

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

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**Questions**

- 1. Please provide some background information on the 8-8-88 protests and in particular any information about incidents which took place at Tada Phyu (White Bridge) bus stop at the bank of Inya Lake, shootings at Myenigone junction, and the incident at Kamaryut Police Station which was attacked to rescue a student beaten and arrested at the University religious hall?**
- 2. Please provide some background information on the National League for Democracy (NLD).**
- 3. Is there information on arrests/interrogations of members of NLD who do not have a high profile in 2002 (or thereabouts)?**
- 4. Is there information about people being fired from jobs for involvement in the NLD?**
- 5. Please provide information about the bus fare protests and White Expression Campaign in 2006.**
- 6. What information is there on pressure to join the National Solidarity and Development organisation or sign a referendum?**
- 7. What is the current situation for members of the community who oppose the government? Are arrests common?**

**RESPONSE**

- 1. Please provide some background information on the 8-8-88 protests and in particular any information about incidents which took place at TadaPhyu (White Bridge) bus stop at the bank of Inya Lake, shootings at Myenigone junction, and the incident at Kamaryut Police Station which was attacked to rescue a student beaten and arrested at the University religious hall?**

The '8888' protests were a pro-democracy uprising led by Burmese student groups, and named after the date of nationwide demonstrations against the ruling junta. As a May 2008 Human Rights Watch (HRW) report describes it, "[o]n August 8, 1988 (commemorated in Burma as 8-8-88), a major nationwide protest took place, with hundreds of thousands of people (some estimate up to one million) marching in Rangoon calling for democracy, elections, and economic reforms". On 10 August, the junta sent out military, paramilitary, and riot police to suppress the demonstrations by "shooting at unarmed protestors", according to the HRW report, after which "government authority then effectively collapsed" until mid-September 1988. A December 2001 International Crisis Group (ICG) report states that the newly-formed "State Law and Order Restoration Council (SLORC) seized power on 18 September, and emptied the streets by shooting demonstrators who refused to disperse". The ICG report goes on to claim that "[b]y the end of 1988, an estimated 10,000 people had been killed as a result of this and subsequent crackdowns" (Human Rights Watch 2008, *Vote to Nowhere – The May 2008 Constitutional Referendum in Burma*, May, [http://www.burmacampaign.org.uk/reports/HRW\\_Road\\_To\\_Nowhere.pdf](http://www.burmacampaign.org.uk/reports/HRW_Road_To_Nowhere.pdf) – Accessed 21 July 2009 – Attachment 1; International Crisis Group 2001, *Myanmar: The Role of Civil Society*, Asia Report No. 27, 6 December [http://www.crisisgroup.org/library/documents/report\\_archive/A400503\\_06122001.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400503_06122001.pdf) – Accessed 17 July 2009 – Attachment 2; '8888 Uprising History' 2007, All Burma I.T. Students' Union website, 9 August <http://www.abitsu.org/?p=32> – Accessed 17 July 2009 – Attachment 3).

The 'White Bridge' incident (also known as 'Red Bridge' due to the blood of the students staining the White Bridge) took place on 16 March 1988 during a march by student protesters, and was one of the incidents that led to the 8888 protests. According to a report from the *Democratic Voice of Burma*, nearly 100 students were shot by riot police or drowned in Inya Lake, adjacent to the White Bridge, when soldiers trapped them between barbed wire barricades, the lake, and the walls of nearby houses. An account of the incident sourced from the book *Outrage: Burma's Struggle for Democracy*, by Bertil Lintner, provides a detailed eyewitness account of the incident at the White Bridge, and claims that "estimates of slaughtered students and school children varied between 20 and more than 100" ('Overseas activists mark anniversary of Red Bridge Day' 2009, *Democratic Voice of Burma*, 17 March <http://www.dvb.no/english/news.php?id=2344> – Accessed 17 July 2009 – Attachment 4; Lintner, B. 1989, *Outrage: Burma's Struggle for Democracy*, White Lotus, London & Bangkok, pp. 5-6 – Attachment 5).

According to information sourced from the abovementioned book *Outrage: Burma's Struggle for Democracy*, on 21 June 1988 soldiers and riot police attacked pro-democracy demonstrators near Myenigone market in Rangoon. According to this account, on this occasion the "public had fought back and the morale of the security forces was shaken", although "[d]iplomatic estimates of the...incident amounted to 20 policemen killed and at least 80 civilians, possibly more than 100". The description of the incident in *Outrage* also mentions an incident in which "[a] girl who had been holding a students' union flag was dragged into a police station in the neighbourhood", and that "[a] crowd stormed the building to secure her release". It is not clear whether this is a reference to the incident at Kamaryut Police Station; no direct references to this incident could be located (Lintner, B. 1989, *Outrage: Burma's Struggle for Democracy*, White Lotus, London & Bangkok, pp. 75-76 – Attachment 5).

Detailed extracts from the sources quoted follow below, under the headings [8888](#) protests, [White Bridge](#) (Red Bridge), and [Myenigone](#).

### **8888 protests**

A 2001 report from the International Crisis Group provides a summary of the 8888 protests in Burma, and the resulting crackdown by the then-ruling junta known as the State Law and Order Restoration Council (SLORC):

In 1988, the BSPP leadership was surprised when student protests sparked nation-wide demonstrations joined by people from all walks of life. The year before, the UN's downgrading of Myanmar to the status of least developed country and the government's demonetisation of several bank notes had indicated the extent of economic hardship. In July 1988, at an extraordinary BSPP conference, Ne Win suggested a referendum on whether to restore multi-party democracy.

Although the conference ultimately rejected the idea, some people were encouraged by the proposal and joined pro-democracy demonstrations in August 1988. Those who took to the streets were also motivated by anger. Through a BBC radio interview, they learned that military officers had raped protesting female university students after demonstrations by university students a few months before.

The initial protestors in August 1988 were primarily students, but after the military retreated to its barracks, the demonstrations grew to include doctors, lawyers, housewives, civil servants, wage labourers, and even some military personnel. Members of many of the state-controlled organisations reformed themselves as independent organisations and made statements in favour of ending one-party rule. Many BSPP members publicly burned their party cards. Civil servants in the Foreign Ministry and in embassies world-wide wrote and distributed statements advocating the restoration of democracy.

Meanwhile, high school and university students established unions, some of which were expanded into city-wide and regional networks. Monks, who had previously been organised by the state, also formed independent unions and allowed citizens' strike committees to operate at monasteries. Monks further organised security patrols and took over administration of some localities, particularly around Mandalay.

While the demonstrators did not take over the state TV and radio stations, there was an explosion of small independent newspapers, journals, and magazines. Over 50 different news sheets were produced in Rangoon alone, and 40 in Mandalay. Still, with a large percentage of the population having known nothing but authoritarian rule, few understood what democracy meant in practice.

The State Law and Order Restoration Council (SLORC) seized power on 18 September 1988, and emptied the streets by shooting demonstrators who refused to disperse. By the end of 1988, an estimated 10,000 people had been killed as a result of this and subsequent crackdowns. As many as 10,000 students fled to areas controlled by armed ethnic nationalist groups to take up arms against the regime. The majority joined the All Burma Students' Democratic Front. Fearful and needing pay checks, most civil servants returned to work. Independent associations were dissolved.

The regime sought to placate the population by declaring it would hold an election to restore multiparty democracy and allowing the formation of political parties. Aung San Suu Kyi, with two long retired generals, quickly registered their party, the National League for Democracy (NLD). Student groups, eager to maintain a legal basis for their organising work, also formed political parties (International Crisis Group 2001, *Myanmar: The Role of Civil Society*, Asia Report No. 27, 6 December

[http://www.crisisgroup.org/library/documents/report\\_archive/A400503\\_06122001.pdf](http://www.crisisgroup.org/library/documents/report_archive/A400503_06122001.pdf) – Accessed 17 July 2009 – Attachment 2).

A May 2008 Human Rights Watch report provides another summary of the events leading up to the 8888 protests and the military response:

Social tensions produced by 26 years of repressive military rule and socialist economic mismanagement came to the surface in March 1988 by way of student protests. The deaths of 42 student protestors from asphyxiation and heat after *lon htein* riot police bundled them into a van sparked a series of student demonstrations. The authorities closed all universities in Rangoon and ordered the students to return home, but this only emboldened the students. Small demonstrations against the government began to spread throughout towns and cities in government-controlled areas.

General Ne Win resigned from the leadership of the military junta and admitted government failings, but threatened that “those creating disturbances will not get off lightly.” Despite this threat, people continued to march in the streets in large numbers. As the government rapidly lost control of the streets, independent newspapers and political posters were produced and openly distributed. Service personnel from the air force joined the demonstrators.

On August 8, 1988 (commemorated in Burma as 8-8-88), a major nationwide protest took place, with hundreds of thousands of people (some estimate up to one million) marching in Rangoon calling for democracy, elections, and economic reforms. Two days later, as tens of thousands of protesters remained on the streets, army units trucked into Rangoon began shooting at unarmed protesters. At Rangoon General Hospital, five doctors and nurses who were helping the wounded were shot and killed by the soldiers.

The government authority then effectively collapsed. Much of the daily order of towns and cities was now in the hands of ordinary civilians, with the Buddhist monkhood (the Sangha) playing an important role as marshals of demonstrations to keep them peaceful and avert rioting, looting, and reprisals.

On September 18, 1988, the army forcibly retook control of the cities and towns. Army chief General Saw Maung declared martial law and the creation of the State Law and Order Restoration Council (SLORC, or *Na Wa Ta*), a collective of senior military officers who would form a “transitional” military government—and whose successor, the military State Peace and Development Council (SPDC), still rules Burma today. Through military brutality and a shoot-to-kill policy against protesters, the SLORC managed to deter further street protests. Estimates of the number killed range from 1,000 to 10,000 deaths nationwide, with 3,000 deaths a commonly accepted figure. Although the army was responsible for the vast majority of the deaths, mobs murdered some suspected military intelligence agents, soldiers, and government bureaucrats (Human Rights Watch 2008, *Vote to Nowhere – The May 2008 Constitutional Referendum in Burma*, May, pp. 12-14

[http://www.burmacampaign.org.uk/reports/HRW\\_Road\\_To\\_Nowhere.pdf](http://www.burmacampaign.org.uk/reports/HRW_Road_To_Nowhere.pdf) – Accessed 21 July 2009 – Attachment 1).

The All Burma I.T. Students’ Union website also posted a description of the events leading up to the 8888 protests, including the decision by the junta to withdraw certain denominations of currency notes from circulation, the brutal suppression of student protests, and the ‘Red Bridge’ incident, in which “the military fired upon a student protest while it was crossing the bridge until the bridge itself was red with the students’ blood” (see ‘White Bridge (Red Bridge)’ below for further details):

The “8888 Uprising,” the largest ever national Burmese uprising demanding democracy, erupted on 8 August 1988 in Rangoon (now Yangon), Burma. Students started the initial demonstrations in Rangoon. They were quickly later joined by Burmese citizens from all walks of life, including government workers, Buddhist monks, Burma Navy, Air Force and Customs officers, teachers, and hospital staffs. These peaceful demonstrations with students in the Rangoon streets spread to other states’ capitals.

The student leaders promoted a set of ten demands for the restoration of a democratic government in Burma. The Ne Win government fell and the military imposed martial law giving absolute power to the commander-in-chief, General Saw Maung, in order to quash the demonstrations. The military killed thousands of civilians, including students and Buddhist monks.

Before the 1988 uprising, Burma had been ruled by the repressive and isolated regime of General Ne Win since 1962. In November of late 1985, students gathered and boycotted the government’s decision to withdraw Burmese local currency notes. In September 1987, General Ne Win announced the withdrawal of the newly replaced currency notes, 75 and 25 kyats.

Following that decision, Rangoon Institute of Technology (now Yangon Technological University) students, protested inside their Rangoon campus. In response, the military killed a student activist, Phone Maw, in front of the YITU’s main building. This killing led to a large protest that paved the way towards the uprising, starting on the 8th of August, 1988. Ne Win ordered that, “Guns were not to shoot upwards”, meaning that he was ordering the military to shoot directly at the demonstrators.

After the 8888 Uprising, another series of demonstrations took place, which were all suppressed by military force.

During the uprising in 1988, thousands, mostly monks and civilians (but primarily students) were killed by the Tatmadaw (Burmese Armed Forces). The case of the Red Bridge is particularly notable. It is claimed that on that bridge the military fired upon a student protest while it was crossing the bridge until the bridge itself was red with the students’ blood (‘8888 Uprising History’ 2007, All Burma I.T. Students’ Union website, 9 August <http://www.abitsu.org/?p=32> – Accessed 17 July 2009 – Attachment 3).

### **White Bridge (Red Bridge)**

A 17 March 2009 report from the *Democratic Voice of Burma* states that: “Overseas Burmese democracy activists have staged protests over the past two days to mark the 21-year anniversary of Red Bridge Day, when nearly 100 student protesters in Rangoon were shot dead by riot police”:

“A lot of people lost their lives in this month 21 years ago while a lot were sent to prison.”

Red Bridge Day is the name given to mark the shooting and drowning of nearly 100 student protestors by riot police on 16 March 1988.

The incident became one of the key triggers of the 1988 mass uprising (‘Overseas activists mark anniversary of Red Bridge Day’ 2009, *Democratic Voice of Burma*, 17 March <http://www.dvb.no/english/news.php?id=2344> – Accessed 17 July 2009 – Attachment 4).

Eyewitness accounts collated by Bertil Lintner in his 1989 book *Outrage: Burma’s Struggle for Democracy* provide a description of the events at the White Bridge on 16 March 1988:

“When we had passed a culvert, which we call ‘the White Bridge’, on Prome Road, near the bank of Inya Lake, we suddenly halted. A barbed wire fence had been strung across the road in front of us. Beyond it, to our horror, we saw soldiers armed with automatic rifles – which they were aiming at us. An armoured car with a Bren machine-gun was parked in the middle of the road, behind the troops,” Tun Oo relates.

“Spontaneously, we struck up our national anthem as well as the army song. Some shouted ‘*Pyithu Tatmadaw* (the People’s Army) is our army!’ Then, we looked behind us. We were petrified. There were hundreds of *Lon Htein* in steel helmets and armed with clubs, rifles and cane shields. To the left of us were the high walls of the houses in Kamayut township, and to the right, a flight of steps leading up to the promenade along Inya Lake. We realised we were trapped.”

An order rang out and the *Lon Htein* charged the students. Clubs swished and bones cracked. There were groans and shrieks as students fell to the ground bleeding. Panic-stricken students, trying to escape up the flight of stairs towards the lake, were felled in droves. Some *Lon Htein* concentrated on the girls in the crowd; their jewellery and watches were snatched. Other policemen chased fleeing students into the dark waters of Inya Lake, overpassed them, forced their heads under water and held them there until they drowned. The more fortunate demonstrators, among them Tun Oo, managed to scale the walls of the houses on the left where outraged civilians, who had witnessed the carnage, hid them in their houses.

After about an hour, the orgy in violence was over. Sprawling corpses lay oozing in pools of blood all over the street. Even the so-called ‘White Bridge’ was now red; estimates of slaughtered students and school children varied between 20 and more than 100. Empty lorries came forward from behind the line of *Lon Htein*-men and the dead and wounded were dumped aboard (Lintner, B. 1989, *Outrage: Burma’s Struggle for Democracy*, White Lotus, London & Bangkok, pp. 5-6 – Attachment 5).

### **Myenigone**

This eyewitness account of the violence between junta forces and pro-democracy protesters at Myenigone marketplace on 21 June 1988 is also sourced from *Outrage: Burma’s Struggle for Democracy*:

The column set off, along the tree-shaded avenue of Prome Road. “No violence! Peaceful demonstration!” the organisers shouted to the crowd of young but earnest-looking marchers. Most of them were university students, but some were younger, children barely in their teens. Suddenly, everyone glanced to the right. There were troops everywhere. Bren-carriers, positioned near the BBS building and the Hanthawaddy round-about, a stone-throw away from the now notorious Kyandaw crematorium, pointed their deadly medium machine-guns in the direction of the demonstration. In front of the students, further down Prome Road, the road was blocked with lines of barbed-wire fences. Army units as well as *Lon Htein*-men were waiting with their rifles and clubs.

“At first, we thought it was going to be a repetition of the ‘White Bridge’ incident. But, fortunately, this was close to Myenigone market where there are lots of small houses and back-alleys. We fled in all directions before they could open fire and people readily hid us in their houses,” says Soe Win who participated in the demonstration.

A army lorry roared up, loaded with soldiers, guns at the ready. They opened fire, but the only casualties were two 13-year old school children who were run down by the lorry. One was killed on the spot, the other severely injured, perhaps fatally. Out of sheer anger, people in the neighbourhood came out of their houses, picked up bricks and rocks and threw them at the soldiers and the *Lon Htein*. From nowhere, a slender projectile streaked through the air. One of the *Lon Htein* men slumped to the ground. He had been hit by a *jinglee*, a dart made from a

sharpened bicycle spoke fired from a catapult. More followed, some were smaller and made from umbrella spokes. Both types were flighted with chicken feathers, and had been dipped in herbicide or cow dung to make them lethal. In the labyrinth of houses and lanes in the crowded Myenigone market, the soldiers and the *Lon Htein* were lost. They retreated in disorder, dragging their dead and wounded along with them.

Meanwhile, some of the young demonstrators had fled into the compound of the nearby Singapore embassy. From outside the locked gate, *Lon Htein*-men pelted the embassy with stones. The sound of gunfire rang out in the backstreets near the embassy; the street battle was not entirely one-sided. A girl who had been holding a students' union flag was dragged into a police station in the neighbourhood. A crowd stormed the building to secure her release – an incident which the official media later described as an unprovoked attempt to burn down the station. Enraged civilians hurled bricks or fired *jinglees* at any *Lon Htein*-man they caught sight of and at least ten were killed. The *Lon Htein* and the army fired back at random, killing or wounding dozens. But the public had fought back and the morale of the security forces was shaken.

