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Myanmar: Amnesty International Annual Report update

Union of Myanmar

Head of state: Senior General Than Shwe
Head of government: General Soe Win
Death penalty: abolitionist in practice
International Criminal Court: not ratified

Mass protests

Following a steep rise in fuel prices in August which in turn affected people's access to food and basic supplies, Myanmar has seen an escalation in mass peaceful protests nationwide since 21 September 2007.

Led by Buddhist monks, clergy and ordinary people have taken to the street, protesting against the government, calling for a reduction in commodity prices, release of political prisoners and national reconciliation. Beginning 21 September 2007, the number of demonstrators increased considerably, with estimated numbers ranging from 10,000 to 100,000. Demonstrations on this scale have not been seen since the nationwide protests in 1988, which were violently suppressed by the authorities with the killing of approximately 3,000 peaceful demonstrators.

In the evening of 25 September 2007, the authorities began a crackdown on the protesters, introducing a 60-day 9pm-5am curfew and issuing public warnings of legal action against protesters. Arrests of reportedly at least 700 people have followed in the former capital Yangon, the second-biggest city, Mandalay, and elsewhere. Among those arrested in Yangon were monks, members of parliament from the main opposition party, the National League for Democracy (NLD), other NLD members and other public figures. Amnesty International believes these and other detainees are at grave risk of torture or other ill-treatment.

The full extent of the violent crackdown is not yet known. State television reported the killing of at least nine people, eight protesters and a Japanese journalist, amidst the clampdown. This number was widely believed to be an under-estimate. There were reportedly hundreds of injuries.

Websites and internet blogs carrying information and photographs of the demonstrations were blocked; internet lines were cut. Telephone lines and mobile phone signals to prominent activists and dissidents were reportedly also cut. The crisis was discussed at the United National Security Council on 26 September 2007 and a day later the Myanmar authorities agreed to a mission to the country by the UN Secretary-General's Special Representative Ibrahim Gambari.

Detention of dissidents

At the beginning of the protests in August 2007, over 150 protesters were arrested by police and members of the state-sponsored Union Solidarity Development Association (USDA). Beatings and intimidation by members of the USDA and other paramilitary forces have been reported. Among those detained are some leaders of the 88 Generation Students Group. Like other detained political dissidents they were at very high risk of torture and other forms of ill-treatment.

The National Convention

On Monday 3 September 2007, the government concluded the National Convention after 14 years of talks on a new constitution by adopting the draft principles for the new constitution. This process excluded many important political groups and was conducted with legislation criminalizing criticism of the constitution in place. According to drafts that have appeared in state media, the primacy of the military appears to be ensured and perpetuated. Against a backdrop of the mounting protests the authorities did not provide publicly a timeframe to complete the next steps in their "Roadmap to Democracy," which include the actual writing of the new constitution and elections with the aim of eventually forming a multi-party democracy.

Risks facing human rights defenders/social activists and opposition party members

Dissidents and activists continued to operate at great risk. The use of government-organised thugs to quell dissent remained a clear and established practice in the recent state responses to the protests.

Over the course of 2007, gangs of thugs, most apparently under the direction of the Union Solidarity and Development Association, a mass-organising body, were used to attack various human rights defenders. In some cases police officers and local government officials were also known to have been among those carrying out or organising the attacks. After a disturbance is created, the police and local authorities step in and accuse the victims of being responsible for stirring up trouble. The courts may then be used to lay charges against the targets of the violence.

o On 18 April 2007, several social activists were reportedly attacked in Oatpone village in Hinthada, Ayeyarwaddy Division after conducting activities to raise awareness of human rights standards. The attack was widely believed to be organised by the authorities. In late July, one of the activists and some villagers caught up in the incident were sentenced to between 4 and 8 years imprisonment on charges relating to incitement of unrest, and causing instability. Amnesty International issued a statement in April 2007 after the attack and initiated campaigning action for these individuals.

o On 1 May 2007, a group of workers' rights advocates in Yangon organizing discussions to mark labour day were illegally arrested by unknown persons in plain clothes (likely to be persons from the Union Solidarity and Development Organisation and government-organised gangs). They were taken away on Dyna vans and other transport to a special interrogation centre. Such methods of "arrest" have since been used repeatedly during the current protests against the 15 August 2007 fuel price hike. Out of 33 persons originally arrested, six were held and charged. They were brought before a special tribunal inside a prison on 7 September, found guilty of sedition and illegal organising, and sentenced to between 20 and 28 years imprisonment. As the lawyers for the six had already resigned due to constant harassment by the prison officials, it is not clear whether or how the six might lodge appeals against their sentences.

