CHAPTER 14
Freedom of Assembly, Association and Movement
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14.1 Introduction

The right to freedom of movement, assembly and association were all severely curtailed in Burma throughout the course of 2008, a year marked by natural disaster, political repression and ongoing, intractable armed conflict. The Burmese military junta continued to flout its obligations to uphold Articles 13 and 20 of the Universal Declaration of Human Rights (UDHR), despite its signatory status. Article 13 states that; “Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including their own, and to return to their country”, while Article 20 establishes the rights of assembly and association thus; “Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.”

The citizens of Burma however, failed to benefit from the protections of the UDHR, or any other international or domestic laws that enshrine freedom of movement, assembly and association throughout the year. The trend of previous years that were characterised by tight movement restrictions on the population was maintained, and in some respects these rights were restricted even further. The movement of those in the ethnic rural areas that have witnessed low-level armed conflict, in particular the Karen, Mon, Shan and Karenni States was rigidly controlled by the armed forces and to a lesser extent the non-state armed groups. The movement of internally displaced persons (IDPs), particularly those who were displaced from villages and sent to relocation sites by the military, or who fled into jungle hiding sites was severely curbed. Movement restrictions on the population in Arakan State, in particular the Rohingya ethnic minority, were stringently imposed. In spite of the harsh movement restrictions imposed by the State Peace and Development Council (SPDC), 2008 saw the continued illegal migration from these states and others into neighbouring countries such as Thailand, India and Bangladesh. Domestic travel in general was also restricted, especially in the rural ethnic regions where travellers faced arbitrary taxation at the hands of the Burmese military and non-state armed groups (NSAGs).

The regime authorities also the restricted movements of foreigners travelling into and out of Burma and this stance was typified by the junta’s response to offers of outside assistance during the aftermath of tropical cyclone Nargis, which struck the country in early May 2008. Many international emergency response specialists and aid workers from a variety of countries were denied visas to enter Burma to begin work on disaster response and relief work, despite the junta’s clear lack of capacity to address the situation adequately with its own limited resources. Members of the foreign media also faced serious restrictions, with the junta hampering efforts to cover the impact of cyclone Nargis.

The SPDC’s negligent response to cyclone Nargis prompted action on the part of civil society and opposition political groups to assume those responsibilities which should have befallen the state. The impromptu relief response from organised groups, as well as concerned individuals, was not only snubbed by the junta, but was actively quashed, in an attempt to maintain legitimacy and control over the ‘official’ relief effort. Groups were denied access to the Irrawaddy Delta region, aid was confiscated by troops (sometimes to be resold on the black market) and Burmese aid donors were, at times, detained arbitrarily.

The consequences of the Saffron revolution continued to reverberate across the nation over the course of 2008. The nationwide defiance of the regime in late 2007 had a wide range of flow-on effects that resulted in stern limitations on the freedom of assembly in 2008. The possibility of repeated civil unrest around the anniversary of the uprising provided a pretext for the regime to usher in hitherto unheralded restrictions on political activists, opposition politicians and civil society groups, resulting in the doubling of political prisoners held in jails across the country. Much to the dismay of the largely Buddhist population of Burma, the
brotherhood of monks, the Sangha, also came under intense, sustained pressure for its role in the previous year’s upheaval, resulting in the arrests and de-robing of large numbers of monks.

Regime authorities continued to limit political assembly in particular, breaking up opposition meetings, peaceful marches, prayer vigils and commemorations of significant anniversaries such as Martyr’s Day.²

The regime undertook a concerted effort to rein in the influence of opposition political groups and activists in 2008 by way of an unparalleled swathe of arrests and detentions. The Unlawful Associations Act was employed heavily in conjunction with other domestic legislation with such frequency over the course of the year that restrictions on association resulted in the estimated increase in political prisoners from 1,192 in June 2007, to over 2,123 by the middle of 2008.³

The SPDC was particularly stringent in its treatment of the National League for Democracy and the 88 Generation Students Group. Members of these groups and others were dealt lengthy prison terms for alleged offences during the Saffron revolution of late 2007 and for political activity in 2008 itself. Many of these prisoners were relocated to remote prisons across the country, in order to isolate them from their supporters and relatives. Their disproportionately large sentences appeared to indicate a concerted effort on behalf of the regime to keep dissident political activists sidelined in the run up to the 2010 elections.

In 2006, SPDC authorities forcibly relocated some of the residents of Shah See Bo, Wah Loh and Kheh Der villages in Toungoo District to Toungoo town in eastern Pegu Division. Following the forced relocation, local authorities enforced heavy restrictions. They barred the villagers from returning to their former homes to tend agricultural fields and also from accessing other arable land closer to the relocation site. As these restrictions continued many villagers, shown in the photos here, fled to a refugee camp in Thailand. [Photo and caption: © KHRG]
14.2 Restrictions on Villagers in Border Conflict Areas

Karenni State, Karen State, Mon State, Shan State and Pegu Division continued to be the predominant regions which experience low-level armed conflict in 2008. As such, it was these states and divisions which bore the brunt of conflict-related restrictions on movement, and to a lesser extent, assembly and association. As with so many other areas of civilian life in Burma, international law continued to be ignored by the junta in these states. The 1966 International Covenant on Civil and Political Rights (ICCPR) Article 12(1) states that, “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” Moreover, the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which came into force on 3 January 1976 states in Part III, Article 6, Section 1 that, “The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”

In addition to these two covenants, the Burmese civilian population should be protected by the stipulations of the Universal Declaration of Human Rights; however the junta continues to ignore a raft of the declaration’s recommendations (including Articles 9, 13, 20, 23, 25 and 26).

For the ethnic population of Burma that resides in the states still experiencing conflict, none of these rights have been realised, nor does the evidence suggest that there is any hope for improvement in the near future for the rural ethnic populations affected by conflict. Reports continued to emerge from the eastern conflict-affected states throughout the year of 2008, indicating that human rights conditions remained poor and that movement in these areas was highly restricted and controlled by SPDC forces and to a much lesser extent, some of the non-state armed actors. The movement restrictions resulted in civilians facing omnipresent threats of extortion, of being denied access to their livelihoods, arbitrary arrest and in some areas with active armed resistance, the threat of being shot on-sight. Ongoing conflict also meant that the civilian population remained in the unenviable position of being caught between non-state armed resistance groups and Burmese army forces, both of whom extracted levies of varying types from civilians. Usually this rent seeking behaviour was manifested through arbitrary taxation extracted at checkpoints along more common trade and travel routes in the border regions. In Karen State, the restrictions more commonly seen were those associated with relocation-sights. Relocation-sights are those areas into which civilians have been driven by the SPDC’s military forces. Often these are villages that have been rebuilt, sometimes with the forced labour provided by the villagers themselves.

The SPDC continued its drive to dominate the mountainous north of Karen State as well as consolidating the gains made in the plains regions of the south and southwest. The resulting effect was that many villagers were forced from their villages and moved into relocation-sights administered by the military. In SPDC efforts to control these sites and the disputed lands around cleared out villages, relocated inhabitants were often barred from leaving relocation-sights, effectively denying them the right to earn their livelihoods, constituting a breach of international law as highlighted earlier. At times, permission to leave camps could be bought from the authorities in charge. Movement restrictions lead to the further impoverishment of these populations by cutting off their main sources of income and access to education and health care. The SPDC further restricted the movement of relocated populations by mining the areas around relocated villages in an attempt to discourage people from returning to those sites as well as to target rebel fighters.
In terms of movement restrictions, those living in the areas of rural Burma that are still contested by rebel armies face a dual challenge. In Mon state for example, villagers are caught between small bands of opposition fighters and the Burmese army who seek to flush out the remaining pockets of resistance. These groups sometimes extort villagers by restricting their access to their crops and orchards until they are paid with cash or goods. On 21 November 2008, members of the Chan Dein rebel group, led by Nai Chan Dein, arrested over 100 people from five different villages in Yin Ye, southern Ye Township, whilst they were on their way to rubber and betel nut plantations. The villagers were held to ransom and forced to come up with payment for the rebels. The ransom was met through cash or payment in goods, in this case, gold and jewellery. In retribution for this ‘collusion’ with resistance organisations, the villagers faced detention and arrests from SPDC soldiers based in the area as troops lead by Lieutenant Han Win Kyaw of Infantry Battalion #31 (IB #31), and Lieutenant Commander Myo Swe appeared in the village over the course of the next two days, arresting 13 villagers and torturing two men. One man's armed was burned with a torch and another severely beaten in an attempt to extract information regarding the rebels’ activities. The village was then subjected to a 24 hour travel restriction and its inhabitants were prevented from travelling to their plantations to work.6

The relationship between the presence of rebel fighters and related abuses at the hands of the SPDC has not been lost on the villagers of Yebyu Township, an area where the Chan Dein group also operates. One individual, Nai Aye, 45, from Yebyu Township made the following observation,

“LIB 282 is blocking us from going outside at night time…I have 3 plantations, but I can only pick 3 days of betel nuts. In the night time, most of my betel nuts are stolen…If I do not change my career, my family cannot survive. Those are the effects of the Chan Dein group on my business. I want them [the Chan Dein group] to move away from my village so the battalion will not block the village any more.”7

Villagers such as those in the example above face the threat of the resulting movement restrictions that the Burmese army puts in place, in response to rebel activity in the area. In these brown and black zones of conflict (brown zones being those contested areas and black zones being fully controlled by insurgent forces), movement restrictions are part of the ‘Pya Leh Pya’ or ‘four cuts’ policy, that the Burmese army has been using to successfully eliminate logistical support for non-state armed groups, by cutting off access to information, recruits, food and finances.8 The policy has been relatively successful for the Burmese Army; however it has been disastrous for the civilian populations of the areas in which it has been employed. In essence, villagers are placed in a no-win situation, they are vulnerable to being extorted by rebels and restricted by the regime and the army.9

**Border Checkpoints**

In areas of border conflict there are large financial obstacles that represent restrictions on the movement of the population. Whereas conflict and its associated dangers represents barriers to unfettered movement in areas such as Shan or Karen state, the economic aspect of armed conflict and the rent seeking behaviour of armed actors in other areas pose a similar, if less dangerous obstacle to freedom of movement.

Around the town of Three Pagodas Pass, a traditional border crossing area, the illegal trade in many goods and services has attracted the attention of several armed factions that seek to profit from trade. A consequence of this presence and active involvement by all armed factions in illegal activity has been the setting up of checkpoints that any one wishing to
travel through this area must pass. There are two basic routes for example, between the town of Three Pagodas Pass in Kanchanaburi Province in Thailand and Thanbyuzayat Town in Mon State, Burma, depending upon the season. Wet season dictates that the traveller must take a boat part of the way up the Zemi River, whilst in the dry season the roads are passable for the whole journey, allowing the trip to be completed by car. During the wet season the river route, which is only about thirty kilometres in length, is home to roughly thirty checkpoints, including those of New Mon State Party (NMSP), Democratic Karen Buddhist Army (DKBA), Karen Peace Force (KPF), State Peace and Development Council (SPDC) and the Karen National Liberation Army (KNLA), depending on the security situation. Human Rights Foundation of Monland (Hurfom) estimates that a trip from the town of Three Pagodas Pass to Thanbyuzayat Town in Mon State takes about two days and costs the traveller around 35,000 kyat (1,200 Baht). The recent evidence suggests that the costs of the illegal taxes will only increase over time. It was reported on 1 December 2008 that the costs of levies along the Thanbyuzayat -Three Pagodas Pass road had doubled in the last year, up from 500 to 1,000 kyat per passenger. The number of checkpoints also rose, increasing from 30 up to 40.

The imposition of illegal and arbitrary taxation at checkpoints such as those mentioned above, make it difficult for normal people to move freely in the border areas where armed groups operate, hampering their ability to trade and travel, to access medicines in Thailand, to visit relatives in these areas or to exercise their general rights to freedom of movement.

Besides the established checkpoints throughout border regions, there are also others that may crop up from time to time based on various security concerns. An example of this was the reopening of six military checkpoints along the Myitkyina-Hpakant Road in Kachin State of northern Burma. It was reported on 17 November 2008 that the military had reopened these defunct checkpoints as a security precaution following rumours of a planned bombing of Hpakant mining town. The fluid nature with which roadblocks and checkpoints can arise in response to security concerns, and the associated dangers that they imply, poses real concerns for many ethnic minority groups and impinges upon their ability to travel, assemble and associate freely.

**Taxation as a Form of Movement Restriction**

Burma is widely recognised as one of the most corrupt countries in the world. Transparency International’s annual Corruption Perception Index 2008 ranked Burma as the second most corrupt county in the world, only managing to beat out Somalia, a country which has essentially been a collapsed state and without effective governance since 1991. With the mismanaged economy steadily degenerating and a bloated defence force that is inadequately paid, soldiers in the rural areas have been left to their own devices by the central command structures of the Burmese Army. As many salaries are insufficient and arrive at unreliable intervals, soldiers and commanders of both the Burmese Army and non-state armed groups often impose arbitrary forms of taxation upon villagers in outlying rural areas as part of the sanctioned ‘Self-Reliance Policy’.

Arbitrary taxation has no basis in legislation and is based upon opportunity and the whim of individual officers. It takes many forms and can include taxes raised to buy weapons, fund people’s militias or pay for food for soldiers, among many other uses. A common form of this punitive taxation can be viewed as a type of movement restriction. Checkpoints on roads and river ways act as toll booths whereupon soldiers are able to extract levies in an arbitrary and unregulated fashion. The taxes imposed in this manner often impinge on villagers’ abilities to earn income, as the roadblocks are sometimes established between villages and farms, crops and orchards which can at times be situated quite far apart.
forces poor villagers to face the difficult decision of attending their farms and paying crippling fines, or staying at home, deprived of the means of earning their living and supporting their families. It was reported on 24 September 2008 that a new checkpoint had sprung up on the Ahbit to Yetagon - Waenaing road and soldiers manning the checkpoint had begun taking taxes from 2 July 2008. The new tax to travel this stretch of road (approximately 10,000 kyat, or roughly US $10, to obtain a card allowing passage) affected up to two hundred farmers from the surrounding six villages.16

Northern Karen State

Ongoing military activity in Karen State has led to various forms of restrictions on the movements of villagers in that region. Military offensives in the state have typically been divided between the jungles of the mountainous northern region and the relatively flatter areas of the southern plains that stretch to the Bay of Martaban off the west coast of Karen State. The differing nature of the terrain between northern and southern halves of Karen State have led to different approaches by the Burmese military in an attempt to subjugate and control the populations of both areas. In turn the different tactics employed by the SPDC forces have led to different types of associated rights abuses. In general however, both north and south of Karen State have been affected by movement restrictions in some form or another, as restrictions form the backbone of the junta’s attempts to control villagers movements, and to hamper their ability to contact and support rebel forces operating in the state.

As has been well documented, the militarisation of the rural areas of Karen state has led to large parts of the population being forced to move into relocation-sights which are strictly monitored by SPDC forces, or forced to evade attacks from the military by fleeing into the jungle. Clearly, major rights violations in Karen state are those related to the displacement of villagers and the corollary effects on livelihoods, education and the like. Following displacement however, a subsequent set of problems arises in conjunction with the situation of living under the watchful eye of troops in relocation-sights. There are severe movement restrictions on villagers living in this manner. Villagers are only allowed a very limited range of movement and access to crops and other methods of making a living in relocation-sights. According to one unnamed 58 year old male villager from Tantabin Township in Karen State;

“We didn’t have a chance to do our work, because they [the SPDC] didn’t allow us to go outside the village. So we just stay in our village. The military is based in Kler La, Wah Tho Ko and Gkaw Tha Koh - not in my village. We couldn’t leave the village for almost 3 weeks... We didn’t know what happened to our cardamom fields.”17

Restricting the movements of villagers is also accomplished by keeping them confined in controlled settings. A Karen Human Rights Group report from May 2008 indicated that villagers in Kler La were ordered by the SPDC’s Ko Ko Lat from Military Operations Command #10, to construct fences around local villages in an attempt to better monitor villagers’ activities. Curfews were also placed upon the villagers living in the area. The curfew forbade movement between crops and villages between sundown and sun-up. Curfews such as these restrict the normal practices of farmers in Karen State, who tend to sleep in their fields during the height of agricultural seasons in order to gain as much time as possible for working on their crops.18 In a further move enforced to guarantee that villagers did not secretly spend time in their fields, no uncooked rice was allowed to be carried to and from fields. This measure ensured that villagers in the example above were not able to stay for long periods on the crops by cooking at night time. The report suggested that those caught with uncooked rice risked arrest and a subsequent jail term of four years.19
A further manner in which the SPDC can control rural populations is to restrict movement which is directly related to their acquisition of food supplies. An incident reported in late March 2008 exemplifies how the SPDC has used movement restrictions to control the population of Toungoo District in northern Karen State. Residents of Kler La Town in Toungoo District were previously able to purchase sacks of rice (one sack = 64 kilograms) for 18,000 kyat in Toungoo Town. At the time of the report however, SPDC forces from Infantry Battalion #39 had set up a market at the ‘Four Mile’ point along the Kler La – Toungoo Town road in order to have the villagers purchase the sacks of rice from the military at an inflated price of 20,000 kyat per sack. On top of the extortionate pricing, the villagers also had to pass an SPDC military camp at Bper Leh Wah on the return leg of the journey to Kler La at which point they would be forced to pay a 10 percent ‘rice tax’ on their goods, in order to be able to cross the bridge over the Day Loh River.

Furthermore, any travel is only possible with the express permission of the Burmese army, or its allied ceasefire groups such as the DKBA in Karen State. It was reported in February 2008 that permission to travel could be purchased from the SPDC at a cost of 200 kyat in Toungoo District, which would provide the holder with permission to travel for two days. Although the permission system had been put in place in Toungoo District, the report suggests that villagers had regularly been shot on-site anyway by SPDC forces who had come across them, without even bothering to confirm whether they were in possession of the required travel documents. At least 12 documented victims were listed in the report. The victims had all been shot over the course of the six months between July and December in 2007; however, reports from 2008 indicate that the policy is still in place and severely affecting rural populations.

**Shoot on-Sight Tactics**

Very often in areas where relocations have taken place, the SPDC forces have a shoot on-site approach for anyone caught outside relocation sites, which constitutes a strong restriction on the movement of villagers. The shoot on-site policy (not an official SPDC policy) has been used to dual effect in the areas where the Burmese Army forces are attempting to gain total control of rural areas by subjugating villagers and quelling resistance forces. Firstly, the shoot on-site practices have the effect of constituting a very strong deterrent to villagers wanting to leave the SPDC administered relocation villages. The threat of being shot is real and keeps the majority of individuals from risking trips to their fields. The second benefit derived from the practice by the Army is to maintain the civilian population in firmly controlled areas where military personnel can continue to extract forced labour, money and supplies that the SPDC should be providing.

The policy effectively means that there are restrictions on a range of activities normally undertaken by villagers. These activities include, but are not limited to, normal agricultural activity, collection of forest goods for food, as well as firewood, collection of water from streams, travel to schools for young villagers and travel further a-field for adults. Shoot on-site policies are in effect in areas where the SPDC does not have full control over a contested area. One such area is Toungoo District in northern Karen State. Despite the imposition of the policy, the value of successful cropping to low income rural villagers is a powerful inducement to ignore the movement restrictions in order that villagers may continue with cultivation. The defiance of those under oppressive military tactics in these areas at times results in injury or death, for example on 8 April 2008, Saw Kru Kra, a 35 year old man from Kler La was shot dead by SPDC soldiers operating around Kler La Town. His body was later found by villagers.
Fines and Arbitrary Taxation

Due to the dilapidated state of the Burmese Army and the SPDC’s inability to adequately compensate those who work for it, there are strong incentives to arrest and extort villagers who are found to be breaking curfews or travel restrictions. The benefits for SPDC soldiers of arrest and extortion over shooting villagers outright are clear; arrest and extortion leaves victims alive and therefore able to be extorted again at some point in the future. In an incident reported in early March 2008, a group of men from Pya Ka village in Toungoo District were arrested while they were out collecting firewood in the local area. The group was seen by SPDC troops however, and were arrested. The SPDC troops then confiscated all the firewood that the group had collected on their foray, making the villagers deliver the wood to a nearby army camp site. The villagers were then fined to the tune of 20,000 kyat per cart of firewood that they had found on the mountain.

Movement restrictions can also result in arbitrary detentions as well as fines, such as those mentioned above. The implementation of the ‘four cuts’ policy, provides a convenient pretext for the SPDC to perform arbitrary arrests of those breaking curfews and movement restrictions, by accusing villagers of aiding non-state armed groups. It would appear from documented cases that often arrests are made merely with the aim of extorting cash or supplies from villagers. The fines imposed upon those caught in contravention of movement restrictions are often arbitrary, which strongly suggests that there is no official policy regarding the punishment of offenders. Furthermore, the SPDC has dealt with those collaborating with armed resistance groups extremely severely in the past. Cases of summary executions are not uncommon, which again suggests that fining those caught breaking curfews is incongruous with this stance, and that fines and detentions are merely a further technique to occasion extortion.

In some cases however, when the victims are not able to provide bribes to soldiers, they may indeed be arrested instead. It was reported in June 2008 that two villagers arbitrarily arrested while tilling their fields on 9 June 2007 were still languishing in prison. Maw Ywa Doh, 25, and Bpaw Lee Gka, 16 were accused by SPDC soldiers from IB #73 of supplying food to the Karen National Union and imprisoned for one year in the Toungoo Town prison, in Toungoo District.

Southern Karen State

Unlike the situation in northern Karen State, the SPDC and the allied DKBA forces have been able to maintain a consolidated military presence in southern Karen State where the open plains represent a theatre of operations more suited to subduing the population that have fewer places to hide, in contrast to the difficult mountainous jungle regions of the north of the state. The long list of human rights violations including those of movement restrictions can be attributed to the pervasive presence of the military in the south of the state and their attempts to forcefully relocate villagers into controlled zones along roads and into areas next to military bases. As in the north, these restrictions are frequently enforced both as a measure to control the population by cutting off support to rebel factions and as a way of supplementing military incomes. In the Districts of Dooplaya and Pa’an in Karen State for example, it was reported in October 2008 that those working on relocation camps in Khaw Thoo Kee, Htee Per Wa, Paw Nya Ku Day, G’law Gaw and Paw Bu Lah Hta were facing restrictions on movement, meaning that they were unable to visit their fields for more than three days without receiving permission from the DKBA. The DKBA were able to financially profit from the imposition of the restrictions by imposing a fine of 10,000 kyat (US$ 10) on those wishing to stay at their fields for longer periods of time. It is clear that the payment of such fines would have been unavoidable at times, for negligence of the crops could well lead to a loss of livelihoods for low-income villagers.
An un-named female villager, aged 40 from Kawkareik Township, in Dooplaya District, had the following to say regarding the situation in her area;

“My occupation is hill field farming, but at the moment we’re not able to work on our hill fields because landmines have been planted along the path and around our village. Now in my village villagers are facing so many difficulties that I don’t know how to describe it. Villagers haven't been allowed to go outside of the village since last month [April 2008].”  

The source of the quotation was referring to the heavy restrictions that were put in place by the SPDC around Kawkareik Township in response to the activities of KNLA troops in the area. The report from July 2008 asserted that DKBA troops have accused those villagers living in the area of collusion with the KNU and KNLA and have implemented restrictions that have prohibited the residents from attending to hillside cultivation and hence attaining their livelihoods. To supplement the limitations on movement, the DKBA planted landmines around Noh Poe village and has continued to patrol the areas around the village, virtually eliminating all chance of villagers being able to get to their plantations.

**Mon State**

The situation in Mon State differs markedly from that of Karen State in one major way, which is that the largest resistance group in Mon State signed a ceasefire with the junta in 1995. The Mon National Liberation Army (MNLA), which forms the armed wing of the New Mon State Party, no longer operates in an offensive capacity within the Mon State. Despite the signing of the ceasefire, there has been almost continuous low-level conflict since 1995. Several break away factions of the MNLA, disgruntled at the terms of the peace agreement, formed small bands of resistance fighters that continue with sporadic hit and run attacks on SPDC targets. Unfortunately for the civilians of Mon State, the presence and activity of groups such as the Monland Restoration Party (also known as the Hongswatoi Restoration Party) and the Chan Dein Group - led by Nai Chan Dein - provides a convenient excuse for SPDC forces to abrogate the conditions of the ceasefire, including territorial boundaries.

The turbulent security situation in southern Mon State has occasioned heavy restrictions in the movements of ethnic Mon, Karen and Tavoyan peoples as the Burmese army seeks to bring rebel forces under its control. Unfortunately, many in areas such as southern Ye Township are handicapped by the restrictions imposed on them by the Burmese army. The official travel restrictions create wide ranging deleterious effects for villagers who are heavily reliant upon the agriculture and fishing industries in generating their daily incomes and in turn supporting their families. According to interviews conducted in November 2008 by HURFOM, residents from the Kabya-Gyi and Kabya-Wa Villages claimed that they had been prevented by the local Burmese Commander from going to their farms and plantations, as well as from conducting their normal fishing activities. The two villages, which rely extensively on Betel nut production and fishing to provide their meagre incomes, were unable to continue to support their families. A 58 year old resident of Kabya-Gyi Village, Nan Yai had the following to say regarding the travel restrictions;

“The Burmese Commander ordered to every villager not go to farms or plantations that are surrounding our villages. This order also affected fishermen in Kabya-Wa village. So that even in the harvest time, like previous months, we could not collect our betel nut and rice. We totally rely on income from betel-nuts plantation. Because of the restriction order from the battalion, we lost all of our families’ income. No one dared to go to their work places because if the army found them, they would be killed.”
Travel Permits

The travel restrictions documented reveal that not only is travel to work limited and controlled by the army but also travel on main roads, travel to densely populated regions and travel to other villages upon which occasion, permission must be granted by local authorities. As in Karen State, the activity of resistance groups in Mon State provides enough justification for the SPDC to impose travel restrictions. However, the fact that these restrictions can be avoided for the right price suggests that they may well be in place as much to make money as to limit contact with rebel groups. On 28 October 2008 former residents of Khabya-Wa and Magyi villages, both in Khaw Zar Sub-Township, related to exile media group Independent Mon News Agency how travel restrictions were impinging on daily life within Mon State. In Magyi, meanwhile the former residents told of having to purchase permission to get to crops and plantations, as well as to visit other villages, which would incur a cost of 1,000 kyat per day. If residents wished to host guests in their homes they were obliged to pay as much as 3,000 kyat for this privilege. In this way the Burmese army and local authorities can extort a daily rent from civilians. The civilians are left with little choice, as without purchasing these documents, they are unable to continue tending farms and crops etc. Failure to respect the need for travel documents brings can result in dire consequences ranging from arrest and interrogation to being shot on-sight.

