

# The repression of ethnic minority activists in Myanmar

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# 1. INTRODUCTION AND SUMMARY

Later this year, Myanmar will hold its first national and local elections in 20 years against a backdrop of political repression and unresolved armed conflicts. The country's record on human rights is extremely poor. Myanmar's 50 million people continue to suffer from poverty and public health challenges, wrought largely by the government's longstanding economic mismanagement. Widespread and systematic attacks on civilians in eastern Myanmar have been carried out with virtual impunity.<sup>1</sup> Despite prodding from its neighbours in the Association of South East Asian Nations (ASEAN), renewed communication with domestic political opposition leader Daw Aung San Suu Kyi and various foreign critics (chief among them the United States), and another round of United Nations (UN) visits and resolutions, the government has not meaningfully improved the country's human rights situation. As this report conveys, there are real reasons to fear that the 2010 elections will intensify the already severe repression of political critics, in particular those from the country's large and diverse population of ethnic minorities.

Amnesty International's research demonstrates, with greater detail than previously available, that Myanmar's ethnic minorities have played an integral role in much of the political opposition against the government's repressive conduct. Myanmar's government has exacted a heavy price from peaceful critics from ethnic minorities: among other violations, arbitrary arrests, imprisonment, torture, and extrajudicial executions of activists are documented. With the 2010 elections looming, and the government's intolerance of any group challenging its legitimacy, policies, and practices increasing, Amnesty International is concerned that the country's ethnic minorities will suffer even worse violations.<sup>2</sup>

The last time the country's military government held general elections, in May 1990, it was defeated by the National League for Democracy (NLD) and a coalition of smaller opposition parties seeking to represent the country's sizeable population of different ethnic minorities. The authorities responded by ignoring the election results and arresting scores of opposition leaders and parliamentarians. The most prominent detainee was the NLD's leader, Daw Aung San Suu Kyi, who has remained in some form of detention for over 15 of the past 21 years.<sup>3</sup> More than 2,100 political prisoners languish behind bars in Myanmar. For Daw Aung San Suu Kyi, the NLD, and much of the country's ethnic minority opposition, their thwarted victory in the elections of 1990 forms the basis of their claim that the current government is not legitimate. The current government, by extension, views this year's elections as a means to toward strengthening its claim to legitimacy and blunting internal and external criticism. It is highly unlikely that the government will repeat the conditions of 1990, when relatively open campaigning and voting led to a government defeat.

To a large extent, the military government has already cemented its position ahead of the elections, as the country's 2008 constitution ensures that the military will continue to dominate the government. It contains strict requirements on the eligibility of presidential candidates (ruling out Daw Aung San Suu Kyi, for instance, due to the fact that her children hold British citizenship); reserves legislative seats for the military, effectively giving it veto power over constitutional amendments; leaves the military in control of key security ministries; and affords the military the authority to administer its own affairs. This constitution was "approved" in a referendum held in 2008 a week after Cyclone Nargis left nearly 140,000 dead or missing, and displaced hundreds of thousands, devastating much of the Ayerawaddy (Irrawaddy) delta.

This report details some of the government's repressive tactics against ethnic minority activists who opposed the 2008 constitution during the referendum, which included arbitrary arrests, imprisonment, and even extrajudicial executions of activists. It also describes the government's intensified efforts with elections approaching, to repress its critics and challengers among ethnic minority communities. The authorities have monitored, harassed, discriminated against, detained, and imprisoned ethnic minority activists, in some cases torturing or killing them. With the elections as the political context in Myanmar for the past two years, and the government thus preparing to pit its own candidates against an opposition, it has not tolerated any group, including ethnic minorities in challenging its legitimacy, policies, and practices.

Observers outside Myanmar frequently bifurcate opposition to the Myanmar government, distinguishing between Daw Aung San Suu Kyi and the NLD as a political force pitted against the government on one side, and on the other a variety of ethnic armed groups fighting against the *tatmadaw*, Myanmar's army. In fact, as this report demonstrates, much of the opposition to the country's repressive government is actually a product of activists from ethnic minorities, living in areas where particular ethnic minorities form the predominant population. Many NLD leaders, for example, as well as rank and file members, are from ethnic minorities. The clearest illustration of this phenomenon is the so-called Saffron Revolution, whose first stirrings occurred not in Yangon, but among ethnic minority monks and nuns in Rakhine State.<sup>4</sup>

Certainly government repression predates and extends beyond the scope of the elections, especially where the authorities have feared a challenge to their rule. As this report demonstrates, Myanmar's ethnic minority activists also have interests, concerns, and grievances distinct from both those of the majority Burman population and electoral politics, but which are no less critical to the defense and realization of their human rights. This report includes clear evidence that Myanmar's authorities often target members of ethnic minorities on discriminatory grounds, such as religion or ethnicity, or to crush their opposition to major development projects that adversely affect their lands and livelihoods. Though outside the formal political sphere, this activism and repression implicate the coming elections insofar as they illustrate the desire among ethnic minorities to

ensure that their voices are heard and respected, as well as the lengths to which the government will go to stifle and deny them.

Understanding the role of ethnic minority political opponents and activists in Myanmar prompts a rethinking of the human rights situation in the country and the appropriate strategy for improving it. First, the analysis should acknowledge the wide extent of popular opposition to the Myanmar government, and emphasize the need to ensure that Daw Aung San Suu Kyi, the NLD, and other political opposition groups—including those founded by ethnic minorities—are able to participate meaningfully in the coming elections. As illustrated in this report, among the government's political opponents are ethnic minorities who perform similar work, and toward similar aims, as their ethnic majority Burman counterparts in the country's urban centres and central regions. Second, it should expand the international community's understanding of the aspirations of Myanmar's ethnic minorities beyond the oft-cited context of armed groups, and refocus international attention on ensuring that the needs of Myanmar's ethnic minorities are included in any discussion of the country's human rights situation and any resolutions thereof.

The elections again highlight the challenge that has confronted—and confounded—every government since independence more than 60 years ago: ensuring the assent, or at least compliance, of Myanmar's ethnic minorities. For most of the last six decades, Myanmar's authoritarian rulers have used a combination of force and negotiation to this end, with the balance firmly on the former rather than on any political or economic incentives. In the context of the upcoming elections, the government has alternately encouraged and warned ethnic minority political organizations to take part, with most remaining undecided or noncommittal.<sup>5</sup> Myanmar's government is struggling to ensure that those represented by armed groups still fighting with the army are either defeated or “brought back into the legal fold” before the elections.<sup>6</sup> The army and its allies have waged concerted offensives against several armed groups (and civilians), from the Karen, Shan, and Kokang ethnic minorities.<sup>7</sup> As a result nearly 5,000 Karen, 10,000 Shan, and over 30,000 Kokang were displaced during 2009 and the Kokang's armed militia, the Myanmar National Democratic Alliance Army (MNDAA)<sup>8</sup>, was defeated.<sup>9</sup>

The offensive against the MNDAA is significant in the context of the Myanmar government's newest strategy of converting the existing armed ethnic groups that have signed ceasefire agreements into Border Guard Forces (BGF) under *tatmadaw* command, in exchange for pay, perks, and official legal status. Nine groups have agreed, while six have refused. The Kokang had not agreed. The elections will further clarify whether the aspirations of Myanmar's ethnic minorities will be represented by armed insurrection or through political action.

This report covers the two-year period from August 2007, six months before the government announced that it would stage national elections, through July 2009. It draws on testimonies and information provided by or about at least 700 members of ethnic minorities who faced human rights violations as a result of their actual—or sometimes, merely perceived—opposition to the Myanmar government. Amnesty International conducted more than 50 interviews, 34 of which were with activists

who were themselves victims, the others with relatives, friends, neighbours, or witnesses. Amnesty International gathered this information in November 2007 in China, and throughout 2009 in Malaysia and on the borders Myanmar shares with Bangladesh and Thailand. In China, Thailand, and Bangladesh especially, Amnesty International sought out and interviewed activists who had fled Myanmar under grave threat and remained in dangerous and sometimes desperate situations. Most had never spoken to a human rights organization or fully recounted their experiences. Additional information was obtained via other sources inside Myanmar and confirmed independently by Amnesty International.<sup>10</sup> Some names and other personal information have been changed or omitted at the request of the interviewees in the interest of their security; some names are genuine, and have been included at the insistence of the interviewees, who wanted to be identified on the record.

The government of Myanmar violates the human rights of ethnic minority political opponents and activists in a myriad of ways, including torture and other ill-treatment; discrimination on the basis of religion and ethnicity; unlawful killings; and arbitrary detention<sup>11</sup> for short periods or imprisonment.<sup>12</sup> All of those detained or imprisoned were or remain among Myanmar's large population of political prisoners (hovering around 2,100 prisoners)—detained because of their political, religious or other conscientiously held beliefs, ethnic origin, language, national or social origin, birth, or other status. Most are prisoners of conscience; they have expressed their beliefs peacefully.<sup>13</sup> Many such political opponents and activists told Amnesty International that they faced government repression as part of a larger movement, as in Rakhine State during the 2007 Saffron Revolution, while others said that the authorities pursued them for specific actions, such as organizing a small anti-dam signature campaign in Kachin State. Even relatively innocuous expressions of political dissent, as when Karenni youths were detained for floating small boats on a river with “No” (to the draft constitution) written on them, faced repression.

In view of Amnesty International's findings, it recommends that the government of Myanmar, among other measures:

- Lift restrictions on freedom of association and assembly in the run-up to the elections, including by refraining from penalizing peaceful political activities.
- Release immediately and unconditionally all political prisoners arrested solely on the basis of their peaceful political activity, ethnicity, or religion.
- Remove restrictions on independent and objective media, including international journalists, to cover the campaigning and election process.

## 1.1 MYANMAR'S OBLIGATIONS UNDER INTERNATIONAL LAW

Myanmar has neither signed nor ratified most international human rights treaties, including the International Covenant on Civil and Political Rights and the International Convention on all Forms of Racial Discrimination, both of which are particularly relevant to the violations documented in this report. The government has ratified the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.<sup>14</sup> Myanmar has also ratified the Charter of the Association of South East Asian Nations (ASEAN), which came into force in December 2008, and includes “respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice” among its legally binding principles.<sup>15</sup>

Some of the violations described in this report took place in areas where an internal armed conflict is ongoing. Myanmar is a High Contracting Party to the four Geneva Conventions of 1949. Article 3, common to the Conventions, applies in armed conflicts not of an international nature. Common Article 3 obliges Myanmar to treat all persons not taking an active part in the hostilities “humanely”, including by prohibiting “murder”, torture and cruel treatment, and unfair trials.

Moreover, the Universal Declaration of Human Rights (UDHR), though not a binding treaty, articulates the most basic rights that all UN member states—including Myanmar—are expected to promote and protect. Several of the UDHR provisions, including the prohibition on discrimination, the right to life and liberty, and the right to freedom from torture and other ill-treatment, constitute rules of customary international law. These derive from consistent state practice and the consistent view among states, courts, and experts that these rules are universally binding, regardless of any individual state’s treaty status. Thus, while Myanmar is not a state party to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, it is still bound by the absolute prohibition against the use of torture.

Seven provisions of the UDHR are shown in this report to have been violated systematically by Myanmar authorities, including:

- The right to life, which includes a prohibition on arbitrary deprivation of life, in all circumstances (Article 3);<sup>16</sup>
- The right to liberty, which includes a prohibition on arbitrary deprivation of liberty and arbitrary arrest and detention (Articles 3 and 9);<sup>17</sup>
- Freedom from torture and other cruel, inhuman or degrading treatment or punishment—which applies at all times and to all persons without exception (Article 5);<sup>18</sup>
- The right to a fair trial and the presumption of innocence (Articles 10 and 11);<sup>19</sup>
- Freedom of thought, conscience, and religion (Article 18);

■ Freedom of expression—limited restrictions on which (for security, public order, the reputation of others) were not applicable to the cases documented in this report—including freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers (Article 19);<sup>20</sup>

■ Freedom of peaceful assembly and association—whose restrictions are similar to those on freedom of expression, and which were not applicable to the cases contained in this report (Article 20).<sup>21</sup>

Four other provisions are also shown to have been violated:

■ The right to equal protection against discrimination (Article 7);

■ The right to not be subjected to arbitrary interference with privacy, family, home (Article 12);

■ The right to a standard of living adequate for the health and well-being of self and family, including food (Article 25);

■ The right to participate in the cultural life of the community (Article 27).

## 2. BACKGROUND

For the past 22 years, Myanmar's internal political affairs, as well as its interaction with the international community, have been dominated by occasional mass eruptions of protest against the military government. Largely peaceful and spearheaded by students and monks, protests in 1988 led to the emergence of Daw Aung San Suu Kyi and the NLD as the torch-bearers of political opposition both domestically and internationally. Because these protests involved such large numbers of people—at least 3,000 of whom were killed by security forces—the activism of 1988 remains a defining moment of Myanmar's post-colonial history, just as the government's rejection of the subsequent 1990 elections has remained as a rallying call against the government.

Internationally—although not domestically—much of the attention to these events has focused on Myanmar's ethnic majority Burmans (also known as Bamar). This is partly because the 1988 demonstrations were concentrated in, although not exclusive to, the urban areas of Myanmar's central region<sup>22</sup> where ethnic Burmans form the majority. The movement's participants, leaders, and victims—and subsequently exiles and defenders—were mostly ethnic Burmans. This was equally the case during smaller but still sizeable demonstrations in Yangon following the elections in 1990 and again in 1991, 1995, 1996, and 1998.

This international perception changed slightly in August and September 2007, when protests of a similar origin and nature to those of 1988 erupted in Myanmar, as one of the main flashpoints was the capital of Rakhine State, populated mostly by an ethnic minority of the same name. However, when the authorities again cracked down on the demonstrators, nearly all images seen globally on the internet and television were from Yangon, and the overall effect was a reinforcement of the reading that political opponents and activists are mostly ethnic Burmans.

Moreover, the images and accounts from the ethnic states over the past two decades have further conveyed a somewhat distorted impression internationally of the situation of the country's ethnic minorities: armed insurgent and ceasefire groups, some bankrolled by illegal drugs; counter-insurgency campaigns by the military, replete with mass human rights violations;<sup>23</sup> dam, pipeline, and other development and infrastructure projects, paid for by foreign investment and some constructed by forced labour; and mass internal and cross-border displacement, dealt with by international aid agencies. Thus, ethnic minorities are often seen as insurgents, drug-runners, victims of human rights violations, and refugees—but not often as key components of the widespread political opposition or activists.

The government of Myanmar, of course, has never shared this misconception. Its human rights record just since August 2007—to say nothing of the more than two decades since 1988—reveals official repression of political opposition and activism

on a diverse and widespread scale in the ethnic minority states and elsewhere.

Government actions in response to activists' attempts to commemorate peacefully the 20th anniversary of the August 1988 uprising is an illustrative example. A young man from Taunggut township in Rakhine State told Amnesty International:<sup>24</sup>

*At the end of July 2008, four friends and I travelled to Yangon after collecting money from others for a campaign marking the 20th anniversary. With the money we printed t-shirts with a clock reading 8:08 [8 August] on the front, spending five days in Yangon and returning to Taunggut on 3 August. On the 7th, 42 of us gathered at my house to eat and plan our activities for the next day, which began at 6:00 am on U Ottama Road. We wore the t-shirts, held portraits of Daw Aung San Suu Kyi, and walked to the Phaungtaw Oo monastery. We even walked right by the police station, for the officers were still asleep. One police eventually stopped us in front of the courthouse, and when other police arrived, they arrested all 42 of us and took us to the local administration office.*

*They placed us all in the same room and asked us about the demonstration and by what group it was organized. We replied that it wasn't against the government, but just an effort to remember in a religious way those who died on '8888', and that we had organized ourselves for the event. The police then told us that we had broken the law, since no more than five persons are allowed to gather, and ordered us to take off our commemorative t-shirts. Everyone, including me, obeyed, except five people: Ni Ni May Myint (f), 19 years old, Moe Nay Soe (m), 28, Than Lwin (m), 25, Chid Maung Maung (m), 23, and Ko Maung Maung Thet (m), 23. So the police released the rest of us, but told the other five—whom they began calling "leaders"—to sign a paper stating that they were refusing to take off the shirts, which they did. The police then took them to Thandwe prison, and on 15 August, the Thandwe district court sentenced them to two and a half years' imprisonment.*

*A month later, on 9 September—U Ottama Day—my five friends began a hunger strike in prison demanding the release of Daw Aung San Suu Kyi and other political prisoners, and so the police moved them to Buthidaung prison, much further away from their families and friends. They remain there today, and because visitors are very rare and medical attention in the prison is inadequate, they are in poor health.*

## 2.1 ETHNIC MINORITIES IN MYANMAR

Although between 60 and 65% of Myanmar's 50 million people are ethnic Burmans, Burmans comprise the vast majority of the strongly centralised Myanmar government and army. Burmans speak a Sino-Tibetan language, which is the official language of Myanmar and is widely spoken throughout the country. Most Burmans are Theravada Buddhists. They live in all parts of the country but predominantly inhabit Myanmar's central river valley areas in its seven central divisions. Burmans were largely excluded by the British colonial administration before independence in 1948, resulting in Burman resentment of not only the

British but of the ethnic minorities whom the British sought to work with more closely. Such was the mutual distrust that immediately after independence—and despite the signing of the Panglong Agreement the same year, which accepted in principle “Full autonomy in internal administration for the Frontier Areas”—many ethnic minorities took up arms against the central government.<sup>25</sup>

Ethnic minorities therefore make up approximately 35-40% of the country's population, including people of Chinese and Indian ethnicities, who comprise an estimated 3% and 2% of the population, respectively.<sup>26</sup> According to the government, there are at least 135 different ethnic nationalities in Myanmar, but the exact number is difficult to conclusively determine. For example the government emphasizes a debatable difference between S'gaw Karen and Pa'o Karen, and asserts that there are 54 different Chin tribes, mostly based on small differences in locations and dialects. One ethnic leader told Amnesty International that “sometimes being just one mountain away” makes one a different ethnicity, and that if the true measure was in fact differences in dialect, “then even 135 would almost certainly be too low a number”.<sup>27</sup>

This report addresses the seven largest officially recognized ethnic minorities in Myanmar, each of which makes up a majority in its eponymous state: the Rakhine, the Chin, the Kachin, the Shan, the Karenni, the Karen, and the Mon.<sup>28</sup> On account of time, resource, and access constraints, this report does not address any of Myanmar's other smaller ethnic minorities, including the Rohingya—who are not even officially recognized by the government. Their plight, however, has been well-documented by Amnesty International and other groups.<sup>29</sup>

The Rakhine (also known as Arakan) are concentrated in Rakhine State on the western coast of the country. They are predominantly Theravada Buddhists. The Rakhine language is widely spoken in the region and is mutually intelligible with Burmese. The Arakan League for Democracy (ALD), which won 11 of 26 contested seats in the 1990 elections (becoming the country's third largest political party) seeks to represent the Rakhine.

