

MYANMAR

@HUMAN RIGHTS AFTER SEVEN YEARS OF MILITARY RULE

"...The people are more important than the government. And even the government itself would not say it is more important than the people..."
Aung San Suu Kyi in an interview with *The Nation* on 1 August 1995.

I. INTRODUCTION

The release of Daw Aung San Suu Kyi¹ on 10 July 1995 was a positive and welcome step taken by the State Law and Order Restoration Council (SLORC, Myanmar's military government). However, the human rights situation there remains critical. Thousands of political prisoners remain behind bars, among them at least 50 prisoners of conscience. Less than two weeks before Aung San Suu Kyi was released three veteran politicians were sentenced to seven years' imprisonment. In early August a prominent member of the party which Aung San Suu Kyi founded, the National League for Democracy (NLD), was detained for 24 hours by the military authorities. Such intimidation is a common practice by the military authorities, who routinely question and detain those civilians whom they suspect of political opposition activities. Moreover, human rights violations occur throughout Myanmar, not just in the central Burman plain. Civilians in the border regions, where large populations of ethnic minorities live, are also subject to arbitrary arrest. The army also continues to seize members of ethnic minorities for forced portering and labour duties, holding them in unhealthy conditions for weeks or even months at a time and often subjecting them to ill-treatment.

Although the SLORC has made some improvements in the human rights situation, including the reported release of over 2,000 political prisoners since April 1992, the abolition of military tribunals, and the lifting of curfew restrictions, more profound changes in human rights policy and practice are urgently needed. While Amnesty International welcomes the release of Aung San Suu Kyi, it urges the SLORC to make other crucial improvements immediately. These changes should include the release of prisoners of conscience; the end to intimidation of peaceful opposition members by Military Intelligence; and the abolition of arbitrary detention for forced labour and portering.

The SLORC has claimed repeatedly that there are no human rights violations in Myanmar. They have also stated that there are different versions of human rights

¹ *Daw* is a Burmese term for a woman, denoting respect.

standards which vary from one culture to the next. Amnesty International respects and recognizes cultural diversity. Nonetheless with regard to human rights it bases its work on the principles of universality and interdependence, which have been set out and reaffirmed by the United Nations.

The SLORC further asserts that human rights is a "tool" used by other countries in an attempt to interfere in the internal affairs of Myanmar. In the 20 June 1995 English language version of the *New Light of Myanmar*, a government newspaper, commented: "...And, indeed, a country can accuse another with differing cultural systems of violating human rights and proceed to harass that country." The same newspaper said on 3 July: "...In fact human rights issue [sic] is a tool for big nations to interfere in the internal affairs of weaker nations." On 7 July Lieutenant-General Khin Nyunt, SLORC Secretary 1, delivered a speech in which he stated:²

"...Myanmar accepts that there are no basic human rights norms which can be applied equally to all nations. A developing country like Myanmar can never have the same situation of the developed countries of the West. Myanmar feels that requirements of livelihood for the people are the true, basic human rights."

SLORC officials have also on many occasions refuted reports made by human rights groups of forced labour in Myanmar. In the same speech Lieutenant General Khin Nyunt asserted:

"...It is small wonder that those who do not understand Myanmar, Myanmar character and characteristics, are making false accusations that labour contribution of volunteers in national development projects are 'forced labour'. In fact, they should not have made concoctions on human rights mixed with politics..."

Amnesty International is aware that voluntary labour which contributes to the community is traditional in Myanmar Buddhist culture and that many civilians do work willingly on such projects. However over the last eight years the organization has interviewed hundreds of Myanmar citizens who stated that they were forced to perform forced labour and portering duties for the army.

This report provides new information gathered since November 1994 about human rights violations in Myanmar. All of these problems have been of concern to Amnesty International since before the September 1988 coup, when the military reasserted power over the country. The issues which are described in detail in the material which follows are

² *New Light of Myanmar*, 9 July.

the continuing imprisonment of people for their peaceful political views; the continued detention of some 1500 political prisoners after unfair trials; extrajudicial killings of ethnic minorities; and the practices of arbitrarily seizing civilians for forced portering and labour.

II. POLITICAL BACKGROUND

The SLORC has announced that it continues to rule by decree in the absence of a constitution, which was abolished on 18 September 1988 when the military reasserted control over the country. However, the SLORC has claimed that martial law is no longer in force, stating as recently as 8 July that "...today, *Martial Law is no more...*".³ Some sections of martial law orders, including curfew enforcement, control of some areas by a military commander, and the formation of military tribunals, have indeed been revoked by new SLORC orders. However martial law orders greatly restricting the rights to freedom of expression and assembly remain in force. Section B of Order 2/88, which bans public gatherings of more than five people and Notification 8/88, which forbids public criticism of the military, are still in place.

In January 1993 the SLORC convened the National Convention in order to agree principles for the framing of a new constitution; the Convention has been meeting regularly since that time. Almost 700 delegates were selected by the SLORC, and plenary sessions are chaired and controlled by them. Since its inception the National Convention has set out 104 fundamental principles for the constitution. The SLORC also prescribed six overall guiding objectives to be adhered to in drawing up the constitution, including a leading role for the military in politics.

Following a break of five months, the Convention reconvened on 2 September 1994 to discuss proposals for ethnic-minority self-administered areas to be included under the chapter on state structure. On 6 April 1995 a plenary session of the Convention announced the results of their deliberations, which included agreement for six designated self-administered areas for some ethnic minority groups. They are: the Naga ethnic minority zone in Sagaing Division; the Danue zone, the Pa-O zone, the Palaung zone, the Kokang zone, and the Wa Division, all in the Shan State.

On 7 April the Convention adjourned until 24 October 1995. In a speech given to the 7 April plenary session, Lieutenant General Myo Nyunt, SLORC member and Chairman of the National Convention Convening Commission, said that the next task was: "... *systematic and comprehensive discussions on power sharing and work procedures regarding the legislative, administrative, and judiciary chapters...*". No date has ever

³ *Destiny of the Nation - 24*, in the 8 July edition of *The New Light of Myanmar*.

been set by the SLORC for the end of the National Convention, and there has been no indication about the next step in the transition to civilian government.

The SLORC has characterized the National Convention as "...pure national politics".⁴ In the same article a distinction is made between "party politics" and "national politics". "National politics" reflect the entire national interest while "party politics" can represent a particular class, ethnic group, or ideology, although political parties also sometimes engage in "national politics". According to this article, the *tatmadaw*, a Myanmar term for the army, which "fought against fascism" in 1945, is free of ideology and "party politics", and therefore deserves a continued future role in governing the country. The task of the National Convention is to "*lay down fundamental principles for an urgently needed State Constitution.*", and as such the goals of the Convention are essentially the same as those of the *tatmadaw*.

In September 1993 the Union Solidarity and Development Association (USDA) was formed, and while characterized by the SLORC as a "social organization", it is widely believed to have been established to act as a military-based political party. The USDA has opened local branches, which are often reported to be participating in various civic activities, such as helping fire victims and contributing labour to public works projects. On 10 July 1995, Senior General Than Shwe, Patron of the USDA and SLORC Chairman, stated that: "*Out of nearly two million candidates who have submitted proposals for membership, 1.67 million have been scrutinized for membership...*".⁵ In spite of Senior General Than Shwe's announcement of "*the remarkable growth of the USDA*", unofficial sources have claimed that USDA membership was not entirely voluntary, and also indicated that attendance at USDA rallies is mandatory.

⁴ *Destiny of a Nation - 30*, in *The New Light of Myanmar*, 14 July.

⁵ *The New Light of Myanmar*, 11 July 1995.

