

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Country: Burma (Myanmar)
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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Is Kyaw Myat Soe the son of the Minister for National Planning and Economic Development?**
- 2. Is the Scorpion gang still in operation?**
- 3. Do the authorities take actions against the activities of the Scorpion gang?**

RESPONSE

1. Is Kyaw Myat Soe the son of the Minister for National Planning and Economic Development?

A search of the sources consulted found reference to Kyaw Myat Soe being the son of the Minister for National Planning and Economic Development in Burma. An article dated 4 December 2004 indicates that the Minister for National Planning and Economic Development in Burma is U Soe Tha ('Burma, Indonesia to maintain "fraternal relations"' 2004, *BBC Monitoring Asia Pacific*, source: The New Light of Myanmar website, Rangoon, 4 December – Attachment 1). According to an article dated 23 December 2003, U Soe Tha was assigned to that position in December 1997 ('Details of cabinet reshuffle' 1997, *BBC Monitoring Service: Asia-Pacific*, source: BurmaNet News Listserv (Internet), 23 December – Attachment 2). A list of the Ministers in Burma's Cabinet as at 11 November 2004 is attached ('Cabinet of Burma' 2004, The Irrawaddy website, updated 11 November 2004 <http://www.irrawaddy.org/aviewer.asp?a=3532&print=yes&c=e> – Accessed 6 January 2005 – Attachment 3).

A Bank of England list of individuals from Burma/Myanmar who are financial sanctions targets in the United Kingdom refers to Kyaw Myat Soe as the "Child of U Soe Tha (Minister)." The list indicates that U Soe Tha is the Minister for National Planning and Economic Development (The Bank of England 2004, 'Consolidated list of financial sanctions targets in the UK', The Bank of England website, updated 27 October, Nos. 106, 253 & 276, <http://www.bankofengland.co.uk/sanctions/burma-myanmar.htm> - Accessed 7 January 2005 – Attachment 4).

2. Is the Scorpion gang still in operation?

A search of the sources consulted found no reference to information in relation to whether the Scorpion gang is still in operation. Reference was found to information that indicates that the Scorpion gang appears to have still been active in early 2002. According to an article in the Kao Wao News Group newsletter of 10-21 March 2002, in March 2002, Burmese Military Intelligence had arrested Aye Zaw Win, the son-in-law of former president General Ne Win, along with three of Aye Zaw Win's sons "on charges of planning to overthrow the military government and splitting the armed forces." It is stated in the article that one of the sons, Kyaw Ne Win, was "the leader of the notorious Scorpion gang which was cracked down on recently by the Junta's authorities in Rangoon. Recently, the two universities were closed down because of the fighting involving Ne Win's grandson" (Win, Kanbawza 2002, 'Will the Junta live up to its rhetoric?', *Kao Wao News Group*, 10-21 March <http://www.mrcusa.org/kaowao13.htm> - Accessed 24 September 2003 – Attachment 5).

Another article dated 20 February 2002 indicates that two universities had been temporarily closed following rioting rumoured to have involved members of the Scorpion gang. It is stated in the article that:

It has been reported that the military had to intervene to take control of the situation following a riot involving students from the Institute of Economics and the Culture University in Ywarthargyi in South Dagon Township on 14 February. Although the exact cause of the problem has not been known, rumours circulating in Rangoon are saying that the incident started with a brawl between members of the Scorpion Gang of Kyaw Ne Win, a grandson of U Ne Win [former dictator], and the White Snake Gang, and later developed into a clash between the students of the two universities ('Junta temporarily closes two universities following gang brawls' 2002, Democratic Voice of Burma website, 20 February http://english.dvb.no/print_news.php?id=1596 – Accessed 7 January 2005 – Attachment 6).

An earlier article dated 22 April 2001 mentions that Ne Win's grandsons were involved in the Scorpion gang's criminal activities (Zin, Min 2001, 'The Nation: Like fathers, like sons: Youth gangs rule Burma nightlife', *The Irrawaddy*, 22 April – Attachment 7).

3. Do the authorities take actions against the activities of the Scorpion gang?

As previously mentioned, an article in the Kao Wao News Group newsletter of 10-21 March 2002 notes that in March 2002, the Burmese authorities arrested General Ne Win's son-in-law Aye Zaw Win along with three of Aye Zaw Win's sons, including Kyaw Ne Win, "the leader of the notorious Scorpion gang which was cracked down on recently by the Junta's authorities in Rangoon." The four men were arrested "on charges of planning to overthrow the military government and splitting the armed forces" (Win, Kanbawza 2002, 'Will the Junta live up to its rhetoric?', *Kao Wao News Group*, 10-21 March, <http://www.mrcusa.org/kaowao13.htm> - Accessed 24 September 2003 – Attachment 5). Another article dated 10 March 2002, which also refers to the arrest of the son-in-law and three grandsons of Ne Win, notes that:

Since Ne Win's retirement in 1988, his protege, Khin Nyunt, has been seen as the family's guardian, but lately even he has tired of their dodgy business dealings and bad behaviour.