The Chin (also known as the Zomi) live mostly in the isolated mountainous region of northwest Myanmar, Chin State. An estimated 80-90% of the Chin population is Christian, although some are Theravada Buddhists. There are at least six major Chin tribal groups speaking at least 20 different mutually unintelligible dialects. The Chin National League for Democracy (CNLD) and the Zomi National Congress (ZNC) won three and two seats, respectively, in the 1990 elections, and though both were later banned by the authorities, they still work with the NLD and seek to represent the Chin.

The Kachin (also known as Jinghpaw) are concentrated in Kachin State in the far north of Myanmar. The majority are Christians, although some Kachin are Theravada Buddhists. The Jinghpaw language is spoken by a majority of Kachins, although other languages are also spoken among them. Two major political bodies seek to represent the Kachin: The Kachin Independence Organization (KIO), with formal control over some functions of local government, and the Kachin State

National Congress for Democracy (KSNCD), which won three parliamentary seats in the 1990 elections.

The Shan live primarily in Shan State, in the east of the country bordering China, Laos and Thailand. There are smaller groups of Shan living in Mandalay Division in the centre of the country, in Kayin State in eastern Myanmar, and in Kachin State. Most Shan people follow Theravada Buddhism and are part of the pan Tai family, which also includes most of the populations of Thailand and Laos. The Shan National League for Democracy (SNLD), which seeks to represent the Shan, was the second most successful party in the 1990 elections after the NLD, winning 23 seats. The Party Chair, Khun Htun Oo, is presently serving a 93-year prison sentence and is in poor health.

The Karenni (also known as the Red Karen or the Kayah) are found in Kayah State in the east of Myanmar bordering Thailand. Christianity and animism are their predominant religions. While there are many languages spoken in Kayah State, the Karenni language is spoken among different communities as a common language. The armed opposition group, the Karenni National Progressive Party (KNPP), has splintered several times since its founding in 1957, but still seeks to be representative of the Karenni.

The Karen ethnic minority is concentrated in the east of the country primarily in Kayin State, with lesser numbers in Kayah State, the southern part of Shan State, and the Ayerawaddy Division. Buddhists, Christians and followers of animist religions exist amongst the Karen. There are three main Karen languages, all part of the Sino-Tibetan family but not mutually intelligible. The Karen National Union (KNU) has sought to represent the Karen since 1947.

The Mon are largely found in Mon State in southeast Myanmar, but smaller populations live in Ayerawaddy Division and along the Myanmar-Thailand border. They helped spread Theravada Buddhism throughout the region. The Mon language was once widely spoken in the south of the country but is presently spoken by less than one million people. The Mon National Democratic Front (MNDF), which won five seats in the 1990 elections, was banned in 1992 but still continues to operate.

## 2.2 CEASEFIRE GROUPS AND BORDER GUARD FORCES

Fighting between various ethnic minority armed groups and the central government has never completely stopped since the country's independence. However, since 1989 and primarily during the late 1990s and early 2000s under General Khin Nyunt's leadership and initiative, 19 ethnic minority armed groups—16 from the seven largest ethnic minorities—have agreed to ceasefires with the government.<sup>30</sup>

Among the Rakhine, there are at least three armed groups, only one of which has agreed to a ceasefire.<sup>31</sup> The Chin National Front (CNF), the main and perhaps only

armed group among the Chin, also does not have a ceasefire agreement with the government. In contrast, all four armed groups among the Kachin have agreed to ceasefires with the government.<sup>32</sup> There are at least five armed groups among the Shan, four of which have ceasefires agreed with the government.<sup>33</sup> Similarly, of the five armed groups existing among the Karenni, four have agreed to ceasefires.<sup>34</sup> The Karen National Liberation Army (KNLA), the armed wing of the KNU, has been in armed conflict with the government since 1947; it has not agreed to a ceasefire. However, at least two other Karen forces have done so.<sup>35</sup> The New Mon State Party (NMSP), which controls some territory along the Myanmar-Thailand border, has agreed to a ceasefire with the government.

In April 2009, the government announced that groups governed by ceasefires would be required to transform themselves into *tatmadaw*-commanded Border Guard Forces (BGF) by the end of June. The deadline was then extended to the end of October, again to the end of December 2009, and yet again indefinitely into 2010. While not expressly linked to the 2010 elections, the BGF plan is authorized under the 2008 constitution. Nine groups have agreed, six of which from the largest ethnic minorities: the Lasang Awng Wa Peace Group (Kachin); the New Democratic Army-Kachin (NDA-K); the Kachin Defence Army; Karenni Nationalities People's Liberation Front (KNPLF); the Democratic Karen Buddhist Army (DKBA); and the Karen Peace Front (KPF). Six groups have refused, four of which from the largest ethnic minorities: the National Democratic Alliance Army (NDAA) (Shan); the Shan State Army-North (SSA-N); the Karen National Liberation Army (KNLA); and the Mon National Liberation Front (MNLF).

While these groups did not articulate their reasons for refusal beyond generally stating their rejection of the terms of the BGF plan, that they refused at all is significant in the context of the 2010 elections. These groups now face a difficult choice: in repudiating the BGF plan, do they revert back to a state of armed insurrection, or do they endorse political parties to participate in the 2010 elections in the hope that they will be able to create political space in the newly created regional governments and assemblies? In either case, unless the Myanmar authorities significantly loosen the restrictions on political activity by ethnic minorities, it is highly likely that the government will respond with heightened repression to avoid any challenge to their authority.

# 3. THE ROLE AND REPRESSION OF ETHNIC MINORITIES IN MYANMAR'S POLITICAL OPPOSITION

As demonstrated most dramatically during the Saffron Revolution and in the opposition to the 2008 constitutional referendum, political challenges to the Myanmar government are not confined to the ethnic Burmese or the urban and central regions. The diverse composition of the political opposition is reflected in the make-up and leadership of the NLD and other political groups. The opposition is diverse and widespread. Ethnic minorities have always seen themselves as having a critical stake in the political structure and situation in Myanmar—not least in the protection of their own separate and collective interests—and have asserted themselves accordingly. The authorities, no more secure with political opposition in the ethnic minority states than in Yangon, have responded with repression.

## 3.1 THE RAKHINE AND THE SAFFRON REVOLUTION

The Saffron Revolution was an expression of both economic and political grievances. It was supported by both monks and lay people, and significantly, not only started in an ethnic minority state but was very active in others as well. It was a country-wide series of protests, which resulted in country-wide repression. Violations included extrajudicial executions, arbitrary detention, and forced labour.

Amnesty International was able to obtain an extensive number of accounts on and from Rakhine activists, including new information on their role during the Saffron Revolution and previously undocumented testimonies about the ensuing government crackdown. The findings reveal violent suppression of peaceful demonstrations, leading in some cases to deaths; arbitrary arrests and imprisonment; and surveillance and harassment of activists. The first monks to take to the streets during the Saffron Revolution—in the first such major demonstration by monks anywhere in Myanmar since 1990—were in Sittwe, the capital of Rakhine State: on 28 August 2007, approximately 300 Rakhine monks decided to march and chant a metta sutra (“loving kindness” discourse), blazing the trail for thousands more all over the country. This section focuses on the role of Rakhine political activists in the Saffron Revolution.

Their activism was sparked by the government's decision on 15 August to drastically increase domestic fuel prices, sparking large protests that month spearheaded by the 88 Generation Students group. Dependent on lay persons for their daily alms, but also traditional providers of education and both religious and socio-economic refuge for their devotees, the monks were profoundly affected. When, on 17 September, the government failed to apologize for an attack on monks by security forces in Pakkoku in Magway Division twelve days previously, monks took mass action. For the next nine days—following the lead set in Rakhine but soon covering all of Myanmar's seven ethnic minority states and seven divisions—thousands of monks joined lay persons in marching peacefully in at least 66 towns and cities and 227 districts.<sup>36</sup> They refused to accept alms from government officials and soldiers, and called for a reduction in fuel and commodity prices, the release of all political prisoners, and the commencement of meaningful dialogue with the democratic opposition.<sup>37</sup>

On the evening of 24 September, Brigadier General Thura Myint Maung, Minister of Religious Affairs, was quoted on state television as warning that action would be taken against the monks if they continued their protests. From 26 September through 2 October, the authorities staged a violent crackdown. At least 31 (and likely more than a hundred) persons were killed—with many more injured and at least 74 disappeared<sup>38</sup>—and 3,000-4,000 people were detained.<sup>39</sup> The authorities also raided over 50 monasteries nationwide between 25 September and 6 October, ordering all monks back to their home towns, and assaulting, arresting, or otherwise repressing many monks in this process. In the weeks and months that followed, as the testimonies and information below reveal, they tortured both religious and lay detainees and deprived them of their fair trial rights.

### 3.1.1 AUGUST AND SEPTEMBER: CRACKDOWN

U Khe Maine Dha, a 29 year-old monk from Mrauk Oo township, told Amnesty International how he helped organize that first march of 28 August, five days before it took place, but did not get to join it himself.

*On the night of the 23rd, the authorities, having learned of the meeting I had called and held that day with about 150 monks at the Wetherly grounds in Sittwe, visited many monasteries, including Myo Ma monastery where I was staying. I fled out the back when they arrived. First I went to Ray Shan Byin village for a day, before spending three more days travelling to Maungdaw township. Two days later, I left Myanmar in civilian clothes.*

*We organized the march to demand a reduction in fuel prices, the release of all political prisoners, and tripartite dialogue in Myanmar. These were not that different from the things we were seeking on 17 March 2003 when a smaller number of monks and students took to the streets then too. Maung Oo, currently the government's Home Minister, held a gun to my chest that day. This time,*

*however, I had to run away.*

Indeed, official persecution of this activism—a month before the Brigadier General's warning noted above—began immediately: authorities arrested five of the monks on 28 August, as well as Han Min Ni, 24, and Maung Soe Than, two Rakhine lay persons who gave water to the monks. Three days later, authorities in Taunggut township arrested two men, Sithu and Than Lwin, for carrying sign boards in the streets declaring, "People Are Starving!". A court sentenced them to one year each in prison, after which they were released.

Amnesty International was told that in early September 2007 military authorities bulldozed and then set afire Theik Thapon monastery in Theik Thapon Khami village in Kyauktaw township, because its abbot, 79 year-old Thi Law Ka, was involved in the demonstrations and agreed to shelter four other monks who were also involved.

On 2 September, authorities arrested Ray Thein (also known as Bu Maung), NLD secretary in Buthidaung township, for staging a solo protest against the government. Though released on 5 September, authorities arrested him again on 19 November for reasons that are unclear. They again released him in May 2008, but sent him to a mental institution in Yangon for a period of time and banned him from Buthidaung township.

U Kaw Ma La, a 68 year-old monk from Sittwe's "meditation temple", participated in daily demonstrations there from 28 August through 9 September—the day the authorities issued a warrant for his arrest. He spoke to Amnesty International of his arrest and ill-treatment:

*The abbot told me that I was in danger, so I fled Sittwe for the Kaladan River and tried to cross the border into Bangladesh. But it was not possible, so I returned to Sittwe and was arrested on 8 October. The authorities sent me to Sittwe prison, interrogated me, and deprived me of food and water—completely—for seven days I could not sleep. On 18 October, they took me to a court that sentenced me the same day to two years in prison. It was like hell. For six months I was kept in the same cell as persons condemned to death. I was finally released, several months early, on 21 February this year [2009]—I'm not sure why. Then a friend of mine in the Special Branch police told me in March that I was slated to be re-arrested—I'm not sure why of that either. So I decided again to leave Myanmar, and succeeded this time.*

On 11 September, authorities arrested a Rakhine member of the Human Rights Defenders and Promoters (HRDP) group, Ko Soe Win of Sar Pyin village outside of Taunggut, also for staging a solo protest calling for the release of political prisoners and the excommunication of Senior General Than Shwe<sup>40</sup> from the Buddhist faith. They charged him with insulting Buddhism and creating a public disturbance under Section 505(b) of the Penal Code.<sup>41</sup> Denying him his right under both domestic and international law to consult a lawyer, a court then sentenced him to four years in prison on 11 October. On 25 October, he was retried in Thandwe district court in southern Rakhine, resulting in his release after his conviction was overturned.

As noted above, monastery raids were part of the official response by the government to the protests. U Sandawara, a 43 year-old Rakhine monk, spoke with Amnesty International about a raid on Lat Kuk Zee monastery in Mrauk Oo township in mid-September:

*About 30 soldiers from Battalion 377 came shortly after 8:00 pm, as we had scheduled a meeting for that time to prepare for demonstrations. Thanks to a novice monk who spotted a known informer at a monastery nearby just before they arrived, most of us were able to flee, but two 23 year-old monks, Kunda Ya Na and U Oo Aga, were captured. They released them three days later. I decided to go to Sittwe, where I was able to stay in Aung Miya Gung monastery and participate further in the protests. I neither experienced nor witnessed any violence there, but when I learned of the order to send monks back to their home towns, I feared returning to Mrauk Oo and so left the country. The government is a tyrant and corrupt. Myanmar is full of natural gas and yet there is no electricity. But it is too difficult to protest there now ....*

U Thuriya, a 22 year-old monk from Buthidaung township living in Pathein monastery in Sittwe, told Amnesty International that he was involved in the demonstrations from the beginning on 28 August. Between 18 September and 1 October, however, his involvement increased, with the authorities responding aggressively. He said:

*On 18 September, a large group of monks I was with surrounded the local office of the SPDC, to demand the release of two persons who had been arrested on 28 August for giving water to the monks. Police and army units shot their guns into the air, dispensed tear gas, and arrested five monks. Police officers Soe Naing and Dun Win also beat several monks, one of whom had several teeth knocked out. I saw this, though my eyes stung from the gas. The next day we returned, but while the security forces were heavily deployed at the office, there was no violence. A ranking officer invited me and five other monks inside the office and agreed to release the two people within three days if we would sign a form agreeing not to demonstrate anymore. However, five days later I did take part in Sittwe's largest demonstrations on 24 September, when more than 300,000 people marched in the streets.*

*Moreover, on 26 September a fellow monk and I led a group of Rakhine Muslims during the marching in Sittwe. This was unique, the only day that Muslims took part as a group in the demonstrations there, and the day after the authorities had announced a ban on marching and a curfew.*

Former monk Thu Mana, 32, from Kyauktaw township, was also among the monks from Pathein monastery in Sittwe who demanded the release of the two persons who had given water to the monks. He told Amnesty International:

*On 18 September, more than 100 monks gathered at Bu Ra Gyi temple, joined by many civilians, and marched to the local SPDC office. Police blocked the road and*

*fired tear gas, soldiers shot bullets into the air, and the fire brigade blasted water hoses at us. Both the police and the Union Solidarity Development Association (USDA) beat protesters, while the fire brigade washed away the blood.<sup>42</sup> I saw many people injured, but managed to get away without harm.*

While the accounts of the two monks as to what exactly happened at Pathein monastery on 27 September differ somewhat, both indicate that the authorities were set on ensuring that they could protest no longer. U Thuriya explained what happened next:

*Maung Shan and Than Tun Aung, the commanders of the Western Command and the regional army headquarters, respectively, came to Pathein monastery. They gathered all the monks and the abbots in the same room and invited us to view the photos they had taken of us during the demonstrations. They said that they would not arrest us if we agreed to leave Sittwe and return to our home towns—this pursuant to an order given the previous day that all monasteries nationwide had to disperse their non-native monks.*