III. PRISONERS OF CONSCIENCE AND POLITICAL PRISONERS

A. Releases

Daw Aung San Suu Kyi

Daw Aung San Suu Kyi, 1991 Nobel Peace Prize laureate and leader of the peaceful opposition in Myanmar, was released from house arrest on 10 July 1995. Her detention orders, which were apparently renewed every six months, expired on 11 July 1995, after which time the SLORC could no longer detain her according to their own laws. She was held under Section 10a of the 1975 State Protection Law, which allows for detention of up to three years of a citizen who *"...has performed or is performing or is believed to be performing an act endangering the state sovereignty and security, and public law and order,..."*. The law was later amended by a martial law decree in August 1991 to allow for up to five years' detention without charge or trial. Subsequently in January 1994 the SLORC stated that according to their legal advisors' interpretation of the 1975 law, the authorities could hold people under its provisions for an initial one year detention period to be followed by five additional years of detention, making six years in total.

0 Daw Aung San Suu Kyi on her release
Photo:Bangkok Post

The SLORC announced that she was released unconditionally, and official sources claimed she was *"free to meet anyone and visit anywhere, like other citizens of the country, as long as she does not violate*

*any existing law..."*⁶. In her initial statement after her release she asked the SLORC to release all political prisoners in Myanmar. In a 14 July press statement she said: *"I have been released. That is all. Nothing else has changed."* She also commented that the SLORC: *"... are not unaware of outside pressure...And I hope as they have more dealings with the international community and as they get more mature they will have a greater respect for international opinions"*.⁷ In another reference to international opinion she said *"...the world is getting smaller all the time. We have to accept that no country is really free to some degree from international opinions and external influence. There is, of course, a limit as to how far people can be allowed to interfere in the internal affairs of a nation."* In the same interview she went on to comment: *"There is a climate of suspicion in Burma. Everybody is afraid that somebody else is an informer. To build up a climate of trust is going to be one of the most difficult jobs."*

Since her release Daw Aung San Suu Kyi has continually called for national reconciliation with the military government, and expressed her wish to work with them to help solve Myanmar's problems. At a press conference the day after her release she stated: *"We have to choose between dialogue or utter devastation. I would like to believe that the human instinct for survival alone, if nothing else, would eventually lead us to prefer dialogue."* In a 14 July interview with the *New York Times* she said *"There's nothing good about vengeance - it's a most ignoble feeling"*, adding that one should make some sort of distinction between the person and the deed, *"because we all have weaknesses."* She has also called on the Burmese people to be patient, and has met continually with NLD leaders and members. In another interview on 21 July she said: *"Our intention is to get to the negotiation table with the military government. I'll work quietly and steadily for democracy."*⁸

Initially the SLORC made no official announcement of Aung San Suu Kyi's release. However on 20 July *The New Light of Myanmar* reported her attendance at the official Martyrs' Day ceremony on 19 July, which commemorates the anniversary of the assassination of her father General Aung San, Myanmar's independence hero.⁹ On 30 July

⁶ *Kyodo News Service, Tokyo, in English, 10 July 1995.*

⁷ *Interview published on 1 August 1995 in The Nation, a Thai English language daily newspaper.*

⁸ *Interview published by the British newspaper, The Independent.*

⁹ Six years previously she called off the NLD Martyrs' Day march, for fear of violent reprisals by the SLORC. The next day she and General Tin U were placed under house arrest.

Ohn Gyaw, Myanmar's Foreign Minister, said at the ASEAN ministerial conference in Brunei that Aung San Suu Kyi was unlikely to be allowed to participate in the government, as she is married to a foreigner.¹⁰ In April 1994 the SLORC-convened National Convention agreed principles for drafting the chapter dealing with the structure and head of state of the new constitution. One of these principles stipulated that the President and Vice-Presidents must not be married to a foreign national and must have lived in Myanmar continuously for the last 20 years. This provision was widely seen as being aimed at disqualifying Aung San Suu Kyi from becoming head of state.

Two days before her release *The New Light of Myanmar* published a long editorial, part of a series entitled *Destiny of the Nation - 24*, which described the circumstances leading to the arrest of Aung San Suu Kyi on 20 July 1989: "*Daw Aung San Suu Kyi slandered the Tatmadaw her father had founded to the point of opposing it which was not a happy augury. She could even have misled those who were supporting her with their eyes shut.*" The article also justified the arrest of Aung San Suu Kyi and Tin U, the NLD President: "*This sort of action, as compared to the magnitude of the offence said to have been committed, can be regarded as very lenient.*"

Although the article claims that Aung San Suu Kyi had "slandered" the *tatmadaw*, the SLORC never provided any evidence that her activities went beyond the peaceful exercise of her rights to freedom of expression and assembly, as guaranteed in the Universal Declaration of Human Rights. The article also discussed two meetings which SLORC members held with Aung San Suu Kyi in September and October 1994 "*which would surely contribute to national reconciliation*". It went on to claim:

"But all these hopes were dashed when Daw Aung San Suu Kyi's press statement appeared in Bangkok after Michael Aris [her husband] came to Myanmar on 24 December 1994 and left for Bangkok on 22 January 1995. It is learnt that Daw Aung San Suu Kyi, in her statement, had promised to continue her struggle."

This comment was made in reference to a statement she made giving assurances that she had not made any secret deals with the SLORC and would continue in her struggle for democracy. Her continued detention after January 1995 appears to have been motivated by the publication of this statement.

Aung San Suu Kyi was invited to give the keynote speech at the Non Governmental Organizations (NGO) Forum held in Beijing in August and September on

¹⁰Reuters, 28 July 1995.

the occasion of the UN Fourth World Conference on Women, attended by government officials from around the world. She agreed to be videotaped in Myanmar for later viewing at the Forum, although the SLORC did not grant the NGO Forum's Convenor, Supatra Masdit, a Thai National, a visa for Myanmar in order to record the speech. Nonetheless the tape was delivered to the Forum and was played on 31 August. In her speech Aung San Suu Kyi addressed concerns about women all over the world and also spoke of specific issues in Myanmar:

"The struggle for democracy and human rights in Burma is a struggle for life and dignity. It is a struggle that encompasses our political, social, and economic aspirations. The people of my country want the two freedoms that spell security: freedom from want and freedom from fear...It is fear of persecution for their political beliefs that has made so many of our people feel that even in their own homes they cannot live in dignity and security...Meanwhile our women have yet to achieve those fundamental rights of free expression, association and security of life denied also to their menfolk."

At least 32 female political prisoners remain imprisoned in Myanmar's jails.

Aung San Suu Kyi also expresses her appreciation to all women who have campaigned on her behalf:

"Our endeavours have also been sustained by the activities of strong and principled women all over the world who have campaigned not only for my own release but, more importantly, for our cause...Their efforts have been a triumphant demonstration of female solidarity and of the power of an ideal to cross all frontiers."

Releases of political prisoners

The SLORC has claimed to have released over 2,000 political prisoners since April 1992 when they issued Declaration No 11/92. In a 7 July 1995 speech Lieutenant General Khin Nyunt, SLORC Secretary 1, said:

*"With a view towards national reconciliation and based on the various situations in the country, the SLORC issued Declaration No 11/92 on 24th April 1992 releasing those detained for political reasons other than those affecting national security. In accordance with Declaration No 11/92, a total of 2,246 detainees were released - 1,227 in 1992, 791 in 1993, 96 in 1994 and 132 in 1995."*¹¹

By the SLORC's own account, the number of releases has decreased over the last one and a half years compared with the previous two years. Unofficial sources indicate that many of the people who have been released by the SLORC are ethnic Karen from the Ayeyarwady (Irrawaddy) Division in southern Myanmar who were arrested for their alleged association with the Karen National Union (KNU), an armed ethnic minority group. The SLORC launched a major military operation in late 1991 against KNU forces in the Ayeyarwady Delta and thousands of Karen civilians were believed to have been arrested at that time.¹²

Although the SLORC does publish the numbers of prisoners it releases, it only provides their names if they are prominent political leaders. It is difficult for Amnesty International to ascertain precisely who has been freed and who is still imprisoned. While the organization has documented the names of some 1500 political prisoners in Myanmar, it is concerned that it may not have received the names of all of them. On the other hand some of those people on the Amnesty International list may have been released. Amnesty International renews its call to the SLORC to account publicly for the situation of all political prisoners.

