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### Introduction

In the sixth year of government by the ruling State Law and Order Restoration Council (SLORC), there has been no fundamental change in its attitude towards respecting the basic human rights of its citizens. Whereas the SLORC took a number of tentative steps to indicate to the international community a willingness to address the human rights situation in Myanmar, it at the same time reinforced its repressive hold within the country.

Amnesty International is concerned that certain well-publicised events should not draw attention away from the ongoing human rights violations in Myanmar. For example, although Daw Aung San Suu Kyi was able to meet with a United States Congressman in February, the SLORC confirmed that she would not be released until at least 1995. In July, the Burmese Foreign Minister announced to a press conference in Bangkok that the SLORC had accepted an invitation for talks about "democratic reforms and human rights" with the United Nations Secretary-General, but added that he did not believe Myanmar had a human rights problem. This announcement came only 24 hours after an attack by the *tatmadaw* (Burmese army) on a camp inside Myanmar housing ethnic Mon refugees, in which part of the camp was burnt down and 16 men taken away, eight of whom are still missing. The first meeting between Daw Aung San Suu Kyi and the Chairman and the Secretary 1 of the SLORC was shown on television and widely publicised in the Burmese press, but just two weeks later five National League for Democracy (NLD) opposition activists, including some of Daw Aung San Suu Kyi's colleagues, were sentenced to between seven and 15 years imprisonment, solely for their peaceful political opposition to the SLORC. Another widely publicised meeting took place between Daw Aung San Suu Kyi and the Secretary 1 of the SLORC and two Generals in the Armed Forces on 28 October, yet she remained under house arrest.

While Amnesty International welcomes any steps which may lead to the improvement of the human rights situation in Myanmar, it is increasingly concerned that the SLORC has failed to make any real progress or sincere attempts to address the issues described in this report or to ensure that its citizens are able to peacefully exercise their rights to freedom of expression and association.

This report details continuing human rights violations in Myanmar throughout 1994, including the arrest and detention of prisoners of conscience, and violations against ethnic minority groups by the *tatmadaw*.

### Political developments

#### The National Convention

The National Convention<sup>1</sup> initially convened in January 1993 to agree the principles for drafting a new

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<sup>1</sup>The National Convention is attended by almost 700 delegates from different sectors of society, including 120 members of parliament-elect. The National Convention Convening Work Committee presents detailed proposals for discussion by the delegates; supervises the discussions; and reports back on the outcome to the National Convention Convening Commission. The National Convention Convening Commission has overall responsibility for the National Convention, and played a key role in the AI Index: ASA 16/18/94 Amnesty International November 1994

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constitution, reconvened on 18 January 1994, having been adjourned the previous September. It continued its work on formulating principles closely following the comprehensive guidelines and recommendations of the National Convention Convening Work Committee chaired by Chief Justice U Aung Toe. Six objectives to be adhered to in formulating the new constitution had been agreed in earlier meetings and included the key objective that the military must play a leading role in politics.

When the National Convention adjourned on 9 April 1994, Chief Justice U Aung Toe stated that agreement had been reached on the principles for drafting the chapters on the state, the structure of the state, and the office of the head of state. According to these principles, the country will be governed by an executive president and two vice presidents, elected by presidential electoral colleges formed by all members of the two houses of parliament. The principles further stipulate that the president and vice-presidents may not be married to foreigners, must not be second-generation foreigners and may receive no support from abroad. They must have a military background and have been living in the country without interruption for at least 20 years. It is widely believed that these attributes have been adopted so as to exclude the possibility of Daw Aung San Suu Kyi becoming president.

Before the April 1994 adjournment, no agreement was reached on the proposal of self-administering areas for small ethnic minority groups. Ethnic minority groups had submitted proposals for the right to have self-administering status within states with another majority ethnic population. It was decided therefore that this issue would be re-considered when the National Convention would reconvene later in the year.

The National Convention reconvened on 2 September 1994. The subjects on its current agenda are self-administered areas; the legislature; the executive branch; and the judiciary. In his opening address to the National Convention, Lieutenant General Myo Nyunt, Chairman of the National Convention Convening Commission, stated that delegates "have to be careful during the discussions not to attack the results of the SLORC's efforts - which have achieved a good basis for national unity", indicating that delegates are still not allowed to discuss the proposed new constitution freely.

## The Union Solidarity and Development Association (USDA)

On 15 September 1993 the SLORC announced the formation of the Union Solidarity and Development Association (USDA). This was stated to be a "social organization" with local branches country-wide. The Secretary General and the executive committee are all civilian members of the government and it is reported that in most local areas the USDA is headed by former officials of the Burma Socialist Programme Party (BSPP).<sup>2</sup> The basic aims of USDA were stated to be:

1. Non-disintegration of the Union;
2. Non-disintegration of national unity;
3. Perpetuation of sovereignty;
4. Promotion and vitalization of national pride;
5. Emergence of a prosperous, peaceful and modern Union.

The first three aims are identical to the stated aims of the SLORC. It is widely believed that the USDA

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vetting and selection of the delegates.

<sup>2</sup>The BSPP was disbanded in 1988 when its head, General U Ne Win, resigned after ruling Myanmar for 26 years. The BSPP was dominated by the army and espoused an economic programme called "the Burmese way to Socialism".

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has been established as a pro-government organization which will be able to exercise power and influence locally over Myanmar's citizens, and which may eventually be used as a basis for a political party in any future elections.

