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Myanmar: End repression of ethnic minority activists - Amnesty International written statement to the thirteenth session of the UN Human Rights Council (1-26 March 2010)

Amnesty International's February 2010 report "The Repression of Ethnic Minority activists in Myanmar"¹ reveals that there are real reasons to fear that the 2010 elections in Myanmar will intensify the already severe repression of political critics, in particular those from the country's large and diverse population of ethnic minorities. The report covers the two-year period from August 2007, six months before the government announced that it would stage national elections, through July 2009. It draws on testimonies and information provided by or about some 700 members of ethnic minorities who faced human rights violations as a result of their actual – or sometimes, merely perceived—opposition to the Myanmar government or its policies.²

Amnesty International's research demonstrates, with greater detail than previously available, that Myanmar's ethnic minorities have played an integral role in much of the political opposition against the government's repressive conduct. Myanmar's government has imposed a heavy burden on peaceful critics from ethnic minorities: including arbitrary arrest, imprisonment, torture, and extrajudicial executions of activists are documented among other human rights violations.

CONTEXT OF APPROACHING ELECTIONS

Later this year, Myanmar is set to hold its first national and local elections in 20 years against a backdrop of political repression and unresolved armed conflicts. In the context of the upcoming elections, the government has alternately encouraged and warned ethnic minority political organizations to take part. Most of them have remained undecided or noncommittal. Myanmar's Government is struggling to ensure that those organizations represented by armed groups still fighting against the army are either defeated or "brought back into the legal fold" before the elections.³ The army and its allies have waged concerted offensives against several

¹ AI Index ASA 16/001/2010, available at www.amnesty.org

² Amnesty International conducted more than 50 interviews, 34 of which were with activists who were themselves victims, the others with relatives, friends, neighbours, or witnesses. Amnesty International gathered this information in November 2007 in China, and throughout 2009 in Malaysia and on the borders Myanmar shares with Bangladesh and Thailand. In China, Thailand, and Bangladesh especially, Amnesty International sought out and interviewed activists who had fled Myanmar under grave threat and remained in dangerous and sometimes desperate situations. Most had never spoken to a human rights organization or fully recounted their experiences. Additional information was obtained via other sources inside Myanmar and confirmed independently by Amnesty International.

³ Senior General Than Shwe's speech at the 64th anniversary of Armed Forces Day Parade 2009, New Light of Myanmar, 28 March 2009. What follows is an excerpt from the speech: "Moreover, to achieve national reconciliation, a welcoming hand was extended in good faith and with goodwill to armed dissident groups that had appeared since independence was gained, in order to facilitate their return to the legal fold".

armed groups (and civilians), from the Karen, Shan, and Kokang ethnic minorities.⁴ As a result nearly 5,000 Karen, 10,000 Shan, and over 30,000 Kokang were displaced during 2009 and the Kokang's armed militia, the Myanmar National Democratic Alliance Army (MNDAA)⁵, was defeated.

The authorities have arrested and imprisoned ethnic minority activists, in some cases torturing or killing them. Minority groups have also faced extensive surveillance, harassment and discrimination when trying to carry out their legitimate activities. With the elections as the political context in Myanmar for the past two years, and the government thus preparing to pit its own candidates against an opposition, it has not tolerated any group, including ethnic minorities, challenging its legitimacy, policies, and practices.

To a large extent, the military government has already cemented its position ahead of the elections, as the country's 2008 constitution ensures that the military will continue to dominate the government. The constitution contains strict requirements on the eligibility of presidential candidates (ruling out Daw Aung San Suu Kyi, for instance, due to the fact that her children hold British citizenship); reserves legislative seats for the military, effectively giving it veto power over constitutional amendments; leaves the military in control of key security ministries; and affords the military the authority to administer its own affairs. This constitution was "approved" in a 2008 referendum, held a week after Cyclone Nargis left nearly 140,000 dead or missing and displaced hundreds of thousands, devastating much of the Ayerawaddy (Irrawaddy) delta. Amnesty International has documented some of the government's repressive tactics against ethnic minority activists who opposed the approval of the 2008 constitution through the referendum. They included arbitrary arrests, imprisonment, and even extrajudicial executions of activists.

ROLE OF ETHNIC MINORITIES WITHIN THE POLITICAL OPPOSITION

Observers outside Myanmar frequently distinguish between two groups in opposition to the Myanmar government, identifying Daw Aung San Suu Kyi and the NLD as a political force pitted against the government on the one hand, and on the other a variety of ethnic armed groups fighting against the *tatmadaw*, Myanmar's army. In fact, much of the peaceful opposition to the country's repressive government is actually composed of ethnic minorities, living in areas where particular ethnic minorities form the predominant population. Many NLD leaders, for example, as well as NLD rank and file members, are from ethnic minorities. The clearest illustration of this phenomenon is the so-called Saffron Revolution, whose first stirrings occurred not in Yangon, but among ethnic minority monks and nuns in Rakhine State.⁶

Understanding the role of ethnic minority political opponents and activists in Myanmar prompts a rethinking of the human rights situation in the country and the appropriate strategy for improving it.

