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A Summary of Political and Human Rights Developments in Burma

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CONTENTS

2 DEMOCRACY BLUES	28 OVERVIEW: HUMAN RIGHTS
3 MILITARY PURGES: INHERENT INSTABILITY The Fate of Gen Khin Nyunt The New MI Corruption Continues Unabated Continuing Instability Mass Prisoner Releases	29 ABUSES OF ECONOMIC RIGHTS 30 EXTORTION & LAND CONFISCATION 32 FORCED LABOR 34 TORTURE 35 ARBITRARY DETENTION Detained Beyond the their Sentences Prisoner Deaths Life-Threatening Health Conditions
9 THE NATIONAL CONVENTION Illegitimate, Unrepresentative, Militaristic Tightening Control of Ceasefire Grps Entrenching Military Rule Order 5/96: 20 Years' Jail for Criticism Democratic Forces Reject Roadmap Not Representative of Burma's People Divide and Rule Tactics USDA: The SPDC's New Party	39 SUMMARY EXECUTIONS & EXTRAJUDICIAL KILLINGS 41 FREEDOM OF EXPRESSION 43 RULE OF LAW Junta Cracks Down On Romance Miscarriages of Justice Complainants Sent To Jail, Killed
17 DEMOCRACY, SPDC-STYLE: NO POLITICAL PARTICIPATION Continued Arrests & Detentions NLD Calls for Dialogue Rejected CRPP Head Threatened by Junta NLD Petition Campaign	46 RELIGIOUS INTOLERANCE 46 FORCED RELOCATION & DISPLACEMENT 48 VIOLENCE AGAINST WOMEN 49 HUMAN TRAFFICKING 50 RIGHTS OF THE CHILD 51 IGNORING TSUNAMI-AFFECTED BURMESE 52 LANDMINES
22 ETHNIC RELATIONS Shan Leaders Arrested Battles Ahead	
26 DISREGARD FOR THE INTERNATIONAL COMMUNITY ILO – No Intention to Change Bangkok Process: Thailand holding on UN Envoys	

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DEMOCRACY BLUES

- **Nineteen months after the SPDC announced its 7-step “roadmap to democracy,” the generals have headed in a very different direction.**
- **Bogged down by the complications of managing a bogus National Convention and monitoring intra-military rivalries, the generals have not moved beyond the first step of convening a National Convention.**
- **Nevertheless, activities undertaken during this first stage have betrayed the SPDC’s real intentions, and exposed the fact that the SPDC itself poses the greatest roadblock to genuine democratic progress in Burma.**
- **Continued military domination is a feature of the roadmap – the 6 objectives of the National Convention constitution-drafting process ensure a dominant role for the military in “national political leadership.”¹**
- **The SPDC continues to ensure the repression and political isolation of NLD members, political parties and elected parliamentarians. Military offensives have continued against ethnic civilians in Karen, Karenni, Mon and Shan States.**
- **SPDC continues to reject the NLD’s calls for dialogue**
- **Tensions and instability have emerged within the SPDC as power struggles, reshuffles and military trials test loyalties.**
- **Almost 20,000 prisoners were released, but only 90 were political prisoners. Daw Aung San Suu Kyi and U Tin Oo, along with 1,300 other political prisoners, are still detained.**
- **Ten ethnic Shan leaders have been arrested. They face charges that carry a life sentence.**
- **Sr Gen Than Shwe refused to meet visiting high-level ILO representatives, prompting them to cut short their visit.**
- **UN Envoys continue to be refused access to Burma.**

¹ SLORC (2 Oct 92) Order No 13/92: Formation of the Convening Commission of the National Convention

MILITARY PURGES: INHERENT INSTABILITY

- **PM Gen Khin Nyunt dismissed and arrested amid allegations of corruption, spurring a series of purges in the military.**
- **Military Intelligence (MI) abolished, and re-established under the Defense Ministry under control of Sr Gen Than Shwe.**
- **Hundreds of ex-MI officials put on trial in military tribunals inside Insein Prison.**
- **Rumors abound over continuing tensions and possible purges inside the military leadership.**
- **The SPDC releases almost 20,000 prisoners in a bid to deflect attention away from the continuing detentions of Aung San Suu Kyi, U Tin Oo and other democracy leaders.**

On 19 October 2004, Gen Khin Nyunt was “permitted to retire” from his post as Prime Minister and replaced with staunch hard-liner Lt Gen Soe Win.

Later allegations of corruption were used as an excuse to a completely overhaul the SPDC’s Military Intelligence (MI) apparatus. This marked the beginning of a series of purges inside the military.

While the purge has concentrated immediate power inside the defence ministry and with Sr Gen Than Shwe, it has also fostering resentment within the military. One senior military man said: “It’s creating a deep reservoir of hatred.”²

These continuing reshuffles are an indication of the instability inherent in the military regime. Without transparency, accountability and procedural norms, ties of loyalty within the upper echelons of the military will regularly be called into question, and dealt with in arbitrary, ultimately unstable ways.

THE FATE OF GEN KHIN NYUNT

Gen Khin Nyunt is currently under house arrest at his home near Inya Lake, Rangoon. Diplomats in Rangoon reportedly believe it is unlikely he will be put on trial. Sr Gen Than Shwe reportedly favors leniency, whilst Gen Maung Aye supports a tougher stance. Either way, the regime has begun to confiscate his personal and business assets. His two sons, Ye Naing Win and Col Zaw Naing

2 BP (7 Mar 05) Military mass trials increase tension

Oo, were taken from their homes two weeks ago for interrogation at a secret location.³

DEMISE OF THE MILITARY INTELLIGENCE

On 22 October 2004, Sr Gen Than Shwe abolished the National Intelligence Bureau (NIB), the body that formerly controlled the Defense Ministry's Military Intelligence Services, the Bureau of Special Investigation (BSI) and Special Branch (SB), which dealt with political, economic and criminal matters⁴.

On 23 October 2004, then-Home Minister Tin Hlaing said the bureau was abolished as it was "no longer suitable for the welfare of the public."⁵ MI operations under the Defense Services remained in operation.

MI Agents: Where did they go?

Agents from the abolished Intelligence Bureau have either been arrested, 'retired' (if ranked above Colonel), transferred to combat duty...or disappeared.⁶ Approximately 2,500 intelligence agents were transferred to infantry units in December 2004.⁷

The fall of military intelligence did not mean change for all of Burma's spies. Most of those ranked below the position of sergeant were reinstated to their original jobs and have been ordered to watch over political activities in Rangoon. Eyewitnesses said many old MI agents have been seen among special police who continue to watch political activists.⁸

Agents with the rank of captain have been forced to sign daily confessional pledges at the office of new Intelligence head Maj Gen Myint Swe. Those ranked above major were still being arrested as of mid-January 2005.⁹

Military Intelligence on Trial

The trials of up to 300 Military Intelligence personnel began on 23 January 2005 in Insein prison.¹⁰

3 BP (7 Mar 05) Military mass trials increase tension

4 Xinhua (22 Oct 04) Myanmar abolishes national intelligence bureau

5 AP (24 Oct 04) Senior Myanmar minister says intelligence body won't be restored

6 AP (17 Jan 05) Criminal Charges Reportedly Filed Against Military Intelligence Officers

7 AP (17 Jan 05) Criminal Charges Reportedly Filed Against Military Intelligence Officers

8 DVB (18 Jan 05) Intelligence agents reappointed by Burma junta

9 DVB (18 Jan 05) Intelligence agents reappointed by Burma junta

Sources inside the prison said 16 special tribunals, presided over by divisional and district level judges were set up in six separate buildings inside the prison.¹¹ Thirty prosecutors and judges were appointed to conduct the trials, and have since been sequestered in a state guest house to prevent them talking to anyone.¹²

Those charged have not had access to defence counsel, despite the fact that access to a legal defense is guaranteed under Burmese law. A family member of one accused said “Many of them decided not to hire lawyers as they believe it would make matters worse for them to have a defence counsel.”¹³ One officer reportedly attempted to hire legal representation, but his lawyer was refused access to Insein prison.¹⁴ Furthermore, those detained have not been able to meet with relatives since being incarcerated. Such disregard for the rule of law is typical of the SPDC’s dysfunctional legal system.¹⁵

Those close to Gen Khin Nyunt have been charged with a myriad of obscure crimes. For example, Col Hla Min, former military spokesman, was charged with possession of a service revolver and of “living beyond his means”.¹⁶

“Thousands” of people have reportedly been summoned to appear at the trials, and there have been tensions within the military as to whether this will air their own dirty laundry.¹⁷

Specific sentences have yet to be handed down. The verdicts and sentences of the top two dozen generals, those closest to Gen Khin Nyunt, were originally scheduled to be handed down in mid-February 2005, but have been deferred more than five times. These top generals are expected to face jail sentences of over 30 years and confiscation of assets.¹⁸

10 AFP (24 Jan 05) Myanmar opens military intelligence

11 AFP (24 Jan 05) Myanmar opens military intelligence

12 BP (7 Mar 05) Military mass trials increase tension

13 South China Morning Post (21 Feb 05) Deposed PM's allies face sentencing; More than 300 Myanmar officers set to receive jail terms this week, as disquiet grows in the Military

14 BP (7 Mar 05) Military mass trials increase tension

15 AFP (24 Jan 05) Myanmar opens military intelligence trials

16 BP (7 Mar 05) Military mass trials increase tension

17 BP (7 Mar 05) Military mass trials increase tension

18 BP (7 Mar 05) Military mass trials increase tension

The New MI

Military Intelligence now functions under the Directorate of Defence Services Security (DDSS).¹⁹ Maj Gen Myint Swe, former commander of Rangoon Military Command, formally assumed leadership on 11 March 2005.²⁰

The new MI is now “re-training” its cadres, who directly answer to the regional military commands.²¹

Clearing the Ranks

The regime has cleared the military of anyone, or anything, with links to Gen Khin Nyunt. Photographs, posters and billboards with his picture have been removed. Those within the civil service who previously received MI recommendations have been sacked. A section of Shwedagon Pagoda, which Gen Khin Nyunt had covered in gold, has been boarded up.²²

Ambassadors thought to have been close with Gen Khin Nyunt are being replaced. In early March 2005, 15 Brigadier Generals were seconded to the foreign ministry for training to replace at least 12 foreign ambassadors.²³

Not even the judiciary is exempt. Two Supreme Court justices were fired on 12 November 2004 after refusing a “request” from Gen Thura Shwe Mann to give advice in favor of convicting Gen Khin Nyunt.²⁴

New Intelligence Role for Police

A special police force has been formed to monitor the activities of the NLD, following a national directive on 23 December 2004. All police officers with ‘standard education’ have reportedly been ordered to report to certain police stations throughout the country, to take on intelligence duties previously done by the Military Intelligence.²⁵

19 NCUB-PDC (Dec 04) PDC News Commentary

20 DVB (11 Mar 04) Myint Swe becomes new intelligence head

21 NCUB-PDC (Dec 04) PDC News Commentary

22 BP (7 Mar 05) Military mass trials increase tension

23 BP (7 Mar 05) Military mass trials increase tension

24 DVB (12 Nov 04) Two Burmese Supreme Court judges removed from office

25 DVB (25 Dec 04) A new Burmese police force to be formed

Corruption Continues Unabated

Despite the anti-corruption spin tacked to the ouster, corruption and bribery have continued unabated inside Burma. These days, the charge for an illegal vehicle license is about 500,000 kyat (USD548)²⁶

CONTINUING INSTABILITY

Tensions have been high since the ousting of Gen Khin Nyunt. As the old Military Intelligence apparatus goes on trial, a new cast of SPDC cadres have now fit into the well-worn roles of intelligence gathering and corruption. Rumors abound as to future re-structuring, arrests and coup plots, indicating that change may still be on the horizon for the SPDC.

After a long period of absence in early January 2005, the long-term prospects of new PM Lt Gen Soe Win's employment were brought into question. Rumors varied, with some saying he was under house arrest like his predecessor, with others simply suggesting his role as PM had been shaky for some time.²⁷

Other rumors in January pointed to a 'bizarre' gun battle among the top three generals during a meeting in Rangoon. One account said Dep Sr Gen Maung Aye was shot dead after the three leaders and their personal bodyguards drew their weapons when an argument broke out. Another version said Dep Sr Gen Maung Aye was very much alive, but on his way out, due to personal grievances with the Sr Gen. Others say the rumors were sparked by the "on duty" death of Maung Aye's personal assistant, Lt Col Bo Win Tun. Some point to Bo Win Tun's death as an assassination attempt against Dep Sr Gen Maung Aye, while others say he "definitely" killed himself.²⁸

Whatever the specifics, instability continues to pervade the ranks of the SPDC leadership. Loyalties are under question, and tensions high.

Thai PM Thaksin Shinawatra noted the "political tension" in Burma and says he is watching the situation closely.²⁹

26 KaoWao (14 Jan 05) Army Collects Bribes for illegal cars

27 Irrawaddy (27 Jan 05) Rumors of Bizarre Gun Battle in Rangoon

28 Irrawaddy (27 Jan 05) Rumors of Bizarre Gun Battle in Rangoon

29 Irrawaddy (28 Jan 05) Thaksin Watching 'Tension' in Burma

MASS PRISONER RELEASE: NOT A STEP TOWARDS DEMOCRACY

In a bid to further incriminate General Khin Nyunt and to gain international support following the October military intelligence purge, the SPDC launched a program of mass prisoner releases at the end of November 2004.