The news of the clash at Myenigone market, and the *Lon Htein* casualties, spread all over Rangoon. Groups of students picked up some of the dead, young protesters and placed them on the roof of a Mazda pickup. With this macabre evidence of police brutality, they drove around town, shouting slogans, and public anger grew.

...The melee of the 21<sup>st</sup> died out in the late afternoon. The official death toll, according to the *Working People's Daily* of 23<sup>rd</sup> June, was “six members of the People's Police Force...and three among those who caused disturbances and violence”. Diplomatic estimates of the same incident amounted to 20 policemen killed and at least 80 civilians, possibly more than 100 (Lintner, B. 1989, *Outrage: Burma's Struggle for Democracy*, White Lotus, London & Bangkok, pp. 75-77 – Attachment 5).

## **2. Please provide some background information on the National League for Democracy (NLD).**

The Political Handbook of the World Online Edition provides the following summary of the history of the National League for Democracy (NLD), the Burmese political party established in 1988 by “principal leaders” Aung San Suu Kyi, Tin Oo, Kyi Maung and Chit Khaing:

**National League for Democracy (NLD).** Registered as a political party in September 1988, the NLD was an outgrowth of the Democracy and Peace (Interim) League (DPIL), which had been formed by a number of leading dissidents a month earlier. Its founding president, AUNG GYI, withdrew to form the Union National Democratic Party (UNDP) after having called, unsuccessfully, for the expulsion from the DPIL of a number of alleged communists. (The UNDP was deregistered in 1992.)

Following her return to Burma in April 1988, the party's first general secretary, Aung San Suu Kyi, became the regime's most vocal and effective critic. Both she and fellow NLD leader Tin Oo were arrested in July 1989 and declared ineligible to compete in the May 1990 balloting, which produced an overwhelming victory for the NLD, tacitly allied with some 21 ethnic-based regional parties. The NLD's two other principal leaders, KYI MAUNG and CHIT KHAING, were arrested in September 1990.

In April 1991 SLORC announced that the NLD's Central Committee had been “invalidated,” thus technically removing the four leaders from their party positions. Kyi Maung and Tin Oo were released from prison in March 1995, while Aung San Suu Kyi was freed from house arrest in July. Kyi Maung left the NLD in 1997, reportedly because of a dispute with Suu Kyi.



In July 1997 SLORC leader Khin Nyunt met with NLD chair Aung Shwe, and on September 27–28 NLD delegates were permitted to hold the group's first congress with Aung San Suu Kyi in attendance in two years. An authorised NLD Congress on May 27–28, 1998, at Aung San Suu Kyi's residence was attended by 400 party members. In the following months, however, in response to the NLD's threat to call a "People's Parliament," the regime began a series of crackdowns against the party that included hundreds of detentions, closure of many local offices, and forced resignations. In all, tens of thousands of party members may have been forced to resign in 1998–1999. Aung San Suu Kyi was again placed under de facto house arrest from September 2000 until May 2002.

On May 30, 2003, following a violent attack on an NLD motorcade by government supporters, Suu Kyi was taken into "protective custody." An unclear number of NLD members – initial reports indicated 4, but some subsequent accounts said 60 or more – were killed by the mob. Aung San Suu Kyi's house arrest resumed on September 26. On April 13, 2004, Aung Shwe and U Lwin were released, leaving Suu Kyi and Tin Oo as the only senior NLD members in detention. A month later the NLD refused to participate in the reconvened National Convention until both were freed. Both remain under house arrest, with year extensions given for Tin Oo in February 2007 and 2008, and Suu Kyi in May 2007 and 2008. In August–September 2008, Suu Kyi staged one month of partial fasting, refusing to accept food supplies from the government in protest of the conditions imposed on her. This ended when some of her demands were met, including her access to mail and periodicals and greater freedom of movement for her maids.

As part of a wider amnesty for 9,002 prisoners, described by Amnesty International as mostly drug dealers and petty criminals, U Win Tin, one of the founders of the NLD, was released from prison along with an NLD activist, four MPs, and one of Suu Kyi's aides.

The new constitution has a clause that has been interpreted as designed solely to prevent Suu Kyi running for office, as "the President of the Union himself [and his] parents, spouse [and] children ... shall not owe allegiance to a foreign power, shall not be a subject of a foreign power or citizen of a foreign country." Suu Kyi's deceased husband, Michael Aris, was British and as such she is excluded.

All NLD offices outside of Yangon have been closed.

Leaders: AUNG SAN SUU KYI (De Facto Leader), AUNG SHWE (Chair), TIN OO (Vice Chair), U LWIN (General Secretary) ('Myanmar (Burma)' 2009, Political Handbook of the World Online Edition [http://library.cqpress.com/phw/phw2009\\_MyanmarBurma](http://library.cqpress.com/phw/phw2009_MyanmarBurma) – Accessed 20 July 2009 – Attachment 6).

The following summary of the political events of 1990 in Burma, during which the NLD "won a resounding victory" but were prevented from taking power by the ruling junta known as the State Law and Order Restoration Council (SLORC), is sourced from the website of the National Coalition Government of the Union of Burma, a government-in-exile made up of NLD candidates elected in the 1990 election:

The National League for Democracy (NLD) won a resounding victory in the 1990 elections, winning over 80 percent of the Parliamentary seats at stake. The ruling military junta, then known as the State Law and Order Restoration Council (SLORC), launched a systematic campaign to prevent the NLD from forming a government. The junta also kept NLD Chairman U Tin Oo in jail and General Secretary Daw Aung San Suu Kyi under house arrest.

The NLD and the other democratic organisations backed by the people, especially in Mandalay, who had found new strength in the NLD election victory, demanded the release of the NLD leaders and other political prisoners. NLD victory stunned the civilian operatives of



the SLORC who started to fear reprisals as well as the generals who had believed the military-backed party, National Unity Party, would win the elections. The SLORC therefore reneged on its pre-election promise to transfer power to the elected party.

According to prevailing laws, SLORC was to have convened the Parliament within 60 days of holding the elections and that fell on 27 July 1990. In addition, repeated requests by the NLD for a meeting to discuss the future of the country were completely ignored by the SLORC.

When all reasonable options were exhausted and the voters were demanding the election winning party to act, the NLD decided to hold a conference at Gandhi Hall, Bo Aung Gyaw Street, Rangoon, on 28 and 29 July 1990. The SLORC was informed of the NLD's intention to hold the Gandhi Conference to seek its legitimate and constitutional rights according to the mandate given by the people.

As a response to the Gandhi Conference the SLORC issued its notorious Notification No. 1/90, on 27 July 1990 stating that only the SLORC has the right to exercise legislative, executive, and judicial powers and that it will not accept a government formed under an interim constitution.

Despite the SLORC Order, almost 400 members of the NLD Central Executive Committee and all elected members of Parliament from the NLD and sister parties – the Party for National Democracy and the Old Comrades League – party attended the Gandhi Conference and unanimously passed two key resolutions. The resolutions stated in the Gandhi Declaration were:

The transfer of power to the NLD in accordance with a revised version of the 1947 Constitution – a constitution that was drafted and ratified when the Parliamentary democracy was introduced to Burma in 1948.

The convening of the Parliamentary Assembly, which has the right to exercise legislative, executive, and judicial authority before the deadline of 30 September, 1990.

The resolutions passed by the Gandhi Conference were a direct challenge to SLORC's plan to ignore the election results and to continue military-dominated rule. The resolutions also contradicted Notification 1/90. The NLD knew that a confrontation was going to be unavoidable.

On 14 August 1990, Mandalay Division NLD Organising Committee and elected NLD MPs from Mandalay Division held a meeting in Mandalay to review SLORC Order 1/90 and the Gandhi Declaration. They unanimously reconfirmed their rejection of SLORC's Notification 1/90 and decided to fulfill the responsibilities given them by the people in accordance with the principles outlined in the Gandhi Declaration.

Mandalay Division NLD also sent emissaries to various states and divisions to inform them of its decision and continue pursuing goals outlined in the Gandhi Declaration. More than 250 elected representatives signed statements of intent to see that the parliament was convened so that a democratic government could be formed. The statements were sent to the NLD Central Executive Committee which scheduled a meeting in Rangoon on 30 August 1990.

Before any final decision could be made by the NLD Central Executive Committee, SLORC arrested and jailed key NLD leaders U Kyi Maung, MP from Rangoon's Bahan Constituency, and spokesperson for the NLD; U Chit Khaing, MP from Mandalay's Taungtha Constituency, and Secretary of the NLD Central Committee; U Thein Tan, NLD Mandalay Divisional organiser, and member of the NLD Central Committee; U Ohn Kyaing, MP from Mandalay Southwest Constituency and member of the NLD Central Committee.

In response, elected representatives in Mandalay Division and other regions, with the assistance of divisional organising committees, met in Mandalay and, on behalf of the NLD leadership took the initiative to formulate future action programs for the party.

In the meantime, the public, unaware of the arrangements being made, openly criticised the NLD for “inaction” and “indecisiveness” and for the delay in responding to the SLORC’s move. Monk and student bodies of Mandalay proposed to provide 5,000 of their members to take charge of security if the NLD would convene a parliamentary meeting in Mandalay.

At the initiative of Mandalay NLD members, more than 100 MPs and NLD organisers from Mandalay, Sagaing, Pegu, Rangoon, Irrawaddy, and Magwe Divisions and the Kachin State convened in Mandalay on 29 September 1990 in spite the difficulties they were facing and the travel restrictions imposed by the military. The MPs present at the meeting were given to understand that the formation of a parallel government was the underlying objective as more than 250 elected representatives have already signed their intent to pursue that goal. The meeting agreed on the formation of an Action Committee of MPs, rejected SLORC’s Notification 1/90, and decided to implement the resolutions of the Gandhi Declaration Conference. A group of seven MPs – “Special Leading Committee” – were chosen at the meeting to map out the details of the action program.

On 1 October, the Special Leading Committee secretly met at a location on Mandalay-Maymyo road, and made several historic decisions. The following four resolutions decided at that meeting and endorsed at separate NLD meetings held later were instrumental in the birth of the NCGUB:

- Establish a legitimate Government in Mandalay or an appropriate place within the country with the support of elected representatives,
- If conditions in the country were not favorable to form of a Government then to do it in the liberated areas with MPs representing different regions of Burma,
- Establish contacts with the Democratic Alliance of Burma (DAB), the All Burma Students’ Democratic Front (ABSDF), and other revolutionary forces, to seek their assistance in setting up a legitimate Government in the liberated area, and
- Seek diplomatic and other forms of support from the international community.

Two elected representatives were sent to the Thai side to contact with the revolutionary forces and got their support. Several MPs headed by Dr. Sein Win left Burma for Manerplaw to form a government on the Thai-Burma border.

In the meantime, SLORC decided to crack down on the NLD. NLD offices were raided; NLD representatives and supporters detained, and monasteries searched and sympathisers were arrested. Several MPs selected to form a government in exile were arrested in the raids and did not make it to Thailand.

The National Coalition Government of the Union of Burma was officially formed in Manerplaw on 18 December 1990. One of the declared principles was that it would be dissolved once democracy and human rights are restored in Burma (‘A Brief History: The National Coalition Government of the Union of Burma’ 2007, The National Coalition Government of the Union of Burma website, 16 May <http://www.ncgub.net/staticpages/index.php?page=history> – Accessed 20 July 2009 – Attachment 7).

### **3. Is there information on arrests/interrogations of members of NLD who do not have a high profile in 2002 (or thereabouts)?**

Definitive information stating that low-profile members of the NLD were subject to arrest or interrogation around 2002 could not be located; nonetheless, sources suggest that, despite a brief easing of restrictions on the party from May 2002 to May 2003, the Burmese junta continued to harass and arrest NLD members and supporters during this period, and with renewed vigour after May 2003. Burmese authorities reportedly attempt to maintain surveillance of NLD supporters at all levels of government, actively directing government employees to restrict NLD members from jobs and services (see Question 4 below for more detailed information). All citizens of Burma are expected to carry an ID card and are frequently subject to checking by various authorities. In Shan State in 2004 NLD members were threatened with violence if their NLD membership cards were not returned. Burma advocacy groups have published numerous accounts of low-level NLD supporters who have been subjected to regular harassment from the authorities. Even private conversations, are monitored, according to a 2008 Human Rights Watch report; extracts from sources informing this summary follow (for the easing of restrictions and subsequent crackdown on the NLD, see: Freedom House 2008, 'Burma (Myanmar)', in *Freedom in the World 2008* – Attachment 8; US Department of State 2003, *Country Reports on Human Rights Practices for 2002 – Burma*, 31 March – Attachment 9; and: US Department of State 2004, *Country Reports on Human Rights Practices for 2003 – Burma*, 25 February – Attachment 10; for employment and travel restrictions, the Shan State incident and ID checks, see: Network for Democracy and Development 2006, *The White Shirts: How the USDA Will Become the New Face of Burma's Dictatorship*, Burma Campaign website, May <http://www.burmacampaign.org.uk/reports/USDA.pdf> – Accessed 21 July 2009 – Attachment 14; and for the Human Rights Watch report, see: Human Rights Watch 2008, *Vote to Nowhere – The May 2008 Constitutional Referendum in Burma*, May, pp. 2-4, 25, 29-30, 32-35, 40-41, 51 [http://www.burmacampaign.org.uk/reports/HRW\\_Road\\_To\\_Nowhere.pdf](http://www.burmacampaign.org.uk/reports/HRW_Road_To_Nowhere.pdf) – Accessed 21 July 2009 – Attachment 1).

Freedom House's 2008 *Freedom in the World* report for Burma states that there was an "easing of restrictions" on the NLD in mid-2002, under which the party "NLD was permitted to reopen a number of its branch offices", and that Aung San Suu Kyi was released from house arrest. Nonetheless, a May 2003 attack on Suu Kyi's motorcade by pro-government forces led to a return to suppression of the NLD, in which "Suu Kyi and dozens of other NLD officials and supporters were detained following the attack, NLD offices were again shut down, and universities and schools were temporarily closed":

In late 2000, encouraged by the efforts of UN special envoy Razali Ismail, the government began holding talks with NLD leader Aung San Suu Kyi, which led to an easing of restrictions on the party by mid-2002. Suu Kyi was released from house arrest and allowed to make several political trips outside the capital, and the NLD was permitted to reopen a number of its branch offices.

Suu Kyi's growing popularity and her revitalisation of the NLD during the first half of 2003 apparently rattled hard-liners within the regime. On May 30, a deadly ambush on Suu Kyi's NLD motorcade by SPDC supporters left an unknown number of people killed or injured. Suu Kyi and dozens of other NLD officials and supporters were detained following the attack, NLD offices were again shut down, and universities and schools were temporarily closed in a bid to suppress wider unrest. Since then, authorities have continually tried to undermine the popularity of the NLD. Suu Kyi was released from prison in September 2003 but remains under house arrest, as do other senior party leaders. Periodic arrests and detentions of political

activists, journalists, and students remain the norm (Freedom House 2008, 'Burma (Myanmar)', in *Freedom in the World 2008* – Attachment 8).

The US Department of State's (USDOS) 2002 report on Burma states that from May 6 2002, "the regime released opposition leader and National League for Democracy (NLD) General Secretary Aung San Suu Kyi from almost 20 months of house detention and...also loosened restrictions on NLD activities", but also that the "junta...restricted their activities severely through security measures, harassment, and threats". This report also contains information on arrests of NLD members and the political prisoners held by the junta, as well as the release of some political prisoners during this period:

The SPDC continued to restrict severely freedom of speech, press, assembly, association, and travel. During the year, persons suspected of or charged with prodemocratic political activity were subjected to regular surveillance and occasional harassment....The regime regularly infringed on citizens' privacy; security forces continued to monitor citizens' movements and communications systematically, search homes without warrants, and relocate persons forcibly without just compensation or legal recourse....On May 6, the regime released opposition leader and National League for Democracy (NLD) General Secretary Aung San Suu Kyi from almost 20 months of house detention and has allowed her to travel within the country since that time. The regime also loosened restrictions on NLD activities and generally allowed Aung San Suu Kyi to meet representatives of foreign governments and international organizations. The regime closely monitored NLD activities at NLD offices as well as the activities of other political parties throughout the country. The junta recognised the NLD as a legal entity; however, it restricted their activities severely through security measures, harassment, and threats. The NLD was permitted to reopen approximately 90 out of 300 offices countrywide. The SPDC did not allow domestic human rights organisations to function independently and remained generally hostile to outside scrutiny of its human rights record.

...The regime has released an estimated 550 political prisoners, as well as another 380 political prisoners on humanitarian grounds, since talks began with the NLD in October 2000. However, it also arrested some political activists. In August approximately 20 activists were arrested for distributing pamphlets. There were reports that at least some of the 20 students were beaten during interrogation before being released approximately 10 days after their arrests. Two students arrested for a protest at Rangoon's city hall were held incommunicado for several weeks and then sentenced to 14 years in prison for subversive acts against the state. Family members and the NLD continued to make inquiries to the SPDC regarding their status but to no avail. On August 22, two NLD student members were arrested in Rangoon for possessing an illegal publication. They reportedly were not allowed adequate legal representation at their trial and were sentenced to 3 years in prison. On September 13, two NLD executive members, U Sai Hpa and U Saw Nan Ti, were arrested in Kengtung, Shan State, apparently for discussing the regime's rice quota increase with local citizens. On October 10, they were scheduled to stand trial but one, Shan State NLD Vice Chairman U Sai Hpa, died in custody on October 9, reportedly of cerebral malaria. Tu Saw Nan Ti was sentenced to 7 years in prison. In September the regime arrested at least 30 political activists in Rangoon. Among those arrested was, U Hla Tun, an NLD Member of Parliament (M.P.) elect from the 1990 elections who had not been active in the NLD since he was released from prison in 1999. As with other arrests, there was incomplete information on these cases. There was no official announcement of the arrests and information was only available from those who witnessed the arrests or from family members who were notified by authorities of relatives who were arrested.

