

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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RESPONSE

1. Are staff of western embassies in Burma of interest to the Burmese authorities?

RRT Research Response MMR35778 contains a DFAT Response to a RRT Country Advice Information Request on the treatment of locally-engaged staff at the British Embassy, Yangon between 2004 and 2008.¹

The following sources indicate that western embassies in Burma are held in suspicion by the military junta and that the perceived anti-Myanmar activities of the embassies, particularly those of the American and British embassies, are reported in the state-owned paper *The New Light of Myanmar*. Sources suggest that embassy activities are monitored and people have been arrested entering and exiting embassies (primarily the US embassy). *The New Light of Myanmar* has named locally-engaged staff on at least one occasion for ‘delivering instructions’ to opposition groups such as the National League for Democracy. On at least one occasion an Ambassador and a locally-engaged staff member had their personal

¹ RRT Country Advice 2009, *Research Response MMR35778*, 21 December – Attachment 1

information published in *The New Light of Myanmar*. Furthermore, at least one locally-engaged staff member has been arrested and imprisoned by Burmese authorities (in 1990). Sources indicate that some western embassies do provide western media outlets with information on events inside Burma. Sources also indicate that embassies do communicate with democratic opposition organisations inside Burma, raising the ire of the military junta.

The Burmese newspaper *The New Light of Myanmar* is commonly referred to as a 'mouthpiece' of the State Peace and Development Council (SPDC), the official title of the Burmese military junta. An August 2006 report in *The New Light of Myanmar* entitled 'Diplomats and staff of British, US embassies frequent NLD HQ, Puppet of West Bloc', accuses embassy staff of "violation of diplomatic code of conduct and inappropriate acts". The report provides information on the activities and personal details of diplomats and locally-engaged staff from the British and American embassies in Rangoon. In particular, the report details an apparent visit to the headquarters of the National League for Democracy (NLD) by the United Kingdom Ambassador, including the registration plate of the car the Ambassador travelled to the meeting in. *The New Light of Myanmar* accuses staff from both the British and American embassies of frequently visiting, sending letters and delivering "instructions" to "NLD HQ". The report also accuses Daw Shwe Sin Nyunt, a locally-engaged worker at the US Embassy, of delivering "the embassy's instructions and take whatever feedback the NLD gives". The paper then publishes her home address. *The New Light of Myanmar* justifies its actions by stating that they are "[r]eflecting the wishes and attitudes of duty-conscious people including journalists, magazines and journals are carrying news reports with photos to expose those diplomats and staff as well as the NLD for their violation of diplomatic code of conduct and inappropriate acts":

YANGON, 22 Aug — It is learnt that Mr Mark Canning, who has recently presented his credentials as Ambassador of the United Kingdom to the Union of Myanmar, arrived at National League for Democracy Headquarters in his car with licence plate No Than (2/1) and met NLD Chairman U Aung Shwe, Secretary U Lwin and CEC members for about an hour yesterday afternoon.

Diplomats and staff of British Embassy frequented the NLD HQ and sent letters and instructions to it for about 30 times from January to July 2006.

Likewise, diplomats and staff of American Embassy have visited the NLD HQ almost every day, sending letters and holding discussions for more than 130 times from January to July 2006. **In doing so, Daw Shwe Sin Nyunt, a staff member of the information department of the US Embassy, always accompanies those diplomats.** She also visits the NLD HQ alone many times to send the embassy's instructions and take whatever feedback the NLD gives.

Thirty-seven year-old Daw Shwe Sin Nyunt, the daughter of U Nyunt Pe and Daw Khin May Chaw, is married and served in the culture department of French Embassy after she had left the University of Economics as a second year student in 1989. Since 23-12-2005, she has been working for the information department of the US Embassy. **She now lives at No 4, 2nd Street, Shwegondine Ward (West), Bahan Township.**

Reflecting the wishes and attitudes of duty-conscious people including journalists, magazines and journals are carrying news reports with photos to expose those diplomats and staff as well as the NLD for their violation of diplomatic code of conduct and inappropriate acts, it is learnt.

NLD is also being criticized for its being a party which is a puppet of the west bloc and seeking its own interest in order to grab power via shortcut.²

On 2 November 2006 *The New Light of Myanmar* published an English translation of a speech by the Myanmar Minister for Information, Brig-Gen Kyaw Hsan. Brig-Gen Kyaw Hsan does not specifically mention foreign or locally-engaged workers at western embassies in Rangoon in the speech. Rather, he accuses western powers, particularly the United States and the United Kingdom, of assisting opposition groups via their embassies. Brig-Gen Kyaw Hsan accuses the “US and its associates” of “attempting to make the nation get into crisis”. In particular, Brig-Gen Kyaw Hsan argues that the American and British embassies are making contact and helping distribute funds to opposition groups such as the ‘88 generation’. Brig-Gen Kyaw Hsan condemns the US Embassy for allegedly assisting Min Ko Naing³, one of the leaders of the 88 Generation, and others by arranging the delivery of a letter to the then UN Secretary General, Kofi Annan.⁴