Between 21 November 2004 and 4 January 2005 the regime freed a total of 19,806 prisoners in four batches, the latest coinciding with Burma's Independence Day. The regime claimed the prisoners were incarcerated due to "irregularities" committed by the National Intelligence Bureau, formerly headed by Khin Nyunt.³⁰

The day before Daw Aung San Suu Kyi's detention was officially extended on November 29, the regime released 9,248 prisoners. This happened on the sidelines of the ASEAN Summit in Vientiane.

Only 90 of the total released were political prisoners, including Min Ko Naing, with the overwhelming majority of releases being ordinary criminals. Five elected Parliamentarians were among those freed, but 11 remain behind bars.³¹

This mass release of prisoners has been only a cosmetic operation. There are still over 1,300 political prisoners in Burma, and many continue to be detained after completion of their sentences. Detainees face unacceptable conditions, such as torture and inadequate access to health care. The junta continues to arrest and detain pro-democracy activists. It continues to harass activists, even those who were released in December 2004 and January 2005.

30 National Coalition Government of the Union of Burma (Jan 05) Update Situation of released political prisoners during 4 batches of mass release in November, December 2004 and January 2005

31 The five MPs released are: Kyaw Khin, Ohn Kyaing, Ohn Maung, Kyaw San, and Toe Po.

THE NATIONAL CONVENTION

Illegitimate, Unrepresentative, Militaristic

- **The NC, reconvened on 17 May 2004 and 17 February 2005, continues to lack legitimacy and credibility.³²**
- **Nine political parties, which won a total of 91% of parliamentary seats in 1990 and key ceasefire groups, are absent from the NC. Elected MPs who comprised 14% of the first session in 1993 now only constitute 1.4% of the NC delegation.**
- **The regime still refuses to conform to minimal democratic standards. The majority of delegates are handpicked supporters of the regime. Some of the NC participants are known drug traffickers and members of the notorious USDA.**
- **The NC violates human rights. The repressive procedures and undemocratic representation that plagued the National Convention in the 1990s have intensified.**
- **NC delegates have been confined at a military-controlled location, with restricted contact with the outside world. Anyone criticizing the NC process can be sentenced to 20 years' imprisonment.**
- **The SPDC is not genuine about reforms. Daw Aung San Suu Kyi remains in detention, along with over 1,300 political prisoners. Military offensives and human rights abuses are still being carried out against ethnic nationality groups. Recently, the regime officially extended the detentions of Aung San Suu Kyi and her deputy, U Tin Oo.**
- **The SPDC arrested ten ethnic Shan leaders in early February 2005, and charged them with offences that carry a life sentence.**
- **Recent military attacks have been carried out on ethnic communities, including an attack on a Karen camp during Karen New Year celebrations on January 10, 2005.**

32 A detailed description and analysis of the National Convention is available as PDF at www.altsean.org

- **The hostile moves raise concern that the NC process will only perpetuate the denial of people's rights, including that of ethnic nationalities.**
- **Ethnic nationality delegates have been denied permission to present their proposals to their colleagues. Denial of political franchise will only worsen the conditions that have led to civil war in Burma.**

On 17 May 2004, the SPDC's long-adjourned National Convention reconvened amid domestic and international criticism. From 17 May to 9 July 2004, hand-picked delegates participated in a restrictive process carefully designed by the SPDC as a means to entrench military rule.

The NC was adjourned from 9 July to 17 February 2005, when the process began once again.

Prior the resumption in February, skepticism regarding the future of the roadmap ran high as the regime embarked on the purge of Gen Khin Nyunt and the MI apparatus. Ethnic groups in particular were concerned that the upper hand gained by the hardline military faction would threaten ceasefire agreements.

The regime immediately attempted to project a façade of stability and continuity. On 22 October 2004 Gen Thura Shwe Mann and Lt Gen Soe Win announced that the junta "fully intended to follow through on its commitments to the National Convention" and assured ethnic nationalities that there would be no change in national policy towards ceasefire groups.³³ At the end of November 2004, just prior to the ASEAN Summit in Vientiane, the junta's Foreign Minister Nyan Win announced that the National Convention would reconvene on 17 February 2005.³⁴

However, the stated commitments of the regime have been quickly betrayed by their own actions. Renewed military offensives and a crackdown on the ethnic leadership spanning December 2004 - early February 2005 show that the regime prefers to progress its agenda through force and coercion, instead of dialogue and negotiation. The hoped-for space for political negotiation and representation within the NC has rapidly shrunk.

33 General Thura Shwe Mann and Lt Gen Soe Win (24 Oct 04) Complete Explanation on the Developments in the country

34 BP (27 Nov 04) Democratization to Continue

Tightening Control of Ceasefire Groups

Despite reassuring claims made by the regime after the Khin Nyunt ouster, ceasefire groups have witnessed a military build-up and an increase in hostilities in ethnic areas of Eastern Burma:

- The SPDC violated its verbal ceasefire with the KNU by attacking a Karen village close to a KNU military camp during Karen New Year celebrations on January 10, 2005.³⁵
- SPDC launched a series of offensives against the Karenni National Progressive Party (KNPP) in an attempt to seize the KNPP base camp at Nyamu Hill near Thailand's Mae Hong Son Province on January 7, 2005.³⁶
- Heightened tensions between the SPDC and the United Wa State Army (UWSA) were reported in December and January.³⁷
- The SPDC reportedly built new army bases close to Kachin Independence Army (KIA) areas.³⁸
- The SPDC has also intensified surveillance on the New Mon State Party.³⁹

Explaining the National Convention

The 2005 National Convention remains undemocratic and unrepresentative.

On 1 February 2005 the SPDC announced it had sent invitations to the same delegates who attended the 2004 NC session. Further, the regime announced that the National League for Democracy, the Shan Nationalities League for Democracy and the Shan State Kokang Democratic Party would not be invited to the National Convention.

The regime's tactic remains the same: Marginalize the NLD by keeping Daw Aung San Suu Kyi under house arrest, and coerce the ethnic ceasefire groups into accepting their constitution-drafting agenda.

35 Irrawaddy (11 Jan 05) Burmese troops attack Karen National Union military camp

36 BBC Monitor (7 Jan 05) Burmese military reportedly attack Karenni base

37 SHAN (6 Jan 05) Wa reinforces Border Command

38 DVB (7 Oct 04) Burma army pressurising ceasefire groups

39 Kao Wao (30 Sep 04) New Mon State Party Closely Monitored

Entrenching Military Rule

The generals seek what they call “disciplined democracy”, a euphemism for continued military rule.⁴⁰ The National Convention process, from its inception, provides ample and clear illustrations of this, despite the regime’s pledge to create a “genuine multiparty democracy system”.

Six “Objectives”

On 2 October 1992, 3 months before the National Convention first convened, the regime, imposed 6 objectives to “guide” the drafting of constitutional principles:

- non-disintegration of the Union,
- non-disintegration of national solidarity,
- perpetuation of sovereignty
- flourishing of a genuine multiparty democracy [sic] system,
- development of eternal principles of justice, liberty and equality in the State,
- for the *Tatmadaw* (Army) to be able to participate in the national political leadership role of the State.⁴¹

Although the first five (5) objectives primarily involve nation-building and goodwill intentions of peace, justice and democracy, the sixth principle guarantees a dominant role for the military, the *Tatmadaw*, in any future Burmese government.⁴² The regime did not consult with any group in drafting these objectives, and has consistently refused to discuss, amend, or repeal any of them, despite strong criticism from pro-democracy political parties, ethnic groups, and the international community. The regime has also repeatedly stated that all constitutional proposals made at the NC should conform to these six objectives.

40 NCGUB Statement (7 May 04) The National Convention

41 SLORC (2 Oct 92) Order No. 13/92: Formation of the Convening Commission for the National Convention

42 New Light of Myanmar (18 May 04) Regulations are prescribed in the interest of the national races and the delegates

Order 5/96: 20 Years' Jail for Criticism

Sr Gen Than Shwe signed and issued Order 5/96 shortly after the National Convention adjourned in 1996. This order prevents anyone from criticising the NC and drafting a constitution outside the NC.⁴³

Punishment for violating Order 5/96 includes a maximum jail term of 20 years and the outlawing of connected organisations.⁴⁴ On 20 February 2004, the SPDC condemned 6 students to prison terms ranging from 7 to 17 years for distributing leaflets critical of the NC.⁴⁵

Fundamentally Flawed

The roadmap lacks a clear timeframe. The regime has refused to commit to a timetable or engage with efforts to progress the roadmap, such as the “Bangkok Process”.

Continuation of a Previous Failure

The 1993-1996 NC was widely criticized. According to UN Special Rapporteur Sergio Pinheiro, the NC “violated the human rights of its participants and lacked “procedural” democracy”⁴⁶. In 2004 the SPDC reimposed the 6 objectives, the 104 principles and a similar oppressive and undemocratic NC Procedural Code as the basis of the new round of constitutional talks.⁴⁷

No End in Sight

From 17 May - 9 July 2004 the National Convention delegates discussed principles related to the Legislature, the Executive and the Judiciary – chapters 4, 5 and 6 of the Constitution. During a press conference on 1 February 2005, the regime announced that the new National Convention session starting 17 February would first adopt principles related to the power-sharing structure in the Legislature, and then further discuss matters related to the Executive and the Judiciary.⁴⁸ It has now been more than 12 years since the National Convention first convened, and still less half of the chapters of the future constitution have

43 Irrawaddy (10 May 04) What to Expect From the National Convention

44 SLORC (7 Jun96) Law No. 5/96

45 Irrawaddy (23 Feb 04) Students sentenced

46 UNCHR, 60th Session (5 Jan 04) Situation of human rights in Myanmar: Report submitted by the Special Rapporteur, Paulo Sergio Pinheiro [E/CN.4/2004/33]

47 Seminar on Understanding Myanmar (27-28 Jan 04) Myanmar Roadmap to Democracy: The Way Forward

48 Xinhua (1 Feb 05) Myanmar national convention to approve power sharing principles

been examined. This is probably the world's longest constitution-drafting process, and there is no clear end in sight.⁴⁹

Who Will Draft the Constitution?

The regime has refused to provide details as to how the roadmap's subsequent steps would be implemented. The National Convention's assignment however is not to draft a new constitution *per se*, but to draft "principles" that will then be used to draft the constitution. The crucial question of who will draft the constitution, the third step of the roadmap, remains unanswered.

The regime recently hinted that "experts", perhaps the SPDC itself or a committee appointed by the National Convention, would draft the constitution. This constitutes a serious warning to the pro-democracy movement and the international community, who must pressure the regime to ensure that the actual constitution is drafted in a transparent and democratic manner.⁵⁰

1990 Election Results Must Be Upheld

The fifth step of the roadmap, holding of "free and fair" elections, contradicts not the just will of Burmese voters but also the will of the UN General Assembly, which since 1991, has consistently called for the implementation of the results of the 1990 election. The generals' eagerness to suppress and ignore the results of the multiparty election that they themselves held in 1990 expose the hypocrisy of their stated commitment to the concept of "free and fair" elections. Fresh elections cannot be credible until the results of the 1990 elections are acknowledged first.

Democratic Forces Reject the Roadmap

The elected MPs, ethnic political parties, non-ceasefire groups such as the KNU and the Burmese pro-democracy movement in exile have all rejected the roadmap imposed by the SPDC.⁵¹ Burma's political parties and ethnic groups

49 Irrawaddy (25 May 04) Poisoning the Future

50 International Crisis Group (26 Apr 04) Myanmar: Sanctions, Engagement Or Another Way Forward?; David Arnott (29 Apr 04) Burma's National Convention: The Detailed Basic Principles

51 CRPP (16 Sep 03) Statement of the CRPP with regard to the SPDC's Prime Minister's road map for Burma's future; NCUB & NCGUB (22 Oct 03) NewsDesk; Irrawaddy (14 May 04) Ethnic Parties Boycott National Convention; Irrawaddy (6 Sep 03) Ethnic Agendas: The PM's Road Map To Nowhere

have proposed credible, democratic, and transparent alternatives to the junta's roadmap.

Not Representative of Burma's People

Following the 1990 election the junta clearly stated “the representatives elected by the people are those who have the responsibility to draw up the constitution of the future democratic State”.⁵² The regime reiterated this commitment when it announced in April 1992 the convening of the National Convention: “...in respect of the convening of the National Convention, [SLORC will] meet and co-ordinate, within two months, with the leaders of the Hluttaw Representatives of political parties existing lawfully and individual Hluttaw Representatives”⁵³

Despite this commitment, the regime sidestepped the mandate it conferred to the elected parliamentarians, relegating them permanently to a minority role in the NC.⁵⁴ In the same Order 13/92 through which SLORC imposed the “six objectives” to the NC, the regime announced that the elected MPs would form only 1 of 8 categories of delegates to the NC.⁵⁵

The first phase of the Convention, held in the early 1990s, comprised only 99 elected MPs, or 14% of the 702 delegates.⁵⁶ In 2004, only 15 elected MPs attended, or 1.4% of the 1,088 delegates. Eleven were independent MPs, several were previously expelled from the NLD, while the others were MPs of the National Unity Party (NUP), the party officially backed by the SLORC in the election.⁵⁷

Divide and Rule Tactics

Divide-and-rule tactics have been used by the junta to divide delegations from each other, and distract them from their work during the convention.

