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£UNION OF MYANMAR (BURMA) @Arrests and trials of political prisoners January-July 1991

Introduction

Profound and bitter political strife continues in the Union of Myanmar (formerly the Socialist Republic of the Union of Burma), and political opponents engaged in various anti-government activities are still being arrested and sentenced to prison terms or, in some cases, to death by the ruling State Law and Order Restoration Council (SLORC).

Amnesty International has collected the names of nearly 200 people who were arrested between January and July 1991 in connection with opposition political activities and who are apparently still detained. They bring to more than 1,500 the total number of people Amnesty International has been able to identify by name who the organization believes may be currently held by the SLORC on political grounds. The organization believes this may be only a proportion of the total number of political prisoners currently held by the SLORC.

Amnesty International has gathered the names of some 80 opposition political figures who were tried and sentenced between January and July 1991, a statistic which includes people arrested in 1990, but not tried until this year.

The names of those arrested or tried during the first seven months of 1991 have been compiled from Amnesty International's monitoring of the official Myanmar news media, from the organization's interviews with opposition political activists and other people who recently left the country¹ and from other sources inside and outside Myanmar.²

In addition to the prisoners which official and other sources have named, these have mentioned nearly 400 other people who were arrested on what may have been political grounds during this period and may still be held, but who have not been identified by name.

¹In June and July 1991, Amnesty International interviewed more than 100 Burmese who had recently left the country and were living either in Thailand or along the Thai-Burmese border. Some of these were opposition political activists. Others had not been politically active themselves, but had direct knowledge of the arrest and trial of political prisoners. The interviews were conducted on the basis of a promise of anonymity to sources, and none of the interviewees are named in this report.

²Transliteration of Burmese names is not standardised. Some names therefore have alternative spellings. Many Burmese also have one or more different names or aliases. In the text below variations are indicated in the text by use of "or". True aliases are identified as such.

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Even if people not identified by name are included, the figure of nearly 600 probably represents only a part of the total number of people arrested in connection with opposition political activities during the first seven months of 1991 who may still be detained. It is clear from Amnesty International's research that official announcements are made only in some arrest cases. The information on individual cases Amnesty International has been able to gather from interviews and other unofficial sources pertains mostly to specific areas of central, eastern and western Myanmar, but strongly indicates that arrests are occurring elsewhere throughout the country, although precise details are lacking.

The official news media reports on trials between January and July 1991 evidently named only 15 detainees among the nearly 600 people believed to have been arrested in connection with opposition political activities since the beginning of 1991. However, opposition and other unofficial sources named some 65 political prisoners arrested in 1990 or 1991 who were tried in the first seven months of 1991. These statistics are also no doubt incomplete, because the veil of secrecy that often shrouds trials of political prisoners in Myanmar means that comprehensive data on political trials is even more difficult to gather than information on political arrests.

Reasons for arrests

Those arrested or tried between January and July 1991 include people known or alleged to be members of a wide variety of different political groups, such as legally-registered political parties, "underground" organizations³ having no armed wings, and the underground of armed wings of ethnic minority, communist or student movements. Many of those arrested or tried were members of the National League for Democracy (NLD), which won 60 percent of the valid popular votes and 81 percent of the seats in the general elections held in May 1990, in which 73 percent of the eligible population participated. Although the authorities have since suggested several times they were prepared to ban the NLD entirely, the remnants of the party maintain legal registration. Other legally-registered political parties whose members have been arrested or tried include the Democratic Party for a New Society (DPNS), United Nationalities Democracy Party (UNDP), and the Burma United Democratic Party (BUDP).

Others arrested were members of one of the at least ten legally-registered political parties that were stripped of their registration by the SLORC-appointed Election Commission between January and July.⁴ These included the Anti-Fascist Peoples Freedom League (AFPFL), the successor to Burma's first political party⁵, and the League for Democracy and Peace, the party formed under the patronage of Burma's last civilian prime minister, U Nu⁶. Others were allegedly members of underground student,

³In Burmese politics, the term "underground" (or "UG") is applied to people or organizations that organize surreptitiously to carry out political activities that are contrary to existing restrictions on the political life of the country, such as those currently enforced by the SLORC. Some, but not all, underground organizations use political violence.

⁴In addition to the two parties mentioned immediately below in the main text, these were United League of Democratic Parties, the National Politics Front (Youth), the Patriotic Democratic Youth Front, the Arakan Peoples' Democratic Front, Party for National Democracy, the Students Youth League for Mayyu Development (Arakan), the Leading Strength of National Realism Centre, and the Intha National Organization.

⁵The AFPFL was deregistered on 31 January 1991 because its General Secretary Daw Cho Cho Kyaw Nyein and some members of its Central Executive Committee had allegedly "establish[ed] links with the armed rebels with the intent to revolt against the state" and therefore turned the AFPFL into "an overt organization of the rebels". Yangon domestic radio, 31 January 1991 broadcast of an Election Commission announcement. Daw Cho Cho Kyaw Nyein and at least one other AFPFL leader were detained in connection with these allegations. See below, p 35.

⁶The LDP was deregistered on 4 February 1991. According to an Election Commission announcement the party had split after the SLORC had "dismissed" U Nu and other party patrons and members of its Central Executive Committee for refusing to
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Buddhist monks' or workers' organizations, such as the All-Burma Federation of Student Unions (ABFSU), the remnant of the umbrella student group formed in August 1988 to coordinate non-violent opposition to military rule; the Young Monks Federation (YMF), an unofficial Buddhist monastic organization that was banned on 20 October 1990; and the All-Burma Labour Solidarity League or "LS", an unofficial trade union that is also banned. Some were allegedly members of the Karen National Union (KNU), one of the largest of the ethnic minority organizations which is in armed rebellion against the state; the All-Burma Democratic Students Front (ABSDF), which groups students and other young people who have opted to take up arms against the army since the coup d'etat of September 1988; or the Burma Communist Party (BCP). Others are believed possibly to have been accused of working with the armed wing of the Arakan Rohingya Independence Front (ARIF), a Muslim-based organization which calls for violent actions to overthrow the SLORC.

In explaining the arrests and trials that took place between January and July 1991, the authorities allege that some of those detained were involved in violent acts of political sabotage, that others had committed treason because they wished to see the current SLORC administration overthrown, and that some aided and abetted the activities of armed opponents of the state or were otherwise in contact with armed anti-government movements. They have alleged that some were inciting unrest or committing defamation through the organization of anti-government gatherings or criticism of the military and its policies, and that others were involved in ordinary criminal activities, such as gambling, black-marketeering or other economic offenses. Such allegations by the authorities are coupled with general denials that there are any human rights violations in Myanmar or that any political prisoners are detained there.

For example, in a note addressed on 25 January 1991 to the French Embassy in Yangon, the Myanmar Ministry of Foreign Affairs declared:

"Regarding the accusation that civil and democratic rights are violated in Myanmar, the Ministry would like to state that the people of Myanmar enjoy full fundamental freedoms according to law. Furthermore, the SLORC has repeatedly clarified that there are no political prisoners in Myanmar and those who have been placed under restriction or detention are in such a position not for political reasons, but because they have transgressed the law."

In a second note to the French Embassy, dated 5 June 1991, the authorities reiterated these points, declaring:

"The Myanmar Government totally refutes the assertion of 'numerous shortcomings in...rules and conduct and of human rights' as they are normally based on false, unreliable and biased sources. Since there are no political prisoners in Myanmar, there is no need to further expound on this misconception."

In an interview in late July 1991, Nyunt Swe, the Myanmar Ambassador to Thailand, similarly declared that in Myanmar there were "no political prisoners" because all the SLORC had done was "take action against anybody who breaks the laws or commits criminal crimes."

dissolve the "parallel government" they set up shortly before the military coup on 18 September 1988. The commission ruled that because of the split, the LDP was "nullified by itself". Yangon domestic radio, 4 February 1991. (In forming a "parallel government" in 1988, U Nu had argued that he should be considered the country's legal prime minister, since his overthrow by the military in 1962 had been illegal. He has been restricted to his home since December 1989 and Amnesty International considers him a prisoner of conscience.)

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In another denial, Lieutenant General Than Shwe, Vice Chairman of the SLORC and Deputy Commander-in-Chief of the Army, declared in a speech on 19 April 1991 that:

"There have never been any unfair arrests during the period that we are in charge of the state. We have only taken action according to the rules, regulations and laws against the people who breached the law. We only took action against people who exploded bombs, those who cause unrest in the country, and those who try to disintegrate the armed forces."

However, it appears that in the SLORC's view, "those who cause unrest in the country" and "those who try to disintegrate the armed forces" include people who advocate a different political course for the country than that set forth by the military and who have attempted to oppose the SLORC by peaceful exercise of the rights to freedom of opinion, expression and assembly. Amnesty International believes that the military have applied laws in existence before the SLORC assumed power and martial law provisions issued since then in an attempt to eliminate non-violent opposition in the same way as armed insurrection. It believes the SLORC has interpreted the often vague and sweeping language of laws and provisions restricting freedom of opinion, expression and assembly and political activities generally in such a way as to make it impossible for non-violent political opponents to act without constant risk of arrest and imprisonment for offenses that are described by the SLORC as criminal but are not recognizable as such.⁷

As for those accused of specific acts of political violence, opposition and other non-official sources confirm that some of them were members of the armed wings of opposition groups that are fighting the SLORC militarily as well as by other means. However, sources also cite past examples of cases in which the authorities have made such accusations against non-violent opponents, and caution that these allegations should not always be accepted uncritically.

It appears also to be true that a significant proportion of those accused of assisting armed opposition movements were not themselves advocates of violence. In many cases their assistance seems to have been given to individual members of these movements and to have been largely motivated by humanitarian concern for those who have chosen the path of armed rebellion, rather than advocacy of this choice.

With regard to those accused of treason or related offenses, a careful review of the authorities' own allegations and of all other available evidence suggests that many of those arrested on these grounds did not advocate the violent overthrow of the government. Instead, some of them advocated the early convening of the People's Assembly elected in May 1990 and an early transfer of power from military authorities to elected civilian figures. Others went further and advocated that if the SLORC did not agree to these demands, elected civilian figures should declare the establishment of what they believed was a legitimate, but essentially symbolic, counter-government. According to most of the available evidence, only some of those who were arrested who took this position were also in favour of taking up arms against the SLORC or in defence of a counter-government.

Finally, while it is reasonable to assume that political opponents of the SLORC are just as capable of committing ordinary criminal offenses as other citizens, it appears that in at least some instances the

⁷For a description of laws and martial law provisions in force through the end of 1990 and how they have been used to imprison or otherwise restrict non-violent political opponents up through that time, see [Myanmar: 'In the National Interest'. Prisoners of Conscience, Torture, Summary Trials Under Martial Law](#) (AI Index 16/10/90, published November 1990).
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authorities have made dubious allegations of petty offenses against political opponents as part of an orchestrated campaign targeting them for legal action in order to put an end to their opposition activities.

Amnesty International is therefore concerned that many of the people arrested or tried between January and July 1991 whose cases are described in this report are prisoners of conscience. This term refers to people detained for their beliefs, colour, sex, ethnic origin or religion, who have not used or advocated violence. In the political circumstances obtaining in Myanmar today, the largest group of such prisoners are people who believe the ruling military authorities should promptly convene parliament and transfer power to civilian politicians who were elected to it in May 1990 or to some other interim civilian political body.

Amnesty International's concern that many of the people arrested or tried between January and July 1991 may be prisoners of conscience is heightened because existing evidence about trials of political prisoners in Myanmar suggests that they are not assured that the proceedings will be fair. As the organization has stated in a recent report entitled Myanmar (Burma): Unfair Political Trials⁸, it appears that neither military tribunals nor civilian courts afford fair trials to political prisoners. Thus, a conviction for an armed act of sabotage or some recognizably criminal offence does not necessarily mean that a prisoner is guilty of something more than non-violent opposition to the ruling SLORC.

In most individual cases of prisoners whose names are known to Amnesty International, it is impossible to be certain about all of the details or the true reasons for the prisoners' reported detention. The severe restrictions the SLORC has placed on access to individual prisoner information by independent investigators, and the harsh threats and punishments aimed at those who might try to communicate such information to the outside world, make detailed and accurate data hard to come by. Such data as is available from official and opposition sources cannot always be accepted at face value, and is almost impossible to corroborate or crosscheck with impartial and non-partisan sources.

Nevertheless, the organization believes that the available evidence is sufficient to justify serious international concern about gross and systematic violation of human rights and to warrant renewed and insistent appeals to the Myanmar authorities to release immediately and unconditionally all Burmese prisoners of conscience, and to guarantee that all other political prisoners have access to a fair trial and other legal protections. The organization further believes that the authorities should allow appropriate international human rights monitoring bodies the kind of access to all Burmese political prisoners that will make possible an independent and impartial assessment of the true reasons for their detention.

Political background, 1988-1990

Political arrests and trials in Myanmar during the first seven months of 1991 took place in the context of the conflict between the armed forces and its civilian political opponents. The military-formed SLORC resisted demands that it cede power to elected civilian politicians. The army and opposition political groups also disagree over how best to organize the country's complex ethnic relations.

This conflict is the current culmination of a steadily intensifying political polarization that has developed since the military seized power in a coup d'etat and established the SLORC on 18 September 1988. The seizure of power was aimed at suppressing a nation-wide uprising that had rendered previous military-

⁸AI Index ASA 16/06/91, published in September 1991.

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backed administrations unable to maintain political control. This uprising, which temporarily ended a period of military political domination that began in 1962, was largely non-violent and spearheaded by students, Buddhist monks, civil servants and various professionals, including lawyers and doctors. In many places, it brought about the disintegration of military-controlled administrative bodies, which were replaced by "strike committees" comprised of local leaders of the opposition. During the uprising and the coup against it, thousands of demonstrators were allegedly shot to death by security forces, mostly while protesting non-violently against military rule. The largest number of deaths occurred on 8 August 1988, a date which the opposition has since attempted to commemorate.

The election and its aftermath

Post-coup political tensions became more acute after the elections on 27 May 1990, which were contested by political parties that the SLORC allowed to form after the coup. The elections were won overwhelmingly by the opposition National League for Democracy (NLD). However, the SLORC has not convened the Pyithu Hluttaw (People's Assembly, or parliament), nor has it turned over power to a civilian government. Rather, the SLORC continues to insist that Myanmar's national salvation requires long-term military tutelage over any process of political change, including any eventual transfer of power to civilian authority or reformulation of inter-ethnic relations.

