

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Please provide information on the current situation for ethnic Karen people in Myanmar and in Rangoon in particular.**
- 2. Are the authorities in Myanmar known to mistreat returnees suspected of involvement in opposition politics?**
- 3. Are Evangelical Christians subject to mistreatment?**

RESPONSE

- 1. Please provide information on the current situation for ethnic Karen people in Myanmar and in Rangoon in particular.**

A recent *Asia Times* article has noted that “the majority of Myanmar’s estimated 6 million to 7 million Karen live” “in the old capital Yangon and the Irrawaddy Delta”. Even so, there would appear to be very little information available on the current situation for ethnic Karen in Rangoon (or Yangon). Of the reports located which do discuss Rangoon’s Karen community most tend to make mention of the Rangoon situation only in passing, in the course of discussing the situation of the ethnic Karen in Karen state. Karen state is located along the Thailand border, and there is a great deal of information available to indicate that Karen residents in this area have suffered significant human rights abuses. An overview of the available information follows below (for the *Asia Times* article, see: McCoy, C. 2007, ‘Karen between a rock and a hard place’, *Asia Times Online* website, 6 April http://www.atimes.com/atimes/Southeast_Asia/ID06Ac02.html – Accessed 10 July 2007 – Attachment 5).

Human rights abuses committed against ethnic Karen people would appear to be regularly reported as occurring in the area of Karen state by a wide range of sources including human rights groups, UN agencies and Karen advocacy organisations. A March 2007 report

published by the Norwegian Refugee Council's (NRC) Norwegian Displacement Monitoring Centre (NDMC) provides an overview of the various sources of information which report that human rights in Burma are in a state of general decline and that the Karen communities of Karen state are suffering significant mistreatment at the hands of the armed forces of Myanmar (as is also the case for several other minority ethnic communities in certain locales). Some pertinent extracts follow:

The situation of internal displacement in Burma continues to worsen despite increased pressure on the military government to end its blatant human rights abuses and to allow humanitarian access to conflict-affected populations. ... The displacement crisis is currently most acute in the Karen state of Burma where thousands of civilians are being displaced by the Burmese army which has launched a major offensive against insurgent groups.

... Since 1989, 17 informal ceasefires have been agreed between the regime and ethnic minority armies, but the eastern border with Thailand remains a conflict zone. A few ethnic insurgent groups remain active, including the Shan State Army-South (SSA S), the Karenni National Progressive Party (KNPP), and the Karen National Union (KNU), through its armed wing, the Karen National Liberation Army (KNLA). Despite a 2003 ceasefire between the KNU and the government, fighting began again in September 2005 in Pegu Division between government forces and the KNLA and spread to many other areas of northern Karen State during 2006 (USDOS, 6 March 2007).

... Human rights violations are the single most important reason for displacement in eastern Burma, more so than fighting between the Burmese and rebel armies. In most parts of Burma, the primary agent of displacement is the Burmese army, also called the Tatmadaw. In conflict areas, the army has for decades implemented a so-called "Four Cuts Policy" which aims to consolidate control in ethnic minority areas by eliminating the access of armed opposition groups to new recruits, information, supplies and financial support. In implementing this strategy, the Burmese army is accused of widespread human rights abuses such as forced relocation, expropriation of land and livestock, extortion, forced labour, threats and intimidations, sexual abuse and other forms of violence (UNHRC, 12 February 2007; AI, September 2005).

... The areas most severely affected by recent displacement are the Toungoo, Nyaunglebin and Papun districts situated in the northern Karen state and eastern Pegu division where thousands have fled attacks on their villages and widespread human rights abuses such as rape, forced labour, burning of fields and extortion. There has also been a widespread use of landmines to prevent the return of fleeing populations. In eastern Burma, the situation is now so serious that the UN Special Rapporteur has warned of an impending humanitarian crisis if it is not addressed immediately (UNCHR, 12 February 2007).

Burmese military operations continue unabated in the Toungoo district of the Karen state, increasing the pressure on thousands of internally displaced people hiding there. The military have forced villagers to clear wide areas along the sides of roadways, which makes it much harder for displaced families and communities to cross without being spotted and fired upon. As a result the IDPs are finding it increasingly difficult to obtain food and other necessary supplies from surrounding villages. According to the Karen Human Rights Group (KHRG), the military's objective is to starve displaced villagers out of the hills and into military-controlled villages and relocation sites where they will be cut off from the KNU rebels (KHRG, 19 February 2007).

... Documentation gathered from Karen, Shan and Arakan states concludes that sexual violence is being systematically used as a weapon against the ethnic minority population (KWO, February 2007; HRW, Annual report 2005; UNCHR, 2 December 2004). While the

general humanitarian situation in the country has deteriorated over the past years, the situation is particularly critical for internally displaced in eastern Burma ('Burma: a worsening crisis of internal displacement' 2007, Norwegian Displacement Monitoring Centre website, 28 March – Accessed 6 July 2007 [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/EA37F09B896C3AC8C12572AC003F512D/\\$file/Burma_overview_March07.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/EA37F09B896C3AC8C12572AC003F512D/$file/Burma_overview_March07.pdf) – Attachment 2).

In April 2007 the *Asia Times* provided an extensive overview of the state of the conflict in “eastern Pegu division and northern Karen state” between the forces of the separatist Karen National Union (KNU) and the forces of “Myanmar’s ruling State Peace and Development Council (SPDC)” and the “SPDC-aligned Democratic Karen Buddhist Army (DKBA)”. It is reported that the forces of the KNU have been losing ground to the Myanmar military and the DKBA. It is also reported that Karen communities living in the conflict zones are suffering significant human rights abuses. Some pertinent extracts follow:

The only remaining area where the KNU claims to control “liberated areas” – eastern Pegu division and northern Karen state – has been under attack by the Myanmar army since February 2006. The area is viewed by the SPDC as staunchly pro-KNU, a fair analysis considering that the territory’s local leaders were strongly opposed to a 2004 ceasefire agreement. Myanmar army operations launched by more than 60 battalions have indiscriminately targeted the civilian population, displacing more than 20,000 Karen villagers and badly undermining the KNU’s infrastructure.