52 SLORC (27 July 1990) Declaration No. 1/90

53 SLORC (24 Apr 92) Declaration No. 11/92: Convening of the National Convention

54 SLORC (2 Oct 1992) Order No. 13/92: Formation of the Convening Commission for the National Convention

55 The delegate categories are: Representatives of political parties; Representatives elected at the election; Representatives of national races; Representatives of peasants; Representatives of workers; Representatives of intelligentsia and technocrats; Representatives of State service personnel; and Other persons who should be invited.

56 Irrawaddy (online) Chronology: The National Convention

57 NCGUB (3 Jun 04) An Update on the National Convention in Burma

The constitutional talks that lasted nearly 2 months focused on the division of legislative power between the national and constituent States.⁵⁸

Before the NC adjourned, 13 ceasefire groups submitted a joint proposal that challenged the SPDC's agenda for a strongly centralised state. The proposal called for each constituent state to retain most legislative authority and the right to maintain independent armed forces.⁵⁹ The 13 delegations that jointly submitted the proposal were individually pressured to submit separate, watered-down proposals.⁶⁰ After an additional 2-day meeting with the NC Convening Work Committee Chairman U Aung Toe, the delegates gave in to the pressure and agreed to his demands.⁶¹ This issue remains unresolved. It is expected that the SPDC will attempt to break the consensus among ceasefire groups by negotiating bilaterally, as they have done to reach the ceasefire agreements.

USDA: The SPDC's New Political Party

The SPDC has been actively grooming the Union Solidarity and Development Association (USDA) for an eventual take-over of national politics. The USDA is a puppet civilian organization created by the junta to coerce civilian support for the regime, and intimidate the pro-democracy movement.⁶² The USDA carried out the 30 May 2003 Depayin Massacre, where Daw Aung San Suu Kyi's convoy was brutally attacked, and hundreds injured and killed.⁶³

The SPDC has stacked the National Convention with USDA representatives. The 633 delegates of the "national races" category are members of the USDA, comprising 58% of the total number of delegates.

The USDA has also been offered a role in international politics, as Brig Gen Htay Oo, general secretary of the USDA was sent to Beijing in September 2004 for an International Conference of Asian Political Parties.⁶⁴

58 DVB (26 Jul 04) Officials neglected 7 proposals forward by KIO

59 Irrawaddy (9 July 04) National Convention Adjourned

60 SHAN (26 Jun 04) Junta plays dirty game, claims convention delegate

61 SHAN (7 Jul 04) Convention chair begs his way to "victory"

62 DVB (5 Feb 05) Burma junta invites delegates to attend convention; Narinjara (11 Feb

05) SPDC picked USDA members represent Arakan State at National Convention

63 For an outline of the 30 May 2003 events, and the role of USDA, please consult

Altsean-Burma (Nov 04) Burma Briefing: Issues and Concerns Volume 1. Available as PDF at www.altsean.org

64 Irrawaddy (Oct 04) Is the USDA to be a Political Party?

DEMOCRACY, SPDC-STYLE: NO POLITICAL PARTICIPATION

- **Despite its professed attachment to democratic reform, the SPDC has shown it lacks a basic understanding of what democracy itself entails.**
- **Public participation in political debates continues to be sidelined as political party members are harassed, arrested and sentenced to prison.**
- **Daw Aung San Suu Kyi, U Tin Oo and other NLD compatriots continued to be quarantined from the population as their detentions are extended.**
- **The SPDC rejects two NLD requests for peaceful dialogue.**
- **Civilians participating in an NLD petition calling for the release of Daw Aung San Suu Kyi are threatened.**

Continued Arrests of Political Party Members

In December 2004 the regime arrested and prosecuted 41 NLD members under a variety of bogus and unfair charges, such as the failure to register guests.⁶⁵ Citizens in Burma are required by law to register overnight guests with the local authorities. This law, which carries a 7-year jail sentence, has been selectively used by the regime to target and harass political opponents.

On 14 December 2004, the Bogale Township (Rangoon Division) local authorities visited every village in the township and told all NLD members to resign from the party, under threat of arrest, prosecution and imprisonment.

On 6 December the junta arrested 14 NLD members from the same township on charge of conspiring to celebrate the National Day (6 December) without permission. One of the accused, Saw Pan Koo, was also accused of distributing leaflets containing the Universal Declaration of Human Rights, even though human rights are officially part of the school curriculum. The leaflet charge was reportedly later dropped, although Saw Pan Koo is still being prosecuted for the initial charge of organizing National Day celebrations without permission.⁶⁶

65 NCUB – Political Defiance Committee (Dec 04) PDC News Commentary

66 DVB (8 Jan 05) NLD youth to be sentenced for distributing UN human rights leaflets in Burma; DVB (20 Jan 05) UNDP says it didn't refuse to defend a Burmese political prisoner

This type of harassment has been reported as recently as 17 March 2005, when NLD Sagaing Division Chairperson U Kyaw San was summoned and detained by local authorities for keeping “illegal goods” in his home.⁶⁷

Continued Detention 1: Daw Aung San Suu Kyi

Before ASEAN governments had finished praising the junta for the mass prisoner release, news emerged of Daw Aung San Suu Kyi’s continued incarceration during the ASEAN Summit on November 29, 2004. Although new PM Lt Gen Soe Win claimed he was “unaware” of any such developments at the ASEAN Summit, NLD spokesperson U Lwin verified the extension.⁶⁸

According to members of the NLD Youth Wing who had been acting as security guards in her compound, Daw Suu was approached by police on Saturday morning, November 27 2004, and informed of her the extended detention. Reports say she had been aware of the impending extension for at least one month.⁶⁹

Even more disturbingly, the Nobel laureate was ordered to reduce her security contingent from 13 NLD youth members to six. In protest of the move, she instead dismissed the entire contingent, leaving her without security protection. The generals also ordered her medical visits to be cut from three per week to one.⁷⁰ Even more worrying are reports that her medical visits, initially dropped to one per week, have now been limited to merely “whenever she requires medical attention.”⁷¹

On 16 December the NLD headquarters released a statement saying the SPDC now had to take full responsibility for her health and safety for reducing her health care and security access.⁷²

Continued Detention 2: U Tin Oo

One month later, U Tin Oo, vice chairman of the NLD suffered the same fate as Daw Suu. On 13 February 2005, U Tin Oo, already under house arrest, was

67 DVB (17 Mar 05) Sagaing Division NLD chairman U Kyaw San detained

68 AP (29 Nov 04) Suu Kyi's house arrest 'extended'

69 AFP (9 Dec 04) Myanmar leader gives no date for release of Aung San Suu Kyi: Thai PM

70 DVB (15 Dec 04) Unofficial Translation of NLD Statement on Daw Aung San Suu Kyi's safety

71 NCUB-PDC (Dec 04) PDC News Commentary

72 NCUB-PDC (Dec 04) PDC News Commentary

informed by a police officer that he would be detained until 13 February 2006 under 10(b) of the State Protection Law.⁷³

Continued Detention 3, 4...

On 2 February 2005, **Dr May Win Myint**, MP for Mayahggone Township, Rangoon, was given a one-year extension despite having completed her prison sentence. Dr May Win Myint was arrested in October 1997 and sentenced to 7 years imprisonment for travelling with Daw Aung San Suu Kyi to an NLD office in Rangoon.⁷⁴

In November 2004, **Dr Than Nyein**, elected NLD MP, was informed that his sentence had been extended, despite finishing on 19 November.⁷⁵

NLD Calls for Dialogue Rejected by the Junta

In December 2004, the National League for Democracy sent a letter to the SPDC requesting renewed efforts at dialogue. On 2 December, NLD Chairman U Aung Shwe wrote to Sr Gen Than Shwe calling for “an open and sincere dialogue.” The letter added that it was a historical moment⁷⁶.

This overture was ignored by the SPDC. Instead, Sr Gen Than Shwe responding by warning the country about impending "infiltration and manipulation by the neocolonialists."⁷⁷

The NLD Central Executive Committee sent a second letter to SPDC on 23 December calling for a “cleaning slate” to “let bygones be bygones” as a preliminary step for the national reconciliation process.⁷⁸

CRPP Head Threatened by Junta

On 8 February 2005, U Aye Tha Aung, General Secretary for the Committee Representing the Peoples Parliament (CRPP) was threatened by military officials. He was reportedly reminded that the CRPP was not a legal organization; that he would face prosecution if the CRPP’s policies violated Act 5/96 (which imposes up to 20 years’ jail for criticizing the National

73 DVB (15 Feb 05) U Tin Oo given one year extended detention by Burma's SPDC

74 DVB (8 Feb 05) Dr. May Win Myint given one more year imprisonment

75 DVB (22 November 2004) Dr Than Nyein continues to be detained by Burma junta

76 Xinhua (9 Dec 04) Myanmar opposition party proposes dialogue with government

77 NCUB-PDC (Dec 04) PDC News Commentary

78 NCUB-PDC (Dec 04) PDC News Commentary

Convention), and he was reminded of his unpaid debt of imprisonment.⁷⁹ (In 2002, U Aye Tha Aung was released 2 years into a 21-year jail sentence for health reasons. He is liable to serving the rest of his sentence if the SPDC so decides). U Aye Tha Aung's phone was also cut.

This personal attack came amid wider threats against the CRPP in several Burmese publications during January. One article, which appeared in a number of publications, accused the NLD of using the CRPP as a "weapon" and warned that the CRPP could easily be shut down for operating as an outlawed organization.⁸⁰ "The NLD is using an unlawful organization like the CRPP as a weapon," the article stated. "The CRPP's attempt to get a parliament convened and to organize an interim government is irrational."⁸¹

NLD Petition Campaign

On 19 July 2004, the National League for Democracy (NLD) launched a nationwide petition calling for the release of all political prisoners and the reopening of all NLD offices.

All NLD offices were closed following the assassination attempt and arrest of Daw Aung San Suu Kyi on 30 May 2003, but the party's headquarters were reopened on 16 April, 2004.

The NLD has yet to decide what to do with the petition, nor has a date been fixed for the end of the campaign.⁸² The petition was launched to commemorate the 57th Martyrs' Day in Burma, when Gen Aung San, Burma's independence leader, was assassinated. The petition was available at temporary party offices and the home of elected NLD representatives.⁸³

NLD members, members of other political parties, ordinary citizens, Buddhist monks, and even family members of army officers signed the petition.⁸⁴

News of the petition campaign circulated across Burma with the help of foreign-based Burmese radio stations.⁸⁵

79 Narinjara (11 Feb 05) CRPP General Secretary threatened by SPDC authorities

80 Irr (13 Jan 05) NLD accused of using CRPP as a weapon

81 Irr (13 Jan 05) NLD accused of using CRPP as a weapon

82 AFP (30 Jul 05) AFP: Myanmar opposition launches new front to get democracy leaders freed

83 Irrawaddy (23 Jul 04) NLD Petitions for Suu Kyi release

84 DVB (21 Jul 04) NLD Petition Campaigns Continue

85 DVB (5 Aug 05) NLD petition campaign goes from strength to strength

Intimidation & Arrest for Participation in the NLD Petition Campaign

A week after the launch of the petition, Military Intelligence and police authorities were ordered to watch and disrupt the petition campaign. The Union Solidarity and Development Association, a civilian group supporting the military regime, was also reportedly involved in intimidation of NLD members.⁸⁶

On 18 August 2004, a villager in Pakkhokku Township, Magwe Division, central Burma, was sentenced to 7 days in prison for participating in the petition campaign.⁸⁷ In other townships the NLD has been barred from carrying the campaign altogether.

In another incident Ko Kyaw Aung and his father in law U Wan Khin from Irrawaddy Division were arrested on 13 August and sentenced to seven days imprisonment on 27 August. Although officially charged with failure to register themselves as guests, they believe their involvement in the NLD petition campaign is the true motive of their arrest.⁸⁸

Three NLD leaders in Pegu Division (central Burma) were warned to stop the campaign with the threat of punishment and arrest by local authorities. They were accused of pressuring people to sign, and told the petition could cause 'disturbances'.⁸⁹

NLD offices still closed

Despite the courage of all those involved in the NLD campaign, NLD offices remain closed throughout the country, apart from the Rangoon headquarters. In the NLD's statement for Independence Day on 4 January 2005, the NLD called for the re-opening of all their offices as a prerequisite for genuine national reconciliation.⁹⁰

86 DVB (27 Jul 04) Order to watch the signing of NLD petitions

87 DVB (7 Sept 04) U Tin Tun Aung , another NLD MP fled Burma

88 DVB (9 Sept 04) NLD member sent to prison for peaceful activities

89 DVB (12 Aug 04) Burma junta still pressing NLD to stop peaceful petition campaign

90 NLD (4 Jan 05) Statement Issued on 57th Anniversary of Burma's Independence Day

ETHNIC RELATIONS

- **Ten Shan leaders arrested in the lead-up to the National Convention. They face charges carrying a life sentence.**
- **SPDC forces attack the Karen villagers during Karen New Year celebrations.**
- **Talks with the KNU unsuccessful as the SPDC refuses to sign a real ceasefire.**
- **The SPDC Army undertakes offensives against the KNPP.**

SHAN LEADERS ARRESTED IN LEAD-UP TO NATIONAL CONVENTION

In early February 2005, 10 days ahead of the National Convention, the SPDC embarked on a crackdown against different Shan ceasefire groups and political parties. Ten Shan leaders were arrested, among them Hkun Htoon Oo, Chairman of the Shan Nationalities League for Democracy (SNLD), the party that won the second largest number of seats (23) in the 1990 election.