In this connection, the military continually refers to what it believes is the necessity for all political groups in the country to accept and obey SLORC Declaration No 1/90. This martial law pronouncement, which the SLORC argues has the force of law, was issued two months after the elections, on 27 July 1990. It avowed that the SLORC would remain in power for an "interim period" of unspecified length in order to fulfil "the three causes of preventing the disintegration of the Union, of preventing the disintegration of national unity and of perpetuation of sovereignty". It was apparently pronounced partly in response to efforts by the NLD to draft a "1990 Provisional Constitution" on the basis of which the party hoped to accelerate the process toward convening a parliament and establishing a new government. As the NLD Central Executive Committee stated in connection with the final draft it approved, "the draft constitution is intended to be utilized in implementing the earliest convening of the People's Assembly" and "to bring about a smooth transfer of power". The party leadership explained that the draft was based on the principles that "the multi-party democratic system" was "to be the foundation" of the country's political regime, and that this regime must "insure basic democratic human rights".

The SLORC's Declaration 1/90 complained that since the elections in May, there had "been the publication and distribution of journals, discussions, debates...instigations and publication of illegal documents on the issues of convening the national assembly and transferring power." It declared that "a political organization" that had won an election as the NLD had done did "not automatically obtain the three sovereign powers of legislative, administrative and judiciary powers" even "after the emergence of a people's assembly". It said the SLORC was "not bound by any constitution" and was going to continue "ruling the country with martial law" because, until the emergence of what the SLORC believed was a sufficiently "strong constitution", "only the SLORC has the right to legislative power". The order declared that "drafting of an interim constitution to obtain state power and to form a government will not be accepted in any way," and warned that "effective action" would be taken "according to the law" against anyone who proposed an interim constitution not approved by the SLORC, much less attempted to form a government independent of the military.

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One view reflecting a consensus among opponents of the SLORC who refused to accept Declaration No 1/90 was expressed in the Gandhi Hall Declarations of the National League for Democracy, adopted on 29 July 1990 at a two-day national party conference convened immediately after Declaration No 1/90 was announced. One of the declarations was issued by NLD members of parliament. The other was made jointly by NLD members of parliament and the party's Central Executive Committee. The declaration of the NLD members of parliament "unanimously" called on the SLORC to convene the Pyithu Hluttaw and said it was "of vital importance" to do so "expeditiously". It declared that because the NLD had won "over 80 percent" of the Pyithu Hluttaw seats, it was in a position to "form a strong government in accordance with the practice of democratic countries". The members of parliament declared their view that it was "not desirable that democratic rights should be restored only after the formation of a democratic government, and that such rights should be prohibited until the formation of such a government." They said that "as a minimum", the people should "enjoy the freedom of publication and expression".

The joint declaration of members of parliament and the Central Executive Committee added several more specific demands. It called on the SLORC "to convene the Pyithu Hluttaw in September 1990." It urged "immediate discussions between the authorized representatives of the NLD ...and the authorized representatives of the SLORC." It called upon the SLORC to release Daw Aung San Suu Kyi, U Tin Oo and "all other political prisoners".⁹

These positions contained in the Gandhi Hall Declarations are understood to have been the result of a compromise among various elements within the NLD and also of other political opposition groups that sought to influence the party's thinking. Some elements inside and outside the NLD are understood to have wanted the party to specify a deadline by which power would be transferred, and to adopt the position that if power was not handed over by that date, the NLD would form a counter-government of its own. However, these elements are understood not to have brought up the later proposal for open debate within formal party circles, and other elements who argued strongly for a more gradual approach succeeded in having it adopted.

Plans for formation of a counter-government

In August 1990, the political atmosphere deteriorated following confrontations between security forces and Buddhist monks and other peaceful demonstrators in the major Upper Myanmar¹⁰ town of Mandalay, during which four people were allegedly killed when security forces opened fire. The incident precipitated a boycott of military personnel by Buddhist monks, who refused to accept alms or have other religious dealings with soldiers and their dependents. On 29 August 1990, an announcement issued in the name of the NLD and an allied party, the United Nationalities League for Democracy, declared that unless the SLORC convened parliament during September, elected members of parliament would do so on their own. That same day, the SLORC reportedly sent NLD leaders a letter in which it was warned that unless the party accepted Order No 1/90, its leadership would be arrested and the party banned.¹¹ The official

⁹Daw Aung San Suu Kyi, the NLD Secretary General, has been restricted to her home since 20 July 1989 under the administrative detention provisions of the 1975 State Protection Law. U Tin Oo, the NLD Chairman, was restricted to his home the same day and later sentenced to three years' imprisonment. There is a report that in May 1991 he was sentenced to an additional 14 years (see below, p. 52). Amnesty International considers both Daw Aung San Suu Kyi and U Tin Oo prisoners of conscience.

¹⁰The term upper Myanmar refers roughly to the northern half of the country.

¹¹This letter was marked "confidential", and the NLD Acting Chairman U Kyi Maung and Acting General Secretary U Chit Al Index: ASA 16/10/91Amnesty International December 1991

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newspaper The Working People's Daily later warned in an editorial that no one should attempt to form a parliament or a government without the SLORC's permission. Meanwhile, the SLORC repeatedly declared that it would not enter into any sort of a dialogue with the NLD.

On 3 October the NLD reportedly held a party meeting which launched a new political program in response to the SLORC's refusal to convene the Peoples Assembly. It reiterated the Gandhi Hall Declarations, including the call for an NLD-SLORC dialogue, but also called for a newly-formed NLD work committee to meet on 22 October to prepare for the convening of the legislature.

Meanwhile, as it became increasingly clear that the SLORC had no intention of meeting any of the demands put forward in the Gandhi Hall Declarations and the party's 29 August 1990 announcement, various groups within the NLD and in contact with it began private discussions of other ways in which the party might react, including a counter-government claiming the authority to rule on the basis of the NLD's election victory. These discussions are said to have been kept secret from other party members who were thought unsympathetic to such a course.

There appear to have been two basic ideas about the forms a counter-government might take. One idea, usually called a "parallel government", refers to a body to be established in a major town, such as Mandalay or Yangon. The other, usually called a "provisional government", refers to a body to be established in a border area, perhaps in an area controlled by ethnic minority and anti-SLORC student movements with armed wings. It appears that the idea of a "provisional government" was put forward as an alternative option if it was thought impossible to establish a "parallel government".

The small areas controlled by these movements are mostly located along Myanmar's borders with Thailand and China. The most important ethnic minority movements are the Karen National Union (KNU) and the Kachin Independence Organization (KIO), both of which have waged guerrilla warfare against the central Burmese administration for decades. After 1988, they were joined by the All-Burma Students Democratic Front (ABSDF), which groups students who decided after the coup of 18 September 1988 that armed struggle was a necessary component of any successful attempt to overthrow military rule.

Many NLD members were not involved in discussions about formation of a counter-government or believed an attempt to form one would be futile, provocative or counter-productive. Among those NLD members who favoured the idea of forming a counter-government, there were reportedly different ideas about what should be done to defend it and to pressure the SLORC to enter into a dialogue with it or even transfer power to it. Some proposed violent measures and close cooperation with the ethnic minority and student guerrillas while others were opposed to violent tactics, but it appears that the waves of arrests that began in October 1990 disrupted discussions about a counter-government before any final decisions could be made about how to proceed to establish and protect it.

Formation of the National Coalition Government of the Union of Burma (NCGUB)

Some of those involved in the various discussions about a counter-government managed to evade arrest

Khaing were shortly to be arrested for making it available to "those not concerned with it". They were sentenced to ten and seven years' imprisonment, respectively, in connection with this incident. In late May 1991, they received additional sentences doubling their terms of imprisonment (see below, p. 52). Amnesty International considers them prisoners of conscience. Amnesty International December 1991AI Index: ASA 16/10/91

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and fled into areas controlled by insurgents along the Thai-border. On 18 December 1990, a group of members of parliament who had escaped declared the formation of a National Coalition Government of the Union of Burma (NCGUB) at Manerplaw, the headquarters base of the KNU, the ABSDF and other armed opposition movements. The NCGUB Prime Minister is Dr Sein Win, who was elected to parliament as a candidate of the Party for National Democracy, an affiliate of the NLD. His cabinet ministers had all been elected to parliament in the elections of May 1990, all but one as NLD candidates.

Nevertheless, the move by the members of parliament who formed the NCGUB appears symptomatic of the severe polarization of Burmese politics by the end of 1990 and of the extent to which earlier distinctions between non-violent and violent opposition were becoming more and more blurred. The members of the NCGUB were not the only opponents of the SLORC who had begun by proclaiming the causes of parliamentary democracy and civilian rule, but who by 1991 believed there was no choice except to resort to armed opposition and cooperation with armed opposition groups. Moreover, those who continued to hope to contribute to political change through exclusively peaceful opposition activities nevertheless have personal or past organizational links with people who have gone over to armed rebellion. At the same time, the SLORC continues to be determined to suppress all those who advocate that change toward a democratic political system should come more rapidly and fully than the military believe is good for the country. It remains fully prepared to arrest and imprison people for their political beliefs, even if they have not used or advocated violence.

Political and legal context: January-July 1991

Continuing to refer to martial law as a legal basis for its authority and to insist on remaining in power, the SLORC has between January and July 1991 adopted new measures to restrict opportunities for non-violent political opposition. It has increased the range of penalties it can impose for what it deems security offenses.

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SLORC views on martial law

The SLORC's view of why it has had to impose martial law and the authority martial law gives the military has been explained in a number of official editorials and statements by leading SLORC members during the first seven months of 1991.

For example, an editorial in the 1 May 1991 issue of the official newspaper The Working Peoples Daily explained that the SLORC had been compelled to impose martial law because military rule was not "fully accepted" by the people. The paper's editorial the next day reminded readers that "nobody should forget that the present period is a Martial Law period", and explained that "when Martial Law is enforced, the decision made at his direction by the Chief Martial Law administrator is law". It added that "no other law can restrict, limit or oppose such decisions"; and that "no court has the power to question such decisions". It explained that "a decision of the Martial Law Administrator, whether of good or bad consequence, becomes law." It also said that the SLORC's efforts to use martial law in "protecting the state from disintegration and thwarting all bids to retard progress in fulfilling" what it described as the "aspirations of the masses", have "nothing to do with human rights".

On 14 May 1991, Major General Khin Nyunt, Secretary-1 of the SLORC, declared that in the SLORC's view, "the most precise and clear definition of martial law" according to international standards is that it: "is neither more nor less than the will of the General who commands the army". Explaining that "in fact martial law means no law at all" and "is no court", he added that in the Myanmar case "the person who can exercise martial law is the Defence Services Commander in Chief," Senior General and SLORC Chairman Saw Maung. On 24 May 1991, Senior General Saw Maung himself declared: "Martial Law means the will of the ruler. He can do anything he wishes to do."

SLORC refusal to transfer power

Statements made by senior SLORC officials and editorials published in the official news media between January and July 1991 have consistently and firmly reiterated the military authorities' steadfast opposition to any prompt transfer of power.

For example, on 26 January 1991, Major General Khin Nyunt declared that by "attempting to take power under a temporary constitution at a time when" they had "different ideologies and thinking" political parties were posing "a grave danger for the country". He said the SLORC believed that in order to prevent the country from being "split into fragments" it was necessary that it be administered by someone who could "properly take control of the country", and that it would only hand over power to what it considered a "strong government" sure to abide by "a firm and strong constitution". He warned that no political party should attempt to resurrect the political banners the NLD had raised in 1990. He said some parties were now "saying that the government should convene a national conference attended by political parties", and that parliament should be "immediately called to draft a constitution". He warned those involved in such discussions that the SLORC had "already made it clear that we will not accept the plan to transfer power under a temporary constitution".

On 4 February Senior General Saw Maung warned "political parties and organizations" they would be "wrong" to waste "time thinking...[about] transferring power" from the military to themselves. He told them that "instead of having anti-military thoughts" and "instead of trying to gain power or transfer

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power", they should abide by Declaration 1/90. On 8 February 1991, an editorial in the official Working People's Daily declared there was no longer any "hope...that some sort of constituent assembly could be put together...any time soon". On 22 February 1991, Senior General Saw Maung reportedly said he believed that an overabundance of political parties was hampering the SLORC's efforts to draw up a new constitution. He was quoted as saying: "We must reduce the number of political parties...and have harmony between them before we can allow them to draft a new constitution". On 27 March 1991 the senior general reiterated that adherence by the political parties to SLORC Declaration No 1/90 was "necessary to ensure a smooth future for the country and to make it free from undesirable perils and threats". He described the Gandhi Hall Declarations as "inciting declarations", and "movements to implement the demands in the declaration", including public demonstrations, as attempts to "create an unstable situation". He said no one should "even think about taking power by producing an interim constitution", adding that the SLORC believed that "if an interim government is formed today, the country will be in trouble tomorrow."

On 3 April 1991 Lieutenant General Than Shwe said in order for the SLORC to be able to "pave...the way for a good beginning of democracy", it "must forever remain vigilant of the threat from...destructive elements" who disagreed with the scenario put forward in Declaration 1/90. In a speech on 19 April 1991, he explained that the SLORC had "not transferred the responsibilities of the country" to the elected civilian leadership because it believed it could "not find any" political party "that can govern the country in a peaceful and stable manner". The military's view was that "power cannot be transferred at this time, because if that is done, there will be instability in the country". He reiterated that "power cannot be transferred without a strong and stable constitution", and that "a strong constitution must first be drafted in accordance with Declaration No 1/90". He concluded by arguing that a civilian government "made up of elected representatives cannot govern like us because we, the Defense Services, have seized power and are administering the country with martial law".

Editorials published on 1 and 2 May 1991 in the official Working People's Daily indicated that the SLORC believed that the military would have to continue to direct the country's political development for a dozen or more years. The 1 May editorial likened the SLORC to the Revolutionary Council, the body of military officers who seized power from a civilian government in 1962. It declared that the SLORC was a "second Revolutionary Council", and that it was "identical" to the Revolutionary Council in that it had taken "responsibility to change over" the country "from one system to another opposite system". Explaining it had taken the military 12 years from the time of the formation of the Revolutionary Council to "change the country over from a multi-party democracy to a socialist democracy system"¹², the editorial declared that the military's current efforts to "change over from a single-party system to a multi-party system" must also be "gradual". Otherwise "the whole country will run into social and economic hardships and may even disintegrate". It suggested that the military might have to stay in power even longer this time, because the SLORC had both to "restore law and order" and "rebuild and reform the country". Finally, it noted that once the SLORC finished its work of introducing and enforcing "laws regulating social life, strengthening State structure and protecting [the] construction of a new State", it would then gradually "transform itself into a Nation Building and Reform Council to the degree that law and order has been restored".

The 2 May editorial declared that in attempting to carry out the first phase of the military's work, the SLORC had "especially to combat all-embracing demands" for political change. "It had to thwart all

¹²After the military takeover in 1962, the country's official ideology was known as the "Burmese Way to Socialism".
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bids" by political parties "to secure State power through" a "short-cut". In "performing the duties of a reforming and rebuilding government during" what the editorial said was a "transitory period", the SLORC had to be considered to "stand on a much higher plane than an ordinary interim government". Because of the military's long-term political goals, the SLORC could not be expected to be "a temporary political government", one that "only rode over a political storm and restored normalcy". At the same time, it had to be accepted that "the present Myanmar situation does not permit any one single party or a coalition of parties to form an effective interim government," because in the military's view, "such a government would retard the work of restoration of stability and implementation of development programmes". If such a government took power, the nation would "run into a conflagration". This was why the "political programme for the period when the SLORC is trying to achieve national objectives is nothing else than the Proclamation 1/90."