Throughout January rallies of the USDA were held all around the country, where "delegates" made speeches about the National Convention principles. These rallies were reportedly attended by hundreds of thousands of people and were given widespread media coverage in Myanmar. Attendance at the rallies was not spontaneous. In the cities civil servants and students were told by the authorities to march to the rallies, and villagers were bussed in from surrounding areas. Sources have told Amnesty International that a lot of people attended the rallies because they feared the consequences if they did not, such as payment of fines, children being dismissed from school, students failing examinations or civil servants losing their jobs.

On 7 March 1994, General Than Shwe, Chairman of the SLORC, addressed a training course for USDA "managers" and is reported to have stated the reasons for the formation of the USDA:

*"There are those who echo foreign claims about a lack of democracy and human rights violations in Myanmar...the USDA was formed specifically with the objective to fill in the role of strengthening national unity...acts of anarchy prevailed during the events of 1988 and that the USDA was formed to prevent similar events in the future and to promote the observance of law and order among the general public." (Myanmar Television, 7 March 1994)*

On 2 June 1994 Myanmar Radio announced that the government had awarded "special thanks decorations" to members of the public who had informed on others. The awards were reportedly given to people who had cooperated with security personnel fighting crime or with "Law and Order Restoration networks". The recipients reportedly included members of the USDA.

Unofficial sources told Amnesty International that in June 1994 young members of USDA were given instruction by members of Military Intelligence on how to detect people distributing political leaflets. Following this training, a number of arrests were made by the police and defence services for distributing political leaflets. On 6 July, 20 students were arrested for allegedly distributing pamphlets in Yangon. Seventeen were released in the evening but the remaining three were reportedly sent to Insein Prison. On 8 July, a further seven were arrested in Yangon for distribution of leaflets, namely: Htwe Maw, Than Tun Oo, Nutty, Kyi Soe, Wai Moe, and Myint Soe alias Than Gyoung. Hla Tut Soe was arrested on 11 July. Amnesty International does not know the fate of these students and has sought further information about their situation. To date, there is no information on whether they are still detained.

## Political detention

Despite the officially reported release of more than 2000 political prisoners since April 1992, political detention in Myanmar continues to be a major tool of repression used by the SLORC. Hundreds of political prisoners arrested since the pro-democracy movement began in 1988 remain in detention, including more than 50 prisoners of conscience. Many of the leading figures of the opposition movement in Myanmar are still detained, including Daw Aung San Suu Kyi and retired general U Tin Oo, founding members of the National League for Democracy (NLD), the main opposition party which won over 80% of the seats in the May 1990 elections. Twenty-eight members of the 1990 parliament-elect, most of

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whom were arrested in late 1990, are still in detention, including U Kyi Maung and U R P Thaug.

U Kyi Maung is an NLD member of parliament-elect in his 70's arrested on 6 September 1990 and sentenced to two separate terms of 10 years' imprisonment on charges of alleged treason.

U R P Thaug is a 70-year-old member of parliament-elect for the Democratic Organization for Kayan National Unity (DOKNU) arrested in February 1991 and sentenced to five years' imprisonment for allegedly passing on information to foreign embassies. Amnesty International believes them both to be prisoners of conscience and is calling for their immediate and unconditional release.

Other detainees include prisoners of conscience:

◆**Nay Min**, a lawyer and journalist arrested in October 1988 for "sending false rumours to the BBC to fan further disturbances in the country, and for possession of anti-government literature". He was sentenced to 14 years' imprisonment, which was reduced to 10 in an amnesty on 1 January 1993. During the early years of his detention he suffered badly from torture and ill-treatment which may have affected his health;

◆**U Kyi Hla**, a book distributor arrested in September 1990 and sentenced to seven years' imprisonment by a military tribunal for publishing and distributing material critical of the government.

In addition, Amnesty International knows of at least 60 students arrested in December 1991 at demonstrations in Yangon (Rangoon, the capital) supporting the award of the Nobel Peace Prize to Daw Aung San Suu Kyi and calling for her release. They are all believed to be still detained. Forty-six of these students were sentenced to prison terms ranging between six and 20 years. It is reported that around 200 students altogether were sentenced, but Amnesty International does not have information on all of them.

Daw Aung San Suu Kyi

In July 1994, Daw Aung San Suu Kyi, Nobel Peace Prize laureate and *de facto* leader of the pro-democracy and opposition movement in Myanmar began her sixth year of house arrest. Earlier in the year, for the first time since her arrest on 20 July 1989, she was allowed to meet with people other than her family. United States Congressman William Richardson met with her twice at her home during his visit to Myanmar between 15 and 17 February. Also present at the meetings were the representative of the United Nations Development Program (UNDP) in Myanmar, a representative from the United States Embassy, and a reporter for the American newspaper *The New York Times*. Daw Aung San Suu Kyi told the Congressman that she had already been informed by the SLORC that her detention would continue

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until at least 1995. She also told him that she thought that the National Convention was a "farce" and said that her message for other members of the NLD was "Don't be scared". While welcoming the fact that this meeting had been allowed to take place, Amnesty International believed it to be an inadequate gesture by the SLORC, and called for the immediate and unconditional release of Daw Aung San Suu Kyi and all other prisoners of conscience.

Further developments took place in September and October 1994. In September Daw Aung San Suu Kyi was shown on Burmese television attending a meeting with Chairman of the SLORC General Than Shwe and Secretary 1 Lieutenant General Khin Nyunt. The meeting was the result of mediation by Dr Rewata Dhamma, a Burmese Buddhist monk living in England who is highly respected in Myanmar. During two visits to Myanmar in 1994 Dr Rewata Dhamma met with Daw Aung San Suu Kyi, who he has known for many years, and also with members of the SLORC. He urged that the two sides should meet and negotiate.