The arrests were part of an intimidation campaign to ensure the ethnic nationalities' complied with the junta's constitution-drafting agenda. Those arrested were leaders of groups that have in the past criticized the National Convention for its undemocratic objectives and procedures.

According to SPDC Information Minister, Brig Gen Kyaw San, the 10 activists have been charged with conspiracy against the state, an offence tantamount to treason. Conviction for the offence carries a life sentence.⁹¹

On 7 February 2005, the SPDC summoned 5 Shan leaders at the Taunggyi-based Eastern Region Command. The Shan leaders were: Gen Hso Ten, Maj Han Aung and Capt Oo Hseng of the Shan State Peace Council (SSPC - a coalition comprising two ceasefire groups: the SSNA and the Shan State Army-North), and U Myint Than "Math" and another member of New Generation-Shan State (NG-SS – a little known Shan organization). They were initially told they were to meet with the Regional Commander, but they were later detained.⁹²

91 AFP (15 Mar 05) Ten Shan activists arrested in Myanmar for conspiracy: minister

92 SHAN (10 Feb 05) Shan leaders take state-financed holiday

Two unidentified people were reportedly released, but Gen Hso Ten was transferred and detained in an unknown location.⁹³

On 8 February, Sai Hla Aung and Sao Kya Ut were arrested and detained in Toungoo (Pegu Division). Sai Hla Aung, a prominent leader of SNLD, was on his way to attend his party's Executive Committee Meeting in Rangoon.⁹⁴ The SNLD boycotted the National Convention in May 2004 because of its undemocratic procedures and objectives. The regime did not invite the SNLD to attend the 2005 National Convention.⁹⁵

On 9 February, Hkun Htoon Oo and Sai Nyunt Lwin a.k.a Sai Nood, the SNLD's Chairman and General-Secretary respectively, were also arrested at their Rangoon homes.⁹⁶ Hkun Htoon Oo was due to attend the NLD's Union Day ceremony, commemorating the Panglong Agreement between Gen Aung San and the ethnic nationalities to form the Union of Burma. The Special Branch Police apparently detained the two SNLD leaders.⁹⁷ DVB reports that a total of 6 SNLD members are currently detained.⁹⁸

The SPDC did not publicly reveal the reason behind the crackdown. DVB reported that the arrests followed a meeting of the Shan "Advisory Expert Group". DVB also reported that Shan veteran politician U Shwe Ohn was arrested and charged for holding a meeting with other politicians.⁹⁹ The Commander of the Eastern Regional Command reportedly told Gen Hso Ten that the SSNA had violated the ceasefire agreement by having contact with political parties at this meeting. The SSNA responded saying the meeting was non-political in nature, and did not constitute a ceasefire violation.¹⁰⁰

Col Sao Gaifah, General Secretary to both the SSPC and Joint Action Committee (of which the SNLD is a member), said the release of all arrested leaders was crucial to the groups' participation to the National Convention. Sao Gaifah had led the SSPC delegation to the 2004 National Convention.¹⁰¹ The

93 DVB (12 Feb 05) Detention of leader will affect SPDC's convention, warns Shan leader

94 SHAN (10 Feb 05) Shan leaders take state-financed holiday; DVB (12 Feb 05) At least 7 opposition leaders arrested in Burma

95 NCGUB, MPU (11 Feb 05) Statement

96 Irrawaddy (10 Feb 05) Ethnic Shan Leaders Arrested

97 DVB (10 Feb 05) Shan opposition leaders detained

98 DVB (10 Feb 05) Shan opposition leaders detained

99 DVB (12 Feb 05) At least 7 opposition leaders arrested in Burma

100 DVB (12 Feb 05) Detention of leader will affect SPDC's convention, warns Shan leader

101 SHAN (10 Feb 05) Shan leaders take state-financed holiday

National Coalition Government of the Union of Burma (NCGUB) and Members of Parliament Union (MPU) also condemned the arrest of SNLD members.¹⁰²

Background on the Arrested

The Shan State Peace Council comprises the ceasefire groups Shan State Army-North (known by the SPDC as the Shan State (North) Special Region-3) and the Shan State National Army (SSNA). The SSA-N and the SSNA were among the six (6) ceasefire groups who submitted a seven-point statement prior to the May 2004 National Convention calling for changes to the objectives, principles and procedures guiding the Convention.¹⁰³ Both the SSA-N and the SSNA attended the 2004 NC, and planned to attend the 2005 session.

On 6 December 2004 SPDC Sec-1 Lt Gen Thein Sein separately urged the SSA-N, the SSNA, and 6 other ceasefire groups and militias to attend the 2005 NC and help speed up the junta's roadmap.¹⁰⁴

The New Generation – Shan State (Myohseththit Shan Pyi – NG-SS) is a little-known group, according to the Shan Herald Agency for News. A news report indicates that on 10 December 2004 the NG-SS presented a 13-page proposal to the SPDC to form an “advisory council” with people from outside the military, opposition parties or armed groups. The same proposal criticized the successive military regimes since 1962 for their divide-and-rule policies. The paper had been apparently written on request by the authorities. The SSA-N, also presented a similar proposal for an “advisory council” last 25 November. The role of this advisory council remains unclear.¹⁰⁵

Battles Ahead

Conditions in the ethnic areas continue to be of concern. More extensive military offensives in Karen and Karenni areas since the ousting of Gen Khin Nyunt have displaced an estimated 8,181 villagers¹⁰⁶.

The post-Khin Nyunt SPDC strategy is dominated by a traditional military approach. Those hardliners who have long believed the Burma Army could defeat its opponents militarily have happily headed down the path of military

102 NCGUB, MPU (11 Feb 05) Statement

103 (11 May 04) The standpoint of the Cease-fire Groups in relation to the National Convention

104 SHAN (6 Dec 04) Ceasefire groups told to help round off roadmap

105 SHAN (20 Jan 05) Second call to form advisory council

106 Free Burma Rangers (3 Jan 05) Situation in Northern Karen State and a Brief Analysis; and Free Burma Rangers (15 Jan 05) 400 new IDPs in Burma

offensives, and ceasefires previously spearheaded by Military Intelligence have been set aside.

Late last year, Rangoon's War Office reportedly adopted a strategy aimed at the "dissolution of ethnic armed groups in the...border regions."¹⁰⁷ It involved operationalizing "full strength units" in "areas controlled by the various armed groups" eventually forcing them to disarm.¹⁰⁸ In line with this strategy, battles against the Karenni, Karen and Wa have been recorded in recent weeks, with concurrent suffering of unarmed civilians

KARENNI: The largest attack thus far has seen SPDC columns launch a series of offensives against the Karenni National Progressive Party (KNPP) in an attempt to seize the KNPP base camp at Nyamu Hill near Thailand's Mae Hong Son Province. Reports say the SPDC military units had at least 2,000 soldiers and were also backed by ceasefire group Karenni Nationalities Peoples Liberation Front (KNLPP).¹⁰⁹ Since then, the SPDC and KNPP have clashed at least three times, and over 60 artillery shells and six mortars have landed in Thai territory.¹¹⁰ Thai officials have issued security alerts in Thailand amid fears the SPDC would attack Karenni refugee camps in Mae Hong Son.¹¹¹

KAREN: On March 14 2005, a 13-member delegation from the Karen National Union (KNU), headed by David Htaw began talks with the military regime in Mawlamyine, Mon State. The meet was a culmination of almost a year's worth of stalled and postponed meetings between the two groups. SPDC Information Minister Brig Gen Kyaw Hsan said "Progress is being made over the talks" when he spoke at a press briefing on 15 March.¹¹² David Htaw said the government was still unwilling to sign a formal agreement, however, they were not demanding the surrender of KNU forces.¹¹³

Previous "gentlemen agreements" between the KNU and the SPDC were marred by constant military violations against civilians and soldiers in Karen State. The most recent breach was an assault against a Karen village close to a KNU military camp during Karen New Year celebrations, despite an informal SPDC-KNU ceasefire.¹¹⁴ Between 370 and 500 villagers fled to Thailand.¹¹⁵

107 SHAN (6 Oct 04) Rangoon steps up measures against allies

108 SHAN (6 Oct 04) Rangoon steps up measures against allies

109 BBC Monitor (7 Jan 05) Burmese military reportedly attack Karenni base

110 AFP (24 Jan 05) Myanmar attacks rebel base near Thai border: Thai army official

111 Irrawaddy (11 Jan 05) Thai security alert after border shelling

112 Xinhua (16 Mar 05) Myanmar confirms peace talks with KNU underway

113 Irrawaddy (17 Mar 05) Regime "Willing to reach new ceasefire pact with KNU"

114 Irrawaddy (11 Jan 05) Burmese troops attack Karen National Union military camp

115 Reuters (12 Jan 05) Myanmar villagers flee to Thailand after clashes

DISREGARD FOR THE INTERNATIONAL COMMUNITY

The SPDC's behavior towards the international community is a clear indicator of its intentions for genuine reform. During 2004 and early 2005, the SPDC made a concerted effort to deflect efforts from the international community to engage with the junta, thereby further revealing its disinterest in genuinely constructive engagement.

THE CASE OF THE ILO – NO INTENTION TO CHANGE

On 23 February 2004, a delegation from the International Labour Organization cut short its visit to Burma, citing failures on the part of the SPDC to set up meetings that would enable the team to “successfully complete its mandate.”¹¹⁶

This disregard for the ILO has been replicated for other international organizations and is indicative of the SPDC's disinclination towards genuine change.

The refusal to grant a meeting with Sr Gen Than Shwe was a direct challenge to the ILO as the SPDC had been clearly informed of the delegation's objectives, which were to:¹¹⁷

- Secure a directive through the Ministry of Defence to stop the requisition of forced labour.
- Reconfirm Burma's commitment to action over forced labour – including a high level appointment to deal with allegations against the army.
- Renew the commitment by the Burmese authorities to the freedom of movement of the ILO's liaison officer.
- Create confidence among the people of Burma of the possibility of lodging complaints against forced labour.

Given the prevailing power structure and its complete reliance on Sr Gen Than Shwe, these objectives could not be met without securing his support.

The setback undermined the small victory gained on January 31, 2005, when 4 local officials were sentenced to prison terms from 8 – 16 months for using

116 UNI (24 Feb 05) Progress over forced labour frustrated in Burma

117 UNI (24 Feb 05) Progress over forced labour frustrated in Burma

forced labor in a road construction project. It was the first time anyone had been charged in court for using forced labor.¹¹⁸ However, Superficial, low-level convictions for forced labour are disingenuous when the leading body is not granted enough scope to fulfil its mandate.

BANGKOK PROCESS: THAILAND HOLDING ON

Despite being snubbed by the generals in March 2004, Thailand continued to press for a second round of talks in its Bangkok Process. On 20 July 2004, Thailand called upon the generals to join the multinational talks to repair the regime's relations with the rest of the world. "We are ready to host but we want Myanmar to attend," Thai Foreign Minister Surakiart Sathirathai told reporters Tuesday. "If Myanmar does not come, it is not useful."¹¹⁹ Sathirathai said the UN Secretary General, as well as individual countries, had approached them to request the possibility of a second round of talks.¹²⁰ There was a conspicuous silence from Sathirathai's Burmese counterpart on the topic. Gen Khin Nyunt reportedly told Thai PM Thaksin Shinawatra the SPDC would "inform us when the right time comes."¹²¹

Nevertheless, the Thai's continued to push for further talks, but again failed to invite the NLD, other political parties, or ethnic nationality representatives.

The first meeting of the Bangkok Process was held between 12 countries in December 2003. The second round was slated for early 2004, but was called off on 23 April when then-Foreign Minister Win Aung said he was "too busy" to attend.¹²²

UN ENVOYS

Despite the SPDC's claims they are actively seeking out democratic reform, the generals also continue to refuse visas to UN Special Envoy Razali Ismail and UN Special Rapporteur Sergio Pinheiro.