*So I decided to leave that same day, the 27th, disrobing temporarily for safety, and arrived in Buthidaung the following day. However, on 30 September a friendly police officer I knew there told me discreetly that the police were ordered to arrest monks returning home from Sittwe. So I left Sittwe—and Myanmar—the next day, once again taking off my monastic robes as I travelled.*

Thu Mana gave the following description:

*On 27 September, our monastery was raided, with soldiers showing the abbot a list of people they wanted to arrest. About 200 of the 300 monks there, including myself, were then able to escape through the windows. I went to Ru Pa Mrauk ward and disrobed, and then to Bo Loon Gwin ward where I hid with some relatives. The next morning, however, I put my robes back on to join a ferry organized by the authorities so that non-native monks could return home. When I reached Kyauktaw township, I disrobed yet again and wandered from village to village and monastery to monastery—re-robing when necessary—for five months. I finally left Myanmar in March 2008, still fearing discovery and arrest. Unless there is democracy in Myanmar, I won't return. I don't want to see another crackdown.*

Similarly, U Diloka, a 23 year-old monk from Rathidaung township, became deeply involved in the protests starting on 18 September— but only in Yangon, not in Rakhine State. As with all other activists described in this section he is ethnic Rakhine, but during the Saffron Revolution was living in Raza Grow monastery in South Dagon (61st quarter), Yangon. In speaking to Amnesty International, he was categorical that the authorities shot dead peaceful demonstrators:

*Starting on 18 September, when we overturned our alms bowls, and 26 September, I marched every day, usually beginning at the Sule Pagoda. On the 26th, soldiers at the Shwedagon Pagoda fired live rounds at us, killing eight monks and six or seven lay women. I saw this. I was struck behind my right shoulder on my upper*

*back with a rifle butt, but ran away with everyone else once the shooting began.*

*Two nights later, soldiers raided our monastery, but luckily all of us were able to flee before they arrived, since we had been assigning five monks at a time to look-out duty, and they saw the soldiers coming to a nearby monastery. I disrobed and went immediately to the house of one of the monastery's donors, who hired a car to take me to Rathidaung. I remained there discreetly until 9 October when the abbot from Yangon sent word that I could return in safety to the monastery. But on 11 October, during our alms round, two other monks were arrested, so the rest of us fled. The donor again helped me, buying a train ticket for Taunggut, from which I went to Sittwe and into exile on 26 October.*

A 26 year-old lay geography student from Sittwe University, Soe Marn, told Amnesty International that he joined the demonstrations there on 24 September at the Bu Ra Gyi temple and the Blu Ma bridge. A few days later, a Rakhine police officer from Soe Marn's quarter came to his house. Soe Marn explained:

*He informed me that my name was one of five on a list of persons in the quarter slated for arrest for participation in the protests. As a fellow Rakhine, he urged me to flee. I was confused, but I left immediately in a boat for Mrauk Oo township, which took a full day and night to reach. I have family there in Kyaw Day village, but I did not contact them. When I learned that the authorities had come to check the residency list there as well, I spent one night in the jungle in the mountains, and then a month back in the village secretly with friends. I then made my way to Pauktaw township, where I stayed secretly with some relatives in Brin Daung village for nearly two months while looking for a way to leave Myanmar, which I found in late December.*

Soe Marn also informed Amnesty International that his 25 year-old friend at Sittwe University, a fellow geography student taking a year off from his studies to be a monk, was arrested in late September while marching. A court sentenced him to six months in Sittwe prison.

In Rathidaung township, U Rakha Van Tha, a 26 year-old monk in Zaydi Yin Gana monastery, was among the leaders of demonstrations on 24 and 25 September. He led approximately 80 people, 50 monks and 30 lay persons, in chanting a metta sutra. As he explained to Amnesty International, military intelligence began visiting the monastery thereafter and asked him questions about the general situation and their plans:

*After issuing a ban on demonstrations on the 25th, they came daily until I finally left the monastery on 7 October. They seemed to know that I was a leader, and so while they had not arrested me yet, I was afraid that they would. For almost three months, I stayed in four villages in Rathidaung township—Zay Di Byin, Mi Nyo Htunt, Ku Daung, and Kyaw Tan—always in monasteries. I learned that the authorities were still looking for me in Rathidaung, and that more police and military intelligence were watching the monastery there and questioning the remaining monks (as others had gone to their home towns after the 26 September*

*order to that effect).*

*On 31 December, I travelled to Nga Khu Ra village in Maungdaw township with the intent of leaving Myanmar, but it was not possible then to cross into Bangladesh. So again I lived in that village and three others—Nan Tha Daung, Thaug Bro, and Kat Ba Gaung—staying in monasteries. Once the Nasaka [border patrol] came to the Nga Khu Ra monastery and asked me some questions, but they seemed satisfied with my replies. When I finally had a chance to cross the border, I did so on 27 March 2008. I had never before heard of soldiers killing monks, so this all made me very sad, but I will continue to fight militarism and dictatorship in Myanmar.*

Just as soldiers had fired on protesters at the Shwedagon Pagoda in Yangon on 26 September, they also opened fire at the Sule Pagoda in Yangon on the same day. As he told Amnesty International, U Pina Tha Mia, a 24 year-old Rakhine monk from Kyauktaw township, was living then in Sataya Rama monastery in South Okkalapa township, Yangon.

*We were near Shwedagon and the convention hall, and the soldiers began shooting. Many monks fell down, at least 20 to 30, and many were taken away by the soldiers. But I don't know how many were actually hit since I was running. Some of us then regrouped at Sule but eventually dispersed. The 27th and 28th were quiet in the area of my monastery, and I kept a low profile there until 7 October. On that day, soldiers surrounded the monastery and arrested our abbot, U Sataya; he was later sentenced to three years' imprisonment. I was not there at the time and so never returned, but left immediately for my home town via Sittwe, reaching there on 9 October. I left Myanmar itself the next day.*

A 24 year-old farmer and activist from Taunggut township, Rakhine State, who requested that his name not be used, told Amnesty International that he was upset by the news he received there on 27 September that soldiers had shot at monks at the Sule Pagoda the previous day:

*I decided to invite monks and young people to convene the next day at Kam Bai monastery in Taunggut, resulting in about 30 monks who began walking on the street with their leader carrying a religious flag. Along with about 25 other activists, I joined the monks on the street at the monastery, just before about 40 Buddhist nuns joined as well. The leader then stated that the monks were to overturn their alms bowls and thus refuse any offerings from the authorities. We began marching to Phaungtaw Oo pagoda, as many others from all social and economic classes joined us along the way. Even rich people applauded or joined in, or at least gave us water or food. When we arrived, the leader told us to be peaceful and to simply join in chanting a metta sutra, but hundreds and perhaps thousands of others began shouting demands for democracy, the release of political prisoners, and a lowering of commodity prices.*

*The next day, people just automatically turned up at the Phaungtaw Oo pagoda. I was there too. Then soldiers from Brigade 22 based in Thandwe township arrived*

*in trucks and placed barbed wire in front of the township administration office on U Ottama Road. Twelve soldiers stood behind the wire with their rifles raised, while their commander ordered us through the loud speaker to disperse. We didn't do so immediately, but eventually the demonstration ended as people became scared or tired.*

*That night, however, armed soldiers in groups of two began searching houses and arresting people, including eventually two of the other civilian leaders, U Tun Kyi and U Than Pe, both from the NLD. They took them to the Western Command headquarters located in Ann township. As other soldiers were patrolling the streets with guns and walkie-talkies, I joined many people in hiding, leaving the town for a hut I knew of in a paddy field outside of town. I stayed there for about two weeks, before returning to Taunggut. Toward the end of October, a friend and I began painting anti-government messages on public walls and roads in town at night, most reading "We don't want a government that kills monks".*

*Finally, one night, the police came to my house and detained me, taking me to their station and asking me who was doing the painting. I denied all accusations and knowledge, but also said that if I were against the government, I would just do it myself—which they knew was true since they had arrested me on 19 June 2007, as I was staging a solo demonstration on Daw Aung San Suu Kyi's 62nd birthday. They released me after two hours, but I knew I was now under even more suspicion and so eventually left Myanmar.*

The Saffron Revolution also included Buddhist nuns. Kunda La Htay Ri, a 30 year-old former nun from Shwe Kyung monastery in Kyauktaw township, told Amnesty International about marching in the street on 28-30 September, and the repression that followed. This included the killing of her friend.

*Of the more than 100 nuns in our monastery, seven of us joined four monks and many civilians in the streets. I wanted to join them after some lay persons tossed stones at our monastery encouraging us to come out, and my superior also requested me to lead the others who were interested. I had a confrontation with the police on the street when they took my photo several times, for I didn't want them to do so. Then the soldiers from Battalion 376 fired upon us and killed my fellow nun and friend, Ma La. She was 18.*

*While still wearing my robes, I fled the town for Shwe Pyi village, also in Kyauktaw township, and stayed there with friends for three nights. I then began a long journey into exile, sleeping one night each in Myuak Taung and Khang Dauk villages, Sittwe, Maungdaw, and Mi Gala Nyunt village along the way.*

On 29 September 2007, authorities in Maungdaw township arrested and disrobed U Ithirya, a 28 year-old monk from Sita Thukha monastery in Sittwe, while he was passing through the town with several monks from Bangladesh. He is a friend of U Thuriya, who was noted above, and the son of U Aung Ban Tha, General Secretary of the NLD in Sittwe township. The authorities accused him of leading monks in demonstrations in Sittwe, and charged him with inciting public unrest and illegal

association under Sections 143, and 505 of the Penal Code.<sup>43</sup> He was later sentenced to seven and a half years in Buthidaung prison, and in March 2009 he was placed in solitary confinement and not permitted to receive family visits. As of this writing, it was not known if the circumstances of his imprisonment had changed.

By the end of September 2007, the crackdown succeeded in suppressing the protests nationwide, but the repressing of ethnic activists continued unabated, if in different form. Such repression largely took the form of arbitrary arrests, imprisonment, and in some cases torture of Saffron Revolution activists. Sometime the following month, authorities arrested Aung Naing Soe, 22, from Pauktaw township, and charged him under Sections 143 and 505(b) of the Penal Code.<sup>44</sup> He was later sentenced to three years and nine months in Thandwe prison.

### 3.1.2 OCTOBER AND NOVEMBER: CONTINUED REPRESSION

A source in Bangladesh told Amnesty International that in early October, after authorities tried to arrest his father for taking part in the demonstrations, Ko Hla Shwe and his wife and two year-old son were forced to flee Sittwe to neighbouring Bangladesh. Around the same time, authorities arrested U Kyaw Khaing, 85 year-old president of the NLD in Taunggut township, Rakhine State, on charges of leading the protests there. His son claimed, however, that U Kyaw Khaing was actually in Yangon attending an NLD meeting at that time. He was sentenced on 16 October to seven and a half years in prison, but was released in November 2007 because of his advanced age.

Early October 2007 also saw the arrest of U Ku Sa La, a 40 year-old monk from Ambarama monastery in Sittwe. He had not only participated in the protests there since late August, but had also taken part in the August 1988 uprising as a student. He told Amnesty International:

*The authorities visited my monastery at night on 4 October, and though my fellow monks managed to get away, I was caught. The authorities initially jailed me for a month, disrobed me, and interrogated me very roughly. Then a court sentenced me to 18 months in prison. I was released on 21 February 2009, along with U Kaw Ma La [above], and left Myanmar on 31 March.*

Arbitrary arrests and detention of Rakhine activists continued. On 12 October in Thandwe township, authorities arrested Ko Min Aung, 35 year-old deputy secretary of the NLD in Taunggut township, for his participation in the demonstrations in Taunggut on 26 and 27 September. On 17 October, Judge Daw Saung Tin in Thandwe district court sentenced him to nine and a half years in prison, two for contempt of court after he complained of not having access to his lawyer. As noted, the right to legal representation is a key component of the right to a fair trial. While his sentence was later reduced on appeal to seven and a half years, it was subsequently extended to 15 years—in Kale prison in Sagaing Division—after he

had organized fellow prisoners in Thandwe to contact people outside the prison, which was against prison regulations. Ko Min Aung had previously assisted the International Labour Organization (ILO) in two complaints of forced labour in 2003, which resulted in the imprisonment of officials, and in a case of two child soldiers who were subsequently released.

In mid-October, authorities arrested U Thein Maung, a MP-elect from Man Aung township, and U Pru Aung, president of the Man Aung township NLD. Elsewhere in Rakhine State, the authorities also arrested U Sein Kyaw, 82 year-old NLD president in Gwa township, U Than Shwe, NLD vice-president of Taunggut township, and U Tun Kyi, a member of the NLD. All five were sentenced in summary trials to five years' imprisonment on protest-related charges, but U Sein Kyaw was released on 19 October 2007, and the others on an unknown date(s) thereafter.

A 24 year-old farmer and activist from Taunggut told Amnesty International that the body of his friend, Myint Thein Chay, 32, was found in the Taunggut River in mid-October 2007. As it was not badly decomposed, he believes that his friend was killed for his participation in the recent demonstrations. Similarly, on either 17 or 19 October, the body of Nyi Pu Lay, a 37 year-old NLD member from Gwa township, was found floating in the Gwa River. He had also participated in the protests in Taunggut and had been missing for four days. The police immediately took the body away and cremated it. Amnesty International was not able to determine conclusively whether these deaths were indeed crackdown-related.

In late October 2007, and as noted above, authorities detained and reportedly tortured U Than Pe, vice-chair of the Taunggut township NLD, during his interrogation at a detention centre in Ann township. Covering his head with a soaked cloth so that he was unable to breathe, a health worker stood nearby measuring his blood pressure to determine how much of the treatment he could withstand. He was deprived of sleep for eight of the 13 days he was detained, and given little food. While he was released following this interrogation, authorities summoned him and several others again briefly on 4 November. They warned them against organizing further protests, threatening them with arrest and harsh punishment.

The crackdown continued without interruption into a third month, as ethnic minority activists from Rakhine State described to Amnesty International in considerable detail. On 15 November authorities raided Tayzar Rama Kaman Htan monastery on the outskirts of Sittwe, and arrested U Than Rama, wanted for his involvement in the protests. He was beaten during the raid and released after seven to 10 days.

On 26 November 2007—and only three weeks after he completed a three-year sentence in Sittwe prison for possession of Indian currency—authorities re-arrested San Shwe Tun, chair of the NLD in Sittwe on suspicion that he was encouraging or organizing monks to demonstrate. He was released some time in 2008. The next day, authorities arrested Win Maung, a Rakhine SPDC village secretary in Man Aung township, for giving an anti-government speech during the Saffron Revolution. On

5 December a court dismissed him from the SPDC and sentenced him to two and a half years in Kyaukprou prison in Kyaukprou township. And again a day later, on 28 November, authorities arrested Khin Hla, a 60 year-old NLD secretary from Taunggut. He was sentenced to four years' imprisonment in early January 2008.

Also in late November, police in Mrauk Oo township detained comedian La Raung for three days. His role in a comedy sketch in which he pretended to playfully shoot a monk was deemed to slander the government. They released him after he signed a form agreeing not to perform the sketch anymore.

### 3.1.3 CONTINUING REPRESSION IN THE AFTERMATH OF THE SAFFRON REVOLUTION IN 2008

Although by January 2008 the crackdown in its most direct form was over, information provided to Amnesty International regarding ethnic Rakhine activists through late September of that year suggests that the government crackdown on activists, including ethnic minorities, was an extension of or related to the Saffron Revolution.

On 17 January 2008, authorities questioned two NLD members about a demonstration in Taunggut township that had been planned for the day before and then closed down the local market. Afterwards, roughly 200 people, including monks, gathered in the street. Authorities, including members of the USDA, the fire brigade, and the Swan-Ar-Shin ("Masters of Force")<sup>45</sup>, then prevented them from demonstrating against the closure of the market by forming a line and pushing back the protesters with metal shields and truncheons. No one was arrested or injured, but the authorities increased surveillance of the NLD members in the township.

Five days later on 22 January 2008, police arrested Ko Zaw Naing and Ko Than Htay, two Rakhine members of the NLD youth wing in Taunggut, for riding bicycles into the town while shouting anti-government and pro-democracy slogans for about 15 minutes. Police took them to Myoma police station, and a court later sentenced them to prison terms in Buthidaung. In early March 2009, prison authorities placed Ko Zaw Naing—along with all other political prisoners in Buthidaung prison—in isolation cells and denied them visits from their family. Both Ko Zaw Naing and Ko Than Htay were released in July 2009.

On 28 January 2008, a day after activists hung pro-democracy posters in prominent locations in Taunggut, authorities increased both their presence in the township and their surveillance of NLD members there. The posters demanded the release of Daw Aung San Suu Kyi and other political prisoners, respect for human rights, and the initiation of dialogue with opposition leaders. Police removed the posters and began patrolling in markets and monasteries.

