

MYANMAR

Renewed repression

Introduction

Nothing has changed in Myanmar's human rights situation since the release of Daw Aung San Suu Kyi on 10 July 1995. Although her release raised hopes for an improvement in the State Law and Order Restoration Council (SLORC) human rights practice and policy, the pace of political arrests has in fact accelerated dramatically since November 1995. Some 1,000 political prisoners remain behind bars throughout the country. In May 1996 the SLORC arrested over 300 National League for Democracy (NLD) activists in the largest crackdown since the mass detentions of 1990, when scores of NLD members of parliament-elect were arrested.

In November 1995 the NLD, the main opposition party founded by Daw Aung San Suu Kyi, withdrew from the government-controlled National Convention because they believed it was not a democratic process. Although they attended the opening ceremony, the 86 NLD delegates did not attend any subsequent sessions. Noting their absence, the SLORC, Myanmar's military government, responded by expelling the NLD permanently from the Convention and arresting hundreds of their members and supporters over the next six months. Since Daw Aung San Suu Kyi's release from house arrest, the NLD has continually asked the SLORC to begin a dialogue in order to start a process of national reconciliation. However, the SLORC has refused to meet with the NLD and instead has accused it of being manipulated by Western "neocolonialist" countries.

Political turmoil in Myanmar has increased significantly since the NLD announced that they would hold a meeting to commemorate the sixth anniversary of their 1990 election victory in late May 1996.¹ The SLORC reacted by arresting hundreds of NLD members of parliament-elect and other NLD activists. At the time of writing, the subsequent release of 169 of them can be confirmed, but Amnesty International is concerned about the continued detention of some 26 other named political activists. In addition to the mass arrests, on 7 June the SLORC issued Law No 5/96, the sweeping provisions of which allow for up to 20 years' imprisonment of anyone who expresses their political views publicly. Amnesty International is alarmed by the recent deterioration in the human rights situation in Myanmar, including the SLORC's harsh repression of any peaceful opposition activity.

Since their seizure of power in September 1988 the SLORC has categorically denied that human rights violations occur in Myanmar. In the last year the SLORC has continued to dismiss all reports of human rights violations, asserting that such "allegations" are "concocted" by Western nations and those whom the SLORC perceives to be their allies. An 8 April 1996 article in the State-controlled daily newspaper *Kyemon (The Mirror)* claimed:

"The United States and Western nations have been creating problems and causing disturbances for other countries by using their human rights yardstick, which has been rejected by the world. The Western groups - Amnesty International, Asia Watch, and Article 19 have been dancing to the CIA's tune with their allegations of other countries' human rights violations...There are full human rights and

¹ The SLORC never recognized the results of the 1990 election and continued to rule by decree.

democracy in Myanmar in accordance with Myanmar [Burmese] culture and tradition.”²

Such attacks have escalated in Myanmar’s official press since Daw Aung San Suu Kyi has been released and the NLD has become active again.

The National Convention

The National Convention was originally convened in January 1993 by the SLORC in order to agree principles for framing a new constitution³. The Convention has been meeting regularly since that time. Almost 700 delegates were selected by the SLORC and all plenary sessions have been convened and controlled by them. The SLORC has also prescribed six overall guiding objectives to be adhered to in drawing up the constitution, including a leading role for the military in politics.

The National Convention was convened again on 28 November 1995. Lieutenant General Myo Nyunt, SLORC member and Chairman of the National Convention Convening Commission, addressed the delegates, including some 86 NLD participants. In the speech he said that the Convention would now begin to prescribe the basic principles for the chapters on the legislative, judicial, and executive branches of a future Myanmar government.

On the same day NLD Chairman U Aung Shwe sent a letter to U Aung Toe, chairman of the National Convention Convening Work Committee. The letter referred to two previous letters, in which the NLD asked the SLORC to enter into a dialogue so that the National Convention could achieve success in democratically drawing up a constitution and meeting the “*aspirations*” of the people. The letter continued by saying that no mention was made by U Aung Toe at the opening session of the possibility of a dialogue, and therefore the NLD was withdrawing from the Convention “*until such time as a dialogue with a view to achieving national reconciliation, genuine multi-party democracy and a constitution that can win the support and confidence of the people has been successfully put into effect.*”

The authorities responded by issuing a press release dated 28 November 1995 stating that a review of the NLD “*demonstrates that they are aimed at destroying the ongoing work of the convention...and that they were made in contempt.*” The statement further claimed that the NLD was only interested in its own party and not in the national interest. On 30 November the SLORC expelled the 86 NLD delegates to the National Convention because they were absent without leave from the 29 and 30 November sessions, citing Sections 48 and 49 of the National Convention Procedures.⁴ In early December the government-controlled media began to report mass rallies

²As quoted in 20 April 1996 *Summary of World Broadcasts*, British Broadcasting Corporation (BBC).

³ The constitution of 1974 was abrogated when the military reasserted power and formed the SLORC on 18 September 1988.

⁴ *Radio Myanmar*, Rangoon, 30 November 1995, as quoted in 2 December 1995 *Summary of World Broadcasts*, British Broadcasting Corporation.

attended by tens of thousands of people throughout the country held in support of the National Convention. These gatherings were sponsored by the United Solidarity and Development Association (USDA), which is a “social organization” formed by the SLORC in 1993 and widely seen as a military-backed group. Unofficial sources have repeatedly claimed that USDA membership is not entirely voluntary, and have also indicated that attendance at USDA rallies is mandatory.