On 14 May 1991, Major General Khin Nyunt said that political parties should stop "shouting at the top of their voices for transfer of power like a baby crying for milk". Instead, he said, they must "work for the emergence of a strong and firm constitution" through a National Convention. He said that at this "National Convention discussions will be held for the emergence of a firm constitution." This, would "be done in consultation with leaders of the political parties, representatives elect of the parties, representatives and leaders of the various nationalities and respectable veteran politicians." The SLORC would "submit worthy suggestions" to the convention "for the future good of the State".

In an interview at the end of July 1991, Nyunt Swe, the Myanmar Ambassador to Thailand, outlined a process of three or four steps by which a constitution would be drafted. He said he hoped that "the Election Commission is going to conclude soon the election report and the namelist of qualified members of parliament", after which the SLORC would "organize the National Convention", which would "then set up a committee to draft the constitution". He declared, "as for the National Convention, we can expect it this year", but when asked "how long will the constitution drafting process take," he replied, "I have no idea."

The Ambassador explained that once it had received the Election Commission report, "the SLORC will ask qualified members of parliament and members of the national races to participate in the National Convention." He noted that there were altogether 135 "national races" in the country, and that at least some of those to be invited by the SLORC to participate in the convention might first have to be designated through a process by which "their people choose them as their representatives".

The Ambassador also broached the possibility that the drafting of a new constitution would be followed by new elections to replace the assembly elected in 1990. He said whether and when new elections would be held "depends on what the new constitution says".

Warnings to opposition political figures

The SLORC has accompanied its assertion of its right to rule according to martial law authority and its refusal to hand over power to civilian politicians with repeated warnings that those who oppose its authority and demand a transfer of power will be arrested or otherwise "destroyed".

On 1 February 1991, the chairmen and representatives of 58 political parties based in Yangon, including the NLD, attended a meeting convened by Major General Phone Myint, a member of the SLORC who is also Minister of Home and Religious Affairs, Minister of Information and Culture, and Secretary of the

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National Intelligence Bureau. The major general explained that the SLORC had not allowed "the formation of political parties in order for them to attack" the military, and accused "some political parties" of "condoning unrest". He said the SLORC would "take prompt, definitive action against any individual or party that tries to cause disturbances" in connection with efforts to bring about a "transfer [of] power to a civilian government". He added, "Let me make it clear here that we will smash any enemy who plans to attack us. That is why we have called in the leaders of the political parties."

On 27 March 1991, Senior General Saw Maung admonished political parties that "they should not waste their time or energy making criticisms and wild accusations and spreading rumours" critical of the military. He reminded "the organizations concerned that if they ignored" his warning "and continue to make slighting remarks and taunt the Defense Services, they will only be passing judgement on their own fate." He alleged that "some political parties" were doing "all sorts of things in a tricky manner saying it is their democratic right", and that "some politicians from political parties" were "openly as well as covertly exploiting the law to adopt a confrontational attitude". All levels of the military administration, including those in the "villages, wards, townships, States and Divisions", were instructed to "always be on the lookout against and report to higher authorities the acts and insidious plots of those people so that they do not get the upper hand."

In a speech on 25 June 1991, the senior general declared that following the elections of 27 May 1990, the SLORC had considered its "next task...to control the parties according to the rules". In this connection, he noted, "priority is being given to ensuring the prevalence of law and order." On 24 July 1991, U Saw Kyar Doe, the presiding chairman of the Election Commission, which had overseen the May 1990 elections, gave a further explanation of the SLORC's stance vis-a-vis the parties that had participated in it. He said that "since the leaders of the nation today are soldiers, they will not permit any deviation from the path," and warned that "if there are obstacles along the way, these will be removed and overcome." The military leaders would, he said, "march until their goals are attained".

The authorities' efforts to compel politicians either to proclaim their loyalty or admit their opposition to the SLORC and its policies were enforced through the administration of a lengthy questionnaire, the distribution of which reportedly began in March 1991. It contains more than 300 detailed questions about political views and related matters, which politicians were required to answer in writing.¹³

Among the questions on which politicians had to give their views were why the military had formed a Revolutionary Council to rule the country in 1962; whether the military was right to do so; whether it was true that up through 1988 the military had "silenced" democracy; whether the military was "right or wrong" to take power in September 1988; and whether since then there had been "an on-going conflict" between the military and the population.

Politicians were also asked to state whether it was "considerate" of political parties to accuse military figures of "abuses of power" before the SLORC was formed in September 1988; and whether now that the military had permitted the formation of political parties they should be allowed "to attack the SLORC politically". They were asked what their own role in the uprising of 1988 had been; and whether they agreed with the SLORC's belief that the uprising was the result of "organization and agitation" by both communist elements and the United States Central Intelligence Agency. They were further asked to state whether they agreed with the SLORC's assessment that political parties were wrong to suggest that the

¹³Amnesty International has obtained a copy of the document, and the quotes below are taken from an unofficial translation of it. AI Index: ASA 16/10/91Amnesty International December 1991

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country's insurgency problems could be solved by "a political solution through negotiations"; and whether they believed that someone, like NLD Secretary General Daw Aung San Suu Kyi, "who has married to a foreigner"¹⁴ should become a "leader of Myanmar". They were asked whether civil servants should be allowed to be "involved in party politics"; and whether students should be allowed to "meddle with party politics". They were asked whether they agreed that it was a national "tradition" that the seizure of power by the military should be accompanied by the enforcement of martial law. They were also asked specifically whether they agreed with the NLD's call in the Gandhi Hall Declarations for the convening of the People's Assembly and a transfer of power, whether students and monks in Mandalay had been "correct" to organize "observance" of the second anniversary of the events of 8 August 1988; and whether well-known anti-government Buddhist monks in Mandalay were "genuine" monks or merely "politicians in monks' robes".

¹⁴Daw Aung San Suu Kyi is married to a national of the United Kingdom.
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New legal tools against politicians

Two martial law pronouncements were issued by the SLORC on 10 July 1991 which provided the military with additional tools to use against political opponents who had participated in the May 1990 elections. SLORC Law No 10/91 and Order No 4/91 gave the authorities greater powers to bar from being members of parliament and from running again for election to parliament various categories of people who had run in the 1990 elections, including those who had won seats.

Law No 10/91, signed by Senior General Saw Maung, retroactively amended the People's Assembly Election Law promulgated on 31 May 1989. It inserted new provisions into the election law allowing the SLORC to broaden as it saw fit the categories of elected members of parliament who "shall have no right to continue to be a Peoples Assembly representative". Other amendments also made it possible to prevent people from participating in any new elections for periods of five or more years. Candidates who had been elected in 1990 were to be barred from membership in parliament if they had been convicted of any offence deemed by the SLORC to be one "relating to law and order or an offence relating to moral turpitude". Any member of parliament "convicted of high treason or an offence liable to a sentence of death" was now not only to be barred from taking the seat to which they were elected in 1990, but also to be barred permanently from taking part in any future election. Members of parliament convicted of other offenses or who failed to submit reports on election expenses "as prescribed" were not only to be disqualified from the 1990 elections, but also "to have no right to stand for election...within ten years" of the date on which they were disqualified.¹⁵ Finally, people who had run but failed to win the election in 1990 and were declared disqualified for any reason were banned from participating in elections for five years from the date of their disqualification.

Order No 4/91, signed by Major General Khin Nyunt, defined the offenses which the SLORC now deemed as "relating to law and order" to include:

"high treason, sedition, misprision of high treason, offenses under the 1950 Emergency Provisions Act, offenses under the Official Secrets Act, offenses relating to arms, offenses of immigrating illegally to a foreign country, offenses of immigrating illegally from a foreign country."

The definition of "moral turpitude" included:

"theft, robbery, banditry, cheating, misappropriation, adultery, rape, kidnapping, abduction, slavery, forced labour, assault of criminal force to a woman with intent to outrage her modesty, offenses relating to pregnancy, offenses under the 1974 Narcotics and Dangerous Drugs Law, offenses under the Gambling Law, offenses of bribery and corruption, offenses under the Public Property Protection Act, offenses under the Public Property Protection Law, offenses relating to foreign exchange, offenses under the State Flag Law, offenses under the Printer and Publishers Law, and offenses under the People's Assembly Law."

According to foreign news media reports citing sources inside the country, Law No 10/91 and Order No 4/91 were seen by the opposition as having been issued by the SLORC to give it "even more flexibility" in dealing with it. They were reportedly seen as designed to make it possible legally to eliminate from political life the members of parliament and other political party figures most strongly opposed to Declaration No 1/90. This new martial law legislation was apparently applicable to many of the NLD and

¹⁵The ten-year ban was also applied to the election agents of those disqualified in connection with election expense submissions. AI Index: ASA 16/10/91 Amnesty International December 1991

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other political party activists arrested or tried between January and July 1991.

Warnings to students and civil servants

Warnings to students, which sometimes incorporated additional warnings to political parties, were issued in connection with the reopening of Myanmar's universities, colleges and other centres of tertiary education. These centres, which had been closed since 1988, were gradually reopened during the January-July 1991 period.

When medical and dental schools were allowed to reopen in Yangon on 15 January 1991, rectors who greeted the more than 1,000 students who arrived to attend class reportedly warned them "not to become involved in matters that did not concern them and to pursue their education". On 1 April 1991, Major General Khin Nyunt declared that if opposition politicians made "attempts...to cause unrest" among young people when universities and colleges were reopened, "effective action" would be taken against them. He indicated those against whom such action would be taken included "political parties and organizations" which were advocating the "drawing [up] of [a] provisional constitution" and the "formation of [an] interim government".

By the end of April 1991, foreign news media reported that "students and their parents [had] been ordered to sign documents pledging that classes will not be disrupted" when tertiary education centres reopened. The SLORC reportedly "required students, parents and teachers to give signed guarantees there will be no recurrence of the campus disorders of 1988".

On 13 May 1991, Colonel Pe Thein, a SLORC member and the Minister of Health and Education, told a gathering of faculty and students from Yangon-based universities that the SLORC was concerned that "some politicians" were "trying to make political gain and cause disturbances when" tertiary education centres in Yangon reopened. He warned that "if someone goes astray and causes disturbances, schools will be closed down again". He said students should not be concerned about whether there would be a transfer of power, because this was "being done according to what has been declared by the state." He added, "this being the case, it is necessary for the students to concentrate on their studies." He also warned teachers to "stay free from party politics".

In a speech to the same gathering, Major General Myo Nyunt reiterated that the SLORC would "not tolerate any attempt to test our strength". He warned that the SLORC was aware of "the diabolical schemes and deeds aimed at disrupting peaceful studies by some political parties which," he said, "were only interested in gaining power". He explained that "political parties...which are demanding the immediate transfer of power...intend to politically exploit the situation once the universities are reopened." He said they intended to have students wear traditional clothing symbolizing nationalism on the day universities reopened and "to instigate disturbances by demanding the transfer of power on 27 May - the anniversary of last year's elections". He warned the SLORC would "not tolerate such attempts to disrupt and threaten peaceful studies". He said it would "not stand idly by" in the face of efforts by political party figures to conduct political activities among students, and specifically that it would "make effective use of force as a preventative measure if...political parties...exploit the students engaging in peaceful studies."

The next day, Major General Khin Nyunt reiterated the SLORC's concern and admonitions. He said some students had been "made use of by the political parties and they were sinking in the whirlpool of party

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politics," and had therefore "embraced the wrong ideology". He said that "to be able to pursue education when the schools open, it is of vital importance to stay away from party politics, groups from outside, opposition political groups from outside, and from opposition political groups." Therefore, he said "students should not engage in party politics, but stay away from them and attend classes". He said the SLORC would "allow them to form associations of majoring subjects, social, religious, cultural and sports associations," but that it would "not accept, by any means, any activities in connection with party politics".

Warnings to civil servants, who include military personnel and teachers in all state education centres as well as judges in military tribunals and civilian courts, were contained in a questionnaire similar to the one distributed to political party figures which was sent to all government ministries on 1 April 1991 for all "service personnel" to fill out.¹⁶

Although shorter than the questionnaire for politicians, it also compelled civil servants to state their attitudes to the SLORC. It explained that civil servants were being required to fill out the questionnaire "in order to survey their unswerving loyalty", and told civil servants to make sure that the SLORC received their replies by 30 April 1991. The questionnaire noted that "government employees have been repeatedly warned not to be involved in politics", and declared that "if, despite these repeated warnings, anyone was "found to be engaging in politics, they will be removed from service immediately without further departmental investigation", and would be further "dealt with according to existing government rules and regulations".

In a speech on 25 April 1991, Major General Myo Nyunt said that it was the duty of civil servants to provide information to the SLORC about the political activities of their children, and in particular about the activities of those who had fled to border areas to join armed insurgent movements or otherwise left home to engage in "underground" political activities. He said that the SLORC knew that "some children of senior officials are among the youths who have gone missing, some senior officials have not informed the authorities about their missing children," including those who had secretly returned home. He warned civil servants that: "Information in hand should be reported accurately and without any reserve", and that if the SLORC learned "about the failure to give information, effective action will be taken against those concerned."

On 30 April 1991, the day that questionnaires for civil servants were due to be submitted, the SLORC issued "Order No 1/90, Compelling Conduct of Public Service Personnel to Be Clear of Party Politics". The order stated that:

- "a. Public service personnel must not engage in any party politics. They must not provide financial assistance or support by other means to any political party.
- b. They must not be a member of any political organization.
- c. They must prohibit their dependents or persons under their guardianship from taking direct or indirect part in activities that are aimed at opposing the government.
- d. They must not be party to any labour association, organization, union and other like bodies not formed

¹⁶Amnesty International has obtained a copy of this questionnaire and the quotes that follow are from an unofficial translation of it.

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in accordance with the rules occasionally announced and prescribed by the government."

The order concluded with the statement that "effective legal action will be taken against public service personnel who violate the stipulations of this order", and added that the order itself "shall have the effect of law".

Effect of restrictions on political parties

The arrests, warnings and new measures restricting and penalizing non-violent opposition to the SLORC have greatly stifled the political atmosphere and left the remnants of the NLD and other legally-registered political parties with fewer opportunities than ever before to make their views known. Some indication of the constraints political parties were already facing by early 1991 is contained in an interview given by U Aung Shwe, the NLD's Acting Chairman, and U Lwin, its Acting Secretary, in late January. This is apparently the only public statement party leaders made between January and July.