One of those political prisoners whose release the SLORC acknowledged is U R P Thaug, a prisoner of conscience who had been arrested in February 1991 and released on 21 June 1994. According to the 12 January 1995 report submitted to the UN Human Rights Committee by the Special Rapporteur for Myanmar, the SLORC sent the Rapporteur a list of released political prisoners which was appended to his report. The list indicated that U R P Thaug had been sentenced in May 1991 to five years' imprisonment under section 5

¹¹ *The New Light of Myanmar*, 8 July 1995.

¹² For a full discussion please see *MYANMAR: "No law at all"*, Amnesty International Index AI 16/11/92, October 1992.

(j) of the 1950 Emergency Provisions Act "*for selling secret information and the fraudulent act of selling fabricated false reports to foreign embassies*".¹³

Several NLD leaders, all prisoners of conscience, were released in early 1995. Dr Aung Khin Sint and Tin Moe were among a group of 23 freed on 4 February from Insein Prison, Myanmar's largest detention facility. Dr. Aung Khin Sint and his assistant Than Min were arrested on 3 August 1993 for writing and distributing written materials to National Convention delegates, which the SLORC claim were aimed at undermining the Convention. They were both sentenced to 20 years' imprisonment in October 1993. To Amnesty International's knowledge, Than Min remains in Insein Prison. Tin Moe, a leading poet and NLD member, was arrested at the end of 1991 after publishing one issue of a literary magazine. Win Htein, an NLD leader and associate of Aung San Suu Kyi, who had been arrested during the SLORC's crackdown on the peaceful opposition in July 1989, was released from Insein Prison on 6 February. On 15 March Kyi Maung, in his mid-70's, and Tin U, believed to be in his late 60's, were released from Insein Prison. Tin U was one of the founders of the NLD and a retired general; he was arrested on 20 July 1989. Kyi Maung, a retired colonel who led the NLD to victory in the May 1990 elections, was arrested in September 1990 for passing on material to foreigners, which the SLORC claimed was a threat to state security.

All five men were released under Section 401-1 of the Criminal Procedure Code, which enables the President to suspend the remainder of any prisoner's sentence. In the past three years the SLORC has cited Declaration No 11/92 when releasing political prisoners; however it has not indicated why it began this year to cite a different law. Declaration No 11/92 explicitly refers to political prisoners, which, to Amnesty International's knowledge, is the only instance when the SLORC has acknowledged that they imprison people for political reasons. Section 401-1 of the Criminal Procedure Code, on the other hand, does not appear to differentiate between those sentenced for political reasons and those convicted of other offences.

Many political prisoners are warned by Military Intelligence at the time of their release not to engage in any political activities. They are often required to sign statements promising not to participate in opposition politics. Unofficial sources have indicated that they must also agree to serve long prison terms if they do become involved in such activities and are subsequently re-arrested. Amnesty International is concerned by these reports, and calls on the SLORC to place no conditions on the release of prisoners of conscience.

¹³The large majority of the other released prisoners mentioned in the list were unknown to Amnesty International.

B. Continued imprisonment

Political prisoners in Myanmar represent all classes, ages, and professions. Scores of Buddhist monks remain in detention, as well as students, journalists, labourers and people from all walks of life. Fifty prisoners of conscience are known by Amnesty International to be imprisoned in Myanmar,¹⁴ including Ma Thida, a 29-year-old physician and writer who assisted Aung San Suu Kyi during the pro-democracy movement. She was sentenced to 20 years' imprisonment in October 1993. In poor health since her arrest in August 1993, she is now suffering from tuberculosis and is believed to have three small ovarian tumours, which may require surgery. On 28 September 1994 the UN Working Group on arbitrary detention, an independent group of experts, adopted a decision in reference to Ma Thida, which stated: "*The detention of the above-mentioned persons [Ma Thida and others], is declared to be arbitrary being in contravention of article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights...*" The group had examined all the evidence presented to them as well as the response from the Myanmar Government before reaching this decision. The decision also referred to Dr. Aung Khin Sint and Tin Moe, both now released, and Ohn Kyaing, an NLD parliamentarian who is still imprisoned as a prisoner of conscience.

Another prisoner of conscience who suffered from health problems is Nay Min, who was arrested in October 1988 and sentenced to 10 years' imprisonment. He was arrested for passing on information to the British Broadcasting Corporation (BBC) and was badly tortured in prison. Amnesty International fears that he is in poor health, and may not be receiving proper medical treatment. Other political prisoners include 20 members of parliament-elect who were arrested after the May 1990 elections when the SLORC refused to convene parliament¹⁵. One of these is prisoner of conscience Khin Maung Swe. A geologist in his mid-50's, he was originally arrested in October 1990 along with more than 70 Members of Parliament-elect and sentenced in April 1991 to ten years' imprisonment for "knowledge of treason". Released in May 1992, he was re-arrested in August 1994 with four others for meeting foreign nationals, and for attempting to meet the UN Special Rapporteur for Myanmar, and passing on information critical of the government to him. All four were sentenced to seven years' imprisonment in October 1994.

¹⁴Please refer to Appendix 2 for a full list of prisoners of conscience.

¹⁵For a complete list of imprisoned Members of Parliament-elect, see Appendix 3.

B. New arrests and sentences

0 Khin Maung Swe

In the past three years the numbers of political arrests in Myanmar have decreased; more recent arrests are generally targeted towards people who have contact with foreign nationals or who speak out publicly against the SLORC. Young political activists are particularly vulnerable. This new pattern of arrests is distinct from the mass sweeps of hundreds of opposition members which occurred during 1989 and 1990. Although some martial law orders have been revoked since 1992, martial law decrees greatly restricting the rights to freedom of expression and assembly are still in force. Military Intelligence also conducts widespread surveillance activities aimed at anyone suspected of opposition to the SLORC, including former political prisoners and young activists. As a result, few take the risk of speaking out against the authorities, and those who do face interrogation and arrest.

The SLORC has declared repeatedly that they imprison people only for "breaking the law", not for their political activities. For example the 19 April 1995 *The New Light of Myanmar* reported a *note verbale* delivered to the Government of Canada protesting a Canadian Foreign Affairs 22 February News Release: "*With regard to action being taken against some people, it was due to their infringement of the laws of the land and not because of their political convictions. The Government is totally against human rights abuses and there exist no human rights violations in Myanmar.*" Hundreds of political prisoners have indeed been sentenced "*...due to their infringement of the laws of the land...*". The SLORC sentences political detainees to long terms of imprisonment by using the vaguely worded provisions of several laws which criminalize peaceful political activities. Such laws severely restrict the rights to freedom of expression and assembly. One of the most common provisions used to sentence political detainees is Section 5j of the 1950 Emergency Provisions Act, which states:

"He who...causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security or the reconstruction of stability of the Union;...such a person shall be sentenced to seven years in prison, fine, or both."

Amnesty International believes that such broadly worded provisions can, and, indeed are used to punish non-violent critics of the government.

Arrests in 1994

Since November 1994 Amnesty International has learned of 37 political activists who were detained for their opposition activities¹⁶, 15 of whom have subsequently been released. On 8 July 1994 **Ko Myint Soe** was arrested at his home in Yangon (Rangoon, the capital) by Military Intelligence agents. He was active in the All Burma Labour Solidarity League during the 1988 pro-democracy movement. Amnesty International has no further information about his arrest and detention, but is calling for his immediate and unconditional release if he is being held solely for the peaceful expression of his political views.

On the same day members of a student organization called Solidarity for National Democratic Students Alliance (SNDSA) distributed leaflets and posters in Yangon calling for the release of Aung San Suu Kyi. On 11 July the printing press *Chit Shwe*, which had produced the materials, was forced to close by the SLORC. On 18 July six SNDSA members were reportedly arrested at their homes by officials of Military Intelligence (MI).

They are: **Myint U**, a Burmese major from Dagon township; **Lin Aung**, a Burmese major from Botataung township; **Aung Naing**, a Burmese major from Hlaing township; **Cho O**, an Economics major from Mayangone township; **Khin Win**, a Burmese major from Kamaryut township; and **Than Lwin**, a Burmese major from Thingangyun township.

