## Refugee Review Tribunal AUSTRALIA

#### RRT RESEARCH RESPONSE

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#### **Ouestions**

1.Is there any record of a protest on 4 January 2008?

2.Is there any profile on two Buddhist monks, U Kawwitta (or Kawvida)of the Bago monastery or U Sayadow Pyinnyawuntha of the Ngwee Kyar Yan monastery?

#### **RESPONSE**

#### 1. Is there any record of a protest on 4 January 2008?

Many detailed accounts of the protests led by Buddhist monks which took place in September 2007 in what was soon described as the "Saffron Revolution" are available. These include the Human Rights Watch report *Crackdown. Repression of the 2007 Popular Protests in Burma* published as early as December that year – Attachment 1 and the *Burma Human Rights Yearbook 2007*, published in September 2008 – Attachment 2.

The US Department of State summarised a number of key events as follows:

The Assistance Association for Political Prisoners—Burma estimated that security forces raided at least 52 monasteries between September 26 and December 31, 2007, in retaliation for the peaceful monk-led prodemocracy demonstrations. Opposition activists and members of the clergy reported soldiers forcibly entered the monasteries at night and deployed tear gas, fired rubber bullets, and beat monks with batons and bamboo sticks. International NGOs estimated that at least 150 monks were arrested between September and October 2007, although at the end of 2007, many more monks were reportedly missing from their monasteries.

On November 15, 2007, approximately 150 USDA members, local officials, and police raided a monastery in New Dagon township in Rangoon, stealing the monastery's funds and detaining a monk, U Sanda Wara. Media reports stated that the regime attempted to evict monks from 39 monasteries in the area, purportedly over a land dispute.

In November 2007 there were reports that younger monks imprisoned for their participation in the September demonstrations appeared to suffer more severe injuries from interrogators' beatings than older monks.

On October 4, 2007, two monasteries in South Oakkalapa Township were raided.

In October 2007 approximately 90 monks, including the head monk of the Ngwe Kyar Yan Monastery, were detained at a monastery in the Kaba Aye monastery complex, where they were undergoing interrogation. Many novices had departed in anticipation of being arrested and others had been fetched by parents.

In September 2007 the regime violently suppressed peaceful demonstrations led by Buddhist monks. Witnesses reported the regime conducted numerous nighttime raids on monasteries and private homes following September's peaceful prodemocracy protests. In Rangoon local witnesses, media, and foreign diplomatic representatives reported that many monks were missing from their monasteries after the crackdown began on September 26. The September crackdown in Mandalay was reportedly milder than in Rangoon. Similar to other Burmese cities, monks in Mawlamyaing disappeared and were reportedly ordered to return to their homes.

On September 24, 2007, Minister of Religion Thura Maung instructed the State Sangha Religious Committee to urge monks to end the protests and warned the regime would take action if demonstrations continued. Government officials reportedly visited other Buddhist leaders with similar warnings, but the demonstrations continued.

In late September and early October 2007, foreign diplomatic representatives and members of the media visited several local monasteries and found many damaged and nearly empty. On September 28, 2007, journalists and foreign diplomatic representatives visited Ngwe Kyar Yan monastery in Rangoon and found bamboo batons, riot control munitions, broken windows, and pools of blood on the floor of the monastery's dormitory.

On September 27, 2007, security forces conducted a pre-dawn raid at the Ngwe Kyar Yan monastery in Rangoon. Witnesses reported that police and soldiers beat monks and destroyed property. Approximately 70 monks were taken away. Cash, jewelry, and other valuables also were reported missing following the raid. An official from the Religious Affairs Department returned later in the day to demand that the remaining monks clean up evidence of the raid and relocate to another monastery. When the monks refused and local residents gathered to support them, soldiers and police returned and fired live ammunition to disperse the crowd. Witnesses told journalists that at least 2 men were killed by the gunfire, including 18-year-old Zayar Naing Oo. Similar raids were reported at Kyaik Ka San, Moe Kaung, and Mahar Bawdi monasteries.

On September 26, 2007, soldiers and police raided at least 6 large monasteries in Rangoon and arrested an estimated 100 monks, including Sayada Aindakaat, the leader of Maggin Monastery (US Department of State 2008, *International Religious Freedom Report for 2008 – Burma*, 19 September – Attachment 3).

The 4<sup>th</sup> January 2008 marked the 60<sup>th</sup> anniversary of Burma's independence from Britain and police officers were visible on the streets of the capital city Rangoon and the main street was closed for two hours on that morning;

There were no official festivities to mark Myanmar's 60th anniversary of independence from Britain in 1948, a struggle led by Suu Kyi's father Gen. Aung San who is regarded as a national hero. But Myanmar junta chief Than Shwe called for the country to build what he called a "discipline-flourishing democratic state."