The meeting was held at a Defence Services Guest House and reportedly lasted for over one hour. Daw Aung San Suu Kyi was then returned to house arrest. The meeting was widely covered in the Burmese press and caused widespread speculation that Daw Aung San Suu Kyi may be released soon, and that the SLORC has decided to proceed with a dialogue about the political situation in the country. A second meeting took place at a Defence Services Guest House on 28 October. Present at this meeting was Lieutenant General Khin Nyunt, armed forces Judge Advocate General Brigadier General Than Oo, and armed forces Inspector General Brigadier General Tin Aye. This meeting received even more coverage by the Burmese media and a report on Myanmar Television reportedly said that the discussions were frank and cordial and that they covered "*the political and economic reforms which the SLORC is in the process of implementing, as steps that should be taken with a view to the long-term welfare of the nation*".

So far there have been no further indications that Daw Aung San Suu Kyi will be released and Amnesty International is concerned that the televised meetings may be simply an attempt by the SLORC to gain international respectability.

## Recent arrests

The SLORC continues to intimidate its citizens and discourage them from exercising their fundamental rights to freedom of expression and assembly by arresting anyone involved in political opposition activities. In mid-1994 several related arrests were made:

### Khin Zaw Win

On 4 July 1994 Khin Zaw Win, also known as Kelvin, was arrested while boarding a flight to Singapore at Yangon International Airport. Khin Zaw Win, a qualified dentist, had received a scholarship from the Singapore Government in June 1993 to study for a Masters' degree in Public Policy at the University of Singapore. His thesis topic was the political situation in Myanmar and he had returned home to carry out academic research. Khin Zaw Win had also worked for UNICEF in Myanmar between March 1991 and early 1993. His work with UNICEF included speech and report-writing, interpreting on trips outside of Yangon, and in 1992 he attended the UN-sponsored conference in China on the Rights of the Child.

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Khin Zaw Win was believed to have been carrying documents relating to the political opposition movement in Myanmar at the time of his arrest. He is known to have had close links and sympathy with the political opposition, and to have himself been critical of the government. He was initially taken to a Military Intelligence detention centre and then transferred to Insein Prison - Myanmar's main detention centre in Yangon - in mid-August. On 23 August, *The New Light of Myanmar*, the state-controlled English-language newspaper, reported that the allegations against him included:

*"Documents against Myanmar, some computer discs with anti-government material and facts and confidential reports containing data on the Ministry of Energy of Myanmar were seized from Dr Khin Zaw Win...[he] confessed and said that he had been a consultant to the Resident Representative of UNICEF from March 1991 to December 1992. Since that time, he said, Daw San San Nwe,...U Khin Maung Swe, and U Sein Hla Oo...contacted him. Dr Khin Zaw Win said that they together met foreign journalists or contacted some diplomats of foreign embassies and then sent news comments against or critical of the government in order to make foreign governments misunderstand the government. He said that they made frequent contacts with...[a member of an armed opposition group] and...[the NLD in exile], exchanged information with him and fed news and manuscripts for the publications brought out by the terrorist groups in the jungles. Dr Khin Zaw Win and group met those who have opposite views on government and the Tatmadaw [the Burmese armed forces] and made arrangements for sending fabricated news on Myanmar to Professor Yozo Yokota, representative of the UN Commission on Human Rights during his visit in December 1992...Dr Khin Zaw Win testified that Ma Myat Mo Mo Tun recorded defamatory letters and documents on computer disc for him and made contacts with illegal political groups..."*

In addition, a report broadcast on *Radio Myanmar*, the state-controlled radio station on the same day (23 August), reported allegations that Khin Zaw Win had attempted to smuggle "62 pieces of cut rubies and sapphires" to sell to friends in Singapore. The report said that "It has been learned that separate legal action will be taken against him for illegally taking out precious stones." The Myanmar authorities have in the past used alleged criminal activities as a pretext to imprison anti-government activists. Amnesty International is concerned that these charges may be politically motivated.

Trial hearings reportedly began in September, and on 6 October Khin Zaw Win was sentenced to a total of 15 years' imprisonment by a civil court at Insein Prison. He was sentenced to seven years' imprisonment under Section 5(e) of the 1950 Emergency Provisions Act ("causes or intends to spread false news, knowing beforehand that it is untrue"); three years' imprisonment under Section 17/1 of the 1908 Unlawful Associations Act (membership or contact with an illegal organization); three years' imprisonment for currency and customs offenses; and two years' imprisonment under Section 5 of the 1923 Official Secrets Act (possession or control of secret official information).

Amnesty International believes that Khin Zaw Win is a prisoner of conscience detained solely for carrying out peaceful political activities critical of or in opposition to the Government of Myanmar, and is calling for his immediate and unconditional release.

Subsequent to Khin Zaw Win's arrest, the authorities arrested four other people alleged to be part of Khin Zaw Win's "group":

Khin Maung Swe, Sein Hla Oo, Daw San San Nwe (f) and her daughter Ma Myat Mo Mo Tun (f)

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Khin Maung Swe, Sein Hla Oo, Daw San San Nwe and her daughter Ma Myat Mo Mo Tun were arrested on 4 or 5 August. Khin Maung Swe, a 52-year-old geologist, and Sein Hla Oo, a 58-year-old editor and journalist, are both former NLD members of parliament-elect. Both were arrested previously in October 1990 and sentenced to 10 years' imprisonment in connection with meetings held by the NLD to discuss what action to take should the SLORC continue to refuse to hand over power. They were both released on 1 May 1992 in accordance with the SLORC's decision to release all political prisoners not deemed a threat state security. Daw San San Nwe is a 49-year-old journalist and well-known writer whose work has been banned in Myanmar and who has also been imprisoned before. She was arrested in July 1989 after she had spent some time campaigning for the NLD, including travelling around the country and making anti-government speeches. She was released in April 1990. Ma Myat Mo Mo Tun is believed to be Daw San San Nwe's eldest daughter.