On 8 August 1994, the sixth anniversary of the killings by the military of hundreds of people during the 1988 mass demonstrations, a group of students commemorated the event by gathering at Pyitharyarkow, Thingangyune township, where many students had been killed in 1988. That evening, three more members of the SNDSA were arrested in their homes by MI. They were: **Saw Shwe**, Burmese major, Dagon township; **Htoo Ko**, Economics major, Tamwe township; and **Aung Htwe**, Burmese major, Tamwe township. Amnesty International does not know if the nine young activists have been charged or tried, and has been unable to obtain further information about them. If they are still held, Amnesty International calls on the SLORC to release them immediately and unconditionally or charge them with a recognizable criminal offence, and to account publicly for their situation. The organization is also concerned about their whereabouts.

Arrests from January - September 1995

At the end of March 1995, **U Wai Lin**, a Burmese Muslim lawyer, was reportedly sentenced to five years' imprisonment under the provisions of the 1950 Emergency Provisions Act, which is often used by the SLORC to criminalize peaceful

¹⁶ Please see Appendix 1 for a list of the arrests reported in this document.

political activity. He had attended a meeting of Muslims about the local Law and Order Restoration Council's intention to relocate a Muslim cemetery in Loikaw, capital of the Kayah (Karenni) State in eastern Myanmar. Amnesty International does not know the exact date of his arrest and has no further details about his imprisonment, but remains concerned that he may have been arrested solely for exercising his rights to freedom of expression and association.

On 14 February 1995, U Nu, Myanmar's only democratically-elected Prime Minister, died at his home in Yangon. A former prisoner of conscience in his late 80's, he was placed under house arrest in December 1989 for refusing to disband a symbolic parallel government that he had formed during the 1988 pro-democracy movement. He was finally released on 25 April 1992. His funeral was held on 20 February 1995, when a group of some 20-50 young activists gathered peacefully and shouted slogans. Twenty of them were later arrested, including **Aung Zeya, Tin Than Oo, Aw Wai, Maung Nyunt, Maung Maung Myint, Ko Hteik, Kyaw Swa Htu, Htay Win, Than Gyaung, Moe Kalayar Oo (f), Aye Aye Moe (f), Yi Yi Tun (f), Cho Nwe Oo (f), Maung Maung Oo, Maung Maung Win, Moe Myat Thu, Maung Maung Kyaw, Ko Thea Gyi, Ko Thein Gyi** and **Moe Maung Maung**. Maung Maung Oo and Moe Myat Thu, both of whom had been arrested previously, were reported to have been severely beaten at the time of their arrest, but Amnesty International has been unable to confirm this information.

On 28 April nine of the group were sentenced to seven years' imprisonment under Section 5j of the 1950 Emergency Provisions Act. They were: **Maung Maung Oo**, 32, with a Zoology degree; **Moe Myat Thu**, a 27 year-old geography student; **Moe Maung Maung**, 30, **Aung Zeya**, 35; **Tin Than Oo**; **Ko Hteik** *alias* Nyunt Myaing, 34; **Moe Kalayar Oo**, 27-year-old woman with a Mathematics degree from Yangon University; **Aye Aye Moe**, a 26-year-old female Philosophy student; **Cho Nwe Oo**, a 26-year-old woman with a Burmese degree from Yangon University.

Details of the trials are not available. Amnesty International is concerned however that they were subjected to unfair trials. In September 1992 the SLORC abolished military tribunals which were empowered in July 1989 to conduct summary trials; hundreds of political prisoners were subsequently sentenced to long terms of imprisonment by the tribunals. Hundreds of these individuals remain imprisoned. Although civilian courts now conduct political trials, the evidence indicates that their trial procedures also do not conform to international law. The civilian judiciary is not independent in Myanmar and is subject to intimidation from the military. In his 23 November 1994 statement to the UN General Assembly, the UN Special Rapporteur on Myanmar said: *"Information from reliable sources indicates that there are problems in the matter of fair trial in the sense, in particular, of free access to defence lawyers, balance in the acts committed and the punishment applied, and time for careful examination of the case by the courts."* The trial

of the nine young activists reportedly took place in only 23 days. They are believed to be imprisoned in Insein Prison.

Amnesty International has received official confirmation of the sentencing of the nine young people. According to a Myanmar embassy letter in reply to an Amnesty International Urgent Action issued on 15 March 1995¹⁷, of the group originally arrested, only nine were tried and sentenced; the others were released after questioning. The letter further states:

"However, the reports you had received were based on unsubstantiated and totally incorrect allegations. These persons were arrested not because of their peaceful gathering at the funeral of U Nu nor because of exercise of their rights to freedom of expression. The truth is that they were arrested only because they tried to snatch away the remains of U Nu against the wishes of U Nu's family, with the purpose of instigating civil unrest and strife. They were trying to create anti-government protests and demonstrations..."

In spite of the government's position, Amnesty International has received information from more than one independent source which corroborates the original report that the activists were arrested for peacefully exercising their rights to freedom of expression and assembly. The organization considers the nine to be prisoners of conscience and calls for their immediate and unconditional release. Four of these prisoners of conscience were previously arrested by the military authorities and it is likely that they were all placed under surveillance by the authorities after their initial release.

Aung Zeya was the former Joint General Secretary of the Democratic Party for a New Society (DPNS), a leading political party comprised mostly of students. The DPNS was legally registered in October 1988, but later banned by the SLORC before the elections. Aung Zeya was first arrested in July 1989 apparently for his part in attempting to organize a peaceful march on Martyrs' Day. He was then sentenced to 20 years' imprisonment under the provisions of the 1950 Emergency Provisions Act, but later released in May 1992.

Tin Than Oo was also arrested in the July 1989 nationwide crackdown of the political opposition by the SLORC. He was a Central Executive Committee member of the DPNS. Arrested by Military Intelligence in a teashop near the DPNS offices, he was sentenced to three or five years' imprisonment under Section 5j of the 1950 Emergency Provisions Act. He was released in or before April 1994.

¹⁷AI Index number ASA 16/04/95; UA 65/95, *MYANMAR: Ill-treatment/Fear of Torture, 15 March 1995.*

Moe Myat Thu had been previously arrested on 20 July 1989 with his brother Soe Myat Thu and a group of other young NLD members who were in Aung San Suu Kyi's compound at the time of her house arrest. Adopted by Amnesty International as a prisoner of conscience, he was released in April 1992. Soe Myat Thu reportedly remains imprisoned at Insein Prison.

Moe Maung Maung had also been previously arrested in 1989, but he was evidently released after two months' detention, then re-arrested in 1990. He was a member of the All Burma Federation of Student Unions (ABFSU) a student group which was active the 1988-89 pro-democracy movement. He was apparently originally arrested in connection with a 10 July 1989 speech given by Aung San Suu Kyi at Sule Pagoda, Yangon, where she called for peaceful civil disobedience.

On 1 or 2 June **Kyi Maung** was re-arrested with several of his associates in Yangon. **U Tun Shwe**, a veteran politician, **U Thu Wai**, the former Chairman of the now-defunct Democracy Party, **Professor Tha Hla**, former Rector of Yangon University, and **U Aye Maung**, his friend, were detained at the same time; all five men were released after questioning on 8 June. **U Chit Tun**, a journalist, and **Ma Theingee (f)**, a former prisoner of conscience, were arrested on 2 June and released the next day. The SLORC did not acknowledge their detention and gave no official reason for their arrest.

U Tun Shwe, **U Thu Wai**, and **U Htwe Myint**, Vice Chair of the Democracy Party, were arrested in mid-June after meeting regularly with resident foreign nationals. They appear to have been under surveillance by Military Intelligence. **U Htwe Myint**, in his mid 60's, was previously arrested in September 1988, released and arrested again in February 1990. Adopted as a prisoner of conscience, he was released on 11 May 1992. **U Thu Wai** was arrested in January 1992 and released on the same day as **U Htwe Myint**. All three men are veteran politicians and non-violent critics of the SLORC.