Last year he said he was "washing his hands" of one of the arrested grandsons, Kyaw Ne Win, a notorious hooligan.

Many ordinary citizens expressed relief Sunday that the leader of the notorious "Scorpion" gang, which roams Yangon with impunity, had been reined in ('Myanmar junta set to purge ranks after "coup" attempt scuttled' 2002, *Agence France-Presse*, 10 March – Attachment 8).

A further article dated 15 August 2003 indicates that Aye Zaw Win and the three sons, Aye Ne Win, Kyaw Ne Win and Zwe Ne Win had been sentenced to death in September 2002 "for plotting to overthrow the ruling junta." They had made two appeals to the Supreme Court, but these had been rejected. According to a source close to the family, their only recourse was for a pardon. It is stated in the article that:

Diplomats and analysts following the case have said Myanmar's military government was unlikely to hang the four, as the death penalty has not been used since it came to power in 1988.

Most observers doubt they were seriously attempting to mount a takeover, but believe the ruling State Peace and Development Council wanted to demonstrate its firm grip on power ('Myanmar's top court upholds death penalty for Ne Win relatives' 2003, *Agence France-Presse*, 15 August - Attachment 9).

According to an Amnesty International report dated 1 April 2004, the four men remained "under sentence of death in Insein Prison." It is stated in the report that:

On 26 September 2002 the Yangon Divisional Court No 1 handed down the death penalty to U Aye Zaw Win, Aye Ne Win, Kyaw Ne Win, and Zwe Ne Win, the son-in-law and three grandsons of the late General Ne Win, who was head of State from 1962 until 1988. The four were sentenced under Article 122(1) of the Myanmar Penal Code, which states: "*Whoever commits High Treason within the Union of Burma shall be punished with death.*" The Ne Win family was widely believed to have been involved in economic activities which were contrary to SPDC interests; and to have attempted to influence some members of the military to support their businesses. The death sentences were upheld by the Supreme Court on 15 August 2003. At the time Amnesty International wrote to Senior General Than Shwe as Head of State urging him to commute the sentences. The four men remain under sentence of death in Insein Prison. (Amnesty International 2004, 'Myanmar – The Administration of Justice – Grave and Abiding Concerns', AI Index: ASA 16/001/2004, Amnesty International website, 1 April <http://web.amnesty.org/library/print/ENGASA160012004> - Accessed 10 January 2005 – Attachment 10).

Another article dated 11 March 2002 refers to a crackdown on the Scorpion gang by the Burmese authorities in 2001. According to the article:

Under ordinary circumstances it would be preposterous to even think that the rise and fall of a youth gang could indicate something consequential at the national level. But not in Burma, especially when that youth gang happens to be run by Kyaw Ne Win, grandson of Burma's once most powerful dictator retired Gen. Ne Win and alleged conspirator in the coup plot.

The "Scorpion" gang run by the rich and young and protected at one time by those in power, including Ne Win's protégé Chief of Intelligence Bureau Lt Gen Khin Nyunt, was notorious for its hooliganism and criminal activities, including abduction and even a reported murder of a youth.

After years and years of running amok with no one daring to control it, fortunes turned against the "Scorpions" when the authorities decided to crack down on the gang last year. Sources in Rangoon say police raided a meeting place of the Scorpions in May 2001 and arrested 25 gang members, jailing 15 of them. Although the grandson of Ne Win was not among those arrested, the raid signaled that the former powerful family of Ne Win was no longer under the protection of number-three man in the ruling junta, Lt Gen Khin Nyunt, who was reported to have "washed his hands off" the youngster ("Coup Plot' Revealed' 2002, National Coalition Government of the Union of Burma website, 11 March <http://www.ncgub.net/NCGUB/PV-NCGUB%20Newsdesk%20,%20March%2011,%202002.htm> – Accessed 7 January 2005 – Attachment 11).

An earlier article dated December 2001 indicates that the police crackdown on the Scorpion gang was reported to have sent its leaders into hiding. It is stated in the article that:

Some youth members were apprehended by police while one prominent gang member, Kyaw Ne Win, grandson of aging dictator Gen Ne Win, is believed to have fled the country.

Some Burmese in Singapore spotted Kyaw Ne Win in the Lion City recently, but he wasn't alone. "A high-ranking military intelligence official accompanied him," said a Burmese source in Singapore.