As part of Khin Zaw Win's "group", Khin Maung Swe, Sein Hla Oo and Daw San San Nwe are alleged to have taken part in the same activities as Khin Zaw Win (see above) and, according to the report in *The New Light of Myanmar* of 23 August, to have:

*"...told some diplomats of foreign missions and some broadcasting stations and newsmen who came to Myanmar about fabricated news and distributed documents of expatriate groups to cause misunderstanding of the government and documents were seized from their houses.*

*"Daw San San Nwe secretly met former members of DPNS [a banned political party] to cause disturbances and sent manuscripts to journals published by the expatriate groups. She also informed one-sided opposite views on Myanmar to two French reporters...who arrived as tourists on 21 April 1993. They taped with her back to the camera for adverse propaganda abroad."*

The report goes on to say that:

*"On the days they were released, they were told not to be involved in the movement with intent to disrupt national economy, create disturbances and undermine the maintenance of law and prevalence of peace and tranquillity and were repeatedly warned to control themselves lest they should step on the wrong track.*

*"However, as they make contacts with the armed groups and their acts are aimed at instigating internal and external machinations against national economy and politics, and the Government's efforts for emergence of a modern nation, legal action will be taken against them under the existing laws, it is reported."*

Ma Myat Mo Mo Tun is alleged to have: *"recorded defamatory letters and documents on computer disc for him [Khin Zaw Win] and made contacts with illegal political groups. Moreover, she sent anti-government articles to 'Khit Pyaing' Journal published by the expatriate group."*

Khin Maung Swe, Sein Hla Oo, Daw San San Nwe and Ma Myat Mo Mo Tun were sentenced at the same time as Khin Zaw Win on 6 October. All four were sentenced to seven years' imprisonment each under Section 5(e) of the 1950 Emergency Provisions Act (spreading false information). Daw San San Nwe was sentenced to an additional three years' imprisonment under Section 17(1) of the Unlawful Associations Act (membership or contact with illegal organizations). Amnesty International believes them

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to be prisoners of conscience and is calling for their immediate and unconditional release.

Two other people, Dr Htun Myat Aye and Soe Thein, a former leader of the NLD (Youth), were arrested at the same time as Khin Maung Swe and the others. However, Dr Htun Myat Aye was apparently only detained for a few days. It is not known if Soe Thein, who is thought to still be in detention, has been charged with any offences or tried.

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## Treatment of political prisoners in detention

Amnesty International has learnt of two more deaths in custody which took place in 1990.<sup>3</sup> Than Win, a 33-year-old member of the NLD (Youth), died in Tharawaddy General Hospital, Bago Division in February 1990 after being moved there from Tharawaddy Prison. He had been beaten by officials during a protest by prisoners against the use of "hard labour". Maung Maung Aye was also a member of the NLD (Youth) who died at Tharawaddy General Hospital in early 1990. He had been previously detained in Insein Prison where he was beaten in November 1989. He was moved to Tharawaddy Prison where he was reportedly beaten twice during protests against "hard labour".

During his visit to Myanmar in February 1994, United States Congressman William Richardson was allowed to meet with four political prisoners in Insein Prison, as well as with Daw Aung San Suu Kyi. The state of health of all four prisoners, as described by the Congressman, reflects the lack of adequate medical treatment available to prisoners. Although there is a doctor in the prison, many prisoners do not get proper medical attention and the prison infirmary is said to be very poorly equipped, and prisoners are reliant on what their families are able to provide.

Prisoner of conscience **Win Htein** is a former army captain serving a seven year sentence. He was arrested in July 1989 when he was in charge of the headquarters of the NLD. He suffers from hypertension and complains of headaches and sweating. **Min Ko Naing**, former chairperson of the All Burma Federation of Student Unions (ABFSU), was arrested in March 1989 and sentenced to 15 years' imprisonment. Amnesty International believes that he may be a prisoner of conscience, but does not have sufficient information at this time to judge. He has a nervous tremor and appears to have suffered emotionally from torture and ill-treatment inflicted during the early stages of his detention, further exacerbated by his continued detention in solitary confinement. Prisoner of conscience **Win Tin**, a 64-year-old journalist and editor and senior member of the NLD arrested in early 1989 and sentenced to 14 years' imprisonment, appears to have suffered from poor health for several years without receiving adequate medical care. He has spondylitis for which he has to wear a neck-brace. He is totally dependent on his family to bring him the necessary medication and supplementary food which he needs.

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<sup>3</sup>The total number of deaths in custody in Myanmar since September 1988 recorded by Amnesty International is 15. In many instances the causes of death are lack of adequate medical attention. The following people are known to have died: Bo Set Yaung (March 1990, Insein Prison); Kyaw Myo Thant (May 1990, Maubin Prison, Ayeyarwady Division); Maung Ko (November 1990, Insein Prison, Yangon); La Khong (Mandalay Prison); U Bo (1991, Insein Prison); U Chit Htaung (1991, Myingyan Prison, Mandalay Division); U Oo Tha Tun (1991); Tin Maung Win (January 1991, Insein Prison); Nyo Win (January 1991, Insein Prison); U Sein Win (January 1991, Insein Prison); Ba Thaw (June 1991, Insein Prison); U Soe Win (1992, Insein Prison); Aing Ko (October 1993, Thayet Prison, Magway Division).