After their most recent arrest **U Tun Shwe**, **U Thu Wai** and **U Htwe Myint** were taken to Insein Prison and sentenced to seven years' imprisonment during a summary trial at the end of June. Amnesty International has no further details about the charges brought against them, but considers them to be prisoners of conscience, imprisoned solely for exercising their rights to freedom of expression and assembly. It urges the SLORC to release them immediately and unconditionally.

Political arrests remain a major tool of repression used by the Myanmar Government to suppress any criticism of its policies and practices. The military continues to arrest people whom it deems a threat to "national security", but Amnesty International believes that those people are only peacefully attempting to express their political views. Those who have been released in the last two and a half years are also denied their rights to

freedom of expression and assembly. Amnesty International renews its calls on the SLORC to release all 50 prisoners of conscience immediately and unconditionally, and to review the cases of all other political prisoners in Myanmar.

IV. THE DEATH PENALTY

The death penalty is mandatory in Myanmar for high treason and premeditated murder and optional for drug-trafficking and the manufacture of drugs. The last reported executions took place in early 1988. The 3 April 1995 *The New Light of Myanmar* reported that **Myo Lay** *alias* Aung Myo, aged 18, was sentenced to death under Section 302 (1) (c) of the Penal Code. According to the article Myo Lay and Min Khine *alias* Gadon *alias* Pye Tun Oo, aged 15, entered a house on 7 March in North Okkalapa Township, Yangon, stole some jewellery and killed Ma Khin Thida, aged 24. They were arrested the next day; Min Khine was sentenced to seven years' imprisonment under Section 46 of the Juvenile Act.

In the 8 July edition of *The New Light of Myanmar*, the column *Destiny of a Nation - 24* announced that those death sentences passed by military tribunals and civilian courts since July 1989 have not been carried out, and that death sentences passed by civilian courts have been commuted. While Amnesty International welcomes this fact, it urges the Myanmar Government to cease the practice of imposing the death penalty. Amnesty International opposes the death penalty in all cases and also urges the government to consider the abolition of the death penalty as a punishment.

V. HUMAN RIGHTS VIOLATIONS AGAINST MEMBERS OF ETHNIC MINORITIES

For the past eight years Amnesty International has regularly issued reports documenting human rights violations against members of ethnic minorities in Myanmar, particularly the Karen, Mon, Shan, and Burmese Muslims in the Rakhine (Arakan) State.¹⁸ Most of these violations occurred in the context of the *tatmadaw's* counter-insurgency activities against armed opposition groups operating in areas of large ethnic minority populations. However systematic and massive human rights violations by the *tatmadaw* were also committed against those who live in areas with little or no armed insurgency activity. During 1991 and 1992 Burmese Muslims in western Rakhine State, also known as *Rohingyas*, were victims of widespread extrajudicial executions, torture and ill-treatment, and forced labour and portering. This campaign by the army resulted in over 250,000 Muslims fleeing to neighbouring Bangladesh to seek asylum; by the end of September 1995 some 200,000 Muslim refugees have been repatriated since September 1992. Although the United

¹⁸ Ethnic minority groups make up approximately one third of Myanmar's population; some two-thirds are ethnic Burmans, or *Bamar*.

Nations High Commissioner for Refugees (UNHCR) has a presence in Bangladesh and in the Rakhine State, Amnesty International remains concerned that the situation of Burmese Muslims who have returned to Myanmar once UNHCR has withdrawn from the area may deteriorate. This concern is heightened by the fact that the Bangladesh Government stated recently¹⁹ that they hoped to repatriate all the refugees by the end of 1995.

Since 1989 the SLORC has agreed ceasefires with 15 armed ethnic minority groups, including most recently the Mon and the Karenni. However while the SLORC often refers to these 15 groups as having "*returned to the legal fold*", to Amnesty International's knowledge there have been no comprehensive peace settlements. On 21 March 1995 the SLORC agreed a ceasefire with the Karenni National Progressive Party (KNPP) at a ceremony in Loikaw, the capital of the Kayah (Karenni) State. In late June fighting resumed in the Kayah State near the Thai border, forcing hundreds of refugees to flee from fighting and forced portering across the border into Thailand. The KNPP claimed in a 28 June statement that the SLORC had violated some of the 16 points agreed to in the ceasefire, including the cessation of the practices of forced portering and the collection of porter fees in lieu of porter duties. By September 1995 skirmishes between the two groups continued amid reports of forced portering by the *tatmadaw*.

Human rights violations in ethnic minority areas are generally characterized by forced portering for the *tatmadaw*, sometimes involving torture and ill-treatment, forced labour, and extrajudicial killings of porters and suspected members and sympathizers of armed opposition groups. However suspected political opposition activities are not normally the reason that the *tatmadaw* subjects members of ethnic minority groups to human rights violations. Troops seize civilians for porter and forced labour duty regardless of their political affiliation and all villagers are liable to be taken either at random or on a rotation basis. The *tatmadaw* uses civilians for forced portering and labour in a systematic manner which effectively means that no one is exempt from such practices. Villagers are never paid for their work and usually do not receive sufficient food and medical care.

Civilians are at risk of being killed by the *tatmadaw* if they are suspected of having ties with armed ethnic minority groups or of providing supplies to them. Civilians can also be killed if they cannot carry their load as porters or attempt to escape. The United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions has expressed his concern about such killings. In a report issued earlier this year the Special Rapporteur raised the cases of several members of the Mon and Karen groups who were reportedly killed by the army, and went on to comment: "*He remains, nevertheless,*

¹⁹ Reuters, 23 June 1995.

concerned at persistent reports of arbitrary and excessive use of force by members of the security forces, who seem to enjoy virtual impunity."²⁰

Arrest and imprisonment of real or imputed government critics appear to occur less frequently in ethnic minority areas than in the central Burman plain. However because it is even more difficult to obtain reliable reports of arrests in ethnic minority states than in central Myanmar, it is impossible to determine the frequency of such occurrences. Independent human rights observers are not allowed access to any part of Myanmar by the SLORC²¹. Nonetheless Amnesty International has been able to document the arrests of members of ethnic minorities by the military authorities for their political activities, examples of which are discussed below.

²⁰ UN Document I/CN.4/1995/61, paragraph 230.

²¹The only exception is visits by the UN Special Rapporteur on Myanmar.

The Mon

0 Mon Refugees in Pa Yaw Camp
Images Asia

Photo:

On 29 June 1995 the New Mon State Party (NMSP) agreed a ceasefire with the SLORC in Mawlamyine (Moulmein), the capital of the Mon State. The NMSP had been fighting for independence or greater autonomy from the central Burman Government for over 40 years. According to reports, the agreement allowed the NMSP to control 20 areas of the Mon State and its troops to retain arms. The truce appeared to be strictly military in nature, and issues such as the proposed repatriation of almost 12,000 Mon people seeking asylum in Thai refugee camps remained unresolved. If the repatriation takes place, Amnesty International calls on the SLORC and the Royal Thai Government (RTG) to allow complete access to the United Nations High Commissioner for Refugees (UNHCR) and humanitarian non governmental organizations (NGO's) to the repatriation areas to ensure that the people concerned are safely returned. Both the UNHCR and NGO's should be allowed to monitor the process in Thailand and in Myanmar, and be given full access to the returnees once they have been repatriated, to ensure that they are not subjected to further human rights violations.

0 A Mon Refugee in Pa Yaw Camp
Photo: Images Asia

Although a ceasefire is now in place and there have been no battles between the *tatmadaw* and the NMSP, the scale of human rights violations committed by the military against Mon civilians remains high. Since January 1995 there has been a large increase in the number of new arrivals from Myanmar entering Pa Yaw refugee camp in Thailand. Some of the new arrivals told Amnesty International that they left because of forced portering, forced labour on infrastructure projects, forcible relocation of villages, and extortion by the *tatmadaw* of portering and labour fees, among other unofficial taxes. In April 1995 Amnesty International interviewed dozens of recently arrived people who said they had left their homes because of such human rights violations. They also described the excessive and arbitrary fees which they were required to pay to the *tatmadaw*. These unofficial taxes in effect meant that they were unable to provide for themselves and their families. Those who were interviewed overwhelmingly said that they left because of forced portering and labour, which meant that they had no time to farm their land or earn a living. Many also commented that their entire village had fled from human rights violations, leaving the village deserted. In the material which follows, Amnesty International has omitted details identifying those who were interviewed, including their names and home villages, to avoid the risk of them being subjected to retaliation by the *tatmadaw*.