It was reported on 16 June 2008 that in Ko-Mile village in Ye Township, southern Mon State, orders were issued by Infantry Battalion (IB) #299 that people from Ko-Mile and Marn-Ong were no longer allowed to leave the village in order to go to work. However, some villagers claim that this was simply a way in which to extract money from the villagers in return for travel permits authorising holders to leave the villages to continue work on plantations and crops. The assertion was supported by a statement from an employee of a computer shop in the area, who related that army personnel had hundreds of permits printed out in anticipation of demand for the documents.

In order to escape this type of exploitation by the Burmese Army, many are forced to consider the idea of moving from the area altogether, however, a concurrent type of movement restriction is that of purchasing permission for families to relocate. The price for this type of permission is relatively high. Permission to leave Khaw Zar or Yebyu Townships for example costs around 30,000 baht which must be paid to Infantry Battalions (IB) #273 and #282 in Yebyu. The report did not specify who the payments are made to in Khaw Zar, though IB #31 is said to control this region. Those wishing to move to Kabya-Wa in Khaw Zar Sub-Township were said to require 30,000 kyat in order to secure permission. This may prevent many families from affording to move away from areas where they are extorted and prevented from going to work.

Exploitation at the hands of the military is simply too oppressive for some villagers to continue trying to make their living off the land under such circumstances. Due to the excessive demands of the military, many people from Mon State have fled from the areas mentioned above. According to testimonies collected in late 2008, the size of Amae Village in Yebyu Township has roughly halved in the last four years due to residents being driven away by the military’s demands for money and labour.
**Arrest and Detention**

Despite heavy travel restrictions on villagers in conflict areas, the economic incentives to maintain livelihoods and provide for families is sometimes too strong, forcing those under the limitations to break curfews and also travel without documentation. The worst case scenario for such villagers is to be shot on-sight; however, in less extreme cases they may also face detention and interrogation, especially in areas where rebel groups have recently been active. It was reported on 20 March 2008 that SPDC and Democratic Buddhist army (DKBA) soldiers in Thaton District, Mon State were routinely detaining villagers who travelled near their camps in order to extract information regarding the movements of KNLA troops in the area, and that due to this threat many villagers had ceased travelling to pursue their agricultural livelihoods.33

**Restrictions on Villagers in Border Conflict Areas - Partial list of incidents for 2008**

**Arakan State**

On 8 December 2008, 108 Arakanese people were arrested in Rangoon’s Thilawa harbour. Initially the detainees were held at Nawarat housing estate in Aungchantha ward, Thanlyin, before being transferred to Insein prison. The group which included several Muslim members had reportedly paid around 60,000 kyat to brokers who had promised them passage and employment on arrival. The group had planned to travel to Thailand by sea; however inclement weather took the vessel off course. The group members were without national ID cards and were arrested, despite carrying the white ID cards which were issued before the constitutional referendum in May. The group was set to be prosecuted under the Immigration Act by the Thanlyin Township immigration office. The boat owner and the brokers who had arranged the trip were not arrested. A Taungup resident claimed that “Agents and immigration people in Sittwe, Kyaukpyu, Buthidaung, Maungdaw areas cooperate and ‘carry’ people,” and that these parties were interested in making money from Muslims who face strict travel restrictions inside Arakan state.34 The resident claimed that apart from the 108 people arrested on 8 December 2008, there were a further 100 or so already in Thandwe jail on similar charges.

**Chin State**

On 8 February 2008 it was reported that military authorities imposed a tax and restrictions upon farmers in Matupi and Falam Townships in Chin State creating further hardship for already poor communities whose sole survival depended on slash and burn cultivation. The order was issued by Colonel Zaw Myint Oo, Commander of Tactical II Command based in Matupi Township and came into effect in November 2007.35

On 15 August 2008 it was reported that authorities from the police and immigration Departments were overcharging travellers at the Kyutongpin checkpoint. The checkpoint is on the road between Falam Township in Chin State, in northwestern Burma and Kalay Town in Sagaing Division. The checkpoint is approximately eight kilometres from Kalay Town. According to sources, those carrying recommendation letters from authorities were being charged 2,000 kyat, while those lacking the correct papers were being charged 5,000 kyat. The prices charged by the authorities have risen sharply in recent times. Earlier those caught travelling without the requisite papers were only being charged between 1,000 and 2,000 kyat. The report stated that these increases were having a large effect on travel in the area as the checkpoint sees heavy traffic with at least 150 vehicles passing through it everyday, including vehicles travelling to Rih, Kalay and Falam Towns. An unnamed trader from Falam Town estimated that around 20
percent of those travelling the road to Kalay from inside Chin State do so without possession of the required documents as the fee charged in order to obtain national identification cards is far too high. Although there is a policy in place which sets the price for the identification cards at 3,000 kyat, locals from Chin State claim that immigration officials can charge anything between 15,000 to 20,000 kyat to obtain the document.  

Karen State

On 11 March 2008, troops from DKBA Battalion #907 captured and killed Pa Oo Bpee, 40, a villager from Ta Waw Thaw village in eastern Dooplaya District. The villager had been visiting Thailand to buy livestock and was returning when he was captured by troops who later killed him. The report did not specify the manner in which he was killed however. The soldiers commanded by Mee Nyaw Thu, accused the man of being involved with the KNU.  

13 April 2008, troops from the military’s LIB #363, under MOC #10, laid landmines around villages that they had burned down previously in an attempt to prevent villagers from returning to the area. The burned villagers were Ler Ker Der Koh, Thu Ka Der, and Ku Thay Der villages, all of which lie in Toungoo District.

Kachin State

It was reported on 22 September 2008 that Northern Command (Kachin State) Commander Major-General Soe Win imposed a curfew of 10pm on the citizens of Myitkyina Town, the capital of Kachin State, on the 20th anniversary of the formation of the State Law and Order Restoration Council in Burma. The curfew was placed on the town in response to an anti-regime poster campaign by student activists. Those found breaking the curfew were arrested and fined, at times even before the 10pm deadline, including some trishaw drivers. The drivers were picked up before 10pm and were fined 10,000 kyat (roughly 8 US dollars). Those arrested were threatened with prison if they were unable to pay the fine. The report also claimed that the Military Affairs Security Unit (SaYaPha) had posted a reward of 100,000 kyat (roughly US$ 84) for any precise information leading to the arrests of those responsible for putting up the posters around the city.

Mon State

It was report on 20 November 2008 that during a military operation in March 2008, BA troops had summarily executed a villager in Mon State. An eye-witness, Nai Chain, a villager from Amae village in Yebyu Township related how Nai Ha-Pwe-Dut, 50, also from Amae village, was detained by patrolling troops from the LIB #273. The troops led by Colonel Myint were on a patrol in the area of Cha-Pone and Mae-San-Taung villages, when they came across Nai Ha-Pwe-Dut. The villager was detained and questioned in relation to rebel activity in the area but was unable to answer, as he spoke only limited Burmese. He was then beaten with rifle butts and afterwards shot dead, according to the witness.

Shan State

It was reported on 5 November 2008 that authorities in Taunggyi Town, the capital city of Shan state, had increased security around the time of Thasaungdine, which is “a Buddhist festival where devotees collectively offer special gifts and offerings to monks.” Police and soldiers checked bags and identification cards of those coming to attend the festival following several bombings around the country which raised concerns about crowd safety.
14.3 Restrictions on the Movement of the Rohingya

Article 26 of the International Covenant on Civil and Political Rights states that,

“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

Unfortunately the covenant has done very little in the way of protecting the rights of Burma’s Rohingya population previously and there was little improvement over the course of 2008. The ethnic Muslim minority of Arakan State continued to face a litany of human rights abuses throughout the year, including, but not limited to, severe restrictions on movement. A core problem for the Rohingya people continues to be the lack of recognition by the Burmese authorities in relation to citizenship. The lack of access to full citizenship rights for the Rohingya has continued to have a dire effect on the lives of this impoverished minority. Chapter II of the Burma Citizenship Law, which came into effect as of 1982, precludes any legal claim by Rohingya people to citizenship rights. The lack of recognition of the Rohingya as one of the 135 officially recognised national races of Burma means that the Rohingya are only recognised as ‘temporary residents’. This is despite being recognised as legal citizens by previous governments, such as that of U Nu. Indeed, the first president of Burma, Sao Shwe Theik, an ethnic Shan, stated;

“Muslims of Arakan certainly belong to one of the indigenous races of Burma. In fact, there is no pure indigenous race in Burma, if they do not belong to indigenous races of Burma, we also cannot be taken as indigenous races of Burma.”

The status of ‘temporary resident’ means that only ‘Temporary Resident Certificates’ can be issued to Rohingya people (at a cost of around 2,500 kyat), thereby severely limiting their ability to travel. The barriers to citizenship faced by the Rohingya, in combination with religious discrimination against those of the Islamic faith, force the Rohingya into situations of flight in which they face further rights violations closely associated to the imposition of travel restrictions.

According to the US Department of State (US DoS), a wide range of crippling movement restrictions was forced upon Muslim Rohingyas in Buthidaung, Kyauktaw, Maungdaw, and Rathidaung Townships of Arakan State. It is in these townships opposite neighbouring Bangladesh where the majority of the Rohingya reside in Burma. These travel restrictions have far-reaching consequences on the Rohingya’s access to legal, economic and social rights in Burma. For example, such travel restrictions dictate that young Rohingyas are prevented from studying at schools and universities located in other states. This discrimination results in Rohingya youth being denied a number of their rights to education. Inability to access higher education puts the Rohingya at a further social disadvantage and plays a significant role in preventing the ethnic group as a whole from being able to develop or service their own communities. This example serves to illustrate the seriousness of movement restrictions as a human rights abuse in two ways. Firstly, it shows the interconnected nature of the effects of human rights abuses. Secondly, it illustrates the manner in which rights abuses impact individuals and communities in the short term, and perhaps more importantly, it shows the manner in which they affect those same groups in the longer term as well.
Human rights violations against the Rohingya in Arakan State are well documented and include instances of sexual violence, forced labour, arbitrary arrest, torture, summary and extra-judicial killings and religious discrimination, among other abuses. The population is also closely monitored by agents of the Burmese military regime in Arakan State. Every year, and sometimes biannually, the Burmese border security forces (NaSaKa) document the numbers of Rohingya in Arakan State by photographing families as part of a population registration process. The business of documentation serves a dual purpose; authorities are able to track the movement of Rohingya people, and they are also able to extract money from families whose members are not present when the photographs are taken, or population registrations are scheduled to take place. It was reported that since 12 June 2008, NaSaKa personnel from camp No 21, in NaSaKa Area No 9 had been recording the names of family members and taking photographs of those present in Dabrachaung and Sarakkuni villages in Buthidaung, Arakan state. Two associated payments were part of the process. Firstly, families were forced to pay 5,000 kyat for any members missing during the photographing sessions. Secondly, if families wanted a person struck from the family list, the head of the said family could choose to make a payment of 5,000 kyat. Families may wish to have a member struck off the list for a variety of reasons. If the person has moved to another location in search of work for example, or if the family member has passed away, having that person struck off the list means avoiding another 5,000 kyat fine in the next round of population registrations.

In response to their harsh treatment at the hands of the authorities, many Rohingya make the difficult choice of trying to escape across the border into neighbouring Bangladesh. It is this movement of the Rohingya that places them at great risk of rights violations by the NaSaKa who patrol the border between the two countries. Rohingya travellers are often detained by the NaSaKa and held on spurious charges, beaten in custody, extorted for large sums of money and accused of involvement in human trafficking. An unnamed official, who had previously deserted from the NaSaKa, had the following to say about his time working on the Burma-Bangladesh border:

“Throughout my life in the Na Sa Ka [Sic], I was used to this system of arresting Muslims, asking for money, torturing them, every day. We only arrested Muslims, not Rakhines, [Arakanese].”

Assertions such as the one above are supported by Rohingya civilians who are subject to frequent harassment and restrictions on their movement. According to one source,

“The authorities pick on any one [Sic] in the Rohingya community they wish to, with allegations such as possessing a mobile phone, border crossing, involvement in drug business, human trafficking, involvement in illegal business and money laundering among others.”

The trader from Maungdaw Township, Arakan State, who provided this comment, was responding to a story about a young student who was summoned to NaSaKa Area No 4 for questioning. On 11 October 2008, NaSaKa personnel summoned Shajalal, a student from Kyauk Chaung village in Maungdaw Township and accused him of having engaged in political activity. For a person from the Rohingya ethnic minority, an encounter with the authorities such as the one described above is enough to force them into hiding for fear of further harassment from the regime’s border patrol forces. The NaSaKa keep close surveillance on the activities of the Rohingya people and they are especially diligent when it comes to Rohingya people becoming involved in any political activity, which could be seen as a challenge to state authority.
The treatment meted out to Rohingya who are alleged to have breached domestic laws by the NaSaKa is often brutal in informal situations and disproportionately harsh when matters end up in court. Sayed Amin, 20, from Kyauk Pundhu Village of Maungdaw Township, was arrested by local Village Peace and Development Council (VPDC) Chairman Fazul Islam. The VPDC official handed Amin over to NaSaKa personnel from Inn Din Village under an allegation of illegal border crossing. He was taken before the courts on 13 June 2008 after being in custody for four days. He was subsequently sentenced to five and a half years in prison and sent to Buthidaung jail.

Faced with the ailing state of the Burmese economy and a dearth of social rights in Arakan State, many Rohingya choose to flee across the border to Bangladesh. A lack of both social and economic rights (for example, limited access to education), deprives the Rohingya people of economic security. The denial of the right to travel in search of improved living conditions elsewhere in Burma, means many Rohingya see the choice to flee as one fuelled by the expectation of better opportunities, and subsequently a higher quality of life, in Bangladesh. The flow of illegal migration out of Arakan State is driven by various factors. On the Burmese side of the border, a lack of social rights provides a compelling reason to flee, while across the border in Bangladesh, the perceived opportunity for economic advancement provides a complementary impetus. The flow of illegal migration however, results in an international refugee situation that places the Rohingya people in a position of great vulnerability. The journey to Bangladesh, which many people choose to do by boat, is dangerous and difficult. Despite the dangers evidenced by annual drownings however, the natural frontier constituted by the Naff River has traditionally not been enough to deter those desperate to flee, at times on un-seaworthy craft.

On 19 June 2008, a small rowboat taking a group of Rohingya from Burma to Bangladesh sunk in inclement conditions. Although a passing vessel managed to rescue most of the passengers, one 12-year-old boy, Magu was never found. It was claimed that the boat people were attempting to get to Bangladesh to visit relatives who were living there in one of the refugee camps. The report also makes mention of the fact that there are groups which operate on the shores of the Naff River making a business out of taking people illegally to either side of the river for a fee. The fact that Rohingya are forced to deal with human traffickers, who employ unregulated and clearly dangerous practices such as overloading boats, reveals the lengths to which they will go to escape from the persecution that they face in Burma.

The Naff River also presents dangers for Rohingya refugees who are forced to leave camps on the Bangladeshi side of the river in search of manual day labour. Mohammed Sayed, 25, from Block F, Leda Tal refugee camp, drowned on 8 August 2008 after returning from day labouring on Zaliadia Island. The boat that he was travelling on capsized due to overcrowding. Nine other refugees were able to swim to safety, but Mohammed Sayed did not know how to swim and perished. (Note: There is some confusion over the exact residence of the drowned man Mohammed Sayed. Although the report specifically mentions Block F in “Leda Tal” camp, other media reports have made mention of two separate camps, namely Leda and Tal. The report fails to note this distinction)

For those who risk the trip to Bangladesh, their troubles are not over; 2008 saw the return of refugees who were caught in certain border areas of Bangladesh. On 28 June 2008, for example, four Rohingyaas were forcibly returned to Burma through the Shapuri Dip checkpoint of Teknaf Union after they were apprehended by the Bangladeshi border security forces, the Bangladesh Rifles (BDR). The group had attempted to sneak across the border by boat. It was unclear at the time of the report what the group were doing in Bangladesh. This incident followed the repatriation of 21 Rohingya four days earlier on June 24 2008.
Restrictions on the Movement of the Rohingya - Partial list of incidents for 2008

On 23 January 2008, police arrested Goffar, from Myo Thu Gyi village in Maungdaw Township, who as accused of being involved in political activities. Maungdaw police and military intelligence (SaRaPa) extorted one million kyat as payment to release him.59

On 6 February 2008, it was reported that as many as 80 Rohingya had been arrested by NaSaKa personnel and held in a detention centre in Burma’s border security forces area No 5 in Maungdaw Town, Arakan State. The detainees were charged with a range of offences including use and ownership of Bangladeshi mobile phones, Illegal border crossing and human trafficking. A teacher from Ngakura village claimed that the charges were false and also said that this was why the detainees had not been turned over to the police. Two detainees, Fayaszul Islam 40, and Maadu Islam, 35, both from Auk Pyoma village, whose relatives were able to pay fines of two million kyat per detainee, were released. The majority of the detainees however, were not able to meet the NaSaKa demands for cash and thus remained incarcerated at the time of the original report.60

On 12 February 2008, Mostafa Kamal 22, from Bawli Bazaar in Maungdaw Township was arrested by Bawli Bazaar police. The police officers alleged that he had travelled illegally to Bangladesh, even though he had records from the guesthouse in Maungdaw Town, proving that he hadn’t in fact travelled to Bangladesh at all. Despite the evidence proving his innocence, police officer San Min made Mostafa Kamal pay 50,000 kyat in order to secure his release.61

On 26 March 2008, police arrested 21 year old Idris from Krat Chaung village in Loun Don village tract, Maungdaw Township, Arakan State. Police alleged that he had travelled to Bangladesh after taking the man from his house around 8.30 am and taking him to their camp. He was held at the police camp and tortured and was still in custody at the time of the report.62

On 20 July 2008 Shomjeda Begum, 24, was arrested by NaSaKa security forces from Aung Mangala Nasaka camp and held for two days in the NaSaKa camp in Maungdaw Township, Arakan State, for two days. NaSaKa officials initially demanded a bribe of 500,000 kyat in order to secure the release of the victim, however they eventually accepted a sum of 300,000 kyat, with the remaining 200,000 kyat to be paid by her father at a later date. The reason given for the arrest of the victim was that she had been living at her parents abode without informing the relevant authorities of Maungdaw Township.63

On 23 August 2008, NaSaKa personnel arrested seven Rohingya youths who were suspected of political activities. Following the initial arrest and torture of one of the youths, Redowan, 18 from Ramiya Khali village of Maungdaw Township, Arakan State, a confession was extracted which implicated the other six youths who were later detained. Sources maintained that the individuals were not involved in any political activity and that the accusations levelled at them were false. The names of the six youths and one adult were as follows:

1. Redowan, 18, from Ramiya Khali village of Maungdaw Township;
2. Jaber, 16, from Ramiya Khali village of Maungdaw Township;
3. Mubarak, 17, from Ramiya Khali village of Maungdaw Township;
4. Fotiqua, 15, from Ramiya Khali village of Maungdaw Township;
5. Nurul Nezam, 16, from Ramiya Khali village of Maungdaw Township;
6. Abdullah, 17, from Ramiya Khali village of Maungdaw Township; and
7. Moulvi Shamshu Alam, 35, from Medi village of Kun Thee Bin village tract 64
On 26 August 2008, the NaSaKa commander of border security forces camp No 18 of Nasaka area No 8, stationed in Maungdaw, Arakan State, seized a car and its load of provisions from a group of Rohingya civilians from Inn Din village, including mosque committee members, as they were travelling back to their village with food for the Ramadan period. The load of food was reportedly valued at 3.5 million kyat. The money had been collected from members of the Inn Din village and was to be distributed among the poorer members of the village as they went to pray at the mosque to break their fast. (While the report uses the term ‘car’, the vehicle seized was most likely a truck, given the large value of the goods confiscated.)

It was reported on 26 August 2008 that 12 people including, Salim Ullah (aka U Than Htun), the chairman of the district branch of the Myanmar Muslim Organisation (MMO) were arrested by Maungdaw police while attending a meeting of the organisation at an MMO District level office. Even though the organisation is legal, the District office is not registered and police broke up the meeting, arresting the men on charges of planning insurgency operations against the regime. Later on 28 August 2008 two of the MMO members were acquitted of charges of holding a meeting in an unregistered office. The acquitted were Dr Kamal, alias Dr Hla Myint, son of Mohammad Sayed of Ward No 4 of Maungdaw, and Dr Zahir, alias Dr Zaw Nyint.
14.4 Restrictions on Travel and Migration

As with the year previously, 2008 saw strict limitations and conditions placed upon both domestic and international travel, within and from Burma respectively. The harshest restrictions were those applied in the ethnic rural areas of the country that experienced armed conflict, however, in other areas of the country there were also restrictions in place. Although those inhibitions on movement were of a less severe nature than those in areas of conflict, they proved similarly debilitating in the manner in which they restricted freedom of movement and trade, access to education and a raft of other rights that are granted by the constitution. The border regions close to crossing points were typical areas which experienced movement restrictions in the form of arbitrarily taxed checkpoints controlled by a range of actors, from the SPDC to non-state armed groups. Limitations on domestic travel were made starkly apparent following tropical cyclone Nargis when domestic and private aid donors were prevented from travelling to deliver much needed aid to the Irrawaddy Delta region. Nargis also served to increase already stringent controls over foreign diplomats, aid workers and foreign journalists entering the country to observe and provide assistance during the regime’s far from ideal handling of the crisis.

Restrictions on Domestic Travel

The SPDC introduced a new type of domestic travel restriction for many Burmese civilians in July 2008. Government officials announced that all motorcycles across the country would need to be registered between the dates of 1 July and 31 October 2008. Burma is home to around half a million unregistered motorcycles according to the Burmese Customs Department. Estimates of the cost of the new registrations ranged from 75,000 to 450,000 kyat, depending on the type of motorbike registered.

Even though the process left the vehicles legalised, the registered owners were not able to purchase fuel from government pumps and owners also faced restrictions on travel. The restrictions limited travel to the states and divisions in which the motorcycles were registered.

In line with the move to have motorcycles registered throughout Burma, the military authorities also began selling licences to motorcycle users. In a move seen by many to be a revenue raising scheme by authorities, motorcycle licenses were made available over a four month period from July to the end of October 2008. The time frame roughly coincided with the period announced at a similar time for motorcycles to be registered. (Although the scheme was intended for the general public, in Rangoon and Naypyidaw only central government officials, police and military intelligence personnel were issued with the licenses. It is not clear why this was done). The prices in central Burma in towns such as Taunggyi and Mandalay were set around 400-500,000 kyat (US $340-425), while those in outlying and border areas such as Tachileik on the Thai-Burma border were lower at around 300,000 kyat (US $255).

In addition to the price of the licences, customers going to purchase licenses for their vehicles reported being asked to make a ‘contribution’ to cyclone relief efforts. Based on the amount of graft associated with other areas of the relief effort, it would be reasonable to assume that at least a part of these donations would never have made it to the victims of the cyclone. (For more information about corruption and the relief effort, see Chapter 10, Cyclone Nargis: From natural disaster to human tragedy). The cost of the licences, combined with what appeared to be unofficial ‘donations’ to the relief effort, in an impoverished country represented a prohibitively expensive outlay for large parts of the population. As many civilians in both rural and urban areas rely heavily on motorcycles for...
transportation to and from their occupations, this imposition had serious implications. Those individuals who use motorcycles to maintain their livelihoods were obliged to continue using them, even if they were unable to purchase legal licenses. These people then ran the risk of being fined if they were apprehended by the authorities. This was particularly the case for those who were engaged in interstate and even international trade.

Local sources close the Township Land Transportation Department (TLTD) in Moulmein suggested that there was also an element of corruption involved in the processing of licenses. It was reported in August 2008 that the TLTD was processing licenses at the rate of roughly 10,000 per month as of July and that the process could be expedited in return for bribes to TLTD office officials, resulting in an overnight granting of licenses.70

The life span of the licenses issued in 2008 was a mere 2-3 years. In 2004 when the junta offered similar licenses, thousands of motorcycles (and cars) were seized from civilians who were unlicensed. These vehicles were subsequently distributed to senior army figures and departmental officers.71 Thus the move in 2008 raises the question of whether or not it was undertaken merely as a revenue raising exercise.

As with many of Burma’s rights violations throughout the year, the implementation of domestic travel restrictions and their severity was tied closely to political events. Increases in travel restrictions were recorded as several important anniversaries loomed in the second half of 2008, including those of the 88’ uprising and the 2007 Saffron revolution. Monks were particularly targeted at these times due to the involvement of the Sangha in leading the peaceful demonstrations of late 2007. (For more information see this chapter, 14.6 Restrictions on the movement of Monks)

At similar times, political opposition groups, activists and civil society organisations also came under intense scrutiny from the regime’s security, police and proxy social organisations (such as the USDA) in an attempt to neutralise and control political activity in the lead up to important anniversaries. The effect of the paranoia in the SPDC’s handling of the situation surrounding the anniversaries had some spill over effects into the broader community. The regime’s mistrust of the NLD and its leader Aung San Suu Kyi was evidenced in June when bus drivers had their licenses suspended by authorities. Bus drivers had decided to suspend their services due to the condition of the roads; however the date that they chose happened to coincide with the birthday of Aung San Suu Kyi. As a reprisal authorities confiscated the licenses of the drivers indefinitely, thereby affecting their ability to earn a living, but also hampering the movement of ordinary civilians wishing to travel the routes which the former drivers used to cover, from Rangoon to Twante.72

Residents in Mon state reported heavy increases in security and checkpoints through the month of August in the lead up to the September 2007 uprising anniversary. The bus route to Rangoon from Moulmein saw the opening of three new checkpoints with residents being asked to provide both identification cards (ID) and details of their origin, destination, reason for travel and duration of their stay. Monks were especially targeted and required to provide the ID cards assigned by the Sangha Mahanayaka Committee (a government-organised monks’ organization).73
Restrictions on Cyclone Nargis Survivors

Many elements of the regime’s disaster relief operation following Nargis gave cause for concern. This was in large part due to the junta's apparent lack of concern for the survivors, as well as the draconian treatment of those individuals that were actually able to make it to relief centres and shelters that had been eventually erected, as well as the public infrastructure that had been momentarily appropriated to house and care for survivors.