Meetings of the Convention continued intermittently during the first three months of 1996. In March the Convention approved guidelines for the executive, judicial, and legislative branches of the Myanmar government. These included a legislature comprising two houses in which the military would hold 25% of the seats. The remaining representatives would be elected. About 30 delegates from five political parties reportedly objected to the military appointments and called for all the representatives to be popularly elected. With regard to the executive branch, the guidelines stipulated that the three ministers for defence, security and home affairs, and border affairs would be nominated from military personnel. The National Convention was adjourned on 31 March, but no date for the resumption of meetings is known to have been made public.

Crackdown on peaceful political activities

An increasing pattern of intimidation

At the time of Daw Aung San Suu Kyi's release the SLORC stated that she was released unconditionally; however Amnesty International is concerned that she and other NLD members are subject to restrictions of movement and intense surveillance activities. The arrests and sentencing of NLD members have also markedly increased since that time. Since November 1995 the SLORC-controlled press has stepped up personal attacks on NLD leaders and has also used short-term detentions of NLD members as a form of intimidation. Another technique which the SLORC has used to repress opposition activities is widespread intimidation of real or perceived government critics. Surveillance by Military Intelligence officers of critics or people connected with critics of the government is pervasive in Myanmar. People meeting with foreigners or in communication with foreigners are particularly vulnerable to surveillance and possible arrest and imprisonment. Martial law decrees greatly restricting the rights to freedom of expression and assembly, including those which prohibit gatherings of more than five people and forbid public criticism of the military remain in place.⁵

It is not just government critics who are at risk of intimidation and surveillance. Another martial law decree which is reportedly still enforced is Order No 1/90, enacted on the eve of the May 1990 elections, the provisions of which require that all households of the 42 townships of Yangon (Rangoon) Division register their visitors with the local Law and Order Restoration Council (LORC). The decree's provisions also require that all households report to the local LORC when any of their members leaves the household. Under Order No 1/91, which was issued on 30 April 1991, public service personnel and their dependents are prohibited from engaging in "*party politics*". Since the NLD has become more active, reports indicate that government personnel are under great pressure not to associate with NLD members. This is reinforced by warnings in the official press to public servants not to engage in "*party politics*".

Opposition attempts to communicate with the SLORC

On 24 November 1995, shortly before the NLD withdrew from the National Convention, a group of 23 politicians and veterans of Myanmar's independence struggle wrote a letter to the SLORC which called for "national reconciliation" through dialogue between the SLORC and NLD. The group was reportedly summoned to a meeting on 26 November 1995 with government officials and accused of being influenced by Western countries and used by the NLD. The group replied by saying that they were acting independently and in good faith when they sent the letter to the SLORC.

⁵ The only known exception made to Order No 2/88, prohibiting public gatherings of more than five people and decreed on 18 September 1988, are gatherings in front of Aung San Suu Kyi's home compound.

In March 1996 the NLD sent two letters to the SLORC. The first letter, dated 25 March and signed by U Aung Shwe, asked for a date to be fixed for the convening of the People's Assembly elected in 1990. The second letter, dated 28 March and also signed by U Aung Shwe, was a letter of protest against the arrests and trials of NLD members and supporters since November 1995. It outlined in detail several examples of what it termed the "lawless nature" of the SLORC's actions with regard to NLD members, including unfair trials. The letter stated that during their trials they were generally not allowed legal representation, they were not allowed to defend themselves, nor were they allowed contact with their families. The letter concluded by citing a 1994 example of the son of a senior officer of the armed forces who had reportedly killed a pedestrian while driving, yet remained in prison for only a few weeks. This example was used to illustrate what the NLD believed to be the SLORC's bias against it.

The SLORC's repression of the NLD

In early October 1995 Daw Aung San Suu Kyi was reinstated by the NLD to her former position as the party's General Secretary. Reportedly under intense pressure from the SLORC, the NLD had removed Daw Aung San Suu Kyi and U Tin U, NLD chairman, from the Central Executive Committee on 26 March 1991. In the October 1995 NLD appointments, U Aung Shwe was reconfirmed in his position as Chairman, and U Kyi Maung and U Tin U were both appointed as Vice-Chairmen. U Kyi Maung was given special responsibility for international relations and the environment and Daw Aung San Suu Kyi was given responsibility for youth and women's affairs. The NLD also formed a legal assistance committee and appointed U Tin U to take charge of legal affairs. An NLD fund designated to assist political prisoners and their families was also established.

According to U Win Htein, NLD spokesman, the NLD submitted a new list of central executive committee members to the government's election committee, which he said would stand even if the government rejected it.⁶ The SLORC election committee reportedly did indeed reject the appointments of Daw Aung San Suu Kyi, U Tin U, and U Kyi Maung shortly after it was submitted, although the SLORC apparently did not announce this publicly. The ruling by the SLORC election commission reportedly cited a 1991 regulation banning further changes in political party leadership.

U Kyi Maung, an MP-elect who led the NLD to victory in the 1990 elections, and U Tin U, the party's former Chairman, were released from Insein Prison in March 1995⁷. Although the SLORC has not re-arrested them, it has restricted their freedom of movement within Myanmar and has subjected them to intense and ongoing surveillance activities. NLD leaders have stated publicly that they and other opposition party members are always at risk of arrest. Daw Aung San Suu Kyi's residential compound is under constant surveillance by Military Intelligence personnel, particularly during her public speeches each weekend when thousands of people gather outside the compound gates.

⁶ *Agence France Presse*, 11 October 1995.

⁷ U Tin U was arrested at the same time as Daw Aung San Suu Kyi on 20 July 1989 and U Kyi Maung was arrested in September 1990.