Several interviewees provided information about the arrests of associates and relatives for political reasons. **Nai Po** (m) was arrested in February 1995 because the SLORC suspected him of storing anti-personnel mines, presumably for the NMSP. Fifty troops of *Tatmadaw* Unit 104 came to a village in Ye township, surrounded Nai Po's house and the village, tied his hands behind his back and took him away to Ye town. They also searched his house but reportedly did not find any anti-personnel mines. Since that time no one in the village has heard any news of him, and Amnesty International is concerned that he may have been tortured or ill-treated in an effort to extract information from him about his alleged NMSP activities.

A village headman called **Nai Ho Lin** was also arrested because the SLORC suspected that he had weapons from the NMSP. Soldiers from 343 Battalion surrounded his house and arrested him in October 1994. An eyewitness described what he saw:

"...I saw, not so far from my house, when the soldiers arrested him. He had wounds on his head. I saw them take him away, he had a rope around his neck and his hands tied behind his back. I heard from his wife that he is in Moulmein prison; she has visited him. He was tried in Ye, in December 1994. I don't know what the charge was, but I know he was sentenced to three years."

Another man who knew him said that he was charged under Section 17/2 of the 1908 Unlawful Associations Act, which states: *"Whoever manages or assists in the management of an unlawful association, or in any way assists the operations of any such association, shall be punished with imprisonment which shall not be less than two years and more than three years..."*. Amnesty International is concerned that he may not have received a fair trial and that he was ill-treated at the time of his arrest.

Arrests of Mon teachers and a village headman

Two Mon teachers and one village headman from the same village in Muton township were arrested in late August and early September 1994, apparently for their alleged association with the NMSP. On 2 September 1994 the SLORC reportedly issued an order to close all 26 Mon schools in Muton township, and also stated that no village could have a Mon language school. Subsequently the teaching of the Mon language was only allowed in monasteries. Mon activists have repeatedly stated that the SLORC has suppressed the Mon culture by not allowing Mon history, literature and language to be taught to children.

Nai Hong Gekaw, a 43-year-old teacher with five children, was arrested on 31 August; he was also the Chairman of the Education Committee in a village in Muton township, Mon State. In some townships in the Mon State, there is both a SLORC-administered school and a Mon school under the guidelines of the NMSP Education Department, and because Nai Hong Gekaw was the chairman of the local teacher's association, he was suspected by Military Intelligence of having contact with the NMSP. He was reportedly arrested by Military Intelligence Unit 5 (MI5) under 17/1 of the 1908 Unlawful Associations Act, which states: *"Whoever is a member of an unlawful association,...or in any way assists the operations of any such association, shall be punished with imprisonment for a term which shall not be less than two years and more than three years..."*. Amnesty International is concerned that the vaguely-worded provisions of the Unlawful Associations Act, which allow for the imprisonment of

prisoners of conscience, were used to arrest Nai Hong Gekaw, who is believed to be held at the Military Intelligence 5 headquarters in Mawlamyine.

In early September over a dozen MI5 troops returned to the village, surrounded the house of **Nai Aung Chen Nav** (m), a 45-year-old teacher with four children. They also took him to Mawlamyine MI headquarters. Two days later MI5 returned to arrest the village headman, **Nai Min Tay**, who had two children. It is not clear why the headman was arrested, although the SLORC often singles out village headmen for punishment. All three men are believed to remain in detention at the Mawlamyine MI5 headquarters without charge or trial, and none of their families have been able to contact them. Amnesty International is concerned that they may be ill-treated during their detention, and is further concerned that they have been held for over one year without charge or trial.

Amnesty International has learned of another arrest of a Mon teacher in 1994. On 21 July 1994 the *tatmadaw* attacked a part of Halockhanie refugee camp which is in Myanmar territory, seizing some 16 Mon men.²² At least one of them remains imprisoned.

Chang Kwat, an unmarried teacher in the refugee camp's primary school, was taken to Ye township, Mon State. He was then sentenced in early October 1994 to two years' imprisonment for having contact with the NMSP under the Section 17/1 of the 1908 Unlawful Associations Act. He is now imprisoned in Mawlamyine Prison. Amnesty International is concerned that he may not have received a fair trial, and that he was sentenced under the vaguely worded provisions of the Unlawful Associations Act.

Extrajudicial killings

Those who were interviewed described several instances of extrajudicial killings. On 21 April 1995 Mi Noy, a 17-year-old girl, was shot in the back by *tatmadaw* troops from Unit 343. Troops came to a village in Ye township, and called a meeting which all residents were required to attend. They then surrounded the entire village as well as the meeting place, which was in the local temple. As Mi Noy approached the temple, she was shot dead by a soldier with an AK-47 automatic rifle. It is not known why she was shot, particularly as she was obeying the *tatmadaw*'s orders. The *tatmadaw* have paid 50,000 *kyats*²³ to the family in compensation. Amnesty International is calling on the SLORC to

²²For a full discussion, please see *MYANMAR: Human rights still denied*, Amnesty International, November 1994 (AI Index ASA 16/18/94).

²³ The official exchange rate is about 6 *kyats* to the US dollar; however the unofficial rate is over 100 *kyats* to the dollar.

carry out a complete and independent investigation of the incident, to make its findings public and to bring to justice those found responsible for Mi Noy's killing.

Nai Win (m), an 18-year-old farmer from a village in Ye Pyu township, Tanintharyi (Tennasserim) Division, was seized by troops from Unit 409 and MI5, for suspected contacts with the NMSP. The *tatmadaw* beat him repeatedly with sticks in front of villagers, apparently to intimidate them, and then dragged him with a rope along the beach at Pyu village, leaving him there unconscious. He eventually died from his wounds. An earlier killing by the *tatmadaw* occurred in February 1994, when nine troops came to another village in Ye Phu township, Tanintharyi Division, and seized Nai Tin Maung, a 42-year-old village headman with three children. They suspected him of having contacts with the NMSP. Soldiers shot him three times in the back after reportedly interrogating and torturing him. His body was thrown in the river, where villagers found him several days later.

Extrajudicial killings also occur in the context of forced portering. U Than Mein, a man in his 50's from a village in Tanintharyi Division, was hit in the chest and the back with an axe in March 1995 by troops from Unit 409, apparently because he could no longer carry his load as a porter. Villagers found his body near the monastery about one mile from Cha Boun village, Ye Pyu township. Another man from Tanintharyi Division was killed by the *tatmadaw* when performing porter duties. U Maung Lwin, an ethnic Tavoyan farmer, was killed in November 1994 after his daughter had allegedly been raped by a lieutenant from Unit 409. Although he reported the rape to the lieutenant's commander, who said the lieutenant would be imprisoned, the lieutenant returned to his village the next week to seize U Maung Lwin as a porter. He was taken with a group of other men, including his cousin, who told Amnesty International what he had seen:

"They killed him in the forest between his village and Chaung pya village. He [the lieutenant] killed him by cutting the back of his neck with a big knife... We were taking a rest in the jungle, and then the lieutenant called U Maung Lwin... I saw this happen, and I stayed with U Maung Lwin until he died. The SLORC lieutenant told U Maung Lwin: 'I didn't make the problem with your daughter, I just drank in your home, and then you make a problem for me'."

The lieutenant separated U Maung Lwin from the group of porters before stabbing him with a knife. He died in his cousin's arms, who was then forced to return to his duties.