In a message carried in Myanmar's three state-run newspapers and read aloud by an official at an annual flag-raising ceremony in Yangon, the country's largest city, Than Shwe said the country's eventual constitution was being drafted according to the "fundamental principles" of a constitutional convention. These recommend that the military maintains a prominent role in politics and bars Suu Kyi from holding elected office.

A separate ceremony monitored by police officers was held at the National League for Democracy (NLD) headquarters;

"The essential first step toward building a democratic state and achieving national reconciliation is the process of political dialogue," said a statement by Suu Kyi's National League for Democracy at its party headquarters. It called for the immediate release of all political prisoners, and monks who "peacefully demonstrated their beliefs and wishes" in last year's pro-democracy protests.

Suu Kyi, a Nobel peace laureate, has been under house arrest for 12 of the past 18 years.

About 300 party members, diplomats and activists attended an NLD gathering as plainclothes officers videotaped their arrival and departure from across the street.

Two NLD youth members of were arrested on the eve of the holiday, bringing the total of jailed NLD members to 97, said party spokesman Nyan Win ("Suu Kyi please raised on Myanmar holiday" 2008, *Associated Press*, 4 January – Attachment 4).

No reports of sizeable demonstrations held on 4<sup>th</sup> January 2008 have been found in a search of the sources consulted. The *Guardian* reported a statement made by the British Ambassador to Burma Mark Canning on 17<sup>th</sup> January 2008 that predicted the likelihood of more protests and that a small protest involving 40 individuals had been held in Rangoon that week:

Canning said the mood in Burma was "fearful and angry", and he pointed out that a group of around 40 people protested this week in Rangoon, despite the continued "heavy presence" of the police on the streets.

"Going forward we are going to see more demonstrations. The underlying grievances have not been addressed."

Canning dismissed the concessions granted by the regime since the unrest as "tactical".

They included the release of some of those arrested during the unrest and the appointment of a minister to liaise with opposition leaders such as Aung San Suu Kyi.

But Canning said these moves were "designed to forestall international attention rather than signal some fundamental shift in approach. The name of the game for the Burmese government is keeping themselves off the front pages."

Canning also condemned plans by the junta to increase the license fees for satellite televisions by 160 times, from \$5 to \$800 ("More street protests predicted in Burma" 2009, *The Guardian*, 17 January <a href="http://www.guardian.co.uk/world/2008/jan/17/burma.matthewweaver">http://www.guardian.co.uk/world/2008/jan/17/burma.matthewweaver</a> – Accessed 23 February 2009 – Attachment 5).

The use of Buddhist teachings, Dhamma, particularly the convening of Dhamma assemblies in Rangoon, was reported as a means of criticism of the regime:

The residents have been organizing Dhamma assemblies in many places to listen to sermons about morality from some of the country's prominent monks. At times, these sermons have been used by the monks to give counsel and obliquely criticize the junta. A favored approach by some monks is to draw lessons from the life of the Buddha.

These Dhamma assemblies, which tend to run for two hours in the evening, are drawing large crowds. One held on Dec. 29 in the Tarmawe Township had attracted close to 3,000 people. Another, at Rangoon University's religious hall, drew a similar number of followers. A religious talk held in mid-December in a football field of a state high school in the Insein Township had one of the largest gatherings -- close to 20,000 people.

Some of these sermons have been heard by those who could not make it to the prayer assemblies, too. That stems from a cottage industry of compact discs that has emerged to copy and distribute some of the more spiritual and provocative sermons. The latest collection on offer in Rangoon is one of 19 Dhamma talks.

"I've been busy copying and sending out these CDs to other towns as well, though it costs me," one Rangoon monk said, asking to remain anonymous ("Burma. Junta clamps down on 60<sup>th</sup> anniversary of independence" 2008, *Inter Press Service*, 8 January – Attachment 6).

# 2.Is there any profile on two Buddhist monks, U Kawwitta (or Kawvida) of the Bago monastery or U Sayadow Pyinnyawuntha of the Ngwee Kyar Yan monastery?

No information was found concerning a Buddhist monk U Kawwitta or Kawvida of Bago monastery (note, there is a very large Bago teaching monastery Kha Khat Wain in Rangoon and no reference to that name was found in connection with that monastery). Reference was found to a monk who was or is abbot of the Mizzima Gon Yee Monastery in Rangoon. He is a well-known monk who has recorded Dhamma talks, including some with another monk U Nyanithara, which appear to be sold illicitly:

The monks' dhamma talks, recorded on VCDs, are based on classic Buddhist stories, but the meaning of the words are interpreted by laypeople as critical of Snr-Gen Than Shwe and the junta, in part because the talks were given shortly after the country-wide protest demonstrations.