After the NLD withdrew from the National Convention in November 1995 the houses of U Kyi Maung and U Tin U were reported to be under heavy military guard. In December Daw Aung San Suu Kyi was prevented by the authorities from attending a Karen New Year celebration in the Karen ethnic minority area of Yangon and three Karen Insein NLD members along with one other Karen were detained for 12 days, reportedly for having organized her visit to the gathering. According to NLD spokesman U Win Htein, he and the four Karen along with Daw Aung San Suu Kyi were summoned to the War Office for interrogation and were told that the celebration “*was not a political event.*”⁸

Although the authorities have restricted senior NLD leaders’ movements, they have generally been allowed to make public statements both to the Burmese people and to the international media and in other international fora, such as the United Nations. Daw Aung San Suu Kyi gives frequent interviews to members of the international press corps who come to visit her. On 17 April 1996 she issued a statement to the annual meeting of the United Nations Commission on Human Rights in Geneva, Switzerland, calling on the international community “*to do everything possible to implement the terms of the [UN] General Assembly resolution [of December 1995] with regard to the human rights situation in Burma.*”⁹ Since her release Daw Aung San Suu Kyi and her colleagues make regular public appearances at her home in Yangon and appear to speak freely to Burmese citizens gathered there. However, aside from the weekly gatherings at Daw Aung San Suu Kyi’s compound, general NLD party activities have been severely restricted. In March 1996 when NLD leaders attempted to travel to Mandalay to give testimony at the trial of NLD members, they were not allowed to do so by the authorities. The NLD is not permitted to publish party material; in general Myanmar’s press is tightly controlled and censored by the SLORC.

The Buddhist New Year is celebrated in mid-April every year in Myanmar, when people traditionally throw water at one another to symbolize the renewal and purification of a new year. The water festival is also a time where people hold competitions of chanting satires, rhymes and short skits which reflect popular grievances. In 1996 the SLORC issued a warning about public celebrations of the new year, stating:

*“...indecent attire, drunkenness, taking advantage of a religious festival politically, and any agitation to cause disturbances should be avoided... if any crime takes place, those responsible will be tried and sentenced the very same day...”*¹⁰

The NLD Women’s Division sought permission from the authorities to hold a Buddhist New Year celebration on 16 April, which is known as *Thingyan*, but were refused permission on 15 April. According to opposition sources NLD chairman U Aung Shwe and two other members of the

⁸British Broadcasting Corporation (BBC) interview, London, 10 January 1996, quoted in *Foreign Broadcast Information Service (FBIS)*, 22 January 1996.

⁹*The Nation*, an English language daily newspaper published in Thailand, 20 April 1996.

¹⁰Rangoon Radio in Burmese, 3 April 1996, as translated in FBIS.

Executive Committee were summoned to the Bahan township LORC office and told that they could not hold the event because they would be using a traditional ceremony as a political gathering. The NLD then cancelled this particular event.

On 16 April part of the street outside Daw Aung San Suu Kyi's house was blocked and no one was allowed to pass through the barricades. Opposition sources also said that USDA blocked the way, and that they were equipped with sticks in order to beat anyone who attempted to pass through them. Apparently NLD executive committee members were allowed to leave the compound and join a group of NLD supporters waiting outside the barricades, where a ceremony honouring the elder members of the community took place on the street.

The vast majority of the almost 350 people known to have been arrested for political reasons in the last year are NLD members or supporters. They include hundreds of NLD members of parliament-elect; performers arrested for satirizing the SLORC; NLD members arrested for writing a poem in honour of a dead colleague; and NLD supporters arrested for distributing videotapes of speeches given by Daw Aung San Suu Kyi. Still other NLD supporters have been arrested for alleged criminal offences which were apparently used as a pretext by the authorities to restrict activities in aid of the NLD.

Political arrests and trials

Amnesty International seeks the immediate and unconditional release of prisoners of conscience, that is people detained anywhere because of their beliefs, colour, sex, ethnic origin, language, or religion, who have not used or advocated violence. Many of those arrested in the last year in Myanmar are prisoners of conscience, detained solely for the non-violent expression of their peaceful political views. The right to freedom of expression is proclaimed in Article 19 of the United Nations Universal Declaration of Human Rights, which states: "*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*" Prisoners of conscience in Myanmar have also been detained for exercising their right to freedom of association, as proclaimed in Article 20 of the Universal Declaration of Human Rights, which states: "*Everyone has the right to freedom of peaceful assembly and association.*"

Many other political prisoners in Myanmar could probably be identified as prisoners of conscience with further investigation. Amnesty International is not permitted by the SLORC to visit Myanmar, and so is unable to conduct such investigations. Although Amnesty International cannot at this time designate these political prisoners as prisoners of conscience, it does have other concerns about them which relate to the fairness of trial proceedings. Amnesty International works for prompt and fair trials for all political prisoners. Article 10 of the Universal Declaration of Human Rights states: "*Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.*"

Hundreds of political prisoners in Myanmar have been sentenced to long terms of imprisonment after summary trials which fell far short of international fair trial standards. Although military tribunals were abolished in September 1992, information Amnesty International has obtained

about trials of political prisoners held subsequently in Myanmar indicates that they have not been fair. According to reports, the judiciary is not independent from the military government, and political detainees are seldom allowed any legal representation and are generally held in incommunicado detention before their trials. Principle 17 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states *inter alia*: “A detained person shall be entitled to have the assistance of a legal counsel.” Principle 18 also gives the rights to “communicate and consult” with legal counsel.