Forced portering and labour

Amnesty International opposes the practice of seizing civilians as porters by the military in all cases, which it considers amounts to arbitrary detention. It calls on the military to

immediately release porters and to change its long-standing policy of taking civilians for unpaid porter duty. Over half of the refugees interviewed by Amnesty International had been forced to serve as porters for the military. Refugees named the 104, 405, 408, and 409 *tatmadaw* Units in particular as having seized them for such duties. The experience of one 35-year-old farm worker from a village in Ye township, who was forced to be a porter in March 1995, is typical:

"They gave me a little food, but no pay. It wasn't enough food and I was hungry. The soldiers beat me, because I was so tired. They beat me with a stick twice on the lower back. There was one company of soldiers, 104 company..."

Another man from the same village had a similar experience when he was taken in November 1994:

"I was beaten by the soldiers, with a rifle butt. I was beaten on the forehead and the back three times, by one soldier in the night time when we were climbing a mountain in the forest. I could not go easily because there was a lot of bamboo, and I tried to go slowly, but then they beat me...I've been beaten about four times by the soldiers."

Porters are generally not told for how long they will be taken, are never paid, and must carry heavy equipment and supplies for soldiers. A Mon man from a village in Ye Pyu township, Tanintharyi Division, who was taken as a porter in April said, *"I was a porter just before I came here, for about 10 days, with 408 Unit. Over 200 soldiers and about 50 porters. They didn't tell me how long I'd have to go for and they didn't pay me. The food was not enough. I had to carry a mortar..."* . A farm worker also from Ye Phu township, recounts why he left his home for Thailand: *"I came to Thailand 20 days ago. I was afraid of the SLORC troops coming into my village. When they come, every man flees outside, and sleeps in the jungle for days. Many times the SLORC comes, for the porters and for railway workers."* Another villager from Ye Pyu township was taken 10 times as a porter in the last year. He described his treatment while being forced to work for the army: *"Sometimes I worked at the barracks, building them. The soldiers would tell me I was a very lazy man, and would make me jump like a frog, or pretend to swim on the ground."* Such practices were used by the *tatmadaw* to intimidate and humiliate those who were forced to work for them.

Thousands of ethnic Mons have fled from their homes in the last two years to escape being forced to perform unpaid labour on the construction of a 100 mile long

railroad between Ye in the Mon State and Dawei (Tavoy) in Tanintharyi Division.²⁴ In spite of overwhelming evidence that the *tatmadaw* is using forced labour to complete the project, the SLORC continues to assert that it has undertaken the railway construction to help the local populace. The 6 June 1995 *The New Light of Myanmar* stated:

"Fabrications on Myanmar by some external organizations, who do not wish to see Myanmar prosper, could not hinder the railroad building projects, which have been undertaken by the government solely for public benefit, expressing arrangements made for enabling persons such as Professor Yozo Yokota [the Special Rapporteur on Myanmar] of the United Nations Human Rights Commission to meet local people who had helped implement the Ye-Dawei Project to witness the true situation.."

Although some civilians may work voluntarily, many others are forced to do so by the *tatmadaw*. Amnesty International interviewed several people who fled to Thailand in 1995 and had been forced to work on the railroad, including one man from Tanintharyi Division, who described his labour:

"In February 1995, near Tavoy town, I worked on the railway. I worked for one month, because it was a long way from the village, so you do one month then you change the villagers. I had to move the stones, from early morning to mid-day, then after lunch start again until evening. When some foreigners came to visit the area, they did not make us work so hard."

Another refugee recounted what happened to him: *"I had to work on the railway, once this year and three times last year, five days at a time...I had to cut trees and move them. We only had manpower, no machines. We had to move everything by hand."* Mon asylum-seekers told Amnesty International that people in their villages worked on a rotating basis on the construction, were provided with no food or pay, and were forced to dig trenches and move earth. Soldiers stood guard over them continually. Villagers who could afford to do so paid fees so that they did not have to perform portering duties or forced labour, but those who could not do so were required to work.

Amnesty International is also concerned about forced portering and labour which occurs throughout the country, not just in areas where large numbers of ethnic minorities live. Civilians are forced to work on infrastructure projects such as roads, quarries, and railways on a routine basis. Criminal prisoners are particularly targeted for such practices,

²⁴ See *MYANMAR: Human rights still denied*, November 1994 (AI Index ASA 16/18/94).

and many die because of appalling conditions when forced to act as porters and to work on projects in labour camps.²⁵

Human rights violations against other ethnic minority groups

Human rights violations are also committed by the *tatmadaw* against ethnic minorities living in the Shan State. In March 1995 fighting resumed between *tatmadaw* troops and the Muang Tai Army (MTA) of Khun Sa, causing over 2,000 residents of the Shan State to flee from fighting and portering duties into Chiang Rai province, Thailand. Most of them have subsequently returned to Myanmar. Human rights violations by the *tatmadaw* in the context of the March fighting included the seizure of at least 500 porters in the Tachilek area and another 500 porters from the Mong Hsat area. Human rights abuses by the Muang Tai Army were reported by Myanmar's official media in late April and early May. These included the burning of a sawmill, which killed nine workers, and an attack on a monastery, although Amnesty International has been unable to confirm the report independently. A new offensive was launched against the MTA in June by the ethnic Wa, who signed a ceasefire agreement with the SLORC in 1989. Khun Sa claims to be a Shan nationalist, although he is also a major heroin trafficker in Myanmar, and a reported 3,000 Shan independence fighters from the former Shan United Revolutionary Army have left the MTA to form their own group.²⁶ Because much of the Thai-Myanmar border has been sealed in the Shan State area by both the Thai Government and the SLORC, it is now extremely difficult for civilians to escape from forced portering and forcible relocations. Amnesty International is concerned that with the renewal of fighting in the Shan State, forced portering and other human rights violations, which are largely unreported, may have increased in the area.

Amnesty International is concerned by the high level of human rights violations against Karen civilians, committed by both the *tatmadaw* and the Democratic Kayin Buddhist Organization (DKBO), an armed opposition group which broke away from the Karen National Union (KNU) in December 1994. The DKBA is allied with the SLORC, although the SLORC claims that there has been no official agreement between them. Amnesty International documented human rights violations committed by the *tatmadaw* and the DKBA in *MYANMAR: "No place to hide"* (AI Index ASA 16/13/95), a report issued in June 1995. The report provided details of kidnappings by the DKBO of Karen civilians living in Thai refugee camps. One such person was Phado Mahn Yin Sein, a Buddhist civilian KNU official, who was taken from Mae La refugee camp on 9 February

²⁵ For a full discussion of such practices, please see *MYANMAR: Conditions in prisons and labour camps*, September 1995 (AI Index ASA 16/22/95).

²⁶ British Broadcasting Corporation report, 15 August 1995.

1995. On 3 September the Thai English-language daily *The Nation* reported that the KNU Foreign Minister said that the DKBO had handed Phado Mahn Yin Sein over to the SLORC and recommended that he be sentenced to 20 years' imprisonment for refusing to join the DKBO.

Since June, Amnesty International has continued to receive reports of human rights violations, including forced portering and labour, forcible relocations, and extrajudicial executions of Karen ethnic minorities. After the fall of Manerplaw and Kawmoora, two major remaining KNU bases in the Kayin State, minor skirmishes have been reported from the KNU's 4th and 6th Brigade areas. Preliminary meetings between representatives of the SLORC and the KNU are reported to have taken place, although to date no ceasefire agreement has been reached.

Amnesty International remains particularly concerned about some 70,000 Karen displaced people in Thai camps, who were subject to dozens of cross-border attacks by the DKBO in the first half of 1995. These people would be at risk of human rights violations if they were to be returned to Myanmar. Amnesty International is calling on the Royal Thai Government to allow Karen displaced people to remain in Thailand until they can return to Myanmar safely. International organizations such as UNHCR should also be allowed to monitor any repatriations both in Thailand and Myanmar.