On 12 February 2008, the USDA, police and other security forces blocked a group

of local NLD members from holding a candlelight vigil and offering food to monks at the Phaungtaw Oo Pagoda in Taunggut, to mark Union Day.<sup>46</sup> They also arrested Chit Htwe, an NLD member, for attempting to get past security by climbing over the fence to give food to the monks. He spent seven days in prison before being released.

On 14 September 2008, security forces set up road blocks at the Wetherly playground in Sittwe, to prevent about 50 monks from staging a demonstration. The monks were still demanding—one year on—a reduction in commodity prices and the release of their colleague U Ithiriya, who had been arrested and imprisoned the year before.

Also in mid-September 2008, authorities increased security around and imposed a curfew on Pathein, Nan Tha Yar Ma, and Sein Than Thu Ka monasteries in Sittwe, affecting roughly 500 monks. As the 26-27 September anniversary of the crackdown approached, authorities increasingly questioned any monks who were outside of their monasteries or travelling, and began visiting the monasteries randomly for inspections. They also increased their presence in public areas and around pagodas.

Finally, on or just before 26 September 2008, authorities in Sittwe forced U Pai Nyathuka, a monk from Sitta Thuka monastery, and U Tayza Dhama, a monk from Ten Kho monastery, to return to their home towns in Ann and Mrauk U townships, respectively. Authorities suspected them of being leaders of recent attempts to again demonstrate against the government in Sittwe. On 27 September, the authorities arrested five of at least 50 monks who marched silently, along with roughly 150 others, on the first anniversary of a crackdown that had not yet ended.

#### 3.1.4 CRACKDOWN COUNTRY-WIDE

The Saffron Revolution was not confined to central Myanmar and Rakhine State. Amnesty International is aware of activism carried out by individuals and groups from the Kachin, Shan, Chin, and Karen ethnic minorities in late 2007 and 2008. Many of those activists were then targeted by the authorities for repression. As with many Rakhine, some repression was so severe, that its victims had to flee Myanmar, and thus spoke to Amnesty International in exile.

On the night of 25 September 2007, authorities raided monasteries in Bhamo, Kachin State's second largest city, and locked down others elsewhere in Kachin State. In the capital of Myitkyina, combined security forces under the command of Major General Ohn Myint, commanding officer of the Northern Regional Command comprised of riot police, soldiers, USDA, and members of the auxiliary fire brigade raided five monasteries. They were Tatkone monastery in Tatkone quarter, Du Kahtawng monastery in Du Mare quarter, Yuzana Kyaungthai monastery in Yuzana quarter, Myo Oo monastery in Yangyi Aung quarter, and Khemartiwun monastery in Khemartiri quarter.

The authorities beat U Thilawantha, deputy abbot of Yuzana Kyaungthai monastery, during the raid, and beat him again in detention. He died the following day in custody as a result of his injuries. Over 200 other monks were detained in Myitkyina's No. 1 and No. 2 police stations, as well as in Thitant prison and in a prison in nearby Waingmaw. Authorities took the senior monks to Northern Regional Command headquarters, also in Myitkyina.

In November 2007, three Kachin monks—aged 20, 27, and 28 and born in Shweku township—from the Yuzana Kyaungthai monastery in the Yuzana quarter of Myitkyina, spoke with Amnesty International:

*There were 142 of us at the monastery. It all started on 17 September. We all heard about what happened in Pakkoku<sup>A7</sup> and the other cities on the radio, and the news from the overseas stations—BBC, RFA, VOA—we knew was true. So on 23 September we went onto the streets in a spirit of unity to demand what the other monks were demanding. That day the authorities actually cleared the streets for us to march, with the police chief paying us respect, though other police took photos of both monks and civilians. We continued the next day, but skipped the 25th to take our exam. That day, however, at about 5:00 in the evening the authorities cut our phone lines, and at 7:00 pm surrounded our monastery. At 9:10 pm, they crashed open the main gate with their military trucks from China as if they were surrounding an enemy position. They stormed in and made threatening noises, while taking up strategic positions on the premises like in a heightened conflict—soldiers, the USDA, and Swan-Ar-Shin. We heard they were all under the direction of Ohn Myint, Northern Divisional Commander.*

*They had the whole monastery surrounded, and started immediately to beat monks indiscriminately. We could not resist as it took us by such surprise. They ordered us against the walls and struck with sticks those who did not immediately obey. They smashed the beds. They frisked us for weapons. And they told us, even the sick monks, that “if you don't want to get hurt, get up and get into the trucks”. They even used abusive language.*

*We got away in the gap the military wasn't covering, jumping over a brick wall and hiding by the fence of a nearby house. There were 18 of us who escaped. We went back to the monastery the next morning and saw solid red blobs that appeared to be blood. I saw many blood stains, and the whole place was a mess, doors broken, and so on. That's when we all decided we could not stay any longer and began asking neighbours and supporters to help us. The woman whose house we stayed in the night before put us in touch with an organization, which got us first to the old quarter of Myitkyina, then to Laiza, then into exile with the help of the KIA. We later heard that three monks were killed in custody.*

*It is for certain that the authorities will look for us. They know where we come from, they know our ID numbers. If they cannot find us at the monastery, they will look for us at our homes. They will know that we have got away.*

Similarly, a 22 year-old Shan monk from Hsi Hseng township in Shan State, who was living in Phaya Gyi Thet monastery in Mandalay in late 2007, participated in demonstrations of more than a thousand monks and others there on 24-26 September. He told Amnesty International:

*The officer in charge was reasonable and disobeyed orders from Yangon to use lethal force, but the police did use tear gas to disperse the protesters. Moreover, after the monasteries agreed to send their non-native monks home, I was not arrested, perhaps because I was not a leader, but I knew other monks who were detained. I really wanted to continue studying in Mandalay, but I had to go back to Shan State and could not return. So I left Shan State and Myanmar in July 2009.*

*In exile, I met another Shan monk, who said he had led a demonstration in Yangon. He told me that the authorities had detained him and nine other monks, at least one of whom was his friend and a fellow Shan, and injected them with something that made them "crazy". His friend and another monk eventually died, while he himself was treated in a mental hospital in exile before returning to Shan State about a month after I met him. However, he has come back once from Myanmar for an appointment at the hospital [which Amnesty International was able to independently confirm].*

In several incidents, the authorities simply refused to allow or stopped demonstrations. In Haka, the capital of Chin State, a 32 year-old man told Amnesty International that the Buddhist monks in town tried to march "at the time of the demonstrations elsewhere", but were prevented from doing so by the authorities. Likewise in Shan State in late September 2007, according to a 60 year-old farmer from Kun Hing township:

*Fifteen monks from three temples in my village met at Chun Loi monastery in the township centre. I watched them try to chant a metta sutra, like the monks in Yangon were doing, but the authorities stopped them. The monks explained clearly that they wished to chant peacefully in solidarity with the monks in Yangon, but the soldiers drew their guns and told the monks to return to their temples in the village.*

In other cases, those who took part in demonstrations or supported the monks were, as in Rakhine, detained or arrested. A 38 year-old Karen woman from Pathein township in Ayerawaddy Division—where the Karen make up a large minority or small majority of the population in the Ayerawaddy delta—told Amnesty International that in response to the demonstrations elsewhere in Myanmar in September 2007, soldiers blocked monasteries and schools.

*When the monks eventually did march for two days in late September, however, I saw the authorities arrest other Karen people who gave them food and water. There were about 20-25 people taken away, and I'm not sure what happened to them.*

On 27 September 2007, authorities detained Pu Chin Sian Thang, Chair of the Zomi National Congress (ZNC) party and MP-elect. This was the first of two times during the crackdown that he was detained.

The following month, soldiers from Battalions 225 and 331 entered a monastery in Murg Ton township in Shan State, and arrested monk Taw Ling, 45. They accused him of agitating communities of monks and lay people in the township to dislike the Burmese military, and of being politically-minded and a spy for Shan insurgents. They took him to the local government office, where they detained him for one and a half months, before sending him to another monastery near a military base where he stayed through at least early 2008.

Snong Mon, 36, told Amnesty International that during the first week of October 2007, the authorities transported roughly 500 monks from Insein prison in Yangon to Taung Sun township in Mon State, as well as to Mandalay Division. Of those taken to Mon State, none of the monks were purely Mon, but many were of mixed Mon and Burman ethnicity. The monks were divided into two groups. Those who were sent to Mon State wound up in a forced labour camp in a mining area in Taung Sun township. The authorities put their legs in iron chains and forced them to crush rocks that were later used to make roads. Soldiers with locally-produced G-3 rifles stood guard. They gave the monks little to eat and insufficient drinking water.

Finally, so diverse was support for the Saffron Revolution that, though closely associated in name with Buddhism, it involved members of other religions as well. Sallai Za, 27, is an ethnic Chin Christian who was studying law at Dagon University in Yangon in September 2007. He told Amnesty International that he had been politically active since 2002, but didn't think of his activities as political—just “angry with the poverty created by the government” and with the destruction of Christian crosses and churches in Chin State. In Yangon he was the general secretary of a Chin Christian student group, and was in touch with Chin activists in exile. He bought a radio expressly to be able to listen to the BBC, Radio Free Asia, and the Voice of America. He said:

*I was known to military intelligence already and had been questioned about contacts in exile, and honestly did not want to get involved in the Saffron Revolution. I wanted to focus on my studies and on the work I was doing with and for the Chin Christian community. But then I just could not control my desire for freedom and democracy in Myanmar. So on 24 September, I called people and organized us to join the monks on the streets in solidarity. We went to the Sule Pagoda in Yangon each day through 28 September, and on the 27th the authorities fired tear gas and bullets at us. The police charged us with their batons, while the soldiers stood behind with their rifles. I was OK, but a fellow Chin named John, 27, was shot on the left side of his face and was killed. Another Chin friend of mine, 24 was detained for a week in an old school, but the authorities released him when his parents paid a bribe.*

*In mid-October I crossed the border into India, and then returned to my parents' house in Falam township in Chin State. My mother told me that a Chin member of the Special Branch police had come looking for me during the Saffron Revolution. While I was there, that same Chin officer came to the house and asked about my activities, but assured me that I would not be arrested. I was not assured and so*

*decided to leave Myanmar. I went to Kale in Sagaing Division first, then to Yangon for a week, and then indeed into exile. I later learned that in December 2007, authorities visited Dagon University and asked about me and my whereabouts. I'm still not really interested in politics. I just want to change my country.*

Even as the Myanmar government's repression has been watched and condemned by many countries, international organizations,<sup>48</sup> and the global media, it continues its targeting of ethnic minority activists.

## 3.2 THE KARENNI AND THE 2008 CONSTITUTION

On 9 February 2008 the government of Myanmar announced that the drafting of a national constitution—underway for 16 years—was nearly complete. On 26 February it announced that it would hold a national referendum on the document, and promulgated a new law prohibiting “lecturing, distributing papers, using posters or disturbing voting in any other manner ... at a public or private place to destroy the referendum”.<sup>49</sup>

Almost immediately, however, political opponents and activists nationwide began campaigning against the constitution, urging people to either vote “No” in the referendum or boycott it, making references to the causes and results of the Saffron Revolution. And as anticipated by the new law, the authorities wasted no time in repressing such people, which continued through and well beyond the referendum itself.

In one illustrative incident concerning several ethnic minorities, prior to the August 2008 visit of the UN Secretary-General's Special Advisor, Ibrahim Gambari, the authorities did not allow 11 ethnic leaders who had written to the UN opposing the constitutional referendum and 2010 elections to meet with him. The leaders, representing the Zomi National Congress, the Chin National League for Democracy, the Mon National Democratic Front, the Arakan League for Democracy, the Karen National Congress for Democracy, the Kachin State National Congress for Democracy, and the Kayah State All Nationalities League for Democracy, and four other ethnic parties, had requested a meeting during the first week of August. The authorities refused and the Special Branch police questioned the leaders.

On 2-3 May 2008, Cyclone Nargis struck Myanmar's Ayerawaddy Delta and as far north as Yangon, leaving massive destruction, displacement, and death in its wake. Despite this natural disaster—which the government quickly transformed into a humanitarian and human rights crisis as well, by denying most international aid and assistance for nearly a month—the authorities insisted on holding the constitutional referendum as planned. Thus on 10 May, in all but 47 of the worst cyclone-affected districts, for which the referendum was delayed two weeks, the voting booths were opened.

While the official results of the referendum were that 99% of the electorate had gone to the polls, 92.4% of whom had voted in favour of the constitution, the stories told to Amnesty International paint a very different picture, at least among Myanmar's ethnic minorities. Among them, opposition to the draft constitution was widespread and passionate, in large part since the draft did not contain provisions for the kind of federalist political structure that many ethnic minorities favour. No other campaign in Myanmar over the past several years was so overtly and exclusively political as that against the draft constitution and referendum; that ethnic minorities were so deeply involved further demonstrates the important role they play in Myanmar's political opposition.

Three accounts about Karenni activists also illustrate the extent to which the authorities were willing to go to ensure the high percentages of voter turnout and approval. A 40 year-old man from Hprusoe township, Kayah State, told Amnesty International that in May 2008 his brother-in-law led a small campaign in Loikaw, the state capital, against the proposed constitution:

They wrote "No" on a boat and placed candles in it, and floated it down the Bi Lu Chaung river. The authorities arrested those who did the writing about a month later. I don't know if and when they were released.

A young Karenni woman, also from Loikaw, told Amnesty International how she and her friends in the Kayan New Generation Youth (KNGY) group were arrested by the authorities for their peaceful anti-referendum activism on 10 May, the night of the referendum:

*That night, authorities visited a house where four of us were gathered, and found much incriminating evidence on our computer—which, along with a printer, camera, mobile phone, and motorcycle, they confiscated. Thus, the Regional Commander, Nyut Tin, took control of the matter. The authorities kept and interrogated all of us for 15 days someplace, before releasing me but sending the other three to Loikaw jail. I owe my freedom—as do others who were not arrested on 10 May—to Khun Bedu, one of the three, as he accepted all responsibility for the anti-referendum actions of our group. He told the authorities that, as joint secretary of the KNGY, only he knew what was on the computer and participated in the activism, while the rest of us were completely innocent. But the authorities still detained and later sentenced my three friends to prison. Even their trials were held there.*

*Khun Bedu, 25, was sentenced to 37 years under Section 505 of the Penal Code.<sup>50</sup> He has been joint secretary of KNGY since August 2007 and founded the Kayah State Youth group three weeks before his arrest. He is presently in Taung Ngu prison in Kayah State. The authorities also sentenced Khun Kawrio, 24, to 37 years under the same section of the Penal Code. He is a human rights and democracy educator in KNGY, and is now in Mate Htee Lar prison in central Myanmar. Khun Dee Dee, 25, a member of KNGY, was sentenced to 35 years under the same sections, minus section 505, and is in Mandalay prison.*

In early July 2008 in Shan State, Phekon township chair Nyar Reh and USDA secretary Noe Reh, reportedly killed an entire Karenni family of seven in Hsorapheku village, on suspicion that they had campaigned against the constitution. Surviving family member Shar Reh, who was not present during the attack, reported this to Karenni insurgents in Shadaw township, Shan State, on 9 July. The authorities had found a leaflet urging people to vote “No” outside their house, and so killed his widowed mother Pray Myar, his brothers Phebu, Oo Reh, Ree Reh, Thoe Reh, and Taw Reh, and his sister Mei Myar, before disposing of their bodies in a nearby cave.

### 3.2.1 THE REFERENDUM BEYOND KAYAH STATE

As testimonies and incidents recorded by Amnesty International indicate, opposition to the 2008 constitution and its referendum was expressed nationwide, and ethnic minority activists took action in all seven ethnic states. This fact stands in sharp contrast to the official figures announced by the government indicating overwhelming turnout and support for the draft document. The most common violations—before, during, and after the referendum—ranged from harassment and intimidation, to arbitrary arrest and detention. Incidents involving the Kachin, Shan, Mon, and Karen bore similarities. Amnesty International is concerned by this repression of peaceful critics of the draft constitution and referendum, which included arrest, imprisonment, and even extrajudicial executions of activists, especially in view of the coming elections.

As early as 10 January 2008, Ah Brang, a 57 year-old man from Wai-man township in Kachin State, told Amnesty International that in Myitkyina, authorities questioned several members of the All Kachin Students Union (AKSU). He said:

*The students were in possession of leaflets containing anti-government messages, as they and their fellow students had been putting up posters and distributing leaflets during the Kachin Manau festival. This was part of a campaign in the aftermath of the Saffron Revolution to free political prisoners, encourage tripartite dialogue in Myanmar, halt the construction of dams in Kachin State, and oppose the constitutional referendum. The students were not aware of when exactly the referendum would be held, but knew it to be the next step on the government's 'Roadmap'.*

The students continued this activism—putting up posters encouraging people to vote against the draft constitution—through the government's February 2008 announcements. By 24 March, soldiers and police began guarding Myitkyina University, to stifle political dissent and potentially detain activists.

Also in March, Kyaw Thet Han, a deputy township immigration and national registration officer in Panghsai township in Shan State, summoned the village headmen in his area on the 15 March. He instructed them on how to mark a sample ballot in favour of the constitution, and warned them that if they or those in

their villages were caught voting against the document, they would be liable to three years in prison and/or a 100,000 kyat fine.