Ye Htut

Ye Htut (m), aged 31, was arrested on 27 September 1995 by Military Intelligence officers in Yangon. He is not a member of the NLD, but was arrested because he had been sending “concocted news” to dissident groups outside Myanmar “in order to mislead foreign nations concerning Myanmar”. The allegations against Ye Htut, as reported in the official newspaper *The New Light of Myanmar* of 10 October 1995, state that he “admitted” sending material to people abroad since 1991. One of the people named is in fact his sister. She stated publicly that he only sent her non-political letters, Burmese magazines approved by the official censors, and clippings from the two official newspapers. Others named include a Burmese dissident abroad who allegedly published “false reports” about Myanmar which have been “sent regularly to the US Senate Foreign Relations Committee...” and “made available to organizations such as Amnesty International (London)...” and other human rights groups. Amnesty International believes that Ye Htut has been arrested solely for exercising his rights to freedom of expression and association. As such Ye Htut is a prisoner of conscience and should be released immediately and unconditionally.

Ye Htut was initially held at Ye Kyi Aing Military Intelligence office outside Yangon before being transferred to Insein Prison for trial. He was sentenced in November 1995 to seven years’ imprisonment under Section 5(j) of the 1950 Emergency Provisions Act, which provides for a seven year sentence and fine for anyone who: “causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security or the reconstruction of the Union...”. This section of the Emergency Provisions Act is frequently used by the authorities to criminalize peaceful political activities.

Arrests of NLD youth in November 1995

According to opposition sources, **Ko Khin Htun**, who led the Bago (Pegu) Division’s NLD youth wing, was arrested on 6 November 1995. He had gone to visit a friend serving a sentence at Insein Prison and photographed the friend working in the prison vegetable garden. He was reportedly charged under section 5 (d) and section 42 of the Prisons Regulation Act. After he was arrested he reportedly asked for a lawyer, but was denied one until 17 January 1996, which was the last day of his trial. According to unofficial sources the prosecution did not produce the film which they had taken from Ko Khin Htun, nor did the prison official who allegedly witnessed the event appear in court. Ko Khin Htun was also reportedly not allowed to defend himself in court. In addition to being denied a lawyer Ko Khin Htun was sentenced to four years and three months’ imprisonment. Amnesty

International believes that he received a trial falling short of international standards, and calls for him to be retried.

On 18 November 1995 there was reportedly for the first time a large police presence outside the compound of Daw Aung San Suu Kyi during her weekend speech. The police erected a barricade in order to keep the road outside her compound open to traffic, which people moved around when she began to speak. She asked the police to move the barricade, but they took no action. Three or four NLD youth members approached to speak to the police, but the barricade remained in place. The four then attempted to move the barricade. After the speech was over they were arrested, but one was evidently released the following day.

U Thein Nyunt from Yangon Division NLD, **Ko Toe Aung** and **Ko Myo Zaw** from the NLD in Mergui, Tanintharyi (Tenasserim) Division were charged with assaulting the police and preventing a civil servant from the performance of duties under Section 353 of the Penal Code. According to independent sources, the charges were exaggerated and may have been used as a pretext to detain political activists. The trial began on 20 November 1995 and on 22 November the three were sentenced to two years' imprisonment. They reportedly had legal representation during the trial, which took place in five sessions. Shortly afterwards NLD sources stated that party videotapes revealed that the three did not assault the police officers, and speculated that they were arrested in order to discourage others from attending Aung San Suu Kyi's speeches.¹¹ The three men are held in Insein Prison and are allowed family visits every two weeks. Amnesty International is seeking further information about their case, including the possibility that criminal charges were brought against them for political reasons and whether or not their trial met international fair trial standards.

Arrest of Sein Hla Aung and Zaw Zaw Myaing

Amnesty International has received the following information from opposition sources about Sein Hla Aung and Zaw Zaw Myaing. On 16 December 1995, **Sein Hla Aung**, an NLD member from Mandalay, was arrested for distributing videotapes of Daw Aung San Suu Kyi's speeches. **Zaw Zaw Myaing**, aged 30, was also arrested in Mandalay for distributing the videotapes, although the exact date of his arrest is not known. When news spread in Mandalay that Sein Hla Aung's trial was to take place in late December, hundreds of NLD supporters went to the courthouse. The judge then postponed the trial a number of times. On 15 March 1996 Sein Hla Aung and Zaw Zaw Myaing were sentenced under a law relating to the distribution of videotapes deemed commercial without having been vetted by a censor. Sein Hla Aung received a three year sentence and Zaw Zaw Myaing was sentenced to two years' imprisonment. Amnesty International considers that Sein Hla Aung and Zaw Zaw Myaing may have been arrested and sentenced solely for exercising their rights to freedom of expression. As such it considers them as possible prisoners of conscience and is seeking further information about their case.

Independence Day arrests

¹¹ *Radio Australia* External Service, 25 November 1995, as quoted in *Summary of World Broadcasts*, BBC, 27 November.