...The northern areas had until now withstood the forced “Burmanization” witnessed in other parts of Karen state and central Myanmar. If the territories are lost to the SPDC, it will significantly undermine the KNU’s negotiating leverage during any future ceasefire talks. According to relief workers active in the area, the KNU has failed to push the Myanmar army back and is now merely holding on to provide a measure of protection for Karen civilians.

...International human-rights groups say the Myanmar army has recently tailored its offensives to attack villagers’ food supplies as well as their ability to grow more food. Those tactics have included shooting and killing villagers who attempt to tend to crops. The military’s war logic: starving villagers will eventually leave the area, and without civilian support and cover the KNU will be easier to flush out.

...The threat posed to the KNU by the DKBA represents a more complicated challenge. Formed as a breakaway group from the KNU in December 1994, the DKBA was until recently a highly decentralized yet organized group that operated as an auxiliary force to the Myanmar army.

It is most notorious for crossing the Thai border and torching refugee camps where ethnic Karen had fled fighting, but has also been involved in well-documented rights abuses against civilian populations that occupy the territories it controls. As such, it initially had little civilian support among ethnic Karen.

In recent years, however, the DKBA has matured into a much stronger military and political force. Its shared control with the SPDC over central Karen state is firm enough that relative peace has taken hold in the former combat-riddled area in recent years. Flare-ups occasionally occur, to be sure, but for the most part, DKBA units appear to be content with a live-and-let-live policy. The SPDC, while maintaining an armed presence, has largely allowed the DKBA a free hand in administering the area.

Oddly, DKBA leaders often state that they still see the KNU as their mother organization – but that they are pursuing their revolution, which is aimed at gaining greater autonomy for the

Karen people, in a different way. Although there is no indication the contacts have recently occurred, including invitations to each other's Karen New Year celebrations.

In part, the struggle between the KNU and the DKBA is about popular appeal. To many villagers in central Karen state, KNU soldiers last visited their areas years ago and no longer have a direct impact on their daily lives. Instead, DKBA and Myanmar army forces control the area, which has made it almost impossible for the KNU to extend its influence any further than its small and narrowing enclaves along the Thai border.

Conversations and interviews with villagers from the area make it clear that while many may prefer the KNU as the Karen's original representative, they now have little choice but to support the DKBA. Church-based and other Karen civil-society organizations have filled some important social gaps. While such organizations do not offer much of a political voice for the people, they do provide a nationalist one where Karen can still find ethnic pride.

Any potential post-conflict political strategy by the KNU will have to take the DKBA into account. The struggle for local resonance extends beyond Karen state and bleeds into the Karen communities in the old capital Yangon and the Irrawaddy Delta, where the majority of Myanmar's estimated 6 million to 7 million Karen live. The KNU's fading political relevance is especially acute among the younger generation, who view as more important the need to help their families financially in Myanmar's failing economy than joining a political or military organization fighting for a separate homeland (McCoy, C. 2007, 'Karen between a rock and a hard place', *Asia Times Online* website, 6 April http://www.atimes.com/atimes/Southeast_Asia/ID06Ae02.html – Accessed 10 July 2007 – Attachment 5).

The manner in which ethnic Karen have suffered mistreatment in Karen state as a consequence of military operations has been the subject of an extensive study published by Human Rights Watch in June 2005, and this is supplied as Attachment 11 (Human Rights Watch 2005, "*They Came and Destroyed Our Village Again*": *The Plight of Internally Displaced Persons in Karen State*, June, vol.17,no.4(C) <http://hrw.org/reports/2005/burma0605/burma0605text.pdf> – Accessed 11 July 2007 – Attachment 11).

In April 2006 the Australian National University's Professor Desmond Ball spoke to the Tribunal about the nature of the military regime in Burma (or Myanmar). In the course of addressing issues relating to state surveillance Professor Ball provided information on the manner in which ethnic Karen have "escaped by coming across KR State and Karen State". Much of this information was garnered from interviews which Professor Ball has conducted with ethnic Karen who have fled into Thailand. Professor Ball was not, however, able to speak about the situation for Karen who had fled from Rangoon (or Yangon).

The area that I do more involves those who have escaped not from Rangoon or Mandalay or Moulmein, for example, but who have escaped by coming across KR State and Karen State. Some of them take months, they hide out, but in their case they are hiding out in the jungle, they are moving from village to village at night. They are relying on family networks and there are family networks between, for example, Karen people down in the Irrawaddy area and the Karen people in the border areas. And in that group I have come across many, many, many. I mean, they are ones that arrive on the Thai-border side and that I have sat down and talked to. But it can take them months but their's I think is a different process than those who leave the cities. Whether you are asking just about the cities and the towns, I really don't know anything first hand about that (Ball, D. 2006, *Burma Seminar at the Refugee Review Tribunal*, 12 April – Attachment 9).

Though abuses against ethnic Karen in the conflict areas or Karen state would appear to be significant and widely reported, very little information is available on the treatment of ethnic Karen in metropolitan Rangoon (or Yangon) itself. Nonetheless, some reports of the mistreatment of Karen in Yangon were located on the website of the Karen Human Rights Group (KHRG). A 2001 KHRG report notes the claims of two ethnic Karen youths who say they were forcibly recruited into the army by soldiers in Rangoon.

