freedoms in Myanmar at <http://3freedoms.org>.

Amnesty International is a global movement of more than 2.8 million people in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion – funded mainly by our membership and public donations.

Cover: Burmese monks protest outside Myanmar's embassy in Colombo, Sri Lanka, against the Saffron Revolution crackdown, September 2007. © AP Photo/Eranga Jayawardena

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