On 2 January 1996 U Win Htein, NLD spokesman, was arrested reportedly without a warrant and released during the evening of the next day. U Win Htein said that he was interrogated about NLD plans for a 4 January Independence Day ceremony and was reminded about Order 2/88, which prohibits gatherings of more than five people. He was also questioned about the NLD stance with regard to the National Convention, NLD movements, and *“the attitude of the youths and students.”*¹²

January 4 1996 marked the 48th anniversary of Myanmar’s independence from the United Kingdom. On that day some 2,000 NLD members attended a celebration at Daw Aung San Suu Kyi’s home. An *Anyeint* troupe, a traditional Burmese entertainment group, gave a performance, which included dances, songs, and jokes satirizing the authorities. The name of the *Anyeint* group was *Myo Win Mar*, also called Our Own Way. The members of the group returned to their homes in Mandalay on 7 January, and were arrested shortly thereafter by officers from Military Intelligence Unit 16. The following people were arrested on the evening of 7 January: **U Pa Pa Lay**, age 49, and **U Lu Zaw**, age 45, two comedians; **Myodaw Win Mar**; **Ma Hnin Pa Pa** (f), dancer; **U Htwe**, NLD Chairman of Mandalay southeast township; **U Tin Myint Hlaing**, **U Sein Hla**, and **U Win Htay**. **Daw Myaing** (f) and **Ma Yin Tin Swe** (f), assistants to the dancers, were arrested on 11 January. **U Myint Thein** and **U Aung Soe**, two NLD members who had helped arrange the performance, were arrested the following day.

Eight of the *Anyeint* troupe members were released about one month after their arrest. However U Pa Pa Lay and U Lu Zaw were reportedly charged under Section 5(e) of the 1950 Emergency Provisions Act, which provides for a seven year sentence and fine for anyone who: *“causes or intends to spread false news, knowing beforehand that it is untrue;”*. U Htwe and U Aung Soe were charged under the provisions of an unknown law. On 18 March the four were each sentenced to seven years’ imprisonment. According to the NLD, party members and their lawyers went to the courtroom that day to attend the trial, but the courtroom was closed. It was later learned that a judge and a prosecuting lawyer had gone to Mandalay Prison to conduct the trial there. The defendants were reportedly not allowed any legal representation. Amnesty International believes that the four men are prisoners of conscience, detained solely for the peaceful expression of their political views, and calls for their immediate and unconditional release. U Pa Pa Lay had been imprisoned previously in 1991 for one year because he had made a joke referring to the popularity of the NLD.

Amnesty International is seriously concerned at the recent news that U Pa Pa Lay is gravely ill in Myitkyina Prison in the Kachin State. U Pa Pa Lay and U Lu Zaw were reportedly transferred to a labour camp at Kyein Kran Ka near Myitkyina in early April. They were forced to work with iron bars shackled across their legs, and had lost a considerable amount of weight. It is not known when U Pa Pa Lay was transferred to Myitkyina Prison. Lu Zaw has been transferred from the labour camp to Katha Prison, near Myitkyina in Kachin State. U Aung Soe and U Htwe were initially sent to a labour camp seven miles from Myitkyina; in May they were moved to Sumprabom in northern Kachin State, where they are forced to break rocks. Amnesty International is particularly concerned because these

¹² *BBC World Service* in Burmese, 10 January 1996, as translated in 22 January *FBIS*.

are the first known cases of political prisoners being forced to perform labour in specially designated labour camps, where conditions are generally extremely harsh.

Daw Aung San Suu Kyi, U Kyi Maung, and U Win Tin were all planning to go to Mandalay to testify at the trial of the four men on 13 March. However, just before they arrived at the train station in Yangon they were told by officials that their railway carriage was broken. Several days afterwards Daw Aung San Suu Kyi commented in an interview:

“We decided to go to Mandalay because U Pa Pa Lay has asked for U Kyi Maung and I to be called as witnesses, while U Lu Zaw listed U Tin U and U Win Htein as witnesses. According to the law, people who have been accused must have a right to call whoever they want as witnesses. It shows, and it is our view, that there is no prevalence of law and order.”¹³

Amnesty International has received the following information about subsequent events. Four NLD members had gone to Mandalay in two cars before the planned trip of Daw Aung San Suu Kyi and her colleagues. When she and her colleagues were unable to leave Yangon, the four NLD members began their journey back to the capital from Mandalay. In the early morning of 15 March one of the cars hit a trishaw in Kyungon as it was entering the town of Toungoo, in Bago (Pegu) Division. The three people in the trishaw received minor injuries, and were sent by the NLD members to the hospital for treatment. The four NLD members also reported the accident to the police and informed the families of the injured. **U Saw Hlaing**, the driver, was then arrested by the police.

On 18 March U Saw Hlaing's family and lawyers attempted to post bail and provide him with legal assistance; however, they were neither permitted to contact him nor to accompany him to the court. He was later reportedly sentenced to five years' imprisonment at Kyungon police station for causing “*grievous bodily harm*” under Section 338 of the Myanmar Penal Code after a summary trial. U Saw Hlaing was said to have been moved to the same labour camp where U Pa Pa Lay and U Lu Zaw were being held, and was also reported to have lost considerable weight. Most recent reports indicate that he has now also been moved to Katha Prison, near Myitkyina, where U Lu Zaw is detained.

According to the NLD, the police forced the three people in the trishaw who received minor injuries to remain in the hospital for 22 days, even though one of them had only dislocated a thumb and the other one had received two stiches on the chin. Reportedly under Myanmar law in order for an injury to be considered “*grievous bodily harm*” the individual concerned must have remained in the hospital for at least 21 days. Amnesty International believes that criminal charges may have been used as a pretext to hand down a long sentence for a minor traffic accident to an NLD activist for political reasons, and is calling on the Myanmar authorities to review the charges brought against U Saw Hlaing.

Arrests of Insein township NLD members

¹³BBC World Service in Burmese, 15 March 1996, as translated in 18 March FBIS.