Photo #H3: Saw M---, age 19, a Pwo Karen who was a soldier in SPDC LIB #xxx in Papun District until he fled in December 2000. Originally from M--- area in central Burma, at age 18 he was staying with relatives in Rangoon when a group of soldiers stopped him in the street and told him he could either join the Army or they'd send him to prison for life. He chose the Army and was immediately put on a train to Thaton for training. Afterwards he was sent to the frontline with LIB xxx but couldn't take the hard hikes over the hills so he was always sick and tired, and he was punished for this by being forced to carry water to the mountaintop camp, bake charcoal and dig trenches nonstop. Whenever he couldn't do it anymore he was punched and beaten, until he fled his unit at night on December 2nd 2000. He now says he doesn't dare return to his village for fear that the SPDC will kill him, and he just wants to go on living wherever he can. The SPDC is now getting many of its recruits by randomly stopping young men and threatening them with prison, and the desertion rate in the Army has been soaring in the past 2 to 3 years because of brutality like that suffered by Saw M---. [Photo: KHRG researcher]

...Photo #H4, H5: Z--- (left), age 17, and W--- (right), age 19, two SPDC soldiers who fled Light Infantry Battalion #xxx in xxxx District in March 2001. When W--- was a 14 year old schoolboy in August 1995, he went to visit his Aunt in Rangoon but was grabbed by soldiers and police the moment he stepped off the train in Rangoon station, and was told that if he didn't join the Army they would send him to prison. He says he told them he was a student but they refused to listen, and he was forced into the Army where he remained for over 5 years. Z--- was also 14 when he was forced into the Army in 1998; he was grabbed after his 3rd Standard (Grade 3) midterm exams when he was visiting his Aunt, and says he is sad that he never got to go back to school. Z--- and W--- say they fled the Army together because their commander stole most of their salaries and beat them and tortured them every time he got drunk, which was often. Photo #H5 shows Z--- with his G3 assault rifle. [Photos: KHRG researcher] ('Photo Set 2001A: Landmines and Soldiers' 2001, Karen Human Rights Group website http://www.khrg.org/photoreports/2001photos/set2001a/Section_7-8.html – Accessed 9 July 2007 – Attachment 3).

The KHRG also provides general information on the difficulties experience by Karen communities living outside the conflict areas. Nonetheless, it would appear that the troubles referred to concern villages in rural areas rather than urban communities like Rangoon.

It is a common misconception to think that forced labour and other abuses only occur in Burma's conflict areas. Many people are finding that they cannot survive in their villages even in areas where there is no opposition activity at all. As explained above, the SPDC tries to control the life of every civilian with its Army, so the non-conflict areas have almost as many Army units as the conflict areas. With the rapid expansion of the Army in recent years to its current strength of over 400,000 troops, villagers who have never seen fighting now find their villages surrounded by 3 or 4 Army camps within one or two hours' walking distance. The officers in these camps see the civilian population as little more than a convenient pool of forced labourers and a source of profit. Villages receive a constant stream of written and spoken orders demanding their forced labour as Army camp servants, messengers and sentries, cutting and hauling building materials for camp construction, building and maintaining the camp (translations of hundreds of these can be seen in the KHRG 'Order Sets' available on this web site). They are also taken as porters, because even where there is

no fighting the Army still needs people to haul rations and supplies from roadheads to hilltop Army camps, or from the Battalion bases to faraway outposts in the middle of conflict areas ('Background On Burma' (undated), Karen Human Rights Group website http://www.khrg.org/background_on_burma.html – Accessed 9 July 2007 – Attachment 4)

Ashley South, who has conducted research in Myanmar for both the International Crisis Group (ICG) and Human Rights Watch (HRW), has recently published an extensive study on the manner in which displacement has adversely affect a number of communities in Myanmar. Published by the Refugee Studies Centre of Oxford University, the study provides extensive information on the mistreatment of the ethnic Karen communities of Karen state. The report also provides information on the forced relocation of thousands of Yangon (or Rangoon) residents, mainly government employees, who were sent 400km north following the SPDC's "relocation of Burma's administrative capital, and military command-and-control centre, from Yangon to the central Burma hill town of Pyinmana" in late 2005. It would not appear, from the information provided, that this latter episode of displacement has targeted ethnic Karen specifically (South A. 2007, 'Burma: The Changing Nature of Displacement Crises', University of Oxford Refugee Studies Centre website, RSC Working Paper no.39, February <http://www.rsc.ox.ac.uk/PDFs/WP39%20Burma%20AS.pdf> – Accessed 9 July 2007 – Attachment 6).

Another 2007 study by Ashley South provides some observations, of a general nature, on the difference between the Karen communities in the conflict areas of northern Karen state and the Karen population of Rangoon. It is reported that the latter group does not typically associate itself with the separatist aspirations of the "opposition groups along the Thailand border" and that Rangoon's ethnic Karen are more generally supportive of a "less aggressive nationalist discourse" that has "sought an accommodation with the state, rather than challenging its foundations". The relevant extracts follow:

In December 2003 the KNU announced a "gentleman's agreement", to cease fighting with the SPDC. ... However, since early 2006, the *Tatmadaw* [Myanmar armed forces] has launched major operations against a diminished KNU insurgency, and its civilian support base, displacing at least 20,000 people in northern Karen state (although in parts of Tenasserim division, and central and southern Karen state, there is still less fighting, and somewhat fewer human rights violations, than before the "ceasefire": South 2006).

In the mean time, for the Karen community living beyond the zones of ongoing armed conflict, the daily struggle of life under a brutal dictatorship continues. Those living in government-controlled areas constitute a sizeable majority of the Karen population in Burma. For many – and especially young people – identification with the KNU's militant nation-building exercise constitutes a central element of political belief. It should not be doubted that the KNU is a key political actor – with perhaps a unique role to play. However, it represents only one strand of Karen nationalism.