The Scorpions, believed to have been established in 1995 by Burmese with links to the Japanese Yakuza, became well known in 1998 when they killed gang member Thar Lainmar. It is believed that increasing involvement with drugs finally led to the crackdown.

Until recently, the Scorpions were untouchable, as many gang members are sons and daughters of prominent businessmen with close connections to top military leaders. Residents of Rangoon say police would change traffic lights from red to green whenever black-clad gang members approached intersections as they roamed the city at night on their powerful motorcycles.

Though in the early days they started out as a small youth gang, they later expanded into car smuggling, extortion and drugs. "After the MI [the ruling junta's Military Intelligence Service], the Scorpions became the most powerful group in Rangoon," said a source familiar with the gang ('Intelligence - Tin Oo back to haunt Khin

Nyunt? – Scorpions on the run’ 2001, *The Irrawaddy*, Vol. 9, No. 9, December – Attachment 12).

According to an article dated 19 November 2004, Burma’s State Peace and Development Council had announced that “about 4,000 prisoners who have been unjustly detained by the National Intelligence Bureau” would be released. An unidentified senior officer at Insein jail was reported to have indicated that “Those who had been detained in connection with Scorpion Gang formed by the grand children of U Ne Win might also be among the released” (‘Burma opposition radio cites official on identity of prisoners to be released’ 2004, *BBC Monitoring Asia Pacific*, source: Democratic Voice of Burma website, 19 November – Attachment 13).

List of Sources Consulted

Internet Sources:

Copernic search engine

The Irrawaddy website www.irrawaddy.org

The Bank of England website www.bankofengland.co.uk

National Coalition Government of the Union of Burma website www.ncgub.net

Democratic Voice of Burma website <http://english.dvb.no>

BBC News website <http://news.bbc.co.uk>

Amnesty International website www.amnesty.org

Human Rights Watch website www.hrw.org

<u>Databases:</u>		
Public	<i>FACTIVA</i>	Reuters Business Briefing
DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, U.S. Department of State <i>Country Reports on Human Rights Practices</i> .
UNHCR	<i>REFWORLD</i>	UNHCR Refugee Information Online
Public	<i>JANE’S</i>	Jane’s Intelligence Review
RRT Library	<i>FIRST</i>	RRT Library Catalogue

List of Attachments

1. ‘Burma, Indonesia to maintain “fraternal relations”’ 2004, *BBC Monitoring Asia Pacific*, source: The New Light of Myanmar website, Rangoon, 4 December. (FACTIVA)
2. ‘Details of cabinet reshuffle’ 1997, *BBC Monitoring Service: Asia-Pacific*, source: BurmaNet News Listserv (Internet), 23 December. (FACTIVA)
3. ‘Cabinet of Burma’ 2004, The Irrawaddy website, updated 11 November 2004. (<http://www.irrawaddy.org/aviewer.asp?a=3532&print=yes&c=e> – Accessed 6 January 2005)
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5. Win, Kanbawza 2002, 'Will the Junta live up to its rhetoric?', *Kao Wao News Group*, 10-21 March. (<http://www.mrcusa.org/kaowao13.htm> - Accessed 24 September 2003)
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7. Zin, Min 2001, 'The Nation: Like fathers, like sons: Youth gangs rule Burma nightlife', *The Irrawaddy*, 22 April. (CISNET Burma CX95242)
8. 'Myanmar junta set to purge ranks after "coup" attempt scuttled' 2002, *Agence France-Presse*, 10 March. (FACTIVA)
9. 'Myanmar's top court upholds death penalty for Ne Win relatives' 2003, *Agence France-Presse*, 15 August. (FACTIVA)
10. Amnesty International 2004, 'Myanmar – The Administration of Justice – Grave and Abiding Concerns', AI Index: ASA 16/001/2004, Amnesty International website, 1 April. (<http://web.amnesty.org/library/print/ENGASA160012004> - Accessed 10 January 2005)
11. '“Coup Plot” Revealed’ 2002, National Coalition Government of the Union of Burma website, 11 March. (<http://www.ncgub.net/NCGUB/PV-NCGUB%20Newsdesk%20,%20March%2011,%202002.htm> – Accessed 7 January 2005)
12. 'Intelligence - Tin Oo back to haunt Khin Nyunt? - Scorpions on the run' 2001, *The Irrawaddy*, Vol. 9, No. 9, December. (CISNET Burma CX95245)
13. 'Burma opposition radio cites official on identity of prisoners to be released' 2004, *BBC Monitoring Asia Pacific*, source: Democratic Voice of Burma website, 19 November. (FACTIVA)