...Since October 2000 when confidence-building talks between Aung San Suu Kyi and the SPDC began, the SPDC has reduced its campaign of detention and intimidation against the

NLD. In June 2001, the regime began releasing NLD political prisoners from “guest houses” and prisons. By year’s end, the releases totalled approximately 550, including most NLD detainees and all members of the NLD’s Central Executive Committee (CEC). However, at year’s end, according to ICRC, there were more than 1,300 “security detainees,” including approximately 170 NLD members, still incarcerated, 17 of whom were elected (NLD) M.P.s. Included among the 1,300 political prisoners were ethnic leaders, supporters of ethnic opposition groups (some of which were armed), non-NLD politicians, lawyers, journalists, and students (see Section 1.e.).

Authorities continued to detain private citizens and political activists, some of whom disappeared, at times temporarily, at the hands of security forces (US Department of State 2003, *Country Reports on Human Rights Practices for 2002 – Burma*, 31 March – Attachment 9).

The 2003 USDOS *Country Report on Human Rights Practices* for Burma states that, during 2003, “[t]he Government’s extremely poor human rights record worsened, and it continued to commit numerous serious abuses”, and that “government-affiliated agents killed as many as 70 pro-democracy activists”. The report continues: “During the year, the Government arrested over 270 democracy supporters, primarily members of the country’s largest pro-democracy party, the National League for Democracy”. The junta also “banned all NLD political activities, closed down approximately 100 recently reopened NLD offices, detained the entire 9-member NLD Central Executive Committee, and closely monitored the activities of other political parties throughout the country”. The report also provides details of the arrests of pro-democracy activists and NLD members:

The Government’s extremely poor human rights record worsened, and it continued to commit numerous serious abuses. Citizens still did not have the right to change their government...During the year, government-affiliated agents killed as many as 70 pro-democracy activists. Disappearances continued, and members of the security forces tortured, beat, and otherwise abused prisoners and detainees. Citizens were subjected to arbitrary arrest without appeal. Arrests and detention for expression of dissenting political views occurred on numerous occasions. During the year, the Government arrested over 270 democracy supporters, primarily members of the country’s largest pro-democracy party, the National League for Democracy (NLD). The Government detained many of them in secret locations without notifying their family or providing access to due legal process or counsel. During the year, the Government stated it released approximately 120 political prisoners, but the majority of them had already finished their sentences, and many were common criminals and not political prisoners. By year’s end, an estimated 1,300 political prisoners remained in prison. Prison conditions remained harsh and life threatening, although in some prisons conditions improved after the International Committee of the Red Cross (ICRC) was allowed access. The Government did not take steps to prosecute or punish human rights abusers. On May 30, government-affiliated forces attacked an NLD convoy led by party leader Aung San Suu Kyi, leaving several hundred NLD members and pro-democracy supporters missing, under arrest, wounded, raped, or dead. Following the attack, Government authorities detained Aung San Suu Kyi, other NLD party officials, and eyewitnesses to the attack. As of year’s end, the Government has not investigated or admitted any role in the attack. The Government subsequently banned all NLD political activities, closed down approximately 100 recently reopened NLD offices, detained the entire 9-member NLD Central Executive Committee, and closely monitored the activities of other political parties throughout the country.

The Government continued to restrict severely freedom of speech, press, assembly, association, and movement. During the year, persons suspected of or charged with pro-democratic political activity were killed or subjected to severe harassment, physical attack,

arbitrary arrest, detention without trial, incommunicado detention, house arrest, and the closing of political and economic offices.

...On May 30, government-affiliated forces attacked an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin in the northwest region of the country, using bamboo staves and metal pipes to kill or injure pro-democracy supporters. The attackers killed at least six pro-democracy supporters including NLD members San Myint, Tin Maung Oo, Thien Toe Aye, and Khin Maung Kyaw. The two others killed were Min Zaw Oo, a student; and U Panna Thiri, a Buddhist monk from Monywa. Diplomatic representatives received credible reports of two more victims who later died of their injuries, including Tun Aung Kyaw, a political activist from Mandalay who died in early September. Local villagers and survivors of the attack reported to diplomatic representatives that the attackers might have killed as many as 70 pro-democracy supporters accompanying the NLD convoy. By year's end, the fate of the many other wounded persons, including 10 NLD members and 47 pro-democracy supporters from the convoy, remained unknown.

According to credible reports, throughout the rest of the night following the attack, security forces clashed with and may have killed scores of other villagers, students, and Buddhist monks in the villages surrounding the attack site. The Government admitted that 4 persons were killed and 48 were injured in the attack on the NLD convoy but did not acknowledge the alleged killings in the surrounding villages. The Government did not credibly investigate any of the attacks and thus perpetuated a climate of impunity. Officials reportedly involved in the assault were subsequently rewarded. Lieutenant General Soe Win, reportedly involved in planning the attack as the then-SPDC Secretary-Two, was promoted to Secretary-One, a very high-ranking position in the ruling junta. Regional commander Brigadier General Soe Neing, reliably reported to be responsible for executing the attack, was laterally transferred and made commander of the Irrawaddy Division and was not prosecuted or reprimanded.

...The Government continued to arrest and detain citizens arbitrarily. For example, on January 16, the OCMI arrested two Buddhist nuns for shouting pro-democracy slogans and handing out pamphlets in front of the Rangoon city hall. Denied legal representation, the nuns were subsequently sentenced to 3 years in prison. On May 30, the Government arbitrarily detained Aung San Suu Kyi and over 100 of her accompanying supporters. Following 4 months of incommunicado detention, Aung San Suu Kyi was transferred to house arrest while most of the others remained imprisoned in remote regions of Burma. At year's end, all but 14 have been released. The Government tightly restricted independent observers' access to her and to all other political prisoners. In the days following the May 30 attack, the OCMI detained over 100 additional NLD members across the country. Some of them were charged with political crimes, and some were simply detained arbitrarily. At year's end, all but 25 had been released. On June 3, OCMI officers arrested Ko Myo Khin for demanding that authorities reopen the NLD office in Bahan Township, Rangoon. Family members were denied access to him for months, and at year's end, he reportedly was sentenced to 3 years in Insein Prison. In December, the Government rejected his appeal; however, his family and lawyer were finally allowed to visit him. On September 23, OCMI officers and local police arrested Phon Aung for demonstrating outside Rangoon city hall and calling for the release of Aung San Suu Kyi. At year's end, his location was unknown.

...In September 2002, the Government arrested at least 30 political activists in Rangoon. Among those arrested was Hla Tun, an NLD Member of Parliament (MP)-Elect from the 1990 election who had not been active in the NLD since he was released from prison in 1999. The Government eventually released several activists, including Hla Tun, but according to international press reports the Government sentenced four of the activists to 3-year prison terms. There was no information available on the many other 2002 arbitrary arrest cases.

...Early in the year, the Government permitted the NLD to conduct some public meetings and reopen local offices. The NLD continued to press for substantive dialogue on political reform with the Government and publicly voiced criticisms of the policies or actions of the Government. After the May 30 attack on Aung San Suu Kyi's NLD convoy, public meetings were banned and the security services immediately clamped down on already restricted political speech (US Department of State 2004, *Country Reports on Human Rights Practices for 2003 – Burma*, 25 February – Attachment 10).

An in-depth May 2006 report from the Network for Democracy and Development, a group founded by Burmese ex-students and based in Thailand, details cases in which non-high profile members of the NLD have been subject to harassment and threats:

...Relevant to all Burmese is the issue of travel inside the country. Every person is expected to carry an ID card, which is frequently checked as individuals travel throughout the country. Those able to show a USDA membership card are able to travel without harassment, and occasionally without paying fare. Many of those interviewed noted this as a primary incentive in choosing to become a USDA member.

...In Shan State in 2004, USDA members went around to the homes of NLD members telling them to turn in their NLD membership cards and join the USDA under threat of violence. In some cases, the USDA reported resignations from the NLD by individuals known not to be NLD members.

...Those interviewed for this report reflected on the efforts to deter membership in the NLD in favor of membership in the USDA.

“I was an active member of the NLD and a supporter until July 2004. I owned two stores in my township. I have to ask for a permit from the local authorities to open these stores annually. My family and I were threatened and disturbed by the local authorities in many ways because of our involvement in and support of the NLD. The USDA secretary and two other township USDA officials came to my home and threatened not to issue the yearly permit to run my stores if I continued refusing to resign from the NLD and then join the USDA. I am a father of four and my eldest daughter is a university student, 20 years old. She was also a youth member of the NLD. Now, both of us resigned from the NLD, and the whole family – my wife, my daughter, my son and I – joined the USDA.”

...Other cases of attacks and brutal beating have occurred recently. Thant Zin Myo, an NLD member, had long been harassed by the USDA and members of the fire brigades. When he captured a stranger loitering around his home in August 2005, he brought him to a local police station only to learn the man was a firefighter and informer. A local authority and firefighter then began beating Thant Zin Myo. He later brought the two individuals who beat him to court (Network for Democracy and Development 2006, *The White Shirts: How the USDA Will Become the New Face of Burma's Dictatorship*, Burma Campaign website, May, pp. 15, 18-20, 26-28, 30, 32-37, 57-59, 61-62, 66, 74-75 <http://www.burmacampaign.org.uk/reports/USDA.pdf> – Accessed 21 July 2009 – Attachment 14).

A Human Rights Watch report from May 2008, titled *Vote to Nowhere – The May 2008 Constitutional Referendum in Burma*, documents the arrests and harassment of political activists, including those who opposed the referendum. This report claims that “opposition activists face constant harassment, state-sponsored violence, vicious slandering in the state-controlled press...arbitrary arrest and detention, and long-term imprisonment”; and that the



Burmese junta “have arrested and imprisoned hundreds of NLD branch leaders and members over the years for carrying out ordinary party activities”:

An ethnic Karen schoolteacher from Pa-An town described for Human Rights Watch how the constant surveillance prevented candor on political issues even during private conversations:

Even if we have [private] discussions, the government has many people who spy on us – the Ya Ya Ka [local government], “white shirts” [USDA], “Masters of Force” [a USDA-linked militia, see below] – they’re [recruited] from our community. We have no personal security amongst those in our community; they train these people to be able to watch their neighbors.

The formal security agencies are only the first level of control. Even more invasive and prevalent are the different levels of the SPDC, operating from the national level right down to the township and ward level, and the “mass-based” USDA, the “civilian” organisation created and controlled by the SPDC to provide a civilian face for its military rule. At local levels the USDA and its abusive militia, the *Swan Arr Shin* (“Masters of Force”), directly monitor the activity of all persons in their area, and deal violently with anyone believed to be a threat to the SPDC. Other mass-based organisations completely under the control (and leadership) of the SPDC, such as the Myanmar War Veterans’ Association (MWVA), the Myanmar Women’s Affairs Federation (MWAFF), and even the Auxiliary Fire Brigade, engage in a variety of activities to ensure SPDC control, including harassment, monitoring, and physical attacks against opposition activists.

...A former member of the government-sponsored USDA from a Rangoon township told Human Rights Watch about the work he did for the USDA on orders from the SPDC in relation to the referendum. He explained how the SPDC used violent thugs working with the local authorities to generate fear in local ward/quarters and to persuade voters of the merits of a “Yes” vote. He said that military intelligence officers and members of the local authority usually accompanied the USDA on their forays. He related an incident from March 2008 in which their mission was to identify “Yes” and “No” referendum voters. The potential “Nos” were later targeted for night-time threats, abuse, and beatings.

The people who say “No” we write down their name and address. If they still say “No” we go back late at night and beat them. We go with Ya Ya Ka and take them to the jail. We accuse them of being a thief, a drunk. We explain we can give them trouble, give them many problems. Most are scared. [One person] we talked to about the referendum... he said he was not interested, he was against it. We came back later to his house and took him to the Ya Ya Ka office and pushed and beat him and told him he faced many problems.

...The SPDC continues to severely repress the NLD, although it remains a lawful political party. As noted in Chapter II, NLD leader Aung San Suu Kyi has been under strict house arrest since May 2003. The NLD’s national committee, made up mostly of elderly NLD officials, is allowed to meet occasionally, but the SPDC have arrested and imprisoned hundreds of NLD branch leaders and members over the years for carrying out ordinary party activities (Human Rights Watch 2008, *Vote to Nowhere – The May 2008 Constitutional Referendum in Burma*, May, pp. 2-4, 25, 29-30, 32-35, 40-41, 51 [http://www.burmacampaign.org.uk/reports/HRW\\_Road\\_To\\_Nowhere.pdf](http://www.burmacampaign.org.uk/reports/HRW_Road_To_Nowhere.pdf) – Accessed 21 July 2009 – Attachment 1).

Two relevant newspaper reports from the period were also located. A September 2002 report from *The Irrawaddy* claimed that “Burma’s ruling junta has launched a fresh crackdown on activists, arresting 30 dissidents and forcing many others into hiding, according to sources in

Rangoon”, while a November 2002 report from the *Voice of America News* states that an NLD member had been arrested “for making a hat, or khamauk, which was to be sent to opposition leader Aung San Suu Kyi”. According to this report, the *khamauk* “is a symbol of the National League for Democracy (NLD) party” (Moe, K. 2002, ‘Crackdown on Activists as NLD Celebrates Anniversary’, *The Irrawaddy*, 27 September [http://www.irrawaddy.org/article.php?art\\_id=3169](http://www.irrawaddy.org/article.php?art_id=3169) – Accessed 28 July 2009 – Attachment 11; ‘NLD Member Reported Arrested Over Symbolic Hat’ 2002, *Voice of America News*, 25 November <http://www.voanews.com/burmese/archive/2002-11/a-2002-11-25-1-1.cfm?moddate=2002-11-25> – Accessed 28 July 2009 – Attachment 12).

#### **4. Is there information about people being fired from jobs for involvement in the NLD?**

The 2008 USDOS *Country Report on Human Rights Practices* for Burma states that “[g]overnment employees generally were prohibited from joining or supporting political parties”, and that the “government also used coercion to entice or force members of the NLD and other opposition parties to resign”:

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. The government used coercion and intimidation to induce persons, including nearly all public-sector employees and many students, to join the government’s mass mobilisation organisations – the USDA, Myanmar Women’s Affairs Federation (MWAFF), and Myanmar Maternal and Child Welfare Association – and attend meetings in support of the regime. The government also used coercion to entice or force members of the NLD and other opposition parties to resign, and it publicised the coerced resignations in government media (US Department of State 2009, *Country Report on Human Rights Practices for 2008 – Burma*, 25 February – Attachment 13).

A Human Rights Watch report on the May 2008 constitutional referendum in Burma provides testimony from a member of the NLD who was forced to resign from the party in order to avoid harassment from local authorities, and a “trader” who “witnessed a noodle maker lose his business after he joined the NLD in 2005”:

Authorities harass members of the NLD in order to pressure them to resign from the party. A teacher, a former NLD member in Pa-An town, explained how he was pressured to resign from the NLD by the local authorities in 2007:

They called me in to the Ya Ya Ka office and told me to resign from the NLD. If I didn’t they said they’d find something “wrong” with me. They have all the names of NLD members. We have no choice, we have to resign. Even though I resigned they still investigated me to find something “wrong.” It is easy to find something wrong – they accuse you of being drunk, or they deny you a promotion or travel documents. My family was worried. I had to sign my resignation statement.

...A trader from Irrawaddy division told Human Rights Watch how he witnessed a noodle maker lose his business after he joined the NLD in 2005:

He soon lost his permit [to trade] and was closed down. He no longer lives there, he had to move away. As a businessman I have to act according to their [SPDC’s] rules. If I do so, if I do it’s okay. The unwritten law is don’t join the NLD. If you maintain a good relationship with the SPDC there’s no trouble. I do business with people who are connected [to the SPDC], I can’t join opposition groups, I can’t have an opinion, I can’t talk about politics, I can’t talk about the referendum. I can only talk with close

friends and listen to the radio in secret. I can't listen openly to the BBC (Human Rights Watch 2008, *Vote to Nowhere – The May 2008 Constitutional Referendum in Burma*, May, pp. 34-35, 40  
[http://www.burmacampaign.org.uk/reports/HRW\\_Road\\_To\\_Nowhere.pdf](http://www.burmacampaign.org.uk/reports/HRW_Road_To_Nowhere.pdf) – Accessed 21 July 2009 – Attachment 1).

A May 2006 report from the Network for Democracy and Development, a group founded by Burmese ex-students and based in Thailand, provides information on cases of NLD members or supporters losing their jobs or businesses due to their political affiliation, or being pressured into resigning from the NLD:

Many businesses face losing their licenses if they employ members of the opposition. In Rangoon, the USDA instructed car owners not to employ NLD members as drivers or bus fare collectors or they would face imprisonment and close of business.

...One former NLD member who joined the USDA for business reasons noted:

“They will deny my permits to operate and I will have to shut down my stores and lose my business [if I quit the USDA]. [I plan to quit] as soon as an uprising takes place.”

...Military and civil servants are not allowed to be members of political parties, but are able to join the USDA in its current state as a social organisation. To secure a government job, an individual has to have recommendations from the township USDA president and secretary which costs at least 10,000 kyat. Without a recommendation, there is no opportunity to get a government job.

Once an individual becomes a civil servant, they are not free to express their political affiliation without placing their job in jeopardy. In one case, civil servants who signed a petition organised by the NLD were sacked after USDA members reported the situation to the authorities.

...Most often, continued membership in the NLD and refusal to join the USDA results in economic hardship and decreased educational opportunities. The USDA carried out orders barring NLD members from being teachers in Tenasserim Division in 2004. When one NLD member in Mandalay refused to quit the party, his tuition school was shut down.

In other cases, villagers have been asked to sign documents in anticipation of elections in which they promise not to support the NLD. In 2000, USDA members and authorities went around shopping centers in town and forced people to sign papers declaring their loss of confidence in the NLD. When people protested, they were threatened with withdrawal of their shop license. Civil servants were told they would be dismissed, and others were brought to USDA offices and threatened and intimidated into signing.

...The USDA further seeks to “diminish and ruin the opposition parties’ capacity economically. This involves setting up similar and parallel businesses to compete and destroy with those owned by the opposition and lending money to ordinary opposition members to lure them away from the opposition (Network for Democracy and Development 2006, *The White Shirts: How the USDA Will Become the New Face of Burma’s Dictatorship*, Burma Campaign website, May <http://www.burmacampaign.org.uk/reports/USDA.pdf>, pp. 26-28, 33-35 – Accessed 21 July 2009 – Attachment 14).