The State Peace and Development Council (SPDC) continues to fail to cooperate with the Human Rights Council's mechanisms, including by denying access to the country for the UN Special Rapporteur on the situation of human rights in Myanmar. The International Committee of the Red Cross also continues to be denied access to prisons.

Amnesty International Report 2007:

The human rights situation deteriorated during the year, as the authorities stepped up repression against both armed and peaceful political opposition throughout the country. The UN Security Council placed Myanmar on its formal agenda. Widespread and systematic violations of international human rights and humanitarian law, amounting to possible crimes against humanity, were committed in the course of military activities in Kayin State and Bago Division. As the authorities continued with plans to draft a new Constitution, activists were pressured into resigning from political parties. Scores of arrests continued throughout the year of people engaged in peaceful political activities or other non-violent exercise of the right to freedom of expression and association. At the year end most senior opposition figures were imprisoned or administratively detained, among more than 1,185 political prisoners held in deteriorating prison conditions. At least two people were sentenced to death.

Background

The National Convention to draft principles for a new Constitution concluded a session in January and reconvened in October, without the National League for Democracy (NLD), the main opposition party. Legislation criminalizing adverse comment on the Constitution remained in place, while delegates were restricted from open discussion. The authorities announced that most decisions on the draft Constitution's principles had been made, including on areas relating to the role of the military and on citizens' rights and duties.

International developments

The UN Security Council placed Myanmar on its formal agenda in September. The UN General Assembly adopted a resolution and the UN Human Rights Council extended the mandate of the Special Rapporteur, who continued to be denied access to the country. The UN Under-Secretary-General for Political Affairs visited Myanmar in May and November.

Members of the Association of South East Asian Nations (ASEAN) expressed dissatisfaction with the slow pace of reforms in Myanmar and renewed calls for the release of political prisoners. The International Labour Organization (ILO) expressed grave concern at the lack of progress by the authorities on forced labour. The European Commission initiated a new humanitarian aid programme to treat HIV/AIDS, tuberculosis and malaria.

Crimes against humanity

Military operations against the Karen National Union (KNU) in eastern Kayin (Karen) State and neighbouring districts increased. More than 16,000 were displaced by the conflict. Villagers reported widespread and systematic commission of acts constituting violations of international humanitarian and human rights law on a scale that amounted to crimes against humanity. Destruction of houses and crops, enforced disappearances, forced labour, torture and extrajudicial killings of Karen civilians increased. Many villagers faced food shortages after the authorities banned them from

leaving their village to farm or buy food. The use of land mines by both the armed wing of the Karen National Union and the tatmadaw (Myanmar army) also increased. Other violations included acts of collective punishment, such as prolonged closures and other movement restrictions, the burning of whole villages and the reported killing in February in northern Kayin state of a village headman and other civilians. In other areas skirmishes took place between the Shan State Army-South and the army, with the loss of civilian life.

Forced labour

The widespread practice of forced labour was reported throughout the year in Kayin, Mon, Rakhine and Kachin states, and in Bago Division. Prisoners were reported to have increasingly been required to act as porters for the military, and to have been subjected to torture and other forms of ill-treatment. A number of prisoner porters attempting to escape were reportedly killed. The ILO expressed concern that the authorities' continued threats of legal action against people making "false" complaints of forced labour presented a significant obstacle to joint co-operation in addressing the issue. In response to specific requests by the ILO, by the end of the year the authorities had released two people imprisoned in connection with the legal filing of reports of forced labour and dropped prosecutions of others. A six-month moratorium on the prosecution of those making complaints about forced labour was promised in July.

