

EXTERNAL (for general distribution)

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Death in Custody/Fear of Torture

9 July 1992

MYANMAR (BURMA): **Mohamed Ilyas**
Fazal Ahmed

Mohamed Ilyas, a man approximately 60 years old from Myothugyi village near Maungdaw town, is reported to have been beaten to death by soldiers on 19 June 1992. He was taken into detention on 16 June. His dead body was returned to his relatives by soldiers on 23 June, and was quickly buried.

A member of parliament-elect, Fazal Ahmed, and possibly two more parliamentarians-elect whose names are not known to Amnesty International, are reported to have been detained by the military at about the same time as Mohamed Ilyas. They are apparently still in detention and there are fears for their safety.

Fazal Ahmed is a member of the National Democratic Party for Human Rights and was elected to represent Maungdaw-2 constituency. Mohamed Ilyas was reportedly a local secretary of the National League for Democracy (NLD).

Reports on the background to these detentions vary. According to a *Reuters* report of 5 July 1992, the four men were detained after they refused to go to Bangladesh to try to persuade Muslim refugees who had fled from the Rakhine (Arakan) State to return home. Other reports, however, suggest that they were detained as part of a more general campaign by the Myanmar military to drive Muslims out of the Rakhine State.

BACKGROUND INFORMATION

Over 300,000 Burmese Muslims have escaped from the Rakhine State and taken refuge in neighbouring Bangladesh. They have fled from persistent gross human rights violations committed by the Myanmar military, including torture, ill-treatment, arrests on political and religious grounds and extrajudicial executions.

Reports of human rights abuses against Muslims in the Rakhine State by Myanmar security forces rose sharply in early 1991, and they began to leave Myanmar in the thousands to seek asylum in neighbouring Bangladesh. Those numbers increased dramatically in late 1991 and early 1992.

On 28 April 1992 the Bangladesh Government and the State Law and Order Restoration Council (SLORC), Myanmar's ruling military authority, signed a bilateral agreement to repatriate all the refugees over a six month period beginning three weeks from the date of the agreement. Apparently at the insistence of the SLORC, the agreement did not provide for the United Nations High Commissioner for Refugees (UNHCR) to be involved in the resettlement process. It did stipulate that no refugee would be forced to return to Myanmar, however. Amnesty International has appealed for

no refugee to be returned to Myanmar until effective mechanisms were in place, including the full participation of the UNHCR, to guarantee their safety. (See EXTRA 49/92, ASA 13/05/92 of 14 May 1992 and follow-up ASA 13/66/92 of 15 May 1992.)

The two governments signed another bilateral agreement on 7 May which sets out the means by which the refugees would actually be repatriated. The repatriation was postponed after Bangladeshi police fired on refugees who were protesting at the lack of UNHCR involvement in the repatriation process. Since then, talks between the governments of Bangladesh and Myanmar have reached no conclusion, and refugees have continued to arrive in Bangladesh from Myanmar.

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Parliamentary elections were held in Myanmar in May 1990 and won by the main opposition party, the National League for Democracy. The SLORC, however, refused to recognise the outcome of the elections and has retained power itself. The parliament has never been convened.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/airmail letters:

- expressing concern about the reported death in military custody of Mohamed Ilyas and fear for the safety of Fazal Ahmed, who is reported to be in military custody in Rakhine (Arakan) State;

- urging that an immediate full and impartial investigation be held into the death in custody of Mohamed Ilyas, that the results be made public and that, if indeed he died from torture, those responsible be brought to justice and compensation be granted to his relatives;

- requesting assurances that Fazal Ahmed will not be ill-treated in detention, and that any medical assistance he may need has been made available to him;

- urging that if there are no recognisable criminal charges against Fazal Ahmed, he be immediately and unconditionally released.

APPEALS TO

1) General Than Shwe
Chairman
State Law and Order Restoration Council
c/o Ministry of Defence
Signal Pagoda Road
Yangon, Union of Myanmar
Telegrams: General Than Shwe, Yangon, Myanmar
Telexes: 21313 MOFARN BM

Salutation: Dear General

2) Major General Khin Nyunt
Secretary 1
State Law and Order Restoration Council
c/o Ministry of Defence
Signal Pagoda Road
Yangon, Union of Myanmar
Telegrams: Major General Khin Nyunt, Yangon, Myanmar

Salutation: Dear Major General

COPIES OF YOUR APPEALS TO:

Major General Mya Thin
Chairman of Rakhine State Law and Order Restoration Council
c/o Ministry of Defence
Signal Pagoda Road
Yangon
Union of Myanmar

and to diplomatic representatives of Myanmar in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 August 1992.