## **5. Please provide information about the bus fare protests and White Expression Campaign in 2006.**

## Summary

The 'White Expression Campaign', launched in October 2006, and the 'bus fare protests' of August 2007 were precursors to the so-called 'Saffron Revolution' of September 2007, in which the Burmese military, paramilitary and police forces suppressed peaceful public demonstrations over the high cost of fuel and other essentials. The 'White Expression Campaign' was initiated by members of the so-called '88 Generation' of students, or student activists from the 8888 protests, as part of a series of campaigns designed to show support for political prisoners. It was preceded by a 'signature campaign', or petition, calling for the release of political prisoners, which the expatriate Burmese weekly *The Irrawaddy* claimed drew over half a million signatures, and followed by the 'Multiple Religious Prayer' campaign, which, according to *The Irrawaddy*, called on people of all faiths to pray together "for peace and reconciliation in Burma". According to *The Irrawaddy*, the 'White Expression Campaign' asked people in Burma to wear white clothing from October 10 to October 18 "as a peaceful demonstration of their support" for five prominent student leaders arrested in late September 2006. A November 2006 report in *The Irrawaddy* noted a warning from a Burmese junta spokesman that "authorities will monitor any campaigns by activists such as the 88 Generation that might jeopardise community peace and tranquillity", and "that authorities will act swiftly on those participating in social or religious campaigns sponsored by the group if they receive complaints about their activities". A subsequent article on the Burma Democratic Concern website notes that the "88-Generation" students who launched these campaigns "are in prisons" ('Student Group Initiates New Campaign to Free Political Prisoners' 2006, *The Irrawaddy*, 9 October

[http://www.irrawaddy.org/article.php?art\\_id=6245](http://www.irrawaddy.org/article.php?art_id=6245) – Accessed 20 July 2009 – Attachment 15; Paung, S. 2006, 'Junta Warns of Action against Student Group', *The Irrawaddy*, 3 November [http://www.irrawaddy.org/article.php?art\\_id=6307](http://www.irrawaddy.org/article.php?art_id=6307) – Accessed 20 July 2009 – Attachment 16; 'White Campaign for Justice in Burma' (undated), Burma Democratic Concern website <http://www.bdcburma.org/CampaignDetails.asp?Id=5> – Accessed 20 July 2009 – Attachment 17).

The 'bus fare protests' began as a response to a sudden decision by the Burmese junta to double the price of fuel, as the corresponding rise in public transport costs left many people unable to travel to work. A *BBC News* report and an *Asia Sentinel* report, both from August 2007, state that pro-democracy activists organised and took part in the protests, and that protests were broken up by "government supporters" and the protest organisers arrested. An August 2007 article from *Associated Press* quotes political analysts outside of Burma, who agree that the protests were unlikely to receive widespread public support "because very few people joined the demonstrations and the key organisers were swiftly detained". These predictions proved to be incorrect, as many monks joined the protests from early September 2007, and by September 24 the crowd of protesters in Rangoon had reached 150,000, the last day before a violent crackdown on the protests, according to a 2007 report from Human Rights Watch (HRW). The HRW report provides a thorough analysis of the lead-up to the protests, the violent crackdown, and the arrests made in the aftermath; a lengthy extract is provided below. Detailed source information on the 'White Expression Campaign' and the 'bus fare protests' also follow (for the 'bus fare protests', see: 'Burma activists protest over fuel' 2007, *BBC News*, 23 August <http://news.bbc.co.uk/2/hi/asia-pacific/6959724.stm> – Accessed 20 July 2009 – Attachment 18; Thakuria, N. 2007, 'Can Burma's People Rise Again?', *Asia Sentinel*, 23 August [http://www.asiasentinel.com/index.php?Itemid=168&id=656&option=com\\_content&task=view](http://www.asiasentinel.com/index.php?Itemid=168&id=656&option=com_content&task=view) – Accessed 20 July 2009 – Attachment 19; and: Casey, M. 2007, 'Protests No Immediate Threat to Burma Junta, Say Analysts', *The Irrawaddy*, (source: *Associated Press*), 26 August

[http://www.irrawaddy.org/article.php?art\\_id=8360](http://www.irrawaddy.org/article.php?art_id=8360) – Accessed 20 July 2009 – Attachment 20; for the HRW report, see: Human Rights Watch 2007, *Crackdown – Repression of the 2007 Popular Protests in Burma*, Volume 19, No. 18(C), December  
[http://www.burmacampaign.org.uk/reports/HRW\\_Crackdown\\_2007\\_Report.pdf](http://www.burmacampaign.org.uk/reports/HRW_Crackdown_2007_Report.pdf) – Accessed 21 July 2009 – Attachment 21).

### **White Expression campaign**

A 9 October 2006 report from *The Irrawaddy* states that the ‘White Expression’ campaign has been launched by a “Burmese student group” to “help free their recently detained leaders”, following “the arrest of five prominent student leaders at the end of September”. The “campaign is urging people to wear white clothing during the week of October 10-18 as a peaceful demonstration of their support for the group”:

A Burmese student group plans to launch a new campaign on Tuesday, called “White Expression,” that they expect will help free their recently detained leaders.

...The group’s efforts followed the arrest of five prominent student leaders at the end of September, including Min Ko Naing, Ko Ko Gyi, Pyone Cho, Min Zeya and Htay Kywe.

The White Expression campaign is urging people to wear white clothing during the week of October 10-18 as a peaceful demonstration of their support for the group. The campaign coincides with the 44th birthday of Min Ko Naing on October 18.

...The group expects many people will join the campaign by dressing in white because it poses no danger to participants.

“It is a peaceful expression, and I don’t think the authorities will respond to our campaign by punishing participants,” said Hla Myo Naung.

...Some observers, however, have expressed concern about the White Expression campaign, as Burma’s National Convention is set to resume on Tuesday and could lead authorities to crack down on the campaign (‘Student Group Initiates New Campaign to Free Political Prisoners’ 2006, *The Irrawaddy*, 9 October

[http://www.irrawaddy.org/article.php?art\\_id=6245](http://www.irrawaddy.org/article.php?art_id=6245) – Accessed 20 July 2009 – Attachment 15).

A 3 November 2006 report, also sourced from *The Irrawaddy*, cites a report from the state-run newspaper *The New Light of Myanmar* which claims that “Burma’s military government has warned the 88 Generation Students group of action against its recent political activities”, including the ‘White Expression’ campaign. The report also cites a ‘signature drive’ or petition calling “for the release of Burma’s political prisoners”, and the ‘Multiple Religious Prayer’ campaign, which “calls on people of all faiths to pray for peace and reconciliation in Burma”, as other campaigns run by the student group:

Burma’s military government has warned the 88 Generation Students group of action against its recent political activities, according to state-run *The New Light of Myanmar* on Friday.

The report follows comments made by the director general of Burma’s police, Brig-Gen Khin Yi, who said in a press briefing on Thursday that authorities will monitor any campaigns by activists such as the 88 Generation that might jeopardise community peace and tranquillity.

He added that authorities will act swiftly on those participating in social or religious campaigns sponsored by the group if they receive complaints about their activities.



...The 88 Generation Students started several public campaigns in recent months. A signature drive that ran from October 2-23, and called for the release of all of Burma's political prisoners, collected more than a half million names. The petitions will be submitted to the UN.

The group's other actions included a White Expression campaign calling on Burmese to show their support for five of the groups leaders, who had been detained in late September, by wearing white shirts.

The most recent effort, called Multiple Religious Prayer, began on October 29 and will run until November 4. It calls on people of all faiths to pray for peace and reconciliation in Burma.

"We hold prayer gatherings at Shwedagon Pagoda, and we don't disturb anyone. It is a peaceful and disciplined campaign," said Mya Aye (Paung, S. 2006, 'Junta Warns of Action against Student Group', *The Irrawaddy*, 3 November [http://www.irrawaddy.org/article.php?art\\_id=6307](http://www.irrawaddy.org/article.php?art_id=6307) – Accessed 20 July 2009 – Attachment 16).

An undated article sourced from the Burma Democratic Concern (described as a "global campaigning and lobbying organisation to restore democracy, human rights and rule of law in Burma") website states that the organisers of the "White Expression Campaign" and other peaceful protests against the Burmese junta are now "in prisons":

In October 2006, 88-Generation Students launched the 'White Expression Campaign' and "Multi-faith prayer campaign", calling for the Burmese people to show their support by wearing white clothes and praying for national reconciliation and release of all political prisoners.

In April 2007, 88-Generation Students launched the "Sunday White Campaign," calling for the release of all political prisoners and encouraged Burmese people to show their support by wearing white clothes on Sunday.

Now they are in prisons. It is our duty to keep up the flame alight in order to restore democracy in Burma ('White Campaign for Justice in Burma' (undated), Burma Democratic Concern website <http://www.bdcburma.org/CampaignDetails.asp?Id=5> – Accessed 20 July 2009 – Attachment 17).

### **Bus fare protests**

A *BBC News* article from 23 August 2007 reports on a third protest in Rangoon "against the recent sharp rise in the price of fuel", involving about forty "[p]ro-democracy activists", which followed a 200-strong protest the previous Wednesday and a 500-strong rally the previous Sunday. This report notes that the rise in the price of fuel "left many people unable to afford bus fares to get to work", and "has also forced up the price of staples such as rice and oil, triggering anger and concern in the poverty-stricken nation":

Pro-democracy activists in Burma's main city, Rangoon, have taken part in a third demonstration against the recent sharp rise in the price of fuel.

About 40 protesters marched towards the headquarters of the opposition National League for Democracy.

But supporters of Burma's military leaders blocked their path and tried to force them into trucks, reports say.

On Wednesday at least 200 people took part in a rare public protest against the fuel price hike.

People joined the demonstration despite the arrests on Tuesday of at least 13 prominent activists – a move which was intended, experts say, as a deterrent against further protests.

The activists included veteran leaders of the 88 Generation Students, a group at the forefront of the 1988 popular uprising that was violently put down by the military.

They had led a 500-strong rally on Sunday, the largest such event in Burma in a decade.

...The protests have been triggered by the government's decision last week to double the price of fuel.

The unannounced move left many people unable to afford bus fares to get to work.

Experts say it has also forced up the price of staples such as rice and oil, triggering anger and concern in the poverty-stricken nation.

But in an apparent concession, the government has now halved bus fares for the shortest journeys, Reuters news agency reported.

Correspondents say the rare displays of public defiance will have worried Burma's ruling junta. The prospect of economic protests linking up with the 1988 veterans would be especially alarming to the military government, according to the BBC's South East Asia correspondent Jonathan Head ('Burma activists protest over fuel' 2007, *BBC News*, 23 August <http://news.bbc.co.uk/2/hi/asia-pacific/6959724.stm> – Accessed 20 July 2009 – Attachment 18).

On the same day, the *Asia Sentinel* reported that the demonstrations were triggered by price rises, but that the rises “appear to have catalysed a widespread catalogue of grievances”, and that “Burma's traumatised citizens appear increasingly willing to defy the military junta”. The report claims that the protests have been “broken up by thugs”, and notes the arrests of “at least eight pro-democracy activists” including “the senior leadership of the so-called 1988 Student Generation Group”:

It may not be an uprising like the one in 1988, but in the face of massive intimidation Burma's traumatised citizens appear increasingly willing to defy the military junta. After almost a week of demonstrations, the people of Rangoon appear to have proven that they have not totally surrendered to the autocratic regime that murdered the country's citizens into submission in 1988.

It is questionable how far the protests will go, but Rangoon, renamed Yangon by the largely unloved regime, has turned into a citadel of small but persistent demonstrations. Within a week, the normally quiet city has witnessed a series of continuing protests, many of them broken up by thugs.

At least eight pro-democracy activists, whose protest roots date back to the 1988 democracy uprising that ended in a storm of bullets and the resumption of power by the current ruling junta, were seized Wednesday on Rangoon's streets as armed police and a government-backed “youth group” of pro-regime enforcers dispersed the growing number of demonstrators.



As many as 300 marchers walked from Rangoon's outskirts with thousands looking on. Significantly, it was the senior leadership of the so-called 1988 Student Generation Group who were among those arrested in the most serious crackdown in a decade.

The protests have been driven by a steep rise in the price of fuel from 1,500 kyat (US\$1= kyat 1,300) to 3,000 kyat per gallon for diesel and 2,500 kyat for gasoline. Similarly, the price of a 17-gallon container of natural gas was raised by 2,500 kyat. The price rises appear to have catalysed a widespread catalogue of grievances.

...The protest started Sunday in northern Rangoon where nearly 400 people, clad in traditional longyi sarongs, male and female, started a silent journey without placards or shouted slogans, from the suburb of Kekiring to the Kyaukmyong market. There was no attempt to disrupt traffic.

"The people on the streets welcomed us with their waving hands. Even some passengers of buses and private cars got down to join us in the rally," Win Naing told Asia Sentinel. Generally, he said, bystanders were enthusiastic and eager to show their irritation with the junta. The participants made no demands to withdraw the skyrocketing prices, but instead protested that they did not even have the means to pay Rangoon's cheap bus fares.

...Another rally began on August 22 before it was broken up by a gang of government supporters. Nonetheless, 150 pro-democracy activists rallied before they were set upon by more than 200 junta supporters. Protest leaders were whisked away by the junta enforcers. Women in large numbers also tried to march towards Insein prison in northern Rangoon, which has detained more than 1,000 political prisoners, including journalists (Thakuria, N. 2007, 'Can Burma's People Rise Again?', *Asia Sentinel*, 23 August [http://www.asiasentinel.com/index.php?Itemid=168&id=656&option=com\\_content&task=view](http://www.asiasentinel.com/index.php?Itemid=168&id=656&option=com_content&task=view) – Accessed 20 July 2009 – Attachment 19).

On 26 August 2007, *Associated Press* quoted several "analysts" outside of Burma who agreed that the "protests over fuel price hikes present no immediate threat to Burma's military rulers because very few people joined the demonstrations and the key organisers were swiftly detained". This report claims the arrest of "at least 65 activists, including leaders of pro-democracy groups the 88 Generation Students and the Myanmar Development Committee":

A week of protests over fuel price hikes present no immediate threat to Burma's military rulers because very few people joined the demonstrations and the key organisers were swiftly detained, analysts said Sunday.

Enraged by the doubling of fuel prices earlier this month, activists launched a series of rare street demonstrations in the country's largest city, Rangoon, starting August 19. The military responded by detaining at least 65 activists, including leaders of pro-democracy groups the 88 Generation Students and the Myanmar Development Committee.

Crowds cheered on the demonstrators, but few joined in. Attendance at the marches ranged from a few dozen hardened activists to a few hundred – mainly limited to Rangoon.

"Although the public probably is behind the relatively few demonstrators in the streets, I do not think that now the people as a whole are ready in any major way to risk their lives," David Steinberg, a Burma expert at Georgetown University in Washington, DC, said in an e-mail interview with The Associated Press.

“The chances are that small demonstrations may continue for a bit, but major ones are unlikely,” Steinberg said. “By allowing small demonstrations, the military may be trying to fend off larger ones.”

The military has arrested the key activists “who might make things worse for them,” he said.

...Activists say the fuel price increase was probably needed to remedy a cash shortage after the government spent heavily relocating its capital 400 kilometres (250 miles) from Rangoon to Naypyidaw in 2005.

Presiding over one of the poorest countries in Asia, Burma’s military government has exposed the public to increasing hardship in the form of rising bus fares, and brought to mind the mass demonstrations in 1988.

...Analysts say events this past week pale in comparison to 1988, when demonstrations took place nationwide, food was scarce, and support for the protests came from within the bureaucracy and military.

“The present demonstrations are important, but nothing like the scale of 1988,” Steinberg said (Casey, M. 2007, ‘Protests No Immediate Threat to Burma Junta, Say Analysts’, *The Irrawaddy*, (source: *Associated Press*), 26 August [http://www.irrawaddy.org/article.php?art\\_id=8360](http://www.irrawaddy.org/article.php?art_id=8360) – Accessed 20 July 2009 – Attachment 20).

A December 2007 Human Rights Watch report, titled *Crackdown – Repression of the 2007 Popular Protests in Burma*, documents how the ‘bus fare’ protests in August 2007 against fuel price rises developed into the ‘Saffron Revolution’ protests of September 2007, and the resulting violent crackdown by junta security forces. An extended excerpt from this report follows:

The protests began in mid-August 2007, triggered in part by an unexpected decision by the ruling State Peace and Development Council (SPDC) to remove subsidies on fuel and natural gas prices, which increased some commodity prices overnight by 500 percent. On August 19, the ‘88 Generation student movement (which had played a leading role in the 1988 uprising) organised a peaceful march of some 400 protesters in Rangoon. While the immediate issue was the price hikes, the protest and those that were to follow were also a reflection of people’s built up anger and behind-the-scenes mobilisation by individuals seeking fundamental political reform and an end to the predatory rule of the military-led SPDC.

The reaction of the SPDC was immediate: on August 21 the authorities began arresting most of the leadership of the ‘88 Generation students and other activist groups, and had more than 100 activists in detention by August 25. In addition, the SPDC mobilised members of its “mass-based” civilian wing, the Union Solidarity and Development Association (USDA), and its abusive militia, *Swan Arr Shin*, to monitor the streets of Rangoon to beat and arrest any protesters who dared to continue the demonstrations. Despite the immediate crackdown, protesters continued to gather in Rangoon, and the protests soon spread to other cities throughout Burma.

On September 5, the protests reached a turning point when a group of Buddhist monks holding signs denouncing the price hikes marched in Pakokku, a religious centre located close to the city of Mandalay. The monks were cheered on by thousands of protesters. The army intervened brutally, firing gunshots over the heads of the monks and beating monks and bystanders. Unconfirmed reports that one monk died from the beatings, and that others had been tied to a lamppost and publicly beaten, caused revulsion and anger in a deeply religious society. The next day, an angry mob surrounded government and religious affairs officials

during a visit to a leading monastery, burning the cars of the government delegation and causing a tense six-hour standoff.