Political imprisonment

Political trials were conducted according to laws which criminalized the peaceful exercise of human rights and in proceedings which did not meet international fair trial standards. Arrests took place without warrants and defendants were denied the right to legal counsel or counsel of their choice. Detainees were held incommunicado for lengthy periods.

o Former student leaders and prisoners of conscience Htay Kywe, Ko Ko Gyi, Paw U Tun, Min Zeya and Pyone Cho were detained in late September and held incommunicado until the end of the year. The authorities stated that this was to "prevent insurgency".

o U Aung Thein, 77, a member of the NLD's Central Committee, was arrested with three others in April; all four were sentenced in July to 20 years' imprisonment. U Aung Thein was said to have "confessed" to possessing a satellite telephone used to speak to NLD leaders outside the country.

o Win Ko, an NLD member from Bago Division, was reported to have been sentenced to three years' imprisonment in October for collecting signatures calling for the release of detained political leaders. He was charged with selling illegal lottery tickets.

o Refugees Chit Thein Tun and Maung Maung Oo were abducted from India to Myanmar by an unknown armed group. They were handed over to the Myanmar authorities and tortured while held incommunicado. They were sentenced to death in a secret trial on charges of exploding a bomb on the Myanmar-India border.

Prisoners of conscience and senior NLD leaders Daw Aung San Suu Kyi, U Tin Oo, Daw May Win Myint, and Dr Than Nyein, all held without charge or trial, had their detention extended by the maximum term of one year. The latter two have been held since October 1997, and were detained beyond the expiry of their seven-year prison sentence. Daw Aung San Suu Kyi was held in increasing isolation and permitted only infrequent visits by her doctor.

Releases

A number of releases took place during 2006.

o Two human rights defenders, lawyer U Aye Myint and Su Su Nwe, imprisoned in October 2005 for seven years and 18 months respectively in connection with reporting forced labour and land confiscation by the local authorities, were released in June and July.

o U Shwe Ohn, a senior Shan political figure and writer in his 80s, was released from house arrest after the expiry of his detention order in February.

o At least two members of the KNU detained since the early 1980s, who were in poor health, were released in September and October.

Prison conditions

Already poor prison conditions deteriorated during the year. The authorities imposed new restrictions on the quantity of food that prisoners were able to receive from relatives, and reduced the budget for food granted to prison authorities. Medical shortages in prisons were reported. Visits by the International Committee of the Red Cross (ICRC) were suspended in January after the ICRC refused to accede to conditions that they be accompanied by members of government affiliated agencies. Partly as a result of poor prison conditions, many prisoners of conscience were in poor health including Dr Than Nyein, a doctor and NLD MP-elect, suffering from liver disease and other complaints.

Torture and other ill-treatment

Torture and other forms of ill-treatment during interrogation and pre-trial detention were frequently reported. Torture in

prison was believed to have increased. Attempts by relatives to seek redress were met with official resistance, harassment and pressure to withdraw complaints.

Ko Thet Naing Oo, a former political prisoner, was severely beaten by police and fire brigade officers in Yangon in March and died the same day.

Deaths in custody

At least six political prisoners died in prison. Torture, poor diet and inadequate medical treatment were believed to have contributed to their deaths. Many had been held in prisons distant from their families, depriving them of necessary food and medicine.

Thet Win Aung, 35, a student activist and prisoner of conscience, died in Mandalay Prison in October. He had been tortured on arrest in 1998, and was serving a 59-year prison sentence. He had suffered numerous health complaints in prison, including malaria and mental illness, and had been held for protracted periods in solitary confinement.

Freedom of expression, peaceful assembly and association

Legislation restricting the peaceful exercise of the right to freedom of expression, peaceful assembly and association continued to be rigorously enforced. Access to the Internet remained restricted. The government blocked many websites and placed periodic blocks on free internet e-mail services.

From April members and supporters of both the NLD and the Shan Nationalities League for Democracy were subjected to threats and harassment. Meetings were disrupted, and the state-run press regularly denounced and threatened the NLD, accusing it of plotting to incite unrest in the country. By the end of the year hundreds of NLD members were reported by the official press to have resigned.

Amnesty International country reports

Statements

- o Myanmar: Human rights violations continue in the name of national security (AI Index: ASA 16/002/2006)
- o Myanmar: The UN Security Council must act (AI Index: ASA 16/007/2006)
- o Myanmar: Ko Thet Win Aung, prisoner of conscience, dies in prison (AI Index ASA 16/015/2006)

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