On 27 January 1996 six NLD members were arrested by officers from Military Intelligence Unit 6 personnel in Insein township on the outskirts of Yangon while they were holding a ceremony to commemorate the death in custody of U Tin Maung Win, an NLD colleague. The authorities claimed that U Tin Maung Win had died on 18 January 1991 of leukemia at Insein Prison, but unofficial sources suggested that the cause of death was ill-treatment or harsh prison conditions, as there was no prior indication of the illness.

As part of the 27 January 1996 ceremony the six NLD members presented a poem written in U Tin Maung Win's honour to his family. Those arrested were: **U Win Naing**, age 32, who had typed the poem; **U Khin Maung**; **U Thein Tun**, the 56-year-old Insein NLD Deputy Chairman; **U Maung Maung Lay**, a 50-year-old lawyer and Secretary of the Insein NLD; **U Aung Myint**, a 34-year-old NLD youth member; and **U Htay Kywe**, a 40-year-old Insein NLD member. The group was initially held at the Military Intelligence Unit 6 Headquarters. On 1 February U Maung Maung Lay and Aung Myint were released. U Khin Maung was also released but the date is not known. Reports indicate that U Win Naing, U Thein Tun and U Htay Kywe were all charged under Section 5(j) of the 1950 Emergency Provisions Act and then sentenced to seven years' imprisonment. The date of their sentencing is not known, but they are believed to be in Insein Prison. Amnesty International believes that U Win Naing, U Thein Tun, and U Htay Kywe are prisoners of conscience, sentenced solely for peacefully exercising their rights to freedom of expression.

Recent mass arrests of NLD members and MPs-elect

From March to May 1996 tension mounted between the SLORC and the NLD. Attacks against the NLD in the government-controlled press also increased markedly beginning in March. At the same time NLD leaders began to criticize the SLORC for arresting NLD members and restricting party activities. The NLD planned a meeting of NLD elected representatives at Daw Aung San Suu Kyi's home to mark the sixth anniversary of its victory in the elections. They had won over 80% of the parliamentary seats in the 27 May 1990 elections, but the SLORC never recognized the election results or convened the National Assembly. The NLD meeting was scheduled to take place from 26-29 May 1996.

Beginning on 20 May the authorities began to arrest NLD MPs-elect and other NLD members in a massive crackdown on the opposition party throughout the country. Over 300 people were arrested, among them 273 NLD MPs-elect. Many of them had been previously arrested in the SLORC's ongoing repression of the NLD, and subsequently released beginning in April 1992.¹⁴ Twenty-four NLD members who were not elected representatives were also arrested, including **U Win Htein**, former prisoner of conscience and NLD spokesman, who was arrested on 21 May and **U Aye Win**, Daw Aung San Suu Kyi's cousin and assistant, arrested on 22 May. **U Moe Thu**, a journalist and former prisoner of conscience was also arrested. At least 16 NLD youth members were taken from their homes to unknown locations.

¹⁴ In April 1992 the SLORC began to release those political prisoners whom it deemed did not pose a threat to national security; since that time over 2,000 prisoners have been released.

The May 1996 arrests were widely seen as a pre-emptive attempt by the SLORC to prevent the NLD meeting from occurring. According to reports, the SLORC stated publicly on 23 May that the activists were being held for questioning and were not in fact imprisoned. The SLORC also stated that they were being treated well. The reason given for their detention was that they had taken a “confrontational stance” with regards to the SLORC. Those arrested were held at unknown locations throughout the country in incommunicado detention, which in Myanmar is common before political detainees are tried and sentenced.

Amnesty International issued several statements calling for the immediate and unconditional release of over 300 NLD members. The organization stated its belief that the activists were arrested solely for planning to attend a political meeting and regarded them as prisoners of conscience, detained for attempting to exercise their rights to freedom of opinion and association. The governments of Japan, South Korea, the United States of America, the United Kingdom, and Australia issued statements calling for all of the detainees to be released and for dialogue between the SLORC and the NLD. On 23 May the UN High Commissioner for Human Rights met with the Permanent Representative of Myanmar to the UN in Geneva, Switzerland, expressing his concern with regard to the recent arrests of NLD members.

The planned NLD meeting took place from 26 - 28 May at the compound of Daw Aung San Suu Kyi; however only 18 delegates were able to attend, as the rest had been detained. No barricades were erected in front of the compound, and people were apparently allowed to pass in and out freely through the gates. According to reports, the NLD declared that it would begin drafting a constitution; called on the SLORC to convene the People’s Assembly elected in 1990; and urged the SLORC to enter into a dialogue with the opposition. On 25 and 26 May Daw Aung San Suu Kyi gave her regularly scheduled weekend speeches to increased crowds of some 5,000 - 10,000 people with no interference from the authorities. She reportedly stated at that time that the NLD would hold a series of congresses over the next few months. Beginning on 27 May the USDA held mass rallies of tens of thousands of people reportedly “*denouncing destructionists*”.

The authorities began to release the detainees in large numbers on 30 May. Those who were freed apparently had not been charged with any offence. According to reports they were not ill-treated and were held in military mess halls, clubs and other Military Intelligence facilities. At the time of writing, some 19 named NLD members arrested in the May 1996 crackdown remain in detention, including **U Moe Thu**, **U Aye Win** and **U Win Htein**. **U Win Htein** was reportedly charged under Section 5(j) of the 1950 Emergency Provisions Act. His trial was believed to be scheduled for 5 June, but Amnesty International does not know if the trial has taken place. He is detained at Insein Jail in Yangon, where hundreds of other political prisoners are serving sentences. **U Win Htein** is reportedly being held in a small cell where the lights are kept on all night, making sleep difficult. **U Moe Thu** is a writer and NLD activist who was an Amnesty International prisoner of conscience from July 1989 until May 1992. At least six NLD members of parliament-elect are still held.