In response to the violence against monks in Pakokku, the newly formed All Burma Monks Alliance (ABMA) demanded an immediate apology from the SPDC, a reduction in prices, the release of all political prisoners including opposition leader Daw Aung San Suu Kyi, and a dialogue between the SPDC and the political opposition. The ABMA threatened to excommunicate the SPDC leadership from the Buddhist community if it did not meet these demands by September 17. When the SPDC ignored the demands of the ABMA, the ABMA excommunicated the SPDC leaders on September 17 and called for a resumption of the protests. ABMA members began refusing to accept alms from SPDC officials and their families, a symbolically potent act known as “overturning the bowls” (*Patta Nikkujjana Kamma*).

Monks throughout Burma responded to the ABMA’s call and on September 17 began daily marches. Remarkably, the security forces did not directly interfere in the protests for some days, although intelligence officials did photograph and videotape the marchers. It is unclear why the protests were allowed to proceed. The participants grew from the hundreds into the thousands, as an increasing number of monks participated and civilians began to join them.

...The next day, an estimated 20,000 protesters, including some 3,000 monks, marched in Rangoon, shouting slogans for the release of political prisoners and Nobel Peace Prize winner, Daw Aung San Suu Kyi, and for the SPDC to relinquish its hold on power. A day later, September 24, the Rangoon protests exploded in size, to an estimated 150,000 people, including 30,000 to 50,000 monks. Many political groups, including elected parliamentarians of the opposition National League for Democracy who were never allowed to take up their seats after the 1990 elections, as well as the banned All Burma Buddhist Monks Union, joined the marches. Well-known public figures such as the comedian Zargana and the movie star Kyaw Thu publicly offered alms to the marching monks to demonstrate support for their cause. Similar marches took place in 25 cities across Burma.

On the evening of September 24, the SPDC signalled it was about to crack down on the protests. The minister of religious affairs appeared on state television to denounce the protests as the work of “internal and external destructionists.” The state-controlled Sangha Maha Nayaka committee (a state-controlled committee of senior monks that deals with religious issues) prohibited monks from participating in “secular affairs” or joining “illegal” organisations such as the ABMA. USA and ward Peace and Development Council (PDC) trucks began circulating the next morning, warning people over loudspeakers not to participate in the protests.

Despite the warnings, a similarly large crowd of protesters again appeared on the streets of Rangoon on September 25, the last day of protests before the crackdown. On the night of September 25, the SPDC announced a night-time curfew and began arresting some prominent figures who had supported the protesters, like the comedian Zargana. A large number of army troops were moved into Rangoon.

The next morning, September 26, the first serious attacks against the protesters took place when riot police and army troops surrounded and attacked monks at the main Shwedagon Pagoda, severely beating many monks. According to several eyewitnesses, the riot police beat one monk to death. When the protesters moved to the Sule Pagoda, three kilometres away, they were again beaten and dispersed by the riot police and Swan Arr Shin militia, who beat and detained many of the protesters. A separate group of protesters marching downtown were stopped by army troops and *Swan Arr Shin* militia near the Thakin Mya Park in the western downtown area. Soldiers opened fire directly into the crowd, hitting at least four protesters. As the crowd fled, they were blocked by army troops on Strand Road, where another protester

was shot. Other marches continued in downtown Rangoon, creating a chaotic scene. At the end of the day, a one-kilometre-long procession of monks and protesters left the downtown area, showing the public's determination to continue their protests.

During the night of September 26-27, the security forces raided monasteries throughout Rangoon. The most violent raid took place at the Ngwe Kyar Yan Monastery, where the security forces clashed violently with the monks, and detained some 100 monks. Unconfirmed reports claim one monk was killed during the raid.

On the morning of September 27, army troops returned to the Ngwe Kyar Yan Monastery to arrest the remaining monks. They were surrounded by an angry crowd of residents. In the ensuing clashes, at least seven people were killed by the security forces, including a local high school student. Around mid-day, a second clash took place around the Sule Pagoda, as soldiers, riot police, and the *Swan Arr Shin* dispersed a large crowd of protesters, with the troops shooting first in the air and then directly into the protesters. In scenes beamed around the world, Kenji Nagai, a Japanese video-journalist, was deliberately shot and killed, and eyewitnesses saw another man and a woman also shot and likely killed. The riot police and *Swan Arr Shin* proceeded to beat and detain large numbers of protesters. At around 2 p.m., another deadly shooting took place, when soldiers shot dead a student holding the "Fighting Peacock" flag of the '88 Generation student movement at the Pansodan overpass.

On September 27, a separate deadly incident took place when army soldiers surrounded marchers in front of Tamwe High School 3, and then drove a military vehicle directly into the crowd, knocking down and killing three protesters. When the soldiers got out of the truck, they opened fire on the fleeing crowd. Several others were killed in the ensuing shooting: soldiers shot in the back and killed a student climbing over the wall of his school and shot down three young men who fled into a neighbouring construction site by the National Library. As they tracked down protesters, they fired into a ditch filled with fleeing people, and deliberately shot dead a protester hiding inside an empty water barrel. The security forces then detained hundreds of protesters, beating them before taking them to nearby detention facilities. Human Rights Watch confirmed at least eight civilian deaths at this clash.

Although thousands of people continued to try and organise protests on September 28 and 29, the SPDC managed to retake control of the streets by flooding Rangoon with thousands of troops, riot police, and militia members. The role of the *Swan Arr Shin* and USDA militias was particularly important, as they allowed the SPDC to patrol every street with abusive militia personnel willing to beat up and detain anyone even attempting to assemble. Security forces continued to fire live ammunition and rubber bullets at protesters who attempted to gather (Human Rights Watch 2007, *Crackdown – Repression of the 2007 Popular Protests in Burma*, Volume 19, No. 18(C), December, pp. 6-10 [http://www.burmacampaign.org.uk/reports/HRW\\_Crackdown\\_2007\\_Report.pdf](http://www.burmacampaign.org.uk/reports/HRW_Crackdown_2007_Report.pdf) – Accessed 21 July 2009 – Attachment 21).

More detail on the campaigns undertaken by the '88 Generation', and on the 'Saffron Revolution' of September 2007, is provided in a 2008 report produced by the Human Rights Documentation Unit of the exiled National Coalition Government of the Union of Burma; this report is provided as Attachment 22 (Human Rights Documentation Unit, National Coalition Government of the Union of Burma 2008, *Bullets In The Alms Bowl – An Analysis of the Brutal SPDC Suppression of the September 2007 Saffron Revolution*, Burma Campaign website, March <http://www.burmacampaign.org.uk/reports/BulletsInTheAlmsBowl.pdf> – Accessed 21 July 2009 – Attachment 22).

## **6. What information is there on pressure to join the National Solidarity and Development organisation or sign a referendum?**

## **Union Solidarity and Development Organisation – background**

The Political Handbook of the World Online Edition's entry for the National Unity Party contains a sub-heading for the junta-backed Union Solidarity and Development Organisation (USDA), which states that the USDA has "been used to suppress, sometimes violently...anti-junta activities". The Handbook also reports that: "It is widely believed that the USDA will become a registered party prior to the anticipated legislative election in 2010":

**National Unity Party—NUP** (Taingyintha Silonenyinyutye Party). An outgrowth of the former BSPP, NUP was launched in September 1988. Unlike the practice under BSPP rule, members of the armed forces have been specifically excluded from membership. The party won only 10 of 485 available seats at the Constituent Assembly balloting of May 1990.

A closely associated **Union Solidarity and Development Association (USDA)**, founded in 1993 and currently headed by Maj. Gen. HTAY OO (also the minister of agriculture and irrigation), was described by the Far Eastern Economic Review in 1998 as a more inclusive "quasi-political party established under the guise of a community-assistance organisation." In May 2003 the USDA was accused of organising the attack against Aung San Suu Kyi's motorcade, and it has since been used to suppress, sometimes violently, other anti-junta activities. According to the government, the USDA has a membership of some 22 million, although it continues to be known in the vernacular by a derogatory abbreviation, Kyant Phut (translatable as "monitor lizard" or, roughly, "stupid reptile"). It is widely believed that the USDA will become a registered party prior to the anticipated legislative election in 2010 ('Myanmar (Burma)' 2009, Political Handbook of the World Online Edition [http://library.cqpress.com/phw/phw2009\\_MyanmarBurma](http://library.cqpress.com/phw/phw2009_MyanmarBurma) – Accessed 20 July 2009 – Attachment 6).

The abovementioned December 2007 Human Rights Watch report on the crackdown against the pro-democracy and anti-price rise protests of August and September 2007 also provides information on the role of the USDA in promoting "Burmese military objectives throughout the country". According to this report, "[m]embership of the USDA is mandatory for civil servants and teachers. It is almost essential for community members who wish to stay on good terms with the local authorities". The report also claims that "USDA cadres have harassed and intimidated opposition political figures, in many cases pressuring NLD members to resign from their party":

Membership of the USDA is mandatory for civil servants and teachers. It is almost essential for community members who wish to stay on good terms with the local authorities. Students are particularly encouraged or forced to join by teachers, according to many accounts. The USDA's ideology directly mirrors that of the SPDC: its three main national causes and its 12 political, economic, and social objectives are the same as those of the government, which aims for "the promotion and vitalisation of national pride."

While much of the association's funding comes from government sources, it has increasingly spread its economic power through loans to local businesses and the rental of market spaces and land, which many sources claim comes from property seized by the military and handed to the USDA. The USDA has been given responsibility by the government to cooperate with international development agencies and accompany foreign workers on inspection trips. It has attempted to accompany the International Committee of the Red Cross on prison visits.

...The USDA promotes Burmese military objectives throughout the country in mass rallies, speeches and demonstrations in support of the "Road Map" for a new constitution. It denounces Aung San Suu Kyi and the NLD, ethnic resistance groups, and foreign critics such as the United States. These rallies are televised frequently by the state media, with rows of thousands of men and women wearing the distinctive white shirts of membership and

pumping their fists in the air when a dignitary shouts a particularly stirring slogan or denunciation of an “internal or external destructive elements and axe-handle.”

For several years, USDA cadres have harassed and intimidated opposition political figures, in many cases pressuring NLD members to resign from their party. The USDA responded with vindictive vitriol to the UN Security Council debates on Burma. The USDA’s armed wings, which receive training by military units, now operate throughout the country with names such as “People’s Strength Organisation,” “Strength of the Nation Group,” and “Anti-Foreign Invasion Force.” It was armed groups such as these that were involved in attacks on Aung San Suu Kyi and her NLD supporters in Rangoon in November 1996 and in Depayin in May 2003 (Human Rights Watch 2007, *Crackdown – Repression of the 2007 Popular Protests in Burma*, Volume 19, No. 18(C), December, pp. 107-108 [http://www.burmacampaign.org.uk/reports/HRW\\_Crackdown\\_2007\\_Report.pdf](http://www.burmacampaign.org.uk/reports/HRW_Crackdown_2007_Report.pdf) – Accessed 21 July 2009 – Attachment 21).

An in-depth May 2006 report from the Network for Democracy and Development, a group founded by Burmese ex-students and based in Thailand, provides detailed information on the formation and rise of the USDA, and its current “disconcerting level of control over all facets of life” in Burma. This report claims that the USDA, which “boasts a membership of 22.8 million people, nearly half the population of Burma”, is “involved in most cases of political violence in the country”. The report details the various ways in which people, including NLD members and supporters, are pressured to join the USDA, and claims that “membership [is] frequently undesired but passively accepted by a cowed public”:

The Union Solidarity and Development Association (USDA) was formed in Burma on September 15, 1993 under the Association Law (SLORC Law 6/88). In registering with the Ministry of Home Affairs, the organisation was ostensibly intended to be “purely a social welfare organisation.” However, in recent years the organisation clearly is being prepared to play a political role.

The USDA is set to become the new face of the military dictatorship in Burma. Already they exert a disconcerting level of control over all facets of life. They have a heavy influence in the educational system as well as in the economy, and have entirely reconstituted Burma’s civil society. Additionally, they are involved in most cases of political violence in the country, and their culture of thuggish behavior is a key factor in the climate of fear pervasive in Burma today.

...The USDA currently boasts a membership of 22.8 million people, nearly half the population of Burma. The process by which people in Burma join the USDA explains the composition of the organisation and the ability of the USDA to carry out many of its activities. The USDA aggressively recruits members, with membership frequently undesired but passively accepted by a cowed public. Incentives are offered to join with the explicit understanding that failure to join will result in harassment and decreased opportunities for educational and professional advancement.

Among the groups targeted, students are most heavily pressured to join and partake in the activities of the USDA. Joining the USDA is presented to the students as compulsory, and as a result the vast majority of students in Burma are members of the USDA. The same holds true for civil servants. Any person working for the government is required to be a member of the USDA. Those interested in owning businesses, however small, also find membership in the USDA to their advantage. Such people often cite daily survival as the deciding factor in their decision to align their business with the USDA. Additionally, the USDA has implemented various tactics to entice members of the opposition into quitting their party or organisation and joining the USDA.



...In Burma, neighborhood offices double as recruitment centers, with membership offering protection and access to services. The USDA focuses its recruitment on the youth, offering membership in sports leagues and other extra-curricular activities. Additionally, student membership is presented as compulsory, and threats are made to expel a student or not give passing marks when a student declines to join the USDA.

...The awarding of licenses and permits to set up a business, once controlled by the Military Intelligence (MI), is now controlled by the USDA, and thus many of the local businesses are run by USDA members. Many businesses face losing their licenses if they employ members of the opposition. In Rangoon, the USDA instructed car owners not to employ NLD members as drivers or bus fare collectors or they would face imprisonment and close of business. When renewing their licenses, some trishaw drivers have been made to join.

Several times businesses face harassment and intimidation. In 2005, one township local USDA secretary frequently interfered with business activities and encouraged USDA members to threaten the lives of businessmen. The secretary regularly extorted money from businessmen under the guise of raising money for the USDA, while keeping the money for himself.

...Relevant to all Burmese is the issue of travel inside the country. Every person is expected to carry an ID card, which is frequently checked as individuals travel throughout the country. Those able to show a USDA membership card are able to travel without harassment, and occasionally without paying fare. Many of those interviewed noted this as a primary incentive in choosing to become a USDA member.

...The members of opposition parties in Burma, particularly the NLD, must contend with the recruitment tactics of the USDA. The NLD is currently barred from expanding its membership and has been forced to close down most of its offices throughout the country. One NLD office was forcefully demolished. Additionally, current members of the NLD face daily pressure to resign from the party. Many NLD members resign in the hopes of attaining better educational and economic opportunities. Membership in the USDA is sought in the hopes of reducing the chance of being seen and treated as a suspicious person.

The USDA has employed various tactics to intimidate people into resigning from and denouncing the NLD and calling for its dissolution. At the end of April 2006, nearly 130 members of the NLD were reported by the government controlled media to have resigned.

However, the NLD has only received resignations from four persons. This discrepancy indicates the other resignations reported were likely forced and the now former members of the NLD are now afraid or embarrassed to admit their action to the party.

In November 2005, USDA members went around to houses in Mandalay Division asking for people to quit the party, saying that they would be protected from any problems by the USDA. USDA membership increased in Mon state in 2005 with many joining from the NLD.

In Shan State in 2004, USDA members went around to the homes of NLD members telling them to turn in their NLD membership cards and join the USDA under threat of violence. In some cases, the USDA reported resignations from the NLD by individuals known not to be NLD members.

...The plan to decrease and eventually all together eliminate the NLD is systematic, done with the expressed backing and encouragement of top level officials. The USDA likewise systematically recruits members according to detailed plans laid out by the military regime. Though in many cases harassment and intimidation are the favored tactic for recruitment, many of the USDA statements and plans reflect a more subtle approach to recruitment.



In a July 2002 meeting, members were told to watch out for the activities of the NLD and try to organise them to become members of the USDA. They were told to block the activities of the NLD without making it apparent their intention. Additionally, they were told to divide their area into three categories: areas where it is impossible to campaign [recruit members], areas where it is fairly possible to campaign, and areas where it is fully possible to campaign.

In a 2003 meeting, Dr. Aung Kyaw Tun, a senior official from Moulmein, urged USDA members in attendance to “Observe anti-government group’s activities. Don’t use confrontation tactics; convince them to be our members.” Also in 2003, an official urged attendees at a USDA meeting to “Analyse all activities of opposition groups. You are urged to convince opposition members to participate with the USDA. You are obliged to help people for social welfare and make local people trust you. You are insisted not to confront other organisations and local people.”

A secret document from the USDA was obtained in 2004 which laid out clearly the USDA’s plan for gaining membership from the opposition. One of the stated objectives of the USDA is “narrowing and eliminating the activities of opposition forces.” In order to accomplish this, the USDA has designed different approaches. Through organisation activities, one idea is to approach those respected by the opposition and give them social assistance.

...Further, the “weaknesses that exist within family members of opposition parties must be studied and exploited” with the aim of preventing them from acting in way “socially or commercially” that pose a threat to the USDA or the state. The plan of the USDA is also one of “annihilation through greater strength,” meaning the USDA seeks to directly counter any show of support the NLD receives from the people.

Those interviewed for this report reflected on the efforts to deter membership in the NLD in favor of membership in the USDA.

“Those who are involved in politics are organised to be USDA members. Any of them who refuse to join are restricted in their daily activities.”

“There is disturbance to the opposition. There is one person who changed from a political party to the USDA as he was given several opportunities.”

“They came and asked the NLD members to resign. They called my mother to the USDA section office and asked her to resign.”

“They told him that if he quit the NLD, he would be given a telephone, cord phone, GSM phone, a high-level position in the USDA and more than 100,000 kyat in cash.”

“I was an active member of the NLD and a supporter until July 2004. I owned two stores in my township. I have to ask for a permit from the local authorities to open these stores annually. My family and I were threatened and disturbed by the local authorities in many ways because of our involvement in and support of the NLD. The USDA secretary and two other township USDA officials came to my home and threatened not to issue the yearly permit to run my stores if I continued refusing to resign from the NLD and then join the USDA. I am a father of four and my eldest daughter is a university student, 20 years old. She was also a youth member of the NLD. Now, both of us resigned from the NLD, and the whole family – my wife, my daughter, my son and I – joined the USDA.”