The National Coalition Government of the Union of Burma was formed by members democratically elected to the Burmese parliament in the 1990 elections, the results of which were ignored by the military regime. According to the *Burma Human Rights Yearbook 2007*, produced by the Human Rights Documentation Unit of the National Coalition Government of the Union of Burma, the American Embassy in Rangoon played host on 1 May 2007 to a “discussion on labour rights” by “a group of labour rights advocates”. The Yearbook states that one of the organisers was arrested on the way to the embassy for the discussion, while others were arrested after they left the embassy. The Yearbook adds that during the workshop “there was a large SPDC security presence outside the Embassy”.⁵

The article ‘Destructive Elements Try to Incite Unrest’ appeared in *The New Light of Myanmar* in June 2008. Among other things, the article accuses “western powers” of wanting to “install a puppet government under their authority”, and states that western embassies in Yangon are conducting training courses for National League for Democracy (NLD) members in “English proficiency... and international affairs.” *The New Light of Myanmar* adds that “[i]t is obvious that the training courses are designed to establish a teacher-pupil relationship between their masters from the west and the axe-handle lackeys inside the nation”:

Western powers on their part were interfering in Myanmar’s affairs. Their aim was to install a puppet government under their authority.

...some embassies in Yangon of the western nations and NLD made contacts and they conducted unlawful training courses. Responsible personnel of NLD communicated with the US and British embassies. Later, NLD members had been able to attend free of charge the English proficiency course and international affairs course opened at the British Embassy and

² ‘Information Sheet’, NO. D- 3773(I)’ 2006, Myanmar Information Committee website, source: *The New Light of Myanmar*, August 23 <http://www.myanmar-information.net/infosheet/2006/060823.htm> – Accessed 25 November 2009 – Attachment 2

³ Min Ko Naing has since been sentenced to 65 years imprisonment. See Saw, Y. N. 2009, ‘Min Ko Naing Needs Urgent Medical Attention, NLD Says’, *The Irrawaddy* http://www.irrawaddy.org/article.php?art_id=17293 – Accessed 27 November – Attachment 3

⁴ ‘Stability of the State, community peace and tranquility, and prevalence of law and order necessary for national development...’ 2006, Myanmar.com, source: *The New Light of Myanmar*, 2 November <http://www.myanmar.com/pressconference/02-11-06d.html> – Accessed 20 November 2009 – Attachment 4

⁵ Human Rights Documentation Unit 2007, *Burma Human Rights Yearbook*, National Coalition Government of the Union of Burma website, September, p.275 <http://www.ncgub.net/BHRY/2007/pdf/YB2007.pdf> – Accessed 20 November – Attachment 5

the English proficiency course, international relations course and the global technology network course opened at the American Centre. The junior leaders of NLD and some Hluttaw representatives are attending such courses. It is obvious that the training courses are designed to establish a teacher-pupil relationship between their masters from the west and the axe-handle lackeys inside the nation. Only those concerned will know better what additional subjects are being taught at these courses and what their plans for the future are.⁶

The Diplomat's Handbook is produced by the Council for a Community of Democracies (CCD), a non-government organisation made up of a number of former diplomatic staff, including ex-ambassadors. According to its website, the CCD is devoted to coordinating efforts by western states to promote democracy.⁷ Although it does not appear to be the Handbook's intention to infer that western embassies undertake activities provocative to the regime, it does include information on activities of western embassies in Burma that are likely to raise the ire of an authoritarian and censorious regime. In the chapter devoted to Burma, *The Diplomat's Handbook* states that “[w]hile Embassies, and especially the Australian today, have tried to be approachable, all are under regular surveillance by the regime, and fear of questioning or worse inhibits the civil population from coming, especially to the US Embassy.” It adds that “[i]n the absence of objective news gathering – the regime has expelled most foreign journalists and blacked out web sites – diplomats have a long history of informing media outlets of the internal situation.” Further, “[e]mbassies also support the actual dissemination of information to the Burmese public. Both the American Center and the British Council provide important access to information to Burmese citizens, such as English medium newspapers and materials published by exile-groups”:

While Embassies, and especially the Australian today, have tried to be approachable, all are under regular surveillance by the regime, and fear of questioning or worse inhibits the civil population from coming, especially to the US Embassy.

...In the absence of objective news gathering – the regime has expelled most foreign journalists and blacked out web sites – diplomats have a long history of informing media outlets of the internal situation. In 1988, Dutch Ambassador Peter van Walsum, based out of Bangkok, gave extensive interviews to the press reporting on the nature of the crackdown and its brutality. **US Ambassador Burton Levin released reports that the embassy had received “credible, first hand reports” of beatings, torture and executions of pro-democracy activists and others, thousands of whom were arrested.**

Burma's government has long controlled public access to information, and to the means of communication. Cell phone costs are prohibitive. Land lines are primitive. Internet servers are frequently jammed. In such a closed society, rumors are rife and travel quickly.