On 7 June the SLORC issued Law No 5/96, “*to protect the stable, peaceful and systematic transfer of state responsibility, and the successful implementation of National Convention tasks from*

*disruption and opposition.*¹⁵ This law states that the drafting and distribution of a constitution “*with no lawful authorization;*” is illegal. Section 3, Subsection A of Chapter II of the law states:

“No person or organization is allowed directly or indirectly to violate either of the following prohibitions: instigating, protesting, preaching, saying [things] or writing and distributing materials to disrupt and deteriorate the stability of the state, community peace and tranquillity and the prevalence of law and order.”

Chapter III of the law states:

“If any organization or person violates the prohibitions mentioned in Section 3 at the direction or assistance from any organizations, that organization or organizations shall be...Banned for a limited period...Disbanded, or...Shall become an illegal organization.”

Anyone who violates these provisions can be sentenced to three to 20 years’ imprisonment and may be subjected to fines. Amnesty International is concerned that the provisions of Law 5/96 are vague and sweeping and grant the power to arrest persons for the peaceful exercise of their political beliefs. Any person so detained would be considered a prisoner of conscience. Amnesty International is so concerned by the vaguely worded provisions of this law, which is in clear breach of international standards relating to freedom of expression, and the potential for its abuse, that it believes the law should be repealed.

The NLD held public gatherings on the weekends of the 8 and 9 June and 15 and 16 June attended by thousands of people with no interference from the authorities. However, on 13 June **Maung San Hlaing**, also known as Tin Hlaing or Eva, one of Daw Aung San Suu Kyi’s aides, was arrested after he left her home compound for the first time in 20 days. Apparently on 14 and 15 June officers from Military Intelligence Unit 12 searched his family’s home and confiscated videotapes and photographs. Maung San Hlaing, a 27-year-old Muslim, had been arrested previously, although further details are not available. Amnesty International is concerned that he may have been arrested for his peaceful political activities, and fears that he may have been ill-treated in detention.

A group of four political activists reportedly were arrested for the possession of a critique of the National Convention by the Burma Lawyers’ Council, which is an expatriate opposition group. Another group of three people were arrested for possessing letters about politics and materials from illegal organizations. Their dates of arrest and places of detention are unknown. All seven men, who are from Mandalay and Sagaing Divisions, were scheduled to appear in court on 19 June, but it is not known if they were charged and sentenced at that time. Amnesty International is concerned that they may have been arrested solely for their peaceful political activities.

¹⁵ *TV Myanmar*, Yangon, in Burmese 1330 GMT 7 June 1996, as quoted in *SWB* 10 June 1996.

Punishment of political prisoners

Article 5 of the Universal Declaration of Human Rights states: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” Cruel, inhuman or degrading treatment of political prisoners occurs frequently in Myanmar. Political prisoners are at risk of ill-treatment both during the initial interrogation period and after they have been sentenced. Those prisoners who break harsh and arbitrary prison rules are punished severely, including by beatings, by being held in cold cramped conditions and by being denied family visits.¹⁶

In mid-November 1995 prison authorities at Insein Prison began to subject a group of 29 political prisoners to severe and prolonged ill-treatment as a punishment for attempting to send a letter about prison conditions to the UN. At that time officials began to interrogate them about sending letters to the UN Special Rapporteur on Myanmar¹⁷; about the possession of three radio sets, and for the circulation of a newsletter in the prison. They were then placed in tiny cells meant to house military dogs; forced to sleep on cold concrete floors with no bedding; and forbidden any family visits. However some have reportedly been allowed subsequently to receive food parcels from their families.

The following political prisoners have been subjected to such ill-treatment: **U Win Tin**, prisoner of conscience, journalist, and prominent NLD leader; **Saw Naing Naing**, NLD member of parliament-elect; **Monywa Tin Shwe**, lawyer; **Myo Myint Nyein**, NLD member and magazine editor; **Dr. Myint Aung**, NLD member of parliament-elect; **Dr. Khin Zaw Win**, prisoner of conscience and dentist; **Dr. Myint Naing**, an NLD member of parliament-elect; **Moe Zaw Oo**; **Ba Myo Thein**, civil servant; **Soe Myint**; **Dr. Zaw Myint**, NLD member of parliament-elect and dentist; **Lu Baun Thein**; **Win Thein**; **Sein Hlaing**, writer; **Aung Myo Tint**; **Lwin Oo**; **Kyi Pe Kyaw**; **Aung Kyo Soe**; **Zaw Tun**, member of the All Burma Students Democratic Front (ABSDF); **Hla Than**, NLD member of parliament-elect; **Soe Htet Khaing**; **Tint San**, former chairman of Yangon University Student Union; **Myint Thaung**; **Htay Win Aung**; **Bo Bo Oo**, ABSDF; **Yin Htway**; **Myat Tun**, NLD member; **Htay Aung**, 44-year-old NLD member; and **Mya Win**, a 47-year-old NLD member of parliament-elect. Amnesty International is concerned about the health of all 29 prisoners, particularly U Win Tin, who suffers from a heart condition and spondylitis, an inflammation of the vertebrae.

On 5 February 1996 the UN Special Rapporteur on Myanmar issued an extensive report about the human rights situation in the country, including information about the ill-treatment of the group being punished at Insein Prison. In his report he stated that he had written a letter on 15 January 1996 to the Government of Myanmar, in which he “expressed his fears and preoccupation over these allegations”. The report also stated that the Rapporteur:

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

¹⁷ The UN Special Rapporteur on Myanmar was appointed by the UN Commission on Human Rights in 1992, in order to monitor the human rights situation in Myanmar by maintaining contact with the Myanmar Government and people. His mandate was renewed in 1996.