Neither of the envoys has been granted a visa to Burma in over a year.¹²³

118 Kyodo (3 Feb 05) 4 Myanmar officials get jail over forced labor

119 AFP (20 Jul 04) Thailand calls on Myanmar to attend talks over democracy plans

120 AFP (20 Jul 04) Thailand calls on Myanmar to attend talks over democracy plans

121 Xinhua (30 Jul 04) No fixed time for 2nd int'l forum on Myanmar political reconciliation

122 The Nation (21 Apr 04) Cloud over 'Bangkok Process'

OVERVIEW: HUMAN RIGHTS

- **At least 13,145 civilians have been displaced by SPDC Army attacks.**
- **98 extra-judicial killings were documented in 4 states.**
- **9 cases of torture, involving as many as 86 men and women in 4 states and divisions, were reported.**
- **At least 8 cases of rape and sexual abuse by SPDC troops involving more than 15 women, were also documented.**
- **51 incidents of forced labor were documented in 7 different states and divisions.**
- **28 incidents of extortion and expropriation by the SPDC were documented in 6 States and Divisions.**
- **The SPDC officially extended the detentions of NLD Gen. Sec. Daw Aung San Suu Kyi and her deputy, U Tin Oo.**
- **At least 107 persons, including 55 NLD members, were arrested for suspected political activities.**
- **18 political prisoners are being detained beyond the end of their initial sentence.**
- **One political prisoner died in detention, and another soon after release.**
- **SPDC attacks civilians, destroys rice fields, restrict farmers access to fields.**
- **Religious intolerance persists: Rohingya Muslims were forced to pay fees to be allowed to conduct prayers.**
- **UN Special Rapporteur for Human Rights in Myanmar Paulo Sergio Pinheiro told the UN General Assembly on 28 October that the human rights situation in the whole country “shows no improvement.”¹²⁴**

124 Reuters (28 Oct 04) UN expert urges Myanmar to end limits on politics

ABUSES OF ECONOMIC RIGHTS

SPDC Attacks Civilians, Destroys Rice Fields, Restrict Access to Fields

Attacks by the SPDC Army on civilians in the border areas have disrupted, and in the worst cases, stopped rice cultivation in these areas. Displaced villagers have lost access to their fields and often could only rely on supplies provided by cross-border aid relief organizations such as the Free Burma Rangers.¹²⁵

During military offensives and forced relocation campaigns the SPDC destroyed the villagers' homes, fields and the rice storage facilities. Rice was burnt to prevent farmers from feeding resistance groups or themselves. Rice was also destroyed to prevent farmers from selling their rice to independent traders and bypassing the junta's compulsory procurement policies.¹²⁶

The SPDC has declared Ye Township, southern Mon State, a "black zone", also known as a "free fire zone", where soldiers can shoot anyone on sight, because fighting against the Hongsawatoi Restoration Party (HRP), a small armed group.

Farmers are allowed to work in fields within 11 kilometers from their village but only between 6 AM to 6 PM. Farmers normally stayed overnight at their farms, but have to commute to avoid arrest and torture by SPDC troops. About 20% of the township's population, estimated at 50,000, have been displaced since the SPDC started their offensive. Many fled to the Thai-Burma border.¹²⁷ [See forced relocation]

Other examples of similar abuses:

- In early January 2005, SPDC troops burnt down 100 homes and rice barns in Karen villages, leaving hundreds of people homeless in Karen State.¹²⁸
- On 30 October 2004, SPDC authorities in Mu-Se Township, Shan State, ordered people of Zawn-Zaw Village to destroy a 10-acre rice field already sowed and replant it with soybeans to be showcased as a model field. The villagers were also forced to buy the soybean seeds from the SPDC.¹²⁹

125 FBR (22 Jan 05) IDPs in Need of Food Because of Ongoing Oppression by the Burma Army

126 SHRF (Aug 04) SHRF Monthly Report August 2004

127 Kaowao (9 Sept 04) Rebel Suspected Villagers killed and arrested

128 DVB (11 Jan 05) Clash between KNU and Burmese troops

129 SHRF (Feb 05) SHRF Monthly Report - February 2005

- In September 2004, SPDC troops from IB286 forced farmers in Kae-See Township, Shan State, to sell them peanuts at a price far lower than the market rate. Several village tracts were forced to procure 30 baskets of peanuts at a price of 1,500 kyat per basket. The normal market price was 5,000 kyat (approx US\$4.50).¹³⁰

EXTORTION & LAND CONFISCATION

Twenty-eight incidents of extortion and expropriation by the SPDC were documented in 6 states and divisions in the period covered by this report.¹³¹ At least three of these cases involved SPDC soldiers guarding gas pipelines or “economic development” projects.

During this period, one US dollar was worth 930 kyat. Laborers’ wages were 600 kyat per month, civil service salaries ranged between 3,000-10,000 kyat.¹³²

Some incidents of extortion and confiscation during this period:

- In January 2004, 40 Burmese tsunami survivors were forced to pay military immigration authorities 700 Thai baht each at the Three Pagodas Pass in order to cross the border. “We told them that we are victims of the Tsunami and have nothing to pay. But if we do not pay, the immigration does not allow us to cross,” said one Burmese survivor.¹³³

130 SHRF (Dec 04) SHRF Monthly Report – December 2004

131 FBR (2 Nov 04) Toungoo District, Burma Army oppression of civilian villagers; FBR (10 Nov 04) Oct 25, 2004 FBR Relief Mission in Kler Lwe Htu, (Naunglybin District), Karen State, Burma; FBR (22 Jan 05) IDPs in Need of Food Because of Ongoing Oppression by the Burma Army; FBR (31 Jan 05) Burma Army commandeers civilian trucks to re-supply camps. Toungoo District, Karen State; DVB (11 Jan 05) Clash between KNU and Burmese troops; DVB (13 Oct 04) Chin women forced to join Burmese women organisation; Kaladan (20 Jul 04) Nasaka issued ultimatum to the villagers whether to pay kyats 500, 000 or to demolish the houses; Kaladan (25 Jan 05) Muslims complain of military extortion during religious festival in Arakan; Kao Wao (3 Jan 05) France’s Oil Giant Total and Human Rights; SHRF (Nov 04) SHRF Monthly Report – November 2004; SHRF (Dec 04) SHRF Monthly Report – December 2004; SHRF (Jan 05) SHRF Monthly Report – January 2005; SHRF (Feb 05) SHRF Monthly Report - February 2005; SHRF (Sep 04) SHRF Monthly Report September 2004; SHAN (29 Sep 04) Shan commander: Army goes on rampage; SHAN (3 Nov 04) Youths for ransom in Shan State; Kao Wao (20 Aug 04) Land Confiscated for Infrastructure Projects; Kao Wao (2 Nov 04) More Monland lost to Burma army; Mizzima News (24 Jan 05) Survivals of the Tsunami fined in Burma; Independent Mon News Agency (25 Jan 05) Five million kyats per month demanded for gas pipeline security fee; FBR (22 Jan 05) IDPs in Need of Food Because of Ongoing Oppression by the Burma Army

132 Irrawaddy Online (1 Jan 03) Salaries and Price Index

133 Mizzima News (24 Jan 05) Survivals of the Tsunami fined in Burma

- Muslim Rohingyas in northern Arakan State were forced to pay 1,000-1,500 kyat in order to obtain permission to conduct Eid-ul-Adha prayers on 20 and 21 January 2005.¹³⁴
- Soldiers in Mon State, guarding the Kanbauk-Myaingkalay gas pipeline, demanded almost 5 million kyat per month from villagers as a “pipeline security fee.” SPDC soldiers from IB 62 collected 2,000 kyat per month from each house in seven villages in the area.¹³⁵ While this pipeline was built and operated by the Myanmar Oil and Gas Enterprise (MOGE), it carries gas from TOTAL’s Yadana field, and the consortium undoubtedly benefits from the infrastructure.¹³⁶
- While guarding Total’s gas pipeline in southern Burma, the SPDC extorted 200,000 kyat from two villages in exchange for their “granting permission” to conduct a Buddhist ceremony in December 2004 .¹³⁷
- In mid 2004, a woman from Kun-Hing Township, Shan State, was arrested for possession of a toy gun and then released after the SPDC extorted 50,000 kyat for bail. The woman was arrested after policemen and soldiers from IB 246 searched her house for opium but only found a toy gun made from an umbrella stem. They charged her for possession of an unregistered weapon. She was jailed and had to pay 50,000 kyat to be released.¹³⁸
- On 7 July 2004 Colonel Tint Lwin from SPDC Central Command 3 in Kaeng Tawng area of Murng-Nai Township, Shan State, ordered the people of Nam Tum Nur Village, located in the same area, to evacuate within 15 days. The Colonel had received an order from Rangoon to confiscate the 150 acres of rice fields, gardens and village land in order to expand the military base. 148 villagers living in 37 houses were affected by the confiscation order.¹³⁹

134 Kaladan (25 Jan 05) Muslims complain of military extortion during religious festival in Arakan

135 Independent Mon News Agency (25 Jan 05) Five million kyats per month demanded for gas pipeline security fee

136 Burma Campaign UK (Jan 05) Total Oil: Fuelling the Oppression in Burma

137 Kao Wao (3 Jan 05) France’s Oil Giant Total and Human Rights

138 SHRF (Jan 05) SHRF Monthly Report -- January 2005

139 SHRF (Sep 04) SHRF Monthly Report September 2004

FORCED LABOR

- **No progress in border areas; ILO forced to cut short visit.**
- **51 incidents of forced labor documented in 7 different states and divisions.**¹⁴⁰
- **In one case, a 15-year old boy forced to clear a road stepped on a landmine and lost the lower part of his leg.**

In Shan State, although forced labor has continued, forced portering has reportedly diminished in areas where there was no fighting. People are still conscripted to cultivate military farms, to build, maintain and repair military infrastructure (bases, camps), and to construct public road and bridges.¹⁴¹

During forced labor other types of human rights abuses are likely to occur, such as beating, extortion, intimidation, and even detention, disappearance, and killing.¹⁴²

140 ICFTU (10 Nov 04) ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29); Khonumthung News Group (22 Jan 05) Mass forced labor used to fence police camp in Chin State; FBR (2 Nov 04) Toungoo District, Burma Army oppression of civilian villagers; FBR (10 Nov 04) Oct 25, 2004 FBR Relief Mission in Kler Lwe Htu, (Naunglybin District), Karen State, Burma; FBR (3 Jan 05) Situation in Northern Karen State and a brief analysis; FBR (25 Jan 05) Forced Labor in Toungoo District; FBR (22 Jan 05) IDPs in Need of Food Because of Ongoing Oppression by the Burma Army; ICFTU (10 Nov 04) ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29); Reuters (12 Jan 05) Myanmar villagers flee to Thailand after clashes; DVB (13 Oct 04) To paint white fences in central Burma; DVB (25 Jan 05) Villager crashed to death by stone during forced labour; Kaladan (27 Jul 04) Bridges construction by forced labor in western Burma border; Kaladan (26 Aug 04) Forced labor for model village; ICFTU (10 Nov 04) ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29); DVB (23 Sep 04) Forced labor at Kalay airport; ICFTU (10 Nov 04) ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29); ICFTU (10 Nov 04) ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29); Independent Mon News Agency (23 Dec 04) Pipeline Security Round Up Porters for Offensives; SHRF (Nov 04) SHRF Monthly Report – November 2004; SHRF (Dec 04) SHRF Monthly Report – December 2004; SHRF (Jan 05) SHRF Monthly Report -- January 2005; SHRF (Feb 05) SHRF Monthly Report - February 2005; Kao Wao (3 Aug 04) Defenseless villagers attacked: no chance of escape; Kao Wao (22 Aug 04) Forced Labour After General Maung Bo's Visit; Kao Wao (2 Oct 04) Forced Labourers Fined for Showing Up Late; Independent Mon News Agency (25 Jan 05) Five million kyats per month demanded for gas pipeline security fee

141 SHRF (Jul 04) SHRF Monthly Report July 2004

142 SHRF (Jul 04) SHRF Monthly Report July 2004

Sample incidents of forced labor:

- In early January 2005, the SPDC army used forced porters during an attack on a Karen National Union (KNU) base during Karen New Year Celebrations. After the attack, 200 porters fled across the border to Mae Sot, Thailand. KNU Spokesperson Tha Na Cee said "They used 200 prisoners as porters. Several of them, mostly aged between 14 and 17, have surrendered and said they don't want to go back."¹⁴³
- In January 2005, soldiers from Light Infantry Battalion (LIB) 269 in Chin State forced villagers from Pan Khaing Village to build army outposts and carry army supplies to areas, 30 miles away from their village, near the Indian border. The villagers were detained at army bases, and they were forced to do menial jobs for soldiers.¹⁴⁴
- Starting 17 December, LIB 439 forced a group of 29 villagers, including 13-year-old children, to work on road construction in Tantabin Township, Toungoo District, Karen State. A 15 year-old boy who was forced to work stepped on a landmine and lost the lower part of his leg.¹⁴⁵
- A villager from Nga-Pying Township, Magwe Division was crushed to death by stones whilst being forced to "volunteer" with a road-repairing project. 45 year-old Ko Win Lwin was killed on 8 December 2004 while he was forced to fill a damaged section of highway with sand and stones. He was crushed to death when a cliff collapsed on him.¹⁴⁶
- Between 5 September and 17 October 2004, **12 incidents of forced labor involving 341 people** were documented in Toungoo District, northern Karen State, alone. These cases involved forced portering, and provision and transportation of food for SPDC troops, as well as paying troop salaries. In one case, on 6 October 2004, IB 73 forced 160 civilians from Klaw Me Do to carry food for the battalion from Soil Do to Klaw Ma Do, in the District.¹⁴⁷

143 Reuters (12 Jan 05) Myanmar villagers flee to Thailand after clashes

144 DVB (15 Jan 05) Burma army uses forced labour at Chin State

145 FBR (25 Jan 05) Forced Labor in Toungoo District

146 DVB (25 Feb 05) Villager crushed to death by stone during forced labour

147 FBR (2 Nov 04) Toungoo District, Burma Army oppression of civilian villagers

TORTURE

- **9 cases of torture, involving as many as 86 men and women were documented in 4 states and divisions.**¹⁴⁸
- **These acts of torture were committed in a climate of impunity. No disciplinary action was taken against any of the offenders.**

Sample incidents of torture occurring during this period:

- In January 2005, the SPDC seized 13 buffaloes in Tenasserim division, then brutally tortured their owners on suspicion that they were attempting to sell them across the border in Thailand.¹⁴⁹
- In January 2005 at least 2 ex-Military Intelligence agents were reportedly tortured to death during interrogations as part of the continuing purge of the MI after the ouster of PM Khin Nyunt. The ruling generals are blaming each other for the deaths, according to sources close to the military HQs.¹⁵⁰
- On 2 October 2004, a patrol of around 50 SPDC soldiers from No. 17 Tactical Command arrested, detained and tortured a man in Loi Aai village, Mung-Nai Township, Shan State, on charge of being a Shan rebel soldier. The SPDC troops interrogated the man for a period of three days, asking him where the rebel soldiers were. The man successfully escaped to the jungle with his hands tied behind his back after hearing that the SPDC would kill him.¹⁵¹
- In August 2004 a Buddhist monk in Ye Township, southern Mon State, was hung upside-down from a tree and beaten by soldiers from Infantry Battalion 273. He was accused of supporting the Hongsawatoi Restoration Party, a Mon armed group still fighting against the SPDC.¹⁵²

148 FBR (10 Nov 04) Oct 25, 2004 FBR Relief Mission in Kler Lwe Htu, (Naunglybin District), Karen State, Burma; Kao Wao (3 Jan 05) France's Oil Giant Total and Human Rights; SHAN (29 Sep 04) Shan commander: Army goes on rampage; SHRF (Dec 04) SHRF Monthly Report – December 2004; SHRF (Jan 05) SHRF Monthly Report -- January 2005; SHRF (Feb 05) SHRF Monthly Report - February 2005; Kao Wao (3 Aug 04)

Defenseless villagers attacked: no chance of escape

149 Kao Wao (3 Jan 05) France's Oil Giant Total and Human Rights

150 DVB (18 Jan 05) Splits among Burmese generals on the trial of General Khin Nyunt

151 SHRF (Feb 05) SHRF Monthly Report - February 2005

152 Kao Wao (3 Aug 04) Defenseless villagers attacked: no chance of escape

ARBITRARY DETENTION

- **At least 107 persons were arrested for suspected political activities.**¹⁵³
- **55 NLD members were arrested.**¹⁵⁴
- **At least 32 civilians were arrested on charges of supporting the armed resistance.**¹⁵⁵

Examples of arbitrary detention that occurred during this period:

- In December 2004 the regime arrested and prosecuted 41 NLD members under a variety of bogus and unfair charges, such as the failure to register guests.¹⁵⁶ Citizens in Burma are required by law to register overnight guests with the local authorities. This law, which has a maximum penalty of 7 years, but has been selectively used by the regime to target and harass political opponents.
- On 6 December 2004 the junta arrested 14 NLD members from Bogale Township, Irrawaddy Division, on charge of conspiring to celebrate the National Day (6 December) without permission. One of the accused, Saw Pan Koo, was also accused of distributing leaflets containing the Universal Declaration of Human Rights, even though human rights are officially part of the school curriculum. The leaflet charge was reportedly later dropped,

153 DVB (11 Oct 04) Burmese teacher imprisoned for teaching 'illegally'; Irrawaddy (24 Sep 04) Opposition Members Receive Long Sentences; DVB (27 Jul 04) NLD leader in Karen State arrested and imprisoned; DVB (9 Sep 04) NLD member sent to prison for peaceful activities; DVB (18 Aug 04) NLP MP U Than Htay arrested; BBC (22 Aug 04) Two Democracy League members sentenced to seven year jail; AFP (15 Nov 04) Three members of Myanmar's opposition arrested for distributing pamphlets; DVB (11 Jan 05) NLD leaders express concern over their detained members; NCUB – Political Defiance Committee (Dec 04) PDC News Commentary

154 DVB (11 Oct 04) Burmese teacher imprisoned for teaching 'illegally'; Irrawaddy (24 Sep 04) Opposition Members Receive Long Sentences; DVB (27 Jul 04) NLD leader in Karen State arrested and imprisoned; DVB (9 Sep 04) NLD member sent to prison for peaceful activities; DVB (18 Aug 04) NLP MP U Than Htay arrested; BBC (22 Aug 04) Two Democracy League members sentenced to seven year jail; AFP (15 Nov 04) Three members of Myanmar's opposition arrested for distributing pamphlets; DVB (11 Jan 05) NLD leaders express concern over their detained members; NCUB – Political Defiance Committee (Dec 04) PDC News Commentary

155 Kao Wao (23 Sep – 7 Oct) NMSP Checkpoint Raided by Burma Army; Kao Wao (23 Sep 04) Suspicious BA Target Alleged Rebel Families; DVB (12 Sep 04) Burmese soldiers kill Mon civilians; Kaowao (9 Sept 04) Rebel Suspected Villagers killed and arrested;

156 NCUB – Political Defiance Committee (Dec 04) PDC News Commentary

although Saw Pan Koo is still being prosecuted for the initial charge of organizing National Day celebrations without permission.¹⁵⁷

- On 21 September 2004, 2 former political prisoners U Ohn Than and U Thet Wai were arrested after holding a protest in front of the United Nations Office in Rangoon. The two activists were holding a poster demanding a free and fair parliament under UN supervision, and a UN investigation into the Depayin Massacre. The two were sentenced to 2 years imprisonment under the article 505(b) of the 1950 Emergency Provisions Act, which penalizes: "intent to cause, or which is likely to cause, fear or alarm to the public". They did not have access to a defense counsel.¹⁵⁸
- On 13 August 2004 Ko Kyaw Aung (a.k.a. Ko Aung Myint Tun) from Mawkyun Township, Irrawaddy Division, and his father in law U Wan Khin were arrested after actively taking part in a nationwide petition campaign to support the NLD. The two were officially charged with failure to register themselves as guests, and sentenced to 7 days imprisonment.¹⁵⁹ On 16 August Than Htay, an NLD Member of Parliament (MP) from Lashio-2 Constituency in Shan State, was arrested for taking part in the same campaign.¹⁶⁰
- On 29 August 2004 the SPDC Army arrested 8 villagers from Mi-taw-hlar-kalay during a clash with the Hongsawatoi Restoration Party (HRP) A 14-year old schoolboy was caught and killed by the crossfire. The 8 civilians were arrested on charge of supporting the HRP, by providing food and accommodation to them.¹⁶¹ On 14 September a further 14 civilians were arrested as hostages during a clash with HRP.¹⁶²

157 DVB (8 Jan 05) NLD youth to be sentenced for distributing UN human rights leaflets in Burma; DVB (20 Jan 05) UNDP says it didn't refuse to defend a Burmese political prisoner
158 DVB (21 Sep 04) Burma's NLD concerns over U Ohn Than and U Thet Wai; AAPPB Biography: U Thet Wai; Reuters (25 Oct 04) Myanmar court jails two for democracy protest
159 DVB (9 Sep 04) NLD member sent to prison for peaceful activities
160 DVB (18 Aug 04) NLP MP U Than Htay arrested
161 Kaowao (9 Sept 04) Rebel Suspected Villagers killed and arrested;
162 DVB (12 Sep 04) Burmese soldiers kill Mon civilians

Political Prisoners Detained Beyond the End of their Sentences

Eighteen political prisoners are currently being detained beyond the end of their initial sentence.¹⁶³ The SPDC has used Article 10 (a) of the 1975 State Protection Law to detain prisoners indefinitely.

On 18 January 2005, the SPDC extended the detention of Dr. Than Nyein by one year under section 10(a) of the State Protection Law. Dr Than Nyein's jail term was completed on 23 July 2004, but was given 3 more 2-month extensions under s.10(a).¹⁶⁴

On 3 October 2005, the SPDC extended the prison sentence of Dr May Win Myint, NLD MP of Mayangone Township (Rangoon Division), by 6 months under article 10 (a). Dr May Win Myint was sentenced to 7 years' imprisonment in 1997 and should have been released in 2004.¹⁶⁵

Deteriorating, Life-Threatening Health Conditions

Around 100 political prisoners suffer from deteriorating or life threatening health conditions.¹⁶⁶ Inadequate food supply, maltreatment, lack of medical care, and the indefinite extension of political prisoners' detention are directly responsible for the poor state of the prisoners' health. In some cases the SPDC has purposefully barred access to health care to demoralize and torture political prisoners.

A notable case is that of NLD MP Dr. Than Nyein, aged 68, imprisoned since 1997 for his political activities. On 20 July, Dr. Than Nyein, who suffers from gastric ulcer, heart disease, diabetes, and nerve damage, started a hunger strike to protest a 60-day extension of his prison term, which was scheduled to end that day. In response the SPDC transferred him to another prison lacking medical support. On 26 September, he was finally brought to a hospital, while in a critical health situation. Despite his age and frail health his prison term was again extended by 1 year on 18 January 2005.¹⁶⁷

163 AAPPB (28 Jan 05) Data - Prisoners held under Article 10(A)

164 DVB (23 Jan 05) Burma extends jail term of ailing democracy party representative

165 DVB (18 Oct 04) Prisoners given extended sentences by Burma junta

166 AAPPB (4 Oct 05) Information release on Political Prisoners' Health in Burmese Prisons

167 AAPPB (14 Feb 05) Information Release in Relation to the Health Situation of Political Prisoners; Irrawaddy (24 Jan 05) NLD Politician's Prison Term Again Extended; DVB (26 Sep 04) Dr Than Nyein sent to hospital after hunger strike in prison

Cases of Political Prisoners in Critical Health Condition:

- U Aung Soe Myint, NLP MP (Taungoo constituency), currently suffers from diabetes, heart disease and eye problems.
- Dr. May Win Myint, NLP MP (Mayangon constituency), suffers from hypertension, heart disease and cervical Spondylosis. On 3 October her prison term has extended by 6 months under article 10(a) of the State Protection Law.
- U Win Tin, 75, a famous journalist and co-founder of the National League for Democracy, has been imprisoned for the past 16 years and suffers from hemorrhoids and prostate gland disorder.¹⁶⁸
- Ko Thet Naung Soe, a law student detained in Insein Prison since August 2002 for staging a solo protest in front of Rangoon City Hall suffers severe skin problems and acute psychological problems.¹⁶⁹

Prisoners Died In Detention, Soon After Release

- On 19 October, 28-year-old Zaw Myo Htet (a.k.a. Zaw Zaw) died of tuberculosis and amoebic hepatitis while at Insein Prison. Zaw Zaw was one of 9 persons sentenced to death by the SPDC on 28 November 2003 on charges of “high treason”. On 12 May 2004, his sentence was commuted to 3 years imprisonment, and commuted again on 15 October to 2 years in prison, due to pressure from the International Labor Organization.¹⁷⁰
- On 20 July, Wa Nay Soe, an NLD member from Ye Township, Mon State, died only one month after being released from prison, where he had contracted a fatal liver disease. Wa Nay Soe had been arrested at the end of 1998 for his political activities.¹⁷¹

168 Mizzima (13 Mar 05) Burmese Journalist's Diamond Jubilee Birthday in Prison

169 DVB (19 Jan 05) Burmese political prisoners' health conditions

170 AAPPB (2 Nov 04) About Zaw Myo Htet (a) Zaw Zaw who was unfairly sentenced and has since passed away on the 19th October 2004; AFP (15 Oct 04) Jail terms cut of five Myanmar men formerly on death row for treason; Irrawaddy (2 Nov 04) Burmese political prisoner dies; DVB (30 Oct 04) Zaw Myo Htet, another political prisoner dies in detention

171 DVB (20 Jul 04) Released prisoner died of diseases

DISAPPEARANCES, SUMMARY EXECUTIONS & EXTRAJUDICIAL KILLINGS

Ninety-eight cases of extra-judicial killings were documented in at least 4 states.¹⁷²

In at least 6 cases, people have been captured by the SPDC and have since disappeared. Family and friends suspect that they have been killed by the SDPC.¹⁷³

In most cases, especially in the eastern border area, villagers were killed when walking or working alone in the countryside. The motive often involved the simple theft of personal belongings by SPDC soldiers.