Those lucky enough to have survived the impact of the cyclone in the outlying areas of the Irrawaddy Delta could have been forgiven for thinking that they may receive some sort of government assistance in the aftermath of the storm. This proved to be an erroneous assumption for many, with some areas of the hardest hit regions not receiving government assistance for a full month after the disaster. As such, it was hardly surprising that some people decided to flee the areas of destruction in remote parts of the delta in order to seek a minimum standard of security and safety. The response of the regime to such behaviour was to have survivors arrested, as was the case for 65 individuals from Bogale Township, who attempted to flee the area on 24 May 2008, approximately three weeks after the cyclone ravaged their region. According to the Network for Democracy and Development (NDD), the group had been planning to head for the relative safety of refugee camps in Thailand. The vessel they were on was intercepted however, by Burmese navy ship No 517 on 2 June 2008 near Zardatgyi Island, west of Kawthaung Town in Tenasserim Division. The 65 people aboard the boat who were arrested had lost all their possessions and residences when the cyclone hit their town on 2-3 May 2008.74

Strict conditions in government supplied relief and refugee camps, located in the urban centres such as Myaungmya, for example, meant that those who managed to escape the destroyed delta region were only marginally better off than other survivors. Many survivors made their way to these locations hoping for a modicum of help from the regime, only to be met with draconian movement restrictions that kept them virtually hostage in shelters. In the town of Myaungmya close to the completely destroyed Labutta Township, around 3,600 survivors were reported to have been kept in six separate shelters that had been fashioned from high schools in the town. Restrictions on the survivors meant that no-one was allowed out of the shelter and no visitors were allowed in unless they could “prove a legitimate interest” in seeing one of the survivors registered on the list of residents.75 If this was proven, then the visitors were allowed to speak to the inhabitant, however the inhabitants were forced to wear an identification number at all times. The report also claimed that occupants were not even allowed out in order to search for missing relatives.76 (For more information regarding abuses associated with the relief effort see Chapter 10: Cyclone Nargis: From natural disaster to human catastrophe)
Restrictions on International Travel

International travel remained beyond the economic means of most Burmese people in 2008. The price of a Burmese passport meant that for the majority of the population, obtaining the most essential item required for international travel was simply not economically viable. Nevertheless, there continued to be a high outflow of illegal migration through the porous Thai border as well as the Indian and Bangladeshi borders. Illegal immigration into Thailand was fuelled by the continuing armed conflict and associated human rights abuses along Burma’s eastern borders. Human rights abuses in Arakan State, primarily against the ethnic Rohingya minority, continued to play a role in the exodus of the Rohingya into both India and to a greater extent into Bangladesh. It is reasonable to assume that the economic deterioration within Burma also played a significant factor in forcing many to flee Burma in 2008 in the hope of greater economic opportunities abroad. Reports from 2008 suggested for example, that of the 298,847 Burmese nationals who had entered Thailand via the Friendship Bridge in Mae Sot, Tak Province on one-day border passes in the first six months of the year 86,517 had not returned to Burma.77

There were three documents required by a Burmese national to leave the country as of March 2008, these being a passport from the Ministry of Home Affairs, a revenue clearance from the Ministry of Finance and Revenue, and a departure form from the Ministry of Immigration and Population.78 A Burmese passport from the Ministry of Home Affairs costs in vicinity of 3-4000 baht and in addition to the expensive fee attached to obtaining the document; there are also associated fees necessary to pay bribes and to have the process expedited to avoid long waiting times.79 The US Department of State estimated that bribes for the expedition of visas for travel cost the average applicant around US$230 (300,000 kyat), which would be “approximately equivalent to the average annual salary of a skilled worker.”80 Despite the high costs associated with obtaining a passport, as of October 2008, the Burmese passport office, located in Pansodan St in central Rangoon, was processing between 8-10,000 passports per month, with an average waiting time of around 40 days.81

The high numbers of people applying for passports were reflective of the dire economic conditions within the country. In spite of the high numbers of applicants for passports, the majority of those who left the country throughout the year were not able to do so in a legal fashion. The restrictions on travel represented by exorbitant costs of obtaining passports, combined with the need to earn money regardless of that restriction, forced many into illegal migration throughout the year. The need to find employment at any cost also drove prospective immigrants into the clutches of unscrupulous human traffickers. Smuggling lead to the deaths of many seeking to escape Burma’s crushing poverty in 2008. This was tragically illustrated in April 2008 when 54 illegal Burmese immigrants suffocated to death in the back of cold storage truck in Thailand’s south. The truck was transporting 121 Burmese from Ranong to the island of Phuket off Thailand’s south west coast. The group, held in a container of just 6 metres by 2 metres ran out of oxygen resulting in 54 deaths and twenty one hospitalisations. This was also illustrative of two other facts related to smuggling. Firstly, the consideration of expense; the individuals concerned had each paid around 5,000 baht (US $157) to smugglers, indicating the level of desperation that poor Burmese will go to find work. Secondly, the danger involved; all surviving members of the container were arrested by Thai authorities, illustrating that even if Burmese labourers get to Thailand, their security is still not assured. (For more information regarding see Chapter 21: The Situation of Migrant Workers)
The fact that many Burmese are prepared to take risks such as those mentioned above also places them in a perilous situation should circumstances change and they are forced for whatever reason to return to Burma. Domestic law regulating migration into Burma stipulates that those entering the country require passports. The Burma Passport Act (2) states the following:

“Without prejudice to the generality of the foregoing power such rule may – (a) prohibit the entry into the Union of Burma or any part thereof of any person who has not in his possession a passport issued to him.”

Secondly, the Burma Immigration (Emergency Provisions Act) (2) states that:

“No citizen of the Union of Burma shall enter the Union without a valid Union of Burma Passport; or a certificate in lieu thereof, issued by competent authority”

These regulations mean that anyone who has left the country without a passport and is caught returning can be imprisoned for up to 5 years.

For those with the financial means to obtain a passport, there was still the hurdle of acquiring the visas necessary for international travel. The visa process had become more difficult by mid-2008, adding an additional restriction on movement across international borders. A report from 15 July 2008 quoted a recent Burmese applicant for a Thai visa in Rangoon who suggested that the numbers of those applying for visas had dropped significantly due to increased fees for obtaining visas. Previously, applicants were required to receive a revenue clearance from the Ministry of Finance and Revenue by showing that they were in possession of roughly US $600, whereas by July, that figured had almost tripled for a Thai Tourist visa to US $1,525. On top of proving solvency, applicants were obliged to submit information about all possessions including residences, cars and mobile phones. Other recent applicants made mention of the fact there were long delays in the processing of visas in the aftermath of cyclone Nargis, however it remained unclear at the time of the report as to possible reasons explaining these new delays.
14.5 Population Registration

The process of registering the population has been a common theme of past years inside Burma as a way for the SPDC to monitor the population and to keep track of any elements of society deemed to be a possible threat to regime authority. Population registration has also proven to be a way in which the regime can discriminate against ethnic minority groups and to extort money from those who have been unable to attain identification or travel documents. Although these practices continued through 2008, there were two new focuses to the process of population registration in 2008 that distinguished the year from those prior to it. The first half of the year, up until early May, was dominated by registrations that were connected to the May 10 referendum which was held to ‘vote’ on the new constitution. The registrations occurring in the latter half of the year were undertaken seemingly in an effort to monitor and prepare the populace for the upcoming 2010 election.

The effort to register the population in the rural ethnic regions in the lead up to the May referendum was dubious in its lack of transparency and appeared to be a thinly veiled attempt to allow the maximum number of names to be used in the referendum, a process that would eventually sanction the new constitution drafted by the military. An illuminating example was the process that unfolded in January in northern Karen State, where the SPDC officials engaged in coercion, threats and subterfuge in the registering of the Karen populations of the Dooplaya and Pa’an Districts. As early as the beginning of January officials had summoned headmen of the villages in these districts to inform them that everybody needed to participate in the referendum on 10 May 2008 or the headmen would be punished. In a report released by Karen Human Rights Group in late April, an unnamed 37 year old man from a village in Pa’an related what took place in early January 2008 in his village;

“On January 7th they [local SPDC authorities] announced that an election (referendum) would be held. They had given the order to the village head and the village head informed the villagers that they would have to be involved in the election and that nobody would be allowed to travel [during the time of the referendum]. All the villagers must give their time to participate in it [the referendum]. If the villagers don’t give their time to participate in it, the village head will face problems.”

Officials notified village leaders that temporary identification cards would be given to those without identification (that would have no other use other than to allow voting in the referendum) however, those same officials, as of the end of April, had provided no details as to the content of the constitution, nor the date when the referendum, or the subsequent election would be held.

The cynicism with which temporary identification cards were delivered to those who were previously not eligible for them, along with the concurrent threats of punishment for those who dared to go against the SPDC’s wishes merely served to strengthen arguments asserting that the entire referendum lacked transparency, accuracy and was geared from the beginning to achieve a specific outcome. Support for this argument in the case of the registrations in Pa’an and Dooplaya came in the form of the fingerprinting of villagers as part of the registration process. In some cases, officials simply took registration information, along with finger prints but did not produce any of the promised identification cards.

In light of subsequent reports of the referendum voting process, with multiple recorded instances of graft and fake ‘yes’ votes being cast by regime officials on behalf of unsuspecting civilians, it would be reasonable to assume that this is what was done with the details of these villagers. Furthermore, in areas of conflict, such as in Karen State, villagers speculated that the registration of populations may well have been taken for the dual purpose of accurately assessing the amount of forced labour and taxation that could be extracted from such villages, as well as for the sake of the referendum.
Events reported on 15 February 2008 in Meiktila, Mandalay Division, gave rise to the fact that the SPDC, by way of the registration process, may have been looking much further down the track than just the referendum on the constitution that was held on 10 May, and 24 May 2008 in the areas worst affected by the cyclone. A citizen gave testimony that he had found thousands of household registration forms in each of the Ward Peace and Development Council (PDC) offices in Meiktila. The forms however, were not the standard type normally used to register households. The source stated that;

“They seem to make the people fill up these forms unwittingly. These are not the ordinary Immigration Form 10. They printed these copies systematically. In the heading of each form, it was printed 'USDA households'. In short, people will become USDA members automatically when they fill up these forms.”

The discovery created concerns among the community that the registration of households, which was compulsory, would lead to people unwittingly becoming members of the USDA. The report stated that two other townships were facing a similar situation. Ward PDC chairmen had gone through neighbourhoods registering household members, listing any occupants over the age of 18 as USDA members. The motivation behind registering ordinary civilians as members of the USDA was not entirely clear, however, analysis of the behaviour of the SPDC throughout the referendum process that eventually took place may help to suggest possible reasons for the move. Media coverage of the referendum indicated a large degree of fraud in the 2008 referendum voting process. One way in which the SPDC manipulated the outcome of the vote was to vote on behalf of USDA members or force them to provide a 'yes' vote under threat of punishment. Many USDA members who are employed in the civil service rely on their USDA membership in order to attain certain privileges and protections from the SPDC and were in no position to refuse these commands. The forced enrolment of further members of the public may well have been a ploy from which the SPDC could guarantee greater numbers of votes in the approaching 2010 elections, despite SPDC statements towards the end of 2008 indicating that the USDA would not participate in the election as a political party.

After the conclusion of the referendum process in May 2008 and its stunning endorsement by almost the entire population, according to SPDC figures, registration of the Burmese population continued throughout the year as the junta sought prepare the country for nation-wide elections in early 2010. It was reported in Mon State as late as November 2008, that family registrations were being forcibly ordered in Mudon Township. Residents were ordered to present family lists (which are compulsory for all households in Burma) to the Village Peace and Development Council Offices. Ominously though, the orders for the presentation of the family lists was not given by local SPDC level officials, but rather by the People’s Militia Force. The lists were required to contain names, birthdates and thumbprints of every resident of the household.

Residents of Mudon Township said that they hadn’t been diligent in updating lists previously for several reasons, including the costs of updating the list and the fact that they place no importance on them. Despite this lax approach by the villagers, they had not previously received any pressure on behalf of authorities to update the lists. However, they pointed out that just prior to the time of the referendum in May, authorities began to take notice of the family lists and sought to update as many as possible in order to produce identification cards so as to register citizens for voting in the referendum. Importantly though, those identification cards did not provide legal proof of citizenship, nor did they represent permission for travel, suggesting that their sole purpose was to allow participation in the referendum, while limiting other freedoms. The resulting pressure to update the family lists at the end of 2008 is suggestive of the fact that the SDC was interested in gathering as many registered voters for the upcoming 2010 elections as possible. It would be possible to speculate that based on the manipulation of the voter registrations during the referendum of 2008, that the elections may suffer from similar levels of corruption and tampering by the SPDC.
Junta efforts to closely monitor the population were even more comprehensive in Falam Township in northern Chin State where in October 2008 it was reported that family lists were being requested along with lists of assets. It was reported on 25 October 2008, the Falam Township Peace and Development Council were demanding lists from residences recording family members, electronic equipment and even domestic animals. Some residents in the town speculated that the lists were required as a way of cracking down on tax evasion in 2009; however, some were convinced that the measures were directly related to determining the numbers of eligible voters on the 2010 election.92

In the capital similar activities were undertaken by authorities. On 24 December 2008 it was reported that authorities in Rangoon were also collecting data from families. Township authorities in Rangoon’s Thingangyun, Hlaingthaya and South Okkalapa Townships were collating lists of family members and their possessions, starting in the month of November. Residents were unsure what the reason for the census was. Regardless of this, they had to provide details of ownership of the following items: bicycles, motorcycles, cars, fridges, sewing machines, televisions and cassette players. Families were also reportedly questioned in relation to any relatives who had gone abroad.93 (For more information regarding the Constitutional Referendum, see Chapter 13: Freedom of Opinion, Expression and the Press)

This photograph, taken on 23 April 2008, shows the precious few belongings that a group of internally displaced villagers in Karen State were able to carry on their backs. The area in which these villagers lived was subject to frequent SPDC army patrols who would hunt them and attempt to force them into an SPDC-garrisoned forced relocation site. Knowing the severe restrictions that the SPDC imposes upon villagers living in such sites, these villagers instead opted for a life of flight hiding in the forest from those very patrols. These villagers must then be always packed and prepared to move again at a moment’s notice, lest they be either caught by the soldiers or forced to leave behind some of what little they have left. [Photo: © FBR]
14.6 Restrictions on the Movement of Monks

Burmese monks paid a high price throughout 2008 for their involvement in the political uprising of the previous year. Whilst the results of the monks’ involvement, and their responsibility for playing a leading role in the people’s protests were predictable in the several months immediately following the demonstrations of September 2007, few would have predicted the sustained attack on the freedoms of the members of the Sangha over the course of the ensuing year. The position of reverence that Buddhist monks have traditionally held in Burma has been well documented in the past. Whilst the lay population of Burma continues to maintain a high degree of respect for the monks, it became clear over the duration of 2008 that the SPDC had lost all deference for their moral authority and rights as citizens and religious leaders. Currently, Burma’s monks comprise the nation’s largest non-military entity at around 400,000 members.94 Despite having played a part in previous uprisings, notably those against British colonial rule, it has traditionally been students that form the core of the political movements of Burma.95 By spearheading the protests of September 2007, the Sangha placed itself at the forefront of the opposition movement. In doing so, it incurred the type of treatment that has traditionally been reserved by the SPDC over the previous decades for the likes of the NLD, ethnic minorities and human rights activists.

Movement restrictions against individuals, harassment of monks, arrests, security crackdowns on monasteries and interruption of religious ceremonies were characteristic of the treatment of the Sangha throughout 2008. Restrictions imposed on the movement of monks effectively disabled their rights to assemble and associate in a perfectly legal manner. The SPDC, through its standard and proxy security apparatus, effectively manipulated several key domestic laws in its actions against the monks of Burma. Arrests were made using a range of these laws including: Section 17/1 of the Unlawful Association Act; Section 13/1 of the Immigration Act (for illegal movement across borders); and Article 5(J) of the Emergency Provisions Act (for encouraging demonstrations).

The nature of the laws used is such that they are vague enough to be interpreted in a variety of ways in order to justify arrests on the most spurious grounds. Those monks being held in various prisons across Burma had their rights further violated by authorities who did not follow the stipulations of the Prison Handbook which contains provisions for the treatment of monks in custody of the state. Articles 64, 65 and 66 were some of those reported as being violated on a regular basis, as authorities refused to provide robes for monks being held as prisoners.

The SPDC took concrete steps to isolate, intimidate and dissuade monks from gathering together across Burma, for fear that they would be able to organise further anti-regime activities. This was particularly the case in the months of August and September as well several months prior. The months of August and September were especially auspicious in 2008, as they marked the 20th anniversary of the 88 Uprising and the first anniversary of the 2007 Saffron revolution respectively.

In the lead-up to these anniversaries, movement restrictions formed the basis of the SPDC’s efforts at controlling the activities of monks. In a suspiciously timed move, the regime authorities began ordering monks who had come to Rangoon to further their religious education, back to their home towns from the beginning of August. These orders came prior to the beginning of the Waso lent period. Reports emerged from Mon state on 3 July 2008, indicating that around 100 monks had been forced to leave Rangoon and had returned to their home monasteries of Sin Phyu, Sein Ma Ma and Ye in Moulmein. The orders that forced the guest monks out of the former capital explicitly stated that the monks were to be gone before the beginning of the Waso lent period.96 The dubious timing of the order raised
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the suspicions of the monks of Rangoon, who told independent sources that the moves were aimed at reducing the number of monks in Rangoon in the weeks before the August anniversary of the 88 Uprising. The monks who were forced from the Rangoon monasteries related that the new orders stipulated that no more than 10 monks and guests combined could stay in monasteries, with a maximum number of 5 guests per monastery. Furthermore, no visiting monks from regional centres would be allowed to begin Buddhist studies in Rangoon from July onwards. The movement restrictions on monks in this example were also, in effect, an attack on monks’ rights to religious freedom. (For more information on Religious freedom, see Chapter 12)

Other areas of Burma also saw restrictions imposed on monks and monasteries. It was reported on 2 September 2008 that security around pagodas, the Shwe Mawdaw Pagoda in Pegu Division in particular, was increased in the lead up to the anniversary of the September 2007 protests. Witnesses reported seeing police patrol cars around the area accompanied by security personnel equipped with shields and batons.

The capital of Arakan State also witnessed significant increases in the levels of security around religious centres. Arakan State became synonymous for the connection between religion and politics as the birthplace of the revered U Ottama. Ottama and the monks of Sittwe were active in the movement to eject the British colonial powers in the early parts of the 20th century. Current Sittwe monks were also leading participants in the Saffron revolution of 2007. The participation of the Sittwe Sangha community marked them out for special attention from the junta over the course of 2008. As a renowned focal point for political unrest, the monks and monasteries of Sittwe experienced notable increases in security measures in the early parts of August as authorities made plans to thwart any possible repeats of the previous year’s civil unrest. It was reported as early as 5 August 2008 that more security details had been employed by the SPDC across Arakan state including the towns of Mrauk-U, Kyauk Pyu, Ramree, Taungup and Sandoway. In Sittwe, movement restrictions in the form of greater police presence were recorded around religious sites including the U Ottama Park, pagodas, temples and shrines. The report also suggested that police and security officials had cut people off from visiting the monasteries and were prohibiting morning prayer vigils. Regime authorities were also said to be actively searching for any monks that had participated in the 2007 uprisings.

In the lead up to the commemoration of the September uprising of 2007, authorities took care to increase security measures in popular locations in the former capital of Rangoon, including the areas in the proximity of monasteries, thereby inhibiting the movements of monks. Rangoon has customarily played a large role in national movements and is home to Burma’s most sacred Buddhist site, the Shwe Dagon Pagoda. Shwe Dagon, along with several of the most significant Buddhist sites in Rangoon including Sule Pagoda square, Myaynikone, and Shwegonedine Street were subject to greater scrutiny from the junta security forces, including the Swan Arr Shin and riot police in early August. On 8 August 2008 reports from Rangoon emerged suggesting that up 200 members of the regime’s security apparatus had been stationed in various areas around Rangoon including Damayone and Sule Square in order to monitor and restrict the movement of monks and prevent a possible repeat of the Saffron revolution. Police were also seen to be checking anyone moving in the area and had completely sealed off the road leading to the Shwe Dagon Pagoda.

These types of restrictions, on both the lay population and monks, were reported in other areas around the country including in Myitkyina, Kachin State, where residents reported that the police intensified their activities, checking people who were viewed as being ‘suspicious’. The police were also said to be standing guard at Buddhist temples throughout the town. Even after the tense months of August and September had passed, widespread reporting indicated that the SPDC continued to pay special attention to monks who were travelling...
within the country in 2008. On 3 October 2008 it was reported that monks travelling from Myitkyina to Rangoon were being searched and questioned in great detail about the reasons for their journeys as well as where they would be staying in Rangoon. These checks were being performed on all common forms of travel from railway to roads and major highways.\footnote{104} The report also claimed that monks were coming under more intense scrutiny at checkpoints than normal civilians were. According to one Rangoon resident, seeing monks travelling had become much less common due to the increased pressure from authorities.\footnote{105}

Reports of rights violations against monks and continuing movement restrictions were substantiated late into 2008. After escaping to the Thai border toward the end of 2008, monk U Eitthariya recounted to Democratic Voice of Burma (DVB) that there had been a high degree of surveillance on monks at the hands of the regime's proxy organisations. He said,

“I came out of Burma because it was not safe for me. I was involved with the young people of Generation Wave and other political groups. We distributed leaflets and gave training and when the eight people in Nyein Chan's group were arrested, the situation became worse for me….They found out where I was and shadowed all the places I frequented. I came here because I had nowhere to hide.”\footnote{106}

In the interview released on 23 October 2008, U Eitthariya suggested that spies had been placed inside monasteries and that monks had been cautioned against any political activities, going so far as to suggest that it was even conceivable for abbots to be imprisoned should monasteries be subject to raids by authorities.

**Monitoring of Monks and Monasteries**

Besides the increases in physical restrictions that prevented monks from travelling, studying, observing religious rituals and assembling and associating, their movements were also curbed by intense monitoring and surveillance. On 22 October 2008 Human Rights Foundation of Monland (Hurfom) reported that the activities of monks across Mon state had come under increased surveillance by the authorities. The monitoring of monks’ movements was conducted by a range of security forces that were stationed around monasteries in Moulmein including Sin Phyu, Ye Kyaung, Sein Ma Ma and Sasarna 2500. Monasteries were surveilled around the clock in Moulmein by as many as half a dozen armed sentries including plain clothed and uniformed police. Up to 50 sentries were also posted around Kyaik Than Lan Pagoda and the Dhamma Yone, another popular religious venue.\footnote{107}

In Mandalay the authorities employed the junta backed USDA, along with informers and police to keep watch on monasteries that had produced many participants in the 2007 protest marches. A-Shay-Taik (East Monastery) near State Middle School No 3, Nar-Yi-Sin A-Lel Taik (Middle Yard Monastery), Mandalay Taik and Baw-Di-Man-Dai Taik were all said to be under close watch. Authorities were also said to be taking note of visitors to the monasteries mentioned above, as well as assigning informers to keep track of those leaving the monasteries.\footnote{108} Monks from Mandalay Monastery also alleged that surveillance even extended to the telephone conversations between the monastery and outside sources.\footnote{109} Although surveillance may not present a direct danger to monks in and of itself, the monitoring of their activities, often by armed personnel is suggestive of the fact that the police or security forces were willing (or at least ready) at any given time to intervene against any activities that authorities deemed unacceptable. Viewed in this light, surveillance posed a legitimate threat to the right to free movement, assembly and association.
Restrictions on Accepting Guests into Monasteries

As an added measure of surveillance throughout 2008 the SPDC authorities instructed abbots from monasteries around the country to begin registering guests, and at times issuing limitations on the numbers of monks and guests (either travelling civilians or monks) that could occupy temples at any given time. On 30 August 2008 it was reported that all monasteries in Pegu town received instructions requiring them to begin registering guests staying on the premises. A Pegu monk was quoted in the report as saying;

“They sent the order to our monastery two days ago. The letter states we need to report the number of guests sleeping in our monastery and where they come from,……..It is difficult to report the number of guests because many people who have taken Buddha preset are sleeping in the temple.”

Arrest of Monks

In addition to movement restrictions, monitoring and surveillance in circumscribing the activities of monks, the SPDC also utilised outright arrests. As mentioned earlier, the activities of monks that were deemed to be of a political nature by the SPDC, placed monks at risk of running afoul of extremely vague domestic laws aimed at curtailing opposition to the regime. Throughout the course of the year, authorities continued to search for any monks who had participated, or had helped to organise and lead the demonstrations of the previous year. According to the Assistance Association for Political Prisoners Burma (AAPPB), 52 monasteries across Burma were raided by authorities following the September 2007 uprising, including the major monasteries of Rangoon and Mandalay. Often those raids resulted in high numbers of arrests. Although some were subsequently released, many monks were destined to languish in Burmese prisons for long periods. Of the 96 monks arrested in November 2007 from the Ngwe Kyar Yan monastery, as of February 2008, only 51 had been allowed to return to the monastery. Figures from AAPPB suggest that almost 600 hundred monks were arrested in the aftermath of the 2007 protests. Exact figures of how many remain in prison throughout 2008 are unavailable. However, some estimates put the number close to 195.

Arrests of monks took place country-wide, for the duration of 2008; however they were particularly frequent in the epicentres of the 2007 uprising. In keeping with the increased security around temples in the month prior to the Waso lent period and the two anniversaries mentioned previously, the frequency of raids and arrests rose correspondingly in July and August. It was reported on 30 July 2008 that nine monks were arrested at a railway station in Rangoon in the middle of the month. In the following month reports emerged indicating that these monks were subsequently charged and sentenced to two years in prison for “bringing the Sasana into disrepute.”

In the month of September monks faced the prospect of arrests for involvement in marches commemorating the protests of the year before. On 29 September 2008 150 monks in Sittwe, Arakan State staged a march in commemoration of the 2007 protests. Following the march and over the course of the next day five monks were arrested in connection with the march.