U Aung Shwe's and U Lwin's interview was given to visiting Thai journalists in late January 1991. According to the journalists, the two party leaders talked to the journalists only "upon short notice from the SLORC permitting them to speak" in "a military guesthouse room filled with gloomy silence and responses that carefully toed the government line". They quoted U Lwin as telling them that: "It's very wise for us at the moment to stop contact with newsmen, foreign media and foreign embassies, so that we can always say to the authorities that we have no official contact with them." He added, "We have also issued an instruction to our members that no one is allowed to meet foreigners or newsmen or to release any information whatever without our knowledge." He and U Aung Shwe were quoted as saying it was also "very inconvenient" for the NLD to conduct political work, and for the "moment, we cannot do anything". U Lwin said that the party still hoped that "sooner or later...the government will organize a national convention or something very similar to that", and that after that it would "eventually...convene a parliament", although he said "I don't know how long" this might take. He said the NLD could "only enter the parliament after the government allows us because this is [a] country that is still ruled by the SLORC".

U Aung Shwe and U Lwin explained that the party was not allowed by the SLORC to release public statements or newsletters and was prohibited from the use of any duplication machine or process. Thus, according to U Aung Shwe, "when we want to issue an instruction, we have to type every sheet of paper." When U Lwin told his Thai interviewers that he had been "interrogated maybe more than seven times", U Aung Shwe admonished him not to talk about "interrogation" by the SLORC, explaining that these were "very confidential talks that we cannot divulge to anybody because we had signed a document stating we would not do so." He said the NLD leaders still at liberty only knew about "what's happening with our people under detention" through SLORC official pronouncements, and all he could say about Daw Aung San Suu Kyi was that "she's still alive."

By this time, the SLORC was also reportedly applying pressure to members of the NLD leadership still at liberty to expel from the party Daw Aung San Suu Kyi and other NLD leaders who had been detained in 1989 or 1990.

The SLORC alleged that Daw Aung San Suu Kyi acted illegally when she "toured various places and

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gave several talks to make the people misunderstand the Tatmadaw¹⁷ and "alleged that the Tatmadaw was fascist and slandered it." More generally, she had allegedly "made arrangements for creating mass uprising" against SLORC rule. More specifically, she had allegedly had conversations with two students who had joined the insurgent ABSDF and then visited or stayed at her home. She allegedly gave money to one, and told the other that she thought "the presence of students outside the country was a strength for democratic alliances". Such "acts of providing help to members of an insurgent group, receiving and looking after them and holding discussions with them" were said to be "violations of the law".

As for the NLD "intelligentsia", they had allegedly:

"quoted a motto: 'Defy All Authority' (which had been translated from an ideology of American philosopher Henry David Thoreau) at every talk they held. They also printed his motto on the covers of their journals. They disobeyed orders and directives and breached laws and formed mobs. They held talks to imbue the people with a sense of opposing the government."

By mid-March 1991, the SLORC was reportedly applying intensified pressure on the four NLD Central Executive Committee members still at liberty to expel Daw Aung San Suu Kyi and other party leaders who were either under restriction orders or imprisoned. The reports cited information that SLORC officials had alleged that Daw Aung San Suu Kyi had committed 17 different criminal offenses. On 20 March 1991, the Election Commission announced that one of the four, Daw Myint Myint Khin, a 58-year old lawyer and Secretary of the Yangon Bar Council, had "been allowed to resign" from the party leadership. According to foreign news media reports, she was a close friend and strong supporter of the views of Daw Aung San Suu Kyi, and information from inside the country indicated she felt compelled to resign because of the SLORC pressures for the general secretary's expulsion.¹⁸

On 23 April 1991, the Election Commission announced that it had been informed by the NLD that the party's original nine-person Central Executive Committee headed by Daw Aung San Suu Kyi and U Tin U had been "invalidated" effective from 26 March. According to the SLORC announcement, the NLD had informed it of the formation of a new ten-person Central Executive Committee headed by U Aung Shwe as party Chairman and U Lwin as party Secretary.¹⁹

¹⁷ Tatmadaw is the Burmese word for the armed forces.

¹⁸ Daw Myint Myint Khin had been one of the first prominent figures to condemn alleged unlawful killings of demonstrators by the security forces in August 1988. She was detained on 20 July 1989 and held as a prisoner of conscience until April 1990 without charge or trial.

¹⁹ According to the announcement, the announcement gave the composition of the old Central Executive Committee as:

Chairman: U Tin U
General Secretary: Daw Aung San Suu Kyi
Secretary: U Win Tin
Secretary: U Chit Khaing
Officials in charge:
Research Department: U Kyi Maung
Organization Department: U Aung Shwe
Treasury Department: U Lwin
Information Department: U Aung Lwin
Mass and Class Department: Daw Myint Myint Khin

Of these, U Tin U, Daw Aung San Suu Kyi, U Win Tin, U Chit Khaing, U Kyi Maung, and U Aung Lwin are either denied liberty under restriction orders or imprisoned.

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The SLORC then took measures to suppress any opposition to this decision within NLD ranks. Thus, according to Major Than Tun, the Deputy Director of Defense Services Intelligence, on 26 April 1991 the intelligence services discovered that despite the announcement of their expulsion, paintings of U Tin U and Daw Aung San Suu Kyi were still on display at the Mayangon Township office of the NLD. On 29 April, military intelligence discovered that a slogan describing them as "life-long leaders" of the party was on display at the NLD Lanmadaw Township Office. U Myint Thein, an NLD Township committee member, was therefore summoned for interrogation. He is said to have told the intelligence services that he knew nothing about the slogan, and to have suggested it might have been put up by NLD youth activists. According to Major Than Tun, after U Myint Thein's interrogation, the slogan was removed.

The nature and impact of continued SLORC pressure on the NLD leaders was reported in early May 1991 by foreign news media. Party secretary U Lwin was said recently to have "endured lengthy interrogations almost daily" by the SLORC intelligence officers. Chairman U Aung Shwe was said to have been led by fears among his family that he might have to "face the same fate as" his imprisoned predecessors, "to keep a low profile and a non-confrontational stance towards the military".

In June 1991, the DPNS, one of the few legally-registered political parties still trying to remain active, described its situation in a report from the party's headquarters in Yangon to its branches in Myanmar's Divisions and States. The document reiterated the DPNS's goals, namely, "democracy, national unity, equality of the Union's national races, peace in the country, and emergence of a modern state". However, it described the "political climate of the time" as one characterized by "various hardships". It explained that the party was not "able to publish its political and organizational papers and pamphlets" because the SLORC's revocation of its authorization to do so remained in force. It also explained that the "party headquarters is in financial difficulties" because martial law prohibitions on public gatherings were being enforced in such a way that "fun-fairs to raise party funds are not allowed". It also revealed that the DPNS General Secretary, Zeya, had been detained twice in 1991, most recently from 24 May to 6 June; and that two other party Central Executive Committee members, Nyein Chan and Aung Aung, had also been detained for part of May and June. It called on local party chapters to "send lists of arrested party members" to headquarters.

Arrests of political prisoners, January-July 1991

Arrests of NLD, LDP, AFPFL, MNDF and student and Buddhist monk activists, January-February 1991

The SLORC itself or opposition and other unofficial sources have named 32 NLD members of parliament, NLD members or sympathizers, members or sympathizers of other political parties, student activists and Buddhist monks who were arrested in January 1991 or early February 1991 and are known or appear to be still in detention. NLD members or sympathizers named as arrested include: Dr Zaw

The announcement gave the composition of the new Central Executive Committee as:

Chairman: U Aung Shwe

Secretary: U Lwin

Treasurer: U Nyunt Wai

Members: U Shwe, U Than Tun, U Hla Pe, Y Mya Lay, U Soe Myint, U Lun Tin, U Min Wai.

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Myint, U Mya Win, U Hla Pe, U Soe Thein, U Tin Aye, U Khin Maung Tun or U Khin Maung Htun, David U Hla Myint, U Thein Lwin, U Aung Myint Sein, Ko Thet Lin, U Chit U Maung, Daw Pyo, U Nyi Nge Lay, Ko Min Maung Cho, Ko Thet Shay, Ko Aye Hlaing, U Saw Ne Dun or U Saw Nay Dun, Dr Daw Than Khin, Ma Ni Ni Dun and Daw San San Htay. Other political party figures named as arrested during the first two months of the year include U Bo Sa, a member of the League for Democracy and Peace (LDP); Daw Cho Cho Kyaw Nyein and U Saw Lwin, leaders of the Anti-Fascist People's Freedom League (AFPFL); and Nai Manachrod, who is believed to be associated with the Mon National Democratic Front (MNDF). Student activists named as having been arrested in this period include Aung Kyaw Myint alias Saw Ye Ni alias Naing Naing, Ma Saw Sanda Nwe, Ma Nu Nu Win and Aye Aye San, all apparently members or suspected members of the All-Burma Federation of Student Unions (ABFSU). Four Buddhist monks named as arrested include U Vimala, U Vasawa, Shin Thon Dara, and Nai Nawn Dho. The first three are apparently members or suspected members of the Young Monks Federation (YMF). Amnesty International believes that most of these people are probably prisoners of conscience.

Opposition sources have given a date of mid-January for the arrest of NLD member Dr Zaw Myint. According to official and opposition sources, he is a 48-year-old dentist in private practice who was elected to parliament from Hinzara-2 Township in Ayeyarwady Division, where he was an NLD organizer. He is described as having been a "very active" member of the Township strike committee during the 1988 uprising, at which time he left the civil service. Immediately after the military coup, he was detained for 25 days, and joined the NLD upon his release. The authorities allege that he attended one of the meetings at the end of September 1990 at which NLD members of parliament "discussed formation of a provisional government" and "calling a second Gandhi Hall convention", ideas which he allegedly advocated "with great passion".

U Mya Win, aged 42, was elected to parliament as an NLD candidate from Ingabu Township in Ayeyarwady Division. Although official documents say he was "captured" on 9 December 1990, opposition sources believe he may not have been arrested until January 1991. He is said to be a rice merchant who had previously been jailed for nine years for participating in anti-government activities between 1974 and 1976. In 1988 he was a member of the Central General Strike Committee and Committee for the Formation of an Interim Government. After the coup, he became deputy secretary of the Democratic United Front, but after this party was banned he joined the Democracy and Peace League and then the NLD. He became a party organizer for Ayeyarwady. He allegedly attended three meetings in late September and early October 1990 at which NLD members of parliament discussed possibilities for "formation of a parallel government in Mandalay" or a "provisional government in the jungle".

Shortly after the reported arrests of Dr Zaw Myint and U Mya Win, on 26 January 1991, Major General Khin Nyunt declared that "measures" were "being instituted to take action, in accordance with the law, against 35" NLD or "pro-NLD independent" members of parliament who he said had "discussed and planned to form a parallel government in Mandalay and took measures to implement the plan". He also said that legal action had already "been taken against 21 persons" who he said had participated in discussions within the NLD about actions the party might take if the SLORC did not convene parliament in September. He furthermore stated that Dr Sein Win and 11 other members of parliament who he said had also been involved in such discussions had fled to border areas.²⁰ He noted that some two weeks after

²⁰ The 11 were identified as: "Paukkaung Township Hluttaw representative from the Party for National Democracy Sein Win; Mandalay Southwest Township (2) Hluttaw representative U Hla Pe; Shwedaung Township (1) Hluttaw representative U Than Kywe; Laymyethna Township representative U Si Maung; Pale Township Hluttaw representative U Tint Swe; Mogok Township AI Index: ASA 16/10/91 Amnesty International December 1991

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they had been declared "absconders", ten of them had formed the National Coalition Government of the Union of Burma. He also said that according to the SLORC's investigations, it was only after they had reached border areas controlled by the insurgents that some of them had decided to advocate a "programme of protracted armed struggle" and therefore "formed a parallel government with the assistance of the insurgents".

Foreign news media reports have named four senior NLD members who they say were arrested in January 1991. The four - U Hla Pe, U Soe Thein, U Tin Aye, and U Khin Maung Tun - had all been elected to parliament in May 1990. All were ex-army officers or former senior officials of the Burma Socialist Programme Party, which was dissolved as a result of the 1988 uprising. They are said to have been arrested on 16 January 1991.

U Hla Pe, a former army colonel believed to be in his 60s, was elected from Launglon-1 constituency, Bago Division. He is said to be a political associate of the original NLD Chairman U Tin Oo, with whom he was once jailed for allegedly plotting the assassination of General Ne Win. He once commanded a light infantry division and the Northern Military Command. He is described as having been one of two most important NLD organizers for Bago Division, and is said also to have been a member of the NLD Central Working Committee as well as of the Patriotic Old Comrades League which groups former army officers who support the NLD. In the period before the elections in May 1990 he is said to have been a strong advocate of pressuring the SLORC to lift all martial law restrictions on civil and political liberties. In the period after the elections, he is said to have been in favour of convening the People's Assembly and transferring power "as soon as possible" and of the release of all political prisoners. It is believed he was arrested for alleged involvement in the discussions to form a counter-government. So far it is not known whether he has been sentenced.

U Soe Thein, another former army colonel, had been decorated while in the military for his successes in fighting Nationalist Chinese (Kuomintang) troops that had invaded the country. He had reportedly been chairman of the Burma Socialist Programme Party's organization in Magwe Division until 1977, when his membership was terminated for allegedly having attempted to bring about the ruling party's "disintegration". After joining the NLD, he became a party organizer in Magwe Division and was elected member of parliament for Sagaing-1 constituency. During 1990 he was detained for interrogation for allegedly having passed information about NLD activities to foreign news agencies, but then released.

U Tin Aye had been principal of the Central Institute of Political Science during the rule of the Burma Socialist Programme Party and appears to have been an associate of U Tin Oo, the original NLD Chairman. U Tin Aye's membership in the Burma Socialist Programme Party was reportedly terminated at the same time and for the same reason as that of U Soe Thein. He is said to have been a member of the NLD Central Committee and a party organizer for Mandalay Division. He was elected to parliament from Mandalay Southeast-2 constituency.

U Khin Maung Tun alias U Khin Maung Htun is believed to be a former army officer who once commanded the Northeast Command. He is also reportedly the former Director General of the national Post, Telegram and Telephone service. He was elected to parliament from Hmawbi-2 constituency of

(2) Hluttaw representative Bo Hla Tint; Yay-U Township (2) Hluttaw representative U Win Ko; Kyaukkyi Township Hluttaw representative U Tun Oo; all from the NLD; and independent Hluttaw representative from Pyin-Oo-Lwin Township (2) Peter Lim-bin; and independent Hluttaw representative from Ingapu Township (2) U Sann Aung". Than Kywe later returned to Yangon. U Si Maung reportedly died in the forest before reaching insurgent-controlled territory.

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Yangon Division.

Opposition sources say that NLD member of parliament U David Hla Myint, aged 37, was arrested on 15 January 1991. They said in addition to having been elected from Ngapudaw constituency, he was a party organizer for Ayeyarwady Division. They said he was arrested because at his NLD office in Patheingyi where both Myanmar and NLD flags were flying, both were flown at the same height, "instead of having the NLD slightly lower".