Embassies play a key role in informing the Burmese public and the international community about activities and events occurring in Burma. Embassies have committed resources to support media and journalism trainings for young Burmese journalists. While independent media sources are starting to develop in Burma, training is not readily available and the quality of reporting tends to be varied. Embassies support training programs, both in Rangoon and in Thailand, to help Burmese journalists learn how to write, develop, edit, and market pieces for a wide-range of audiences. The Czech Embassy provided a basic video and journalism course in Burma: how to use a camera, how to edit, and how to produce

⁶ ‘Destructive Elements’ Try to Incite Unrest’ 2006, BBC News Alerts, source: *The New Light of Myanmar*, 22 June – Attachment 6

⁷ Hunter, R. (undated), ‘Introduction’, Council for a Community of Democracies website <http://www.ccd21.org/about/index.html> – Accessed 26 November 2009 – Attachment 7

a story. This was not explicitly political, but proved extremely useful in providing imagery of the 2007 crackdown.

Embassies also support the actual dissemination of information to the Burmese public. Both the American Center and the British Council provide important access to information to Burmese citizens, such as English medium newspapers and materials published by exile-groups. The information available at the centers provide Burmese users a vital link to the outside world as well as a better understanding of what exactly is occurring in Burma itself. The centers also invite speakers from outside to present – and some have spoken both about the international policy toward Burma and the situation with the insurgencies and in refugee areas in Thailand. The Japanese Embassy, which enjoys greater access to the regime than other embassies, has often conveyed information between the SPDC and the NLD. “I think the NLD appreciates our activities. We can give them information. Unfortunately, the NLD has no contact with the government.”⁸

In November 1990 Yin Yin May, a pregnant Burmese woman working as an information officer at the British Embassy, was sentenced to three years in prison for allegedly leaking the contents of a letter written by General Khin Nyunt to “a leader of National League for Democracy”. It is not clear to whom Yin Yin May allegedly leaked the contents of the letter to, however the source does state that prior to her arrest and imprisonment, she had previously been arrested on a number of occasions and questioned on “what information she was reporting to the Embassy officials”. According to the Burmese Women’s Union & Assistance Association for Political Prisoners, “[s]he was released on April 26th, 1992 by the General Amnesty” and returned to work for the British Embassy:

Yin Yin May worked as an information officer at the British Embassy in Rangoon. In 1989 and 1990, while she was doing her duty of collecting information on Burmese political situations and reporting to an Embassy officer, the military intelligence officers arrested her several times to interrogate her.

They wanted to know what information she was reporting to the Embassy officials. She was persuaded and pressured to accompany the military intelligence.

At the end of 1990, then a leader of the military regime Gen. Khin Nyunt (now the Prime Minister of the SPDC) gave a letter to a leader of National League for Democracy. There were prohibitions against political movements of NLD in that letter. Later, the regime arrested many NLD leaders accused of leaking the information in that letter.

Yin Yin May was arrested on November 16 and accused of participating in that leaking information. Three days later, on November 19, she was tried in the military court in Insein. That day, she was sentenced at once to 3-year imprisonment.

She was released on April 26th, 1992 by the General Amnesty. After she was released, the authorities prohibited her to write, to teach, or leave the Rangoon area for one year.

⁸ Council for a Community of Democracies 2009, *A Diplomat’s Handbook for Democracy Development Support*, The Diplomat’s Handbook website, 11 September http://www.diplomatshandbook.org/pdf/Handbook_Burma.pdf – Accessed 20 November 2009 – Attachment 8

A month after she was released, she worked again for the British Embassy in Rangoon. Even though she was released, a military intelligence officer came to Yin Yin May's house everyday to watch her closely.⁹

2. Would persons of interest to authorities experience difficulties obtaining necessary documents to depart the country?

3. Do returnees to Myanmar have their passport taken upon return so they cannot leave again?

The difficulty of obtaining documents by locally-engaged staff at the British Embassy in Yangon has since been addressed by DFAT in *RRT Research Response MMR35778*.¹⁰

The following information on procedures and difficulties associated with departing Burma is contained in the US Department of State's *Country Report on Human Rights Practices 2008 – Burma*. The report states that “[t]he government carefully scrutinized prospective travel abroad of all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of up to 300,000 kyat (approximately \$230), roughly equivalent to the average annual salary of a skilled worker.” Furthermore, “[t]he government regularly denied passports on political grounds”:

An ordinary citizen needed three documents to travel outside the country: a passport from the Ministry of Home Affairs, a revenue clearance from the Ministry of Finance and Revenue, and a departure form from the Ministry of Immigration and Population.