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**Dr Ma Thida** is a hospital doctor and writer arrested in August 1993 and sentenced to 20 years' imprisonment. She is a prominent political activist for the NLD and had been a campaign assistant to Daw Aung San Suu Kyi in 1988/89. She suffers from a gastric ulcer and endometriosis. Amnesty International believes she is also a prisoner of conscience. All four prisoners were being held in solitary confinement in cells with little light. They were not allowed any reading or writing material. Family visits are limited to 15 minutes every fortnight.

Amnesty International is calling on the Myanmar Government to ensure that prisoners are provided with proper medical attention and any treatment they require in accordance with international standards, and also for a halt to the practice of detaining prisoners in solitary confinement.

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## Releases of political prisoners

Since the beginning of 1994, the authorities have announced the release of 21 men and 12 women political prisoners from Patheingyi and Maubin prisons in Ayeyarwady Division, 33 men from Myaungmya prison also in Ayeyarwady Division, and seven men from Insein prison, Yangon.<sup>4</sup> These prisoners have not been identified by name.

In addition, Amnesty International has learnt of the release of prisoners of conscience Zargana and Nai Tun Thein. Zargana is a popular satirist who was arrested in May 1990 after he reportedly impersonated General Saw Maung, the former head of the SLORC, in front of thousands of spectators at Yankin Teachers' Training College Stadium. He had been previously arrested in October 1988 for ridiculing the then interim government and was then detained until April 1989. Zargana was released in March 1994. Nai Tun Thein is a member of parliament-elect for the Mon National Democratic Front (MNDF). He was arrested in December 1991 after being asked his views by Military Intelligence on the award of the Nobel Peace Prize to Daw Aung San Suu Kyi and was sentenced to 14 years' imprisonment. Nai Tun Thein was released in August 1994 under Declaration No 11/92.

Although Amnesty International welcomes these releases, the organization is calling on the Myanmar Government to make public a list of all political prisoners who have been released since April 1992 when Declaration No 11/92 came into effect.<sup>5</sup>

## The death penalty

In Myanmar the death penalty is mandatory for high treason and premeditated murder. It is optional for the manufacturing of drugs and drug-trafficking. The last reported executions took place in early 1988. On 1 January 1993, all death sentences imposed between 18 September 1988 and 31 December 1992 were commuted to life imprisonment.

On 3 January 1994 the District Court in Lashio, Shan State, sentenced Li Kum Shin *alias* Li Vik Shin to death after he was found guilty of murdering an immigration officer, possession of heroin and possession of uncut rubies. It is not known if Li Kum Shin has been executed.

On 10 January four other people were also sentenced to death after what appears to have been an unfair trial. According to a report in *The New Light of Myanmar* newspaper on 11 January 1994, Khin Maung Oo, Tin Kyu, Myint Kyaw *alias* Nagabat and Hla Tun were sentenced to death by the Special Court of Yangon West District after being found guilty of murdering a student at the Institute of Economics, Maung Naing Win, on 8 January. According to the report, on the evening of 8 January Maung Naing Win and three friends were travelling on a commuter bus. When the bus stopped at Station Road bus stop in Hline Township Maung Naing Win noticed that his wallet had been stolen. He got off the bus and went after the alleged pickpockets. When he confronted them and asked for his wallet, the pickpockets attacked him. Maung Naing Win died later in hospital from multiple stab wounds. The report stated that the four alleged to have committed the crime were arrested overnight and then sentenced the next day. It stated

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<sup>4</sup>This is a considerably smaller number than in the previous two years.

<sup>5</sup>Declaration No 11/92 stated that all political prisoners not deemed a threat to state security would be released. Since the announcement of this Declaration the authorities have said that some 2050 political prisoners have been released. However, most of these prisoners have not been identified by the authorities.

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"*Prompt action was taken to prevent recurrence*". Amnesty International believes that the four may not have had a fair trial, and that action was taken quickly by the authorities in order to pre-empt any protests by Maung Naing Win's fellow students. In 1988 there had been large-scale public unrest following the stabbing of a student in a tea-shop. It is not known if the four sentenced to death have been executed.

Amnesty International opposes the death penalty in all cases and is calling on the Myanmar Government to commute all existing death sentences to terms of imprisonment and to cease the practice of imposing the death penalty. It also urges the government to consider abolition of the death penalty as a punishment.

## Ethnic minorities

Human rights violations against members of ethnic minorities continue not only in the context of counter-insurgency operations against armed opposition groups, but also in the context of work on large construction projects. Such human rights violations include extrajudicial killings, torture and ill-treatment, forced porter duty for the *tatmadaw*, forced unpaid labour on construction projects, and forced relocation of villages.

## Ceasefire agreements

The Myanmar Government's policy of pursuing peace negotiations with armed opposition groups representing several ethnic minorities who have been fighting the *tatmadaw* for autonomy for more than 40 years, has meant a decrease in offensives in most areas except for the Shan State, where the *tatmadaw* launched an offensive against the Muang Tai Army of Khun Sa in May 1994 and is currently reportedly preparing to begin another offensive. Since 1989 13 ceasefire agreements have been signed, the most recent with the Shan State Nationalities Liberation Organization in October. Groups who have yet to agree to a ceasefire are the Karen National Union (KNU), the New Mon State Party (NMSP), the Muang Tai Army of Khun Sa, as well as Muslim armed groups such as the Rohingya Solidarity Organization (RSO) and the Arakan Rohingya Islamic Front (ARIF). The KNU have agreed in principle to talks with the Myanmar Government but these have yet to take place, although officials of the KNU have had preliminary talks with an anglican archbishop acting as an intermediary for the government. The NMSP have already had talks with the government but these are stalled because of disagreements over the size of the area the NMSP would be able to control under a ceasefire agreement.