The beginning of 2008 saw some of the first sentencing of monks who had previously been detained in connection with the people’s demonstrations of 2007. Despite the specious nature of the charges brought against monks as pretexts for their arrests, the members of the junta’s law enforcement arm enjoyed unbridled support from a judiciary whose transparency continues to degenerate. The support provided by the judicial system, in the
form of long prison sentences, legitimised (or in any case legalised) the restrictions on
movement, assembly and association imposed on monks through the form of arrests.

In January 2008, four leading members of the 2007 protests from Sittwe, U Kitharihya from
Seikthathukhah monastery, U Kawmala from Adithan monastery, U Wunnathiri from
Yadanabonmyay monastery and U Eindiya from Myoma monastery, received sentences
ranging from two and a half to seven and a half years in prison for their involvement in the
2007 protests. By years end, these harsh sentences would be made to appear lenient as
other members of the Sangha were sentenced to extraordinary prison terms ranging up to
65 years in length.117

The sentencing of monks to lengthy prison sentences meant that monks experienced a
transition from having their right to movement and assembly abused, to having their rights of
association abused. Eyewitness accounts regarding the treatment of monks during their
trials and subsequent time in prison suggests that monks have had their rights of association
abused as members of the Sangha. The following is the testimony of monk U Pyinyarthiri,
who was arrested in early 2008 following involvement in the uprising of 2007.

“They were not pleased with my answers, I did not tell them what they wanted to
hear. The worst persons during torture were MAS officials Ko Ko Aung and U
San Win. They kicked my chest with their combat boots and stomped on my
face with my hands handcuffed behind me. Every question was accompanied by
kicks and punches to my head and body. I was almost unconscious. I fell on the
table in front of me when they kicked me from the back. At last I could not
endure anymore such torture. They twisted my arms and tried to break them,
which affected the nervous system in my hand. They pressed between my rib
bones. They slapped me on my temple and pulled my earlobes violently. They
stepped on my shins which left me with severe pain until I was sentenced to
prison term.” 118

Following his arrest in Monywa by authorities on 18 October 2007, U Pyinyarthiri, a Rangoon
monk originally from Pyigyitagun Township, Mandalay Division, was tortured by authorities
and then sentenced to prison time. He was transferred to Kale prison on 21 May 2008. After
spending about one week in Kale prison, the monk was transferred to the Lend Tlann
prison labour camp in Tiddim Township, Chin State, at the end of May 2008. In his interview
with Mizzima News, U Pyinyarthiri related being not only tortured, but also driven to hard
labour by his captors and threatened multiple times with being defrocked and ex-
communicated from the Sangha. After working at the labour camp and suffering repeated
interrogations regarding his part in the Saffron Revolution, U Pyinyarthiri risked his life by
escaping from the labour camp. He eventually made it to the Indian State of Mizoram and
safety.119

The treatment of U Pyinyarthiri at the hands of regime authorities illustrates some of the
ways in which monks were mistreated in prisons across Burma in 2008. During trials, monks
were forced to go without their robes even though this is well within their legal rights as
monks. Aung Htoo, the general secretary of the Burma Lawyers Council, maintains that,
“According to the prison handbook, to try monks in this way, disrobed, is not allowed.
Articles 64, 65 and 66 of the prison handbook state that the prison must issue robes.” 120
Aung Htoo asserts further that not only were the authorities breaking domestic court laws, but also the laws established in the jail manual.

“What is going on is a great violation of the [rights of] monks in prison, … Monks are allowed to wear their robes and pursue their rituals in prison. But this is not happening, because they have been forced to disrobe and wear prison clothes, and they are not getting the food they need at the correct time.”

To add injury to the ignominy of insulting the religious rights of detained monks, the Burmese prison authorities reportedly exposed monk detainees to the same harsh treatment meted out to other prisoners. According to Aung Kyaw Oo from AAPP, there were also reports of torture, “Some of the monks have been beaten with sticks, punched, kicked after they had protested. Some have their ankles in iron shackles.”

Some monks also shared the fate of several high profile political prisoners and were transferred to remote prisons throughout the country. In December of 2008, U Gambira the 29 year old monk and leader of the 2007 uprising was relocated from Insein Prison. The young monk, who had previously been sentenced to an astonishing prison term of 68 years, was transferred to Kanti prison in Sagaing Division in the northwest of Burma. It is reasonable to speculate that the transfers of both high profile political prisoners and monks to these isolated penitentiaries was an attempt by the regime to cut off support to the prisoners and lower their morale and ability to communicate with their supporters. (For a larger discussion of prisoner transfers see Restrictions on Human Rights Activists and Human Rights Defenders)

The treatment of monks during the Saffron Revolution and the subsequent security crackdown proved distinctly unpopular among the Sangha. In a backlash, the movement of monks have, over the course the year following the Saffron revolution, chosen to express their disgust with authorities of the regime by refusing to accept alms from members of the ruling junta and its proxies. In September it was reported that young monks in Pakkoku were still refusing alms from government officials and would continue to do so until an apology was issued by authorities for the treatment of monks during the quelling of the September 2007 protests. Monks also chose not to officiate at any ceremonies requiring their presence and blessings, as a way of voicing their rebellion at the appalling treatment meted out during their non-violent contribution to the mass people’s demonstrations. It was reported on 25 November 2008 that monks from Kyauktalone-taung, Three Pagodas and Kaylatha-taung monasteries in Mon State had agreed to boycott government officials and their supporters by refusing to accept alms or perform religious rites on their homes. The ban would encompass the residences of any ward, village or township chairs, civil servants or members of the Union Solidarity and Development Association, as a response to the past and ongoing ill treatment of monks.
Restrictions on the Movement of Monks - Partial list of incidents for 2008

It was reported on 18 March 2008 that SPDC security forces closed down the Kaba Aye monastery in Rangoon.126

On 3 July 2008 it was reported that over one hundred monks had been forced out of monasteries in Rangoon and told to return to their hometown monasteries in Ye, Sein Ma Ma and Sin Phyu. Monks that had been forced out of Rangoon said that authorities had given orders that monasteries were not to hold more than ten monks and registered guests combined.127

It was reported on 30 July 2008 that nine monks had been arrested whilst waiting at a train station in Rangoon. The onlookers said the monks appeared at the station separately and hadn’t seemed to be conversing before their arrests. The report claimed that the monks were sent to Insein prison following their arrest.126

On 8 August 2008, two monasteries were raided by police in Sittwe, Arakan state. Sources claimed that the police were searching for monks who were allegedly planning demonstrations for the 20th anniversary of the ‘88 uprising. The two concerned monasteries were Kyin The Nat Kong monastery, in Ta Rar Thi Su Ward and Say Gri monastery, in Bauk Thi Su Ward in Sittwe.129

It was reported on 11 August 2008 that abbot U Thumana from Ramree Taung Kyaunn monastery was detained along with Maung Aye Thein, a teacher from State Middle School No 1 in Ramree.130

On 13 August 2008 it was reported that prison visits from family members had been suspended for 15 monks and nuns from North Okkalapa’s Thitsa Tharaphu monastery. The group was arrested in connection with the September 2007 protests and charged with bringing the Sasana into disrepute. The report suggested that the monks were in poor health and suffering from malnutrition.132

On 13 August 2008 it was reported that the nine monks arrested at a Rangoon railway station in mid-July were each sentenced to two year jail terms for allegedly “bringing the Sasana into disrepute”.131

On 13 August 2008 it was reported that the two monks, Damathara and Nandara, from Thardu monastery in Rangoon’s Kemmendine Township were being held at an interrogation centre in Insein prison.134

It was reported on 18 August 2008 that military personnel and law enforcement officers had been put in place around Addi Htan monastery, in Sittwe, Arakan State. Although the abbot of the monastery was widely known, the reason for the deployment of the troops and police was not clear at the time of the report.133

On 23 August 2008 two monks from Rangoon were arrested in their monastery. The report claimed that the two monks, Damathara and Nandara, from Thardu monastery in Rangoon’s Kemmendine Township were being held at an interrogation centre in Insein prison.134

On 5 September the state Sangha Maha Nayaka committee sent out a directive in Chauk, Magwe Division to all monasteries and lecturing colleges ordering that monks refrain from all types of political activity. The directive made clear that there would be reprisals against monks found to be participating in activity not condoned by the Magwe Division Sangha Maha Nayaka.136

On 9 September 2008 it was reported that a monk was detained and questioned for five days in relation to joining a signature campaign aimed at stopping the forcible relocation of Cyclone Nargis victims from shelters in Laputta to Bokhone village.137
On 9 September 2008 police arrested monk leader U Gambira’s brother-in-law, Moe Htet Lian, along with four other activists.\textsuperscript{138}

It was reported on 9 September 2008 that plainclothes informants had been deployed around monasteries in Sittwe, capital of Arakan State. The increase in surveillance followed the foiling of three previous attempts by monks to stage anti-regime demonstrations in the city.\textsuperscript{139}

A planned demonstration by monks was interrupted on 13 September 2008 by security forces in Sittwe, Arakan State. Security personnel dispersed the gathering, and no known arrests were made.\textsuperscript{140}

On 19 September 2008 U Indika and another monk appeared before court in Insein Prison. They were charged under Sections 295 and 505 of the Burmese Penal Code.\textsuperscript{141}

On 29 September 2008 it was reported that security measures in Sittwe, Arakan State had been enhanced from 20 September in preparation for upcoming commemorations of the 2007 protests. Following the protests five monks were arrested by authorities on 26 September 2008.\textsuperscript{142}

On 13 October 2008 authorities in Sittwe announced restrictions on the numbers of monks allowed to attend the Thedinkyut full moon rice donation. Normally the numbers of monks attending the activity was around 1500. Officials reduced the numbers of monks allowed to attend to two per monastery, meaning that only 550 would be allowed to attend in 2008. Security surrounding the event was increased in the preceding days with riot police and troops deployed. Monks were also required to provide their names and those of their monasteries.\textsuperscript{143}

On 11 November 2008 six monks from Ngwe Kya Yan Monastery received 6 and half year sentences after being charged under Section 505(b) of the Penal Code for agitating unrest, among other offences.\textsuperscript{144}

It was reported on 14 November 2008 that Ashin Sanda Dika and another monk were sentenced by Kyauktada court to 8 years jail for participating in the September 2007 uprising. Two other monks, U Sandimar and U Sanda from Ngwe Kya Yan Monastery were sentenced under the same charges by the township court in Yankin. \textsuperscript{145}

On 18 November U Kaylatha a monk from Mandalay was sentenced to 35 years in jail under the Unlawful Association Act.\textsuperscript{146}

It was reported on 18 November 2008 that monk U Sandara was sentenced to eight and a half years in prison by Tamwe Township court. U Sandara is from North Okkalapa Township’s Thiri Mingalar monastery.\textsuperscript{147}

On 21 November 2008 a special court in Rangoon sentenced monk leader U Gambira to 68 years in prison for his involvement in leading the Saffron Revolution in 2007.\textsuperscript{148}

On 21 November 2008 monk U Kaylartha from ABMA (Mandalay Division) had his 35 year sentence extended by four years to 39 years.\textsuperscript{149}

On 26 November 2008 monks Sandar Thiri and Kawvida were transferred from Insein Prison to Buthidaung prison in Arakan State. The two Buddhist monks are from Maggin monastery in Rangoon’s Thingangyun Township.\textsuperscript{150}

On 1 December 2008 Saffron Revolution leader U Gambira was transferred from Rangoon’s Insein prison to Kanti prison in Sagaing Division in northwestern Burma.\textsuperscript{151}
14.7 Restrictions on Foreigners in Burma

Restrictions on foreigners entering Burma and working there remained as strict in 2008 as in previous years. During the post-Nargis period those restrictions were increased for a short duration, limiting the entry of international aid workers and UN staff, although these were later eased to allow in a quota of aid workers and advisors. Once again members of foreign media groups experienced difficulties in entering and operating in the country and faced particular barriers in attempting to bring the story of the cyclone and its after effects to the international community. Those INGO workers already in a semi-permanent role inside the country working on various educational and health issues faced further restrictions and impediments in carrying out their mandates as well in renewing visas to continue service delivery.

Humanitarian and Aid Agencies: Regulations and Restrictions

The year of 2008 began poorly for international non-governmental organisations (INGOs) operating inside Burma, when the Ministry of Health summoned the representatives of 14 health related organisations operating inside the country to a meeting in the administrative capital of Napyidaw on 11 January 2008. The Deputy Director-General of the Public Health Department, Dr San Shwe Win and ministry officials met with 14 sets of representatives of health groups, however, members of three INGOs including the Swiss Medecins Sans Frontieres delegation did not attend the meeting. At the meeting Dr San Shwe Win, in a sign of things to come, portentously reiterated the guiding principles for INGOs working within the country and passed out copies of the national planning ministry guidelines that were established in February 2006. Representatives were made to understand in no uncertain terms that the guidelines needed to be followed strictly and that the work of the assembled groups should be, “non-political, non-religion, non-profit and nongovernmental.” Officials also highlighted that travel for field missions would remain a complicated and difficult process that would require applications to be put in with the Ministry of Defence (Army) a full two weeks prior to the planned activity. Any field trips that were cancelled would still need to be reported to the Ministry, again in advance. Officials also said that organisations would have to provide very detailed briefs laying out the locations to be visited, activities planned and the overall purpose of field trips. It was the pedantic nature of these sorts of regulations and travel restriction that forced the withdrawal of the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria in 2005. An employee of an INGO operating in Burma who wished to remain anonymous, gave a statement at the time reflecting the frustrations of operating under the SPDC’s strict guidelines,

“They [the authorities] allowed us to open our office, but now all the activities have to stop,” he said. “They also asked us to report every single thing we do in the field. It is very difficult to implement our project because we can only work when there is government staff with us.”

In a further blow to organisations whose projects required implementation over the longer term in order to achieve tangible results, ministry officials also announced that project lengths would be reduced from five years to just one year. On top of these new restrictions, INGOs were informed that they would now have to re-apply for approval up to six months in advance. The result being that, in effect, INGOs would have to renew their projects every six months. The reason given by the Ministry of Health for the changes was supposedly that the approvals would have to be granted by three different government departments, including the Ministry of National Planning, Ministry of Revenue and the Attorney-General of Burma. Three further limitations were placed on the work of INGOs. Firstly, no travel permits would be issued for short-term consultants or international trainers. Secondly,
employees of INGOs working in the country who applied for visas would have to state the exact period that they planned to stay and for what reason. Thirdly, officials made clear that field missions involving survey work or research would be highly discouraged due to the sensitivity of such undertakings.\textsuperscript{155}

The tone of the meeting with the Ministry of Health officials did not bode well for the work of INGOs in the country and in the space of a month international groups were dealt a second, more debilitating blow when the Health Minister Dr Kyaw Myint met with the UN Special Envoy to Burma Ibrahim Gambari on 9 March 2008. At the meeting, the minister informed Mr Gambari that it had come to the attention of the department that INGOs operating in Burma had provided financial support to the NLD, who in turn channelled these funds down to groups operating at the grassroots level.\textsuperscript{156} Several well known INGOs were among those named by the minister including Save the Children Fund, Population Services International (PSI), Marie Stopes International (MSI), Care International in Myanmar (Care-Myanmar) and World Vision. In a successive meeting, all 34 health-related INGOs registered with the Ministry of Health operating on HIV/AIDS issues in the country were ordered to completely cease all operations at the grass roots level.\textsuperscript{157} This edict, based on what was deemed to be political activity by the regime, spelt the end of the work of all INGOs that were implementing programs dealing with health education and counselling for HIV/AIDS patients in rural areas.

**Humanitarian Access**

It became clear to the international community very quickly that the regime was ill-equipped, not to mention reluctant, to stage a comprehensive and timely relief operation following the calamitous impact of cyclone Nargis. This was especially the view of the regime toward an effort which would entail a participatory, multi-national approach, such as the effort of the international community in the post-tsunami period of December 2004. The reluctance of the regime, fuelled in part by years of isolationist policy and the need to perpetuate the myth of self-sufficiency, meant that humanitarian aid, expertise and manpower were blocked by the junta from entering the country in the immediate aftermath of the storm. According to Altsean, by 9 May 2008, a full six days after the storm – an ample time in which to develop a reasonably accurate appreciation for the level of the crisis being faced – only four of the 40 NGOs working within Burma had been granted permission by the authorities to work in the cyclone affected areas.\textsuperscript{158}

Over the course of the next month, the junta began to slowly open the doors to aid flows into the country, however, some victims of the cyclone in the remote regions of the delta were still waiting to receive aid a full month after the initial impact. It is difficult to quantify the impact of the regime’s negligent response to the crisis in terms of possible deaths due to tardiness of the relief response; common sense would indicate however, that an influx of medicines, food and shelter that the international community were willing to provide in a timely fashion would have mitigated to some extent any unnecessary loss of life in the delta.
Despite the slowly developing humanitarian space allowed by the junta, international aid agencies still faced many hurdles in delivering urgently needed supplies to survivors. On 10 June 2008 the junta released a set of guidelines, akin to those delivered to INGOs earlier in the year, through which the regime sought to increase and consolidate control of the relief effort. The new limitations consisted of 10 operating guidelines which applied to UN agencies and INGOs working on relief efforts. The guidelines stipulated that (PTO):

“detailed lists of the type and quantity of aid donated from overseas must be submitted to the relevant government ministry, permission must be requested prior to aid distribution and relief supplies must be stockpiled in Rangoon. When permission to distribute aid is granted by the junta another request must be made to township authorities where the aid will be given out and supplies can only be distributed when permission from local officials has been granted.”

Unfortunately, the restrictions on INGOs in the end turned out to be to the detriment of survivors of the cyclone and proved too much for some groups to continue their work. Telecoms Sans Frontieres (TSF) chose to abandon its operations due to the imposition of tight regulations by the SPDC on its attempts to contribute to the relief effort, in much the same way that restrictions had forced some programs of the International Committee of the Red Cross and Medecins Sans Frontieres to fold in previous years. TSF had initially rushed to Rangoon in the hope of providing communications services and technical assistance to help both the coordination of aid agencies as well as connecting victims to relatives outside the country. Originally this was planned as part of the coordination effort controlled by the United Nations Children’s Fund (UNICEF). After receiving visas, the team from France arrived in Rangoon on 1 June 2008 only to find that they would be unable to travel to the delta region where they had hoped to conduct their field work. The director of TSF, Monique Lanne-Petit noted at the time, “We got visas but have been confined to Rangoon, without being allowed access to the field. Our aim was to help the people. Now we have decided to leave.” The regime’s restrictions had driven the French team out of the country within just 15 days, in which time they had been able to contribute nothing to the relief effort.

The ICRC

Since the most recent closures of two field offices of the International Committee of the Red Cross (ICRC) in Burma in March 2007, the organisation has not been able to fully reinstate or run the programs that it once did. The 2007 closures and concurrent reduction in staff left a mere three field offices in operation in 2008, and those three offices were operating under the threat of closure according to the Burma deputy head of delegation for the ICRC, Thierry Ribaux. As of January 2008, the ICRC had been able to achieve no concrete breakthroughs with the recalcitrant regime in talks to reinstate the ICRC’s prison visits programs. Until December 2005, the ICRC had conducted visits to prisons to monitor living conditions and ensure that prisoners’ rights were being respected. These visits were terminated after the ICRC refused to bow to demands of accompaniment on the visits by members of the junta backed USDA. Such accompaniment would be in contravention of the ICRC’s long held policy of impartiality and independence. According to Ribaux, the ICRC were only continuing with two programs as of January 2008, one supporting a medical program and the other supporting relatives of prisoners and facilitating visits to prisons.
The United Nations

The United Nations continued to have a presence within Burma in 2008 and became especially active in the aftermath of the cyclone in May. The UN agencies faced serious restrictions in gaining access to visas, and hence entry into the country, in the immediate period following the storm, as a recalcitrant SPDC attempted to manipulate political conditions and commandeer the delivery of aid promised by the international community. The political brinkmanship of the regime delayed the visa process for many hundreds of aid workers, though over the period of the month following the cyclone the regime began to slowly open a corridor of access for aid to trickle into the country. The marginal, and by no means adequate, opening of humanitarian space allowed by the SPDC signalled a commensurate relaxation of the visas and entry restrictions on foreign aid workers and UN staff.

The easing of restrictions on UN staff was slow to transpire however, and as of 13 May 2008 it was still being reported that UN staff were facing difficulties in gaining visas to actually enter the country, as well as permission to travel into the delta region once they were in-country, in order to assess the situation and formulate a response that would eventually lead to the delivery much needed aid supplies. According to Aye Win, the UN spokesperson in Rangoon, only local staff members were being granted access to the worst hit areas of the delta, but foreign staff members were still not being allowed into the region almost two weeks after the initial impact of the cyclone. In a statement released by Social Welfare Minister General Maung Maung Swe, the SPDC made it clear that the military was firmly in control of the situation and that the relief effort would not leave much room for UN staff to participate. It also became increasingly clear that the UN staff would continue to be blocked from accessing the delta region. The Minister stated that the regime was, “in control of the situation, … nobody has died except as a direct result of the cyclone.” The Minister went on to say that, “Myanmar is pleased to receive assistance, but distribution is to be done by the government and foreigners are not allowed in affected areas.”

Workers from the Food and Agriculture Organisation and the World Health Organisation, were still being denied access to the region and at this time, around 60 key UN staff members were waiting for visas just to travel into the country.

By 25 May 2008, negotiations were still taking place between the junta and the international community on the distribution of aid at a donor meeting to establish the Tripartite Core Group composed of the UN, SPDC representatives and ASEAN. Meetings and negotiations to iron out the logistics of delivering aid between the three groups was still being held on 9 June 2008, a full month after the cyclone hit.

Despite restrictions, the UN staff enjoyed greater relative access by June than many of the other international organisations who experienced up to three week delays for visa approvals. By contrast, the UN had sent 86 international staff to regions in the delta in the comparable time frame, and 179 visas had been granted to UN staff in general. Although the granting of visas to UN international staff occurred reasonably frequently at this stage, the UN agencies attempting to deliver services on the ground in the delta still faced some stiff challenges including; telecommunications equipment being held in customs, restrictions on the official import of telecommunications equipment, increasing food prices due to the scarcity of commodities and lack of information regarding population movements which hampered service provision (exacerbated by lack of access to the delta in the initial period). (For further information about the UN and the relief effort, see Chapter 10: Cyclone Nargis, from natural disaster to human tragedy)
United Nations Representatives

Beyond the role of the large UN agencies which were primarily involved in the relief efforts following cyclone Nargis, the UN maintained its other function as the intermediary between Burma and the wider international community throughout 2008. This was characterised not only by ongoing development and technical assistance projects, but also through the good offices of special representatives.

The activities of the United Nations in relation to Burma have often been contentious and 2008 proved to be no exception. While the role of the UN has been looked upon favourably by the international community in many respects, the world’s preeminent multilateral organisation has also taken a buffeting over its interaction with the military junta. The UN’s failure to secure any movement from Burma’s generals over the detention of political prisoners, the ongoing house arrest of Daw Aung San Suu Kyi and the country’s appalling human rights record have done little to augment the UN’s reputation in the wider international community. Patience seems to have run out among Burmese activists as well, as they have watched one Special Envoy after another come and go without tangible result. Cyclone Nargis also drew the world’s attention to the fact that not even requests from Ban Ki-Moon could make the general’s open the doors to international aid any faster.

The current Special Envoy to Burma, Ibrahim Gambari has been widely lambasted by the press and observers as having been ineffective in his role. Merely looking at the results of Gambari’s work thus far suggests that there is some validity in the criticism; however, there needs to be a serious caveat to this argument. It should not be overlooked that the Special Envoy has effectively been hamstrung by a pathetically weak mandate from the Security Council, leaving Gambari with little to no leverage or bargaining power to deal with the generals; resulting in futile trips to Burma where he has not even managed to secure meetings with the top players in the regime. Such an outcome has drastically undermined the Special Envoy’s credibility and it is clear to the NLD that if Gambari cannot meet with Than Shwe, then the NLD achieves nothing from meeting Gambari. This is precisely what happened on Gambari’s August 2008 trip (see below for details). The limitations on Gambari make his presence and impact questionable.

UN Special Rapporteur for Human Rights in Burma: Tomas Ojea Quintana

Mr Tomas Ojea Quintana took over the role of Special Rapporteur for Burma from Mr Paulo Sergio Pinheiro, who had served in the post from December 2000 until April 2008.

On 3 August 2008 Tomas Ojea Quintana, the United Nations’ Special Rapporteur for Human Rights in Burma traveled to the country for the first time. The Special Rapporteur met with members of the State Sangha Organisation in Rangoon early on the morning of 4 August 2008. Quintana later met with members of other religious organisations as well as members of a SPDC backed women’s organisation.\(^\text{168}\)

Quintana’s trip was scheduled for four days in which the Special Rapporteur planned to meet with a cross section of Burmese society including political groups, ethnic organisations and senior SPDC officials. Quintana also visited the Irrawaddy Delta and the regions affected by cyclone Nargis that hit Burma in early May 2008. At that time the Special Rapporteur was due to meet the Tripartite Core Group consisting of members of the SPDC, UN agencies and members of ASEAN. On 6 August Mr Quintana was able to meet with five political prisoners in Insein Prison. The five were identified as U Gambira, the 30 year old monk and protest leader of 2007, Win Tin, at the time Burma’s longest serving political prisoner and three labour rights activists: Su Su Nway, Thurein Aung and Kyaw Kyaw.\(^\text{169}\)
The limitations of the role of Special Rapporteur were made clear during Mr Quintana’s visit when he was only allowed ten minutes to speak with the SPDC’s liaison with Daw Aung San Suu Kyi, Mr Aung Kyi of the Labour Ministry. He was afforded roughly the same amount of time to talk to members of the NLD. The fact that the one of the UN’s highest officials in dealing with the regime is afforded so little time to discuss such large and pressing issues is a disgrace and demonstrates the scant regard in which the international community as represented by the UN is held by the regime. Adding weight to this appraisal is the fact that as soon as Mr Quintana had left Burma, the SPDC arrested Myint Aye of the Human Rights Defenders and Promoters organisation and members of the NLD. According to *Irrawaddy*,

“The NLD Taungup branch in Arakan State, and Dr Tin Min Htut, an elected member of parliament from Panthanaw constituency in Irrawaddy Division, were arrested on Tuesday morning. No reason for their arrests was given.”