Opposition sources say that sometime between 9 and 12 January 1991, the authorities arrested U Thein Lwin, an NLD organizer for Bago Division who had previously been imprisoned in 1982 for "writing documents and informing people about the wrongdoings of the government". He was reportedly arrested at his home in Yangon by military officers who searched it for documents and took him away handcuffed and with a sack over his head. Opposition sources believe he was arrested because he was a prominent NLD activist in Bago, where there had been strong support for the idea of the formation of a counter-government. Within the NLD organization there, he is said to have functioned as a sort of "information officer" whose responsibility it was to report to the party about SLORC actions against it. They say he was not involved in the discussions about forming a counter-government.

Opposition sources have named 13 people who they believe were arrested between early January and early February 1991 in Paukkaung Township, Bago Division. Most of the arrests have also been confirmed by the authorities. Opposition sources describe almost all of those they say were arrested as NLD members or sympathizers, while the authorities accuse those whose arrests they have confirmed as working for or with the underground organization of the BCP or of involvement with plans for the formation of a counter-government, or both. Their arrests followed those in December of two other people from Paukkaung whom the authorities alleged were links between the BCP underground and NLD elements in favour of the formation of a counter-government.

The two said to have been arrested in December are U Chit Hsaung Oo, aged around 40, and his younger brother Ko Naing Lwin Cho, believed to be about 33 years old, both civil servants. The thirteen said to have been arrested between early January and early February are U Aung Myint Sein, Ko Thet Lin, U Chit U Maung, Daw Pyo, U Nyi Nge Lay, Ko Min Maung Cho, Ko Thet Shay, Ko Aye Hlaing, U Bo Sa, U Saw Ne Dun or U Saw Nay Dun, Dr Daw Than Khin and Ma Ni Ni Dun. Some opposition sources say they think U Chit Hsaung Oo may have had some contacts with former BCP activists, but point out that there are many former BCP members in the Paukkaung area because the communist movement had historically been strong in the region. However, the sources are sceptical of the authorities' allegation that he and his brother were working under the organizational discipline of the BCP at the time of their arrest.

Sources explain that U Chit Hsaung Oo had been "very active" during the uprising of 1988, including as a member of a local strike committee, and that Ko Min Maung Cho had been active as the head of the unofficial union in the government office where he worked. Neither were said to have been particularly prominent politically in 1989 or 1990 because their positions as civil servants made it impossible for them to be publicly active. However, the two brothers were said to have been critical of the SLORC in private, and their names were believed to have been included in a list of opponents of military rule provided to military intelligence officers by local members of the National Unity Party.

Opposition sources say that on 26 December 1990, military intelligence officers first seized and

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handcuffed U Chit Hsaung Oo, and then picked up Ko Naing Lwin Cho. They believe that the interrogation of the two men by military intelligence then led to the arrest of U Aung Myint Sein and Ko Thet Lin on 2 January 1991. They describe U Aung Myint Sein as a 38-year-old teacher in a state high school who was a "leader" of opposition activities in 1988 and a member of the opposition general strike committee formed at that time. They say that "as a civil servant," he "did not have a formal political role after the coup", but spoke out in private in favour of the NLD. They describe Ko Thet Lin as a member of the NLD Paukkaung Township Organizing Committee in his early 30s who worked at his family's sawmill. A member of a strike committee in 1988, he is said to have been involved in NLD campaigning activities in 1989 and 1990.

Opposition sources say they believe the interrogation of Ko Thet Lin may have produced information that led to the arrest of other NLD activists and supporters in Paukkaung, including Ko Thet Lin's elder brother, U Chit U Maung, and the two men's mother, Daw Pyo. U Chit U Maung, believed to be in his early 40s, is said to have been active in Paukkaung strike activities in 1988 and to have "played a major role in electioneering" as an NLD organizer in 1989 and 1990. Daw Pyo, believed to be in her early 60s, is said not to have been active politically, and it is thought she was arrested merely because of the political activities of her two sons.

The interrogation of Ko Thet Lin is believed also to have been a factor in the arrest of NLD and other political party figures associated with U Than Htut, the Vice Chairman of the Township NLD organization. U Than Htut had reportedly headed the Paukkaung Township Strike Committee in 1988. It is speculated he had been a focus of military intelligence attentions since late 1990 because he had fled and become a minister in the NCGUB, and also because he was known to be a close friend of NCGUB Prime Minister Dr Sein Win. U Than Htut was therefore suspected of involvement in discussions about the formation of some kind of counter-government to the SLORC. U Than Htut had reportedly already gone into hiding when military intelligence officers tried to arrest him, and when after a period of time they didn't find him they arrested his NLD colleagues and his relatives.

Among those arrested were U Saw Nay Dun, the NLD Township Chairman, who is believed to be in his 60s. He was known to have joined the communist movement in the late 1940s, but is said to have separated himself from it in the 1970s and returned to take up residence in Paukkaung after a government amnesty. Because of his age, he had not been particularly active in 1988, although some sources say he was engaged in strike committee activities. There are conflicting reports about the date of his arrest. According to one source, he was arrested in late January or early February. According to another, he managed to evade arrest until March.

Also reportedly arrested were U Saw Nay Dun's wife, Dr Daw Than Khin, and their daughter, Ma Ni Ni Dun. Dr Daw Than Khin, who is believed to be in her early 60s, reportedly ran a private clinic at which NLD figures sometimes received medical treatment. Ma Ni Ni Dun, believed to be in her late 20s, worked in the clinic as a receptionist. She is said to have graduated with a degree in economics from Rangoon University. According to one report they may have been among a group of 37 people arrested in Paukkaung during this period who were released after 28 days, but other sources believe they may still be held. U Saw Nay Dun was one of the 34 people who were sentenced to long prison terms in late April or early May 1991. He is said to have received a 20-year sentence for "High Treason" under Section 122 of the Penal Code along with two other people whose names are not known. It may be that they are his wife and daughter.

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Relatives of U Than Htut who were arrested in 1991 reportedly include his younger brother, Ko Min Maung Cho; two of his cousins, Ko Thet Shay and Ko Aye Hlaing and his father-in-law, U Nyi Nge Lay. Ko Min Maung Cho and Ko Thet Shay, both believed to be in their early 30s, had been members of the Paukkaung strike committee in 1988 and were secretaries of the Township NLD committee at the time of their arrest. Ko Aye Hlaing, believed to be in his late 30s, was also reportedly active in 1988, but because he was a civil servant "took a rest from politics" after the military coup. However, he is described as having been an influential local figure, particularly among students. U Nyi Nge Lay is believed to be in his mid-50s. Nothing more is known about him except that he is described as being an NLD member.

Another Paukkaung political figure reportedly arrested in late January 1991 was U Bo Sa, the Chairman of the Township organization of the League for Democracy and Peace. Believed to be in his late 60s, he is said not to have been particularly active politically because of his age. Opposition sources speculate that his arrest was related to suspicions that he might have contact with supporters of U Nu, the party's patron, along the Thai-Myanmar border.

The official allegation that those arrested in Paukkaung were working for or with the BCP was given by Major General Khin Nyunt in a press conference on 26 January 1991, in which he also asserted the existence of links between "BCP UGs" and advocates of the formation of a counter-government.

He explained that on 10 and 11 December 1990, the authorities arrested two people he alleged were important "underground" (UG) operatives: Maung Ko alias Maung Lay in Mandalay and Kyaw Mya in Yangon. He described Maung Ko as "BCP UG 4828 Party Regional Committee Secretary" and Kyaw Mya as a "4828 Party Regional Committee member" and "the most active kingpin in the whole UG network". He said Maung Ko was arrested along with his "courier", Kyaw Maung, and that Kyaw Mya was arrested along with his wife, Ma Khin Mar alias Tin Lay Yi, whom he said was a "BCP UG telegraph operator".

They allegedly organized BCP structures in Upper Myanmar after the coup, and also made attempts to recruit opponents of the SLORC in order to set up a "Democratic Peoples Army", a special armed force which the BCP had tried to set up after the SLORC seized power. At the same time, their "activities" were said to have included "working with the legal political parties" in "above-ground political undertakings", which the BCP hoped would "lead...to eventual armed undertakings".

Major General Khin Nyunt said that as a result of the arrests in early December 1990 of Maung Ko alias Maung Lay and Kyaw Mya, the authorities "were able to expose BCP UG leaders and members in all walks of life in Yangon, Mandalay, Madaya, Pyin-Oo-Lwin, Nawngkhio, Meiktila, Pyawhwe, Yamethgin, Pyay and Paukkaung." He said among those who were "exposed" were people who had completed military training courses with the Democratic People's Army, and who had then become "active in towns." Also "exposed" and arrested were 30 alleged BCP activists "who were working as services personnel", that is, in the civil service. They included two from the Ministry of Mines, five from the Ministry of Energy, two from the Ministry of Transport and Communications, one from the Ministry of Home and Religious Affairs, two from the Ministry of Cooperatives, three from the Ministry of Industry I, four from the Ministry of Agriculture and Forests, three from the Ministry of Planning and Finance, five from the Ministry of Education, one from the Ministry of Trade, one Law Officer, and one from the Accounts Office.²¹

²¹Major General Khin Nyunt did not name these people directly, but during his remarks mentioned the following people in AI Index: ASA 16/10/91Amnesty International December 1991

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According to official information, on 9 January 1991, the authorities in Yangon arrested Aung Kyaw Myint alias Saw Ye Ni alias Maung Maung and Ma Saw Sanda Nwe. Aung Kyaw Myint was said to be a member of the Central Executive Committee of the ABFSU-Lower Burma and Ma Saw Sanda Nwe a member of this "underground" student organization. The ABFSU continues to attempt to function as the successor to the umbrella group for student organizations with the same name which was formed in August 1988 to coordinate peaceful opposition to military rule.

According to opposition sources, Aung Kyaw Myint had become an organizer for the ABFSU-Lower Burma after the SLORC seized power in September 1988. Earlier, he had been a student at Rangoon University, and before the coup he had been active in the South Okkalappa area organizing strike activities. They say that at the time of his arrest, he was involved in student activities in both Yangon and Mandalay, and that he was arrested probably because the authorities suspected him of organizing contacts between Buddhist monks in the two towns.

Opposition sources also named a Buddhist monk and two more students who were apparently arrested in connection with the activities of the people mentioned above and are feared still detained. Shin Thon Darra, 48, a monk from Mon Yeiktha monastery, was reportedly arrested on 18 January 1991. The two students were among a group arrested in early February. Some were said to have been released after questioning, but two women students, Ma Nu Nu Win and Aye Aye San, are thought still possibly to be held. Both are believed to be in their early 20s.

Another young woman, Daw San San Htay, was said by opposition sources to have been arrested in January 1991, even though "she had already stopped her political activities". She had been a member of the NLD in the Kammayut Township of Yangon, and believed to have been detained by authorities of the township LORC.

On 11 January and 15 January, the authorities in Thinganggyunn Township arrested the Buddhist monks U Vimala and U Vasawa Pandi, both allegedly leaders of the banned Young Monks Federation (YMF). According to an explanation by Major General Khin Nyunt, they had been involved in efforts by the ABFSU and the YMA to "cause disturbances" and "unrest" and "disrupt political activity". He said U Vimala and U Vasawa Pandi were opposed to "SLORC orders No 6/90 and 7/90 for the perpetuation, purification and propagation of sasana"²², pursuant to which authorities had been arresting Buddhist monks and attempting to break up unofficial monks' organizations like the YMF since August 1990. He said they had therefore "made contacts with the members of the ABFSU-Lower Burma who had been consistently striving to" conduct anti-government activities in the capital. As a result, "meetings were repeatedly held" at Taikthit monastery in Thinganggyunn Township to discuss "measures for organizing and instigating democratic forces in town to protest the SLORC's Declaration 1/90" and "any other orders issued by the SLORC". U Vimala was accused specifically of "distributing agitative pamphlets", whereas U Vasawa Pandi allegedly "tried to procure external aid" for the opposition from an unnamed foreign diplomat.

contexts that suggested they were among the civil servants detained for alleged involvement in BCP UG activities: Htay Thein, Tin Myint, Maung Maung Lwin, Ye Min Htay, Tun Shwe, Hla Maung, Tun Tun Win, Kyaw Swe, Khin Maung Lay alias Zaw Hmaing Wai, Kyi Win, Than Shwe, Tint Shein, Naw Win, Hla Win alias Maung Maung, Myint Than, Hla Win, Aung Aung, Aye Htay, Khin Maung Lay, Kyaw Win and Win Aung. Amnesty International is attempting to find out more about them, but so far has not been able to discover any further information about their background or the reasons for their arrest.

²²Sasana is the Burmese word for religion.

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On 19 January 1991, the authorities detained Daw Cho Cho Kyaw Nyein, General Secretary of the legally-registered Anti-Fascist People's Freedom League (AFPFL) - Central Headquarters, for questioning. She had been detained for questioning once before, in July 1989. On 26 January, Major General Khin Nyunt alleged that she had been contacted by Saw Sanda Nwe of the ABFSU-Lower Burma to seek her assistance in "sending agitative pamphlets" to foreign embassies. He also alleged that in late 1990 Daw Cho Cho Kyaw Nyein had made arrangements for Saw Sanda Nwe to meet Shwe Hti, who he said was an emissary of the insurgent student organization, the ABSDF; and that Daw Cho Cho Kyaw Nyein had given Shwe Hti some money after he "begged" her for help. He further alleged that AFPFL Joint General Secretary U Saw Lwin had been involved in attempting to arrange meetings between Daw Cho Cho Kyaw Nyein and people "who had connections with Shwe Hti". He said that legal action was being taken against Daw Cho Cho Kyaw Nyein and U Saw Lwin for having "carried out above-ground and underground activities to cause unrest and instability".

Opposition sources have reported the arrests in January 1991 of two prominent members of the Mon ethnic minority in Yangon, Nai Nawn Dho and Nai Manawchrod. Nai Dawn Dho, believed to be in his mid-30s, is said at the time of his arrest to have been a Buddhist monk at Thwe Swe monastery in Bahan Township in Yangon. The authorities reportedly alleged that he was involved with a group of Mon Buddhist monks and cultural activists who had printed leaflets and books in the Mon language and script which diverged from the SLORC's view of inter-ethnic relations. He was said to have been arrested after he insisted on using Mon rather than Burmese to answer questions in a university exam. He is believed to have been tried in a civilian court and received a seven year prison sentence, but it is not known under what law.

Nai Manawchrod was a lecturer at Yangon University's Hlaing campus at the time of his arrest. He is said to have been a leader of the Mon Society, a legal cultural group, at the campus before 1988, but not to have played any role during the uprising that year. The reasons for his arrest are unclear, but it appears he may have been suspected of organizing Mon student activities after 1988 and perhaps also of involvement in the work of the Mon National Democratic Front. Although this party is a legally-registered one, his involvement in it would have been contrary to the SLORC rules that civil servants should not be politically active.