U Kawvida, a Buddhist PhD scholar, said in his VCD that the worst disease is hunger, and if people are poor and hungry, it is a universal truth that they will explore. According to one layperson who saw the VCD, the story was saying that if a government causes people to be poor and hungry, it is natural for people to protest and demonstrate. His most recent Dhamma talks were in Rangoon and Magway ("Dhamma VCDs by two well-known monks banned in Burma" 2007, *The Irrawaddy*, 16 November,

<u>http://www.irrawaddy.org/article.php?art\_id=9343</u> – Accessed 16 February 2009 – Attachment 7).

Attempts to conduct public dhamma talks by monks including U Kawvida in December 2007 were prevented by authorities:

Township authorities in Rangoon had been ordered to ban *dhamma* talks by the Regional Commander of Rangoon, said the sources. On Wednesday, U Kawvida, who is also a PhD in Buddhism, prepared to conduct a Buddhist tutorial in Insein Township, on the outskirts of Rangoon. However, officials arrived at the scene and ordered the *dhamma* talk to be stopped immediately.

"U Kawvida requested permission from the commander of the Rangoon Regional Command, Maj-Gen Hla Htay Win, to address the crowd, but the commander rejected the monk's request," said a monk, who spoke on condition of anonymity.

"U Kawvida was scheduled to talk in Rangoon tomorrow, but he has been forced to cancel."

Meanwhile, in central Rangoon, a *dhamma* talk by Khamasiri Linkaya, also known as Shwepyihein Sayadaw, was stopped by authorities recently, according to sources in Rangoon.

Khamasiri Linkaya was then interrogated, said a monk who attended the talk, adding that the authorities suspected his speech was critical of the junta and might charge the senior monk.

Since November, *dhamma* VCDs featuring Burma's most respected senior monks, including U Nyanithara and U Kawvida, which are critical of the military crackdown, have reportedly been banned by the authorities ("Dhamma banned in Burma" 2007, *The Irrawaddy*, 27 December, <a href="http://www.irrawaddy.org/print\_article.php?art\_id=9751">http://www.irrawaddy.org/print\_article.php?art\_id=9751</a> – Accessed 16 February 2009 – Attachment 8).

Reference was also found to another monk with the name U Kawwidda, an Arakanese monk and abbot of Thatka Thila Zaya Thidi Pati Phatan Monastery in North Okkalapa, Rangoon, who was arrested in October 2007 (Human Rights Documentation Unit 2008, *Burma Human Rights Yearbook 2007*, p. 74 -<a href="http://www.ncgub.net/BHRY/2007/index.html">http://www.ncgub.net/BHRY/2007/index.html</a> – Accessed 18 February 2009 – Attachment 2).

No report or reference was found concerning a monk with the name U Sayadow Pyinnyawuntha either independently or in connection with the Ngwee Kyar Yan Monastery. It is noted, however, that

On 14 December 2007, 96 monks arrested in the September protests had been released. Half of those released were from Ngwe Kyar Yan Monastery in South Okkalapa, Rangoon, including the abbot, U Yuveda. Although the monks were allowed to return to the monastery, it remained under close surveillance by junta officials and lay people were not allowed access (Human Rights Documentation Unit 2008, *Burma Human Rights Yearbook 2007*, p. 89 - <a href="http://www.ncgub.net/BHRY/2007/index.html">http://www.ncgub.net/BHRY/2007/index.html</a> – Accessed 18 February 2009 – Attachment 2).

In a separate report it was stated that "50 monks were permitted to return to the Ngwekyaryan monastery in Rangoon, but the other 46 were ordered to leave the city, said sources who visited the monastery over the weekend" ("Burma quietly releases 96 monks" 2007, *Deutsche Presse Agentur*, 15 December – Attachment 9).

Sentences of six and a half years imprisonment were given to 5 monks from the Ngwe Kyar Yan Monastery in November 2008:

The monks are U Nanda, U Wilar Thekka, U Agga Dhama, U Eithiriya and U Zarnayya. They were not produced in court outside but their case was heard inside the Insein prison. They were handed out prison terms by a special court.

"Earlier they were produced before the court in session outside the prison. But they were sentenced by a special court in session inside Insein prison yesterday. They are being held in Insein prison. There is no word yet of their being transferred to another prison," a lawyer who had access to the court hearing said.