... A set of competing ideas of Karen nationalism are associated with the "Union Karen" perspective, which is prevalent particularly in Rangoon, and in the Irrawaddy delta. This less aggressive nationalist discourse has been adopted by elites who – unlike the KNU and its predecessors – have sought an accommodation with the state, rather than challenging its foundations. The broad range of pro-Rangoon perspectives were quite well-represented through the independence and parliamentary periods (Smith 1999). However, since the imposition of military rule in 1962, and especially following the events of 1988-90, the "Union Karen" voice has been marginalized, in comparison with the uncompromising rhetoric produced by opposition groups along the Thailand border (South, A. 2007, 'Karen

Nationalist Communities: The “Problem” of Diversity’, *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, vol.29: no.1, April, pp.55-76 – Attachment 1).

It may also be of interest that Ashley South’s 2007 study notes that a quarter to a third of Myanmar’s Karen people are Christian and that Baptist missionary schools and churches played a leading role in the formation of the Karen ethno-nationalist movement. According to Ashley, “[h]istorically, the KNU has included very few non-Christians or non-S’ghaw while many (perhaps most) rank-and-file Karen National Liberation Army (KNLA) soldiers and Karen villagers, are Buddhist, and often speak Pwo or other dialects” (South, A. 2007, ‘Karen Nationalist Communities: The “Problem” of Diversity’, *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, vol.29: no.1, April, pp.55-76 – Attachment 1).

News reports have indicated that some members of the Karen community in Yangon (or Rangoon) maintain relations with the Karen National Union (KNU). This association has been reported during times when KNU delegations have visited Yangon (or Rangoon). Relevant extracts follow:

Asian Political News, 25 October 2004

Sources close to a separatist ethnic Karen rebel group and the Karen community in Yangon on Wednesday denied reports that a delegation of the group has been detained in the capital.

...Another source from the Karen community in Yangon connected to the KNU said rumors about the KNU delegation being detained are false (‘LEAD: Ethnic Karen delegation not detained in Yangon’ 2004, Find Articles website, source: *Asian Political News*, 25 October http://findarticles.com/p/articles/mi_m0WDQ/is_2004_Oct_25/ai_n6283922 – Accessed 9 July 2007 – Attachment 7).

Manila Times, 9 January 2007

The Karen National Union, the largest rebel group fighting Myanmar’s junta, has sent a team to Yangon in a bid to resume talks to end one of the world’s longest-running insurgencies.

...So far, the team has met with members of the Karen community in Yangon and church leaders, he said. The Karen members are mostly Christian, in a nation that is overwhelmingly Buddhist (‘Rebels fighting Myanmar junta ready for talks’ 2007, *Manila Times*, 9 January <http://www.manilatimes.net/national/2007/jan/09/yehey/world/20070109wor3.html> – Accessed 9 July 2007 – Attachment 8).

It may also be of interest that in May 2006 it was reported that attacks in parts of Karen state were being directed by “Lt-Gen Khin Maung Than”, a “former Rangoon Division Commander”. It may also be of interest that it was suspected that overall command for the offensive was held by “Gen Shwe Mann, a Karen Buddhist”. The relevant extracts follow:

Military analysts in Rangoon suggest that Gen Shwe Mann, a Karen Buddhist, might be behind the recent offensive in Karen state.

Shwe Mann, the regime’s No 3 in seniority, is attached to the Defense Ministry and will likely oversee day-to-day operations in Karen State, military analysts in Rangoon said.

...In fact, the military attack on the areas of Nyaunglaybin and Taungoo was under the command of Lt-Gen Khin Maung Than, chief of the Bureau of Special Operations Number 3.

Khin Maung Than, former Rangoon Division Commander, is reported to be taking an uncompromising stance toward Karen rebels. He received instructions to secure the two areas by moving against civilians and insurgents (‘Irrawaddy: Shwe Mann “behind Karen

offensive” 2006, BurmaNet News website, source: *Inside Burma*, 3 May <http://www.burmanet.org/news/2006/05/03/irrawaddy-shwe-mann-%E2%80%9Cbehind-karen-offensive%E2%80%9D/> – Accessed 9 July 2007 – Attachment 10).

2. Are the authorities in Myanmar known to mistreat returnees suspected of involvement in opposition politics?

In November 2006 the Department of Foreign Affairs and Trade (DFAT) provided extensive advice on this question. While noting that “[s]ome Burmese returning after engaging in anti-regime activities overseas appear to escape close attention or retribution”, DFAT advises that “there is a high risk the Burmese regime would treat harshly returning Burmese nationals who, the regime considers, have engaged in high profile political activity abroad”. DFAT provides an indication of the kinds of political associations that would place a person returning to Burma (or Myanmar) in the “high risk” category (see paragraph 5) and states that: “[a]ny Burmese returning to Burma after a lengthy period overseas would come at least to the attention of their local township authorities and their movements may be monitored for an initial period”. DFAT’s extensive advice on this question follows below:

There is a high risk the Burmese regime would treat harshly Burmese nationals who have engaged in high profile political activity abroad. There is no clear definition of “low-level” political activity. Burmese engaged in high profile anti-regime activities overseas are closely monitored by Burmese authorities. Burma residents assessed as active opponents of the regime can expect to receive particularly close attention from security forces. Severe penalties, including life imprisonment, are routinely imposed for dissent in Burma. Defence lawyers are typically neither permitted access to the defendants nor allowed to participate in court proceedings.

...3. Overseas Burmese (including in Australia) classified as strong critics of the regime are monitored closely by Burmese authorities. There is no clear, reliable definition of “low-level” political activity. For example, the Burmese regime considers distribution of pro-democracy materials in Burma as a very serious offence. Severe penalties, including life imprisonment, are routinely imposed for demonstration of dissent in Burma. Those accused are usually denied access to legal counsel. On 13 June 2005 life sentences were given to Aung Myo San, Ba Myint, Ba Thint and Khin Kyaw from the National League for Democracy Youth and to That Oo from the Democratic Party for a New Society. They had been arrested in December 2004 for distributing pamphlets and charged under Law 5/96 Section 3 under which it is an offence to demonstrate, protest, campaign, give a public speech, or take any action intended to or having the effect of disturbing the peace and tranquillity of the nation or national reconciliation or the National Convention. Defence lawyers were not permitted any access to the defendants and were not permitted to participate in court proceedings. Most recently, the regime press has indicated that action under Law 5/96 Section 3 is likely for the five leaders of the 88 Student Generation Group detained since 27 September 2006 for calling for national dialogue and reconciliation.