Tomas Ojea Quintana from Argentina, the newly-appointed UN Special Rapporteur on the Situation of Human Rights in Burma. [Photo: © AP]

**UN Special Envoy to Burma: Ibrahim Gambari**

In mid-August the UN Special Envoy to Burma, Ibrahim Gambari made a trip to Burma but failed to secure meetings with any of the key players in the conflict, notably, Daw Aung Sann Suu Kyi and Senior General Than Shwe. The opposition leader refused a meeting with Gambari on 20 and 22 August, despite the envoy’s aides and junta officials standing outside the detained leader’s residence, requesting her presence over loudspeakers. Gambari was already under pressure for not securing any tangible results from previous trips to the country. Subsequently, the failures to meet the top leadership of either the SPDC or the political opposition only served to compound and highlight the limitations placed on the special envoy. Suu Kyi’s refusal to meet with the envoy was said to be linked to the envoy’s failure to secure a tête-à-tête with Senior General Than Shwe. Without a meeting with the
man calling the shots, the opposition leader would have realised that there could be no
negotiation of terms between the SPDC and the NLD and subsequently snubbed the envoy,
effectively ending any chance of a successful trip. It was a telling indictment that the only
meeting granted to Mr Gambari was with SPDC backed ‘civil-society’ groups, a move seen
by many as legitimising the SPDC prior to elections in 2010.171

On Wednesday 20 August 2008 Mr Gambari was able to conduct a meeting with the NLD’s
central executive committee, but was granted a paltry twenty minutes in which to discuss all
issues at hand, in particular the demand for the release of political prisoners and
reconciliation between the NLD and the SPDC. In meetings with the SPDC Mr Gambari was
able to talk to officials from the Ministry of Health and the Ministry of National Planning and
Economic Development on socio-economic issues, though the details of these meetings
were not made public.172

Following Mr Gambari’s exit from Burma, the special envoy came in for harsh criticism from
the NLD as years of frustration at a lack of results spilled over. The NLD spokesman Nyan
Win was quoted as saying that “Mr Gambari has made six visits to Burma, but nothing has
happened. We consider it a waste of time.”173

Vast differences of opinion surfaced during the special envoy’s last visit to the country over
the forthcoming elections in 2010. NLD representatives repeatedly made clear to Mr
Gambari that the 1990 election results needed to be honoured before any progress toward
reconciliation could be made in the country. It was reported that Mr Gambari was not
amenable to this position and tried to persuade members of the NLD that the UN would
ensure that the 2010 elections would be free and fair, and that they should participate in
those elections.174 Just how the UN would achieve this lofty goal is not clear, and the NLD’s
scepticism seems valid considering that the UN could not even secure a meeting with the
Senior General of the ruling regime in the past. Nor does it seem likely that following years
of appeals from the UN to release all political prisoners that the regime would about face in
2010 and release members of the opposition, thereby jeopardising the SPDC’s pre-
programmed election process.

**UN Special Representative for Children and Armed Conflict: Radhika Coomaraswamy**

Radhika Coomaraswamy continued in the role of U.N. Special Representative for Children
and Armed Conflict and visited Burma in June 2008. Coomaraswamy left with an agreement
from the SPDC to set up a mechanism for the reporting of child soldier usage following a
meeting with the acting Prime Minister Thein Sein and members of the Committee for the
Prevention of Military Recruitment of Underage Children (CPMRUC). The reporting
mechanism would operate in conjunction with the CPMRUC. According to a UN statement
issued after the meetings, the new agreement to set up a reporting mechanism would
augment the efforts of the prevention committee, which according to a 2007 statement by
the UN, would “undertake the reintegration of children, and the Ministry of Defense would
regularly provide training on protecting children during conflicts.”175

Whilst these steps were seemingly positive, Coomaraswamy seemed under no illusions as
the effects that these measures were having in Burma, admitting openly that recruitment of
underage children continued within the country. In response to statements from Jo Becker
of Human Rights Watch, Coomaraswamy recognised the limitations of the UN Security
Council in being able to deal with a wide range of Burma’s troubling issues, including those
of child soldiers, due to the spoiling tactics of China in the Security Council. Previously
Becker was quoted by Radio Free Asia as saying that,
“Once [Burma] came onto the agenda of the Security Council’s Working Group on Children and Armed Conflict, China basically obstructed every constructive proposal that was put forward to try and address the problem of ongoing child recruitment in Burma.” 176

Foreign Journalists

Foreign journalists were treated with suspicion in Burma in 2008 and were subject to strict entry conditions as well as movement restrictions once access to the country had been granted. The restrictions on the foreign press were increased following the Saffron revolution of 2007, during which time several foreign journalists had entered the country and taken photos of the suppression of the peaceful protests. Such coverage had apparently infuriated junta officials who went to great lengths to prevent similar breaches of security in 2008. This was achieved through the so-called ‘blacklisting’ of several journalists who learned of their fate whilst attempting to procure visas at the Burmese Embassy in Bangkok, Thailand.177

One such individual was prominent Swedish journalist and author of several books focusing on Burma, Bertil Lintner, who was blocked from entering the country in the aftermath of cyclone Nargis. Lintner’s name was struck from the list of people slated to attend an international conference on aid in Rangoon. Lintner was set to accompany a Swedish delegation led by Minister of International Development Cooperation Gunilla Carlsson to the conference, only to find that he had been blacklisted even before leaving Stockholm.178

The advent of cyclone Nargis did nothing to alleviate the restrictions on journalists seeking to report on the natural disaster. In fact, the SPDC made a concerted effort at concealing the poor impact of a mismanaged relief effort from the international press in an attempt to cover up what was to become a man-made tragedy, as thousands of survivors were left, sometimes for up to a month, without receiving adequate food, water or shelter. It was reported on 13 May 2008 that journalists were banned from travelling to the Delta region, some had had their phones tapped and others intimidated by SPDC officials. It was reported on 13 May 2008 that journalists were banned from travelling to the Delta region, some had had their phones tapped and others intimidated by SPDC officials. Hotels were also raided by officials looking for westerners in regions known to be popular with the foreign press.179 According to a special police officer working at the Rangoon airport, “at least 10 foreigners were sent to the airport from their hotels or the streets and deported within the month after the cyclone ravaged the country.”180 Some journalists chose to work undercover and enter the country illegally in attempts to evade the restricted access along the main highway by travelling an alternative route on the Rangoon-Kaw Hmoo-Kongyankone-Daydaye-Pyarpon road. As a result the SPDC “deployed thousands of riot police along the way, in addition to the numerous checkpoints.”181

Once the SPDC perceived that the foreign media were adequately under control, regulated visits to the delta region were allowed but were conducted under the aegis of SPDC officials. The first visits that sanctioned a media presence were those to areas such as Pyapon, Dedaye, Labutta and Bogale. The trips, involving foreign dignitaries and military personnel were led by the Deputy Foreign Minister U Kyaw Thu and gave access to the region to journalists from Reuters and Xinhua news agencies.182 These regulated visits to the delta by foreign media were conducted almost two months after the initial impact of the cyclone.
Beyond the scope of cyclone Nargis, other journalists ran afoul of the SPDC and their inherent distrust of the NLD throughout the year. In the month following the cyclone, a Korean journalist bore the brunt of the regime’s displeasure. Lee Yu Kyong had entered the country on a tourist visa and had attempted to go the Irrawaddy delta to report on events there, only to be blocked by restrictions. In a further attempt to garner information regarding the situation of the cyclone victims, the journalist had contacted members of the opposition National League for Democracy in Rangoon and had arranged a meeting. On 18 June 2008, Miss Lee had gone to the NLD office in Bahan Township in Rangoon to gather information regarding victims and the following day had attended the birthday celebrations for Aung San Suu Kyi. Following these two interactions with the NLD, Miss Lee was arrested at Okinawa Guest House on 32nd Street in Kyauktada Township downtown Rangoon on 22 June 2008 by 5 members of the police Special Branch. Officers had asked the journalist what her activities had been on 18-19 June 2008 and informed her that because she had entered the country on a tourist visa, that her meetings with the NLD were illegal. The police confiscated four CD’s containing images from the storm ravaged delta. The police also arranged for the immediate deportation of the Korean national on a Thai Airways flight that left Rangoon at 10am on the same day of her arrest, without allowing her to contact the Korean Embassy.

Foreign Tourists

Foreign tourists once again faced movement restrictions on travelling inside Burma. As usual, the areas that experienced low-level armed conflict remained off-limits to all tourists. The spectre of cyclone Nargis loomed large on the horizon and had a dramatic impact on the amount of tourists that entered the country (numbers which were in all likelihood also affected by the dramatic scenes of the repression of the Saffron revolution of 2007) in 2008. Previously popular tourist destinations were transformed into off-limits areas by the military practically over night, once foreign media began publishing photos of the devastation of the Irrawaddy delta. The restriction of travel to the area was made complete following the release of images showing victims of the cyclone. The areas of Bassein, Ngwe Haung and Chaung Thar, which had traditionally seen many tourists, were cut-off by roadblocks manned by military personnel. All cars travelling in the Rangoon-Bassein route were stopped and checked for foreign passengers.

As mentioned, the resulting impact of the cyclone on the tourist industry was quite significant and the SPDC did not encourage tourists with the news that visas on arrival in Burma could only be secured at the time of the cyclone by those tourists who were on SPDC approved ‘package tours’. According to figures reported at the time, the SPDC tourism numbers indicated that arrivals of tourists at Rangoon International Airport were “15,204 in the first quarter of the fiscal year 2008-09, a drop of 47.59 percent from 29,007 in the same period of 2007-08.”
Restrictions on Foreigners in Burma - Partial list of incidents for 2008

On 5 August 2008 British national Mr Andrew William Fardae was deported by regime authorities from Rangoon, where he had arrived on a Thai Airways flight. Burmese authorities claimed that Fardae, a reporter for the British Broadcasting Corporation, had previously breached tourist visa rules and was thus blacklisted.187

Foreign journalist Andrew Marshall from Britain was deported from Rangoon on 21 May 2008. Marshall underwent several hours of interrogation before being placed on a flight to Bangkok along with his American photographer.188

On 21 June 2008 Korean journalist Lee Yu Kyong was deported by regime authorities. Lee, who had previously attended the birthday celebrations of Aung San Suu Kyi, was told that she had performed an illegal act by visiting the NLD headquarters. Lee had four CD’s of photographs documenting the devastation left behind by cyclone Nargis confiscated prior to her deportation.189

German national Ingra Gruss, previously a volunteer with Burmese NGO Myanmar Egress, left the country sometime after 15 June 2008 after receiving several warnings from authorities regarding her activities. Gruss, a social science researcher with a focus on Kachin people, had her passport checked and was warned by authorities that she should leave Burma. Gruss drew the attention of authorities after meetings with veteran political and ethnic leaders. Local sources indicate that regime officials suspected that Gruss was involved in journalistic activity.190

On 8 August 2008, the 20th anniversary of the 1988 pro-democracy uprising, barbed wire security barricades were placed along the road leading to the home of NLD opposition leader Daw Aung San Suu Kyi is being detained, barring anyone from approaching. Security was tight across the city as the regime expected there to be additional protests to mark the anniversary. [Photo: © Mizzima News]
14.8 Restrictions on the Freedom of Assembly

Article 21 of the International Covenant on Civil and Political Rights states that,

“The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

The Burmese junta maintained its strict controls over rights to assembly through the duration of 2008. The regime has upheld this firm stance against the right to assemble since the 88 uprisings, and has codified it through the imposition of SPDC Order 2/88. The act prohibits the “gathering, walking or marching in procession by a group of five or more people regardless of whether the act is with the intention of creating a disturbance or of committing a crime.” Under these prevailing conditions, political space and the ability of the population to congregate were severely impeded well before the 2007 protests. The crackdown on protestors and subsequent arrests of participating monks, activists and civilians saw Burma begin 2008 with a heightened level of political tension and unrest. It was amid the turbulent aftermath of the protests of 2007, and using those protests as a pretext to curb opposition, that the SPDC restricted the right to assemble even further in 2008. Activities that were disrupted by authorities included, but were not limited to; peaceful demonstrations and marches, gatherings to mark historical occasions, political and religious meetings and prayer vigils.

The SPDC focused particularly on preventing or disrupting gatherings composed of members of the opposition and the Sangha in 2008, as those two groups were considered by the SPDC to be the prime movers behind the prior year’s demonstrations. Regime harassment of the NLD has been standard practice in past years and 2008 proved to be no exception. There was however a significant change in the attitude of the regime toward monks in the post-saffron environment. The repositioning of the Sangha as a genuine political force, as opposed to its traditional role as primarily a moral authority, placed it front and centre of the SPDC’s attempts at curbing political freedom. The right to assembly was in large part restricted due to these factors. Restrictions on assembly also lead to unprecedented numbers of associated arrests and detentions of opposition politicians, activists and monks, among others. The estimated number of political prisoners in Burma nearly doubled over the course of the last year, and now stands at more than 2,100 compared, with nearly 1,200 in June, 2007.

Restrictions on Political Assembly

The NLD endured a further year of harassment and intimidation of its members in 2008. Similar to previous years, the majority of the field offices of the NLD remained closed outside the main centres of Rangoon. A US Department of State report from March highlighted restrictions on assembly affecting the NLD; the limitations meant that party activities were not allowed to be held, even outside the party headquarters in Rangoon. NLD leaders were also asked to provide lists of members attending events in an apparent attempt to intimidate or dissuade people from attending meetings. On the rare occasions when party activities were not disrupted by SPDC security forces or its proxy forces, such as the USDA and Swan Arr Shin, events were monitored very closely. On 22 November 2008 the NLD held a celebration of its 88th National Day, from noon till 3 p.m., at party headquarters in Rangoon’s Bahan Township. The celebrations drew a crowd of 400, including supporters of the NLD as well as various ethnic national organisations and members of the Committee Representing
the People’s Parliament (CRPP). Although the celebrations were not disrupted, government officials completely surrounded the NLD headquarters and closely monitored events.\(^{195}\) Four plainclothes officers were present with the crowd, whilst fifteen vehicles were stationed around the venue.\(^{196}\)

Security officers also kept watch over other activities involving NLD members that could not take place at the party headquarters, including such innocuous events as women’s groups visits to the Shwedagon pagoda in Rangoon.\(^{197}\)

### Restrictions on Monks and Political Assembly

The manner in which the role of the Sangha is discussed in relation to Burmese society changed significantly following the September 2007 protests. The staunch defiance of the regime by the Sangha, and its key role in leading the demonstrations blurred the old lines that formerly separated religious leaders and political activists. Consequently, when considering the events of 2008, it is necessary to take into account this repositioning of the Sangha as an inchoate political force, and to understand that restrictions on assembly in relation to religious sites, ceremonies and gatherings may also be viewed as political restrictions.

Throughout the year, all arms of the SPDC security apparatus were employed in increasing security around monasteries across Burma, especially in the months of August and September. As mentioned previously, the dual commemorations of the 88 uprising and the anniversary of the so-called Saffron revolution, in the months of August and September respectively, brought about raised security levels in the vicinity of monasteries. In conjunction with possible assembly and unrest associated with these important anniversaries, there was also continued pressure on monasteries, as police and security forces continued to hunt for members of the Sangha that had participated in the September 2007 protests.

By early August security forces had been deployed throughout Sittwe, the capital city of Arakan State, in anticipation of further unrest on the anniversary of the 2007 protests. Extra security details were placed in locations including the Town Hall, U Ottama garden, Lawkar Nanda, Bura Gri temple, U Raykyaw Thu monastery, the inland water jetties, and the former Sittwe college compound. Members of the security forces also questioned residents of monasteries in order to determine if out of town monks had come to visit or stay in the monasteries of Sittwe that had played a key role in the uprising of the prior year.\(^{198}\) The close eye kept on the monasteries by local intelligence meant that some abbots chose not to let their novice monks leave the monasteries for fear of harassment.

On 8 August 2008 riot police raided the largest temple in Sittwe, Bura Gri. The monks of Bura Gri had planned a demonstration to coincide with the 20th anniversary of the 88 uprising. A monk from the monastery said,

> “Many riot police besieged the temple in the morning on the day to prevent the monks from staging a demonstration by marching in the streets. Moreover, the security forces blocked all roads near the temple. So the monks plan to stage a demonstration was foiled,..............Staging a demonstration is very difficult in Sittwe at present because many security forces, including army and police, are being deployed at many places in Sittwe to crack down on demonstrators,”\(^{199}\)
The march was to be comprised of monks from several different monasteries who had gathered at Bura Gri.200

In Rangoon security forces were also stepping up operations at this time as a means of deterring possible large scale assemblies associated with the approaching anniversaries. On 8 August 2008 residents of Rangoon reported that there was a vast increase in the amount of security personnel throughout many different areas of the city. One local resident, quoted by media sources, related the following scene,

“Security personnel are swarming everywhere. There are about 100 policemen and other security officials in front of the Emmanuel Church in Sule Square. And there are also several of them on the eastern and southern gates of Shwe Dagon shrine,”201

Other residents reported the presence of members of the police, riot police, military and Swan Arr Shin, equipped with batons and shields, patrolling strategic areas of the city including religious sites and key junctions. Earlier in the week, residents reported seeing dozens of military trucks patrolling the streets, including those streets that had been used in the past by student protestors such as the Rangoon-Pyay Road and the Rangoon-Insein road.202

Another local was quoted as saying, “They were patrolling since yesterday in places such as Hledan and Insein. There are about 30 police vehicles patrolling downtown. But this morning there is no more patrolling. They have positioned the vehicles at important junctions,”203

The authorities in Mon state also took precautions early in August, in anticipation of trouble there due to the approaching anniversary of the Saffron revolution. Hurfom reported in October 2008 that information leaked from high offices of the SPDC in Mon state revealed that authorities had been instructed to increase security throughout August and September. Exit and entry into the state capital Moulmein was monitored and nightly patrols were conducted throughout more than half of the capital’s wards. Security was also enhanced in other towns of Mon State.204

**Demonstrations and the SPDC Response**

The anniversary of the 88 uprisings saw peaceful demonstrations take place nationwide, despite the aforementioned security clampdowns in the major urban centres. The demonstrations were undertaken with varying degrees of success. Whilst some were quashed before they were able to get under way, others began, only to be disrupted by SPDC forces. The arrest of demonstrators was a common theme in the regime’s response to the peaceful marches.

Many towns in Arakan staged commemoration marches, including Taunggup, Kyauk Pyu, Ramree and Sittwe. The marches elicited varying responses from authorities. In Taunggup Township, 21 activists that were travelling to a planned march in Taunggup were arrested close to the village of Nackmoaw. Of the 21, 16 were later released after signing documents stating that they would refrain from marching again. Five members of the party, thought to be leaders of the group were still being held in detention at the time of the report on 11 August 2008.205
In Kyauk Pyu a demonstration was broken up by soldiers from Light Infantry Battalion (LIB) #34 at 8 am; in this instance there were no arrests of activists made. In Ramree, an abbot from Ramree Taung Kyaunn monastery, U Thumana and a teacher from a state middle school, Maung Aye Thein were detained in connection with protests. In Sittwe a demonstration held at the largest temple in the city, Paragyi was also dispersed by authorities.

By mid-September 2008 authorities had placed informers in strategic locations around Sittwe in Arakan State, due to the three protests that been broken up over the course of the previous two months. It was reported on 16 September 2008 that plainclothes informants had been placed in and around monasteries and temples in order to gather information relating to possible further protestor action.

In September 2008 the authorities also took pre-emptive steps in order to prevent possible protests in the major urban areas. In Mon State and in Arakan State, monks were forced out of monasteries and sent back to their hometowns. On 26 September 2008 it was reported that two monks were forced out of monasteries in Sittwe. U Pai Nyathuka from Sitta Thuka monastery and U Tayza Dhama from Ten Kho monastery were sent back to Ann Town and Mrauk U respectively. The report stated that these monks were suspected of being leaders of the recent anti-regime protests in Sittwe. The city, which is heavily identified with protests, had seen three demonstrations in the two months prior to the report, all three of which had been foiled by the junta’s security forces. The report suggested that the two returned monks were under close surveillance in their hometowns even after they had been forced to leave the monastery and were under the watch of intelligence officials. In effect, this surveillance meant that they were not capable of exercising their legitimate rights to assemble with other monks. It also meant that their religious freedoms were being violated by the junta.

On 8 August 2008, 48 activists were arrested in Taunggup Township, Arakan State, after they staged a rally commemorating the 20th anniversary of the 8888 uprisings. Those arrested were taken to Thandwe in southern Arakan State for interrogation by the authorities. Following questioning, the majority of those arrested were released, however, at the time of the report there were still five participants who had not been released. The parents of one those still in detention expressed concern at not knowing the whereabouts of their daughter, aged 20. The parents were unable to ascertain the whereabouts or condition of 20 year old Ma Ni Ni Myint. They gave the following statement, “We have not had any contact with her since she was arrested. The concerned authority has not yet informed us of her arrest. So we do not know what has happened to her,” Also detained by the authorities in Thandwe prison were Ko Moe Nay Soe and Ko Than Lwin, and two other unidentified youths from Net Maw Village.

**Saffron Revolution Anniversary**

Whilst security clampdowns around the months of August and September were to be somewhat expected due to the major anniversaries falling in those months, there was no easing of the security situation after those crucial months had passed. Security forces maintained a tight control over the right to assembly and also continued the hunt for those monks that had any involvement, perceived or otherwise, in the 2007 protests. On 13 October 2008 it was reported that two monasteries in Sittwe, Arakan State had been raided by police. Police conducted searches to look for monk leaders who were allegedly planning demonstrations on the day of the full moon religious festival. About 50 policemen raided the monasteries of Daw Pu Pu, in Bon Dut Thar Su Ward and Dhama Ron in Kon Dan Ward. Monks had received prior warning of the raids and fled into hiding, meaning that police failed...
to make any arrests. Family members of some monks were detained for questioning but later released. The situation in Sittwe and the continued presence of security forces was such that the rights of the population there to assemble were highly restricted. A monk from Sittwe made the following observation in relation to the continued security around the city,

“It is impossible for any protests to surface against the regime in Sittwe because many monk leaders are hiding in unknown locations. Meanwhile, the authorities have not withdrawn security forces from Sittwe.”

**Economic Motivations for Protests**

Although political dissatisfaction motivated a great number of protests during 2008, there were other reasons for civilians to stage demonstrations. The September 2007 demonstrations were triggered partially by the government fuel hike and rising commodity prices. Even though the problem of the protestors was dealt with through the use of military force by the SPDC, the underlying difficulties of Burma’s dire economic situation remained. Economic mismanagement by the junta and the grinding poverty faced by many Burmese, animated protestors at the beginning of 2008. On 17 January 2008 police forces interrupted a large march in Taunggup Township, Arakan State. Although the demonstration had been held partially to make demands for the release of political prisoners held in Thandwe prison, march organisers indicated that it was also an attempt to protest the spiralling economic fortunes of the general population. After the protestors were dispersed, a demonstrator had the following to say,

“Our programme failed yesterday but we have not given up our plan. We are going to stage another demonstration in the near future…….Because we are unable to tolerate the junta’s oppression of people who are now facing many social difficulties such as poverty.”

Protestors had also come from the surrounding areas of Taunggup to voice their concerns over forced rice purchases by the SPDC and the manner in which farmers had been forced into the cultivation of sunflowers in regime schemes. Regime security forces not only broke up the demonstration, they also prevented those travelling from rural areas from joining the assembly by blocking the entrances to the township with police and army personnel. As a consequence of the demonstrations, the town market was closed down and police were stationed at Faungdaw Oo temple.

**Religious Assembly Restricted**

Religious ceremonies also came under scrutiny throughout the duration of 2008. As mentioned previously the renewed connection between the representatives of Buddhism and politics meant that even normal religious assemblies became suspect events in the eyes of the regime authorities. On 16 January 2008 a meeting of the Tuesday Prayer Group, was interrupted by members of the USDA who assaulted the participants, and the group’s leader Naw Ohn Hla. The Tuesday Prayer Group meets weekly to pray for the release of Aung San Suu Kyi. Witnesses recounted seeing about 100 men from the USDA hitting and kicking members of the prayer group, including men and women. Witnesses said that although there were uniformed police on hand, they did nothing to stop the assailants. Furthermore, it was reported that there were no actions taken in response to a complaint against the attackers placed by Naw Ohn Hla.
This incident is highly suggestive of the fact that the SPDC has chosen to restrict the rights to assembly of the civilian population, but has no such concerns when 100 members of the USDA gather to assault innocent civilians staging a peaceful prayer vigil. (For a discussion of impunity see Chapter 1: Arrests)

On 18 February 2008 a report surfaced that a three day religious talk was disrupted by authorities in Kone Zaung Village, Pwintbyu Township in Magwe Division. Abbot U Thu Mingala of Moegok Wipathana monastery in Mandalay was to have delivered a three day religious sermon known as a ‘dhamma talk’. After just two days however, the authorities broke up the talks. Witnesses recounted the following;

“Local police chief U Sein Win arrived at the location where the talk was being held at around 2pm on Saturday afternoon and said that U Thu Mingala has been banned from conducting Dhamma talks, … He also demanded that the pavilion be demolished and the monk leave town at once.”

The report said that one youth who demanded an explanation for the cancellation of the talks was punched and arrested and that local residents were subsequently forced to pay a large amount of kyat to the local police chief, U Sein Win in order to secure his release. A local villager from Kone Zaung said, “The day after, Sein Win demanded 200,000 kyat for Chit Wai San’s release,” he said … But the villagers bargained with the police chief and managed to get him to agree to 100,000.”

On 13 September 2008, Moulmein Township, in northern Mon State, hosted the Long Bebin Festival. The festival was held between the villages of Bha-Out and Rogo and comprised one of the largest offerings of donations to monks for people in the surrounding areas. The festival was presided over by troops in full uniform. Although the organising committee requested the removal of the troops, the commander denied the request and the troops remained in position in a perimeter of 200 metres around the festival. The troop presence was justified by the local military commanders as being for the security of military families.

**Trials of Activists and Restrictions on Assembly**

A more subtle form of the restriction on assembly over 2008 was the manner in which the junta handled the trials of activists and human rights defenders. Many trials were moved from local courts to special court hearings inside prisons, including Insein. In this manner the regime sought to cut off public access to those facing trial and reduced the transparency of already dubious legal proceedings against activists and the like.