...The government carefully scrutinized prospective travel abroad of all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of up to 300,000 kyat (approximately \$230), roughly equivalent to the average annual salary of a skilled worker. **The government regularly denied passports on political grounds.** College graduates who obtained a passport (except for certain government employees) were required to reimburse the government for the cost of their education. It frequently took several months to receive a passport, particularly if the applicant was unwilling to offer a bribe as incentive for speedier service.¹¹

A March 2009 UK Home Office *Country Of Origin Information Report: Burma (Union of Myanmar)* quotes a August 2007 letter from the Foreign and Commonwealth Office (FCO) at the British High Commission Rangoon that provides information on legal options for Burmese citizens intending to depart Burma. According to the letter, procedures include the acquisition of an exit stamp for ‘authorised destinations’. The letter adds “that prominent National League for Democracy (NLD) members do not leave the country, either because they are not given permission to, or because they fear they will not be allowed re-entry into Burma”:

16.03 In a letter dated 15 August 2007, the Foreign and Commonwealth Office (FCO) at the British High Commission, Rangoon, stated that there were three ways a Burmese citizen can legally exit Burma:

⁹ Burmese Women's Union & Assistance Association for Political Prisoners (Burma) 2004, ‘Women Political Prisoners In Burma’, Assistance Association for Political Prisoners (Burma) website, September <http://www.aappb.org/Women%20Political%20Prisoners%20in%20Burma.pdf> – Accessed 26 November 2009 – Attachment 9

¹⁰ RRT Country Advice 2009, *Research Response MMR35778*, 21 December – Attachment 1

¹¹ US Department of State 2009, *Country Report on Human Rights Practices 2008 – Burma*, 25 February, Section 2.D – Attachment 10

- a) holding a valid passport and valid departure papers (known as ‘D-forms’)
- b) at legal border crossing points, either with a passport and D-form or with a border crossing card (which you can receive at the border and requires the return of the citizen within 24 hours).
- c) We have heard that the Burmese authorities have recently started issuing 3-year temporary passports at particular crossing points (Myawaddy and Kawthoung), as part of their policy to manage the flow of economic migrants crossing the border. We are still trying to confirm this information.” [5h]

16.04 The same source noted:

“All Burmese citizens exiting Burma legally have to receive an exit stamp. If they are travelling by air, the exit stamp will mark the date of departure and the flight number. If they are crossing at legal border immigration points, the exit stamp will mark the date of departure and the name of the border crossing. The exit stamp does not include information about the date required to return. Nor does it include information about the authorised destination, although if travelling by air, the flight number effectively states the initial destination of travel and D forms state the authorised destination.” [5h]

16.05 **The FCO also added in a letter dated 30 October 2007 that prominent National League for Democracy (NLD) members do not leave the country, either because they are not given permission to, or because they fear they will not be allowed re-entry into Burma. NLD members who are not active, and therefore not blacklisted, would be able to exit and enter the country without questioning.**¹²

The March 2009 UK Home Office *Country of Origin Information Report: Burma (Union of Myanmar)* does state that the issuance of passports in Burma is “subject to security clearance”. According to Foreign and Commonwealth Office (FCO) information provided to the UK Home Office, to obtain security clearance passport applicants must, amongst other things, provide “information about their history” and attend “mini interviews with a range of officials who can on occasion ask intimidating questions.” The FCO states that anti-government political activists are unlikely to be issued with passports.¹³

October 2005 DFAT advice to DIMIA states that it is possible for a prisoner detained in a Burma gaol to obtain a passport via a broker, particularly if the detainee was imprisoned for “low-level offences”, is in possession of his/her National Registration Card and has avoided being placed on an “internal alert list”:

It is possible that an individual detained by authorities could be issued with a passport via a broker while in prison. In particular, an individual held by authorities for low-level offences (or questioning) would probably still be in the possession of his/her National Registration Card (which is mandatory for obtaining a passport) and could well have avoided being placed on any internal alert list. Obtaining a passport while in detention will, however, increase the fees required to secure a broker’s services, particularly if the passport is required urgently.

To obtain a passport, a Burmese national initially requires clearance from their local government and police authorities. The authorities have denied these clearances based on

¹² UK Home Office 2009, *Country Of Origin Information Report: Burma (Union of Myanmar)*, 4 March, Section 16.3-5 – Attachment 11

¹³ UK Home Office 2009, *Country Of Origin Information Report: Burma (Union of Myanmar)*, 4 March, Section 16.16-17 – Attachment 12

political activities. The passport application, with the above local clearances, then has to be submitted in Rangoon, where the application is checked against the movement control list. An individual on the list would not normally be issued a passport. In addition, the list is checked against completed D-Forms and individuals on the list are usually prevented from leaving Burma, even if they have somehow obtained a valid passport.