In late April 2008 in Mon State, authorities warned village headmen in the towns of Mawlamyaing, Ye, Mudon and Thanphyuzayat that they would be held responsible if their villages voted 'no' in the referendum.

And on 10 May itself, the day on which the referendum was held in all but a small percentage of cyclone-ravaged districts in Myanmar, opposition and repression also occurred. A Karen woman from Pathein in the Ayerawaddy delta—devastated by Cyclone Nargis but not still ordered to hold the referendum—spoke to Amnesty International.

*The authorities forced everyone to vote, but I didn't go since I had to bury my father that day who died in the storm. That night, four soldiers came to my house and demanded to know why I hadn't voted, accusing me of being anti-government because I am Karen and Christian. They threatened me and my family with jail, accusing us of having a political agenda in the midst of our grief.*

Similarly, a 52 year-old Shan farmer from Kun Hing township told Amnesty International what he saw on voting day:

*On the day of the referendum, troops threatened persons standing in line who were complaining about the fact that they were not permitted to vote "No". The troops had physically taken the hands of the voters and directed them to the "yes" box on their ballots, and told them to drop their ballots only in the "yes" box in the room. They told those who complained—about 20 of the 70 households present—to "stop it or else go to jail".*

Other political opponents were arrested and detained. A 24 year-old Rakhine farmer and activist from Taunggut township told Amnesty International that in March 2008, four of his friends distributed an anti-referendum statement, issued by the NLD in Yangon, in Ran Myo village in Taunggut. He described what happened to them:

*Later that month, four of my friends whose names I should not mention were arrested while eating together, and taken to Taunggut police station, where police detained them for three months. A court then sentenced them to one year in Thandwe prison, but they were subsequently moved to Buthidaung prison after contacting fellow activists via family members who had visited them. I'm not sure why, but the authorities released them in March 2009, several months early.*

On 6 April 2008, police arrested and raided the house of Ko Thein Lwin, NLD member from Rambree Island, off the coast of Rakhine State in the Bay of Bengal, for being in possession of NLD documents urging people to vote 'no' in the referendum. In Sittwe, authorities also detained an NLD member on the same day for distributing leaflets against the draft constitution, while local official Aung Myint and other officials ransacked the shop of NLD member Ba Sein the following day.

In mid-April 2008 during Thingyan, the national Buddhist New Year celebrations, authorities took strong action in both Rakhine and Mon States. In Sittwe they detained more than 20 persons, most NLD members, as they demonstrated against the draft constitution. Many were wearing 'No' t-shirts and/or carried anti-constitution pamphlets. By 24 April, though they released many detainees after a short period, authorities had arrested at least 60 persons in total, some of whom they beat in detention. Among those arrested was Ko Zaw Naing, a member of the Taunggut township NLD, whom the authorities charged under Sections 452, 292, and 506 of the Penal Code relating to trespassing, the use of abusive language, and intimidation, respectively.<sup>51</sup> In Mon State during the Thingyan, authorities arrested at least 25 persons on suspicion of supporting an anti-referendum campaign that included graffiti. In Sattoi village in Mudon township, they forced the village headmen to erase the graffiti and clean the signs since they could not identify the perpetrators.

And in May, authorities continued their repression in Rakhine and Chin States before and during the referendum. In Rathidaung township in Rakhine, they arrested two people on 4 May for possession of anti-referendum posters. Likewise in Maungdaw township, between 7 and 9 May authorities arrested 48 people for distributing such posters, but released them after being paid a bribe. In Chin State on 5 May, police arrested four people in northern Paletwa township, for distributing posters and leaflets against the referendum. Two days later in the state capital of Haka, authorities detained NLD members Tial Chin and Ngun Zam for distributing "No" leaflets. It was not known, at the time of this writing, whether the two have been released. Similarly, Amnesty International was told that in Than Tlang township, Chin State, sometime in May 2008, the police arrested two men and held them for three days at a nearby army camp. They had shared with others letters urging people to vote "No" in the referendum.

And on the day of the referendum itself, 10 May, authorities detained at least one villager in Maungdaw township in Rakhine State for voting against the constitution. About a week later on 16 May, police in Rambree township arrested two youths for having encouraged their families and other villagers to vote "No". It was not known, at the time of this writing, whether these activists have been released.

### 3.3 THE KACHIN AND RAKHINE: ETHNIC MINORITY POLITICAL GROUPS

The government has brooked no meaningful political dissent since the elections in 1990. The only exception—and the most formal expression of ethnic minorities' participation in the political opposition—lies in the extent to which political groups claiming to represent ethnic minorities have been allowed to formally exist. Some of the groups double as formal political parties, and as noted, contested the 1990 elections on that basis and are considering whether to contest the elections later this year. Moreover, many ethnic minorities are members or supporters of the NLD

and participated in the 1990 election—and may potentially do so again in 2010. As the information in this section demonstrates, however, the authorities often arbitrarily arrest and detain people for mere association with these groups, to say nothing of actions taken on their behalf.

Amnesty International is concerned with the Myanmar authorities' intolerance, even as it claims to be allowing greater political participation as national elections approach, of ethnically-based political groups. This is a clear violation of the rights to free expression, assembly, and association. The repression should cease immediately, and violators held accountable by the Myanmar government.

Three cases of Kachin activists affiliated with the NLD and the Kachin Independence Organization (KIO), an armed political group that has signed a ceasefire with the government, are illustrative of the harassment that political involvement often provokes.

On 9 November 2007, authorities sentenced Ba Myint, 68, of Bhamo township, and Nay Win of Myitkyina, both NLD deputy chairs, to two years in prison. Their trials were held in Bhamo and Myitkyina prisons, respectively, and they did not have access to a lawyer. As of the time of this writing, they remained in prison.

On the night of 17 November 2007, military and military intelligence officials raided the homes of KIO leaders in Myitkyina, including that of vice-chair N'ban La Awng. The raid was ordered by Major General Ohn Myint, and followed the KIO's refusal to sign a statement opposing Daw Aung San Suu Kyi's statement on 8 November, in the wake of the Saffron Revolution. In the statement she said that she had been contacted by a number of ethnic groups to represent them in the dialogue with the military junta.

A week later on 23 November 2007, a company of soldiers raided a KIO office in Daw Hpung Yang sub-township in Momauk township, and arrested eight members of the KIO, detaining them for a short period. They also increased their presence near Laiza, where the KIO headquarters is located.

Similar raids and detentions occurred in Rakhine State. On 17 January 2008, authorities detained U Than Pe, NLD Vice-chair in Taunggut township. Though later released, an unknown group of men entered his house on 6 March, causing him to flee. Previously detained, as noted above, during the Saffron Revolution, it was presumed that his 2008 detention was on account of his NLD affiliation. Similarly in Taunggut, on 27 March 2008, authorities arrested Ko Moe Kyaw, Ko Aung Naing, Ko Than Htay, and Ko Zaw Naing, NLD youth members. They were charged under Section 451 of the Penal Code relating to unauthorized intrusion, and sentenced on 27 June 2008 to one year in prison each.<sup>52</sup>

On 8 October 2008, police arrested Ni Min Aung, a first-year student from Sittwe University, for alleged ties with a student political group in exile. He was later released.

A young Rakhine man from Mrauk Oo told Amnesty International how in January 2009, authorities arrested many Rakhine youths who had formed a political organization among themselves:

*First they arrested three men from Mrauk Oo township on 10 or 11 January at a checkpoint between Sittwe and Yangon, and took them to a police station in Ann township. They interrogated and beat them during the night, and the next day arrested a fourth young man, another friend of mine, at a guesthouse in Mrauk Oo. I was there, but was in my room at the time, having been told to stay there by the owner of the guesthouse. He was military intelligence under [former deposed Prime Minister] Khin Nyunt, and so now helps the opposition. The authorities grabbed my friend and told him that the other men had told them about him. They demanded to know where his anti-government materials were, and then took him away to search his house. There they found documents on human rights and democracy, and a CD with digital photos stored on it. They viewed the photos, and saw all four of the men—and me—together. In fact, we had formed a political group together but referred to it as a “blood donation” group ironically and to make it sound innocent. They then detained my friend and interrogated him, beating him brutally; an eye-witness told me that they saw blood dripping from his ear. All four of these men were later sentenced to five to seven years in prison under Sections 505(b), 420, 112, and 468 of the Penal Code.<sup>53</sup>*

*Later in the month, the authorities detained and questioned about 15 more people from our group, all seen in the photo, and released most after a few days. Three were friends of mine, a woman from Sittwe, released after six months in July, and two men from Mrauk Oo. They were also imprisoned for the same length of time as the others. About ten others from the group went into hiding—including me.*

## 4. ETHNIC IDENTITY, DISSENT, AND ARMED CONFLICT

In addition to the significant role that many ethnic minorities play as political opponents of the government, there are also activists among the ethnic minorities whose aims, concerns, issues, and grievances differ from those of the political opposition, and are specific to the ethnic minority states which they come from or live in. Their activism sometimes complements the political opposition, but their primary areas of focus are often distant from the political struggle between the opposition and the military authorities. And while this activism shares with the formal political opposition a common resistance to decades of exclusion, repression, and human rights violations, its central focus is on other and more ethnic minority-specific interests. The military government's response is to punish any real or imputed support for armed groups, the practice of minority religions, ethnic pride and identification, resistance to development projects, and contact with foreign organizations. This reality, as illustrated in this report, should refocus international attention on ensuring that the needs of Myanmar's ethnic minorities are included in any discussion of the country's human rights situation and any resolutions thereof.

### 4.1 THE SHAN AND MON: IMPUTED SUPPORT FOR ETHNIC MINORITY ARMED GROUPS

There are many ethnic minority armed groups in Myanmar, some as armed wings of ethnic minority political groups, others existing independently of any political group. A number have agreed to ceasefires with the government (and in some cases agreed to become Border Guard Forces, BGF). Those that have ceased hostilities but have refused to become BGFs, face in 2010 a military attack by the *tatmadaw* for their refusal (as per the Kokang's MNDA in August 2009), which would spell the end of the ceasefire, or elections that the government does not envisage as lessening the role of the military in governing the country. Consistent with the authorities' repressive approach to ethnic minority activists—and its pre-elections policies and practices elsewhere in the country—neither scenario for the BGF rejectionists promises what genuine elections are intended to deliver: participation and representation in government. Other armed groups continue fighting with the *tatmadaw*. The Myanmar government often imputes involvement in or support for these armed groups to ethnic minority civilians, and punishes them accordingly.

The Shan State Army-South (SSA-S) is one such group that remains in armed conflict with the *tatmadaw*. Amnesty International was able to obtain first-hand accounts of instances when the government had targeted civilians simply because they were believed—mistakenly—to be collaborating with the insurgents.

In addition to the testimonies offered below, Amnesty International was able to confirm no fewer than 21 other accounts of human rights violations against Shan people for their imputed support of the SSA-S (or in one case, the Pa-O National Liberation Organization), between August 2007 and May 2009. The soldiers at issue were from Battalions 246 (three times), 516, 287, 248, 247, 561, 286, 524, 520, 569, 287 (twice), 525, 226, 43, 425, and 426. In two incidents, the battalion was not known. There were a total of 60 victims: the soldiers extrajudicially killed 10 persons, tortured six, raped two women, and otherwise ill-treated (five individuals were beaten to the point of losing consciousness) and/or detained the remaining individuals.

A 34 year-old Shan farmer recounted two stories—including his own—of torture by the military and arbitrary detention in MOUNG-NAI township in November 2007. He said:

*On 4 November, soldiers from Battalion 248 arrested a man from the village, accusing him of harbouring guns or equipment for the Shan State Army-South (SSA-S), which he denied. So they tied him to a pole on the ground, and rolled a heavy rock over his lower leg until the skin came off his shins. Then they detained him in the village for ten days, before taking him away to porter for them elsewhere. After about a month, a village headman was able to get him released.*

*On 24 November, about ten soldiers from Battalion 248 came to my village at 11:00 pm, and walked up to my house. From the outside, they asked me if I knew where the Shan troops were, and whether I had any walkie-talkies that belonged to the SSA-S. I replied “no” to both questions, so they ordered me to come outside, where they immediately began beating and kicking me. Then they placed a plastic hood over my head and pulled the cord tight around my neck so that I couldn’t breathe and fell down. While some soldiers held me there on the ground, the others struck me with their rifle butts, before giving me the “rain hood” treatment again. Then they detained me for two days in my own house, interrogating me about the SSA-S, sometimes holding a knife to the back of my neck. They released me after the headman paid them 15,000 kyat.<sup>54</sup>*

A 35 year-old man spoke to Amnesty International about an extrajudicial killing, and torture in March 2008 at his village in Kun Hing township:

*Ten soldiers from Battalion 246 came at night and arrested two village headmen, Ma Ta, 50, and a younger man whose name I should not mention. They accused them of supporting the SSA-S, Ma Ta specifically because he sometimes used to leave the village. They killed Ma Ta. I know this because the other man—of mixed Burman and Shan ethnicity—was released after four nights and informed my family*

*about Ma Ta. The soldiers beat and tortured the younger man in custody but he survived somehow. They told him to report to them weekly.*

Nang Num, a 37 year-old woman from Keng Tong township, told Amnesty International that the soldiers accused her of giving rice to the SSA-S in early January 2009:

*My field was just outside the village. Starting in January, the soldiers told my elderly mother and me that we could each only bring one small can of rice to the field, accusing us of giving more to the SSA-S. I don't know if they did this to others, but it was not enough for my mother and me to eat while working hard.*

*This went on for months. Then one day, about 50 soldiers from the Ba Ngea camp nearby came upon us in the field and asked me directly to tell them where the SSA-S were. I told them I didn't know, and so they beat me. Then they took me to one village, and then another, accusing me of being a guide for the Shan troops since I knew the way. They beat me several times but eventually released me. After this I did not want to return to the fields and work, and I was too hungry everyday anyway. I would have had to start begging for more food, so I left Myanmar a week later.*

Likewise in Mon State, in June 2008, following a firefight between soldiers and the Monland Restoration Party (MRP), a small armed group, authorities detained three Mon village committee members in southern Ye township, and tortured them until a bribe was paid by their families. They, along with their fellow villagers, were accused of being sympathetic to the MRP.

Also in Ye township, Amnesty International was told that in late July or early August 2008, authorities arrested and tortured two boys, aged 12 and 14, on accusations that they had assisted Mon soldiers. Their families then fled to a refugee camp in Thailand.

Amnesty International is extremely concerned by the grave human rights violations, including torture and extrajudicial killing, of ethnic minorities on account of support for armed groups merely imputed to them by the authorities. Amnesty International is extremely concerned by the grave human rights violations, including torture and extrajudicial killing, of ethnic minorities on account of support for armed groups merely imputed to them by the authorities. This places in stark relief the power the authorities have—and egregiously abuse—over Myanmar's ethnic minorities, as well as the impunity they invariably enjoy for their violations. It also raises concerns about the ability of the people of Myanmar to freely express their views in the context of the upcoming elections.

## 4.2 OPPRESSION OF RELIGION AND ETHNIC MINORITY IDENTITY AMONG THE KACHIN, KAREN, AND CHIN

The Myanmar government opposes social organizations, including religions and groups focusing on ethnic identities, that are outside its authority and control.

Some minorities' ethnic identity in Myanmar is closely related to their association with a religion other than the majority Buddhism; this generally means Islam for most Rohingya, and Christianity for many Chin, Kachin, and Karen. The authorities view the various social organizations with suspicion, and subject their members to discrimination and harassment. This happens everywhere in Myanmar, not least among its ethnic minorities.

In one incident concerning three ethnic minorities, on 7 January 2008 the Ministry of Home Affairs refused to renew the registrations of at least two cultural groups, representing the Shan and Karen minorities, effectively closing them down. The organizations were the Shan Literature and Culture Committee and the Karen Literature and Culture Committee. No reason was given for not accepting the groups' applications.

Accounts given to Amnesty International from ethnic minority Kachin, Karen, and Chin illustrate how ethnic minorities are sometimes repressed purely on the basis of their religion—in these cases, Christianity—or ethnic identity.

In a notorious case, soldiers detained four Kachin girls in late 2007 for singing Kachin songs at a karaoke club—and then gang raped them. This act violated Article 34 of the Convention of the Rights of the Child, and as it involved both discrimination and violence, also violated the girls' rights under Convention on the Elimination of All Forms of Discrimination against Women.<sup>55</sup> A Shan woman who helped in later protecting the girls told Amnesty International:

*Soldiers from Battalion 138 gang-raped these four Kachin girls, all under 18, upon hearing the songs. They took them somewhere—the girls didn't know—and raped them repeatedly through the night. One girl told me, "I remembered seven of them, seven raped me". They threatened to kill them if they told anyone. When the soldiers fell asleep, drunk, the girls ran off and stayed at a friends' house until the morning. They returned home then, and eventually told their parents and teachers what happened.*

*They don't know how, but somehow the BBC Burmese Service learned of this and reported it, which resulted in the girls being charged with defaming the government and with expulsion from school for tarnishing its reputation. The teachers actually caned the girls in front of their classmates.*

*So they were sentenced to a year in prison, while nothing happened to the soldiers. One of the girls later told me, "I am so upset for being kicked out of school. We didn't do anything wrong but the soldiers did". She also told me that the authorities threatened them—at gunpoint—to plead guilty in court or be prepared to face the death penalty or life in prison. The authorities interrogated them in prison too, as to who sent the news to the BBC. When they said, truthfully, that they didn't know, the authorities threatened to kill them. They would release the girls if they told them. And they did release them after six weeks, but we're not sure why. We heard, however, that Kachin people in exile demonstrated against this injustice. All four girls then fled Myanmar. One of them told me that she*

*wants legal action taken against the military.*

On 31 March 2009—and again on 19 May, 22 June, and sometime in July—the authorities denied permission to Kachins in Bhamo to construct two cultural symbols, the Manau Pole and House, on the grounds of the Kachin Literature and Culture centre. In June, Colonel Khin Maung Myint forced 40 members of the centre to sign a form stating that they would not attempt to construct the symbols, while in July, Major General Soe Win stated that the symbols would harm unity in the town among ethnic groups.