On 5 November 2008 it was reported that the trial of activist De Nyein Linn had been relocated inside Insein prison. Ko Nyo Nyi Hlaing, the lawyer appointed to defend De Nyan Linn was given the information after he was summonsed by the joint divisional court 2 in Rangoon. The reason for the move given by court officials was that Sanchaung Township police chief Kyaw Kyaw was concerned about security at the trial in the local courts and had requested a change of venue. In response to the change of venue, Ko Nyi Nyi Hlaing made the following observation, “According to the regulations on court hearings, a trial must be held openly in front of the public and the families of those involved,”
Pro-Junta Rallies

Not all of Burma’s civilian population face harsh restrictions on their rights to assembly. Members of the junta backed organisations such as the USDA were allowed to hold rallies without hindrance or fear of interference from the authorities. In fact, attendance at pro-junta rallies is often compulsory and failure to attend these large gatherings may even result in fines. In an interview released by Human Rights Watch in early 2008, one shop owner described having to send employees to attend pro-junta rallies,

“The SPDC order us to attend mass rallies, they use trucks to bring the people [to the rallies]. You know you can’t refuse, if you do you will face hardships. You stop getting permits, orders for stock from the government. The YaYaKa [Village Peace and Development Council] and members of the [volunteer, pro-government] Fire Brigade came to my shop and asked me to send two staff to a rally in December. I had to send them to the Ya Ya Ka office by 4 a.m. I’m a businessman, I have to contribute to whatever they want. I want a good relationship with them.”

Restrictions on the Freedom of Assembly - Partial list of incidents for 2008

Eleven pro-democracy activists were arrested on 28 August 2008 for taking part in demonstrations against rising commodity prices in Hledan junction, Kamayut Township, Rangoon Division. According to Ko Thant Zin Oo from Hlaing Thar Yar the activists were charged under section 505(b) (inducing crime against public tranquillity), section 143 (joining unlawful assembly), sections 145 and 152 of the Criminal Code (Indian Penal Code).

On 27 June 2008 Burma’s Supreme Court rejected an appeal by detained activists to have their sentences reduced. The six were handed sentences ranging from 20-28 years for attending a Labour Day event in 2007.

On 15 August 2008 five activists previously arrested for taking part in demonstrations were sentenced in Taunggup Township, Arakan State. The group had taken part in demonstrations to commemorate the 20th anniversary of the 8888 uprisings. The Sandoway court handed down sentences of two and a half years to the following individuals: Ko Moe Naing Soe, Ko Maung Maung Thet, Ko Chit Maung Maung, Ko Than Lwin and Ma Ni Ni Nay Myint. The activists were all about 20 years of age.

On 5 September, Malayone monastery, located in Thanlin Township, Rangoon was raided by security forces. The unidentified assailants, thought to be members of the military intelligence apparatus, took abbot U Thila Won, 58, into custody.

It was reported on 9 September 2008 that military authorities in Sittwe, Arakan State had heavily increased security in advance of the upcoming anniversary of the death of revered monk Ashin Ottama. Witnesses said that security forces were deployed around Payagy temple and U Ottama Hall, two areas likely to host ceremonies in the late monk’s honour.

It was reported on 10 September that the military had stepped up its surveillance and security in Myitkyina in the lead up to the anniversary of the Saffron revolution. Residents reported increases in security forces in the town itself and within a ten kilometre radius of the town, including checkpoints after 8pm.
14.9 Restrictions on the Freedom of Association

Article 22 of the International Covenant on Civil and Political Rights (ICCPR) states that,

“1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.”

The protections afforded by Article 22 of the ICCPR and Article 20 of the Universal Declaration of Human Rights regarding freedom of association did not deter the SPDC from continuing to employ a range of long standing legislative acts against its domestic opponents in 2008. Restrictive measures were enacted against association related to opposition political groups, monks, human rights defenders and activists. As in the previous years, the Unlawful Associations Act kept the number of newly formed legal organisations to a minimum, ensuring little resistance to the military junta. Article 15 (2) of the Unlawful Associations Act, 1908 (1957) states that an unlawful association is one:

a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or

b) which has been declared to be unlawful by the President of the Union-under the powers hereby conferred.

Supplementing the use of the Unlawful Associations Act, the SPDC also relied upon SPDC Order 2/88, which was mentioned previously in the restrictions on assembly, to restrict association. The act prohibits the “gathering, walking or marching in procession by a group of five or more people regardless of whether the act is with the intention of creating a disturbance or of committing a crime.” This order was used to break up and arrest members of opposition groups staging various types of political and non-political gatherings throughout the year.

Also employed for curbing the activities of opposition groups was the The State Protection Law of 1975, which permits the administrative detention for 90 days (renewable for an additional 90 days) of persons mobilising for perceived anti-government activity.

Another common manipulation of the Burmese Penal Code by the SPDC was to call into effect Article 144. The broad terms of the Article mean that it can be used to break up many types of political activity from meetings to marches. The article prohibits “disturbance of the public tranquillity, or a riot, or an affray.” A prima facie understanding of the law seems to indicate that it could be suitably applied in situations of potential violence or serious civil unrest, however, the article also bans the gathering of five or more people, and hence it has been used in order to break up peaceful gatherings as well. Furthermore, the SPDC’s
inherent fear of any opposition activity meant that the definition of activities that disturb the public tranquillity encompassed such unobjectionable undertakings as prayer vigils and peaceful anniversary marches.

The restrictions on association kept the number of legally registered political groups in the country to 10, according to US Department of State. Despite the legal status of these registered parties, they were still required to request permission from the government to hold meetings of their members. Of those groups, the NLD was particularly targeted and its members faced harassment throughout the year. Other groups to suffer discrimination and intimidation included the 88 Generation Students Group and the All Burma Federation of Student Unions. The ability of the SPDC to restrict association with and between groups like these meant that their political efficiency was severely debilitated, rendering most groups ineffective. The intimidation of registered and potential members, kept membership of these opposition organisations down. The vast number of arrests of political activists throughout 2008 and general pressure from the SPDC meant that even the strongest of the opposition groups, the NLD, faced leadership issues during the year. Whilst the three opposition parties were burdened by continual harassment and threats, the remaining seven legally registered parties enjoyed relative freedom by kowtowing to the regime in return for more favourable treatment.

In the ethnic minority areas that were still experiencing low level combat operations in 2008, there were also punitive measures taken by the SPDC against civilians for perceived association with armed opposition groups. Civilians faced fines, beatings, arbitrary detention, execution and forced labour if suspected of consorting with, or supplying, non-state armed groups in a continuation of the long-standing ‘four cuts’ policy. The four cuts policy aims to sever ties between civilians and non-state armed actors by interrupting lines of food, funds, intelligence and recruits. The four cuts policy has had a wide ranging effect on civilian villagers in the rural ethnic minority areas in several states, including Karen, Mon, Shan and Chin States, for example. The implementation of the policy has lead to a clear and ongoing deterioration in the human rights conditions faced by the populations in these areas. SPDC troops operating in areas not fully under their control (designated ‘Black’ and ‘Brown’ regions) throughout Burma were reported to have committed various human rights violations, often in an environment of near total impunity. (For more information see Chapter 10.1 Restrictions on Villagers in Border Conflict Areas)
14.10 Restrictions on Political Parties

Since its failure to recognise the results of the 1990 elections, the Burmese junta has taken progressive steps in order to restrict political space within the country. The failure of the junta to relinquish power to the elected National League for Democracy was the first step in a long procession of manoeuvres culminating in a situation where there is little opportunity for a viable opposition within Burma. As mentioned earlier, there remains a mere three functioning opposition parties inside the country, and during 2008 those three parties faced greater restrictions than ever.

The latest clampdown on political freedoms was kick-started by the Saffron revolution of 2007. The vast groundswell of support for economic and political reform, reflected by the numbers of participants in the peaceful marches, indicated to the junta that there was a growing and palpable dissatisfaction with years of economic mismanagement and oppression under the SPDC. The response of the regime to this threat was to take an even greater aggressive stance toward the opposition political parties, lest they be able to capitalise on the anti-regime sentiment running through Burmese society. The restriction of political space for the opposition in Burma was typified by widespread arrests, detention, beatings and sentencing of members of opposition political parties, human rights campaigners, and student activists among others. The SPDC sent strong signals throughout 2008 that dissenters would be dealt with harshly in an effort to dissuade association with political groups and activities. Some of those held since the Saffron revolution in 2007 were finally tried in 2008 and were dealt hefty sentences. The leader of the All Burma federation of Student Unions, Sithu Maung was among many charged in 2008. Following his arrest in Tamwe in late 2007 for involvement in the Saffron revolution, charges of unlawful association and crimes against public tranquillity were brought against him by Tamwe Township’s Deputy Police Chief Than Htay Aung. The charges were laid at the Tamwe Township court.

The charges laid against Sithu Maung were typical of the regime’s attempts to extinguish any possible attempts in 2008 of repeating the popular uprisings of the year before. Several groups were dealt with harshly as a means of discouraging political activity, and the Unlawful Associations Act was called upon heavily throughout 2008 in order to restrict political space. Generation Wave, an inchoate organisation conceived following the Saffron Revolution, saw roughly a tenth of its 100 person membership imprisoned in 2008. On 20 November 2008, five members of the group were sentenced to prison terms of five years each in Rangoon. Aung Zay Phyo, Arkarbo, Thiha Win Tin, Wai Linn Phyo and Yan Naing Thu were found guilty by the Lanmadaw Township Court of forming an illegal organisation under the Unlawful Association Act. A sixth member of the group, well known hip-hop singer Zeyar Thaw received a slightly higher sentence of six years, for possessing foreign currency in addition. The All Burma Federation of Students’ Unions (ABFSU) was another group to attract the ire of the junta throughout the year. On 7 August 2008 authorities arrested Myo Teza, a leader of the ABFSU. Two of his colleagues were also arrested.

In addition to unfounded accusations of crimes against public tranquillity and unlawful association, two of the most common charges against political activists in Burma, the regime even went as far as accusing members of the NLD of terrorism in relation to a number of bomb blasts in the former capital of Rangoon in 2008. These accusations came despite the NLD’s repeatedly professed adherence to principles of non-violent resistance, in conjunction with claims of responsibility from separate activist groups. On 1 July 2008, a bomb exploded outside the Shwepyitha Township offices of the Union Solidarity and Development Association (USDA) offices in the former Burmese capital of Rangoon. The regime, through its state run media, were quick to lay the blame for the attack at the feet of the NLD, however, a relatively new activist group, the Vigorous Burmese Student Warriors (VBSW) claimed responsibility for the attacks, claiming it was the work of one of their units. The VBSW also claimed responsibility for an earlier attack in April in Rangoon.
Following the Saffron Revolution, a catalyst from an unexpected quarter was to provide an additional rationale for the SPDC to clampdown on the opposition movement. Tropical cyclone Nargis tore across the delta region of lower Burma in May, leaving a trail of destruction in its wake. The SPDC response to the cyclone served to highlight the ineptitude of the regime in being able to cope with a natural disaster of such a scale, shattering the SPDC myth that Burma is a country capable of complete self-sufficiency, and that the country’s woes are the result of so-called ‘foreign destructive elements’. Jumping into the void left by the regime’s glacial response to the crisis, opposition groups, activists and monks adopted some of what would, in many other countries, have been state responsibilities and began to deliver the urgent assistance required by the cyclone survivors. (For more information see Chapter 10: Cyclone Nargis – From Natural Disaster to Human Catastrophe). The spontaneous, timely response from the opposition and other activists, made the SPDC look cynical by comparison. While the regime prevaricated and deliberated on the best way to accept offers of international help without losing face, the opposition and its allies ferried supplies to the Irrawaddy Delta by all possible means.

The response from these non-state actors was enough to prompt the regime to begin clamping down on their activities in order to appear to maintain control of the relief effort. To the detriment of survivors (some in outlying areas of the delta who were not reached by SPDC administered relief for up to a month following the cyclone) the SPDC began to restrict movements into the Delta region. Authorities seized supplies and set up roadblocks in order to monitor various groups involved in the relief effort. The fallout from Nargis and the response of the opposition groups and others meant that the SPDC sought to further delegitimise and clampdown on the NLD, the 88 Generation Student group and others as a way of quashing any viable alternative to the SPDC control over the country. These groups continued to suffer in the later months of the year as a result of their actions in response to Nargis.

A further rationalisation of the increasing intimidation, arrests and harassment of the Burmese opposition groups appeared to be the election looming in 2010. The proposed election will constitute the country’s first democratic election since 1990, and is step 5 in the ‘Roadmap to Democracy’ (For all seven steps, see Chapter 13 Freedom of Opinion, Expression and the Press). Analysis of the SPDC’s implementation of the 7 step ‘Roadmap to Democracy’ reveals several concerning trends. Pundits consider the process to have been manipulated by the SPDC from its inception and the plan has been characterised by the marginalisation of important stakeholders such as the ethnic minority political parties and the main opposition party, the NLD. The National Convention stretched out for several years and was not in any case an inclusive process, partly due to boycotting over attendance regulations and partly due to the fact that many important opposition politicians languished in prisons throughout Burma at the time of the convention. Eventually the convention yielded a flawed and highly criticised constitution that was voted on during a national emergency (cyclone Nargis). Numerous reports told of glaring irregularities in the voting process, from intimidation of voters, to coercion, vote rigging and outright fraud, to such an extent that the truly incredible 92.4 percent ‘yes’ vote announced by Burmese state radio after the second phase of polling was transparently implausible. The trend throughout the Roadmap process thus far of marginalising the NLD and others through arrests, beatings, surveillance and other nefarious means, suggests that the SPDC has no interest in using the elections as anything but a way of consolidating power. An important element in achieving that consolidation is to keep all opposition groups in their current moribund state. With the election possibly billed as early as March 2010, the SPDC stepped up attacks of all forms against the opposition during 2008.

The SPDC’s history of promise keeping is poor to say the least. The fiasco of foreign aid delivery around the time of Nargis and the past relationship with the United Nations are cases in point. It is not surprising therefore that the SPDC has adopted a two-track
approach to the coming elections. It has been recent policy in Burma to adopt a conciliatory stance when dealing with the international community to ease external pressure, whilst maintaining absolute control of the domestic political scene.

Internationally, it has touted the elections as one of the final steps in establishing the ominously titled ‘discipline flourishing democracy’ in Burma. The junta has sought to appease the international community, just as it has on so many other occasions, by describing the election process with internationally acceptable catch-phrases such as ‘free and fair’, ‘transparent’ and ‘multi-party’ in an attempt to legitimise a process widely regarded by political analysts as a sham.

The rhetoric fed to the international community by the SPDC however, belies the domestic political reality. The junta has shown no recent inclination to relinquish its hold on power, and based on the restrictions on political parties in 2008 there is no reason to suggest that the elections in 2010 will change this reality. In a telling statement from the information minister, the SPDC will lay out strict guidelines which will hamper the way in which political parties will be structured and registered. Brigadier-General Kyaw Hsan, the SPDC Information Minister, said at a press conference on 8 September 2008, that arrangements were being made for the multiparty general election in 2010,

“Every political party which is in conformity with the prescriptions of the already approved constitution and rules and laws on political parties to be prescribed in the future will have rights to stand for the 2010 election,”

Whilst superficially this statement appears to be innocuous, there are three glaring problems that should leave the international community and the Burmese opposition with cause for concern.

Firstly, political groups in the past have conducted their affairs ‘in conformity’ with domestic law, only to have their members harassed and arrested by the regime officials. Whilst interpretation of the law remains an arbitrary practice in Burma, ‘conformity’ has only a relative meaning and does not constitute a legal protection for opposition political actors.

A second, two-fold problem is constituted by the so-called ‘rules and laws’ governing the political parties contesting the elections. At the time of publication, these regulations had not yet been announced, however common sense, and the fact that there are less than ten viable opposition political parties in a country of more than 50 million people would suggest that they will not favour the easy formation of anti-junta political organisations. Furthermore, rule and regulations for the current parties in existence have been routinely ignored by the SPDC for all groups except the pro-junta organisations such as Swan Arr Shin and the USDA. (For more information on these groups see Sections 13.16)

Finally, the phrase ‘approved constitution’ is highly problematic. As discussed previously, the process of approving the constitution was domestically and internationally discredited. Furthermore, the drafting of the constitution was not an inclusive process and lacked the participation of many ethnic nationality political groups as well as many political leaders who languished in prison.

The veracity of the analysis above is evidenced by the vast amounts of arrests through the duration of 2008 in a continuation of the policy of removing key players from the political process and keeping them sidelined in the lead up to the 2010 election. The arrests were consolidated by wildly disproportionate sentencing of activists and opposition leaders. According to Assistance Association for Political Prisoners Burma (AAPPB) based in Mae Sot, Thailand, up until 2 September 2008, at least 286 activists had been arrested in Burma.245
Restrictions on and Harassment of the NLD

Despite its legal status, the NLD has long been targeted for harassment and intimidation by SPDC authorities. There was no respite for NLD members from threats, arrests and beatings at the hands of the security forces of the SPDC throughout 2008. The reported numbers of political prisoners incarcerated at the end of 2008, a great number of which were comprised by the NLD, is suggestive of the fact that, if anything, the NLD was targeted to an even greater degree by the SPDC over the course of 2008. As mentioned earlier, most of the NLD’s offices located outside the main urban centres of Rangoon and Mandalay remained closed.

The concerted campaign against the NLD has taken many forms in the past years. The Saffron revolution provided a convenient context for the SPDC to step up its suppression of the NLD and its members, and this added pressure carried through from the time of the protests in 2007 into 2008. Against the backdrop of the unstable security situation following the uprising, the regime authorities consistently pursued a policy of harassment and intimidation of the NLD over the course of 2008. A widespread crackdown on members of the legal party produced scores of arrests and perfunctory trials in the year following the September uprising of 2007. According to Nyan Win of the NLD, many party members arrested since last year were now facing trials, with at least 30 having been sentenced to at least 2 and a half years in prison between September and early October 2008.246

As can be expected, the SPDC’s assaults on the democratic freedoms of association have taken a heavy toll on the NLD. As result of the decimation of it’s membership in the past year and constant harassment of it’s remaining members, the NLD’s ability to carry out it’s mandate as a legitimate political party has been severely curtailed. A corollary of this attack on the NLD has been that both the direction and control of the party has suffered. A high profile example of this was the resignation in 2008 of 100 Youth Members of the party, following disputes with upper leadership.247 The pressure exerted by the SPDC has had other noticeable effects on the party. The constant surveillance and intimidation of the leadership of the party has made it difficult for the central leadership to maintain a strong directorial role in the conduct of the affairs of the regional offices. A story emerging from early October 2008 suggested that the regional offices were languishing and without direction due to a lack of policy directives from the upper echelons of the party. NLD sources indicated that this lack of drive from the central leadership was affecting morale to some degree in the regional offices.248 An elected MP from Pegu cited the following three reasons why political activity had become so difficult in the repressive political climate:

“Firstly, all the township offices have been closed down so we have nowhere to hold meetings and no one dares to host us.....Secondly, the restrictions imposed on us, for example we have to inform the authorities when we are holding meetings, make not only normal members but also the central executive committee afraid to come to meetings.....Thirdly, the headquarters haven't handed down any instructions or issues that we need to discuss and gain agreement on.”

With the NLD’s ageing leaders, the constant pressure on the party is creating leadership problems. NLD Chairman Aung Shwe is already 91 and was in ill health in 2008 and was not expected to return to work as of 22 October 2008, whilst one of the NLD’s secretaries, 86 year old U Lwin, suffered a stroke in 2008.250
Forced Resignations

The SPDC employed a range of measures against the membership of the NLD over the course of 2008 in order to adversely affect the cost-benefit ratio of joining the party and participating in its activities. Clearly, arrest and detention was the most prevalent method to achieve this end and will be discussed in due course, however there were also less visible methods of coercion and discouragement that potential and actual members of the party faced throughout the year. One such measure was to threaten members with punitive action unless they resigned from the party and desisted from political activity. In a Human Rights Watch report from early 2008 a former NLD member related how he was forced into resigning from the party in 2007, due to threats from authorities. The teacher from Pa-an Town who was interviewed in Mae Sot, Thailand, had the following to say:

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

As can be noted in the example above, the SPDC efforts to punish and discourage association with the NLD have diversified beyond the political spectrum. The regime has been able to manipulate the deteriorating state of the Burmese economy in its efforts to dissuade members of the NLD. Throughout 2008, NLD members were targeted in not only in their political roles but also in their capacity as private business people. It was reported that one elected MP of the NLD in Sittwe, Arakan State, was forced to leave Sittwe because of his affiliation with the NLD. U Maung Krun Aung’s colleague noted the following:

“Yes, the authority restricted his business and was always disturbing him so he could not do his work in his town, after he refused to resign from the NLD against government pressure. So now he has left his native town.”

This photograph shows a group of NLD members who had been arrested and detained by security personnel in Rangoon during 2008 as they were being taking away in two trucks (centre). A third truck can be seen following loaded with armed security personnel. Additional security personnel follow behind the convoy on motorcycles. [Photo: © PDC]
Apart from being a politician, U Maung Krun Aung was also a local businessman and the owner of two businesses: a gas station and a tea shop. U Maung Krun Aung faced pressure from the SPDC several times and was pressured to resign from the NLD. The businessman refused to bow to the demands from the SPDC authorities, however he faced increasing problems at the hands the regime for his refusal to comply. Local SPDC officials refused to issue a licence for his gas station ever since the 1990 NLD election victory. The inability to obtain legal sanction for his businesses led U Maung Krun Aung to move the location of his enterprises from Rathidaung to Northern Arakan State, where he continued to work for the NLD. The politico-economic discrimination by the SPDC against U Maung Krun Aung is indicative of the way in which freedom of association, in this case with the NLD, is restricted by the junta. It also highlights the way in which the SPDC is able to exert economic pressure on those it views as a threat to its hold on power.

In another example reported in 2008, a businessman from the Irrawaddy Division related to Human Rights Watch how the SPDC placed pressure on him through implicit threats and how fellow traders have been shut down by the SPDC. In an interview conducted in March 2008 the man related the following:

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

The treatment of the interviewee, and the fellow trader mentioned, again highlights the manner in which the SPDC are able to target livelihoods as a manner of controlling the political opposition within the country, thereby weakening any legitimate opposition. The current pathetic state of the Burmese economy means that threatening the loss of livelihoods leaves many individuals who juggle political and business interests with little choice but to desist from political activities in order to guarantee the that they can continue to provide for their dependents. (For more information regarding loss of livelihoods, see Chapter 8: Deprivation of Livelihood).

**Surveillance and Restrictions on Meetings**

As mentioned earlier the NLD must request permission from the SPDC before holding certain gatherings and the authorities can choose to grant or deny permission as they see fit. The Unlawful Association Act, which bans the gathering of five or more individuals, means that people gathering in a group of greater than five need to request this permission. However the enforcement of the Act appears to be reasonably arbitrary. For example, pro-junta rallies or gatherings of USDA members do not appear to be subject to this particular law. The denial of permission for gatherings is the first way in which the SPDC can attempt to halt meetings of the NLD. According to NLD communications committee member Daw Khin Than, an example of this took place in Sagaing Division. It was reported on 13 February 2008 that the SPDC refused to grant permission for the holding of Union Day celebrations by the NLD. Even after successfully negotiating the seemingly arbitrary process of getting meetings authorised by SPDC representatives, the NLD gatherings face further obstacles. In some cases the regime attempts to sabotage political gatherings of the NLD through outright threats to individual members, warning against going ahead with meetings. Throughout the
year threats against the party were reported and ranged in severity. In Mandalay Division for example, the Thaungtha Township NLD Chairman U Than Myint said that the party had been warned not to go forward with any plans that were in place for celebrating Union Day in 2008. This message was delivered by the Township Peace and Development Council for Thaungtha Township. Threats such as this one are reported regularly despite the NLD’s status as a legally registered party with the right to carry out any and all lawful gatherings and celebrations allowed for under Burmese domestic law. U Than Myint observed that there had been an increase in the level of restrictions on party activities over the course of 2008; he was reported as saying, “On previous Union Days, they didn’t come to ask these kinds of question, but this year they have been trying to find out about our plans.”

On the occasions when gatherings are permitted to go ahead by the SPDC, there is invariably a considerable presence at these meetings of some or all of the following: police, intelligence officials, USDA members or Swan Arr Shin members. In two separate examples in Rangoon and Aung Lan Township, Magwe Division, NLD meetings were attended by members of the USDA, TPDC and military intelligence officials. At the Rangoon meeting, around 400 members of the USDA observed and took photographs of an NLD celebration that took place at noon on 13 February 2008. On the same day in Aung Lan Township, military affairs security officials, accompanied by local authorities oversaw an NLD meeting of around 30 members.

Particularly large or important anniversaries continued to draw considerable attention from authorities throughout 2008. In July 2008 the NLD celebrations for the 61st Martyrs’ Day came under intense scrutiny. NLD members and guests numbering 400 held the commemoration at party headquarters in Rangoon. According to witnesses, the Swan Arr Shin and USDA junta backed organisations sent around 1,000 members to keep watch over the commemoration services. The pro-junta organisation’s members were supported by riot police and fire-fighters, with all three groups taking up positions around the residence of detained pro-democracy leader Aung San Suu Kyi in University Avenue, as well as around the NLD headquarters in West Shwegondine Street in Bahan Township, Rangoon.

Surveillance of Individual NLD Members

Beyond the heavy surveillance that can accompany NLD meetings, the regime intelligence apparatus, police and other proxy groups also keep a close eye on individual members of the NLD at most times. In this way the SPDC severely restricts the right to association of members of the NLD. The quote below shows the extent to which the SPDC forces will go in order to keep track of NLD members. U Tin Thein Aung who is the acting Secretary of the Taunggup Township NLD and also the Organising Committee Chairman, had the following to say regarding the SPDC surveillance of NLD members,

“They are watching our members more closely now by assigning police officers to follow each individual,.....It’s becoming more like in football matches where players from one team mark the players on the other team,....The police officers will closely follow you from dawn until dusk and keep a record of everything you say. Now we can’t even visit to people close to us freely.”

The high levels of surveillance placed on the upper ranks of the NLD have become open and obvious, to the point where U Tin Thein Aung was able to identify those who were responsible for tracing his movements (in this case, police Private Kyaw Myint).