## Human rights violations against the Karen ethnic minority

In April and May 1994 Amnesty International interviewed dozens of Karen refugees, mainly from Hlaingbwe district in Karen State, who had crossed into Thailand to escape human rights violations committed by the *tatmadaw*, including arbitrary seizure for forced porter duty and unpaid labour on construction projects such as building roads and military barracks, and some forced relocation of villages. In the material that follows Amnesty International has left out details that would identify its sources, including names of victims and of villages where violations took place.

## Extrajudicial killings

Amnesty International received information from two independent sources about the deliberate killing of three young men by soldiers of the 99th Division in March 1994. A 25-year-old cultivator, a 13 or 14-

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year-old boy and another young man were grinding sugar cane when soldiers from the 99th Division came to their village. One source explained that usually when the soldiers come to the village, everybody runs away to avoid being captured. The three were taken by the soldiers, together with three girls who were later released. One source said:

*"...he did not know the soldiers had come and they captured him...The three girls saw the men killed and were very frightened. They said that before the men were killed they were tortured. The soldiers put them in the water and hit them..."*

The villagers had to go and fetch the bodies:

*"When we went to see the body we had to dig them up as they had buried them. Only one had his throat slit, the other two were just stabbed."*

The same source believed that the young man may have been killed because he was suspected of being a "rebel" because he was a young man. The aunt of the boy said she thought that all three were killed because the soldiers wanted to steal the money they were making by grinding sugar cane. She said:

*"...the army killed them to steal the money, more than 20,000 kyats...I heard my nephew's throat was slit...the boy had no parents, so his uncle buried him."*

Nobody was brought to justice for the killings, and the families did not receive any compensation.

A farmer described the killing of his brother in March 1994 by soldiers of the 339th Regiment because they suspected he was a member of the KNU as he could not understand Burmese:

*"...They wanted porters and my brother and I were captured. My brother couldn't answer them properly because he was afraid so they ill-treated him. They tied us by a rope. I escaped but they killed my brother. They slit his throat, he couldn't understand Burmese...This was one hour after we were captured in our fields by seven soldiers...They accused us of being from the KNU but we weren't. Some KNU in our area. They shot me as I ran away, but they missed. I saw my brother killed and then I was scared and ran away. They shot my brother twice and then they slit his throat."*

Ill-treatment

Some refugees told Amnesty International that they had been beaten or kicked when they were too tired to carry loads as porters, or to work on the roads. One man described why he left Myanmar:

*"I got here five days ago. I came because you have to go as a porter or give money. I went 10 times in one year. Five days before I came here I was a porter. I had to carry food for the soldiers, but I didn't get any food myself...When you lag behind you get beaten. They beat me with a stick...bamboo or wood stick...They hit me on the back."*

Another man described what happened when he was taken as a porter:

*"I arrived in Thailand in April 1994. I came because we have to go as porters. In one month I had to go*

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*two to three times, six-seven days each. Sometimes for 10 days. Two or three times they kicked me in the back if I couldn't go fast at night - we weren't allowed to use a light, so we couldn't see to walk fast...My back still hurts. I can't carry heavy loads."*

## Forced labour and portering

Most of those interviewed had been forced to act as porters or to undertake unpaid labour themselves, or if not had family members who had. Often they had fled to Thailand because, due to the constant demands for their labour by the *tatmadaw*, they could no longer make a living in Myanmar. The only way to avoid porter duty is to pay a tax, which many interviewees told Amnesty International they could not afford to pay. Some said they had to take their own food with them when they went to work on road building, or when they had to keep watch at the road-side for insurgents belonging to the KNU. Often they did not know how long they would be away from their homes, and they were never paid.

One man interviewed in May 1994 said that he had recently left for Thailand because he had been required to work on building a road between Hlaingbwe and Mauthaing. He said that since March he had had to carry 40 buckets of stones a day for two or three days at a time, then have five days off, and then start again. One woman told how she and her family left Myanmar because her husband had been taken as a porter "very often" even though he had tuberculosis.

A farmer described how he had to work for no pay:

*"I got here about two months ago. The 8th, 9th and 28th regiments came to Hlaingbwe and asked us to build the road and barracks, so we weren't free to farm...They didn't feed us or pay us. When we were very tired carrying and working they kicked us...Every day they ask us to do work so we don't have time to do our own work. Other villagers joined with us working on the road. Three hundred to 400 from five villages..."*

## Forced relocation of villages

Amnesty International opposes the relocation of people to a particular area where they have to remain, when it is on account of their ethnic origin. One woman rice cultivator told how the *tatmadaw* said her village had to move:

*"Our village had to move - that's why I came here...They ask us to go or would burn our house. They burned my house. They gave us two days' notice to move. No compensation. New place was 20 miles away. Twenty houses had to move. Ten each went to two new places..."*

Another female farmer said:

*"I came two weeks ago. I came because I had to move from...village to [another village] and then to [another village] and then back to [the first village]. One year in each place then told to move back to [the first village] in April this year. If we don't move we'll be beaten."*

Villages are usually forced to relocate in order to change the ethnic mix of an area. This applies  
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particularly to villages close to areas of possible counter-insurgency operations, in order to deprive insurgents of any logistical support, such as food and other supplies.

## Human rights violations against the Mon ethnic minority

Although the Mon State is not an area in which there have recently been large counter-insurgency operations, mainly because of SLORC attempts to negotiate a ceasefire agreement with the NMSP, thousands of ethnic Mon people have in the last year fled to Thailand to escape human rights violations occurring in the context of being forced to undertake unpaid labour on the construction of a 100-mile long railway between Ye in the Mon State and Dawei in Tanintharyi Division. This large construction project began in the first week of December 1993 and tens of thousands of villagers living locally have since reportedly been required to "*contribute voluntary labour*" (*The New Light of Myanmar*, 20 January 1994).