...we have heard that approval of the local authorities can be facilitated by cash payments if the individual's anti-regime activities are local and do not have a high profile. However, the movement control list is reportedly based on a centrally-maintained computer database, which would be difficult to avoid.¹⁴

In a 2006 letter to the then Department of Immigration and Multicultural Affairs (DIMA), the United Nations High Commission for Refugees (UNHCR) states that “even if an individual does not have a political profile, it is reasonable to believe that any person whom the Myanmar Government suspects to have applied for refugee status abroad, and who has the profile of someone who *may* harbor a political opinion, risks being charged under the *1950 Emergency Provisions Act* upon his or her return to Myanmar, and subjected to disproportionate punishment”:

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

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

According to the Burmese Women's Union & Assistance Association for Political Prisoners (Burma), Yin Yin May, a Burmese woman who had worked for the British Embassy and who was imprisoned in November 1990 for “leaking information” was able to leave Burma and reportedly now works for BBC Burmese Section in London. The report does not state whether Yin Yin May's departure was legal, nor does it detail any difficulties with Burmese authorities she may have experienced during her departure.¹⁶

¹⁴ DIMIA Country Information Service 2005, Country Information Report No. 05/60 – Burmese Passport and Departure Procedures, (sourced from DFAT advice 12 October 2005), 14 October – Attachment 13

¹⁵ UNHCR 2006, ‘Return of asylum seekers to Myanmar’, Letter to DIMA, 15 June – Attachment 14

¹⁶ Burmese Women's Union & Assistance Association for Political Prisoners (Burma) 2004, ‘Women Political Prisoners In Burma’, Assistance Association for Political Prisoners (Burma) website, September, p.49 <http://www.aappb.org/Women%20Political%20Prisoners%20in%20Burma.pdf> – Accessed 26 November 2009 – Attachment 9

4. Is there current information on whether the government of Myanmar fears spy activity in their country and what they might be doing about it?

5. Is there any information that suggests the Myanmar government is accusing people of spying when there might not be evidence of such activity?

A June 2008 article in the *Los Angeles Times* entitled 'In Myanmar, a Times reporter worked in secret to cover the story', the anonymous author states that "Myanmar's military regime is suspicious of outsiders, fearing they are spies or that their presence could expose the fallacy of the government's claim to be an all-powerful provider of development and stability." According to the article, foreigners caught trying to enter the Irrawaddy Delta following the Cyclone has their names and passports details recorded before being turned back. Furthermore, "[l]ocal people accompanying them were interrogated":

Over the last 16 years, I have reported on famine, massive earthquakes and a tsunami. Cyclone Nargis is the first natural disaster that required working undercover to write about the hungry, sick and homeless.

Myanmar's military regime is suspicious of outsiders, fearing they are spies or that their presence could expose the fallacy of the government's claim to be an all-powerful provider of development and stability.

The May 2-3 storm killed at least 78,000 people. And 56,000 are missing.

More than a month after the cyclone, the government continues to deny unhindered access to the disaster zone for foreign experts, such as medical and water-purification teams, threatening thousands of lives, especially those of children, pregnant women and the elderly, the United Nations and other agencies say.

In the cyclone's aftermath, the regime was so determined to keep prying eyes from a landscape littered with corpses and people begging for help that it set up checkpoints on the main roads into the Irrawaddy River delta, which took the brunt of the storm.

The names and passport details of those caught were recorded before the vehicles were turned back. Local people accompanying them were interrogated.¹⁷

A 2007 article in *The Washington Times* reported that a number of international aid agencies have either ceased operations in Burma or continue to operate clandestinely due to an apparent suspicion by Burmese authorities that such organisations and their workers operate as spies. The article specifically examines foreign medical teams who provide care for Burma's large population of AIDS sufferers, including an Indian team that operates on the western border. An unnamed Indian worker is quoted as staying that "[a]lthough I'm doing exactly what a community health worker does elsewhere in the world, I often have to work undercover to save myself from being troubled by the military." One Burmese worker, Lamlhing Touthang, "recently returned home after participating in a month long HIV-care training camp in Manipur. On her return, she was interrogated for more than five hours by Burmese military intelligence officials, who suspected her of having a role in "anti-national" activities, suggesting that she doubled as a political agent for the pro-democracy activists in exile."¹⁸

¹⁷ 'In Myanmar, a Times reporter worked in secret to cover the story' 2008, BBC Monitoring Service, source: *Los Angeles Times*, 13 June – Attachment 14

¹⁸ 'Burma junta forces health workers underground' 2007, *The Washington Times*, 3 March – Attachment 15

An article by Andrew Marshall entitled ‘AIDS: Burma’s shadowy mass export’, published in *The Irrawaddy* in July 2006 quotes an anonymous ‘European diplomat’ as stating that the military junta “basically regards all foreign aid-workers as spies”:

The xenophobic regime also places harsh restrictions on overseas aid agencies. **“The junta basically regards all foreign aid-workers as spies,” says a European diplomat in Rangoon.** To secure travel permits for non-Burmese aid-workers to leave the capital Rangoon takes three weeks, often much longer. “We joke that we’re all under city arrest,” says Willy de Maere, the Rangoon chief of the Asian Harm Reduction Network, which distributes free syringes to injecting drug users.¹⁹

An August 2003 report by The Alternative Asean Network On Burma (ALTSEAN) entitled ‘Uncounted – Political Prisoners in Burma’s Ethnic Areas’ states that the accusation of being a spy is commonly levelled at Burmese citizens by the junta to “to justify politically motivated detentions”.²⁰

In an 2008 article posted on the Radio Free Asia website entitled “In Burma, fear and suspicion prevail”, Tyler Chapman states that foreigners in Burma are now seen by locals as “potential informers” to the junta, following rumours that many may have been recruited by the SPDC in order to “coax anti-government comments from ordinary Burmese.” The article suggests that a degree of paranoia about being seen with foreigners has developed and cites alleged examples of Burmese bureaucrats and VIPs refusing to share flights and ferries with foreign nationals. The article does not suggest that such rumours were started by the SPDC in order to prevent locals from speaking with foreign nationals:

Even foreign tourists are seen as potential informers. I was shocked when a man to whom I had been introduced by mutual friends confronted me.

“Do you have friends in the military or government?” he asked.

“No,” I said. “Why?”

Because, he said, people have heard that the government is recruiting foreigners to try to coax anti-government comments from ordinary Burmese.

I witnessed, and heard stories of, government arrogance and disdain for its citizenry.

At Shwe Dagon Pagoda in Rangoon, I watched government officials shoo away worshippers to make way for two Caucasian VIPs

...I was aboard a scheduled government river ferry, waiting to depart, when five bureaucrats came aboard and decided they didn’t want to travel with foreigners. We were escorted off the boat.

Similarly, friends told me of passengers being taken off scheduled internal airline flights so VIPs could travel alone.²¹

6. Who are the USDA and “Swan Arr Shin”?

¹⁹ Andrew Marshall 2006, ‘AIDS: Burma’s shadowy mass export’, *The Irrawaddy*, July

http://www.irrawaddy.org/article.php?art_id=5953&page=2 – Accessed 5 July 2009 – Attachment 16

²⁰ Alternative Asean Network On Burma 2003, ‘Uncounted – Political Prisoners in Burma’s Ethnic Areas’, Burma Issues website, August, p.14 <http://www.burmaissues.org/En/reports/uncounted.pdf> – Accessed 25 November 2009 – Attachment 17

²¹ Chapman, T 2008, ‘In Burma, fear and suspicion prevail’, Radio Free Asia, 17 April http://www.rfa.org/english/blog/burma_diary/rangoon-04172009150342.html – Accessed 20 April 2009 – Attachment 18

A March 2009 UK Home Office *Country of Origin Information Report: Burma (Union of Myanmar)* quotes a number of sources on The Union Solidarity Development Association (USDA): One source produced by the Economist Intelligence Unit (EIU) states that the USDA is “being groomed” as “the political wing” of the junta. The EIU goes on to say that “[i]n August and September 2007 USDA members were sent to harass participants in peaceful protests against the junta, a move that has further soured public feeling towards the organisation.” The report also quotes a statistic from Human Rights Watch that estimates membership of the USDA at 23 million. A Canadian IRB research response is quoted describing some of the functions of the USDA, stating that it “has local intelligence branches which monitor the general population in various neighbourhoods across the country” and “has an intelligence branch, comprised of pro-regime journalists who monitor journalists, bloggers and Internet users”:

7.22 The Economist Intelligence Unit (EIU) recorded in its Burma report, dated 9 October 2008, that:

“The Union Solidarity Development Association (USDA), set up by the junta in 1993, is being groomed as its political wing. Heavy-handed recruitment tactics are used to boost USDA membership (which totalled 16m in 2001). However, genuine support for the junta within the USDA is thought to be limited. In August and September 2007 USDA members were sent to harass participants in peaceful protests against the junta, a move that has further soured public feeling towards the organisation.”

...7.24 Human Rights Watch (HRW) noted in its World Report 2008 that the USDA had a “nominal national membership of 23 million...”

7.25 The Immigration and Refugee Board of Canada (IRB) recorded in a Response to Information Request (RIR), dated 25 February 2008, from information received from a Burmese former political prisoner, that “... **the Union Solidarity and Development Association (USDA) has local intelligence branches which monitor the general population in various neighbourhoods across the country.** He added that the Ministry of Information also has an intelligence branch, comprised of pro-regime journalists who monitor journalists, bloggers and Internet users”.²²

The US Department of State’s *Country Report on Human Rights Practices – Burma 2008* states that both the USDA and Swan Arr Shin have “increasingly assumed the responsibilities of law enforcement authorities, engaging in the arrest, detention, and interrogation of human rights and prodemocracy activists.” The Department of State report provides an example of fourteen individuals arrested by Swan Arr Shin at “a ceremony to mark the 63rd birthday of NLD leader Aung San Suu Kyi”:

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

²² UK Home Office 2009, *Country Of Origin Information Report: Burma (Union of Myanmar)*, 4 March, Section 7.22-24 – Attachment 11

enforcement authorities, engaging in the arrest, detention, and interrogation of human rights and prodemocracy activists.