They were handed prison terms on charges of unlawful assembly, joining unlawful associations, inducing crime against public tranquility and committing disaffection towards the state and government after being detained for nearly a year.

. . .

After nearly three months, out of 96 monks, including abbot U Yewata, only 51 monks were allowed to return to their monastery and the rest were ordered back to their home towns.

According to the 'Association for Assistance to Political Prisoners' (AAPP), the junta raided 52 monasteries in Rangoon, Mandalay and other towns elsewhere in Burma after the saffron revolution. The junta arrested and interrogated the monks. The regime arrested nearly 600 monks in the nationwide crackdown on the monk-led movement ("Five monks put away for six and-a-half years" 2008, Mizzima, 12 November, <a href="http://www.mizzima.com/news/inside-burma/1286-five-monks-put-away-for-six-and-a-half-years.html">http://www.mizzima.com/news/inside-burma/1286-five-monks-put-away-for-six-and-a-half-years.html</a> – Accessed 20 February 2009 – Attachment 10).

The Assistance for Political Prisoners organisation has produced information relating to detained political prisoners, monks and others. In a list of political prisoners arrested from August 2007 until the list was last updated on 20 May 2008 the name of U Sayadow Pyinnyawuntha does not appear (Assistance Association for Political Prisoners [Burma] 2008, 'Prisoners List – Data Arrested on August 19 to date, 2007', 20 May – <a href="http://www.aappb.org/list\_arrest\_aug\_sep\_07\_03.html">http://www.aappb.org/list\_arrest\_aug\_sep\_07\_03.html</a> – Accessed 16 February 2009 – Attachment 11. In a further list of monks detained as at 31<sup>st</sup> December 2008 published by the Assistance Association for Political Prisoners, the name of U Sayadow Pyinnywuntha does not appear (Assistance Association for Political Prisoners (Burma) 2008, Monk [list], 31 December, <a href="http://www.aappb.org/monk\_list.htm">http://www.aappb.org/monk\_list.htm</a> – Accessed 16 February 2009 – Attachment 12). These lists are not definitive.

Severe sentences, some of up to 65 years, were handed down from inside Insein prison in November 2008 to a number of activists and others accused of being involved with the 2007 protests (see e.g. Human Rights Watch 2008, "Burma: Free activists sentenced by unfair courts" 11 November – Attachment 13).

In February 2009, 6,000 prisoners were released including 8 monks, but fewer than 20 were political prisoners:

Eight monks were among 16 political prisoners released from Insein prison on Saturday, according to a monk who was arrested and imprisoned after the September 2007 monk-led protests.

Thirty-year-old monk U Thumana (also known as Zaw Min Latt) from Ananpin Shwe Umin monastery in north Okkalapa was sentenced to two years' imprisonment in November 2007.

U Thumana, a native of Chaungtha, said he is planning to ask the International Committee of the Red Cross to help him return home on Monday.

"I was in jail for 17 months. It's not worth it. I was due to be released in four months' time. They (authorities) are mixing up our lives with political issues," U Thumana said.

. . .

U Thamana said the monks were interrogated inside the stationmaster's office in Rangoon railway station.

"They asked two head monks in Taungnyunt township to disrobe us but they refused," the monk said.

"They kept us in an interrogation centre for six days and sentenced us on 12 November 2007," he said.

"Some monks were sent to labour camps and some still remain in Insein prison."

U Thumana said he was sent to a plantation camp in Kyaikto township after six weeks in the police detention centre.

"Although we wore longyi, we continued to live the life of monks as we had not been [officially] disrobed," he said.

"The prison department used thugs armed with sticks to supervise us and beat us up. They said we were not real monks and that we had to work or they would beat us."

Nineteen political prisoners were among the 6313 granted amnesty by the military regime on Friday, according to the Assistance Association for Political Prisoners.

Despite the latest prisoner releases, monks and activists continue to be detained and sentenced ("Eight monks among prisoners released" 2009, Democratic Voice of Burma, 23 February, <a href="http://english.dvb.no/news.php?id=2240">http://english.dvb.no/news.php?id=2240</a> – Accessed 23 February 2009 – Attachment 14).

The Assistance Association for Political Prisoners (Burma) published a list of the political detainees who had been released (Attachment 15).