Arrests of NLD, DPNS, BUDP, UNDP and trade union activists, March-May 1991

Official and opposition and other unofficial sources have named 26 people who were arrested between March and May 1991 and are known or appear to be still held. They include 11 NLD members or suspected sympathizers: U Nwe Aye Tin, Ko Thet Aung alias Ko Htay Aung, Kyaw Zaw, Aung Kyaw Hein, Bo Bo, Ma Thi Thi San, Ma Tin Htwe, Aung Myo Naing, Robert Aung, Kyi Soe, and Dr U Mon alias Ko Mun. They also include U Kyi Myint, a leader of the Burma United Democratic Party (BUDP); nine leaders or people associated with the United Nationalities Democracy Party (UNDP), U Lu Win alias Victor Lau, U Maung Maung, U Saw Lin, Naw Sein Hmwe alias Cynthia, U Tin Tun, U Hla Win, U Sein Than, Saw Robert and Saw Elday; two trade union activists, Nay Lin alias Ne Win alias Ye Kyaw Swe alias Ye Kyaw Zwa and Maung Maung Htwe alias Ok Soe or Oke Soe; three student activists, Nay Myo U alias Tun Naung Lwin alias Ko Ko Gyi, Thuta Aung alias Thuta and Win Zaw. People whose names are not known were reportedly also arrested during this period. On 13 March 1991, the Democratic Party for a New Society (DPNS) is said to have held a ceremony at its headquarters in Yangon to mark the anniversary of the death of Phone Maw, a student who was allegedly killed by security forces on that date

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in 1988. Some 500 party representatives from various divisions and townships are said to have offered rice to monks and to have observed two minutes of silence to show their respect to Phone Maw. Several days later, according to opposition sources, the authorities arrested 13 people suspected of involvement in this ceremony, but Amnesty International has not been able to obtain the names of any of these. Amnesty International believes that many of them may be prisoners of conscience.

According to opposition sources, in March 1991, the authorities arrested U Kyi Myint, the General Secretary of the Burma United Democratic Party. They say he was a 44-year-old private tutor from Tha Ke Ta, in southeast Yangon. One day in class, he reportedly compared Senior General Saw Maung to Iraqi President Saddam Hussein, and referred to the SLORC Chairman as "Saddam Saw Maung". This is said to have been the reason for his arrest, and it is believed that he was charged according to the sweeping and vague provisions of Section 5 (J) of the Emergency Provisions Act. There have been allegations that he was severely beaten when he was arrested and during interrogation after he was detained.

In March 1991, the authorities in Dawe allegedly arrested U Nwe Aye Tin, a 42-year-old NLD member in Ye Kyaung Township. He is described as a businessman. There is no specific information about the exact reasons for his arrest, but it is believed to have been in connection with local NLD activities.

According to opposition sources, in April 1991, a group of students who were members of the NLD Youth in Hlaing Township of Yangon Division set up a traditional new years water festival stage²³. They had asked the ward and township LORCs for permission to do this, but permission had been denied. They proceeded nevertheless, and set up a stage over which they hung a banner with the word "peace" inscribed on it and portraits of nationalist heroes Aung San and Thakin Kodaw Hmaing²⁴. They reportedly distributed no leaflets or other materials and voiced no political opinions from the stage. However, they did declare that by setting up the stage they were acting "on behalf of all students" to "maintain...Burmese culture." On 14 April, soldiers seized two students from the platform, Ko Thet Aung and Ko Kyaw Zaw. However, they were released after the students agreed to remove the portraits of Aung San and Thakin Kodaw Hmaing.

The next day, the students found that electricity to the stage had been cut off and people in the neighbourhood were afraid to give them water because they reportedly feared military retaliation if they did. The students nevertheless continued with their water festival activities. On the morning of 16 April, soldiers came and forcibly removed the "peace" banner from the stage, and that night 11 students involved in the new years' celebration were arrested at their homes by military intelligence officers. Most were reportedly released after questioning, but two or three have been named by opposition sources as believed to be still held. They include the two seized earlier, Ko Thet Aung and Kyaw Zaw. The third is Aung Kyaw Hein. Ko Thet Aung is said to be in his late 20s and to have participated in the uprising of 1988. He is described as having been an NLD leader in his ward, and to have been responsible for explaining decisions of the central NLD leadership to local party members. Ko Kyaw Zaw is said to be in his late teens and a one-time member of a high school students union in Hlaing Township. Aung Kyaw

²³Celebrations of the traditional Burmese new year customarily include the dousing of people with water in order to "cleanse" them of the old year. This is done by throwing water on them from public stages temporarily set up for this purpose.

²⁴Aung San, the first prime minister of Burma, is Daw Aung San Suu Kyi's father. He was assassinated in 1947. Thakin Kodaw Hmaing was the co-founder of the nationalist Dobama Asiayone (Our Burma Association) in 1930, author and well-respected for his peaceful resistance to the colonial administration. The centenary of his birth in 1976 was commemorated by student demonstrations in Yangon.

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Hein is said to be in his late teens or early 20s and a member of the union.²⁵ They were at last report believed to be held in Insein prison.

Three other NLD Youth activists have also been named by opposition sources as having been arrested in April. One is Bo Bo, believed to be in his mid-20s, who was politically active in the high school student movement during 1988. He later went to work at the national headquarters office of the NLD Youth in Yangon, where he is said to have done clerical work. He was reportedly continuing to do such work at the time of his arrest. It is thought that he was arrested because of his activities in connection with Ko Ko Gyi, the imprisoned NLD Youth leader whose case is discussed below (see p. 51). The two other youth activists arrested were Ma Thi Thi San and Ma Tin Htwe. They are both from Pan Daw Gyi village in Tamwe. The exact reasons for their arrest is unclear, but it is believed they may have been accused of involvement in "underground" NLD activities.

On 7 May 1991, 15 crewmembers of a boat involved in harvesting birdnests near areas controlled by the insurgent KNU were arrested after navy troops boarded their boat and allegedly discovered some ammunition. After this incident, a series of other arrests occurred of people alleged by the National Bureau of Investigation to be involved in illegal activities related to the birdnest trade, including "harvesting and sales of birdnests before the stipulated time in breach of tender regulations", "contact and payment of extortion money to KNU insurgents", "carrying of unlicensed firearms", and bribe-taking. Amnesty International is concerned that these people may have in fact been targeted for prosecution because of their opposition political activities, and that in at least some instances the criminal charges against them may be spurious.

On 15 July 1991 it was officially announced that legal action was being taken against 28 people accused of involvement in one or more of these offenses. Among those arrested and prosecuted were four figures from the Union Nationalities Development Party (UNDP), whose patron is U Aung Gyi, a former army general who was involved in the foundation of the NLD but later left it. Those arrested included: U Lu Win alias Victor Lau, UNDP Organizing Committee Joint Secretary; U Maung Maung, UNDP Executive Committee Secretary-2; U Saw Lin, UNDP Executive Committee member; and Naw Sein Hmwe alias Cynthia, UNDP parliamentary candidate for Tavoy-2 constituency²⁶. Other people named as arrested for alleged involvement in these offenses were: U Tin Tun, U Hla Win, U Sein Than, Saw Robert and Saw Elday.

On 1 May 1991, Senior General Saw Maung, in a speech marking International Labour Day, warned industrial and other manual workers against "accepting assignments from political parties" and against what he described as "spreading rumours" and "conducting whispering campaigns".

On 23 May 1991, members of a SLORC "security unit" arrested two people in Mudon Township of the Mon State who were alleged to have "absconded" to an insurgent "transit camp" on the Thai border and then "made an illegal re-entry into the country". The two, 26-year-old Nay Lin alias Ne Win alias Ye Kyaw Swe alias Ye Kyaw Zwa and 37-year-old Maung Maung Htwe alias Ok Soe or Oke Soe, were described as being "members of the unlawful association the All Burma Labour Society" or "LS", as it is commonly known, the banned unofficial union that is also referred to as the All-Burma Labour Solidarity League. According to opposition sources, Nay Lin had worked with the state railways. He is said to have

²⁵ It is possible that Ko Kyaw Zaw and Aung Kyaw Hein are the same person.

²⁶ She is also U Lu Win's wife.

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been involved in organizing a union there during 1988, and later to have become a member of the LS Central Committee. Maung Maung Htwe is said to have worked for the State Inland Waterways Corporation, and also to have been a labour activist in 1988. He reportedly later became a member of the LS Central Executive Committee, and was expelled from his job for his membership in it. They had allegedly left Yangon on 4 April and gone to Kaleingan, a camp controlled by the insurgent New Mon State Party, to try to see the union's leader, who they heard was in Thailand. They were said not to have met him, but to have had two meetings with Colonel Sein Mya, the leader of the insurgent People's Defence Force (PDF)²⁷. According to the official announcement of their arrest, "the two of them were told to join his group, and they discussed matters relating to the destructive activities they could carry out in Yangon". On 24 June 1991, it was announced that "legal action" would be taken against them.

On 25 May 1991, four more NLD activists were arrested for allegedly "having contacts with armed insurgent organizations". They were Aung Myo Naing, an NLD organizer for Yangon Division NLD; Robert Aung, the person in charge of the NLD Youth wing in Lanmadaw Township; Kyi Soe, a member of the NLD in Kyauktada Township; and Dr U Mon alias Ko Mun, a member of the NLD in Bahan Township of Yangon. According to the official announcement of their arrest, in March 1991 Aung Myo Naing and Robert Aung had begun discussing fleeing to the Thai border, and "they left Yangon for Bago on 2 April to go to the jungle," but Robert Aung turned back before they reached the border. Aung Myo Naing then allegedly reached a camp of insurgent Karen National Union on 10 April, and while in the insurgent-controlled areas was "assigned the tasks of organizing hluttaw representatives from NLD as well as hard-core youths who are in the leadership of other parties and sending them to the jungle and of copying propaganda leaflets from the jungle and spreading them in Yangon."

Sometime after 21 April he returned to Yangon and allegedly re-established contact with Robert Aung and also sought medical treatment from Dr U Mon. They went to the doctor's clinic with Kyi Soe. While at the clinic Aung Myo Naing is said to have given Dr U Mon a letter from a NLD activist in the jungle, to whom the doctor sent some medicines. Kyi Soe is accused of having helped deliver the medications and a letter from Aung Myo Naing to the NLD activist. An official announcement said that legal action was being taken against Aung Myo Naing because he "went to the jungle, took with him medicines needed in the jungle, persuaded hluttaw representatives and party member youths and took them to the jungle and distributed pamphlets from the jungle in Yangon." It said legal action was being taken against Robert Aung, Kyi Soe and Dr U Mon because they "had contacts with the youths in the jungle".

On 30 May 1991, the authorities arrested three young people for allegedly being "involved in secretly distributing anti-government pamphlets to instigate students of universities and colleges in Yangon". This followed the reopening of tertiary education centres there in the middle of the month. Those arrested were 24-year-old Nay Myo U alias Tun Naung Lwin alias Ko Ko Gyi; 25-year-old Thuta Aung alias Thuta; and 27-year-old Win Zaw. They were allegedly "involved in writing, copying and distribution of ...agitation leaflets" entitled To All Students starting on 27 May, the anniversary of the 1990 elections, on several Yangon University campuses and at the Institute of Economics. The official announcement of their arrest said that "severe legal action" was being taken against them and warned that "similar action will also be taken against persons who are involved in similar activities to incite unrest."

Arrests of NLD, student activists in June-July 1991

²⁷The PDF is an armed group comprised mostly of Burmans, Myanmar's majority ethno-linguistic group. It is not organizationally affiliated with any of the country's other insurgent groups.
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Another 52 people have been named as having been arrested during June and July 1991 and are known or thought to be still held. These include 22 people identified as NLD members or sympathizers. Amnesty International believes many of them may be prisoners of conscience.

According to the official news media, during June 1991 and the first half of July 1991, the Directorate of Defense Services Intelligence arrested 17 young people for allegedly having gone to the "liberated zone under the parallel government of Sein Win...in Manerplaw" and then "secretly returned ...to gather information and to recruit new persons". It said legal action was going to be taken against them "for going to the seat of the parallel government in Manerplaw, for collecting information and recruiting new members, for undertaking organizational work to establish contact between the NLD members and the underground camp of insurgent terrorists, and for collecting information overtly."

The 17 were identified as Hla Nyein alias Ye Htut, an organizing officer of the NLD Youth for Yangon Division; two associates named Thein Aye alias Ne La and Khin Mya; and 14 people described as "their contacts": Than Myint, Moe Zaw Thein, Myat Tun, Thida Aye, Ye Tun, Than Htay, Kyaw Nyein, Myo Myint, Win Myint, Win Naing Toe, Ye Myint Aung, Soe Soe U, Htay Win and Hla Min. The announcement alleged that Hla Nyein "left to go underground on 9 December 1990 via Moulmein and arrived at Manerplaw on 4 February 1991" along with Thein Aye. While there they were said to have met several NLD figures, including NCGUB Cabinet Minister U Tun Oo, who was elected to parliament from Kyaukkyi Township constituency. They were said to have been given money and "instructed...to go to Yangon to establish contact with the NLD and to make arrangements to bring back those who wished to go underground". They were also said to have been "told...to contact parliamentary candidates who wished to come and to distribute journals and tapes issued by the parallel government inside the country". They allegedly left Manerplaw on 4 March 1991. Upon his return, Hla Nyein was said to have "established contact with NLD youths through his friend, Win Myint." He was then "able to contact Moe Myint, Chairman of the Kamayut Township NLD, and Kyaw Nyein, of the NLD Youth wing in Yangon Division".

According to the announcement, Thida Aye, an NLD member from Sanchaung Township, had met in December 1990 with "Tun Aung Kyaw, NLD officer in charge of youth affairs of Ayeyarwady Division," who had told her he was going to go "underground" to work "with the Sein Win parallel government". She allegedly "accepted Tun Aung Kyaw's request to collect and pass on news about the NLD, actions taken by the SLORC, and student activities". The announcement said that when Tun Aung Kyaw returned "from the underground" to Yangon a month later, he had malaria, and Thida Aye allegedly allowed him to stay at her house for two nights "to receive medical treatment" and also "gave the information she had collected verbally to Tun Aung Kyaw".

The announcement said that Hla Min, described as an officer in charge of youth affairs in Dawbon Township, had fled from Yangon on 3 October 1990 "because he was afraid of being arrested in connection with an illegal publication on the NLD news conference No 8" and made contact with a member of the KNU insurgents in hopes of going "underground". However, according to the announcement, "his attempts to go underground were unsuccessful and he returned to Yangon on 18 May 1991". On 22 May 1991 he was allegedly taken to a camp of the KNU and the armed wing of the ABSDF by Tun Aung Kyaw. Hla Min then allegedly returned to Yangon on 11 July 1991 "to collect documents and information from Thida Aye in Sanchaung Township."