4. There is a pervasive security apparatus in Burma. All Burmese residents are monitored by the regime. Anyone assessed as being a potential active opponent of the regime can expect to receive particularly close attention from security forces. Any Burmese returning to Burma after a lengthy period overseas would come at least to the attention of their local township authorities and their movements may be monitored for an initial period. Some Burmese returning after engaging in anti-regime activities overseas appear to escape close attention or retribution. They may well only receive an interview on return to Burma with a warning against continuing any political activities in Burma.

5. But there is a high risk the Burmese regime would treat harshly returning Burmese nationals who, the regime considers, have engaged in high profile political activity abroad. Strong offshore critics of the regime have been treated summarily by the regime on return to Burma. We would expect the regime would classify as “strong critics” any active or high profile members of organisations such as the National Coalition Government of the Union of Burma (NCGUB), the Federation of Trade Unions of Burma (FTUB), the All Burma Students Democratic Front (ABSDF), the Shan State Army-South (SSA-S), the Network for Democracy and Development (NDD) or the Vigorous Burmese Student Warriors (VBSW). The NCGUB, FTUB, ABSDF and SSA-S were all declared by the Burmese regime on 28 August 2005 as “unlawful associations” under Section 15 (2) of the Unlawful Associations Act for endangering “the law enforcement of the Union of Myanmar, stability of the State and peace and tranquillity of the entire people.” The Australian Coalition for Democracy in Burma has publicly registered its strong support for the “outlawed” NCGUB (Department of Foreign Affairs and Trade 2006, *DFAT Report 564 – RRT Information Request: MMR30908*, 24 November – Attachment 13).

In June 2006 the Canberra office of the UN High Commissioner for Refugees (UNHCR) provided advice to the Australian government on the return of asylum applicants to Myanmar after being “approached on behalf of three Myanmar nationals, requesting [UNHCR’s] intervention in relation to their application for Protection visas in Australia”. UNHCR advised as follows:

It is well documented that the prevailing human rights situation in Myanmar is extremely poor. In the context of return to Myanmar, it must be assumed that individuals will be subject to government scrutiny upon arrival. Persons with a political profile are reasonably likely to be subject to disproportionate punishment, and so the question of whether or not an individual has such a profile must be carefully evaluated as part of the refugee status determination process.

Even if an individual does not have a political profile, it is reasonable to believe that any person whom the Myanmar Government suspects to have applied for refugee status abroad, and who has the profile of someone who *may* harbor a political opinion, risks being charged under the *1950 Emergency Provisions Act* upon his or her return to Myanmar, and subjected to disproportionate punishment. For example, while a rejected asylum-seeker (such as a manual laborer) who has been found to be an economic migrant and is unlikely to have been politically active would probably be questioned by the government upon return to Myanmar and later released, someone who has not been politically active but has the profile of an individual who could have been active (such as an intellectual or a student) risks being charged and punished under the Act. Accordingly, UNHCR continues to oppose forced removal of failed asylum-seekers to Myanmar (UN High Commissioner for Refugees 2006, Letter to DIMA: ‘Return of asylum seekers to Myanmar’, 15 June – Attachment 20).

Professor Ball’s April 2006 paper notes the extraordinary level of extensive surveillance to which Myanmar’s citizens are subjected:

[The regime] is more powerful than most military dictatorships simply because of the extraordinary extent of domestic surveillance. The ratio of army and police involved in internal surveillance duties to the population at large is much higher than it was in the old days of the Soviet Union or the communist countries in eastern Europe.

It is surveillance which extends to total monitoring of phone calls, of faxes, of emails, of any use of computer networks, etcetera, and it extends out into the villages in terms of surveillance of movements of villagers and even gatherings together in particular villages.

...Surveillance takes many forms. The form which I am most familiar with – or the forms that I am most familiar with are electronic surveillance. I have spent – which is one of the areas that I have spent over 30 years in my own research career, electronic surveillance technologies and practices of various sorts. In Burma you have military intelligence units attached to all major telecommunications points. In other words, telephone exchanges, main networks, main trunk lines and where the secondary lines go off those trunk lines. Even out in the countryside where you get those lines connected where there is not even a town, you will see an MI post there.

All satellite communications back in around '96, I suppose, I am not precise on that date, a year or so either side of '96, for example, they built a satellite station – military intelligence built a satellite station solely for monitoring satellite communications not just long-distance communications coming in via your normal commercial satellite connections such as EagleSat but also Sat phone operators using in those days Inmarsat but also now covering a wide variety of Sat phone users. All operators of computers have to be registered and networking of computers without permission of the authorities is illegal. Both military intelligence on the G2, the military side, as well as in what was the old DDSI in the war office, both contain cyber warfare units which have been equipped and trained by the Singaporeans which are quite adept at monitoring all electronic traffic, emails, etcetera, that use computers, that use those ones which are registered and allowed in Burma and then monitor them quite thoroughly.

So I would say that any form of electronic communication, a telephone or a fax or an email or using the internet for web based communications or whatever is thoroughly and systematically monitored by the junta. As far as physical surveillance goes I am not sure because most of the areas in Burma where I have spent most of my time are ones which in fact are under the control of the ethnic groups where we don't actually see Tatmadaw Burmese army units physically patrolling in those villages.