Examples of extra-judicial killings documented during this period:

- The Burmese Navy gunned down at least 70 people on 22 January 2005 when they were attempting to enter into Bangladesh, on boats carrying smuggled rice.¹⁷⁴
- On 23 September 2004, Captain Maung Maung So of IB 73 extorted 150,000 kyat from a Burmese civilian named Tin Myeint Lay, and then shot him to death. The incident occurred in Toungoo District, Karen State, where the SPDC has been constructing roads using forced labor, and conducting patrols to hunt down Internally Displaced Persons (IDPs).¹⁷⁵
- On 4 July SPDC LIB 514 forced Zaai Zit-Ta (m), aged 34, from Wan Paang Loi Tawng village, Kae-See Township, Shan State, to guide and patrol with them. After just under one month the SPDC shot him to death and took on

172 Kao Wao (3 Aug 04) Defenseless villagers attacked: no chance of escape; FBR (10 Nov 04) Oct 25, 2004 FBR Relief Mission in Kler Lwe Htu, (Naunglybin District), Karen State, Burma; SHRF (Dec 04) SHRF Monthly Report – December 2004; SHRF (Jan 05) SHRF Monthly Report -- January 2005; SHRF (Feb 05) SHRF Monthly Report - February 2005; SHRF (Nov 04) SHRF Monthly Report – November 2004; Kaowao (9 Sept 04) Rebel Suspected Villagers killed and arrested; FBR (2 Nov 04) Toungoo District, Burma Army oppression of civilian villagers; Narinjara (4 Feb 05) 70 people gunned down by Burmese Navy

173 FBR (2 Nov 04) Toungoo District, Burma Army oppression of civilian villagers; SHRF (Nov 04) SHRF Monthly Report – November 2004; FBR (22 Jan 05) IDPs in Need of Food Because of Ongoing Oppression by the Burma Army

174 Narinjara (4 Feb 05) 70 people gunned down by Burmese Navy

175 FBR (2 Nov 04) Toungoo District, Burma Army oppression of civilian villagers

another guide Lung Mo, from the same township. After three weeks Lung Mo disappeared, and is believed to have been killed by LIB 514.¹⁷⁶

- On 2 July 2004, a 13-year-old boy was beaten to death and his 2 oxen stolen by SPDC troops in Tang-Yarn Township, Shan State. The boy was grazing his family's two oxen in a meadow when SPDC soldiers came to take the animals. Villagers found the boy's body in a ditch.¹⁷⁷

In the following incidents people were arrested by the SPDC and have since disappeared and are presumed dead:

- On 20 January SPDC LIB 60 Column #2 Commanded by Wey Pyo Pein captured two Karen villagers, Saw Tha Day Kwa and Saw Pa Ka Raw. The two men were searched, tied up and taken to Baw Gale Gyi, Toungoo District, Karen State. Their fate remains unknown.¹⁷⁸
- On 26 December SPDC IB 73 and LIB 439 captured two villagers during an attack on Saw Wah Der Village, in Toungoo District, Karen State. The two villagers, named Saw Ta Tam and Saw Tu Kru, have reportedly been executed at the SPDC Army camp where they were taken.¹⁷⁹
- On 7 August a Military Intelligence unit in Nam-Zarng Township, Shan State, arrested 35-year old Zaii Phaw-Ka. He has since disappeared.¹⁸⁰

176 SHRF (Nov 04) SHRF Monthly Report – November 2004

177 SHRF (Nov 04) SHRF Monthly Report – November 2004

178 FBR (22 Jan 05) IDPs in Need of Food Because of Ongoing Oppression by the Burma Army

179 FBR (14 Jan 05) 400 new IDPs in Burma Army Oppression of Toungoo District, Northern Karen State, Burma

180 SHRF (Nov 04) SHRF Monthly Report – November 2004

FREEDOM OF EXPRESSION

- **21 publications were censored, suspended or forced to close by the regime during the period.**¹⁸¹
- **At least 3 journalists, musicians and film makers were arrested for expressing their views.**
- **On 26 October 2004 Paris-based Reporters without Borders (RSF) ranked Burma 165th out of 167th countries for press freedom, only above North Korea and Cuba.**¹⁸²

Junta arrests hip hop band members. On 20 June 2005 the Military Intelligence (MI) arrested hip hop performers and concert organizers at the band's first promotional concert at the Strand Hotel in Rangoon. They were detained for 5 days for "performing political songs".¹⁸³

Junta prohibits tape of tsunami. In January 2005 video shops in Sittwe, Arakan State were fined for renting video tapes of the tsunami, its aftermath and relief work operations. Sittwe police allegedly arrested shop owners for illegally distributing uncensored tapes, fined them 30,000 kyat each and seized their tapes. The videos were taped from CNN and BBC news broadcasts.¹⁸⁴

Filmmaker arrested. In an attempt to suppress information on the flooding that affected Myitkyina, the capital of Kachin State, authorities arrested Lazing La Htoi, a filmmaker for producing a documentary on the natural disaster. The shop where the documentary was produced was closed down, and the 300 VCD copies of the documentary were seized.¹⁸⁵ In July the Irrawaddy River overflowed following torrential rains, but the state press reported no deaths or property damage. NGOs and ceasefire groups operating in the area reported that 5,000 homes in 9 villages were destroyed by the flood.¹⁸⁶

181 Mizzima (15 Jul 04) Hip-Hop Band Test Burma's Freedom of Expression; Mizzima News (24 Jan 05) Survivals of the Tsunami fined in Burma; Irrawaddy (30 Jul 04) Flood Documentary Maker Arrested; DVB (31 Jul 04) Kachin youth arrested in upper Burma for reporting floods; RSF/BMA (28 Feb 05) Burma: Magazine suspended for carrying St Valentine's Day advertisement; Xinhua (13 Feb 05) Myanmar steps up crack-down on unlicensed foreign video records; RSF Asia (21 Oct 04) New military government closes 17 publications; AP (17 Sept 04) Myanmar government denies closing down magazine
182 RSF (26 Oct 04) Third Annual Worldwide Press Freedom Index
183 Mizzima (15 Jul 04) Hip-Hop Band Test Burma's Freedom of Expression
184 Mizzima News (24 Jan 05) Survivals of the Tsunami fined in Burma
185 Irrawaddy (30 Jul 04) Flood Documentary Maker Arrested
186 DVB (31 Jul 04) Kachin youth arrested in upper Burma for reporting floods

Crackdown on Publications

- **February 2005:** Magazine “Han Thit” was suspended for two months for carrying St Valentine’s Day advertisement.¹⁸⁷
- **February 2005:** “Nwe Ni” and “Myanma Dana” were banned from publishing in Feb 2005 because their cover pages were not approved by the censorship bureau.¹⁸⁸
- **February 2005:** “Voice Journal” was suspended for 2 weeks due to previous publication of an allegedly false report.¹⁸⁹
- **February 2005:** SPDC began a crack-down on unlicensed foreign video tapes and VCD’s considered unsuitable and “injurious” to the Myanmar culture.¹⁹⁰
- **October 2004:** 14 publications were shut down indefinitely and 3 others temporarily after the arrest of Gen Khin Nyunt. Press freedom watchdog groups said the crackdown was an “act of revenge” by the new Prime Minister Lt Gen Soe Win against his predecessor. Some of the suspended publications had licenses belonging to associates of Khin Nyunt, including his son.¹⁹¹
- **September 2004:** Fortnightly current affairs magazine “Khit-Sann” was forced to close down as the SPDC deemed it too “pro-American”. The magazine’s liberal views were popular with Rangoon intellectuals, but also with some high-ranking military officers.¹⁹²

Grassroots youth organizations in Mon and Karen states have reported continued intimidation by the SPDC not to speak to foreign radio stations, such as the British Broadcasting Corporation, Voice Of America, Radio Free Asia and Democratic Voice of Burma.¹⁹³

187 RSF/BMA (28 Feb 05) Burma: Magazine suspended for carrying St Valentine’s Day advertisement

188 RSF/BMA (28 Feb 05) Burma: Magazine suspended for carrying St Valentine’s Day advertisement

189 RSF/BMA (28 Feb 05) Burma: Magazine suspended for carrying St Valentine’s Day advertisement

190 Xinhua (13 Feb 05) Myanmar steps up crack-down on unlicensed foreign video records

191 RSF Asia (21 Oct 04) New military government closes 17 publications

192 AP (17 Sept 04) Myanmar government denies closing down magazine

193 Kao Wao (6 Oct 04) Youths warned about leaks to news media

“For The Lady” banned in Burma. In October the junta unsurprisingly banned the music album “For The Lady” released by pro-democracy group US Campaign for Burma. The SPDC specifically instructed border guards to confiscate all copies of the album.¹⁹⁴

Journalists Released. Zaw Thet Htwe, Thein Tan and Aung Myint were released from prison on 3 January 2005.¹⁹⁵

Journalist Zaw Thet Htwe was arrested and sentenced to death for “high treason” after unsubstantiated allegations of organizing an assassination attempt against junta leaders.¹⁹⁶

Aung Myint was arrested on 14 September 2000 for giving articles to the international press about Daw Aung San Suu Kyi. He was sentenced to 21 years imprisonment under the 1950 Emergency Provision Act and a 1908 law on illegal organizations.¹⁹⁷

Thein Tan, journalist and bookseller, aged 74 was released from Thayet Prison, north of Rangoon. He was arrested and sentenced in 1990 to ten years in prison for articles he wrote about the death of 4 demonstrators in August 1990. His sentence was set to finish in December 2000, but was extended by the SPDC.¹⁹⁸

RULE OF LAW

Junta Cracks Down On Romance

- In February 2005 the SPDC suspended the publication of the privately-owned “Han Thit” (New Style) magazine for 2 months after it carried an advertisement for St Valentine’s Day. The SPDC has banned the lovers’ holiday as a negative Western influence.¹⁹⁹

194 DVB (12 Oct 04) No ‘For the lady’ in Burma says Burma junta; see www.uscampaignforburma.org for more information.

195 RSF/BMA (3 Jan 05) Burma: Military junta releases journalists Zaw Thet Htwe, Thein Tan and Aung Myint

196 RSF/BMA (3 Jan 05) Burma: Military junta releases journalists Zaw Thet Htwe, Thein Tan and Aung Myint

197 RSF/BMA (3 Jan 05) Burma: Military junta releases journalists Zaw Thet Htwe, Thein Tan and Aung Myint

198 RSF/BMA (3 Jan 05) Burma: Military junta releases journalists Zaw Thet Htwe, Thein Tan and Aung Myint

199 RSF/BMA (28 Feb 05) Burma: Magazine suspended for carrying St Valentine’s Day advertisement

- On 19 September 2004, 4 Burmese students from Ma-U-Pin Technical College, Irrawaddy Division, were arrested and imprisoned for trying to court a girl. The young woman had an argument with the students, that she later reported to the local SPDC-sponsored women's organization, headed by the wife of the local SPDC chairman. The students were sentenced to 2 and half years in prison under charges normally reserved for physical assault and rape cases.²⁰⁰ However a month later they were released after their fellow students started rioting at the college where they studied.²⁰¹

Miscarriages of Justice

- Saw Pan Koo, an NLD youth member was arrested by police officers on 6 December for distributing leaflets containing the Universal Declaration of Human Rights. During trial proceedings, the arresting police officers admitted that they were unable to read English and so were unaware of the content of the leaflets at the time of the arrest. The charges were later dropped when it was agreed that distributing the UDHR was not illegal as it was contained in high school syllabus, however, parallel charges of "attempting to celebrate Burmese National Day" remained.²⁰²
- At least 300 former MI agents are being tried by secret military tribunals at Insein Prison by specially selected prosecutors and judges. The accused, like other prisoners, are being held in substandard conditions, do not have access to legal defense and are unable to see their families.
- On 23 September 2004 the SPDC sentenced 4 NLD members to 7 years in prison for allegedly having contact with "illegal" (i.e. pro-democracy) organizations. They were charged under the 1950 Emergency Provisions Act, which criminalizes any action deemed to "undermine the security of the Union or the restoration of law and order". The accused were Tin Myint, NLD Secretary Thingangyun Township, Rangoon Division; Than Than Htay, member of NLD Women's Committee in Magwe Division; and Yee Yee Win and San Ya, NLD members from Theinzayat, Mon State. The trial was held inside Insein Prison. The court used only the testimony of

200 DVB (4 Oct 04) Burmese students imprisoned for attempting to court girls

201 DVB (9 Oct 04) Four Burmese students released after protests

202 DVB (8 Jan 05) NLD youth to be sentenced for distributing UN human rights leaflets in Burma

Military Intelligence officials, failed to provide evidence, and did not produce any independent witnesses.²⁰³

Forced Labor & Rape Complainants Sent To Jail, Killed

- On 11 October 2004, SPDC soldiers killed the father of a rape and murder victim who had publicly complained to the authorities. In January 2004 Naang Kham, 25, was raped, tortured and killed by SPDC troops on the outskirts of Kun-Hing, Shan State, where she had gone to gather firewood. Her father found her with a skull fracture and a dry cell battery in her vagina. The victim's father Lung Zin-Ta lodged several complaints with the local authorities. On the night of 11 October, 5 SPDC troops took him away from his house. He was found dead under a bridge close to Kun-Hing the next day.²⁰⁴
- On 7 October 2004, the Henzada Township court in Irrawaddy Division sentenced U Ohn Myint and Ko Khin Zaw to six months imprisonment or a fine of 10,000 kyat on charge of criminal defamation after they had attempted to bring complaints of forced labor to court.²⁰⁵ On 27 August 2004 the same court overthrew cases against local officials that had been filed by the two victims. In 2003 U Ohn Myint and Ko Khin Zaw were imprisoned after they failed to comply with a forced labor order.²⁰⁶ On 22 October U Ohn Myint and Ko Khin Zaw were mysteriously released from jail after serving two weeks of their 6-months sentence, after military officials paid the fines imposed on them by the court. It is suspected that the SPDC decided to bail them out to avoid facing ILO criticism.²⁰⁷

203 Irrawaddy (24 Sep 04) Opposition Members Receive Long Sentences; AP (24 Sep 04) Myanmar's junta jails four opposition members for 7 years

204 SHRF (Jan 05) SHRF Monthly Report -- January 2005

205 Asian Human Rights Council (12 Oct 04) Appeal

206 Asian Human Rights Council (12 Oct 04) Appeal

207 DVB (27 Oct 04) Two innocent civilians released by Burma junta for fear of backlash

RELIGIOUS INTOLERANCE

REPRESSION AGAINST MUSLIMS:

- The SPDC prohibited Rohingya Muslims in Arakan State from praying at the Eid-Gah (open air prayer ground) during the Eid-ul-Fitr celebrations in November 2004 and January 2005. The SPDC also restricted the delivery of sermons in mosques, as well as the freedom of movement of Rohingyas during the holiday.²⁰⁸ Muslim Rohingyas in northern Arakan State were forced to pay 1,000-1,500 kyat in order to obtain permission to conduct Eid-ul-Adha prayers on 20 and 21 January.²⁰⁹
- At least 3 Muslim Rohingyas were killed during a religious riot on 20 January in Arakan State. According to sources, the riot broke out after a young sweeper insulted several Buddhist monks near a monastery in Kyauk Pru, Arakan State. The sweeper was said to be an informant for the local army station in Kyauk.²¹⁰

While guarding Total's gas pipeline in southern Burma, the SPDC extorted 200,000 kyat from two villages in exchange for their "granting permission" to conduct a Buddhist ceremony in December 2004.²¹¹

FORCED RELOCATION & DISPLACEMENT

- **At least 13,145 civilians were displaced by SPDC Army attacks during the period covered by this report.**
- **SPDC attacks against civilian population are the major reason behind the alarmingly high number of Internally Displaced Persons (IDPs) and the outflow of refugees to Burma's neighbors, especially Thailand.**

Sample cases of forced relocation and/or destruction of homes:

- Continuing military offensives in northern Karen State resulted in systematic violations of human rights in Toungoo District. At least **440 new IDPs** went into hiding during February 2005.