According to Soe Lay, the NLD secretary for Gwa Township in Arakan State, party members have been not only surveilled, but also prevented by local authorities from performing regular party duties. Beyond the normal levels of harassment of the members themselves, Soe Lay...
indicated that the SPDC authorities also attempt to cut off NLD members from the other members of the civilian community. This has been done by threatening punitive action against those seen as helping or colluding with the NLD in any way. According to Soe Lay,

“The authorities here are preventing us from attending the party’s meeting and questioning us whenever we do things…..They have threatened to the motorbike taxis in town not to provide us with transportation. They are trying to isolate us from people around us by making them scared to communicate with us.”

The SPDC’s attempts to control and isolate the NLD and its membership mean that associating with the NLD can have dire consequences for other members of the community. In such an environment of repression and arbitrary arrest, the price of associating informally with the NLD is simply too high for some.

In a report from 21 February 2008, the dilemma faced by ordinary civilians in supporting the NLD was made plain. The report details the arrest of a boatwoman and two of her family members on 5 February 2008. The crime of the boatwoman had been to transport Dr Aung Moe Nyo and five other members of the Pwintbyu NLD across the river to Yenanyaung in Magwe Division on 4 February 2008. Government officials in the area had previously attempted to coerce local boatmen into signing agreements guaranteeing that they would refuse to transport members of the NLD. Despite this attempt to deny access to transportation for members of the NLD, the detainees chose to ignore the requests. They were subsequently arrested and held at Salin police station. The report stated that the woman’s boating license had been taken away from her in retribution for her actions in aiding NLD members.

This case is indicative of the dangers faced by the civilian population should they become involved with NLD members in the course of everyday life. The fact that civilians face the threat of arrest as well as the possible loss of their means of livelihood means the danger for supporting the NLD is twofold. The threat of arrest is often connected to extortionate behaviour by the authorities. Often an arrest is simply a means by which authorities can extort money from detainees. According to Transparency International's annually released Corruption Perception Index (CPI), Burma was rated as the second most corrupt country in the world. Not surprisingly then, poorly and irregularly paid civil servants (particularly the police) in Burma often seek ways in which to supplement their paltry incomes. Arrests of civilians offer a simple avenue through which officers can raise money through fines. (For more information regarding extortion, see Chapter 8 Deprivation of Livelihood)

Perhaps the greater of the two dangers however, is the loss of the means of livelihood. According to the US Campaign for Burma, 90 percent of Burma’s people live on or below the poverty line. With so much of the population struggling to survive from day to day, it is evident that any loss of income could be catastrophic. In the example discussed above, not only did the arrested woman lose her license and several days’ worth of income. She also lost future means of gaining income and supporting family members. Furthermore, government officials prevented local NLD members from Pwintbyu, Yenanyaung and Seikpyu Townships from visiting the family. NLD members from the surrounding areas raised money to support the family that was punished for helping NLD, however police stationed guards at the house of the boatwoman in order to prevent any delivery of assistance funding for the impoverished family. According to Dr Aung Moe Nyo,

“We are standing by to help these people and we are waiting to go to their house to give them support whenever we can, … We are only trying to help this poor family, and the government should not […] prevent poor and starving people from receiving help.”
Prison as a Deterrent to Political Opposition

The civil uprising of late 2007 revealed that the long tradition of political activism in Burma remained undaunted after more than 45 years of military oppression. The commitment of the civilian population in taking to the streets of cities across the country sent a clear message to the SPDC that civilian resentment with the military government was as strong as ever. In response to the uprising, the SPDC too sent a message to the general public in 2008. That message was clear and unequivocal; those colluding with political parties or taking part in political activity would incur a heavy toll. The treatment of political prisoners at the hands of the regime-controlled judiciary carried a clear warning that dissent would not be tolerated.

The manipulation of the judicial system was used as a method of illustrating to the general public that political dissent would result in long jail terms, regardless of guilt or evidence and proved to be an indirect method of curbing association with political groups. On 24 October 2008, for example, Daw Win Mya Mya and four other members of the National League for Democracy (NLD) in Mandalay, Upper Burma, were sentenced to terms ranging from two to 13 years for attending a party gathering and meeting with American embassy officials. According the Asian Human Rights Commission (AHRC) however, the evidence used against them was completely invalid and they had already been detained illegally for up to a year before their cases were brought to the courts. The police investigating the case fabricated evidence, lied to the court about their arrest dates, and submitted secondary evidence that the Evidence Act deemed inadmissible. Despite no clear evidence implicating them in any way relating to their presence at an NLD meeting and despite clear, contrary evidence that indicated the illegality of their detention, the judge handed down prison sentences for all five individuals.

Manipulation of the legal system, as demonstrated in the case above against NLD members, during trials and the general lack transparency in judicial proceedings were widely reported throughout 2008, indicating that the judiciary in Burma has become yet another tool by which political association has been restricted and suppressed.

The quasi-illegal manner in which activists were detained and treated in the pre-trial phase was compounded by a lack of due process during actual trials of activists and opposition members. On 5 November 2008, 6 members of the NLD faced trial in Mandalay district court. NLD organising committee members Win Mya Mya and Kan Htun, divisional deputy chairman Than Lwin, Min Thu of Mogok, Tin Ko Ko of Meikhtila and Ko Win Shwe of Kyauk Padaung were arrested during the Saffron revolution, but were only brought to the court in early November 2008. The group’s lawyer, Myint Thwin related that an appeal lodged by the group was dismissed out of hand by the presiding judge,

“The judge at the divisional court read our appeal forms and then immediately made the decision to reject the appeal, … [The judge] also intimated that we can lodge further appeals and pleas to higher level courts.”

The six men had been appealing the imposition of jail terms ranging from 2 to 13 years that had been handed down to them in Mandalay jail at the end of the prior month of October 2008.

For many Burmese activists the cost of political agitation is simply too high, and the examples of former politicians such as Zaw Myint Maung are enough to keep a barrier between the opposition and potential members. A former head physician of Ywar-thit-kyi District Hospital in Sagaing Division in 1982, Zaw Myint Maung became a member of the NLD and was subsequently elected as a member of Parliament from Mandalay’s Amarapura Township in 1990. He was arrested shortly after and has remained in prison for the past 18 years.
Restrictions on and Harassment of the NLD - Partial list of incidents for 2008

On 2 January 2008 six members of the NLD from Pwint Phyu Township, Magwe division were detained by police. The group was set to attend 60th anniversary of Burmese independence in Yenanyaung Township in Magwe division. The celebrations were to be hosted by U Khin Win, the township NLD chairman. The arrested group were comprised by:

1. Dr Aung Moe Nyo (CRPP representative);
2. Htay Myint from Nyaungbin Sat;
3. Sein Win;
4. Than Htun;
5. U Ko Oo; and
6. Nay Myo Kyaw from Saku Township

On 7 January 2008 it was reported that over ten political activists had been arrested in the previous six days. On 3 January 2008 two members of the 88 Generation Students Group (and former political prisoners), Ko Ko Maung and Ko Min Han, were arrested in Rangoon. On 4 January 2008 three NLD youth members, Htet Htet Aung, Ko Kyaw Kyaw and Kyaw Zin Win were also arrested in Rangoon.

On 11 January 2008 San Chaung NLD chairman U Thet Wei, 50, was arrested by police at Kyauktada Township court. The former political prisoner was at court for the hearing of demonstrator U Ohn Than. Witnesses said that U Thet Wei was questioned by three officers including the Deputy Police Chief of San Chaung, before he was taken away. Relatives of U Thet Wei were unable to secure any information from the police regarding the arrest.

On 13 January two members of the NLD in Taungdwingyi Township, Magwe Division, were arrested by officials. Township NLD communications committee member U Par Lay and Deputy Chairman U Maung Soe were both arrested at their respective houses. U Par Lay resides in Chaung Nat Village, six miles outside Taungdwingyi. He was arrested around 1pm. U Maung Soe was arrested at his house in Taung Pyin Ward around 4pm on the same day. NLD sources said that both men were arrested by unidentified government officials accompanied by police. They were handcuffed and blindfolded before being led away in vehicles bearing government license plates.

On 16 January 2008, U Kyin Maung, NLD Chairman of Thada U Township in Mandalay Division in central Burma was warned by SPDC authorities to stop distributing rice to local people. U Kyin Maung had been donating rice to around one hundred families in his local area. The warning came despite the fact that U Kyin Maung was not donating the rice on behalf of the NLD, but as a regular citizen.

It was reported on 17 January 2008 the two NLD members arrested four days earlier had been made to stand for two days blindfolded and handcuffed while they were interrogated by officials. The interrogation took place in Mandalay Town and included questions about leaflets, party activities and a visit to Taungdwingyi Town by a US Embassy official.

22 January 2008, two youth members of the NLD, Kalar Shwe (aka Than Htay), and Zaw Naing, were arrested in Taunggup Township, Arakan State for holding a two-man demonstration. The two youths rode through the town for approximately 15 minutes yelling pro-democracy slogans before being arrested by authorities. Their protest began around 1.30pm, beginning at the Phaungdaw Oo pagoda before proceeding onto U Uttama Street. The protest followed a 200 person demonstration 5 days earlier that had been foiled by security forces in the town.
On 23 January 2008 five members of the Taunggup NLD in Arakan State were stopped from visiting the house of the Township NLD Vice-Chairman U Than Pe’s house. The five NLD members had met earlier in a tea shop and were on their way to the house when 80 armed Burmese police led by Sub-Inspector Win Aung Ni stopped the group and ordered them to disperse.277

On 28 January 2008 pro-democracy activists conducted a poster campaign in Taunggup Town. Campaigners placed posters in the downtown area, including at hospitals, market and busy pedestrian areas. The posters called for the release of political prisoners, Aung San Suu Kyi and Buddhist monks previously detained by the regime. The posters also implored the SPDC to initiate dialogue with opposition political groups to move toward national unity, to cease arresting dissidents and to respect human rights. At the time of the report, regime authorities had begun removing the posters.278

On 29 January 2008 police arrested blogger Nay Phone Latt in an internet café in the former capital of Rangoon. Nay Phone Latt’s residence, along with that of his aunt, was raided and searched. At the time of the report, it was unclear what the reasons for the man’s arrest were.279

On 12 February 2008 Taungup NLD member U Chit Htwe was arrested while trying to visit the Phaung Taw Oo pagoda on NLD Union Day. Having already been turned away in the morning, U Chit Htwe returned for a candlelight vigil and was arrested while trying to force his way into the temple past security.280

On 13 February 2008, according to Taungtha Township NLD chairman, Mandalay Division, U Than Myint, local authorities had gone around monasteries to make sure that the monks were not taking offerings from members of the NLD.281

Four members of the NLD were sentenced to one year in prison for participating in a march to hand out leaflets urging people to oppose the proposed constitution. The four members were arrested in Taunggup, Western Arakan State in March.282

Security forces arrested five NLD members on 30 March 2008 following a peaceful demonstration three days earlier. The five were taken from their residences to undisclosed locations.283

On 31 March 2008 Hlaingthaya Township National League for Democracy chairman U Myint Hlaing was assaulted outside his home in Rangoon. The 72 year old was attacked by an unknown assailant around 7.30 in the evening, leaving him with a wound on the right side of the head that required three stitches. Despite calls for assistance to a local police officer patrolling the area, the attacker managed to flee. Myint Hlaing was taken to the Hlaingthaya Township hospital by close friend U Tin Yu, where he received medical treatment.

It was reported that on 1 April 2008 Tin Myint, a chairperson, and Tun Aung, a youth member of Thigankyun Township NLD branch, were arrested by authorities.284

On 6 April 2008 police arrested NLD member Ko Thein Lwin from Ward One in Ramree, located on Ramree Island in Arakan State. The NLD member was carrying statements made by senior party leaders urging citizens to vote against the upcoming referendum on the constitution. The NLD is a legal party and distribution of party statements is also legal under Burmese law.285

On 27 April 2008 in Sittwe, the capital of Arakan state, the VPDC Vice-Chairman U Aung Myint and around 200 day labourers destroyed a shop belonging to NLD member U Ba Sein. The burning of the store and subsequent looting occurred as a result of U Ba Sein’s support for the NLD and the Saffron Revolution the year before, according to relatives of the victim.286
On 19 June 2008 four members of the NLD were arrested by authorities after taking part in birthday celebrations for Aung San Suu Kyi. Prior to the arrests NLD members were set upon by members of the Swan Arr Shin and beaten. The arrested NLD members were Tun Myint, Hla Aye, Maung Maung Thein and Win Naing.\textsuperscript{287}

Khin Maung, 62, an executive member of the Shwepyitha Township branch of the NLD was arrested on 4 July 2008 following a bomb blast at a USDA office in Rangoon. NLD sources suggest that Khin Maung was being scapegoated for the blasts even though it had been claimed by the group known as The Vigorous Burmese Student Warriors.\textsuperscript{288}

Four members of the NLD were arrested on 18 July in the lead up to Martyrs Day. The youths were detained for questioning by authorities, though no concrete reasons for the detentions were given. This followed the routine trend of political activists being questioned around the times of political commemorations ad celebrations.\textsuperscript{289}

It was reported on 18 July that members of the NLD had been warned against planning any activities for the upcoming Martyr’s day commemorations. The commemorations usually involve the laying of wreaths at Martyr’s monument and giving food donations to monks in local monasteries. NLD members were warned that they would need permission from the authorities for any activities and approaches were made in an attempt to coerce NLD leaders to sign agreements that they would refrain from such activities.\textsuperscript{290}

In early August 2008 NLD youth member Ni Ni May Myint was arrested and shackled in a city in Arakan state, whilst taking part in a prayer vigil to remember those who had been killed in the brutal crackdown on the protestors of 1988.\textsuperscript{291}

On 12 August military authorities arrested the Secretary of the Arakan State National League for Democracy, U Nyi Pu. He was taken to an undisclosed location.\textsuperscript{292}

Two members of the NLD were sentenced to two and a half years in prison each on 23 August 2008. The sentencing of the two men from Pakkoku, Magwe Division was punishment for sending a letter to authorities demanding action against rising prices.\textsuperscript{293}

27 August 2008 saw the arrest of 5 township members of the NLD. The arrests came on the back of a spate of arrests of NLD members throughout August. The 5 detainees were to be put on trial alongside six other NLD members arrested earlier that month. The group were apprehended following a peaceful march demanding the release of Daw Aung San Suu Kyi. The 5 were charged under sections 143, 145, 152, 505 and 505(b) of the penal code for: illegal assembly, resisting officials on duty, and disturbing the public order.\textsuperscript{294}

Authorities in Taunggup Township, Arakan state prevented the NLD from holding their monthly meeting on 30 August 2008. Local police and PDC also warned members of the Youth wing that they would all be arrested if they attended the meeting.\textsuperscript{295}

Over the weekend of 6-7 September 2008, 10 members of the NLD were arrested in Magwe Division’s Pwinbyu and Sinpyukyun townships. NLD sources listed to following names of the detainees:

1. Nyein Maung;
2. Thein Aung;
3. Htay Myint;
4. Win Maung;
5. Kyi Htay Aung;
6. Ko Ko Oo;
7. Than Htun; and
8. Three unidentified persons.\textsuperscript{296}
On 7 September 2008 four members of the NLD from Magwe Division were sentenced for up to two and a half years each. Magwe Divisional secretary, Myint Oo, received two years for discrediting the government and half a year for taking part in public demonstrations. Tha Cho from Yenangyaung received two and a half years for taking part in a demonstration. Tun Tun Nyein from Chauk received a sentence of the same length and Ko Htay Win, from Natmauk received a two year sentence on the same charge.297

NLD members Ko Tint Lwin, Ko Myint Lwin, Ko Aw Gyi (also known as Win Naing) and Ko Nan Win were held and questioned for roughly 24 hours on 8 September 2008. The four were asked a series of questions relating to possible involvement in earlier the bombing of the USDA office in Shwepyitha Township.298

On 8 September 2008, 8 dissidents were arrested in Yenangyaung Township in Magwe Division, central Burma. The group, listed below, included members of the NLD.

1. Myint Wa;
2. Win Myint Hlaing;
3. Khin Win;
4. Tint Lwin;
5. Aw Gyi (aka Win Hlaing);
6. Than Aung;
7. Nang Win; and
8. Maung Maung.299

On 9 September police arrested Ko Moe Htet Hlyan, the brother-in-law of prominent monk U Gambira, and five of his friends in Rangoon. The arrest took place at Ko Moe Htet Hylan’s home in Rangoon at 7.30pm.300 According to Ko Moe Htet Hylan’s wife, Ma Khin Thu Htay, police became suspicious that Ko Moe Htet Hylan was planning to release a lantern on the anniversary of the Saffron revolution. Police seized a computer, a memory stick, a paper-cutter, a bag containing discs and an MP4 player from the house of the arrested man. At the time of the report Ma Khin Thu Htay was unaware of where her husband was being held.301

On 10 September 2008, prominent female activist Nilar Thein was arrested after spending a year in hiding. The activist was arrested whilst visiting fellow activist Ant Bwe Kyaw’s mother in Rangoon’s Yankin Township. At the time of the report she was being held in an unknown location. The arrest followed two previous stints in the prisons of Insein and Tharawaddy for involvement in political activities.302

On 10 September 2008, police in Meiktila, Mandalay Division, arrested eight local youths including Ko Aung Ko Ko Lwin, the younger brother of activist monk U Gambira.303

On 11 September 2008 the following NLD members were sentenced to two and a half years in jail for political activity;
1. U Myint Oo from Magwe;
2. U Thar Cho from Yenangyaung; and
3. U Tun Tun Nyein from Chauk;

Four residents of Pakokku were sentenced on 11 September 2008 for having contact with the foreign media, they were;
1. U Nayla;
2. U Tha Aung; and
3. U Sein Lin.
The three each received two year sentences and the fourth member, U Thant Shin received a nine year sentence.304
It was reported on 15 September 2008 that Kyauktada Township Court sentenced the following NLD members:

1. Kyaw Zin Win (16 years);
2. Kyaw Kyaw Lin (13 years);
3. Kyi Kyi Wah (11 years);
4. Nay Zar Myo Win (5 years); and
5. Aung Zaw Oo (5 years);

The following youth members of the Hlaingthaya Township NLD were also sentenced by a special court held inside Insein prison:

1. Than Zaw Myint (nine and a half years);
2. San Win (nine and a half years);
3. Thant Zin Myo (nine and a half years);
4. Nge Ma (seven and a half years);
5. Kyaw Soe Win (seven and a half years); and
6. Thaik Min (seven and a half years);

Insein special court also sentenced the following NLD members from Mandalay Division:

1. Shwe Maung (four years);
2. Wunna Aung (four years); and
3. Zaw Win (four years). 305

It was reported on 15 September 2008 that township authorities had told NLD MP Tin Shwe and the Deputy Chairman of the Thanatpin Township, Thein Lwin, that there were travel restrictions on them both for the month of September.306

On 16 September 2008 authorities released Tin Tin Win from custody. The 70 year old mother of 88 generation student Ant Bwe Kyaw, was arrested by the police on 11 September 2008 from her residence in Yankin Township, Rangoon. According to Daw Kyi Oo, the mother of detained popular comedian Zarganar, Tin Tin Win was interrogated by authorities. Sources add that although the reason for the arrest was unclear, it was possibly linked to a visit paid to Tin Tin Win by wanted activist Nilar Thein, who was arrested on the same day.307

NLD member U Win Thein, who was released from prison on the 23 September 2008, was rearrested on 24 September 2008. No reason was given for the arrest of the 67 year old former army Captain.308

NLD chairperson chair U Aung Shwe and members of the party’s central executive committee were called to the interior ministry on 25 September 2008. Police Chief Khin Yi informed the group that they must retract a previously released statement demanding that the authorities form a constitutional review committee. The NLD members denied that this was possible.309

On 27 September 2008, nine members of the National League for Democracy were arrested, including Ma Htet Htet Oo Wai and Daw Shan Ma from Shwepyitha Township, and another seven unnamed individuals.310 All nine were subsequently released after questioning.311

It was reported on 27 September 2008 that jailed activists who were arrested following the Saffron Revolution were transferred remote jails in northern Burma. Bogale NLD chairman U Aung Khin Bo and township NLD members U Maung Muang Chit, Daw Mi Mi San, Daw Khin Lay, U Thet Tun and U Thein Tun were sent to Insein prison, and then transferred on to Myingyan and Pakokku jails in upper Burma. At the time of the report, Ko Aung Moe Win, Ko Htay Win, Ko Kyi Win from Laputta, Ko Saw Win from Henzada and U Aye Win from Bassein were also due to be transferred, according to their family members.312
It was reported on 1 October that NLD Youth member Aung Moe Lwin had died in custody. Aung Moe Lwin had been detained following the Saffron revolution.\textsuperscript{313}

On 1 October 2008, journalist and NLD member Ohn Kyaing was arrested by the Special Intelligence Police Unit. The reasons for his arrest were unknown. Ohn Kyaing, 64, has already spent more than fifteen years in prison.\textsuperscript{314}

On 2 October 2008 NLD Youth member Mya Than Htike was sentenced to four years in prison for participating in the September uprising of 2007. He was charged under sections 505(b) and 405 of the penal code which relate to offences against the state or disturbing public tranquillity, and unlawful assembly respectively. Mya Than Htike was shot by troops during the demonstration and was later arrested from hospital and sent to Insein prison.\textsuperscript{315}

On 24 October 2008 6 leading NLD members were charged under sections 505(b) and 153 of the Penal Code. Below the individuals are listed with their role in the NLD and their respective sentences;

1. Win Mya Mya (F), organizing committee member of NLD Mandalay Division, 12 years;
2. Kan Tun (M), secretary of the NLD Mandalay Division, 12 years;
3. Than Lwin (M), MP, vice-chair person of the NLD Mandalay Division, 8 years;
4. Min Thu (M), head of the Mogok Township NLD, Mandalay Division, 13 years;
5. Tin Ko Ko (M), organising committee member of Meiktila Township NLD of Mandalay division, 2 years; and
6. Win Shwe (M), member of Salin Township NLD of Magwe Division, 11 years.\textsuperscript{316}

On 27 October 2008 it was reported that Win Mya Mya, who served as a committee member of the NLD in the central region of Mandalay, was given a 12-year jail sentence on 24 October 2008 for her role in the September 2007 anti-government protests.

On 27 Oct 2008 five members of the NLD from the central region of Mandalay were given sentences varying from 8-13 years for violating sections 505 (B) and 153 (A), prohibiting acts that disrupt public tranquillity or incite acts against the state or promotes discord among those of different classes.\textsuperscript{317}

On 29 Oct 2008 that Nyi Nyi Htwe, a lawyer representing 11 NLD youth members was detained by police and held in Hlaingthaya police station, Rangoon.\textsuperscript{318}

On 13 November 2008 11 members of the NLD were sentenced to seven and a half years in prison. They were;

1. U Tin Yuu;
2. Ko Than Naing;
3. Ko Soe Min Min;
4. Ma Hla Hla Maw;
5. Ko Thant Zin Myo;
6. Ko Kyaw Soe Win;
7. Ko Sann Win;
8. U Win Myint;
9. Ko Aung Min Naing;
10. Ko Myo Kyaw Zin; and
11. Ko Yan Naing Tun (Kemmendine).\textsuperscript{319}
On 14 November 2008 more than a dozen NLD members were imprisoned for terms ranging from five to sixteen years. The following members received sentences between five and 16 years:

1. Ko Kyaw Zin Win (NLD youth leader);
2. Ko Kyaw Kyaw Lin (deputy);
3. Ma Kyi Kyi Wa;
4. Ko Nay Zar Myo Win; and
5. Ko Aung Zaw Oo;

The following Hlaing Township NLD members received sentences ranging from seven and a half years to nine and a half years:

6. Ko Than Zaw Myint;
7. Ko Hlaing Min; and
8. Daw Nge.

The following three NLD members had their existing sentences extended

9. Ko Thant Zin Myo (nine and a half years added);
10. Ko San Win (nine and a half years added); and
11. Ko Kyaw Soe Win (seven and a half years added).

Dagon Myothit Township NLD members U Tin Win and Ko Nyi Nyi Min received two year sentences, while Thaketa Township member U Tin Myint received two and a half years.

The following Mandalay NLD members each received four year sentences;

12. Ko Shwe Maung;
13. Ko Wunna Maung; and
14. Ko Zaw Min Lay

On 17 November 2008 three youth division members of the NLD, Myo Thant, Kyi Phyu and Thein Swe were sentenced to six and a half years in prison.

On 30 December 2008 it was reported that up to nine protestors had been arrested by regime authorities following an impromptu march outside of party head office in West Shwegondine Street in Bahan Township. The protestors carried banners demanding the release of Daw Aung San Suu Kyi. Those arrested were youth members of the NLD, including:

1. Htet Htet Oo Way;
2. Tun Tun Win;
3. Ye Ni;
4. Win Myint;
5. Thet Maung Tun;
6. Pyae Pyae;
7. Min Thein;
8. Aung Phyo Wai;
9. Kaung Phyo Wai;

It was reported on 11 December 2008 that Mya Win, an 88 Generation Students Group leader was sentenced to 65 years in prison and sent to Loikaw in Karenni state, eastern Burma.

On 17 December 2008 NLD members in Yenangyaung Township reiterated their calls for their offices to be re-opened. The offices were shut down by authorities on 31 May 2003 despite the NLD holding legal status as a political party.