... 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.²³

A 2008 report sponsored by the Martti Ahtisaari Rapid Reaction Facility entitled *Burma – Mapping the Challenges and Opportunities for Dialogue and Reconciliation* states that it is widely assumed that the USDA will become a political party prior to the parliamentary elections scheduled for Burma in 2010. The authors of the report, Timo Kivimäki and Morten B. Pedersen, argue that the USDA are involved “in local development projects” in order to develop “support in local communities”. Kivimäki and Pedersen also make the argument that “[s]ignificant numbers, particularly of young men facing an uncertain future and a serious identity crisis, have been attracted to the power and sense of belonging that membership of the military club provides”

A December 2007 Human Rights Watch report on the response to the 2007 Saffron Revolution protests entitled *Crackdown – Repression of the 2007 Popular Protests in Burma* describes the role of both the USDA and Swan Arr Shin as “, 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.” HRW quotes an unnamed ‘opposition leader’ on the method employed by the SPDC to recruit Swan Arr Shin members; “[t]he military is organizing the Swan Arr Shin in poor areas that were very active during the 1988 demonstrations. This is smart, as it will help ensure control over these areas and it will split the poor from the broader [protest] movement. Swan Arr Shin members are paid 3,000 kyat a day and given two meals—this is good pay and it is easy work, as most Swan Arr Shin are day laborers who are used to doing hard manual labor, like working as porters in the market or at the ports.” HRW also states that “Swan Arr Shin members are given rudimentary military training in marching, shouting slogans, organizing participants and basic hand combat techniques”:

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 mobilized 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.

...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.

...In addition to the USDA, the SPDC has more recently formed a new paramilitary group called the Swan Arr Shin or “Masters of Force.” Although the SPDC rarely officially acknowledges the existence of the Swan Arr Shin, almost all Burmese interviewed by Human

²³ US Department of State 2009, *Country Report on Human Rights practices – Burma 2008*, 25 February, Section 1.D – Attachment 10

Rights Watch spoke about the activities of the Swan Arr Shin in their neighborhoods, and were able to identify Swan Arr Shin members from their areas. According to an opposition leader, the SPDC has strategically recruited Swan Arr Shin members as a means of further dividing Burmese society and undermining a broad social movement:

The military is organizing the Swan Arr Shin in poor areas that were very active during the 1988 demonstrations. This is smart, as it will help ensure control over these areas and it will split the poor from the broader [protest] movement. Swan Arr Shin members are paid 3,000 kyat a day and given two meals—this is good pay and it is easy work, as most Swan Arr Shin are day laborers who are used to doing hard manual labor, like working as porters in the market or at the ports.

Each day, the Swan Arr Shin units are sent by bus in a convoy led by an army vehicle to areas other than those where they are resident. They are under the control of an army major and the police. In the area where I saw them working, they were under the command of an officer from the 66th Light Infantry Division. The township offices have to raise funds to feed the Swan Arr Shin that are sent into their areas. In our area, each quarter has to provide 500 kyats per day. This leads to resentment, so the officials collect the money under false pretenses, saying it is for street cleaning and such things.

...Swan Arr Shin members are given rudimentary military training in marching, shouting slogans, organizing participants and basic hand combat techniques.²⁴

In a 2007 media release entitled ‘USDA confirms militia’s role in recent crackdowns’, the Democratic Voice of Burma (DVB) claims that a USDA official has told the DVB that the “Pyithu Swan Arr Shin militia had been mobilised against the democracy movement.” Furthermore, the DVB states that it “spoke to a communications official working for the government who said that the USDA was working with the special police to create a list of the most hard-line democracy supporters in Rangoon.” The official apparently added that “[a]s soon as the list is finished, those people included will reportedly have their phone lines cut”:

A Union Solidarity and Development Association official from Rangoon revealed to DVB on the weekend that Burma’s Pyithu Swan Arr Shin militia had been mobilised against the democracy movement.

The USDA leader, who spoke to DVB on the condition of anonymity, said that the Pyithu Swan Arr Shin and the USDA were preparing to arrest more Burmese activists, particularly those involved in prayer campaigns.

In the past two months, a large number of activists have been dragged off the street and arrested by unidentified men in civilian clothing. The men, who have claimed to be carrying out “the will of the people,” are involved with the Pyithu Swan Arr Shin, according to the USDA leader.

He said that loosely organised Pyithu Swan Arr Shin groups and USDA members had been mobilised at township levels, with each township group headed by two leaders.