Despite the seemingly vast numbers of people who join the USDA, there are many who adamantly refuse to join or take part in their activities. Those interviewed for this report

seemed to have an understanding that they had failed to resist the regime in joining, and showed an appreciation for those who had resisted.

“At the same time, some USDA members seem to be afraid of being USDA members. They recall the BSPP cadres in the 1988 uprising.”

“I hardly ever see people refuse to join. They say it is compulsory. But, I did see one family from the network of the 88 student movement. They refused to join as their son was imprisoned during 88.”

“Those who refuse to join have to pay various taxes, make labour contributions, or sentry duty. I witnessed one person who refused to join. He often opposed the USDA leaders. He refused and complained whenever the USDA leader asked him to [attend an event] for a show of strength. That’s why he was often sent to the prison or made to pay a fine.”

...Perhaps the most serious function that the USDA has taken on is its role in watching the opposition, and attempting to disturb any activities through harassment and intimidation. One man noted:

“Once I saw some USDA members and local authorities take down the NLD signboard, right after the Depayin massacre. They always inspect the opposition’s houses at midnight for guests who stay over night, even if they know there are no guests. The USDA is antagonistic to the opposition all the time; they always try to disturb them.”

Another USDA member concurs:

“The USDA usually denounces and intimidates the opposition at the National Convention, shouting slogans. Those who are involved in politics are also intimidated. For instance, those who talk about Gen. Aung San and those who speak the truth are intimidated and arrested. They always create problems for the opposition and those they think oppose them.”

...The USDA interferes even in none threatening activities that the opposition may undertake, such as when making donations to monasteries.

“The secretary told me he has many guys to watch the Khamauks [NLD]. He always says he can arrest anyone at anytime. They always try to disturb the opposition. Whatever events the NLD organises, even social and religious events, they don’t allow it, giving various reasons. The USDA and other authorities also order the monasteries, and the monks, not to accept donations from the NLD and not to allow them to organise any events there.”

...Through the use of local villagers and USDA members, the USDA has carried out violent attacks on several individuals, targeting members of the NLD. In some cases, these attacks occur according to preconceived plans given from the top USDA authorities to local USDA members. However, in many cases it appears the violence is a result of the general culture of thuggish behavior accepted and encouraged among USDA members, particularly the youth. As such, young USDA member feel a sense of superiority to the local villagers and are assured their actions will be met with impunity. Increasingly, the regime seems intent not so much to arrest and imprison the opposition, but rather to eliminate them all together through violent means.

The most recent and severe act of brutality occurred in the murder of Thet Naing Oo. On March 17, 2006, Thet Naing Oo, a former political prisoner, was attacked by members of the USDA and fire brigade in Kemmendin Township, Rangoon. Thet Naing Oo was continuously beaten while those responsible shouted out that he was a thief, causing the local people to avoid involvement. Even as he was placed in a trishaw to be taken to the hospital, he was being beaten. Individuals in the township have suggested that the attack was preconceived and carefully planned among the members of the USDA.

Other cases of attacks and brutal beating have occurred recently. Thant Zin Myo, an NLD member, had long been harassed by the USDA and members of the fire brigades. When he captured a stranger loitering around his home in August 2005, he brought him to a local police station only to learn the man was a firefighter and informer. A local authority and firefighter then began beating Thant Zin Myo. He later brought the two individuals who beat him to court.

In Sanchaung Township, another NLD member, Kyaw Soe, was beaten in August 2005 by three members of the USDA using sticks. He was seriously wounded to the point of one of his ear drums tearing, leaving him unable to hear in that ear. Though the three attackers were caught and brought to the police station, a USDA leader and government informer paid a bribe to have them released without charges.

...On May 30 [2003], while in Depayin, several state authorities and USDA members attacked a convoy carrying Aung San Suu Kyi and her supporters. Several NLD members were brutally beaten, leaving many wounded and killed. The USDA had a direct role in the violence, and likewise provided money and training for villagers to participate in the attack. After the attack, Aung San Suu Kyi was briefly held in prison before being placed under house arrest which she remains under to date. Those witnesses to the attacks were detained and tortured.

...In returning to a one party system, the regime is pursuing a dual strategy of promoting the USDA while actively seeking to annihilate the main opposition party NLD. Since the end of April 2006, the government controlled newspaper, *The New Light of Myanmar*, has reported on the en mass resignations of members of the NLD. The USDA was cited as a location where the NLD members resigned.

The pressure resulted in the resignation of nearly 130 NLD members as reported by the military regime, including a senior member in Mandalay.

Information Minister, Brigadier-General Kyaw Hsan, further declared the regime had collected evidence of the NLD's ties to "terrorist" organisations and therefore could "outlaw" the NLD. The NLD has questioned this evidence, though, and as of yet the regime has made no formal steps to outlaw the party, preferring instead to keep it marginalised and impotent. One senior NLD official stated, "We expect worse to follow as the military authorities go all out to eliminate us by the end of the year" (Network for Democracy and Development 2006, *The White Shirts: How the USDA Will Become the New Face of Burma's Dictatorship*, Burma Campaign website, May, pp. 15, 18-20, 26-28, 30, 32-37, 57-59, 61-62, 66, 74-75 <http://www.burmacampaign.org.uk/reports/USDA.pdf> – Accessed 21 July 2009 – Attachment 14).

Two recent media reports also provide information on the USDA, suggesting that it is likely to start its own newspaper and form a political party to contest the 2010 elections. A March 2009 report from *The Irrawaddy* claims that the USDA is planning to start up a newspaper in the lead-up to the projected 2010 elections in Burma. The report quotes "analysts" who claim that the USDA "is likely to be trusted by the Nya Uya regime again next year to convince

and coerce the electorate to vote for pro-junta parties”, and that the Burmese “Information Minister and executive member of the USDA, Brig-Gen Kyaw Hsan, is reputedly the mastermind of plans to crank up the military government’s propaganda machine prior to the election” (Moe, W. 2009, ‘USDA Going to Press?’, *The Irrawaddy*, 4 March [http://www.irrawaddy.org/print\\_article.php?art\\_id=15237](http://www.irrawaddy.org/print_article.php?art_id=15237) – Accessed 27 July 2009 – Attachment 23).

A November 2008 report sourced from *Deutsche Presse-Agentur* claims that the USDA “has been cultivated to become the military’s political arm for contesting elections” (‘Myanmar junta chief foresees ‘new nation’ down the road’ 2008, *Earth Times*, (source: *Deutsche Presse-Agentur*), 29 November <http://www.earthtimes.org/articles/show/243916,myanmar-junta-chief-foresees-new-nation-down-the-road.html#> – Accessed 27 July 2009 – Attachment 24).

### **The USDA and the 2008 referendum**

The May 2008 Human Rights Watch report on the constitutional referendum in Burma provides, in great detail, information on the tactics used by the junta and its proxies, including the USDA, to coerce the population into supporting the referendum. The report concludes that “[u]nder such widespread repression and a pervasive climate of fear, no free and fair referendum can take place in Burma”. According to this report: “Activists have been detained for holding peaceful protests urging a “No” vote”; “The SPDC has not permitted critics of the draft constitution to produce or distribute their own materials opposing a “Yes” vote in the referendum”; “The SPDC, its security forces, and its civilian militias have used intimidation and harassment to silence political activists and drive them underground”; “Journalists are unable to write stories critical of the draft constitution, or to write about how the public is responding to the issues involved”; “At local levels the USDA and its abusive militia, the *Swan Arr Shin* (“Masters of Force”), directly monitor the activity of all persons in their area, and deal violently with anyone believed to be a threat to the SPDC”; “Authorities also intimidate employers to pressure their workers to side or vote for the government”; and: “Since late March 2008, plainclothes assailants believed to be members of the security forces, the USDA, or the *Swan Arr Shin* militia, have committed a number of attacks on NLD and human rights activists, apparently to intimidate the opposition while hiding government responsibility”. The report quotes “[t]he outgoing UN special rapporteur on the situation of human rights in Myanmar, Paulo Sergio Pinheiro”, who asks: “How can you have a referendum when you make repression against those that are intending to say ‘no’?” A lengthy extract from the HRW report follows, and the entire report is provided as Attachment 1:

The environment in Burma prior to the referendum has been one of continuing intimidation of the political opposition and general populace, denial of basic freedoms of expression, association, and assembly, and arbitrary arrests and detention. Under such widespread repression and a pervasive climate of fear, no free and fair referendum can take place in Burma.

...The Burmese people have the right to make up their own minds about the draft constitution, but the conditions for the May referendum do not allow them an informed and free choice. Most Burmese have not even seen the draft constitution, a 194-page document (in Burmese and English, and in none of the minority languages) that was released only a month before the referendum and is only available for purchase in some bookshops.

The ruling State Peace and Development Council (SPDC) has refused to allow any meaningful public discussion and debate of the draft constitution, and has arrested and jailed

those who have expressed opposition to its contents. The government-controlled press writes endlessly about the merits of the “discipline-flourishing” draft constitution, and viciously denounces its opponents. The more independent weekly newspapers and magazines have decided to refrain from making any critical comments about the draft constitution, preferring self-censorship to the known consequences of speaking out – detention and the closure of their papers. At least seven prominent journalists remain imprisoned in Burma, convicted on spurious charges such as “engaging in anti-government propaganda” for writing about human rights abuses, and publishing information that “makes people lose respect for the government.”

The SPDC also denies the Burmese people the right to freely discuss the draft constitution, or to engage in any form of assembly or association to protest the upcoming referendum. SPDC spies and informants are everywhere, severely limiting the ability of people to speak freely even when talking with friends in teahouses or private homes. Any gathering of more than five people is banned in Burma, and even solitary peaceful protesters face the full wrath of the generals.

Activists have been detained for holding peaceful protests urging a “No” vote on the referendum; on March 30, security forces detained five activists of the main opposition party, the National League for Democracy (NLD), three days after they had participated in a protest by 30 NLD activists who wore T-shirts emblazoned with the word “No” during a brief, peaceful walking protest in Rangoon. Two other NLD activists were detained on the night of April 1.

Opposition political parties operate in a climate of severe harassment and repression of their activities by the authorities. Most political parties have been deregistered in Burma since the annulled 1990 elections, the NLD and the military backed National Unity Party (NUP) being the main exceptions. Pro-SPDC groups routinely pressure NLD members into resigning from their party, under threat of vigilante violence. In April 2008 a number of NLD officials and human rights activists were attacked by alleged pro-junta elements operating in plainclothes.

...Under such repressive conditions and a pervasive climate of fear, no free and fair referendum can take place in Burma. Instead, the continuing denial of basic freedoms, arbitrary arrests, and the widespread repression show that the generals have no interest in bringing about a rights-respecting, democratic government in Burma.

...The SPDC has not permitted critics of the draft constitution to produce or distribute their own materials opposing a “Yes” vote in the referendum. Under Law 5/96, criticising the “roadmap to democracy” is a criminal offense and can lead to prison sentences of up to 20 years. Opposition politicians, journalists, activists, and political commentators told Human Rights Watch that people are unable to make informed public comment, organize debates, write articles, distribute leaflets, hold rallies, produce stickers, put up posters, or even wear T-shirts without fear of arrest and long prison sentences.

In most rural areas, the lack of information about the draft constitution coupled with the tight control exerted by local officials and the military over the local population will effectively deny the local population the opportunity to cast a free and informed vote. An ethnic Karen school headmistress from the Irrawaddy Delta region explained to Human Rights Watch how she believed government officials would pressure people to vote “Yes” on referendum day, with most of the people not even knowing what they were voting on:

We’re scared, if we don’t support [the referendum] we will have to pay [a price], [be forced to] resign from work, no promotions, summoned by the police all the time. In our area no one has seen the new constitution. In our area the authorities are very

strict. If we don't attend a [pro-government] meeting they know and there will be payback.... We hear only rumors. We have no trust in the government.

The SPDC, its security forces, and its civilian militias have used intimidation and harassment to silence political activists and drive them underground. Human Rights Watch interviewed a young NLD member who had fled to the Thailand-Burma border in March 2008 after officers from the Special Branch came looking for him and his pamphlets critical of the referendum at his parents' Rangoon home.

...Journalists are unable to write stories critical of the draft constitution, or to write about how the public is responding to the issues involved. They are unable to write about how remote and rural communities view the referendum. The state media routinely ignores the views of ethnic communities, unless it is to show their support for various SPDC initiatives. A journalist covering Burma for an international radio agency explained to Human Rights Watch how the Burmese public is denied news coverage free of propaganda:

Self-censorship is the enemy of journalism. If people disagree on the constitution they have no time, no way to voice those views. The [constitutional] principles have been widely distributed in government newspapers. But there has not been any articles debating or challenging the constitution. Journalists and public commentators who try to ensure Burmese people have access to real information about education, economics, trade, corruption, law and order, health and government policies, can be jailed, forced into exile or banned by the military government if their stories are deemed inflammatory to the regime.

The SPDC uses its institutions of control – the army, police, Special Branch, Military Intelligence (Sa Ya Ka – see below), and the military-backed Union Solidarity and Development Association (USDA) – and its vast network of informers to repress and generate fear among those journalists who dare to speak out against the government's policies, referendum, or the constitution.

...In Burma, government surveillance by a variety of formal and informal security structures, as well as “mass-based” organisations such as the USDA, is so omnipresent that most Burmese are too afraid to utter any critical opinions of the government in public, in semi-private places like teahouses, and even in private homes. They know security forces may question them about conversations, and they risk arrest and imprisonment for speaking critically about the government. In such a climate of fear and surveillance, free and open discussion about the referendum and draft constitution is impossible.

The SPDC uses a wide variety of overlapping organizations to monitor and control the population, and to create this pervasive climate of fear. Various security agencies, including the Special Branch police and Military Intelligence (Sa Ya Ka, from its Burmese acronym derived from Office of Military Affairs Security), normally in plainclothes, frequent any area of potential dissent, such as teahouses, guesthouses, markets, and shops, monitoring the conversations taking place and collecting intelligence from informers. Most known activists are under constant surveillance by these formal security agencies, and anyone these activists come into contact with risks arrest and questioning.

An ethnic Karen schoolteacher from Pa-An town described for Human Rights Watch how the constant surveillance prevented candor on political issues even during private conversations:

Even if we have [private] discussions, the government has many people who spy on us – the Ya Ya Ka [local government], “white shirts” [USDA], “Masters of Force” [a USDA-linked militia, see below] – they're [recruited] from our community. We have

no personal security amongst those in our community; they train these people to be able to watch their neighbors.

The formal security agencies are only the first level of control. Even more invasive and prevalent are the different levels of the SPDC, operating from the national level right down to the township and ward level, and the “mass-based” USDA, the “civilian” organisation created and controlled by the SPDC to provide a civilian face for its military rule. At local levels the USDA and its abusive militia, the *Swan Arr Shin* (“Masters of Force”), directly monitor the activity of all persons in their area, and deal violently with anyone believed to be a threat to the SPDC. Other mass-based organisations completely under the control (and leadership) of the SPDC, such as the Myanmar War Veterans’ Association (MWVA), the Myanmar Women’s Affairs Federation (MWWAF), and even the Auxiliary Fire Brigade, engage in a variety of activities to ensure SPDC control, including harassment, monitoring, and physical attacks against opposition activists.

...The military runs networks of informers, and neighbours spying on neighbours creates a sense of paranoia and mistrust among people in the communities. The SPDC rewards those who inform with personal gains such as preferential access to education, job promotion, and foodstuffs.

Authorities also intimidate employers to pressure their workers to side or vote for the government. This intimidation is not subtle. It comes in undiluted threats from the military intelligence. Plainclothes military personnel monitor workers, and report “wrongs” or “suspicions” to authorities for further action to be taken against the “culprits.” Aung Zay, a trader from Kyai Klad in Irrawaddy division, explained to Human Rights Watch how workers must cooperate or risk harassment:

The company owner tells his workers which way to vote – workers depend on the boss – they have to listen to the boss, but the workers can choose. If the boss doesn’t listen he will be restricted in his trading, he will find it hard to get permits [for goods, selling licenses, to travel, and sending and receiving freight].

A former member of the government-sponsored USDA from a Rangoon township told Human Rights Watch about the work he did for the USDA on orders from the SPDC in relation to the referendum. He explained how the SPDC used violent thugs working with the local authorities to generate fear in local ward/quarters and to persuade voters of the merits of a “Yes” vote. He said that military intelligence officers and members of the local authority usually accompanied the USDA on their forays. He related an incident from March 2008 in which their mission was to identify “Yes” and “No” referendum voters. The potential “Nos” were later targeted for night-time threats, abuse, and beatings.

The people who say “No” we write down their name and address. If they still say “No” we go back late at night and beat them. We go with Ya Ya Ka and take them to the jail. We accuse them of being a thief, a drunk. We explain we can give them trouble, give them many problems. Most are scared. [One person] we talked to about the referendum... he said he was not interested, he was against it. We came back later to his house and took him to the Ya Ya Ka office and pushed and beat him and told him he faced many problems.

...Since late March 2008, plainclothes assailants believed to be members of the security forces, the USDA, or the *Swan Arr Shin* militia, have committed a number of attacks on NLD and human rights activists, apparently to intimidate the opposition while hiding government responsibility.



On April 3, two men attacked NLD member Tin Yu in Hlaing Tharyar township. The assailants arrived on a motorcycle, and one had a walkie-talkie at his waist (normally used by security officials). According to Tin Yu, his assailants hit him in the face with batons. After the attack Tin Yu was taken to a hospital and had 20 stitches for facial wounds he sustained in the attack. He told journalists he was convinced he was attacked by the security forces or an SPDC-backed organisation:

The only people who have walkie-talkies are Swan Arr Shin, the Union Solidarity and Development Association, and the Fire Services Department. Of course, the police and the military intelligence also have them. So, who can it be except them?

The Hlaing Tharyar township NLD chairman, Myint Hlaing, was hit on the head and required several stitches to his head after an unknown assailant attacked him outside his home on March 30.