Amnesty International was also told that in April 2009, before the national Buddhist New Year holiday, authorities explicitly forced Christians in the Aung Mya Thin area in Waing Maw township, Kachin State, to put up tents and stages for the celebrations. They threatened those who protested with violence or extortion. This was discriminatory, as Buddhists were exempt from the work.

Finally, Zi Ram, a 42 year-old woman from Puta-O township, Kachin State, told Amnesty International that the authorities denied permission to her friend, a 28 year-old Kachin woman, to build a nursery school in the village. She had requested permission for several years, but was finally told in June 2009 that Christians are not allowed to take such initiatives.

Ethnic Karens were repressed for their Christianity as well. Saw Htoo, 45, from Myaung Mya township in Kayin State, described to Amnesty International what happened in his village on 10-11 November 2007:

*Soldiers from Battalion 93 and police, about seven in total, came to my village as we were preparing for Christmas the following month. First, they made us destroy a Marion grotto, forcing us to literally dismantle it stone-by-stone, and then made us take down a sign that said "Through the cross we achieve salvation". All the while, they threatened with imprisonment anyone who complained or refused, and detained three or four people who tried to leave. Finally, they put a sign up themselves close to the nearby Sacred Heart church that said "The land and sea are for the people, and the Burmese people are Buddhist".*

A 42 year-old Karen woman from Twan Tay township in Yangon Division, also told Amnesty International how the authorities made it very clear to them that the government would not tolerate any breach of government regulations, particularly from a religious group whose authority lay outside that of the government:

*It was 12 May 2008, about a week after Cyclone Nargis struck, and since my father is a pastor, we were collecting donations from Christians for the victims. When the authorities found out, five soldiers came and got very angry, demanding to know if we had permission for this, and asking us where the goods were coming from. When we admitted we had decided that permission would take too long in view of the desperate needs, they accused us—as Christian Karens—of being against the government. They told my father and I and a few others to report to their office in a few days, but fearing arrest, we did not go. Instead, on 14 May we fled for Hpa'an*

*district in Kayin State, and from there ten of us left the country two weeks later.*

Ethnic minority Chins told similar stories regarding their Christianity, as well as others relating to their ethnic identity.<sup>56</sup> According to Tlung Ceu Thang Cio, 43, from Than Tlang township in Chin State, the authorities ordered Christians in his village to stop construction on a church in August 2007. This was despite the people having paid a previous local administration for a permit, and construction being well underway. The authorities simply told them that they had no right, as Christian Chins, to build it. It remains unfinished.

Cing Bawi, a 31 year-old Chin woman from Tamu township in Upper Sagaing Division, was forced to flee after being arbitrarily deprived of her property, and being labeled a “Chin dissenter” in early January 2008. She told Amnesty International:

*My husband and I had a small shop near an army base. Usually the soldiers paid for what they took, but one day three came and just took what they wanted. They did this the next two days as well, and we said nothing. But on the fourth day, my husband asked them to pay. This made them very angry, so they beat my husband and destroyed some furniture in the shop. That night they summoned him, beat him again, and detained him for three nights, calling us Chin dissenters who do not support the government. On the night of 10 January, some drunk soldiers forgot to lock the door of the room in which he was being kept, so he was able to escape. Afraid to go home, he slept on the outskirts of the village, while the headman warned him the next night that the soldiers had come back during the day to look for him. So I arranged to meet him and we decided to flee the country.*

A 32 year-old man from Hakha, capital of the Chin State, told Amnesty International that on the night of 10 February 2008, military intelligence in plain clothes visited his house looking for him:

*I was not there at the time, and when my family told me, I decided to travel to Kale in Sagaing Division. While there, my family informed me that the officers had come a second time, and told them that I had written an article about Chin National Day on 20 February. In the article, I explained how the government had changed the day's name to “Chin State Day”, thereby changing its meaning. I had distributed it as a two-page newsletter, for I wanted people to know what it means to be Chin.*

Mark Kammung, a 22 year-old farmer from Tedim township, Chin State, told Amnesty International that on 26 June 2009, six soldiers approached him while he was taking his oxen to a field:

*There were five of us villagers, and the soldiers immediately began beating us and then arrested us. However, two of us were able to run away—I ran back to my village. The next morning, the soldiers came to the village, but my neighbours warned me as they approached so I was able to hide. I'm not really sure why they beat us, but I believe that they thought we were part of a Chin student group that is*

*against the government.*

Seng Mai, a 21 year-old Kachin woman, told Amnesty International how authorities in Myitkyina, capital of Kachin State, in December 2007 cut short a Kachin Baptist church fund-raising event for Christmas celebrations:

*It was 17 December in the Zion quarter, and we had obtained a permit to hold the event. It began at 7:00 pm, and by 11:00 pm or so about 200 people had gathered—which is what really unsettled the authorities. So two high-ranking officers in uniform from Battalion 29 came and summoned a Baptist leader, as well as two quarter leaders, two village leaders, and one youth leader. I was also a youth leader but I was not summoned. They ordered them to stop the event at once and tell the people to go home. Several famous Kachin singers had already performed, but other performances had to be cancelled. The officers also made the leaders sign a form stating that they would not organize another such event in the future. We had a permit; if it were a Buddhist event, it would have been allowed to finish, but the authorities are leery of so many Christians together.*

#### 4.2.1 DIFFERENT STATES, SAME REPRESSION

The authorities' repression of religion and ethnic identity extended to other ethnic minority states as well, and included discrimination, intimidation, and arbitrary arrest and detention.

Benjamin, a 36 year-old Christian Karenni labourer from Dee Maw Soe township in Kayah State, told Amnesty International how in Naung Yo village in March 2008, the authorities clearly discriminated against the Christian Karenni community. They refused to allow them to build a church or even place a cross on a hillside, but instead allowed a Buddhist pagoda to be built on the spot. They refused another church in Shah Daw township during 2008 as well. On Christmas that year, he said that the authorities stopped people from singing carols.

In another religious case, Amnesty International was told that prior to 9 September 2008, the 69th anniversary of the death of revered Rakhine monk, Ashin Ottama, soldiers and riot police in Sittwe in Rakhine State were deployed to public areas and monasteries to prevent any commemoration or demonstration. They also warned teachers to closely monitor their students. Also in Sittwe on the anniversary itself, Police Inspector Khin Maung Hla led a team in ordering persons wearing t-shirts emblazoned with the image of U Ottama to take them off, and in arresting at least four people who refused. All were released the same day or shortly thereafter, after signing a form.

Earlier in Sittwe on 3 March 2008, authorities arrested U Aung Hla Thein, an historian, in Kyaung Det Land ward. They released him shortly thereafter, but only on condition that he later report to the No. 2 police station, where they questioned him for three hours. They then released him again, but seized his computer and

many documents. He had previously written a Rakhine textbook for primary level students.

In Shan State on 7 January 2008, authorities arrested Sai Maung Tun, 25, a member of the Shan Literature and Cultural Committee (SLCC). He had sung a Shan song, "The Day Shans Gain Freedom", at the Shan New Year celebration in Mong Yai township (held 1-4 January). The song is reportedly popular among Shan communities and resistance groups. Colonel Kyi Myint also ordered that the four-man band that had accompanied Sai Maung Tun be arrested, but rescinded the order after the SLCC president apologized to him.

Amnesty International is concerned that the Myanmar government is violating the human rights of ethnic minorities simply for practicing a religion different from the Buddhism practiced by the majority population, or for identifying with their ethnic minority status. Particularly as the Myanmar government claims to be moving towards elected leadership, the human rights of ethnic and religious minorities need to be promoted and protected; violations should cease immediately. Moreover, as ethnically-based political parties reveal even more obviously, people who organize themselves around a shared ethnicity or religion play a role in elections everywhere, making or influencing public opinion and sometimes giving rise to candidates.

### 4.3 THE RAKHINE, SHAN, AND KACHIN: DEVELOPMENT AND INFRASTRUCTURE PROJECTS

Many large-scale development and infrastructure projects agreed to or initiated by the government of Myanmar are located in the ethnic minority states. Since the early 1990s, the government has welcomed foreign investment in Myanmar's considerable natural resources. Most but not all such investment has come from China, India, Thailand, South Korea, and Russia, and natural gas, oil, minerals, timber, hydroelectricity, and gems have been the primary resources. Underwater and overland pipelines, mines, logging projects, and large-scale dams—25 of which were planned or under construction in Myanmar at the time of this writing—have characterized this development. In addition, and sometimes attendant, to these ventures, have been government-initiated development and/or infrastructure projects, such as small-scale dams, mountain and forest roads, and alternative crop schemes.

Ethnic minority groups have opposed many of these projects because they threaten their livelihood and way of life, without providing them with adequate compensation. The government has responded to such opposition with a heavy hand. The elections, and the possible strengthening of local governments in ethnic minority states, could potentially provide ethnic minority groups with an additional avenue for registering their views on these projects. But the Myanmar government's record of repression raises fears that the government may engage in increased harassment and intimidation of ethnic minority activists in order to prevent their electoral victory.

In Rakhine State, the Shwe Gas pipeline and the Trans-Burma Oil Corridor, both of which will run from Kyaukphyu in Rakhine State to the southwest provinces of China, have generated considerable resistance by activists and the deployment of thousands of *tatmadaw* soldiers. In Shan State, the Tsang Dam, located on the Salween River, is the primary hydro-power project and source of electricity to be exported to Thailand through the Mekong Power Grid. It has led to forced relocations, forced labour, and other human rights violations, while villagers have complained that their land and livelihoods will be lost and their environment damaged. In Kachin State, the chief development project that has given rise to activism is the Myitsone Dam on the Ayerawaddy River. It is the largest of seven dams now proposed for three rivers in Kachin State; approximately 10,000 people fear losing their land, homes, and religious and cultural sites.

In Chin State, roads and army barracks are the main government projects that villagers have resisted, while Karen activists have expressed opposition to the planned Dagwin and Hatgyi Dams on the Salween River in Kayin State. They fear that the dams will displace those living alongside the river and disrupt downstream estuaries on which others rely. The proposed Weigyi Dam will also be located in Kayin State, but it will have most impact on Kayah State, likely causing much displacement of Karenni villagers and flooding of forests and agricultural land. The impact of the above-noted dams and hydropower plants on the Salween River, as well as ongoing work on the Kanbauk-Myaing Kalay gas pipeline, has also given rise to activism in Mon State, especially on Chuang Zon island.

In some cases, the authorities protect and/or implement these ventures with force, resulting in widespread and systematic human rights violations, such as forced displacement, forced labour, and confiscations of land and crops, often resulting in violations of the right to an adequate standard of living.<sup>57</sup> They do not do so, however, without resistance from those whose lives are most affected, with ethnic minority activists being at the forefront of such activism.

Amnesty International was able to obtain particularly strong accounts of the repression of activists, including arbitrary arrests and detention, intimidation, forced labour, land confiscation, extortion, and severe beatings, in Rakhine, Shan, and Kachin States.

In early March 2008, the abbot of a monastery in Kyauktaw township, Rakhine State, learned that the authorities were trying to arrest him for his opposition activities against the construction of the Kyichaung Dam. This dam was planned for completion in 2008, but its construction was halted due to a reported shortage of funds; it was scheduled to resume in 2010. He fled Myanmar for Bangladesh, which he reached on 8 March. Two days later, local authorities in Maungdaw township arrested Bo Thein Dan for ferrying the abbot safely across the river into Bangladesh. They released him a few months later, while the abbot returned to Myanmar in November 2008. As his fate was unknown at the time of this writing, the abbot's name has been omitted.

Amnesty International was told that in March 2009, authorities arrested a 24 year-old Rakhine activist after searching his house in Yangon. They found evidence of his having organized a critical discussion about the Shwe Gas pipeline under construction in Rakhine State. They beat him in detention, and a court later sentenced him to six months in prison.

A young Rakhine activist described to Amnesty International in March 2008 how the authorities persecuted the young family of an activist friend of his in Sittwe:

*First they arrested Ba Soe, who succumbed to the authorities' incentives to inform on his friends and now works for the USDA. He told them about Than Naing, so the USDA and other authorities went to his house. He was not there at the time, so they terrorized his wife and his two baby daughters. They screamed at his wife to tell them where he was, and told her that he works against the government and its oil projects. They also visited Than Naing's parents and in-laws and treated them the same way. They detained his wife and children, placing them in a dark room with two large dogs, and the next day shut down their small grocery shop. They released them the following day, but Than Naing is still in hiding and neither of them has work to support their children.*

According to a Shan man from Kun Hing township in Shan State, in August 2007 soldiers from Battalions 524 and 246 threatened eight farmers with the loss of their land or harvest. They had refused to obey an order to plant new Chinese rice in their fields as part of a government agricultural initiative.

Another such government project in 2007 was to begin cultivating biofuels. On 27 September 2007, soldiers from Battalion 524 forced about 25 Shan villagers from Nam Khaam village in Kun Hing township to work in physic nut cultivation, a potential biofuel. Aw Ling, 21, accidentally slipped down a steep hill slope where he was planting the crop. One of the troops then rushed to him and beat him with a stick, breaking a shoulder or collar bone. Corporal Maung Maung Myint then told the others that Aw Ling was beaten because he had tried to avoid working. Similarly on the same day, soldiers from Battalion 246 forced about 40 villagers from the No. 2 quarter of Kun Hing to also cultivate physic nut. They accused Awng Zing, 30, of deliberately working slowly and ordered him to stand straight with his arms folded. A soldier then beat him with a stick until he lost consciousness.

In late 2007, a Shan farmer in Man Mao village near Muse refused an order from authorities to grow physic nut in all three of his fields, growing it in only one. In response, Northeast Commander Brigadier Aung Than Htut confiscated all three fields.

A 56 year-old farmer from Nam Zarn township told Amnesty International that at the end of 2007, soldiers from Battalion 66 forced a villager who refused to work on a government physic nut plantation to pay 10,000 kyat. Amnesty International was similarly told that in April 2008, soldiers from Battalion 246 detained a farmer overnight and charged him 8,000 kyat for refusing to perform forced labour on a physic nut plantation.

For some Kachin activists, mid-November 2007 was a particularly difficult period. Authorities in Myitkyina township arrested four women and an elderly man on 12 November for campaigning against the Myitsone Dam project. They were released from a police station two days later. Pan Tsun Saga, 31, told Amnesty International that on 18 November, she and five of her friends were arrested in Myitkyina after organizing a one-week religious development training:

*We were part of the Kachin Baptist Convention, an organization focusing on Kachin culture and Christianity, and I had been the coordinator of this event. It was a one-week course at the end of October, training people to understand development, environmental, and public health issues, such as conserving the forests and preventing HIV. Perhaps because it was held in a church, the authorities allowed it to take place, but of course it was more political than religious. In early November, I was organizing a campaign to collect signatures from the participants and their neighbours on a petition against the construction of a dam on the Irrawaddy River.*

*The authorities heard about this from a USDA member who had attended the training, and arrested three of my friends before coming to my house—having learned of me through the interrogation of the others. The local SPDC authorities, as well as USDA, military intelligence, regular police, and Special Branch police—about 15 people total—came to my house and arrested me. I am very lucky that they did not search the house very thoroughly, as I had many things there that would have gotten me a long prison term.*

*At the No. 1 Police station, they questioned me aggressively, threatening to use violence. They wanted to know whether we received any foreign money for our work and whether any foreigners had attended the training. They also asked for the signatures that we had collected. I gave them the 200 or so collected by my friends who had been arrested, but did not tell them about those I had in my house—nearly 800 more.*

*The first night in jail I was put in a tiny cell with other women and even babies. It was terribly crowded, and we could not use the toilets but had to simply use a plastic bag. I had no blanket from home, so I sat up the whole night. I was allowed out in the morning to sit in the office with my friends who had also been arrested—they didn't have to spend the night in jail, only to report each day since their village headmen had vouched for them. Mine was too afraid to assist me. The second night I was allowed to sleep in the office with a kind police woman. She informed me that they were prepared to release me, but had to wait for the Northern Command leader's word. Finally, on the third day I was released at 8:30 pm still pending the Commander's orders, but I had to report back to the station each of the next three days. Word finally came that I was free, but I know that the police were still watching me.*

*Further, all of my friends and colleagues had abandoned me, as they feared for their safety in being associated with me. I was also involved in more overt human rights activities. So I decided to leave Myanmar. I've learned that no one can be*

*trusted, since there are many informers in Myanmar. But I've also learned that collective action is more powerful and effective than individual action.*

Amnesty International is concerned that ethnic minorities in Myanmar are being repressed for expressing their opinions regarding government-supported development and infrastructure projects that directly affect their lives. As freedom of expression includes the right to freedom of opinion, the government of Myanmar should promote and protect it, rather than persecute those who exercise it.