“... pointed out that the impartial and free assessment of the situation of human rights in Myanmar requires him to have access to any letters, documents or materials of any kind and no person should be subjected to punishment or maltreatment because of their collaboration with him. He added that such a practice would clearly be in contravention of Commission of Human Rights resolution 1995/75 which urges Governments to refrain from all acts of intimidation or reprisal to those who have provided testimony or information to representatives of the United Nations human rights bodies.”¹⁸

On 28 March 1996, 21 of the prisoners were sentenced to additional long terms of imprisonment. It is not clear what the specific reason was for the trials and sentencing, but it appears that they were sentenced because of their attempt to contact the UN Special Rapporteur. The trial took place in closed sessions in Insein Prison. The 21 were all reportedly sentenced under Section 5(j) of the 1950 Emergency Provisions Act, which provides for a maximum seven year sentence of anyone who: *“causes or intends to disrupt the morality or the behaviour of a group of people or the general public, or to disrupt the security or the reconstruction of the stability of the Union;”*. They were also reportedly sentenced under a Section of the Myanmar Penal Code which is concerned with the misappropriation of state property, although it is not known why these particular charges were brought against them. They reportedly had no legal counsel during the proceedings, which is contrary to international fair trial standards. Amnesty International is concerned that the 21 men were sentenced solely for exercising their rights to *“Contact with the outside world”* as provided for in Articles 37 and 39 of the UN Standard Minimum Rules for the Treatment of Prisoners. Insofar as any of the 21 are now serving sentences only related to these charges, they should be immediately and unconditionally released.

U Win Tin was sentenced to five years' imprisonment. He had previously been sentenced to 14 years' imprisonment. Myo Myint Nyein was sentenced to an additional seven years' imprisonment. Ba Myo Thein, Soe Myint, Dr. Zaw Myint, Lu Baun Thein, also known as Johnny, were sentenced to an additional 12 years' imprisonment. Win Thein, Aung Myo Tint, Lwin Oo, Kyi Pe Kyaw, Aung Kyo Soe, Zaw Tun, Hla Than, Soe Htet Khaing, Tint San and Myint Thaug were sentenced to an additional seven years' imprisonment. Htay Win Aung, Bo Bo Oo, Yin Htway, and Myat Tun were sentenced to an additional five years' imprisonment.

Ba Myo Thein is a 42-year-old civil servant imprisoned since late 1990. Dr Zaw Myint is a dentist and NLD MP-elect for Ayeyarwady Division imprisoned since October 1990. Zaw Tun is a member of the ABSDF, an armed opposition group composed of former students, who was arrested in August 1991. Hla Than is an NLD MP-elect from Yangon Division detained since October 1990. Soe Htet Khaing has been imprisoned since October 1989. Tint San is a former chairman of the Yangon University Student Union arrested in June 1989, whose sentence would have expired in June 1996. Myat Tun is a member of the NLD arrested in July 1991.

¹⁸See *Report on the situation of human rights in Myanmar*, E/CN.4/1996/65, published 5 February 1996, paragraph 109, page 23.

After prisoners have been sentenced in Myanmar, they are normally allowed family visits. However, it is not known whether or not the 21 prisoners who have been given additional sentences are now allowed family visits and whether they have been moved to standard prison cells. Amnesty International also has no further information about whether Dr Myint Aung, Dr Myint Naing, and Moe Zaw Oo also received additional sentences, or whether they are still being held in military dog cells. Dr. Myint Naing is a 44-year-old NLD MP-elect from Kanbalu 2, Sagaing Division, who was arrested in late 1990 or early 1991 and subsequently sentenced to 25 years' imprisonment, which was reduced to 10 years in January 1993.

In early April 1996 Amnesty International learned that Dr. Khin Zaw Win, Saw Naing Naing, Monywa Tin Shwe, Htay Aung, and Mya Win were still being held in tiny cells meant for military dogs. Mya Win is an NLD MP-elect from Ingapu 1 constituency, Ayeyarwady Division, who was arrested in September 1990 in a nationwide crackdown on peaceful political activity. He was subsequently sentenced to 25 years in prison, which was later reduced to a 10 year sentence, and is one of the 16 NLD MP's-elect arrested from 1990 to 1994 still imprisoned. Htay Aung is an NLD member arrested in August 1991 and later sentenced to seven years' imprisonment. It is not known if these five prisoners continue to be held in dog cells. Amnesty International is concerned about the conditions of imprisonment for all 29 prisoners, and urges the SLORC to respect international standards and not subject prisoners to torture or to cruel, inhuman or degrading treatment or to prison conditions which constitute the latter.

Recommendations

Amnesty International is gravely concerned by the continued arrests and imprisonment of prisoners of conscience, by unfair trials, and by the ongoing ill-treatment of political prisoners. In light of these concerns, it makes the following recommendations to the State Law and Order Restoration Council:

1. Release all prisoners of conscience immediately and unconditionally.
2. Ensure that political prisoners receive prompt and fair trials in accordance with international standards.
3. Ensure that no prisoners are subjected to torture or cruel, inhuman, or degrading treatment or punishment.
4. Ratify and implement international human rights instruments, which reflect the consensus of the international community, especially:
 - a. The International Covenant on Civil and Political Rights
 - b. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
5. Repeal Law No 5/96, issued on 7 June 1996.