#### **List of Sources Consulted**

**Internet Sources:** 

#### **Government Information & Reports**

US Department of State <a href="http://www.state.gov/">http://www.state.gov/</a>

Immigration & Refugee Board of Canada <a href="http://www.irb-cisr.gc.ca/">http://www.irb-cisr.gc.ca/</a>

#### **Non-Government Organisations**

Human Rights Watch <a href="http://www.hrw.org/">http://www.hrw.org/</a>

UNHCR Refworld http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain

## **International News & Politics**

BBC News http://news.bbc.co.uk

The Economist <a href="http://www.economist.com">http://www.economist.com</a>

### **Region Specific Links**

Asia Today http://www.asiasource.org

Irrawaddy News Magazine http://www.irrawaddy.org

Democratic Voice of Burma http://english.dvb.no/

Assistance Association for Political Prisoners (Burma) <a href="http://www.aappb.org/">http://www.aappb.org/</a>

International Burmese Monks Organization <a href="http://burmesemonks.org/">http://burmesemonks.org/</a>

Free Burma Coalition http://www.freeburmacoalition.org/

Far Eastern Economic Review http://www.feer.com/

Burma Digest http://burmadigest.info/

#### **Search Engines**

Google <a href="http://www.google.com.au/">http://www.google.com.au/</a>

Clusty <a href="http://www.clusty.com">http://www.clusty.com</a>

All the Web http://www.alltheweb.com

Databases

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

#### **List of Attachments**

- 1. Human Rights Watch 2007, Crackdown. Repression of the 2007 Popular Protests in Burma, 6 December. (REFWORLD)
- **2.** Human Rights Documentation Unit 2008, *Burma Human Rights Yearbook* 2007, p. 74 <a href="http://www.ncgub.net/BHRY/2007/index.html">http://www.ncgub.net/BHRY/2007/index.html</a> Accessed 18 February 2009.
- **3.** US Department of State 2008, *International Religious Freedom Report for 2008 Burma*, 19 September.
- **4.** "Suu Kyi please raised on Myanmar holiday" 2008, *Associated Press*, 4 January. (FACTIVA)
- 5. "More street protests predicted in Burma" 2009, *The Guardian*, 17 January <a href="http://www.guardian.co.uk/world/2008/jan/17/burma.matthewweaver">http://www.guardian.co.uk/world/2008/jan/17/burma.matthewweaver</a> Accessed 23 February 2009.
- **6.** "Burma. Junta clamps down on 60<sup>th</sup> anniversary of independence" 2008, *Inter Press Service*, 8 January. (FACTIVA)
- 7. "Dhamma VCDs by two well-known monks banned in Burma" 2007, *The Irrawaddy*, 16 November, <a href="http://www.irrawaddy.org/article.php?art\_id=9343">http://www.irrawaddy.org/article.php?art\_id=9343</a> Accessed 16 February 2009.
- **8.** "Dhamma banned in Burma" 2007, *The Irrawaddy*, 27 December, <a href="http://www.irrawaddy.org/print\_article.php?art\_id=9751">http://www.irrawaddy.org/print\_article.php?art\_id=9751</a> Accessed 16 February 2009.
- 9. "Burma quietly releases 96 monks" 2007, *Deutsche Presse Agentur*, 15 December. (CISNET CX189889)
- **10.** "Five monks put away for six and-a-half years" 2008, Mizzima, 12 November, <a href="http://www.mizzima.com/news/inside-burma/1286-five-monks-put-away-for-six-and-a-half-years.html">http://www.mizzima.com/news/inside-burma/1286-five-monks-put-away-for-six-and-a-half-years.html</a> Accessed 20 February 2009.
- 11. Assistance Association for Political Prisoners [Burma] 2008, 'Prisoners List Data Arrested on August 19 to date, 2007', 20 May <a href="http://www.aappb.org/list\_arrest\_aug\_sep\_07\_03.html">http://www.aappb.org/list\_arrest\_aug\_sep\_07\_03.html</a> Accessed 16 February 2009.

- **12.** Assistance Association for Political Prisoners (Burma) 2008, Monk [list], 31 December, <a href="http://www.aappb.org/monk\_list.htm">http://www.aappb.org/monk\_list.htm</a> Accessed 16 February 2009.
- **13.** Human Rights Watch 2008, "Burma: Free activists sentenced by unfair courts" 11 November. (REFWORLD)
- **14.** "Eight monks among prisoners released" 2009, Democratic Voice of Burma, 23 February, <a href="http://english.dvb.no/news.php?id=2240">http://english.dvb.no/news.php?id=2240</a> Accessed 23 February 2009.
- 15. "Only 19 out of 6300 released are political detainees" 2009, *Burma Digest*, 22 February <a href="http://burmadigest.info/2009/02/22/only-19-out-of-6300-released-are-political-detainees/">http://burmadigest.info/2009/02/22/only-19-out-of-6300-released-are-political-detainees/</a> Accessed 24 February 2009.