#### 4.4 THE MON AND RAKHINE: CONTACTING FOREIGN MEDIA AND OTHER ORGANIZATIONS ABROAD

As shown in several incidents above, the government of Myanmar often punishes those who make unauthorized contact with foreign media—including simply reading or listening to such—or other organizations abroad. The authorities exercise tight control over the flow of information within the country, enforcing draconian censorship laws against journalists and anyone else who runs afoul of them, however unintentionally, and it seeks to control the inflow and outflow of information as well. As the official word on any matter—as expressed through various means, including Burmese and English-language newspapers—is considered the only word, scrutiny and contrary views are not tolerated. They are harshly punished. This is not unique to the ethnic minority states, but nor is it to Myanmar's urban and more developed central region.

Ethnic minority activists contact the foreign media and other organizations abroad for various reasons and with varying kinds of information. Most often, they desire to both express their concerns, aims, issues, and grievances, as well as to combat a real or perceived flow of misinformation and disinformation disseminated by the government. In addition to foreign news outlets, such as the British Broadcasting Service (which maintains a Burmese-language Service), Radio Free Asia, and the Voice of America, other targets of information from ethnic minority activists include their own media organizations established outside the country but which maintain a covert presence inside. Such undercover journalists work at great personal risk. The Democratic Voice of Burma (radio, print, and television), Irrawaddy Magazine, and Mizzima News—among others—based in Norway, Thailand, and India, respectively, cover news from within Myanmar, including from the ethnic minority states. Moreover, most of the seven largest ethnic minorities have media outlets devoted entirely, or nearly so, to news from their eponymous state. Most belong to Burma News International, a consortium of Burmese news outlets.

In addition to foreign and exile media outlets, ethnic minority activists also liaise with international organizations, such as various UN agencies, as well as with foreign embassies, and international human rights organizations. Similar to their media outlets, many ethnic minorities in exile have also established human rights and/or solidarity organizations. As suggested above, concerns surrounding development and infrastructure projects in ethnic minority states, are among the

issues that liaisons seek to disseminate through media; as illustrated below in testimonies and incidents from Mon and Rakhine activists, the authorities seek to stop them.

In early January 2008, soldiers accused about 40 Mon villagers of supporting Mon insurgents and passing on information to media organizations, and beat them. The Mon, including 19 women, were from Bayoun-ngae village in Khaw-zar sub-township, Mon State, and were retrieving wood from their houses at the time; soldiers from Battalion 583 had forced them to abandon their homes six months previously.

In late September 2008, authorities in the Mon State capital, Mawlamyaing, temporarily imposed an 8:00 pm curfew on the city's six internet cafes: MYC, MCC, Post, Informatic, Htakason and Skynet. Given that the curfew came into effect on the first anniversary of the Saffron Revolution—and as authorities also increased their presence in the town—it is believed that the curfew was intended to discourage or prevent online discussion or images of the protests or crackdown. Many of the images that reached the international media in real time during the Saffron Revolution had come via the internet.

On 1 October 2008, a captain of Battalion 299 shot A Sorn, a 17 year-old Mon boy from Ye township. The captain stopped him while he was riding a motorcycle in Kumai village and shot him, accusing him of being in contact with exile media. Amnesty International was told that he and his family were safe at the time of this writing.

In March and early April 2009, according to party members and officials, authorities began increasing their surveillance of the ceasefire group the New Mon State Party (NMSP) throughout Mon State, watching and questioning them regularly about contacting the media. Earlier in the year, the NMSP had announced that it would not participate in the 2010 elections, citing objections to the 2008 constitution.

Repression of Rakhine activists was equally severe. On 11 November 2007, authorities arrested Nyi Pu, chair of the NLD and an MP-elect in Gwa township, Rakhine State. He had written a letter to (then) UN Special Rapporteur Paulo Sergio Pinheiro, who was in Myanmar that day and meeting with the government and others. Nyi Pu wrote that the authorities were violating human rights in their crackdown of the Saffron Revolution.<sup>58</sup> He was later released. On 5 March 2008, Military Affairs Security department and Labour Ministry officials questioned more than 70 residents in Taunggut township, after they reported human rights violations, including forced labour, to the International Labor Organization (ILO). In January, they had signed a petition detailing such occurrences, including having been pressured to report any anti-government activities they might be aware of. The authorities forced the 70 persons to come to a town hall and sign a document stating that they had been coerced into signing the original petition.

On 30 March 2008, an army commander and members of the *Nasaka* raided a

meeting of Muslim leaders—Rakhine Muslims or possibly Rohingyas—in Maungdaw township, and arrested 12 people. U Than Than (aka Muhammad Solin), president of the Maungdaw Muslim League at whose office the leaders were gathered, was sentenced on 5 November 2008 by a court in Maungdaw to at least 13 years in prison. Charges related to having connections with illegal organizations in exile, and to forming an illegal organization. A court sentenced Ko Kyaw Win, founder of the NLD branch in Maungdaw township, as well as seven others, to 10 years' imprisonment on similar charges. The other three persons, Dr. Hla Myint, Nur Ko Bi, and Dr. Anwa, were only held briefly. However, three days later on 2 April, authorities in Maungdaw re-arrested Nur Ko Bi, and detained Dr. Kyaw Myint and Dr. Tun Aung, and took them to the Sarafa Intelligence headquarters for interrogation. Nur Ko Bi was later released.

On 12 August 2008 at about 2:00 am, Special Branch police in Yangon re-arrested Nyi Pu, the NLD chair in Gwa township. His arrest was presumed to be on account of his having signed, along with four other MPs-elect, a letter sent to UN Secretary-General Ban Ki-moon at the end of July, that declared their opposition to the 2010 elections and questioning the UN's encouragement of Myanmar's 'Roadmap to Democracy'. He was sentenced to 15 years' imprisonment in Insein prison.

Amnesty International was told that on 8 October 2008, police detained Ko Ni Min Aung, a first-year student from Sittwe University, on accusations that he was connected with a student group in exile. As a result, at least 11 other students from Sittwe University who were close associates of Ni Min Aung and were likewise accused, went into hiding. Ko Ni Min Aung was released after about a week.

In January 2009, authorities arrested San Lwin, 45, from Taunggut township, for giving information to the press. A source in Taunggut told Amnesty International that the authorities didn't even interrogate him, as they had enough "evidence" from photographs he had taken and a copy of the illegal Arakan Post they took from him to send him to court. However, a court sentenced him to five years in prison in Thandwe on immigration charges, since he had traveled illegally to Bangladesh.

Early 2009 was a particularly difficult period for activists associated with Narinjara News, a Rakhine news agency in exile. One such activist told Amnesty International that on 11 February 2009, 13 police officers, including several posing as Narinjara News stringers, arrested Thein Thein Yin, 27, at her home in Mingan ward in Sittwe township. They accused her of having provided information to foreign news agencies and intending to pass on further information. They took her to army base in Ann township, and made her sign a statement that she would never liaise with such agencies again before releasing her.

Another activist told Amnesty International that in February 2009, the authorities arrested Nyunt Maung, a 42 year-old trader from Maungdaw township, for contacting foreign media. He had provided Narinjara News with information on forced labour and photographs from December 2008 until the time of his arrest. The authorities raided his house and took his camera. A Maungdaw district court sentenced him to one and a half years in Buthidaung prison on 23 March 2009.

Finally, according to a 54 year-old businessman from Rathidaung township, in March 2009 the authorities targeted Mrat Tun, 60, from Pauktaw township, for also being in contact with the foreign media. The businessman, who knows the activist, told Amnesty International:

*Mrat Tun was on his way from Maungdaw to Buthidaung on 15 March, when military intelligence arrested him at a checkpoint. They took him to an office in Maungdaw and beat and tortured him, accusing him of being in contact with the opposition media abroad. They specifically asked him about Narinjara News in Bangladesh, which he had indeed given information and photographs to in the past. He was also working with the Arakan Human Rights Defenders group. They detained him for five days at the Maungdaw police station, but Mrat Tun denied the accusations and said he was a businessman—in fact he is a former police officer. A court later sentenced him to five years in Buthidaung prison, perhaps on immigration charges since he was known to have traveled to Bangladesh illegally. His daughter—he has three children—has since had to drop out of Sittwe University.*

In June 2009 the authorities in Maungdaw arrested Soe Soe, a 35 year-old woman, and sentenced her to six years' imprisonment in Maungdaw. They caught her as she was docking her boat in Maungdaw and accused her of contacting opposition groups in exile.

Amnesty International is concerned by the Myanmar government's violation of the right to freedom of information, among others, in their repression of ethnic minorities who have made contact with foreign media and other organizations abroad. Given the prominent role the media plays in election campaigning, this concern is heightened in view of Myanmar's 2010 national elections.

## 5. CONCLUSIONS AND RECOMMENDATIONS

Planning this year to hold its first national and local elections since 1990, the Myanmar government has prepared itself in many ways, including, as Amnesty International's findings indicate, by repressing ethnic minority political opponents and activists. While these human rights violations certainly preceded the February 2008 announcement that elections would be held—as the late 2007 crackdown on the Saffron Revolution showed—the coming elections have given the government new resolve in repressing political dissent in all of Myanmar's seven ethnic minority states and among its ethnic minority peoples. This repression has included arbitrary arrests and detention; torture and other cruel, inhuman, or degrading treatment; unfair trials; rape; extrajudicial killings; forced labour; violations of freedom of expression, assembly, association, and religion; intimidation and harassment; and discrimination. This repression of political opponents and activists has also run completely contrary to the Myanmar government's repeated claims since 2004, to be embarking and continuing on a 'Roadmap to Democracy' and increasing the level of political participation in the country. With almost no exception, authorities and officials have enjoyed impunity for their violations.

The repression of political opponents and activists has resulted in the violation of ethnic minorities' human rights, and the violation of international human rights and humanitarian law: Myanmar is bound by its legal obligations under the Conventions on the Rights of the Child and on the Elimination of All Forms of Discrimination against Women; the 1949 Geneva Conventions; and customary international law. It is also obliged, as a member of the United Nations and the Association of Southeast Asian Nations (ASEAN), to uphold the provisions of both the Universal Declaration of Human Rights and the ASEAN Charter.

Amnesty International condemns these violations, which are never justified under law notwithstanding any circumstances. It makes the following recommendations:

### **To the government of Myanmar:**

- Lift restrictions on freedom of association and assembly in the run-up to the elections, including by refraining from penalizing peaceful political activities.
- Release immediately and unconditionally all political prisoners arrested solely on the basis of their peaceful political activity, ethnicity, or religion.

- Remove restrictions on independent media, including international journalists, to cover the campaigning and election process.
- End discriminatory harassment and persecution of members of minority religious groups.
- Put an immediate halt to all violations of international human rights and humanitarian law by the security forces, including extrajudicial executions and other unlawful killings, torture and other ill-treatment, and forced labour.
- Ensure that all acts violating international human rights and humanitarian law are subject to prompt, independent, and impartial investigations, and that suspected perpetrators, including those suspected of ordering these acts, regardless of rank, are brought to justice in proceedings which meet international standards of fairness, and without the imposition of the death penalty.
- Cooperate fully with ASEAN and the UN, including by implementing the recommendations of the ASEAN Chair, the UN Special Rapporteur on the situation of human rights in Myanmar, the UN Secretary-General, the Security Council, the General Assembly, and the Human Rights Council. Engage constructively in the Human Rights Council's Universal Periodic Review mechanism, in particular for the 10th Session in early 2011 when Myanmar is scheduled for review.
- Ensure full and unhindered access for UN officials, including the Secretary-General and his advisors, and the Special Procedures of the Human Rights Council, including the Special Rapporteur on the situation of human rights in Myanmar, in conformity with the Terms of Reference for Fact-finding missions by Special Procedures.
- Ratify and effectively implement international human rights treaties, including the International Covenants on Human Rights and their Optional Protocols; the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention on the Elimination of All Forms of Racial Discrimination; as well as the Rome Statute of the International Criminal Court.

**To ASEAN and ASEAN member states:**

- Press the government of Myanmar to remove obstacles to full participation of Myanmar's electorate, including members of ethnic minorities, in elections.
- Press the government of Myanmar to apply the human rights provisions of the ASEAN Charter.
- Address, via the fullest extent permitted under the ASEAN Inter-Governmental Commission on Human Rights, violations of international human rights and

humanitarian law committed by Myanmar authorities against members of ethnic minority communities.

- Urge the government of Myanmar to uphold the binding principles of the ASEAN Charter, including “respect for fundamental freedoms, the promotion and protection of human rights, and the promotion of social justice”.

#### **To China:**

- Press the government of Myanmar to remove obstacles to full participation of Myanmar’s electorate, including members of ethnic minorities, in elections.
- Allow full discussion of the human rights problems facing the people of Myanmar in the UN Security Council.
- Immediately suspend the supply to Myanmar of all direct and indirect transfers of military and security equipment and munitions and expertise, including transfers claimed to be ‘non-lethal’.
- Conduct full human rights and environmental impact assessments of all Chinese investments in Myanmar, particularly with a view toward minimizing human rights violations of ethnic minority groups.
- As a state party to the UN Convention Relating to the Status of Refugees, uphold the principles of the Convention in protecting the rights of asylum-seekers and refugees from among Myanmar’s ethnic minorities.

#### **To India:**

- Press the government of Myanmar to remove obstacles to full participation of Myanmar’s electorate, including members of ethnic minorities, in elections.
- Immediately suspend the supply to Myanmar of all direct and indirect transfers of military and security equipment and munitions and expertise, including transfers claimed to be ‘non-lethal’.

#### **To Thailand, Bangladesh, and Malaysia:**

- Uphold the customary international legal principle of non-refoulement with respect to asylum-seekers and refugees from among Myanmar’s ethnic minorities, in refraining from forcibly returning such persons to Myanmar, where they faced and would face persecution and repression.

### **To the United Nations:**

- The Human Rights Council should include in its deliberations and actions on Myanmar, a specific focus on the human rights of ethnic and religious minorities, and continue to urge the government of Myanmar to cooperate fully with the Special Procedures, including the Special Rapporteur on the situation of human rights in Myanmar, and to implement the recommendations of the human rights treaty bodies.
- The General Assembly should closely monitor the Myanmar government's implementation of its previous recommendations, including in its Resolution 64/238 (2009), that the government of Myanmar release Daw Aung San Suu Kyi and "all prisoners of conscience, currently estimated at more than 2,000, without delay, without conditions and with full restoration of their political rights", and "take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups".
- The Secretary-General should continue to closely monitor and report on the human rights and humanitarian situation in Myanmar and use his 'good offices' mandate to further encourage the Myanmar government to address all violations of international human rights and humanitarian law, including the repression of persons of ethnic minority groups and religious minorities.
- The Security Council should remain seized of the situation in Myanmar, including through regular briefings on the implementation of measures the Council has repeatedly urged the Myanmar government to take. These measures include the "importance of the release of all political prisoners" and "further measures to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups". Furthermore, the Council should impose a comprehensive arms embargo on Myanmar that covers direct and indirect transfers of military and security equipment and munitions and expertise, including transfers claimed to be 'non-lethal'.
- UN member states should immediately suspend the supply to Myanmar of all direct and indirect transfers of military and security equipment and munitions and expertise, including transfers claimed to be 'non-lethal'.
- UN member states should give the UN Secretary-General and the Special Procedures of the Human Rights Council, including the Special Rapporteur on the situation of human rights in Myanmar, the support they need to continue to closely monitor the human rights situation in Myanmar, and to provide regular and ad hoc reports on the situation.





# <sup>1</sup> ENDNOTES

Amnesty International, *Crimes against humanity in eastern Myanmar*, June 2008 (Index: ASA 16/011/2008).

<sup>2</sup> In his September 2008 report to the UN General Assembly, the UN Special Rapporteur on the situation of human rights in Myanmar, stated that “All ethnic minorities, particularly the most vulnerable, shall enjoy human rights without discrimination [...]”. *Report of the Special Rapporteur on Myanmar to the General Assembly*, 5 September 2008 (A/63/341), p. 13. In December 2008, the UN General Assembly itself “expressed grave concern” at both “the high and increasing number of political prisoners, including other political leaders, persons belonging to ethnic nationalities and human rights defenders” (OP 2 (a)), and “The continuing discrimination and violations suffered by persons belonging to ethnic nationalities of Myanmar [...]” (OP 2 (d)). It also “strongly call[ed] upon the Government of Myanmar [...] To desist from further politically motivated arrests and to release without delay and without conditions those who have been arbitrarily arrested and detained, as well as [...] ethnic group leaders” (OP 4 (f)). *UN General Assembly Resolution on Myanmar*, 24 December 2008 (A/RES/63/245). In December 2009, the UN General Assembly “Call[ed] upon the Government of Myanmar to undertake a transparent inclusive and comprehensive review of compliance of the constitution and all national legislation with international human rights law, while fully engaging with democratic opposition and ethnic groups [...]” (OP 8). *UN General Assembly Resolution on Myanmar*, 24 December 2009 (A/RES/64/238).