Myint Aye, a founder of the Human Rights Defenders and Promoters (HRDP) group and one of the few human rights activists openly working inside Burma, was attacked by two assailants in Sachaung township in Rangoon on March 27. The men beat him severely on the head with batons, and he had to be hospitalised after the attack. Myint Aye believed he was attacked because of his human rights activities.

The outgoing UN special rapporteur on the situation of human rights in Myanmar, Paulo Sergio Pinheiro, has regularly criticised the human rights abuses associated with the “seven steps to democracy” program during his eight-year tenure. In an interview published on April 14, one of his last before retiring from his post, he described the referendum as “surreal” given the severe repression that continues in Burma:

How can you have a referendum when you make repression against those that are intending to say “no”? This is completely surreal. You cannot have a political transition if you keep almost 2,000 political prisoners and you continue the crackdown after the repression of the end of last year. If you say a real political transition process is taking place in Myanmar, this would be almost offensive to countries in Asia like the Philippines and Indonesia or Thailand that passed through a transition process to democracy (Human Rights Watch 2008, *Vote to Nowhere – The May 2008 Constitutional Referendum in Burma*, May, pp. 2-4, 25, 29-30, 32-35, 40-41, 51 [http://www.burmacampaign.org.uk/reports/HRW\\_Road\\_To\\_Nowhere.pdf](http://www.burmacampaign.org.uk/reports/HRW_Road_To_Nowhere.pdf) – Accessed 21 July 2009 – Attachment 1).

Three pieces of relevant media reportage, all sourced from the anti-junta *Democratic Voice of Burma*, provide further claims of pressure placed on workplaces and individuals to ensure a “yes” vote in the referendum:

- An April 2008 report claims that “Civil servants in Rangoon have been forced by authorities to join the government-backed Union Solidarity and Development Association and told they must vote “Yes” in the upcoming referendum”. According to this report, “employees of the state Electric Power Corporation in South Dagon township said they were informed on 28 March that they had been enlisted into the USDA and that they no longer needed to cast votes in the referendum as the government had already voted “Yes” on their behalf” (Nai, Aye 2008, ‘Government workers forced to vote “Yes”’, *Democratic Voice of Burma*, 28 April <http://english.dvb.no/news.php?id=1161> – Accessed 27 July 2009 – Attachment 25).
- Another April 2008 report quotes a “resident of Mayangone township in the former capital” of Rangoon, who “said female factory workers had already cast three “Yes”

votes per person in advance, as directed by [Industry Minister] Aung Thaung via their factory employers”. This source is also quoted as claiming that: “It wasn’t like they had to vote in person – the government officials took their ID card numbers and addresses and then the votes will be cast by the officials on their behalf” (Noreen, N. 2008, ‘Factory workers pressured to cast multiple “Yes” votes’, *Democratic Voice of Burma*, 24 April <http://english.dvb.no/news.php?id=1154> – Accessed 27 July 2009 – Attachment 26).

- A May 2008 article reported claims that local USDA authorities would only provide assistance to victims of Cyclone Nargis “in return for their support in the upcoming constitutional referendum” (Phaw, N. 2008, ‘USDA claims credit for disaster relief efforts’, *Democratic Voice of Burma*, 8 May <http://english.dvb.no/news.php?id=1219> – Accessed 27 July 2009 – Attachment 27).

## **7. What is the current situation for members of the community who oppose the government? Are arrests common?**

Recent reports from the media and groups advocating for democracy and human rights in Burma suggest that arrests of pro-democracy activists and NLD members continue. These reports are presented below in reverse chronological order:

- A 19 July 2009 report in *The Irrawaddy* states that: “Fifty Burmese pro-democracy activists were arrested on Sunday while marching in Rangoon to pay respect to Burma’s independence heroes on Martyr’s Day”. The report quotes “a source close to the opposition National League for Democracy”, who claims: “Not only NLD members but also other activists, who are not NLD members, were among those arrested” (‘Junta Arrests 50 People on Martyrs Day’ 2009, *The Irrawaddy*, 19 July [http://www.irrawaddy.org/highlight.php?art\\_id=16361](http://www.irrawaddy.org/highlight.php?art_id=16361) – Accessed 20 July 2009 – Attachment 28).
- Another 19 July 2009 report, from *Associated Press*, also reports on the Martyr’s Day arrests: “At least 50 members of the opposition National League for Democracy party were walking in small groups when they were arrested, witnesses said on condition of anonymity for fear of official reprisal”. The report goes on to state that it “was not immediately clear why police detained them” (‘Myanmar detains dozens of opposition members’ 2009, *Yahoo News*, (source: *Associated Press*), 19 July [http://news.yahoo.com/s/ap/20090719/ap\\_on\\_re\\_as/as\\_myanmar\\_martyr\\_s\\_day\\_3](http://news.yahoo.com/s/ap/20090719/ap_on_re_as/as_myanmar_martyr_s_day_3) – Accessed 27 July 2009 – Attachment 29).
- On 14 July 2009, the pro-democracy *Democratic Voice of Burma* reported that “the 87-year-old chairman of the National League for Democracy’s (NLD) Taungok township branch in Arakan state” was “sentenced to two years in prison under defamation charges”. The report quotes an NLD colleague of the detained man, who claims that “the sentencing came about ‘because he is an NLD [member] and involved in politics’”. This report also states that “Burma’s ambassador to the United Nations, Than Swe, announced that the government ‘is processing to grant amnesty to prisoners on humanitarian grounds and with a view to enabling them to participate in the 2010 general elections’”. In response to this claim, this article notes that: “It was not explicitly stated however that the prisoner amnesty would include political prisoners; in February this year over 6000 prisoners were released in a ‘goodwill’ amnesty by the government, although only 23 were political prisoners” (‘87-year old

opposition member imprisoned' 2009, *Democratic Voice of Burma*, 14 July <http://www.dvb.no/english/news.php?id=2711> – Accessed 20 July 2009 – Attachment 30).

- Another 14 July 2009 report, from *CNN.com*, quotes “Nyan Win, a spokesman for the National League for Democracy”, who “told CNN that he was doubtful that many prisoners would be released. He said few prisoners were released in a past amnesty” (‘Myanmar opposition skeptical of government’s amnesty claim’ 2009, *CNN.com*, 14 July <http://edition.cnn.com/2009/WORLD/asiapcf/07/14/myanmar.prisoner.amnesty/> – Accessed 20 July 2009 – Attachment 31).
- On 18 June 2009, a report from the *Democratic Voice of Burma* claimed that “[t]wo members of the opposition National League for Democracy party arrested after praying for the release of political prisoners in Burma have each been sentenced to one-and-a-half years in prison”. The report also states that “three National League for Democracy (NLD) youth members in Rangoon were arrested by authorities last Friday”, and quotes an NLD source who claims: “The NLD has been under pressure [from the SPDC] for many years and it is not easing, even when they are promising a new election” (‘Lengthy sentences for opposition prayer arrestees’ 2009, *Democratic Voice of Burma*, 18 June <http://www.dvb.no/english/news.php?id=2640> – Accessed 20 July 2009 – Attachment 32).
- A report from the same source, dated 15 June 2009, also notes the arrest of three NLD members on “unspecified charges”, and claims that “[m]embers of the NLD, whose leader Aung San Suu Kyi is currently on trial for alleged breach of house arrest conditions, suffer frequent harassment and intimidation from Burmese authorities” (‘Burmese junta cracks down on Suu Kyi’s party’ 2009, *Democratic Voice of Burma*, 15 June <http://www.dvb.no/english/news.php?id=2627> – Accessed 20 July 2009 – Attachment 33).
- A 5 May 2009 article from *CNN.com* quotes a report sourced from the Committee to Protect Journalists which claims that Burma “is the worst place in the world to be a blogger”, as the “military government restricts Web access and throws people into jail for posting critical material” (‘Myanmar tops list of worst places to be a blogger’ 2009, *CNN.com*, 5 May <http://edition.cnn.com/2009/TECH/05/04/world.bloggers/index.html#cnnSTCText> – Accessed 20 July 2009 – Attachment 34).
- A November 2008 report from Amnesty International states that: “Fourteen dissidents, who took part in the 2007 anti-government demonstrations in Myanmar, were sentenced to 65 years’ imprisonment each on Tuesday 11 November”. The report also claims that “[m]ore than 2,100 political prisoners are currently behind bars in Myanmar. At least another 23 members of the 88 Generation Students group are on trial in Myanmar” (‘Harsh Sentences for Myanmar Dissidents’ 2008, Amnesty International, 13 November <http://www.amnesty.org/en/news-and-updates/news/harsh-sentences-myanmar-dissidents-20081113> – Accessed 27 July 2009 – Attachment 35).

The Human Rights Watch report from May 2008, titled *Vote to Nowhere – The May 2008 Constitutional Referendum in Burma*, documents the arrests and harassment of political activists, including those who opposed the referendum. This report claims that “opposition

activists face constant harassment, state-sponsored violence, vicious slandering in the state-controlled press...arbitrary arrest and detention, and long-term imprisonment”; and that the Burmese junta “have arrested and imprisoned hundreds of NLD branch leaders and members over the years for carrying out ordinary party activities”. The report also quotes “the Thailand-based Assistance Association for Political Prisoners – Burma (AAPP)”, which claims that “there are at least 1,890 political prisoners currently held in Burmese prisons”, including 755 detained since the beginning of 2007:

On August 22, 2007, New Light of Myanmar reported the arrest of 18 political activists who had engaged in a peaceful “walking” protest against rising prices. The papers headline trumpeted, “Agitators taken into custody for undermining stability and security of the nation, attempting to disrupt the National Convention.” The newspaper story named the “agitators” and their “crimes”:

Information was received in advance that with ill-intention of grabbing power, internal and external destructive elements who do not wish to see the endeavors of the government are plotting to oust the government by resorting to three strategies; to disrupt the National Convention, to cause civil unrest similar to the ‘88 disturbances and to commit various acts within [sic.] the framework of law.... Tonight, authorities concerned have taken into custody and are interrogating the so-called ‘88 generation students Min Ko Naing, Ko Ko Gyi, Pyone Cho (a) Htay Win Aung, Min Zeya, Min Aye (a) Thura, Kyaw Min Yu (a) Jimmy Zeya (a) Kalama, Kyaw Kyaw Htwe (a) Markee, Arnt Bwe Kyaw, Panneik Tun, Zaw Zaw Min, Thet Zaw and Nyan Lin Tun for their acts may undermine the efforts for ensuring peace and security of the State, the success of the National Convention and the seven-step road Map and peaceful transfer of the State power.

Even peaceful and non-threatening protests may subject the protestor to arrest and a long prison term. For example, in April 2007 an HIV-positive man, Ko Tin Ko, held a peaceful solitary protest outside the Dagon Centre in Rangoon to call on the authorities to provide more antiretroviral drugs, and was promptly arrested and detained at a communicable diseases hospital for his actions.

On August 23, 2007, security forces detained Ohn Than for mounting a solo protest in front of the disused US Embassy in Rangoon, shouting pro-democracy slogans. In April 2008 he was sentenced to life in prison for “causing disaffection to the state,” the crime of sedition under section 124(a) of the Penal Code of Burma.

Despite these severe restrictions, activists are seeking to mount protests against the upcoming referendum, and security personnel are detaining them as a result. On March 27, 2008, more than 30 NLD activists wearing T-shirts with “NO” emblazoned on them briefly took to Rangoon streets urging the public to register a “NO” in the May 10 referendum. Three days later, on March 30, security forces detained five of the activists who had taken part in the protests. Khin Oo, Ye Zaw Tike, Zarni Aung, Aung Kyaw, and Tin Oo Maung were taken from their homes by the authorities to undisclosed locations. On the night of April 1, Tin Myint and Tun Aung, respectively chairperson and a youth member of Thigankyun township NLD branch, were arrested by Special Branch police, and at this writing are still in custody.

In rural regions, villagers say they are also threatened and beaten by soldiers and local officials for perceived anti-SPDC activities. A Karen district officer told Human Right Watch about the problems faced by his constituents trying to make sense of the constitution:

If we meet to discuss [the constitution] the soldiers will cause us problems, so we have to meet in secret. If we campaign or hand out leaflets we will be killed. Even in small cases, not big like the referendum, they will kill.

Rallies called by the USDA or other pro-government organisations do not face any obstacles being organised, and attendance at such stage-managed events is often mandatory for the residents of an area. If residents refuse to attend, they can be “fined” an unofficial tax imposed by local authorities or military units for non-compliance. The refusal may be used against them and their families in other ways too.

...The SPDC continues to severely repress the NLD, although it remains a lawful political party. As noted in Chapter II, NLD leader Aung San Suu Kyi has been under strict house arrest since May 2003. The NLD’s national committee, made up mostly of elderly NLD officials, is allowed to meet occasionally, but the SPDC have arrested and imprisoned hundreds of NLD branch leaders and members over the years for carrying out ordinary party activities.

...According to the Thailand-based Assistance Association for Political Prisoners – Burma (AAPP), there are at least 1,890 political prisoners currently held in Burmese prisons. This includes 755 new detainees since January 2007, the majority of whom were detained following the September 2007 crackdown. Political opposition activists face constant harassment, state-sponsored violence, vicious slandering in the state-controlled press (where they are routinely described as the “internal stooges” of “external destabilising elements”), arbitrary arrest and detention, and long-term imprisonment. Many have been imprisoned after unfair, often summary trials simply for engaging in peaceful political actions or peacefully expressing their political beliefs, including some who have received life sentences. Such arrests and imprisonment continue in the run-up to the referendum.

The widespread arbitrary detention of political activists impacts on Burma’s political scene in two major ways. First, it has removed many of the most prominent activists, including most of the top leadership of the ‘88 Generation student movement, from the public scene, preventing them from organizing against the referendum and other issues. Second, the harsh sentences handed down against political activists serve to intimidate the larger population of Burma, sending a clear message to refrain from opposition activities or risk the consequences.

In the first three months of 2008 at least 52 activists have been detained by the security forces. Most of those recently detained are members of the NLD, the ‘88 Generation, human rights activists, and labor rights activists, accused of involvement in the August-September 2007 democracy protests or smaller protests since then, including anti-referendum protests (Human Rights Watch 2008, *Vote to Nowhere – The May 2008 Constitutional Referendum in Burma*, May, pp. 36-38, 39-42

[http://www.burmacampaign.org.uk/reports/HRW\\_Road\\_To\\_Nowhere.pdf](http://www.burmacampaign.org.uk/reports/HRW_Road_To_Nowhere.pdf) – Accessed 21 July 2009 – Attachment 1).

The abovementioned December 2007 Human Rights Watch report chronicles the arrests of human rights activists and monks in the aftermath of the August-September 2007 ‘Saffron Revolution’ protests. According to this report, “the SPDC has the capacity to closely monitor and intimidate its citizens, arresting anyone it deems suspect. It has done so systematically since the September protest”. The report also notes claims of abuse and torture carried out against detained opposition figures, and of hundreds of ‘disappearances’ since the protests:

Monks were not the only target of the arrest raids. The security forces, relying on the photos and videotapes collected by intelligence agents during the protests immediately began arresting anyone suspected of being involved in the protests. The arrest campaign highlights

the SPDCs fear-inducing, totalitarian ability to penetrate the lives of its citizens: using multiple, overlapping networks such as the ward PDC, the USDA, Swan Arr Shin, and the security forces, the SPDC has the capacity to closely monitor and intimidate its citizens, arresting anyone it deems suspect. It has done so systematically since the September protest.

The state-controlled press claims that only 2,836 persons were detained, and only 91 remain in detention, but the actual number of detained persons was much greater, as is the number of those who remain in detention. Most worryingly, the SPDC has failed to account for hundreds of persons who have “disappeared” without trace since the protests, with families unable to confirm if their missing relatives are being detained or have been killed.

The detainees were kept at a variety of ad-hoc detention centers, including the City Hall, Kyaik Ka San Race Course, and the Government Technical Institute, where they faced life-threatening and unsanitary detention conditions. Human Rights Watch documented at least seven deaths in these detention facilities, although the total number is likely to be significantly higher. Detainees underwent basic interrogation, and anyone suspected of being an opposition activist or having been involved in the protests was sent for further interrogation at Insein prison and other facilities. Human Rights Watch documented significant abuse and torture at both the ad-hoc detention facilities and Insein prison: one detainee was hung upside down for long periods of time while being punched; several others were beaten unconscious during interrogations, and were forced to endure “stress positions” and sleep deprivation.

Like the raids on the monasteries, the arrest campaign continues at the time this report was issued in early December, with Human Rights Watch receiving almost daily reports of new arrests. In early November, the authorities arrested U Gambira, the head of the All-Burma Monks Alliance, and charged him with treason. On November 13, the labor rights activist Su Su Nway and her colleague Bo Bo Win Hlaing were arrested in Rangoon, during the visit of UN Human Rights Envoy Paulo Pinheiro. On November 20, a number of ethnic leaders and NLD officials were detained in Rangoon (Human Rights Watch 2007, *Crackdown – Repression of the 2007 Popular Protests in Burma*, Volume 19, No. 18(C), December [http://www.burmacampaign.org.uk/reports/HRW\\_Crackdown\\_2007\\_Report.pdf](http://www.burmacampaign.org.uk/reports/HRW_Crackdown_2007_Report.pdf) – Accessed 21 July 2009 – Attachment 21).

The US Department of State’s most recent *Country Report on Human Rights Practices* for Burma documents numerous cases of the arrest and mistreatment of opposition political figures, pro-democracy activists, monks and human rights campaigners:

The regime continued to abridge the right of citizens to change their government and committed other severe human rights abuses. Government security forces allowed custodial deaths to occur and committed other extrajudicial killings, disappearances, rape, and torture. The government detained civic activists indefinitely and without charges. In addition regime-sponsored mass-member organisations engaged in harassment, abuse, and detention of human rights and prodemocracy activists. The government abused prisoners and detainees, held persons in harsh and life-threatening conditions, routinely used incommunicado detention, and imprisoned citizens arbitrarily for political motives. The army continued its attacks on ethnic minority villagers. Aung San Suu Kyi, general secretary of the National League for Democracy (NLD), and NLD Vice-Chairman Tin Oo remained under house arrest. The government routinely infringed on citizens’ privacy and restricted freedom of speech, press, assembly, association, religion, and movement. The government did not allow domestic human rights nongovernmental organisations (NGOs) to function independently, and international NGOs encountered a difficult environment.