Although the DKBO stopped these attacks in early May, they attacked again on 23 September, abducting two Karen displaced people from Sho Clo Refugee Camp. Win Kyi and Win Myint, two brothers and Karen community leaders, were seized at gunpoint at 11pm from Section 5 of the camp, some 105 kilometres north of Mae Sot town, Tak Province, western Thailand. They were believed to have been taken across the border to Paw Pa Hta, a DKBO base; at this writing there has been no further news from them since their abduction. It is not clear why they were taken, although in the past the DKBO have seized Karen community leaders, apparently in an attempt to force them to join the DKBO in some leadership capacity. Amnesty International fears that the most recent attack will be repeated with the onset of the dry season in late October.

VI. ACTIONS BY INTERNATIONAL ORGANIZATIONS

The United Nations

The Special Representative of the United Nations Secretary General visited Myanmar from 20-23 November 1994, where he met with many government officials, although he was denied permission by the SLORC to meet with Aung San Suu Kyi. Professor Yozo

Yokota, the United Nations Special Rapporteur on Myanmar, made his fourth visit to the country from 7 to 16 November 1994.²⁷ He visited Insein Prison, where he saw Tin U, Dr. Aung Khin Sint (see above), and Paw U Tun *alias* Min Ko Naing, a student leader imprisoned since 1989 who had been tortured and suffered ill-health as a result. All three prisoners appeared to be in reasonably good health, although Min Ko Naing "seemed nervous and thin".²⁸ While Professor Yokota was permitted by the SLORC to visit leaders of the NLD who were not detained, he was not allowed to do so in private. He was also denied access to Daw Aung San Suu Kyi, in spite of repeated requests. In his 23 November 1994 Statement to the Third Committee of the General Assembly, he commented: "*I must also express my serious concern that I was unable to see other political leaders detained or recently released, or other citizens who wished to contact me, due to fear felt by them of subsequent repercussions.*"

On 20 December 1994 the Forty-ninth session of the General Assembly adopted by consensus a resolution deploring continuing human rights violations in Myanmar. The resolution "*regrets the recent harsh sentences meted out to a number of dissidents....*" and urges the Government of Myanmar "*to ensure full respect for human rights and fundamental freedoms...*". The resolution also urged the Myanmar Government to permit free access to all prisoners by the International Committee of the Red Cross (ICRC) and requested the UN Secretary General to continue his discussions with the Government of Myanmar, which the SLORC had agreed to in July 1994. In conclusion, it decided to continue its consideration of human rights in Myanmar at the Fiftieth Session of the UN General Assembly. U Win Mra, Myanmar's Permanent Representative to the UN, said in a statement made to the General Assembly that "*We cannot accept allegations concerning violation of human rights in Myanmar...*", but nonetheless agreed to continue to cooperate with the UN. In February 1995 the UN Secretary General's representative visited Myanmar and met with the Government about human rights, but again was refused access to Daw Aung San Suu Kyi, although he did visit Insein Prison.

On 12 January the United Nations Commission on Human Rights (UNCHR) published the report prepared by Professor Yokota on the human rights situation in Myanmar. The report provided details of his November visit and listed allegations of human rights violations he had received, as well as making recommendations to the

²⁷ Myanmar was considered under the UN 1503 confidential procedure from 1988 to 1991. Professor Yokota first visited the country in 1991 under that procedure. The next year the UNCHR adopted a resolution calling for the appointment of a Special Rapporteur; Professor Yokota has filled that post since 1992.

²⁸ *The report on the situation of human rights in Myanmar*, by UN Special Rapporteur, 12 January 1995.

SLORC. On 3 March 1995 during its Fifty-first session, the Commission adopted by consensus a resolution which provided for the extension of the Special Rapporteur's mandate for another year. It also encouraged the UN Secretary General to continue his discussions with the SLORC and put the situation of human rights in Myanmar on the agenda for the UNCHR's fifty-second session in 1996. The resolution stated in summary that it was "*gravely concerned at the violations of human rights in Myanmar which remain extremely serious, in particular the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention...*".

The UN Secretary General's special representative again visited Myanmar in mid-August and met with Aung San Suu Kyi on 14 August. He also met with government officials. It is anticipated that Professor Yokota will go to Myanmar in October 1995 as he is mandated to do by the March 1995 resolution of the UN Commission on Human Rights.

Other International Organizations

On 19 June 1995 the International Committee of the Red Cross (ICRC) announced that it would close its office in Yangon because they had not been granted proper access to political prisoners. They stated that they had initially requested such access in May 1994. The ICRC said that the response from the SLORC in March 1995, was "*not satisfactory as it took no account of the customary procedures for visits to places of detention followed by the ICRC in all the countries where it conducts such activities.*" An ICRC official in Thailand said that the main problems encountered were the lack of privacy during visits to political prisoners and the fact that there was no guarantee of follow-up visits. A memorandum was submitted by the ICRC to the SLORC on 16 June informing them that their office would close in July.²⁹ On 31 August the *Nation*, a Thai newspaper, reported that the ICRC's Yangon office had finally closed on 15 August.

Also in June the International Labour Organization (ILO), a specialized agency of the UN, held its 82nd International Labour Conference. The Committee on the Application of ILO Standards met during the Conference and heard numerous government, employer, and worker delegates' reports concerning widespread forced labour in Myanmar, a violation of ILO Convention 29 which Myanmar ratified in 1955. On 22 June 1995 the ILO said that it was urging the government: "*to urgently repeal the offensive legal provisions under the Village Act and the Town Act*" and to provide a detailed report on the "*practical measures adopted to fall in line with Convention No. 29.*"

²⁹ *Reuters*, 19 June, Bangkok.

The Committee also criticized the complete lack of independent trade unions in Myanmar, under Convention No. 87. A press statement said: "*Myanmar is also called upon to remove incompatibilities in its labour law and practice which contravenes ILO Convention No. 87 on freedom of association...Both cases are cited in a special paragraph of the Conference report drawing attention to the government's failure to implement these Conventions.*" Citation in a Special Paragraph is the strongest criticism which the Committee on the Application of Standards can make of an individual country. The Myanmar Government responded by stating that after examining The Village Act and the Towns Act, they concluded that "*these two laws were no longer in conformity with the prevailing conditions in the country, besides not being in line with the provisions of Convention No. 29...Consequently, the Government of Myanmar..has started the process of amending these laws.*" Amnesty International calls on the SLORC to amend the Village Act and the Towns Act as a matter of urgency, and to cease the practice of forced labour.

VII. CONCLUSION

Amnesty International recognizes the improvements which the Myanmar military government has made to its human rights record, including the release of Daw Aung San Suu Kyi. However, as this report illustrates, there are still major human rights problems to be addressed by Myanmar's military government, including the release of all prisoners of conscience and the abolition of the practices of seizing civilians for forced labour and portering. Amnesty International calls on the international community to continue its commitment to the protection of human rights in Myanmar, and urges on the SLORC to make further improvements.

Recommendations

Detailed and comprehensive recommendations to the SLORC for the protection of human rights in Myanmar are set out in *Myanmar: "No law at all"* (AI Index ASA 16/11/92, October 1992) and *Myanmar: The climate of fear continues* (AI Index ASA 16/06/93, October 1993) including human rights safeguards to be incorporated into the Constitution. In addition, Amnesty International believes that the following recommendations would address the particular human rights violations described in this report:

1. Release all prisoners of conscience immediately and unconditionally.
2. Review the cases of all political prisoners, most of whom were tried by unfair trial procedures.
3. Abolish the practice of forced portering and labour.

4. Ensure that the practice of killing civilians extrajudicially is abolished and investigate all such incidents to ensure that those found responsible are brought to justice.
5. Abolish the death penalty.
6. Allow the International Committee of the Red Cross (ICRC) appropriate access to all political prisoners of concern to it in Myanmar.
7. Allow the United Nations High Commissioner for Refugees (UNHCR) complete access to returning displaced people, both in the Kingdom of Thailand and in those areas of Myanmar where they are resettled, to ensure that they are returned safely.
8. Allow Amnesty International to visit Myanmar in order to meet with government officials and contact Myanmar citizens.
9. Suitably amend such laws as the 1950 Emergency Provisions Act and other laws so that they conform with international standards.