First, attention to ethnic minority opposition reveals the wide extent of popular opposition to the Myanmar government, and emphasizes the need to ensure that Daw Aung San Suu Kyi, the NLD, and other political opposition groups—including those founded by ethnic minorities—are able to participate meaningfully in the coming elections. As illustrated in Amnesty International's report on "The Repression of Ethnic Minority Activists in Myanmar", among the

⁴ In December 2009, the UN General Assembly "Strongly call[ed] upon the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups" (OP 12). UN General Assembly Resolution on Myanmar, 24 December 2009 (A/RES/64/238).

⁵ The Kokang are an ethnic minority of predominantly Han Chinese ethnicity concentrated in the self-administrative Kokang region, in northeastern Shan State bordering China. The MNDAA is the Myanmar National Democratic Alliance Army.

⁶ Amnesty International, Myanmar: Briefing Paper: No Return to 'Normal', 9 November 2007 (AI Index: ASA 16/037/2007)

government's political opponents are ethnic minorities who perform similar work, toward similar aims, as their ethnic majority Burman counterparts in the country's urban centres and central regions.

Second, understanding the role of ethnic minorities among the opposition should expand the international community's understanding of the aspirations of Myanmar's ethnic minorities beyond the oft-cited context of armed groups, and refocus international attention on addressing the needs of Myanmar's ethnic minorities in any discussion of the country's human rights situation and any relevant resolutions.

REPRESSION OF ETHNIC MINORITIES

The government of Myanmar violates the human rights of ethnic minority political opponents and activists in many ways, including torture and other ill-treatment; discrimination on the basis of religion and ethnicity; unlawful killings; and arbitrary detention⁷ for short periods or imprisonment.⁸ All of those detained or imprisoned were or remain among Myanmar's large population of political prisoners (hovering around 2,100 prisoners)—detained because of their political, religious or other conscientiously held beliefs, ethnic origin, language, national or social origin, birth, or other status. Most are prisoners of conscience; they have expressed their beliefs peacefully.⁹ Many such political opponents and activists told Amnesty International that they faced government repression as part of a larger movement, as in Rakhine State during the 2007 Saffron Revolution, while others said that the authorities pursued them for specific actions, such as organizing a small anti-dam signature campaign in Kachin State. Even relatively simple expressions of political dissent faced repression, as when Karenni youths were detained for floating small boats on a river with “No” (to the draft constitution) written on them.

Government repression predates and extends beyond the scope of the elections, especially where the authorities have feared a challenge to their rule. Myanmar's ethnic minority activists also have interests, concerns, and grievances distinct from both those of the majority Burman population and electoral politics. These are no less critical to the defence and realization of their human rights. Amnesty International has found and reported on clear evidence that Myanmar's authorities often target members of ethnic minorities on discriminatory grounds, such as religion or ethnicity, or to attempt to crush their opposition to major development projects that adversely affect their lands and livelihoods. Though outside the formal political sphere, this activism and its repression have implications for the coming elections insofar as they illustrate the desire among ethnic minorities to ensure that their voices are heard and respected, as well as the lengths to which the government will go to stifle and deny them.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS

⁷ Arbitrary detention includes instances in which a person is detained or imprisoned without a legal basis, on the basis of a seriously unfair trial, or on the basis of a law which is impermissibly vague or in violation of other fundamental standards such as the right to freedom of expression.

⁸ In December 2009, the UN General Assembly “Express[ed] grave concern at the continuing practice of [...] torture and cruel, inhuman and degrading treatment, and strongly call[ed] upon the Government of Myanmar to allow a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible in order to end impunity for such crimes” (OP7). It also “Express[ed] its concern about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities [...] (OP 14). UN General Assembly Resolution on Myanmar, 24 December 2009 (A/RES/64/238).

⁹ In December 2009, the UN General Assembly “Urg[ed] the Government of Myanmar to release all prisoners of conscience, currently estimated at more than 2,000, without delay, without conditions and with full restoration of their political rights” (OP3), and “call[ed] on the Government of Myanmar to take immediate measures to undertake a genuine dialogue with Daw Aung San Suu Kyi, and all other concerned parties and ethnic groups” (OP 4). Ibid.

- o Amnesty International recommends that the UN Human Rights Council include, as a matter of priority in its deliberations and actions on Myanmar, a specific focus on the human rights of ethnic and religious minorities;
- o Further, Amnesty International recommends that the UN Human Rights Council urge the government of Myanmar to:
 - o Cooperate fully with the Special Procedures, including the Special Rapporteur on the situation of human rights in Myanmar and implement the recommendations of the human rights treaty bodies;
 - o Engage constructively in the Human Rights Council's Universal Periodic Review when Myanmar is scheduled for review in early 2011.
 - o Lift restrictions on freedom of association and assembly in the run-up to the elections, including by refraining from penalizing peaceful political activities;
 - o Release immediately and unconditionally all political prisoners arrested solely on the basis of their peaceful political activity, ethnicity, or religion;
 - o Remove restrictions on independent media, including international journalists, to cover the campaigning and election process;
 - o Ratify and effectively implement international human rights treaties, including the International Covenants on Human Rights and their Optional Protocols; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; and the Rome Statute of the International Criminal Court.