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On 23 July 1991, the official news media announced that additional legal action was going to be taken against Hla Min and Thida Aye, as well as against a third NLD activist and a printshop worker who had been arrested in connection with publication of the booklet about the No 8 Press Conference of the NLD. This booklet contained information from this press conference, which had been held on 30 July 1990 to explain the party's Gandhi Hall Declarations. The two additional people to be prosecuted were identified as Htay Lwin, an NLD official in charge of youth affairs in Bago Division, and Khin Maung Than, a worker at the Thein Than duplicating and printing works. The four were said to have published the papers "without prior authorization from the NLD and before the party could publish papers about the No 8 Press Conference" itself. Apparently for this reason, the booklet was described in the announcement as "falsified". The announcement explained that the original case against them had been filed under Article 20 of the 1962 Printers and Publishers Act for having "illegally published and distributed" these papers. It added that "wordings on the booklet cover were anti-government in nature. For example, they said: We totally reject Declaration No 1/90 of the SLORC".²⁸

According to opposition sources, on 2 July 1991 six people were arrested in Mandalay town "for distributing anti-government leaflets" there. The six were identified as: U Win Aung, 45, and Ko Kyaw Soe Lin alias Soe Moe, 32, both workers in a duplicating shop; Ko Soe Naing, 27, a student; U Phan, 49, a farmer; U Khin Aung, 40, a lawyer; and a 39-year-old woman named Ma Myint Myint. They were allegedly detained in Mandalay prison. The leaflets were apparently distributed in connection with plans for anti-SLORC demonstrations scheduled for 7 July, the anniversary of the day in 1962 on which the military allegedly killed a number of students when it blew up the Student Union headquarters at what was then Rangoon University.

According again to opposition sources, 15 more people from the Mandalay town area, including six workers and six students from Mandalay State High Schools Numbers 4, 11 and 14, were arrested when the demonstration took place. Those allegedly detained were identified as: U Nyunt Way, 39, textile factory industrial manager; U Khin Maung Ko, 47, a textile factory employee; U Soe Hlaing, 43, U Than Myint, 40, U Win Maung, 39, and U Soe Naing Thein, 42, all textile factory workers; and U Thein Htun, 28, a commercial art workshop owner; Aung Cho Oo, 19, a casual labourer; U Yan Aung alias Shwe Mahri, 29, a merchant; and Maung Myo Win Thant, 17, Maung Soe Soe Oo, 18, Aung Kyaw Soe, 14, Maung Lin Lin Zaw, 18, Maung Win Thein, 16, Maung Win Tin, 16, all high school students.

According to the same sources, two more young Mandalay political activists, Ko Htun Ohn and Ko Aye Ko, were arrested in Mandalay for alleged contacts with the BCP, apparently on 10 July 1991. They were reportedly detained in Mandalay prison, and their case was turned over to the police for investigation and possible bringing of charges. Further details about the reasons for their arrests are lacking, but sources believe they may not necessarily have under the organizational discipline of the BCP.

On 12 July 1991, nine students from Monywa State High School Number 3 in Sagaing Division were allegedly arrested by military intelligence personnel who accused them of planning to instigate "civil unrest", a term the authorities have used to describe peaceful anti-government gatherings. In this instance, it seems likely that those arrested were accused of planning some sort of public activity to mark Martyrs Day, the 19 July anniversary of the date in 1947 on which Aung San and other officially-

²⁸ The announcement broadcast said the case against the four had originally been brought by the NLD for publishing the booklet without party authorization.

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recognized nationalist heroes were assassinated. Seven of the nine were named as: Maung Than Zin Hlaing, Maung Soe Win Maung, Maung Kyaw Moe, Maung Htun Htun Ohn, Maung Kyaw Kyaw Min Lwin, Maung Aung Aung, Maung Aung Naing. They were believed to have detained in police custody and charged under provisions of Section 5 (J) of the Emergency Provisions Act, and it was thought they would be tried before a military tribunal, but Amnesty International has no information that a trial has actually taken place.

According to the authorities, on 22 July 1991, they arrested three NLD members from Bago Division, including one member of parliament, who had been involved in making what were described as "anti-government speeches" at a Martyrs Day commemoration during which they had "held an assembly following the offering of food to monks"²⁹. The three were U Khin Maung Win, who was elected to parliament from Oktwin constituency and Chairman of the Oktwin Township NLD chapter; U Hla Myint, the chapter's secretary; and U Khin Tun, the chief of NLD youth affairs for Bago Division. U Khin Maung Win and U Khin Tun were said to have "delivered speeches at the meeting", while U Hla Myint was said to "officiated as secretary of the meeting". In the 8 August 1991 announcement of their arrest, the official news media said that legal action was being taken against them in connection with the speeches. The news media also alleged that when the authorities raided U Khin Maung Win's home, "they found three books pertaining to underground lottery and two cash receipt books", and said he was therefore also going to "be charged under the Gambling Act".

Arrests of Muslims for alleged "unscrupulous economic practices" in Rakhine State, June-July 1991

The authorities have announced the detention for trial of 111 people arrested in the Rakhine State (formerly) Arakan in June and July 1991 for alleged economic crimes, but have not named any of those held. Opposition sources have claimed that the number of people arrested was much higher, and that the arrests were motivated by suspicions that at least some of these people were involved in anti-government political activities by providing financial support to opposition groups, such as the Arakan Rohingya Independence Front (ARIF). The ARIF claims to represent the interests of Muslim Arakanese, and its armed wing operates in the Rakhine State and along its border with Bangladesh. Among other Muslim-based opposition groups in the Rakhine State there are some that do not advocate the violent overthrow of the SLORC.

Opposition sources have given the names of 69 people who they apparently believe are among those held. Among them are 59 people from Maung Daw Township, including Maung Hla Myint and Mei Maung from Dutrwa; U Maung Hla and Lone Maung from Weemala; Ma Aye Mra, her son Nga Ni Too and Kyaw Zaw from Arlayraw; Noor Mohammad, Ishaq, Farooq, Anwar and Osman from Shuzapara; Yasin, Noor Mohammad, Yusof, Dolliya and Kalimullah from Fayazipara; Nurul Amin, Abutaher and Mohammad Hussain from Ward 1, Auk Ywa; Butka, Rafique, Sayed Ahmad and Mohammad Shafi from Ward 4; BSI Kalu, Shamsu, Kamal, Dalal Rashid and Maung Tin Nu from Ward 2, Myoma Ngakura; Idris, Tayub, Solimullah and Oli Hussain from Maung Ni Ywa; Mohammad Yunus, Dil Mohammad, Nurul Hoq, Mohammad Hassan, Mohammad Siddiq, Mohammad Shafi, Lalu, Furuk Ahmad, Haji Shamsu and Alhaj from Ward 4, Yaw Theit; Abdul Amin, Mohammad Husin and Jinnah from Ayetalia; Kabir Ahmad, Kamal, Nurul Bashar, Nurul Fais, Jamil, Zakaria, Kala Futu, Abdu Jabbar, Kanfura and Nur Mohammad from Myoma Kayandan; Ehsan Ulla from Yaungchaung; and Abdu Sobhan and Nur

²⁹Offering of food to monks is a traditional part of Martyrs Day activities.
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Alam from Myo Thugi. They also include ten people from Sittwe, the Rakhine State capital: Ma Nyunt Sein, Aye Nyo, Aye Tha Nu, Bu Maung Gri, Barley alias Kyaw Mra, Maung Tun Thein, Tun Aye, Ahla Shay, Khin Maung and Hla Maung. Amnesty International is trying to gather more information in order to ascertain whether any of these people are detained as prisoners of conscience.

On 28 April 1991, Lieutenant General Phone Myint and Major General Tin U, SLORC Secretary-2, warned that the authorities were planning to arrest what they described as "destructive elements" who were allegedly "capable of undermining local development endeavours and the security of towns in villages" in the Rakhine State. On 1 May 1991, the official radio reaffirmed his warning, reporting that Phone Myint had declared it was the "responsibility of all to uproot and crush these destructive elements...as soon as possible".

According to Colonel Than Tun, on 18 July the authorities in the Rakhine State launched a "crackdown in the form of an organized campaign" against "unscrupulous economic activities in border areas" near Bangladesh during which 130 men and six women were detained. The detainees underwent "interrogations in connection with unscrupulous economic practices that have been going on in Sittwe, Buthidaung and Maungdaw Townships in Rakhine State". He said the aim of the arrests was "to bring down and stabilize the monetary situation by controlling unscrupulous black market activities along the border regions". By 19 August, 26 detainees had been released, but it had been decided to take legal action against 106 men and five women, including 57 who were described as "Bengali nationals" and nine as "Rakhine nationals". Colonel Than Tun denied allegations that the number of people arrested was as large as 500, or that the arrests had anything to do with "social or religious issues". Colonel Than Tun's remarks followed allegations by opposition organizations that the military had arrested 466 Moslems as part of a crackdown "on any signs of opposition". According to one opposition source, the army had rounded up 186 Moslem Arakanese from Maundaw Township and 280 from Sittwe, the capital of the Rakhine State, on 23 July, and accused them of supporting the ARIF insurgency. Other sources have suggested that some of those may have been accused of supporting other opposition groups or being involved in other opposition activities that did not necessarily involve the use of violence.

Trials of political prisoners arrested in 1990 and 1991

According to various unofficial sources, in early May 1991 Myanmar courts sentenced 34 or 35 people, including 25 members of parliament, to prison terms of ten, 20 or 25 years for "high treason" or "misprision". Section 121 of the Burmese Penal Code³⁰ stipulates that a person may be punished for high treason if he or she "wages war against the Union of Myanmar...or conspires with any person within or without the Union to wage war against the Union..., or attempts or otherwise prepares by force of arms or other violent means to overthrow the organs of the Union ..., or takes part or is concerned in or incites or conspires with any person within or without the Union to make any such attempt". Section 124 says a person may be punished for misprision if he or she, "knowing that any act, the commission of which would be high treason, is intended or proposed to be, or is being, or has been committed, does not disclose the same, together with all particulars thereof known to him, to a magistrate, or to any police officer, or some other person lawfully engaged on duties relating to peace and order".

It appears that those who were charged with "misprision" received the ten-year sentences, and those

³⁰The language quoted here is from the 1957 edition of the official English-language Penal Code. To Amnesty International's knowledge, the language of this section and the one quoted below remain unchanged.
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charged with "high treason" received the heavier sentences. Neither the trials nor the sentences have been officially announced. However, according to available information it appears that at least some of these prisoners were originally charged before civilian courts, but that all sentences were handed down by military tribunals. Those sentenced included five women, of whom four were members of parliament.

As explained in the introduction, Amnesty International believes that no political prisoner is guaranteed a fair trial in Myanmar today. The organization is concerned that all the people whose trials are described in this report may be prisoners of conscience.

Amnesty International believes it has been able to identify 32 of those believed to have been sentenced in these trials.

Political prisoners sentenced to 10 years for "misprision"

Those thought to have received ten years for misprision include U Khin Maung Swe, a member of the NLD Central Executive Committee considered close to Daw Aung San Suu Kyi who was elected member of parliament from Sanchaung constituency ; U Sein Hla Oo, a member of the NLD Central Committee who was elected from Insein-2 constituency; U Naing Naing who was elected from Pazundaung constituency; Daw Shwe Wah Soe, who worked at the NLD headquarters in the fields of youth and women's affairs; and U Pe Aung Lin, a member of the "technocrats" group of the League for Democracy and Peace.

U Khin Maung Swe was accused of having met with another NLD member of parliament, U Hla Htun, "to discuss the secret meeting in Mandalay about forming a provisional government"; and of having "said that he would be a minister in the proposed government". U Sein Hla Oo was accused of having been "involved in the discussions following the Gandhi Hall meeting about the three alternative courses of action to be taken if the SLORC failed to transfer power"; and of having known "about the Mandalay discussions to form a provisional government". U Naing Naing was accused of having attended a "secret meeting with nine other NLD candidates" which was held in his house, and after which "seven NLD candidates went to Mandalay" for discussions about "matters relating to the formation of a parallel government in Mandalay"; and also of having "attended another secret meeting" at which he and a number of other NLD members of parliament "discussed the arrangement to form a government in the jungle on the Burmese border". Daw Shwe Wah Soe was accused of having held discussions in which she advocated that members of parliament should "take their seats" as a government and then "seek asylum in embassies" or "flee to the jungle", and of having promised that she would "announce that a government had been formed". U Pe Aung Lin was reportedly arrested because he was accused of having provided financial support and hiding places to NLD figures involved in discussions about the formation of a parallel or provisional government.

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Political prisoners sentenced to 20 years for "High Treason"

Those thought to have received 20 years for high treason include U Saw Ne Dun or U Saw Nay Dun, the NLD official from Paukkaung Township of Bago Division whose case was described above; U Khin Maung Thein, elected to parliament from Khin Oo-1 constituency; and U Hla Tun, elected to parliament from Kyimyindine constituency.

U Khin Maung Thein was accused of having attended a meeting in late September at which "formation of a provisional government" was discussed. U Hla Tun was accused of having attended a series of five meetings at which various plans for the formation of a counter-government were discussed, including "setting up a provisional government on the border". At one meeting, he allegedly "made a strong speech" in favour of the idea of a counter-government; and he is also accused of having "tried to get in contact with foreign embassies" about counter-government plans.

Political prisoners sentenced to 25 years for "High Treason"

Those thought to have received 25 years for high treason include: U Mya Win and Dr Zaw Myint, the members of parliament from Ingapu-1 and Henzada (Hinthada)-2 constituencies, respectively, whose arrests were described above; and U Chit Tin, elected from Minhla constituency; Dr Myint Aung alias Dr Zaw Myint Maung, elected from Amarapura-1 constituency; U Htun Aung, elected from Yedashe-2 constituency; U Saw Hlaing, elected from Indaw constituency; U Ba Pwa or U Ba Bwa, elected from Amarapura-2 constituency; U Kyaw Thwin, elected from Khayan-1 constituency; U Hla Than, elected from Ko Ko Island constituency; U Thein Tun, elected from Thegon-2 constituency; Daw San San, elected from the Seikkan port constituency; U Ye Htut, elected from Daik U-1 constituency; U Tha Saing, elected from Twante-1 constituency; U Pike Ko or U Paik Ko, elected from Pakokku constituency; U Thaug Myint, elected from Khin U-2 constituency; Daw San San Hlaing alias Daw Khin San Hlaing, elected from Wetlet-2 constituency; Daw Win May, who worked at the NLD headquarters in the field of information; Daw San San Win, elected from Ahlone constituency; Daw Ohn Kyi, elected from Myittha-1 constituency; U Myint Kyi, elected from Katha constituency; Dr Maung Maung Latt alias U Hlaing Ni, elected from Thaketa-1 constituency; Dr Aung San Myint, elected from Myaing-1 constituency; Dr Myint Naing, elected from Kantbalu-2 constituency; and Dr Soe Lin, elected from Mandalay Southwest-1 constituency.