But you can see from videos and photos of Rangoon, the area around where Aung San Suu Kyi is held in detention for example, that on every street corner you have army guys not just with rifles but with bayonets attached. You have probably four to six of those on both sides of each street and each block. You would also have in addition to those armed with rifles, DDSI or now called G2, the follow on from DDSI, the intelligence unit, G2 personnel in civilian clothes, penetrating every block in cities and towns, the tea shops. In some areas where you are not allowed to have gatherings of more than three people outside your own immediate household, they break up those gatherings, they make sure that people aren't talking frankly and cordially, surreptitiously to neighbours, for example (Ball, D. 2006, *Burma Seminar at the Refugee Review Tribunal*, 12 April – Attachment 9).

DFAT's January 2007 country brief for Burma (or Myanmar) notes that “[h]uman rights in Burma remain far from satisfactory when measured against accepted international standards”; that “[t]he Burmese regime is often described as one of the most brutal in the world”; and that “[n]o form of protest against the regime is tolerated”.

The UN Special Rapporteur for Human Rights in Burma estimates that approximately 1,100 political prisoners remain in prison, where conditions are very poor. The International Committee of the Red Cross (ICRC) and other NGOs provide reports on prison conditions. The ICRC has had access to political prisoners since 1999 but no prison visits have been permitted since December 2005 ('Burma: Country Brief' 2007, Department of Foreign Affairs and Trade website, January http://www.dfat.gov.au/geo/burma/burma_brief.html – Accessed 17 January 2007 – Attachment 12).

3. Are Evangelical Christians subject to mistreatment?

The US Department of State's most recent report on religious freedom provides extensive information on the mistreatment of Christians in Burma. These have included: the closure of unauthorized churches and the arrest of the church pastors; prohibit[ing] Christian clergy from proselytizing in some areas; general discrimination; and, in previous years, "Military forces have killed religious figures on some occasions". It is also noted that the Christian identity is, to some extent, associated with the separatist KNU. The worst incidents appear to have occurred in the restive states of Karen and Kachin. Some relevant extracts follow:

...Government authorities continued to prohibit Christian clergy from proselytizing in some areas. Christian groups reported that several times during the period covered by this report, local authorities denied applications for residency permits of known Christian ministers attempting to move into a new township. The groups indicated this was not a widespread practice, but depended on the individual community and local authority. In some instances, local authorities reportedly confiscated National Identity Cards of new converts to Christianity. Despite this, Christian groups reported that church membership grew, even in predominately Buddhist regions of the country.

In general, the Government has not allowed permanent foreign religious missions to operate in the country since the mid-1960s, when it expelled nearly all foreign missionaries and nationalized all private schools and hospitals, which were extensive and affiliated mostly with Christian religious organizations.

...Christian groups continued to have trouble obtaining permission to buy land or build new churches in most regions. Sometimes the authorities refused because they claimed the churches did not possess proper property deeds, but access to official land titles was extremely difficult due to the country's complex land laws and government title to most land. In some areas, permission to repair existing places of worship was easier to acquire. During the period of this report, authorities in Mandalay arrested three pastors for building new churches and charged them with land law violations, not for violating any religious regulations.

Some Christians in Chin State claimed that authorities have not authorized the construction of any new churches since 1997. In some parts of the state, however, recently built churches are evident. In March 2006, Lt. Col. Hla Maw Oo, director of the Border Trade Department, ordered Kachin Baptists to remove a church from its current location in Mong Yu in northeastern Shan State by April 20 to make way for an economic development zone along the Chinese border. The official reportedly offered \$7,000 (8.7 million kyats) compensation for the church that Christian businessmen built for \$12,070 (15 million kyats) in 2002. The official threatened to involve the military if the members did not comply. This case was still pending at the end of the reporting period. In Chin State, authorities jailed three persons for constructing new churches. In Rangoon, Mandalay, and elsewhere, authorities allowed construction of new community centers by various Christian groups if the groups agreed not to hold services there or erect any Christian signs.

...Non-Buddhists continued to experience employment discrimination at upper levels of the public sector. Few have ever been promoted to the level of director general or higher. There were no non-Buddhists who held flag rank in the armed forces, although a very few Christians reportedly achieved the rank of lieutenant colonel. The Central Executive Committee of the largest opposition group – the National League for Democracy – included no non-Buddhists, although individual members from most religions in the country supported the party.

...Religious discrimination also occurred in education and cultural activities. In 2005, a high school student named Alexander reached the division level in an intramural sports competition. Mandalay division authorities assumed by his name that he was a Christian and disqualified him. In addition, when a Christian tried to hold a birthday celebration in a Mandalay hotel in 2005, local authorities banned it, claiming it was a religious event that should be held in a church.

...Military forces have killed religious figures on some occasions. However, during the period covered by this report, there were no reports of such killings. A Karen source reported that Burmese soldiers allowed a Christian pastor near Thandaung, Karen State, to hold a religious ceremony in his village on condition that there was no involvement by the KNU. When fighting broke out between KNU forces and the Burmese Army near the pastor's village, the Burmese soldiers arrested him and released him only after he paid \$400 (500,000 kyats).

Local civilian and military authorities continued to take actions against Christian groups: arresting clergy, closing home churches, and prohibiting religious services. During the period covered by this report, authorities in the Rangoon area closed several house churches because they did not have proper authorization to hold religious meetings. Other Rangoon home churches remained operational only after paying bribes to local officials. At the same time, the authorities made it difficult, although not impossible, to obtain approval for the construction of "authorized" churches. In September 2005, officials in Kyauktada Township, Rangoon, ordered the Full Gospel Assembly church to cease its worship services, as it was located in a residential building. The church had been operating from that location for many years and was listed in the 1999 Rangoon Church Directory.

In early 2005, local authorities in the Chin State capital of Haka notified Baptist leaders that they would be forced to relocate an active, historic cemetery from church property to a remote location outside of town. Religious leaders reported that authorities continued to forcefully relocate cemeteries in many parts of the country.

In September 2005, local authorities of Pabedan Township, Rangoon, ordered Grace Baptist Church and Theology Seminary to close or face confiscation of their land. The church and seminary continued to operate throughout the period of this report. Evangelists in South Dagon and Hlaing Thayar townships near Rangoon were accused of proselytizing and were threatened in 2003 with arrest if they opened house churches and kindergartens.