On 19 January Major General Ket Sein, Chairman of Mon State Law and Order Restoration Council, Commander of Southeast Military Command and one of the Patrons of the USDA, visited parts of the construction site and "*gave encouragement to those contributing voluntary labour in laying the Ye-Dawei railroad as a gesture hailing the mass rallies of the USDA*" (*The New Light of Myanmar*, 20 January 1994). On 10 March Lieutenant General Maung Aye, Deputy Commander-in-Chief of the Defense Services, and Lieutenant General Khin Nyunt, Secretary 1 of the SLORC inspected the railway in Dawei. Lieutenant General Maung Aye "*expressed his satisfaction at seeing local people willingly and competitively participate in the project in order to bring about developments in their respective areas. He said the state is providing vast sums of money, both in local and foreign currencies, for the railway construction projects. He urged the departmental authorities and local people to participate actively and cooperate in the project.*" (*Myanmar Radio*, 10 March 1994)

Despite these statements by senior government officials, unofficial reports and testimonies confirm that local people have been forced to work on the project in poor conditions. Village headmen are responsible for supplying labourers and every household is required to contribute one person, male or female. People who do not want to do the work have to pay a fine or "hire" somebody else to do the work for them. The labourers are not paid and are not told how long they will have to work on the project. Labourers have to supply their own food and medicines, or buy them at high prices from government shops on site. The military supervising the project set work quotas which have to be completed before labourers can go home.

One Mon refugee who had been a farmer in Myanmar told Amnesty International why he fled to Thailand:

*"I came because I didn't want to work on the railway. I had to do a heavy job on the railway. Fifty days I worked there. I carried sand. Twelve hours a day. Each household had to give one man to work. It was 12 miles from the village to the railway. I slept at the railway, there was a temporary shelter. The army gave us no money, and charged us for food...I saw some people beaten by military because they worked slowly...About 50 people were working with me. There was a work quota the military told us we had to fill, so we had to work until we finished. I didn't know what the quota was. The section I worked was 360 yards long."*

A Mon monk told Amnesty International that in his village in the Mon State those who didn't go to work

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on the railway were fined 3000 kyats and were imprisoned for one month in Mawlamyine Prison. He said that the villagers worked in rotation on the project, 50 households at one time. He also said that the military had a bulldozer that villagers could hire if they could afford the charge of 3000 kyats an hour.

Despite overwhelming evidence to the contrary, the government persists in claiming that such forced unpaid labour is voluntary. According to a report in *The Nation*, a Thai newspaper, on 23 August 1994, Thein Oo Po Saw, director of the Scientific and Technology Research Department of the Ministry of Industry, responded to allegations that Myanmar would use forced labour to build a proposed gas pipeline:

*"It is voluntary labour. Myanmar has a long tradition of voluntary labour, extending back to the old kings. People don't have to do it, but they do it because it is good for their villages and towns."*

The report goes on to say:

*"He said refugees from Burma who had fled to Thailand with tales of human rights abuses while being forced to work on construction of the Ye-Tavoy [Dawei] railway were either `insurgents, misfits or dacoits [robbers]'"*.

Many of the Mon people fleeing Myanmar since the beginning of the year have joined others taking refuge at Halockhanie refugee camp which is situated in a disputed area straddling the border between Myanmar and Thailand. Prior to this the Mon refugees were located in Loh Loe camp several kilometres inside Thailand, but the Thai authorities forced them to relocate to Halockhanie in March and April 1994, in spite of protests by the Mon National Relief Committee which runs the camp, and international voluntary organizations providing relief.

On 21 July 1994, 360 soldiers from the 62nd Infantry Battalion of the *tatmadaw* entered Plat Hon Pai section of Halockhanie refugee camp, which is located in Myanmar. The troops called a meeting of the 500 residents, and later in the day attempted to enter the main section of the camp. Amnesty International has received reports that some of the refugees were forced to walk in front of the troops as they advanced. The *tatmadaw* soldiers were driven back from the main section of Halockhanie camp by soldiers from the NMSP who had arrived in the area on hearing of the *tatmadaw* presence in the camp. The *tatmadaw* soldiers then returned to Plat Hon Pai section, and torched half of the 120 houses there. They left, taking with them 16 men, eight of whom were handcuffed. Over 2000 refugees then fled and took refuge on the Thai side of the border. They have since returned to Halockhanie under pressure from the Thai authorities.

According to most recent information, of the 16 men who were taken by the *tatmadaw*, five escaped and returned to Halockhanie, three were released, but eight are still believed to be in the custody of the *tatmadaw*. Only 24 hours after the attack on Halockhanie camp by the *tatmadaw* Myanmar's Foreign Minister U Ohn Gyaw told a press conference in Bangkok, Thailand, that he did "not believe Myanmar has a human rights problem" (see below, Government response to allegations of human rights violations).

Human rights violations against the Shan ethnic minority

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In May 1994 hundreds of Shan people began to flee from the Shan State in Myanmar to Thailand to escape being taken as porters by the *tatmadaw*. The *tatmadaw* rounded up hundreds of Shan and other Burmese civilians in the Tachilek area of Shan State to act as porters and to build military barracks during a large-scale military offensive against the Muang Tai Army of Khun Sa. People were literally taken off the streets, or their homes were raided by the military in the middle of the night. Unofficial sources say that the *tatmadaw* in this area refer to porters as "ghosts".