<sup>3</sup> Daw Aung San Suu Kyi was sentenced in August 2009 to an additional 18 months under house arrest for violating the conditions of her detention, after she allowed an uninvited American man on to her property.

<sup>4</sup> Amnesty International, *Myanmar: Briefing Paper: No Return to "Normal"*, 9 November 2007 (Index: ASA 16/037/2007)

<sup>5</sup> In August 2009, the UN Security Council urged the government of Myanmar “to take further measures to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups in order to achieve an inclusive national reconciliation”. *UN Security Council Press Statement*, 13 August 2009. The Council had also made a similar statement in May 2009.

<sup>6</sup> Senior General Than Shwe’s speech at the 64th anniversary of Armed Forces Day Parade 2009, *New Light of Myanmar*, 28 March 2009. What follows is an excerpt from the speech: “Moreover, to achieve national reconciliation, a welcoming hand was extended in good faith and with goodwill to armed dissident groups that had appeared since independence was gained, in order to facilitate their return to the legal fold”.

<sup>7</sup> In December 2009, the UN General Assembly “Strongly call[ed] upon the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups” (OP 12). *UN General Assembly Resolution on Myanmar*, 24 December 2009 (A/RES/64/238).

<sup>8</sup> The Kokang are an ethnic minority of predominantly Han Chinese ethnicity concentrated in the self-administrative Kokang region, in northeastern Shan State bordering China. The MNDAA is the Myanmar National Democratic Alliance Army.

<sup>9</sup> In December 2009, the UN General Assembly “Strongly call[ed] upon the Government of Myanmar to take urgent measures to put an end to violations of international human rights and humanitarian law, including the targeting of persons belonging to particular ethnic groups” (OP 12). *UN General Assembly Resolution on Myanmar*, 24 December 2009 (A/RES/64/238).

<sup>10</sup> In addition to sources that must remain anonymous for their security, particularly forthcoming were, on the Rakhine, Narinjara News and Kaladan News; on the Chin, the Chin Human Rights Organization; on the Kachin, the Kachin News Group; on the Shan, the Shan Herald Agency for News and the Shan Human Rights Foundation; on the Karen, the Karen Human Rights Group; and on the Mon, the Independent Mon News Agency.

<sup>11</sup> Arbitrary detention includes instances in which a person is detained or imprisoned without a legal basis, on the basis of a seriously unfair trial, or on the basis of a law which is impermissibly vague or in violation of other fundamental standards such as the right to freedom of expression.

<sup>12</sup> In December 2009, the UN General Assembly “Express[ed] grave concern at the continuing practice of [...] torture and cruel, inhuman and degrading treatment, and strongly call[ed] upon the Government of Myanmar to allow a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible in order to end impunity for such crimes” (OP7). It also “Express[ed] its concern about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities [...] (OP 14). *UN General Assembly Resolution on Myanmar*, 24 December 2009 (A/RES/64/238).

<sup>13</sup> In December 2009, the UN General Assembly “Urg[ed] the Government of Myanmar to release all prisoners of conscience, currently estimated at more than 2,000, without delay, without conditions and with full restoration of their political rights” (OP3), and “call[ed] on the Government of Myanmar to take immediate measures to undertake a genuine dialogue with Daw Aung San Suu Kyi, and all other concerned parties and ethnic groups” (OP 4). *Ibid.*

<sup>14</sup> Ratified on 22 July 1997 and 15 July 1991, respectively.

<sup>15</sup> Article 2 (i). In August 2009, Thailand, as ASEAN Chair, issued a statement reiterating a July 2009 call “for the immediate release of all those under detention, including Daw Aung San Suu Kyi, with a view to enabling them to participate in the 2010 General Elections”. *ASEAN Chair’s Statement on Myanmar*, 11 August 2009, Bangkok.

<sup>16</sup> See Article 3 of the UDHR. See also Article 6 of the International Covenant on Civil and Political Rights (ICCPR).

<sup>17</sup> See Articles 3 and 9 of the UDHR. See also Article 9 of the ICCPR.

<sup>18</sup> Article 5 of the UDHR. See also Articles 4 and 7 of the ICCPR, and Articles 1, 2(2), and 16 of the UN Convention against Torture.

<sup>19</sup> See Articles 10 and 11 of the UDHR. See also Article 14 of the ICCPR. This includes the rights to be presumed innocent until proved guilty; to be informed of the nature and cause of the charges; to have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing; to be tried without undue delay; to be tried in their own presence and defend themselves in person or through legal assistance of their choosing; to examine, or have examined, the witnesses against them and obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them; to have the free assistance of an interpreter if they cannot understand or speak the language used in court; and not to be compelled to testify against themselves or to confess guilt.

<sup>20</sup> Articles 19(3), and 29 of the UDHR. For example, Article 19(3) of the ICCPR provides that the right to freedom of expression may:

“...be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.”

<sup>21</sup> Articles 20(1), and 29 of the UDHR. See also Article 21 of the ICCPR.

<sup>22</sup> The Union of Myanmar comprises seven divisions and seven states, the latter named for the predominant ethnic minority group in the state, for example Mon State.

<sup>23</sup> See, e.g. Amnesty International, *Crimes against humanity in eastern Myanmar*, June 2008 (Index: ASA 16/011/2008).

<sup>24</sup> All italicized testimonies in this report were obtained directly by Amnesty International, while non-italicized information was either obtained directly, confirmed independently, or both by Amnesty International.

<sup>25</sup> The Panglong Agreement was signed on 12 February 1947 between the Burmese government under General Aung San and the Kachin, Chin, and Shan leaders. It provided internal autonomy for the ethnic minority groups, while maintaining a unified country once it was fully free from British colonial rule in January 1948.

<sup>26</sup> *Central Intelligence Agency World Factbook 2008*, <https://www.cia.gov/library/publications/the-world-factbook/geos/bm.html>

<sup>27</sup> Amnesty International interview with David Taw, Chair of the Ethnic Nationalities Council, August 2009.

<sup>28</sup> The general background information pertaining to each of these seven ethnic minorities was taken from a variety of sources, with much of it serving as general, accepted knowledge. Where inconsistencies on particulars existed, efforts were made to arrive at the most accurate, conservative, picture. Some information, however, such as that regarding population numbers, was too inconsistent to reconcile and so was omitted.

<sup>29</sup> The Rohingyas are an almost entirely Muslim minority group of an estimated two million, most of whom inhabit Rakhine State. While they have a distinct culture and dialect, the Myanmar government does not recognize the existence of a separate Rohingya ethnic group and the vast majority of Rohingyas is not believed to possess Myanmar citizenship; indeed most globally are stateless. Rohingyas are routinely forced to request permission and pay a fee in order to leave their villages and are not permitted to marry members of other ethnicities or work as civil servants. They are frequently subjected to forced labour, arbitrary taxation, land confiscation, and forced eviction by the Myanmar authorities. Several armed groups, notably the Arakan Rohingya National Organization, operate along the Myanmar-Bangladesh border in Rakhine State in fighting the Myanmar government. There is a large population of Rohingyas in Bangladesh, as well as smaller populations in Malaysia, Thailand, and the Middle East, having fled there to escape persecution by the Myanmar government and seek better economic opportunities. See Amnesty International, *Myanmar: The Rohingya Minority: Fundamental rights denied*, ASA/16/005/2004, 18 May 2004. In December 2009, the UN General Assembly “Express[ed] its concern about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State” (OP 14). *UN General Assembly Resolution on Myanmar*, 24 December 2009 (A/RES/64/238).

<sup>30</sup> The other three are the Kokang-based Myanmar National Democratic Alliance Army (MNDA), the ethnically based Pa’o National Organization (PNO), and the ethnically based Palaung State Liberation Party (PSLP).

<sup>31</sup> The Communist Party of Burma (Arakan) has agreed to a ceasefire. The Arakan Liberation Party (ALP), which operates along the Myanmar-Thailand border in Kayah State, and the National United Party of Arakan (NUPA), active along the Myanmar-Bangladesh border, have not agreed to ceasefires.

<sup>32</sup> The Kachin Independence Army, the armed wing of the KIA; the Lasang Awng Wa Peace Group, a splinter group of the KIA; the New Democratic Army-Kachin (NDA-K); and the Kachin Defence Army (KDA), have agreed to ceasefires with the government.

<sup>33</sup> The National Democratic Alliance Army (NDAA), the Shan State Army-North (SSA-N), the Shan State National Army (SSNA), and the Shan State Nationalities People’s Liberation Organization (SNPLO) have agreed to ceasefires. The Shan State Army-South (SSA-S), formed in 1996 from splinter groups of the Mong Tai Army (MTA), which was led by Khun Sa, is still actively in armed conflict with the *tatmadaw*.

<sup>34</sup> The four which have agreed are the Karenni Nationalities People’s Liberation Front (KNPLF) and the Karenni National Defence Army (KNDA), both of which split from the KNPP, as well as the Kayan New Land Party (KNLP) and its splinter group, the Kayan National Guard (KNG). The armed wing of the KNPP (without a separate name) has not agreed to a ceasefire.

<sup>35</sup> The Democratic Karen Buddhist Army (DKBA) and the Karen Peace Front (KPF), which split from the KNLA in 1994 and 1997, respectively, have agreed to ceasefires.

<sup>36</sup> Association for Assistance to Political Prisoners of Burma (AAPPB), *Maroon Revolution in Numbers*, October 2007.

<sup>37</sup> Only the most compelling moral circumstances warrant Theravedic Buddhist monks turning over their alms bowls, for to do so is often interpreted as an act of excommunication. It suggests that the alms-giver is not part of the religious community, and deprives him/her of the opportunity to make or accumulate karmic “merit” in this life, toward a better life upon reincarnation.

<sup>38</sup> UN General Assembly, Human Rights Council, Human Rights Situations that Require the Council’s Attention, *Report of the Special Rapporteur on the situation of human rights in Myanmar, Paulo Sergio Pinheiro, mandated by resolution S-5/1 adopted by the Human Rights Council at its Fifth Special Session*, Human Rights Council 6th session, Agenda item 4, 7 December 2007 (A/HRC/6/14), para. 69.

<sup>39</sup> See Articles 3 and 9 of the UDHR. See also Article 9 of the ICCPR.

<sup>40</sup> Than Shwe is the leader of the State Peace and Development Council (SPDC, the military government).

<sup>41</sup> Section 505(b) states that “Whoever makes, publishes, or circulates any statement, rumour, or report with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offense against the State or against the public tranquility, shall be punished with imprisonment which may be extended to two years, or with fine, or with both”.

<sup>42</sup> The Union Solidarity and Development Association (USDA) was formed in 1993 as a "social welfare" organization, and has become most prominent of the mass-based civilian organizations established and used by the government to monitor, intimidate and arrest political opponents and crush dissent. The USDA has 23 million members across Myanmar, many of whom are coerced into joining. It is directly controlled by the government, with Senior General Than Shwe as its first 'patron'.

<sup>43</sup> Section 143 states that “Whoever is a member of an unlawful assembly shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both”. See footnote 41 above for Section 505(b). Section 505(a) and Section 505(c) provide for up to two years' imprisonment, or a fine, or both, for anyone who, under Section 505(a), "makes, publishes, or circulates any statement, rumour, or report with intent to cause, or which is likely to cause, any officer, soldier, sailor, or airman, in the Army, Navy, or Air Force to mutiny or otherwise disregard or fail in his duty as such"; or under Section 505(c), “makes, publishes, or circulates any statement, rumour, or report with intent to incite, or which is likely to incite, any class or community of persons to commit any offense against any other class or community”.

<sup>44</sup> See footnotes 41 and 43.

<sup>45</sup> The Swan-Ar-Shin (SAS) or "Masters of Force" was formed in 2003 by the government to harass and intimidate opposition political parties, protesters, and human rights activists. Its operations are commanded by riot police and it is indirectly supervised by the military. Ordinary members of the SAS are used primarily for routine surveillance and to assist the police, but some members are employed to engage in violence against dissidents. While the government rarely acknowledges the existence of the SAS publicly, they are thought to operate across the country.

<sup>46</sup> Union Day celebrates the Panglong Agreement signed on 12 February 1947, between the Burmese government under General Aung San and the Kachin, Chin, and Shan leaders.

<sup>47</sup> On 5 September 2007, security forces in Pakkoku, Magway Division in central Myanmar, attacked monks who were demonstrating as part of the Saffron Revolution. When the government failed to apologize for the attack twelve days later, the demonstrations increased substantially.

<sup>48</sup> On 27 September 2007, Singapore, as Chair of ASEAN, made the following statement: “The ASEAN Foreign Ministers had a full and frank discussion on the situation in Myanmar at their Informal Meeting this morning in the UN and agreed for the Chair to issue this Statement. They were appalled to receive reports of automatic weapons being used and demanded that the Myanmar government immediately desist from the use of violence against demonstrators. They expressed their revulsion to Myanmar Foreign Minister Nyan Win over reports that the demonstrations in Myanmar are being suppressed by violent force and that there has been a number of fatalities. They strongly urged Myanmar to exercise utmost restraint and seek a political solution. They called upon Myanmar to resume its efforts at national reconciliation with all parties concerned, and work towards a peaceful transition to democracy. The Ministers called for the release of all political detainees including Daw Aung San Suu Kyi. The ASEAN Foreign Ministers expressed their concern to Minister Nyan Win that the developments in Myanmar had a serious impact on the reputation and credibility of ASEAN”. *Statement by ASEAN Chair, Singapore's Minister for Foreign Affairs George Yeo, New York, 27 September 2007.*

<sup>49</sup> Article 25, Referendum Law for the Approval of the Draft constitution of the Republic of the Union of Myanmar, 2008.

<sup>50</sup> See footnotes 41 and 43 regarding Section 505. The Karenni woman also mentioned “Sections 17 and 13” as well, likely referring to Section 17 of the Unlawful Associations Act and Section 13 of the Burma Immigration (Emergency Provisions) Act. Section 17 states that: “(1) Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association or in any way assists the operations of any such association, shall be punished with imprisonment for a term which shall not be less than two years and more than three years and shall also be liable to fine. (2) Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term which shall not be less than three years and more than five years and shall also be liable to fine.” Section 13 has ten “Offences and penalties” relating to immigration infractions.

<sup>51</sup> Section 452 states that “Whoever commits house trespass, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine”. Section 292 contains five lengthy subsections, all of which apply to “Offenses Affecting the Public Health, Safety, Convenience, Decency, and Morals”. Section 506 states that “Whoever commits the offense of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or transportation or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both”.

<sup>52</sup> Section 451 states that “Whoever commits house trespass in order to commit any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years”.

<sup>53</sup> See footnote 41 for Section 505 (b). Section 420 states that “Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine”. Section 112 states that “If the act for which the abettor is liable under the last preceding section is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences”. Section 468 states that “Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine”.

<sup>54</sup> Approximately \$15 USD.

<sup>55</sup> Article 34 of the Convention on the Rights of the Child, which Myanmar acceded to in 1991, states that “States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity; (b) The exploitative use of children in prostitution or other unlawful sexual practices; (c) The exploitative use of children in pornographic performances and materials. Myanmar acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1997.

<sup>56</sup> In his report to the UN General Assembly in August 2009, the UN Special Rapporteur on the situation of human rights in Myanmar stated that he “has also received reliable information regarding the closure of churches in Chin State hindering the Christians from practicing their religion, and calls upon the Government to ensure that ethnic minorities are granted fundamental rights, as enshrined in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, or Linguistic Minorities and article 30 of the Convention on the Rights of the Child” (p. 17). *Report of the Special Rapporteur on Myanmar to the UN General Assembly, 24 August 2009 (A/64/318)*.

<sup>57</sup> Among recent credible reports of development and infrastructure projects in ethnic minority states in Myanmar are: *Corridor of Power: China's Trans-Burma Oil and Gas Pipelines*, Shwe Gas Movement, September 2009; *From Grassroots to Global: Voices of Burma on Earth Rights Abuses*, Earth Rights International, August 2009; *Roots and Resilience: Tasang dam threatens war-torn Shan communities*, Shan Sapawa Environment Organization, July 2009; *Laid Waste: Human Rights along the Kanbauk to Myaing Kalay Gas Pipeline*, Human Rights Foundation of Monland, May 2009; *Dammed by Burma's Generals: The Karenni Experience with Hydropower Development – from Lawpita to the Salween*; Karenni Development Research Group, 2006.

<sup>58</sup> See letter from Nyi Pu, Gwa township Member of Parliament and Chair, Arakan State Organizing Committee, NLD, to Professor Paulo Sergio Pinheiro, Special Rapporteur on the situation of human rights in Myanmar, *Subject: Presenting human rights in Arakan (Rakhin) State, 11 November 2007*.