...On July 18, political prisoner Khin Maung Tint died of tuberculosis in Mandalay prison.



Officials allowed a prison doctor to visit detained Min Ko Naing, an 88 Generation Students member, who was suffering from high blood pressure and a degenerative spinal disease. However, they denied requests to have a specialist examine and treat him.

The health of 88 Generation Students member Myo Yan Naung Thein continued to deteriorate significantly in prison. The press reported that authorities repeatedly denied his requests for adequate medical care, including an operation to treat his paralysis. According to Amnesty International, his condition was the result of beatings received in custody.

In his August visit, UN Special Rapporteur for Human Rights in Burma Tomas Ojea-Quintana urged authorities to allow a dentist to treat prisoner Thurein Aung, who had been denied dental treatment for more than a year. Shortly after Ojea-Quintana's visit, prison officials allowed a dentist to treat the prisoner.

Prominent political prisoners who suffered from deteriorating health included NLD member of parliament-elect (MP-elect) Naing Naing. The health of writer Than Win Hlaing, held in Thayarwady Prison in Bago Division, continued to deteriorate due to harsh prison conditions. Rohingya MP-elect Kyaw Min and family also continued to experience health problems. MPs-elect Than Nyein and May Win Myint, as well as journalist Win Tin, also suffered health problems before their release in September.

There was no information on the condition of imprisoned Shan National League for Democracy (SNLD) Chairman Khun Htun Oo or SNLD member U Sai Hla Aung, who were suffering from numerous health problems but had not been permitted to receive medical attention.

Despite the government's insistence that it did not hold any political prisoners, reports by prisoners indicated that authorities frequently placed politically active prisoners in communal cells, where they were subjected to beatings and severe mistreatment by common criminals.

...Military Security Affairs (MSA) officers and Special Branch (SB) police officers are responsible for detaining persons suspected of "political crimes" perceived to threaten the government. Once a person is detained, MSA or SB officers interrogate the individual for a period ranging from hours to months and can charge the person with a crime at any time during the interrogation.

The Union Solidarity and Development Association (USDA) and the government-backed "private" militia Swan Arr Shin increasingly assumed the responsibilities of law enforcement authorities, engaging in the arrest, detention, and interrogation of human rights and prodemocracy activists.

...Bail was commonly offered in criminal cases, but it was rarely allowed for political prisoners. The government regularly refused detainees the right to consult a lawyer, denied them and their families the right to select independent legal representation, or forced them to use government-appointed lawyers. The government continued to use incommunicado detention and often failed to inform detainees' relatives of detentions until much later.

During the year the regime detained numerous prodemocracy and human rights activists and several top opposition leaders and MPs-elect. Other activists wanted by the regime remained in hiding or self-imposed exile at year's end.

On January 9, police arrested NLD member and labor activist Htet Wei while he attended a friend's trial in Rangoon. According to witnesses, police took Htet Wei into custody when they allegedly saw the defendant, detained protester U Ohn Than, pass him a piece of paper. At year's end authorities had not released any information concerning the status of Htet Wei.

In April and May, the regime detained more than 130 persons suspected of campaigning against the government's draft constitution in the period preceding the May constitutional referendum. Many of these individuals were released shortly after their arrest. Several others remained in detention at year's end.

On April 1, Thingangyun township officials arrested NLD youth activist Ko Aung Htun at his home, according to witnesses. At year's end authorities had not released any information concerning the status of Ko Aung Htun.

On June 13, police arrested prodemocracy activist Myat Thu, alleged to be a leading figure in the 88 Generation Students prodemocracy group. At year's end authorities had not released any information concerning the status of Myat Thu.

On June 15, authorities arrested Myanmar Tribune editor Aung Kyaw San and several other unidentified persons after they returned from the cyclone-affected Irrawaddy Delta, where they had been burying cyclone victims. The government did not publicly acknowledge Aung Kyaw San's arrest, although some observers believed that officials suspected him of providing information about the cyclone's aftermath to foreign news services. At year's end Aung Kyaw San remained in detention, and authorities had not released any information regarding his legal status.

On June 25, police in Rangoon arrested a protester in front of city hall. According to the press, the woman shouted slogans calling for the release of Aung San Suu Kyi and other political prisoners before the authorities took her away. Officials did not acknowledge her arrest or release her identity.

On July 2, authorities detained NLD official Khun Maung, reportedly in connection with a small explosion at a USDA office earlier that day. The government did not release any information about his condition or reasons for his arrest.

...On September 23, authorities announced the release of 9,002 prisoners as part of an amnesty. While the majority of those released were incarcerated for minor common crimes, at least six political prisoners were released, including journalist Win Tin, NLD Central Executive Committee (CEC) member Khin Maung Swe, NLD member Aye Thein, and MPs-elect May Win Myint, Than Nyein, and Aung Soe Myint. Win Tin spent 19 years in prison before his release.

Win Htein, Aung San Suu Kyi's former assistant, was released on September 23 as part of the amnesty but rearrested the next morning.

...There is a fundamental difference between criminal trials involving political prisoners and defendants charged with common crimes. Some basic due process rights, including the right to be represented by a defense attorney, were generally respected in common criminal cases but not in political cases that the government deemed especially sensitive. By law the government is not obligated to provide an attorney at public expense except in death penalty cases. Juries are not used in any criminal trials. In common criminal cases, defense attorneys generally were permitted 15 days to prepare for trial, could call and cross-examine witnesses, examine evidence, and were granted a 15-day delay for case preparation. However, their primary function was not to disprove their client's guilt, which was usually a foregone conclusion, but rather to bargain with the judge to obtain the shortest possible sentence for their clients. Political trials often were not open to family members or the public, and defense attorneys frequently were not permitted to attend. Reliable reports indicated that senior government authorities dictated verdicts in political cases, regardless of the evidence or the law.

...NLD members and other prodemocracy activists generally appeared able to retain the counsel of lawyers without fear that the lawyers might be imprisoned; however, lawyers were not always told when trials would begin, and authorities often refused to allow them to attend their clients' trials.

During the year authorities held closed legal hearings for a large number of political prisoners. Foreign diplomatic observers were able to confirm that the regime sentenced at least 120 persons, although some human rights NGOs, such as the Assistance Association for Political Prisoners (AAPP), estimated that more than 200 persons were convicted. Some of those convicted had been detained for more than a year without trial.

In October and November, criminal defense attorneys Aung Thein, Khin Maung Shein, and Nyi Nyi Htwe were sentenced to between four and six months' imprisonment for contempt of court after they objected to the lack of due process afforded several political prisoners they were representing. Another attorney, Saw Kyaw Kyaw Min, was cited for contempt but fled before he was imprisoned. Independent legal observers noted that it was unusual for lawyers to be imprisoned, rather than fined, for contempt of court. Fourteen other lawyers, most sentenced prior to 1998, remained imprisoned at year's end.

...Human rights observers reported that at year's end there were approximately 2,100 "security detainees," including political prisoners, merchants, violators of state security laws, and those accused of fostering religious disturbances. Because the government usually charged political detainees with criminal offenses, it denied holding any political prisoners. Despite government assertions, a vast majority of these prisoners were not believed to have engaged in any violence, theft, or other common crimes.

On January 29, authorities charged detained labor activist Su Su Nwe with sedition, libel against foreign powers, and association with an unlawful organization.

Also on January 29, officials charged Ye Min Oo, Ye Myat Hein, Kyi Phyu, and Si Thu Maung with sedition. The four were arrested for their alleged participation in the September 2007 prodemocracy protests. In November authorities sentenced Ye Min Oo to five years' imprisonment and Ye Myat Hein and Kyi Phyu to six years and six months each. Human rights observers believed that Si Thu Maung remained in detention at year's end.

In January nine 88 Generation Students members, including Min Ko Naing and Ko Ko Gyi, were charged with failing to register printed materials. The other seven persons charged were Kyaw Min Yu (Jimmy), Mya Aye, Aung Thu, Min Zeya, Zaw Htet Ko Ko, Myo Aung Naing, and Ko Tin Htoo Aung. In September 35 members of 88 Generation Students, including Min Ko Naing and Ko Ko Gyi, were charged under statutes prohibiting libel against friendly foreign governments and prohibiting speech or conduct intended to disrupt the government's "roadmap to democracy." In November Min Ko Naing, Ko Ko Gyi, Kyaw Min Yu, Mya Aye, Aung Thu, Min Zeya, and Myo Aung Naing were each sentenced to 65 years' imprisonment. Tin Htoo Aung was sentenced to 33 years' imprisonment. Zaw Htet Ko Ko remained in custody at year's end.

On March 8, police arrested opposition activist Aung Kyaw Oo, allegedly a leading figure in Generation Wave, an opposition group that authorities claimed was involved in the September 2007 protests. On November 11, authorities sentenced Aung Kyaw Oo to four years and six months in prison for his alleged involvement in the protests.

...On the night of June 4, officials arrested prominent comedian and activist Zarganar and charged him with violating the Video Act, Electronics Act, and Unlawful Association Act, among others. On June 13, police arrested Zaw Thet Htwe, a journalist who worked with

Zarganar to provide relief to victims of Cyclone Nargis. In November Zarganar was sentenced to 59 years' imprisonment and Zaw Htet Htwe to 15 years' imprisonment.

Between January and August, officials charged detained monk U Gambira with 10 counts, including illegal border crossing, association with an unlawful organization, publication of unapproved printed materials, undermining the security of the state, and rioting. In November he was sentenced to 68 years in prison.

On August 6, authorities arrested human rights activist Myo Min. On November 28, Myo Min was sentenced to five years' imprisonment.

On August 8, police arrested human rights activist Myint Aye at his home. On September 7, Director General of Police Khin Yi publicly accused Myint Aye of having engaged in a conspiracy to commit bombings, and on November 28, he was sentenced to 28 years' imprisonment after a closed trial.

On September 10, police arrested 88 Generation Students member Nilar Thein, who had been in hiding since August 2007, when authorities arrested 70 other 88 Generation Students activists, including her husband, Kyaw Min Yu. In November authorities sentenced Nilar Thein to 65 years' imprisonment. During the period she was in hiding, authorities reportedly kept under surveillance her infant daughter, whom she had been forced to leave with relatives.

Numerous prodemocracy and human rights activists arrested in 2007 were formally sentenced to prison terms during the year. In November leading 88 Generation Students members Phone Cho, Arnt Bwe Kyaw, Htay Kywe, Thet Zaw, Sandar Min, and Nyan Lin were sentenced to 65 years. Human rights observers believed that several other 88 Generation Students members arrested in 2007 remained in detention without conviction, including Zeya, Kyaw Kyaw Htwe (Markee), Panneik Tun, and Zaw Zaw Min.

In November officials sentenced several NLD members who were arrested in 2007 to prison terms, including Ko Kyi Phyu, who received a sentence of six years and six months; Aung Min Naing and Ko Wunna Aung, four years and six months each; and Ko Tin Myint, two years and six months. Human rights observers believed that several other NLD members arrested in 2007 remained in detention without conviction at year's end, including Ko Ye Min Zaw, Ko Soe Khine, Shwe Maung, Ko Myo Khin, Ko Tun Myint, Ko Tin Oo Maung, Thin Gan Gyun, Ko Phyo Min Kyin, Ko Tin Zaw Oo, Ko Law Lwin, Ko Taw Taw Aung, and Ko Ye.

Also in November officials sentenced Myanmar Development Committee leader Htin Kyaw, who was arrested in 2007, to 12 years' imprisonment. Human rights observers believed that several of his supporters remained in detention at year's end, including Zaw Nyunt, Ko Han, and Han Ti.

In November authorities sentenced human rights activist Aung Zaw Oo, arrested in 2007, to 12 years' imprisonment. Prodemocracy activist and musician Win Maw was sentenced to two years' imprisonment.

Human rights observers believed that prodemocracy activist Myat San, who was arrested in 2007, remained in detention at year's end. They also believed that the leader of Maggin Monastery, Sayada Aindakaat, remained in detention, as well as other monks arrested in 2007, including Sanda Wara.

NLD general secretary Aung San Suu Kyi remained under house arrest without charge and without trial. In May the regime again extended her detention, which began in 2003. Authorities continually denied Aung San Suu Kyi the ability to meet freely with her

supporters and others at a time and place of her choosing. However, in January authorities allowed her a supervised meeting with NLD party leaders, and in March she met with UN Special Envoy Gambari. In August and September, authorities permitted Aung San Suu Kyi to meet with her attorney on five occasions at her home to prepare her legal appeal of her house arrest. She also was permitted to meet with her doctor four times during the year. NLD Vice-Chairman Tin Oo also remained under house arrest without trial.

...On August 12, authorities arrested NLD MPs-elect U Nyi Pu and Tin Min Htut, two of five MPs-elect who signed a July 21 letter to UN Secretary-General Ban Ki-Moon and the UN Security Council criticizing the May constitutional referendum. They remained in detention at year's end. Two other signatories reportedly went into hiding following the arrest.

...On October 1, NLD member and former journalist Ohn Kyaing was arrested at his home. Ohn Kyaing was the chair of the NLD's Cyclone Nargis relief committee. He previously had served 15 years' imprisonment for "writing and distributing seditious pamphlets" and "threatening the security of the state." He was held without charge and released without explanation on December 11.

...Many prominent writers and journalists remained in prison for expressing their political views. According to Reporters Without Borders, at the beginning of the year, eight journalists were in prison, including Ko Aung Gyi, former editor of the sports magazine 90 Minutes, and Myat Swe (Sunny Swe) and his father Thein Swe, co-owners of the English- and Burmese-language weekly newspaper Myanmar Times. Government censorship boards prohibited publication or distribution of works authored by those in prison.

...On March 8, authorities arrested Hlaing Township NLD members Ko Thant Zin and Ko Tun Tun for allegedly possessing copies of the latest "Rambo" movie.

...The law limits freedom of assembly, and the government severely restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although it was not enforced consistently and authorities sometimes prohibited smaller gatherings. While still a legal political party, all NLD offices except its Rangoon headquarters remained closed by government order, and the NLD could not lawfully conduct party activities outside its headquarters building. The nine other legally registered political parties were required to request permission from the government to hold meetings of their members. Informal meetings involving NLD members occurred outside the NLD office; however, security officials closely monitored these activities. Authorities occasionally demanded that NLD leaders provide them with lists of attendees in advance in an attempt to discourage participation.

The regime and its supporters routinely used intimidation, violence, and the power of arrest to disrupt peaceful demonstrations and meetings.

On January 2, authorities arrested NLD MP-elect Aung Moe Nyo along with NLD members Nay Myo Kyaw, Sein Win, Than Tun, and Maung Oo. All were detained after holding meetings to commemorate Burmese Independence Day.

On June 19, Swan Arr Shin members arrested up to 14 participants at a ceremony to mark the 63rd birthday of NLD leader Aung San Suu Kyi. Witnesses reported that the detainees were beaten before being loaded into trucks and driven away. At year's end the persons remained in detention.

Police in Taungot, Rakhine State, detained 48 persons on August 8 following a silent procession through the streets on the 20th anniversary of the date in 1988 when the regime

violently suppressed prodemocracy protests in Rangoon. Although 43 detainees were subsequently released, five of the alleged leaders remained in custody.

On September 27, authorities arrested nine NLD members as they made their way to a ceremony at the party's Rangoon headquarters to mark the NLD's 20th anniversary. All nine were released later that day but were not permitted to attend the ceremony.

On December 30, authorities in Rangoon arrested nine NLD members as they carried a banner reading "Free Aung San Suu Kyi" on a major Rangoon thoroughfare. They remained in detention at year's end.

...The government restricted freedom of association, particularly for NLD members, prodemocracy supporters, and those who contacted exile groups. A statute prohibits associating with any organisation that the head of state declares to be unlawful.

Freedom of association generally existed only for government-approved organizations, including trade associations, professional bodies, and the USDA. Few secular, nonprofit organisations existed, and those that did took special care to act in accordance with government policy. There were 10 legally registered political parties, but most were moribund. Authorities harassed and intimidated parties that did not support regime policies.

...The government continued its efforts to control the Buddhist clergy (Sangha). It tried Sangha members for "activities inconsistent with and detrimental to Buddhism" and imposed on the Sangha a code of conduct enforced by criminal penalties. The government did not hesitate to arrest and imprison lower-level Buddhist monks who opposed the government. In prison monks were defrocked and treated as laypersons. In general imprisoned monks were not allowed to shave their heads and were not given food in accordance with the monastic code. Like other political prisoners, they were often beaten and forced to do hard labor. The government also subjected the Sangha to special restrictions on freedom of expression and association.

The government prohibited efforts by Buddhist clergy to promote human rights and political freedom. Members of the Sangha were not allowed to preach sermons pertaining to politics. Religious lectures could not contain any words, phrases, or stories reflecting political views. The regime told Sangha members to distance themselves from politics, political parties, and members of political parties. The government prohibited any organization of the Sangha other than the nine state-recognized monastic orders under the authority of the State Clergy Coordination Committee. The government prohibited all religious clergy from being members of a political party.

On July 15, police arrested nine monks at Rangoon Central Railway Station. In August they were sentenced to two years' imprisonment for "the deliberate and malicious...outraging of religious feelings."

On August 23, authorities arrested monks U Damathara and U Nandara, both from the Thardu monastery in Rangoon. Officials did not acknowledge their arrest, although human rights observers believed they may have been detained as a precaution against future protests. They likely remained in custody at year's end.

In the weeks before the September anniversary of the 2007 protests and crackdown, security forces occupied some monasteries in the cities of Rangoon and Mandalay and the state of Rakhine that were suspected of involvement in prodemocracy activities (US Department of State 2009, *Country Report on Human Rights Practices for 2008 – Burma*, 25 February – Attachment 36).

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