As noted above, U Mya Win was accused of having attended three meetings during which there was discussion of possibilities for "formation of a parallel government in Mandalay" or a "provisional government in the jungle". Dr Zaw Myint was accused of having attended one of the meetings when NLD figures "discussed formation of a provisional government" and "calling a second Gandhi Hall convention".

U Chit Tin was accused of having attended three meetings at which "plans to establish a provisional government were discussed", including the possibility of "setting up a provisional government in the jungle or on the border". Dr Zaw Myint Aung was accused of having "arranged for accommodation and food for" one of the meetings at which "the formation of a provisional government was discussed" and to have promised to make such arrangements for a second meeting. He also allegedly attended two meetings, and "made many impassioned speeches" at one in favour of the idea of a counter-government. He allegedly had advance knowledge of plans by some members of parliament to flee into the jungle. U

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Htun Aung was accused of attending three meetings at which "formation of a provisional government was discussed", including the possibility of "a provisional government on the border or in the jungle". U Saw Hlaing was accused of having attended two meetings "where the formation of a provisional government was discussed". U Ba Pwa was accused of having hosted at his home in Mandalay a meeting at which "matters relating to the formation of a parallel government" there were discussed, and of having attended a second meeting at which possible "arrangements to form a government in the jungle on the Burmese border" were discussed. U Kyaw Thwin was accused of attending the meeting held at U Ba Pwa's house, and of having then explained its results to an NLD member of parliament in Yangon. U Hla Than is also said to have attended the meeting at U Ba Pwa's house, as well as a second meeting "at which plans to form a parallel government were discussed". U Thein Tun allegedly attended one such meeting. Daw San San allegedly attended two such meetings, including one at which there were discussions of "matters relating to the formation of a parallel government in Mandalay". She also allegedly allowed two subsequent meetings to be held in her home in Yangon at which there was discussion of the formation of a "provisional government". U Ye Htut allegedly attended one meeting at which there was discussion about "the formation of a provisional government". U Tha Saing allegedly attended one such meeting. So allegedly did U Pike Ko, U Thaug Myint, Daw San Hlaing, Daw Win May, Daw San San Win, Daw Ohn Kyi, U Myint Kyi, and Dr Myint Naing. Dr Maung Maung Latt allegedly attended a meeting "to discuss the formation of a provisional government". Dr Aung San Myint also allegedly attended this meeting.

It is unclear what official allegations were made against Dr Soe Lin, but it appears he was accused of attending one or more meetings at which plans for a counter-government were discussed. According to opposition sources, he may also have been accused of explaining the results of meetings in Mandalay about the formation of a counter-government to the NLD leadership in Yangon.

On 14 May 1991, Major Than Tun reiterated the reasons 32 people had been arrested. He said the SLORC had "to take action against" them because they had "breached the laws and orders promulgated by the SLORC, in defiance of the Declaration No 1/90," which suggests that the cases were tried in military tribunals. According to SLORC Order No 2/89 issued on 18 July 1989, those who opposed martial law authority by "violation or defiance of the orders issued by the SLORC, the government or [military] commanders" were to be tried by military tribunals, not civilian courts. Furthermore, he declared that:

"the NLD issued demands for drafting a provisional constitution and for handing over power at its Gandhi Hall meeting held on 28 and 29 July 1990, defying the Declaration No 1/90. It held discussions with the United Nationalities League for Democracy, together with other parties, and issued declarations, pamphlets, news releases and records making demands in a form of battle. The NLD held press conferences and was found engaging in anti-government activities...some Hluttaw representatives of the NLD held clandestine discussions in Mandalay to form a parallel government and an under-ground provisional government..."

Trials of other political prisoners

At the end of May 1991, according to unofficial sources, another set of trials resulted in prison terms being imposed on 12 more prominent NLD figures, and at least two and perhaps three high-ranking NLD leaders sentenced in trials in 1990 were given substantial extensions of their prison terms as the result of

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new trials at which additional charges were brought against them.

The 12 sentenced for the first time included seven members of parliament believed to have been arrested in 1990: U Soe Thein alias Maung Wuntha, elected from Waw-2 constituency and a member of the NLD Central Committee and Central Work Committee; U Chan Aye, elected from Mawlamyine-2 constituency and a member of the NLD's Central Work Committee; U Kyaw Min, elected from Patheingyi West constituency and a member of the NLD Central Committee; U Tin Htut, elected from Einme-1 constituency and a member of the NLD Central Committee; U Myo Aung, elected from Dawe-2 constituency and a member of the NLD Central Committee; U Soe Nyunt, elected from Kyauktan-2 constituency and a member of the NLD Central Committee; and U Win Hlaing, elected from Bahan-2 constituency.

According to official allegations, U Soe Thein, U Myo Aung, U Chan Aye, U Win Hlaing, U Tin Htut, and U Kyaw Min were "involved in the discussions following the Gandhi Hall meeting about the three alternative courses of action to be taken if the SLORC failed to transfer power", an apparent reference to discussions about possible tactics to bring about a transfer of power from the SLORC to the NLD. U Soe Thein, U Chan Aye and perhaps others in this group are also believed to have been officially accused of "conspiracy to form a parallel government", while U Kyaw Min is believed also to have been accused of writing NLD declarations "discrediting the armed forces". According to one report, U Soe Thein, U Myo Aung, U Chan Aye, U Win Hlaing, U Tin Htut, and U Kyaw Min received ten year sentences for misprision. According to another, U Kyaw Min, U Tin Htut, U Myo Aung and U Win Hlaing were found guilty of high treason, and U Kyaw Min and perhaps others received 20-year sentences. There is no information about the sentence received by U Soe Nyunt, although several sources affirm that he remains imprisoned.

The five other NLD figures sentenced for the first time included U Tin Win, one of the members of the original NLD Central Executive Committee, and four NLD Youth leaders, U Moe Zaw U, Ko Yan Aung, Ko Ko Gyi and U Myint Soe, all also arrested in 1990.

U Tin Win, a former army colonel associated with the original NLD Chairman U Tin Oo, was officially accused of being a "member and adviser" of one of several groups formed under the auspices of the NLD Central Executive Committee to discuss "three possible lines of action if the SLORC did not transfer power." He is reported to have received a seven year sentence, apparently for misprision.

U Moe Zaw U, Ko Yan Aung and U Myint Soe were all members of the NLD Youth Central Committee, and Ko Ko Gyi worked at the Central Committee office. Moe Zaw U was a former Rangoon University student, Ko Yan Aung a young lawyer, and Ko Ko Gyi a former Rangoon Institute of Technology Student. All four were officially accused of having been "involved in the discussions following the Gandhi Hall meeting about the three alternative courses of action to be taken if the SLORC failed to transfer power". U Myint Soe, a former Rangoon University correspondence student, was officially accused of having taken a "hardline" position in these discussions and also of having had contact with Mon and other insurgent groups on the Myanmar-Thai border. They are all believed to have received seven year sentences, apparently for misprision.

Two NLD leaders who received new sentences in addition to existing ones were, according to several sources, U Kyi Maung, the party's former Acting Chairman, and U Chit Khaing, the party's former Acting

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General Secretary. U Kyi Maung had earlier been sentenced to ten years and U Chit Khaing to seven years for distributing a letter from the SLORC to the NLD which the authorities deemed "secret" and for "printing and distributing records of anti-government campaign speeches, statements and press briefings". U Kyi Maung was sentenced to another ten years' imprisonment and U Chit Khaing another seven years, apparently for misprision, after the authorities accused them of having formed "ad hoc" NLD "groups and invited them to work out beforehand different methods that should be adopted if parliament was not convened by September [1990]".

According to one report, the original NLD Chairman U Tin Oo, who had previously been sentenced to three years in prison, had 14 years added to his sentence. There is no information about why this may have happened.

U David Hla Myint, the NLD member of parliament from Ngapudaw constituency, Ayeyarwady Division whose reported arrest for flying the NLD flag at the same height as the Myanmar flag used by the SLORC was described above, was apparently also later tried. On 14 August 1991, the Election Commission announced that he was one of two members of parliament who were being expelled from it on that date and barred from participating in elections for ten years according to the provisions of the SLORC's recently issued Law No 10/91 and Order No 4/91. The Election Commission said action was taken against U David Hla Myint because he had been "tried and convicted by a court under Article 6 of the State Flag Law" and had therefore "been found to have committed an offence relating to moral turpitude".

Unofficial sources have reported that AFPFL leader Daw Cho Cho Kyaw Nyein whose arrest was described above was sentenced to seven years imprisonment in an unannounced trial the judgement of which was handed down on 12 May 1991.

The Mon Buddhist Monk Nai Nawn Dho whose arrest is described above is believed to have been tried in a civilian court and received a seven year prison sentence, but it is not known under what law.

Arrests or trials of people accused of acts of armed sabotage or political murder, January-July 1991

Official sources have named 22 people who were arrested in late 1990 or early 1991 for acts of armed sabotage or political murder, and announced that at least 18 of them were tried and sentenced between January and April 1991, including seven people who were sentenced to death. The authorities have also named four people arrested in July 1991 for attempted acts of violent sabotage. Amnesty International is continuing to investigate these cases, and is concerned that they have not or will not receive fair trials. As an organization totally opposed to the death penalty, it is concerned that some of them have been or may be sentenced to death. It recognizes that for many years no one sentenced to death in Myanmar has been executed, and hopes and urges that none of these people will be executed.

On the night of 6 January 1991, an attempt was made to launch a rocket grenade attack on a radio booster transmitter near the Yaygu railway station, near Yangon. On 16 January the Special Branch of the Myanmar Peoples Police Force arrested five people identified by the SLORC's National Intelligence Bureau as suspects in the case: Khin Zaw, Myo Aung Htwe, Sann Myint Aye, Aung Kyaw Moe and Min Han alias Po Cho alias Ba Min Thit. On 17 January, six more people were arrested: Yan Naing Aung, Aung Kyaing, Bo Htway Lwin alias Bo Htwe Lwin alias Ba Oo, Aung Than, Zaw Myint and Hla Aung.

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Four more arrests followed on 18 and 19 January: Kyaw Oo alias Kyaw Kyaw alias Min Htet Kyaw alias Myint Naing, Aung Moe alias Phyo Kyaw, Zaw Lin Aung alias Moe Kyi Phyu and Min Myat Oo alias Min Naing Tun alias Po Tun.

On 25 January 1991, Major General Khin Nyunt gave the authorities' account of what had happened. He alleged that in June and August 1990, Bo Htway Lwin had brought explosives into Yangon from the headquarters of the insurgent KNU, and that this organization had given orders through Min Han to use them to bomb various civilian targets. The major general also alleged that Aung Than had fired the rocket grenade on 6 January. He described Yan Naing Aung, Aung Kyaing, Bo Htway Lwin, Aung Than, Zaw Myint and Hla Aung as the "main culprits".

Opposition sources have confirmed that some of the people arrested were indeed involved in the attack. However, there have been allegations that on earlier occasions on which the authorities have arrested students for alleged involvement in violent acts of sabotage, at least some of those arrested were in fact not involved, but were detained because of their other anti-SLORC activities.³¹ Opposition sources have questioned whether some of those arrested in this case may also have been targeted in this manner.

On 7 March 1991 the Military Tribunal of Yangon Division sentenced five of those arrested to death and eight others to sentences of between 20 years and life imprisonment for involvement in the attack. The five sentenced to death were: Bo Htway Lwin, 26; Ba Min Thit, 27; Aung Than, 30; Myo Aung Htwe, 17; and Khin Zaw, 36. They were charged under Section 122.1 the Penal Code, Section 17.1 or 17.2 of the Unlawful Associations Act and Section 19.1 of the Amended Provisional Arms Act. The ten sentenced to long prison terms were: San Myint Aye, 37; Aung Kyaw Moe, 17; Kyaw U, 19; Aung Moe, 20; Zaw Lin Aung, 20; Min Myat U, 24; Zaw Myint, 19; Hla Aung, 27; Yan Naing Aung, 31; and Aung Kyaing, 31. They were tried and charged under the same three provisions.

This is one of only three trials announced in the official news media during the period between January and July 1991. The other two trials officially announced also involved acts of political violence. Both took place on 3 April 1991, and dealt with cases of political murders during the uprising in 1988, for which suspects had been arrested in late 1990.

One announcement said that a military tribunal sentenced to death Soe Lwin alias Maung Soe and Win Naing alias Na Kok, who had been arrested on 10 December 1990 for alleged involvement in the politically-motivated murder of six people during an incident on 10 August 1988. Another announcement said that in a separate case, a military tribunal sentenced then 21-year-old Aung Htwe to three years' imprisonment for involvement in four other politically-motivated murders by a group known as the Shwegyon-byu Amphwe (Youth of Shwegyone Association). The victims had been killed on 26 August 1988, and Aung Htwe was arrested on 11 November 1990.

Finally, on 26 July 1991, security forces arrested four people for alleged involvement in an attempt by the insurgent Karen National Union to explode a time bomb under the railroad tracks on the line between Yangon and Mandalay. The detainees were identified as Saw Kyi Win, 27, a member of a ward LORC in

³¹ This has been said, for example, with reference to the cases of three young activists named Zaw Gyi alias Than Zaw alias Nwe Thagi, Nyi Nyi U and Moe Kyaw Thu, who were arrested in July 1989 for alleged involvement in a bombing of an oil refinery in which two people were killed. For a discussion of their case, see Myanmar (Burma): Prisoners of Conscience, a Chronicle of Developments Since September 1988 (AI Index ASA 16/23/89).
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Kyauktaga Township; Saw Tase Kho, 28, from Lewainngyi village in Kyaukkyi Township; Htay Thwin, 27, from Bawditwin village in Kyauktaga Township; and San Cho Myint, 36, from Yedwingon village in Kyaukkyi Township. Amnesty International is concerned at the possibility they may be wrongly accused and will not enjoy a fair trial to determine the truth of the allegations against them.

Amnesty International's recommendations

Amnesty International is making the following recommendations to the SLORC authorities about prisoners of conscience and other political prisoners, including those arrested and tried in the first seven months of 1991:

1. All prisoners of conscience, that is, those detained solely for the peaceful expression of their opinions, should be immediately and unconditionally released, whether or not they have been charged and tried.
2. All other political prisoners held without charge or trial should be promptly charged and tried in accordance with fair trial safeguards provided in international law, or otherwise released.
3. The sentences of all other political prisoners who have been tried in civilian courts or military tribunals should be reviewed, to ensure that they have received a fair trial according to international standards.
4. All death sentences should be commuted, and the death penalty should be abolished, either as a punishment handed down in military tribunals or in civilian courts.
5. Appropriate international human rights monitoring bodies should be allowed access to all Burmese political prisoners, in order to make possible an independent and impartial assessment of the reasons for and conditions of their detention.