208 Kaladan (15 Nov 04) Eid-UI-Fitr in Arakan

209 Kaladan (25 Jan 05) Muslims complain of military extortion during religious festival in Arakan

210 Narinjara News (25 Jan 05) Religious riot in Arakan State

211 Kao Wao (3 Jan 05) France's Oil Giant Total and Human Rights

- At least **500 villagers** fled to Mae Sot, Thailand, after SPDC attacks near a Karen National Union base on early January 2005.²¹²
- From 14 November 2004 until January 2005 SPDC LIB 264, 589, 350, 20, 382 and 368 began a series of offensives against civilians in Naunglybin District, Karen State. SPDC troops looted and burned down homes, and destroyed 388,000kg of rice. At least **5,736 people** fled to the jungle as a result of this offensive.²¹³
- On 15 September, SPDC troops ordered all villages of the Mawchi area, southern Karenni State to move to relocation sites by 16 October. Troops from LIB 35, 428, and 134 patrolled the villages to give this order, and stole pigs, chickens and ducks. Incidents of forced labor were also reported. By mid-October around **2,100 villagers** had fled to the jungle as a result of this relocation order. These IDPs suffered from dysentery, malaria, Acute Respiratory Infection (ARI) and skin infections as a result of the precarious living conditions in the jungle.²¹⁴
- On 26 December 2004 SPDC IB 73 and LIB 439 attacked and looted Saw Wah Der Village in Tantabin Township, Toungoo District, Karen State, forcing **400 people** to flee.²¹⁵ Earlier in December other SPDC attacks in Toungoo District displaced **over 3,000 people**. Many villagers were able to return to their villages, but others are still in hiding.²¹⁶ There are a total of at least **20,000 IDPs** in Toungoo District alone.²¹⁷

212 Reuters (12 Jan 05) Myanmar villagers flee to Thailand after clashes

213 Free Burma Rangers (27 Nov 04) Burma Army attacking Karen civilians in Western Karen State, Burma, 800 IDPs; FBR (4 Dec 04) 4,781 Karen forced to flee Burma Army attacks and 19,425 baskets of rice burned; FBR (21 Dec 04) Update 21 December; Free Burma Rangers (27 Dec 04) New Burma Army Attacks and expansion of operations against villagers and IDPs in Naunglybin District, Karen State, Burma. The figure of 5,736 displaced people is an aggregate of the 4,781 people displaced between 14 November and 21 December in 5 townships of Naunglybin District, and another 955 people displaced after 22 December in the northern part of this same district in Karen State.

214 FBR (19 Oct 04) Karenni Relief Team (FBR) report; FBR (20 Oct 04) 2,000 Karenni IDPs fleeing attacks of the Burma Army 20/10/04

215 FBR (14 Jan 05) 400 new IDPs in Burma Army Oppression of Toungoo District, Northern Karen State, Burma

216 FBR (3 Jan 05) Situation in Northern Karen State and a brief analysis

217 FBR (1 Feb 05) Message from a relief team leader (FBR), Toungoo District, Northern Karen State, Burma.

VIOLENCE AGAINST WOMEN

- **At least 8 cases of rape and sexual abuse by SPDC troops involving more than 15 women were documented throughout Burma during the period.**²¹⁸
- **In one case a man was killed because he complained about the rape and murder of his daughter.**
- **According to “System of Impunity”, a report released by the Women’s League of Burma (WLB) in September, rape, gang-rape, sexual slavery, and forced marriage are still committed systematically and under a climate of impunity by the Burmese military regime.**²¹⁹

The latest WLB report documents 26 cases of sexual violence and human rights abuses against women between 2002 and 2004, after the SPDC explicitly denied that it perpetrated sexual violence against women. In 17 documented cases senior military officers or public official were either the direct perpetrators or complicit to the crime. Fifteen of the 26 cases involved the rape of girls under 18 years of age and in one case, an 8-year-old child. Three girls were gang-raped by large groups of soldiers before being murdered.

Examples of sexual violence documented during the period:

- In January 2005, a report showed that Chin women have been subject to sexual abuse by the SPDC. Close to the Indian border, villagers have been detained against their will at army bases, and during the night, soldiers reportedly force their way into homes under the pretense of “checking guest lists” and rape or harass the women.²²⁰
- On 19 October 2004 SPDC troops (unit unknown) raped and killed 18-year-old Naang Seng Lu on the outskirts of Larng-Khur Town, where she was gathering bamboo shoots.²²¹

218 SHRF (Feb 05) SHRF Monthly Report - February 2005; DVB (18 Jan 05) Burmese soldiers gang-raped Karen women; Narinjara (25 Jan 05) Army sergeant arrested for attempted rape; SHRF (Nov 04) SHRF Monthly Report – November 2004; SHRF (Nov 04) SHRF Monthly Report – November 2004; SHRF (Dec 04) SHRF Monthly Report – December 2004; SHRF (Jan 05) SHRF Monthly Report – January 2005

219 Available at www.womenofburma.org/Report/SYSTEM_OF_IMPUNITY.pdf

220 DVB (15 Jan 05) Burma army uses forced labour at Chin State

221 SHRF (Dec 04) SHRF Monthly Report – December 2004

- On 28 August 2004, Naang Thawn, aged 22, 3 months pregnant and her friend Naang Wun, aged 20, were gang-raped and killed by a patrol of about 20-25 SPDC troops from LIB514 in Murg-Kerng Township, Shan State. The women had gone to gather banana leaves in a forest near their villages. The SPDC soldiers told villagers that they had raped and killed the women because they were the wives of Shan rebel soldiers.²²²
- On 14 August 2004, SPDC soldiers from IB66 gang-raped 3 Palaung women near their village in Nam-Zarng Township.²²³
- On 11 October 2004, SPDC soldiers killed Lung Zin-Ta because he complained about the rape and murder of his daughter Naang Kham, 25, in January 2004.²²⁴

HUMAN TRAFFICKING

The SPDC made numerous pledges during the period to fight human trafficking. "We can and will show the world and the traffickers that we mean business. With our resolve, we will break the vicious cycle of trafficking in the region," said the new Prime Minister Lt Gen Soe Win in the opening address at the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) on 29 October.²²⁵ In reality, the junta's efforts to combat human trafficking translated to increased harassment and extortion of civilians by local SPDC officials.

Cases of harassment and extortion linked to human trafficking:

- In December 2004 Daw Khin Pyone Win, President of the Myanmar Committee for Women's Affairs in Kaeng-Tung Township, and wife of the Shan State Regional Command Commander Gen Khin Zaw, required all women under 25 to pay 100,000 kyat to the women's organization in order to get permission to travel.²²⁶
- On 21 September 2004, a driver was interrogated for 3 hours by the SPDC at a checkpoint near Kaeng-Tung Township, Shan State. The SPDC accused the man of having trafficked a woman to Thailand a few weeks earlier, and threatened to extort 20,000 to 30,000 kyat from him. The driver

222 SHRF (Jan 05) SHRF Monthly Report -- January 2005

223 SHRF (Nov 04) SHRF Monthly Report – November 2004

224 SHRF (Jan 05) SHRF Monthly Report -- January 2005

225 AP (29 Oct 04) Myanmar's new prime minister makes official debut

226 SHRF (Dec 04) SHRF Monthly Report – December 2004

had reportedly taken the woman and her husband shopping to the border town of Tachilek, and both of them had since returned to Kaeng-Tung. Troops finally had to let the driver go after he said he would bring the young woman to testify.²²⁷

- On 19 September 2004 SPDC troops from IB64 arrested 5 men and 3 women at a checkpoint outside Lai-kha Town, Shan State, and accused them of intending to go to Thailand. The soldiers beat the 8 travelers, extorted money from them and detained them at a military base for 3 days and 2 nights in Lai-Kha Township on human trafficking charges. The travelers were in fact traveling to Taunggyi, the capital of Shan State.²²⁸
- On 1 September 2004 Naang Non, a 19-year-old woman from Murg-Ton Township, Shan State, was arrested by the local police on charge of human trafficking, and given a 3 year jail sentence. Naang Non was accused of wanting to traffic another young woman, a policeman's daughter, to Thailand. In fact Naang Non was taking her friend to visit relatives in nearby villages. The police, in a blatant attempt to extort money, asked Naang Non's parents for 700,000 kyat for their daughter's release.²²⁹

RIGHTS OF THE CHILD

Children continue to be victims of forced labor, conscription in the SPDC army and landmines:

- In early January 2005, SPDC forces used forced porters during an attack on a Karen National Union base during Karen New Year Celebrations. After the attack, 200 porters fled across the border to Mae Sot. KNU Spokesperson Tha Na Cee said "They used 200 prisoners as porters. Several of them, mostly aged between 14 and 17, have surrendered and said they don't want to go back."²³⁰
- Starting 17 December LIB 439 forced a group of 29 villagers, including 13-year-old children, to work on road construction in Tantabin Township, Toungoo District, Karen State. A 15-year old boy who was forced to work stepped on a landmine and lost the lower part of a leg.²³¹

227 SHRF (Dec 04) SHRF Monthly Report – December 2004

228 SHRF (Nov 04) SHRF Monthly Report – November 2004

229 SHRF (Nov 04) SHRF Monthly Report – November 2004

230 Reuters (12 Jan 05) Myanmar villagers flee to Thailand after clashes

231 FBR (25 Jan 05) Forced Labor in Toungoo District

- Burma's mortality rate for children under five years old is 109 per 1,000 births in 2002, according to a UNICEF report on 7 October 2004.²³²

IGNORING TSUNAMI-AFFECTED BURMESE

While Burma itself was fortunately spared the scale of death and destruction caused by the tsunami in neighbouring countries, its citizens, particularly Burmese migrant workers in Thailand, were severely affected. Between 2,500 and 3,000 Burmese migrants were killed by the tsunami waves, and another 4,000- 7,000 affected.²³³

The Burmese regime's lack of concern for citizens affected by the tsunami in Thailand aggravated the effects of the Thai authorities' discrimination at the local level. The military regime still has not sought to claim the bodies of Burmese tsunami victims, nor offered any support to survivors.²³⁴

Worse still, Burmese authorities reportedly fined some 40 Burmese tsunami survivors at the Three Pagodas Pass who attempted to return to their country after the disaster.²³⁵ At one stage, the military even closed its border checkpoint at Kawthaung, to prevent an inflow of Burmese migrant workers returning home.²³⁶

Although the Thai Government stated that all tsunami survivors were entitled to relief aid, there have been reports of discrimination against Burmese migrant workers. Thai authorities also deported some 2,000 Burmese migrants, framed as scapegoats for the lootings occurring in the tsunami-affected areas.

Some of the Burmese survivors who wanted to stay and look for their missing friends and relatives were forcibly deported. Others who wanted to go back to Burma have been forced to remain because their employers need cheap labour.

232 Irrawaddy (8 Oct 04) Burma's child mortality rate still high: Unicef

233 AFP (19 Jan 05) Myanmar workers in Thailand are the forgotten tsunami victims

234 AFP (19 Jan 05) Myanmar workers in Thailand are the forgotten tsunami victims; also see ALTSEAN-Burma (Jan 05) Tsunami Impact on Burma, available online at www.altsean.org

235 Mizzima (24 Jan 05) Survivals of the Tsunami fined in Burma

236 Financial Times (13 Jan 05) Burma migrants fear expulsion from Thailand: Following the disaster, many are hiding in the hills

LANDMINES

The SPDC Army has continued to use landmines, which has a significantly adverse impact on people's livelihoods.

Starting 17 December 2004, LIB 439 forced a group of 29 villagers, including 13-year-old children, to work on road construction in Tantabin Township, Toungoo District, Karen State. A 15-year old boy who was forced to work stepped on a landmine and lost the lower part of his leg.²³⁷

SPDC troops from LIB 428 mined the area south of Mawchi to the Karen border in Karenni State during their offensives against civilians in September and October. Old villages and suspected Internally Displaced Persons (IDPs) hiding sites are the preferred sites for mining. At least 2 landmine casualties have been reported in the area.²³⁸

237 FBR (25 Jan 05) Forced Labor in Toungoo District

238 FBR (26 Nov 04) The Burma Army continues its attacks on villagers and IDPs (Internally Displaced Persons), in the Karenni State