In November 2005, authorities in Insein Township, Rangoon, pressured evangelical Christians of the twenty-year-old Phawkkan church to sign "no worship" agreements. Some signed the agreements out of fear, but others refused. In February 2006, the authorities issued an order banning worship at the church. In February 2006, Insein Township authorities ordered a Chin evangelist to stop holding worship services in his house church in Aung San ward.

In February 2006, police at Hpa-an, Karen State, arrested Yeh Zaw, a member of Insein Kanphawt Evangelical Church. Yeh Zaw had earlier written a letter to the regime leader urging him to end the persecution of his church which Rangoon authorities closed in early 2006, banning members from worshipping there. Police charged him with traveling without an identity card.

...Since 1994, when Buddhist members split away from the KNU to organize the progovernment Democratic Karen Buddhist Army (DKBA), there have been armed conflicts between the DKBA and the predominately Christian antigovernment KNU. Although the DKBA reportedly includes some Christians and there are some Buddhists in the KNU, the armed conflict between the two Karen groups has had strong religious overtones. In 2004, according to a reliable report, DKBA authorities forced villagers near Hpa-an, Karen State, to

provide “volunteer” labor and money to build Buddhist pagodas. Despite a complaint by the local pastor, senior government authorities refused to take any action. There were also unverified reports that DKBA authorities continued to expel villagers who converted to Christianity. In 2003, there was an unverified report that local DKBA commanders forced the local Sangha council to order the demolition of six monasteries in Myawaddy whose abbots had been critical of the DKBA.

According to Shan Herald Agency for News, in April 2006 a local warlord in the Wa Special Region of eastern Shan State detained thirty-eight local Christians in the town of Mong Mai. He charged them with preaching sermons and distributing religious pamphlets without official permission. The Wa authorities sent them to work in labor camps. Subsequently, they released nineteen young people, but the rest reportedly remained in custody at the end of this reporting period (US Department of State 2006, ‘Restrictions on Religious Freedom’ in *International Religious Freedom Report for 2006 – Burma*, 15 September – Attachment 19).

In April 2005, Benedict Rogers, of Christian Solidarity Worldwide, published a report on religious freedom in Burma (or Myanmar) for *Forum 18 News Service*, a Christian monitor. The report states that “[w]hile Christians among the ethnic groups along Burma’s borders face severe persecution, Christians in the cities have more freedom”. The report provides the following overview on the manner in which religious freedom in Burma differs according to locale:

Amid widespread government religious freedom violations, Christians among the ethnic Karen, Karenni, Chin and Kachin nationalities and Muslim Rohingyas suffer particularly harsh persecution. But while Burma’s ruling military regime, the State Peace and Development Council (SPDC), promotes the spread of Buddhism in ethnic areas with large Christian or Muslim populations, it is simply using Buddhism as a political tool. When Buddhists themselves are not in line with the junta, they become the target.

... While Christians among the ethnic groups along Burma’s borders face severe persecution, Christians in the cities have more freedom. According to one Burmese church leader in Rangoon, “we cannot say we are persecuted for our faith – but there are a lot of restrictions”. Churches are restricted on who they may invite to services, what they may say and where they can meet, but they do not face the same harassment that churches in Chin, Karen and Karenni areas face. “We did not see religious people terrorised,” one Western church leader who recently visited the country told Forum 18 News Service. “People have freedom of worship but not full religious freedom.”

Religious persecution in Burma is closely tied with ethnic and political conflicts, which is why the churches in the cities, firmly under the control of the regime, face less severe problems. “The situation for religious groups is complicated by the internal political situation,” the Western Christian leader explained. “Many Christians come from ethnic tribes who are opposed to the government, which does not make things easy for either side” (Rogers, B. 2005, ‘Burma: Continuing large-scale religious freedom violations’, *Forum 18 News Service*, 15 April http://www.forum18.org/Archive.php?article_id=538&pdf=Y – Accessed 13 July 2007 – Attachment 16).

The manner in which Rangoon’s Christian communities have been affected by violations of religious freedom has been extensively documented by Benedict Rogers in Christian Solidarity Worldwide released in January 2007; “from churches in Rangoon finding it difficult to obtain permission to renovate their buildings, to pastors in Chin State being killed”. Rangoon appears to have been principally affected by church closures and the arrest of some church leaders. Some pertinent extracts follow:

On 25 February 2006, a member of a Christian evangelical church was arrested for writing to Senior General Than Shwe urging him to end the persecution of his church. Yeh Zaw was arrested at a checkpoint in Pa'an, Karen State, initially detained at a police station and then moved to Pa'an Prison. His family was only informed of his arrest on 9 March. He belonged to Rangoon Insein Kanphawt evangelical church, whose members had been banned from worshipping by the authorities

...From time to time, churches – particularly those that meet in private homes as “house churches” – are raided and closed. In 2001, for example, 80 house churches in Rangoon were forced to close down. These were mostly evangelical and charismatic denominations. They included the Myanmar Biblical Church, the Shalom Evangelical Baptist Church, the Zion Baptist Church, the Shwehninsi Evangelical Baptist Church, the Shwepitha Baptist Fellowship, Reform Presbyterian Church, the Full Gospel Assembly, the Bethesda Christian Church, Grace Assembly of God, Immanuel Assembly of God and the Free Baptist Church. Two Christian-run orphanages were also closed down.