²⁴ Human Rights Watch 2007, *Crackdown – Repression of the 2007 Popular Protests in Burma*, HRW website, December 2007, Volume 19, No. 18(C) <http://www.hrw.org/reports/2007/burma1207/burma1207webwcover.pdf> – Accessed 25 November 2009 – Attachment 19

The USDA official also revealed the names, addresses and occupations of alleged Pyithu Swan Arr Shin leaders in Rangoon and DVB has launched an investigation into their involvement with the illegal underground group.

DVB also spoke to a communications official working for the government who said that the USDA was working with the special police to create a list of the most hard-line democracy supporters in Rangoon.

As soon as the list is finished, those people included will reportedly have their phone lines cut.²⁵

An article that appeared in the *Bangkok Post* in May 2008 entitled 'Political storm brewing' quotes Aung Din, from the US Campaign for Burma, who claims that members of USDA, Swan Arr Shin and other organisations were used by the junta to prop up voter numbers in the 2008 referendum to accept the new constitution, upon which the 2010 elections will be based. The article does not clarify precisely how this was achieved. Rather, the article quotes Aung Din as stating that "all sorts of fraudulent acts" were adopted:

"In some areas, only 50-60% of the voters turned out, and in some areas, there were only 25% of the eligible voters. Most of the polling booths were at schools and dharma yones (public gathering place at wards and village tracks for religious events). The military junta used all of its resources, including security forces, police, the Union Solidarity Development Association (USDA), the paramilitary organisation Swan Arr Shin, the Fire Brigade, the Red Cross, the Women's Affairs Organisation, and local authorities, in addition to members of commissions and sub-commissions, to maximise the 'yes' votes and minimise the 'no' votes.

"As instructed by the top authorities, these junta forces conducted all sorts of fraudulent acts to make sure that they won. They collected so many advance votes, and all of them were 'yes'," said Aung Din.²⁶

According to the *Political Handbook of the World*, the USDA is headed by Major General Htay Oo. It also states that it was responsible for "organising the attack against Aung San Suu Kyi's motorcade"²⁷:

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.²⁸

²⁵ 'USDA confirms militia's role in recent crackdowns' 2007, Democratic Voice of Burma website, 4 June <http://www.burmanet.org/news/2007/06/04/democratic-voice-of-burma-usda-confirms-militia%e2%80%99s-role-in-recent-crackdowns/> – Accessed 5 June 2007 – Attachment 20.

²⁶ Ashayagachat, A. 2008, 'Political storm brewing', *Bangkok Post*, 18 May http://www.bangkokpost.com/180508_Perspective/18May2008_pers000.php – Accessed 20 May 2008 – Attachment 21

²⁷ One source has suggested that this attack was used as a pretext by the regime for cracking down on the National League for Democracy and the return of Aung San Suu Kyi to house arrest. Human Rights Documentation Unit 2007, *Burma Human Rights Yearbook*, National Coalition Government of the Union of Burma website, September, p.19 <http://www.ncgub.net/BHRY/2007/pdf/YB2007.pdf> – Accessed 20 November – Attachment 5.

²⁸ 'Myanmar (Burma)' 2009, *Political Handbook of the World* http://library.cqpress.com/phw/phw2009_MyanmarBurma – Accessed 20 July 2009 – Attachment 22

A 2005 essay by David I. Steinberg entitled 'Burma/Myanmar: The Role of The Military in the Economy', contained in Issue One Burma Economic Watch' suggests that, like GOLKAR in Indonesia, the USDA was formed by the junta with the intention of creating "a mass mobilization organization that would be the popular basis for support for the military". Steinberg suggests that the large estimates of its total membership may be because joining the USDA is "a sine qua non for advancement and also membership stops social harassment to join." Members, adds Steinberg, are encouraged to "receive basic military training":

The USDA was founded as an outgrowth of the May 1990 election debacle (from a military viewpoint). The BSPP having failed as a party, the military decided, probably on a GOLKAR ('functional groups') model from Indonesia before that organization became a political party, to create a mass mobilization organization that would be the popular basis for support for the military, Senior General Than Shwe being the patron of the USDA and its purposes specifically mention support to the military. By 2002, it was said to have some 16 million members, or virtually one-third of the total population of the state. Although the military deny coercion in membership drives, it is apparent that joining is a sine qua non for advancement and also membership stops social harassment to join. The USDA engages in educational programs as well as broad political activities in support of the military. It also encourages its members to receive basic military training.

This organization often operates at local levels using public or military facilities, such as office space, and it engages in a wide range of local economic activities, including production, transport, and real estate to support its activities. As a subsidiary of the military, its local economic involvement may be significant depending on the locality.²⁹

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²⁹ Beresford, M. et al (Eds) 2005, 'Burma Economic Watch', Issue One, p.69 – Attachment 23

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