According to reports, porters were typically provided with very little food and were beaten if they were not able to carry their loads. Some porters made to work on the front lines were caught up in the fighting between the *tatmadaw* and the Muang Tai Army and were killed by mortars.

Amnesty International is concerned that as the *tatmadaw* prepare for a new offensive against the Muang Tai Army, more porters will be recruited in the Shan State and face the now common pattern of human rights violations.

## Government response to allegations of human rights violations

On 26 April 1994 Lieutenant General Khin Nyunt, Secretary 1 of the SLORC, addressed officers and staff of the Ministry of Foreign Affairs in his capacity as chairperson of the Foreign Affairs Policy Committee. His remarks about allegations of human rights violations and international relations were broadcast in a report on *Myanmar Television*:

*"...Myanmar has constantly opposed allegations based on the original fixed standard of human rights, which is without any regard to a country's significant historical, cultural, religious and traditional backgrounds. Khin Nyunt explained that Myanmar has already accepted human rights standards in accordance with its own cultural and traditional background and these standards are the main consideration for the Myanmar people. He noted that, although the contribution of labour is a noble deed in Myanmar tradition, western tradition eyes it as forced labour and a violation of human rights...he observed that Myanmar is working together with United Nations human rights organizations to show Myanmar's sincere desire to cooperate with international organizations concerning human rights..."*

Myanmar was invited by Thailand, as the host country, to attend a meeting of the Association of South East Asian Nations (ASEAN) held in Bangkok in July 1994. At a press conference on 22 July, Myanmar's Foreign Minister U Ohn Gyaw announced that his government had agreed to hold talks with the United Nations about "democratic reforms and human rights". U Ohn Gyaw said that he had been nominated to hold talks with UN Secretary General Boutros Boutros-Gali, and that dates of any meetings had yet to be worked out. At the same time he said "I don't believe we have a human rights problem".

Amnesty International believes that human rights standards are universal. It calls on the Myanmar Government to show a sincere commitment to upholding the fundamental human rights of its citizens by acceding to international human rights instruments including the International Covenant on Civil and Political Rights and its two optional Protocols and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

## Myanmar and the United Nations

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On 24 November 1993 Professor Yozo Yokota, the Special Rapporteur on Myanmar, made an oral statement to the Third Committee of the United Nations General Assembly reporting on his recent visit to Myanmar. While welcoming certain improvements, he also said that "...many serious restrictions and grave violations of human rights and fundamental freedoms [remain]". On 6 December 1993 the United Nations General Assembly adopted without a vote a resolution which "*deplores the continued violations of human rights in Myanmar*" and welcomes improvements as outlined by the Special Rapporteur on Myanmar. It expresses regret at "*the recent harsh sentences meted out to a number of dissidents*" and calls on the SLORC "*to put an end to violations of the right to life and integrity of the human being...*" In conclusion the resolution decided to reconsider the issue of human rights in Myanmar at the General Assembly's 49th session in late 1994.

The Special Rapporteur presented his report on the situation of human rights in Myanmar to the United Nations Commission on Human Rights in February 1994. This included details about his visit to Myanmar in November 1993 and a set of recommendations to the government. Subsequently, on 4 March 1994, the Commission adopted without a vote a resolution which expressed grave concern at

*"the violations of human rights in Myanmar which remain extremely serious, in particular the practice of torture, summary and arbitrary executions, forced labour, including forced portering for the military, abuse of women, politically motivated arrests and detention, forced displacement of the population, the existence of important restrictions on the exercise of fundamental freedoms, including the freedom of expression and association, and the imposition of oppressive measures directed, particular, at minority groups"*

The resolution called on the Government of Myanmar to release Daw Aung San Suu Kyi immediately and unconditionally as well as other detained political leaders and all political prisoners, amongst other measures. It extended the mandate of the Special Rapporteur for one year who should "*establish or continue direct contacts with the Government and People of Myanmar, including political leaders deprived of their liberty...*" and requested him to report to the 49th session of the General Assembly in late 1994 and to the 51st session of the Commission on Human Rights in early 1995. The resolution particularly urges that the Special Rapporteur should be given access to meet with Daw Aung San Suu Kyi, and finally requests the UN Secretary-General to provide the Special Rapporteur with all necessary assistance.

It is believed that the Special Rapporteur will be visiting Myanmar in November, prior to being required to report on the human rights situation to the General Assembly.

## Recommendations

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

**1. Release all prisoners of conscience immediately and unconditionally, including Daw Aung San Suu Kyi, and Khin Zaw Win, Khin Maung Swe, Sein Hla Oo, Daw San San Nwe and Ma Myat Mo**

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**Mo Tun recently arrested and sentenced in October 1994 to terms of imprisonment ranging from seven to 15 years.**

**2.Ensure that all prisoners are provided with proper medical attention and any treatment they require in accordance with international standards, and halt the practice of detaining prisoners in solitary confinement.**

**3.Make public a list of all political prisoners who have been released since April 1992 when Declaration No 11/92 came into effect.**

**4.Commute all existing death sentences to terms of imprisonment and to cease the practice of imposing the death penalty, with a view to its total abolition.**

**5.Immediately release all civilians who have been arbitrarily seized against their will by the military for forced portering and unpaid labour.**

**6.Put an end to the forced relocation of villages in circumstances when people are forced to remain in another area, because of their ethnic origin.**

**7.Permit international human rights and humanitarian bodies such as the UN Commission on Human Rights and the International Committee of the Red Cross (ICRC), and representatives of the Interparliamentary Union (IPU) access to Myanmar, including full and free access to all prisons and other places of detention, and to areas where ethnic minorities live.**