...In September 2005, the Full Gospel Assembly, described by The Irrawaddy magazine as “a rapidly growing church in downtown Rangoon”, was ordered to close. The church operates several programmes in Rangoon, including Bible training courses, women's groups, youth groups, weekly worship services and a monthly fasting and prayer meeting. “At present we are not allowed to do any activities – even weekly worship services,” a pastor from the church said. Many other churches were closed in 2005, including at least 17 in Rangoon and 28 in Mandalay, and some in Shan, Chin and Karen States and Irrawaddy division, in areas where there had been a significant number of conversions from Buddhism to Christianity. 74 A Bible school in Rangoon was also closed, and a pastor arrested. The crackdown in Rangoon was reportedly as a result of a “prayer walk” around Rangoon by a group of Karen Christians. There were reports that in some places, pastors were forced to sign documents agreeing to stop holding Christian meetings.

...On 3 February 2006, the Chairman of the Phawkan Ward Peace and Development Council (the local authority) issued an order prohibiting members of the Phawkan Evangelical Church, in Insein Township, Rangoon, from holding prayer services in their homes in the church compound. Almost 50 church members, however, defied the order and attended the daily evening prayer service on 5 February. They were summoned the next day to the Phawkan Ward Peace and Development Council office, although they were not arrested.⁷⁷ Bible training and prayer meetings at other churches, including in Shwepyitha and Hlaingthaya Townships, were also banned.⁷⁸ In 2006, a Christian-run orphanage near Rangoon was threatened with closure unless it registered with the authorities immediately. The terms of registration, however, required the orphanage to appoint a management committee in which Government appointees form the majority. Furthermore, the orphanage had been told that they must remove all Christian symbols, such as crosses and posters with Bible passages on them, from the orphanage, and they could not engage in any Christian teaching in the orphanage. A similar crackdown had occurred in June 2002.

...In August 2006, the Kachin Baptist Church in Rangoon was told it was forbidden to hold a planned literary workshop on 19 August, because it did not have official permission. The workshop was under the auspices of the Kachin Baptist Convention. According to the Irrawaddy, a staff member reported that “The Baptist church has been under observation by the authorities, who even check its Sunday order of service.”

...On 5 April 2002, two pastors, the Rev. Htat Gyi and Pastor Lian Za Dal, were arrested in Rangoon. Visitors from other parts of Burma were staying in their home while attending a Bible training course, but in Burma anyone having overnight guests must report to the local authorities. They had failed to do so. They were detained at Dagon North police station for one night, and then two nights at another location before being sent to Insein Prison (Rogers,

B. 2007, 2007, *Carrying the Cross: The military regime's campaign of restriction, discrimination and persecution against Christians in Burma*, Christian Solidarity Worldwide – UK website, January – Accessed 12 July 2007
<http://www.csw.org.uk/Countries/Burma/Resources/Carryingthecross.pdf> – Attachment 15).

The above information may provide some indication of the extent to which the religious freedom of Rangoon's Christian communities is currently disturbed. Further illustration of this is provided by a DFAT report which was provided to the Tribunal in March 2006. The report responded to RRT enquiries about the alleged arrest of a Baptist pastor associated with an RRT applicant from Rangoon's ethnic Kachin community. The resulting details of DFAT's may be of interest along with DFAT's final note on the common occurrence of unauthorized church gatherings and the closure of such churches by the authorities. The report follows:

We spoke separately with two regular and reliable contacts within the Rangoon-based Kachin community regarding the recent history of Reverend U La Doi and the Myinta Kachin Baptist Church, South Okkalapa township, Yangon. Our discussions focussed on the history of constraints on freedom of religious practice, with particular focus on the recent history of Rev U La Doi and the Myinta Baptist Church. No reference was made to either the applicant or to the Refugee Review Tribunal. Both contacts were very familiar with Reverend U La Doi and the Myinta Baptist church's recent dealings with local authorities, including circumstances surrounding Reverend U La Doi's alleged arrest. Advice received from both contacts was completely consistent.

2. We provide the following answers to the questions asked in reftel:

A.. Are you aware of the existence of a person named Reverend U La Doi, who held the position of Pastor of the Myinta Baptist Church in South Okkalapa township, Yangon, Burma?

Yes. Reverend U La Doi is originally from Lashio, Shan State where he was heavily involved in local Baptist church activities. After moving to Rangoon several years ago to pursue tertiary studies, U La Doi became involved with Myinta Kachin Baptist Church. While serving at the church U La Doi was ordained as Reverend. The church is a member of the Lower Burma Kachin Baptist Association, which is in turn affiliated with the (prominent) Kachin Baptist Convention.

B. If so, are you aware of his arrest by officers of the Bureau of Special Intelligence on 1 September 2005?

Our contacts advised us Reverend U La Doi was detained by local authorities on or around 1 September.

C. If he was arrested, is he still in detention?

No. Reverend U La Doi was detained for no more than several hours on or around 1 September 2005. The background to Reverend U La Doi's dispute with the Burmese government is Myinta Kachin Baptist church has no formal church building. Repeated requests from the church to local authorities in recent years for permission to purchase a building to conduct religious activities have been rejected. After receiving permission to purchase a building to conduct 'cultural' activities, Myinta Baptist church used the building as a place of worship. Local authorities have, therefore, accused Reverend U La Doi and the Myinta Baptist Church of violating its licence to conduct only culturally-related activities. We understand authorities are considering legal proceedings against Reverend U La Doi.

(note: Despite regime propaganda that there is complete religious tolerance in Burma, non-Buddhist religious groups in Burma – which are usually comprised of non-Burman ethnic groups – frequently experience considerable difficulties obtaining permission from authorities to establish or even renovate places of worship. It is not uncommon for such non-Buddhist religious groups, therefore, to try to mislead the regime on such matters in order to establish religious centres. It is also common for the regime to monitor new constructions closely to gauge whether the buildings are being used for purposes other than those approved and, if they are being used outside the approved mandate, to take action to close them) (Department of Foreign Affairs and Trade 2006, *DFAT Report 459 – RRT Information Request: MMR30017*, 24 March – Attachment 17; for the RRT Country Research enquiry which elicited this reply, see: RRT Country Research 2006, ‘RRT Country Information Request – MMR30017’, 8 March – Attachment 18).

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