It was reported on 30 December 2008 that authorities had stepped up restrictions against former political prisoner and NLD member Win Tin. According to taxi drivers based close to Win Tin's home, they were warned by authorities that if they were caught picking up Win Tin, they would be prosecuted.
14.11 Restrictions on and Harassment of Human Rights Defenders and Activists

Over the course of the previous two decades much of the attention given to Burma in the international and exile media has focused on the role of the National League for Democracy. Given the victory of the NLD in the elections of 1990 and the critical role played by detained Nobel Laureate Daw Aung San Suu Kyi, this is not surprising. Whilst it is important to acknowledge the role of the NLD in the political landscape of Burma, it is also important to recognise the work of various other political activists and civil society groups within the country and the restrictions placed upon them. Although the NLD retains its central role as the main opposition force within Burma, the SPDC’s campaign of attrition against the party has not been without deleterious effects. Many members of the party remain in exile, the leaders from the 1990 election era are ageing and the SPDC crackdown on the party’s activities has hampered the relationship between urban and rural centres of power. The intense focus of the SPDC on curtailing the NLD has created an opportunity for various groups such as the Human Rights Defenders and Promoters and the 88 Generation Students Group to increase their legitimacy in the eyes of the general public through their activism. The resulting activism of these groups, typified by their involvement in the Saffron revolution and other community based campaigns, has exposed these organisations to greater scrutiny from the regime, with a commensurate increase in the harassment and arrest of their members. According to AAPPB, a total of 53 activists of the NLD, 88 Generation Students Group and various other organisations were given prison terms in the month of November 2008 alone.326

Throughout the year various human rights defenders and activists faced harassment and the threat of arrest at the hands of the SPDC authorities. The year saw the continuation of persecution aimed at those activists who were involved in the Saffron revolution, with continued arrests, sentencing and the transportation of prisoners to remote locations throughout the country in an attempt to isolate activists from their supporters and relatives.
Activists were also subjected to obstructionist tactics and arrest from the SPDC during the Nargis relief effort in May and beyond. Many groups and individuals who attempted to step into the breach left by the SPDC’s inaction in the crucial first weeks of the crisis found themselves unable to travel to the delta region to deliver aid. Many were arrested or had aid supplies commandeered by the SPDC authorities or the military. Several high profile activists remain incarcerated due to their activities during the relief effort.

Lawyers and human rights defenders came under increasing attack during 2008. Several prominent lawyers were threatened with arrest and prosecution in the exercise of their defences of prominent activists. The resulting pressure from the authorities made the defence of some activists untenable and several lawyers were obliged to flee the country in order to protect their own freedom. Some lawyers chose to stay however, resulting in several incarcerations.

**Harassment of Human Rights Defenders**

Human rights defenders in Burma endured a turbulent year in 2008. The fallout from the Saffron Revolution meant that civil society faced increasing restrictions from authorities; hence those that sought to protect the civil liberties of activists and opposition groups themselves faced difficulties. The situation in Burma in 2008 was demonstrative of the fact that in the current climate, it is not only political opponents that the regime seeks to suppress, but any elements of society that it deems threatening to the junta’s manipulation and control over Burmese society. The Human Rights Defenders and Promoters group formed and led by lawyer U Myint Aye, faced particular persecution in 2008 with members of the organisation physically assaulted and the leader of the group eventually arrested late in the year.

On 27 March 2008, U Myint Aye was attacked by two unknown men as he was walking to his residence in Myaynigone, in the Sanchaung Township of Rangoon. The attackers used batons to assault the lawyer and activist. U Myint Aye was later admitted to the Rangoon General Hospital with head injuries. The attack was reported by U Myint Aye to the Sanchaung Township court; however, it is unknown whether the authorities took any action against the perpetrators. Speculation suggested that the attack may have been SPDC organised and hence, action to find the culprits was not likely to be forthcoming from authorities.

Five months after the physical assault on U Myint Aye, police placed the human rights defender under arrest, following a raid on his father in law’s home at No 28, 5th Floor, Ingabu Street, Sanchaung Township, at about 7 p.m. The local Peace and Development Council Chairman and almost a dozen police from Kemmendine Township police force, led by chief of Police Major Kyaw Zin conducted the raid. After authorities searched the house, U Myint Aye was subjected to two and a half hours of interrogation before being taken away. The raid and arrest, following on the heels of the previous attack served to illustrate that civil society groups are being targeted as well as opposition political groups as the SPDC widens the net against those seen as a threat to the regime. As Maung Maung Lay, a member of the HRDP commented at the time,

“We are only promoting and defending human rights in Burma not working for political power. I think the authorities want to weaken our human right awareness and education campaign. This way they can control the human right movement in Burma,” 328
Up until this incident, U Myint aye had been arrested seven times already. According to his wife Ma Leh Leh, authorities have always refused to answer any queries regarding his detention, saying,

“They never let us know where he’s been taken, for what reason or how long will it be, even when we ask – I’ve got used to this and so I didn’t bother to ask them this time.”

Harassment of Those Involved in the Saffron Revolution

Some activists who were arrested shortly after the Saffron Revolution of 2007 were denied the chance to defend themselves until well into 2008. Activists and students who were arrested for their part in the protests were held incommunicado for long periods before facing trial on specious charges. It was reported as late as 25 July 2008 that a group of student activists who were originally arrested on 20 October 2007 had finally been tried in the Kyauktada Township court in Rangoon Division. After waiting nine months in jail, the group was finally sentenced to two years in prison with hard labour. The group was set to serve out their time in various hard labour camps, including Kyaikkasan labour camp (Rangoon Division), Pa’an New Life labour camp (Karen State), Taung Zun labour camp (Mon State), Zin Kyai labour camp (Mon State), and Yinnyein labour camp (Mon State). The group of ten Muslim students faced a difficult two years in the labour camps where sources describe the conditions as arduous. According to AAPPB’s Joint Secretary Tate Naing, a former inmate at labour camps in Burma, “Labour camps are hard places even for strong people. There is no chance for young students and monks to survive in the camps.”

According to the AAPPB, daily life in Burma’s labour camps is punctuated by torture delivered by prison guards, and by a deficit of adequate medical care. Conditions such as these have lead to the deaths of 19 monks in prisons since their arrests for leading the September 2007 protests.

Harassment of Individuals Involved in Private Cyclone Relief

The lack of an adequate regime response to the suffering of cyclone victims led to a large groundswell of private philanthropy from many quarters of Burmese society. Predictably, the spontaneous acts of charity were impeded and activists detained. This was the result of the SPDC’s attempts to assert complete control over the relief effort. The initial period following the impact of the cyclone exposed the utter lack of readiness on the part of the regime to deal with the crisis despite repeated warnings, beginning from 26 April 2008, from the Indian Meteorological Department. The lack of disaster preparation allowed many private donors, who recognised the urgency of the situation, to fill the void negligently left by the state authorities and begin delivering donated aid supplies into the delta region.

Of course, aid donated by private individuals did not paint the correct picture of a military capable of managing any crisis, and the private deliveries were soon impeded, loads confiscated and redistributed by the military and cars impounded. It was reported on 27 May 2008 that in Hlaingthaya Township's Pan Hlaing bridge, police seized 42 trucks returning from delivering aid to cyclone survivors in Dedaye and Pyapon Townships in Irrawaddy Division. The drivers of the trucks loaded with private donations were stopped on the evening of 25 May 2008 by police as they arrived at the Pan Hlaing bridge, they were taken to Government Technology Institute compound in Insein township. No reason was given by the police as to why they were being taken there. One of the donors who was with the trucks when they were stopped gave the following account of dealing with the police officers who stopped the convoy, “They only said they were acting on the orders of their superiors
but they refused to tell us whether we were being arrested or not.” 334 The drivers of the
tucks were eventually released by the authorities later the same evening around midnight,
however the drivers had their licenses confiscated by the authorities. The trucks were only
released the following day at 2 pm. According to a private donor the route across the Pan
Hlaing Bridge was closed down following this incident, thereby cutting off the most popular
access route to get aid supplies into the Irrawaddy delta region.335

Multiple stories leaked out of the delta at the time of the cyclone chronicling the manner in
which the junta was obstructing the best efforts of individuals to help their fellow citizens.
The regime’s attempts to catch up to the swift response of the average citizen were revealed
in anecdotal evidence of those who had travelled to the delta soon after the cyclone. The
conflicting goals of rapid aid delivery on the part of private donors and the need to control the
entire process on the part of the SPDC led to great frustration for survivors as well as
donors. One donor related how he and several friends, who had organised to take aid
supplies into the delta, were prevented from distributing aid in Pegu District, Pegu
Division.336 Upon arrival at an unnamed village, the group were told by police that they
would not be allowed to distribute their supplies, whereupon, they moved on to the next
village. At the next village the village head told the group that they would not be able to
distribute aid there either; however this drew the ire of the local villagers. At this juncture the
headman explained the position that he had been placed in by authorities. The township
council had informed the head of the village that if any aid was received by volunteers, it was
to be listed and reported to the township council which would then report to the division
council. At this stage the division council would make a decision regarding who would
receive aid and how the aid would be distributed. The major sticking point though was that
this process would only take place after 24 May 2008, which was the date of the postponed
referendum. According to the donor named as Tun Tun, “The villagers were very angry,
very angry when they heard this. You know, they have been eating coconut, bamboo shoots
and the inner stems of a banana for a week.” 337

On 25 May 2008 private donors were detained by authorities following trips into the
Irrawaddy division to deliver supplies to survivors of cyclone Nargis. The detainees were
denied permission to return the following day in order to deliver more supplies. When
questioned as to the reason for their detention they were given no answers by authorities.
Eventually the detainees were released at midnight, though their driver’s licenses were not
returned.338

Well known sports writer and former political prisoner Zaw Thet Thwe was also arrested for
his part in delivering aid supplies in the delta. Authorities picked him up as he was returning
from visiting his mother in Minbu, Magwe Division on 13 June 2008.339 Not content to arrest
Zaw Thet Thwe for his charity work, the authorities also refused his family access to him in
prison. Khaing Cho Zaw Win Tin, the wife of the detained journalist was finally granted
visitation rights only after two months had elapsed following the arrest. On 28 July 2008,
Zaw Thet Thwe was finally charged, along with comedian Zarganar, under Section 505(b) of
the Burmese Penal Code (disturbing public tranquillity) among other charges. It was around
the time of the charges being laid that the detained man’s wife and daughter were allowed to
meet with him briefly. Although there appears to be a clear manipulation of the defendants’
rights in this case, the family of the detained man were actually quite fortunate relative to
other families of detained activists and political prisoners. It is common for families to wait
for months on end simply to hear news of the whereabouts of prisoners and detainees or
indeed why they were arrested in the first place.
Harassment of Lawyers

In another move to hamper the free and fair access to the legal system for political prisoners, the authorities have also taken to harassing the legal counsel of political prisoners. The harassment of legal counsel of activists and opposition politicians appears to be a relatively recent phenomenon aimed at ramping up pressure against civil society. It is difficult to assess the root causes of the increase in the threats and harassment aimed at lawyers, however, it is possible to assert that this was somewhat predictable given the vast increase in the arrests of pro-democracy elements in Burma over the course of 2008. Statistically, those involved in protecting the rights of such elements of civil society were at a higher risk of becoming targets themselves, as the junta continues to subdue threats to its grip on power within the country.

Lawyers who have taken on the cases of political and human rights activists faced prosecution on several occasions over the course of 2008, prompting some to drop their cases and flee the country for fear of arrest. Some have indeed been arrested and now face hefty prison sentences. In a written statement released following his escape to safety in Thailand, Saw Kyaw Kyaw, former lawyer for NLD clients, accused the courts of allowing the following illegal practices;

1. Delaying approval for lawyers to represent prisoners;
2. Keeping security officers in the room when lawyers and clients meet;
3. Failing to inform lawyers of court dates;
4. Directing judges, prosecutors, and prosecution witnesses; and
5. Improperly redacting court records and transcripts.

Lawyers who seek to lodge complaints in regards to such practices may well find themselves facing contempt of court charges along with arrest. Saw Kyaw Kyaw chose to flee Burma rather than face arrest after he was charged with insulting a public servant (constituting contempt of court) under section 228 of the Penal Code. He related to the DVB in early December 2008 how trials were delayed and how lawyers were hampered in the ways listed above, in their efforts to help clients receive fair hearings. Along with Saw Kyaw Kyaw, Nyi Nyi Htwe and three of Nyi Nyi Htwe’s clients were also charged with contempt of court for interrupting court proceedings. The charges incurred a prison sentence of six months for the lawyer and the three clients. Nyi Nyi Htwe and Saw Kyaw Kyaw Min had been in the process of defending 11 youth activists who were arrested previously after attending a prayer meeting to call for the release of detained opposition leader Daw Aung San Suu Kyi. Although the defendants had been informed of the charges against them, it was only when they turned up in court that they found out that they had been sentenced already. None of the men charged were furnished an opportunity to defend themselves.

The perversion of justice was mirrored in an earlier case from 10 November 2008, which went someway toward validating Saw Kyaw Kyaw’s assertion regarding the decaying transparency of the judiciary, when two lawyers representing political activists were arrested at their residences in Rangoon. Aung Thein and Khin Maung Shein were detained at Insein Prison and charged with contempt of court by the Rangoon Supreme Court, resulting in the two lawyers receiving a four month prison sentence each. The two lawyers were charged with contempt following the submission of a complaint letter that questioned the jurisdiction of the court that was trying their clients. The arrest of the two lawyers followed the arrest earlier of two other lawyers representing NLD youth members.

The judiciary and its processes are increasingly being manipulated by the SPDC to suppress political and rights activists, much to the chagrin of Burmese legal commentators who lament the lack of independence of the legal system within Burma. In reference to the sentencing of
the lawyers mentioned above, Thein Oo from the Thailand based Burma Lawyers Council, made the following comment on the state of the justice system in Burma,

“Their arrest highlights that there is no free and fair trial in the judicial system in Burma and how the regime continues violating human rights,…What is happening now in Burma's judicial system is the judge stands on the ruler's side. They do what the rulers command. So, there is no chance for the people to get a fair trial in courts……If these sorts of conditions continue to prevail, the military rulers will keep on oppressing the people. And the people will be forced to do what the regime asks them to do,” 344

The failure of the judicial system in Burma is also increasingly characterised by a near total lack of transparency in its approach to political cases. Regime authorities, acting through the courts, have restricted the families of detainees from attending their court cases and have increasingly moved trials to in-camera sessions, such as those held during 2008 in the Insein prison in Rangoon. On 7 October 2008 Khin Maung Shein, the lawyer who represented Min Ko Naing and other 88 Generation Students Group leaders, claimed that his clients had requested that their families be allowed to attend their court hearings. Relatives of the student leaders were told on the morning of 6 October that they would no longer be allowed to attend the hearings because authorities said their presence could delay the process.345 Cases such as this one were frequently reported and appeared to comprise a concerted effort at maintaining a lack of transparency in court proceedings, which often involved specious charges against defendants, as well as keeping activists and political detainees separated from their support base.

Isolation of Political Prisoners

The regime consolidated its hold on power through calculated measures enacted in 2008. As a part of those measures, the regime began isolating political prisoners by sending them to remote prisons throughout the country. Many activists found themselves transferred to remote jails into which they were moved often before relatives and family had been informed. Ko Ko Gyi and fellow student leader Min Ko Naing, for example, were moved from Keng Tung prison in eastern Shan state after they had originally been sentenced in Maubin in the Irrawaddy Division. It was reported by Keng Tung locals that Ko Ko Gyi was moved again, to an even more remote location, Mae Sat prison, two days after his arrival in Keng Tung. The movement of prisoners in this fashion to remote locations affects the financial viability of having relatives come to offer support to activists. In this way the regime has sought to break down the support networks and morale of political activists.346

The movement of political prisoners and activists is becoming increasingly frequent in Burma as the junta seeks to cut the support provided by families to those in the pro-democracy movement. The AAPPB says that more than 100 of the 143 dissidents convicted between the Saffron Revolution and late November 2008 were sent to remote prisons.347 The relocation of prisoners to remote locations, and the obfuscation by the authorities that goes along with those relocations, serves to confuse family members of the victims and inhibit their ability to locate loved ones and support them in prison. When Ko Ko Gyi’s younger brother, Aung Thun, questioned authorities as to his brother’s whereabouts, he was refused any information.

Transfers of political prisoners were especially prevalent toward the end of 2008, following a spate of arrests. In a typical example, 88 Generation Students Group leader Hla Myo Naung was transferred to Myitkyina prison in Kachin State on 22 November 2008 where he was placed in solitary confinement (a relatively common fate for high level political prisoners) and
has had no contact with others.\textsuperscript{348} Aung Thu, another 88 Generation Students Group leader and two other activists, Bo Bo Win Hlaing and Myat San, were also transferred from Myitkyina prison to northern Kachin State’s Putao prison.\textsuperscript{349}

On the same day, six other activists, including All Burma Federation of Student Unions leader Si Thu Maung, were sent from Insein prison, to Sittwe in Arakan state. Si Thu Maung is to serve an 11 and a half year prison term for his political activities. One of the prisoner’s fathers was not informed about the relocation until he went to Insein prison to pay a visit to him.\textsuperscript{350}

On 18 November 2008 it was reported that Blogger Nay Phone Latt and 88 Generation Student Group member Nyan Linn were transferred to Pa’an prison in Karen State on 17 November 2008. The same report said that Aung Zaw Oo of the Human Rights Defenders and Promoters network was transferred to Pegu prison, while network member Win Maw was transferred to Taungoo prison in Pegu Division.\textsuperscript{351}

On 17 November 2008 it was reported that the lawyers mentioned previously, Aung Thein and Khin Maung Shein, were transferred to Bassein Prison and Myaungmya Prison in Irrawaddy Division, according to the AAPPB. Both lawyers were sentenced on 7 October 2008 by the Hlaing Township court in Rangoon to four months imprisonment for contempt of court. On the same day, at least 11 other political prisoners whose names were not known were transferred from Insein Prison to remote prisons, according to sources.\textsuperscript{352}

On 3 December 2008 Burmese hip-hop star and creator of the Generation Wave activist group, Theya Zaw, was transferred along with three colleagues, from Rangoon’s Insein prison to the remote Kawthaung prison in the south of Tenasserim Division. Theya Zaw had previously been sentenced to 6 years in prison in November of 2008. Theya Zaw’s three colleagues, who had formed a band with the star in 2000, were likewise transferred to remote locations. Aung Zay Phyo was transferred to Taungoo prison in Pegu Division, Thiha Win Tin was sent to Nyaung U prison in Mandalay Division, and Arkar Bo to Kyauk Pyu prison in Arakan State.\textsuperscript{353}

Even if relatives and supporters of imprisoned political prisoners do manage to find out where those prisoners are being incarcerated, their problems do not stop there. There may well be financial hurdles to overcome in visiting those held in prison. There were reports on 12 December 2008 that local authorities in Myitkyina, Kachin State, had refused to issue permission for those relatives coming from other areas to stay in their friends’ houses whilst they were paying visits to those detained. In this way the SPDC has made it even more problematic for families to provide support to political prisoners.\textsuperscript{354}
Restrictions on and Harassment of the Human Rights Defenders and Activists - Partial list of incidents for 2008

On 4 June 2008, police arrested prominent Burmese comedian Zarganar following his involvement in efforts to provide relief to victims of cyclone Nargis. Prior to his arrest Zarganar had helped organise hundreds of volunteers to provide water, food and clothes to survivors in the Irrawaddy Delta.355

It was reported on 2 July 2008 that the junta increased surveillance of civilians and monks in Rangoon in response to the approaching 20th Anniversary of the 8888 student uprising. Sources reported visits to monasteries by members of the Union Solidarity and Development Association (USDA) requesting that monks report any arrivals of overnight guests.356

It was reported on 9 July 2008 that red and black items of clothing were being confiscated from political prisoners and returned to the prisoners’ families. Red and black clothing, especially black Kachin and Yaw longyis, as well as collarless shirts have become synonymous with the student leaders and student politicians of the 88 uprising.357

Irrawaddy reported on 10 July 2008 that new charges had been laid against student activist Ko Ko Gyi. The well known member of the 88 Generation Students Group was already incarcerated under Act 33 A of the Electronic Act, following his participation in protests in August 2007. He was further charged with Act 17/1, the Illegal Organisation Act.358

On 7 August 2008 military intelligence officials arrested three members of the ABFSU, Aung Kyaw (Rangoon Western University), Htain Lin (University of Education, Rangoon) and Chit Tun Lwin (Maubin University) and two members of the 88 Generation Students Group: Mar Mar Oo and Myo Thant. Family of the detained activists were not informed of their whereabouts, the charges that they faced or the likely length of their incarceration.359

On 8 August 2008 authorities arrested 20 youths in Taunggup, Arakan state. The youths were engaged in a procession commemorating the 88’ Student uprising.360

On 14 August 2008 U Saw Hla Maung was arrested in Sittwe, the capital of Arakan state. U Saw Hla Maung, a democracy activist, had been involved in pro-democracy rallies in Rangoon during the Saffron Revolution. He was taken to an undisclosed location for interrogation; his whereabouts were unknown at the time of publication.361

On August 2008 prominent activist Sithu Maung’s parents U Peter and Nu Nu Swe were sentenced to prison terms of six years in prison for resisting officials who came to their house looking for their son.362

Thirty five members of the 88 Generation Student Group appeared in court on 2 September 2008 to face charges after taking part in the demonstrations of September 2007. The 35 had been held in Insein prison since the time of their arrest. One of the group’s lawyers, Aung Thein, claimed he has not been able to meet with his clients.363

On 5 September 2008 six activists were arrested in Hlaingthaya Township.364

Six activists from Pakkoku were sentenced for charges of planning bombings and demonstrations 7 September 2008. The six men and related charges and sentences are listed below;

1. Thant Shin, seven years for threatening state security and two years for inciting public disturbances;
2. Tha Aung, Nay La and Sein Lin, two years each for inciting public disturbances; and
3. Ko Pho Ni and Ko Nyein Chan, seven years each for destroying public property.365
Well known activist and member of the 88 Generation Students Group Nilar Thein was arrested on 10 September 2008 in Yankin Township, Rangoon, following one year spent in hiding.  

70-year-old Tin Tin Win was arrested by officials on 11 September 2008. The cause of her arrest was not clear, though speculation arose that it was in connection to a visit she received the week before her arrest from prominent activist Nilar Thein. Tin Tin Win is also the mother of 88 Generation Student Group leader Aunt Phwe Kyaw (Tin Tin Win was subsequently released after four days of detention and questioning.)  

On 16 September 2008 labour rights activist Thet Way was sentenced to two years hard labour. Thet Way had been active in bringing complaints to the International Labour Organisation regarding child soldiers and forced labour.  

On 18 September authorities in Myitkyina, Kachin State seized and held leaflets that had been posted around the city by members of the All Kachin Student's Union (AKSU). The leaflets contained anti-regime sentiments condemning the military coup of 1988.  

On 20 September 2008, Burmese hip hop star Zeya Thaw was sentenced to six years in prison for taking part in the September demonstrations in 2007. The charges against Zeyar Thaw related to the criminal code’s section 24/1, relating to dealings in foreign currency, and section 6/88, regarding membership of an illegal organization.  

Four members of the Generation Wave organisation were arrested between 9 and 10 October 2008, along with four other individuals. The Generation Wave members were;  

1. Khine Ko Mon (also known as Nyein Chan);  
2. Ye Thu (also known as Nyi Nyi);  
3. Zin Min Aung; and  

On 11 November 2008 three activists, Ko Aung Kyaw Oo, Ko Sai Min Thein, and Ko Nay Aung, received prison sentences for demonstrating against rising commodity prices in Rangoon. Ko Aung Kyaw Oo and Ko Sai Min Thein each received four and a half years, whilst Ko Nay Aung received two years.  

On 11 November 2008 Saw Saw Min was sentenced to 65 years in prison by a court in Insein Prison. Saw Saw Min is a member of the 88 Generation Students Group.  

On 13 November 2008 ABSFU member Ma Hanny Oo was sentenced to nine and half years in prison by the Tamwe Township court for leading a demonstration in 2007 in front of the Yuzana Plaza.  

Honey Oo who was previously apprehended in October 2007, following the Saffron Revolution, was sentenced on 13 November 2008 to nine and a half months in prison.  

On 13 November 2008 three members of the 88 Generation Students Group who were arrested between December 2007 and January 2008, were sentenced to lengthy prison terms. All three were charged with 'inducing crime against public tranquility'. The three members were:  

1. Ko Myo Yannaung Thein;  
2. Ko Min Min Soe; and  
On 14 November 2008 a journalist was sentenced to two years in prison for writing an article about a protest outside the UN offices following cyclone Nargis. Ein Khaing Oo previously worked for the Rangoon-based weekly publication Eco Vision.

On 17 November 2008 seven leading members of New Generation Students group were sentenced to six and a half years in prison by the Insein special court. The group, which included Sithu Maung, Ye Myat Hein and Zin Linn Aung, were charged with inciting public unrest and unlawful assembly. Another activist, Hin Kyaw, was also sentenced to the same length of time yesterday by Western Rangoon Province court.

On 18 November 2008, the leader of the All Burmese Monks Association, U Gambira was sentenced to 27 years in prison for his role in leading protests in 2007. U Gambira was charged with inciting public unrest, religious defamation and offences under the Electronics Act. The trial of U Gambira was held in Insein prison.

On 19 November 2008, three prominent activists were sentenced to hefty prison terms in Rangoon’s Sanchaung Township court. ABSFU leading member Dee Nyein Lin was sentenced to six and a half years in prison whilst two other activists Kyaw Zwa and Kyaw San were each sentenced to four years. All were charged in relation to involvement in anti-regime demonstrations.

On 24 November 2008 two members of the Generation Wave organisation were sentenced to eight years imprisonment. They were charged under the Emergency Immigration Act 13/1 and the Illegally Forming Associations Act 17/1, the sentence was handed down to Kyaw Oo and Saw Maung by the Kemmendine court.

On 28 November 2008 monks U Sanda Thiri and U Kovida were transferred from Insein prison Rangoon, to Buthidaung prison, and Htar Htar Thet of the NLD was transferred to Pegu prison. It was reported on the same day that U Eindaka, abbot of Maggin monastery had been moved to Lashio prison and monk U Panna Wuntha of Shwedaung monastery in Pazundaung had been transferred to Sittwe prison.

On 28 November comedian and activist Zarganar had his prison sentence lengthened by 14 years by Rangoon’s western provincial court. The extra time came courtesy of further charges brought against Zarganar including defamation of the Sassana, and contravening the Unlawful Association Act and the Video Act. On the same day Zarganar’s co-defendant Zaw Thet Thway received an extra four years to his standing 15 year sentence, and fellow activist Thant Zin Aung received a further three years to his term.

On 28 November 2008 Myint Aye of the Human Rights Defendants and Protectors Network was imprisoned for 28 years in Rangoon. The Northern Rangoon Provincial court delivered the sentence on Myint Aye and two other activists. They were charged under the Explosives Act, Immigration Act and Unlawful Association Act. The first co-defendant, Zaw Zaw Aung, received an identical sentence to Myint Aye, whilst Yan Shwe received a total sentence of 33 years.

On 1 December 2008 De Nyein Linn had his original sentence of six and a half years extended by a further four years by the township court in Htantabin.
On 1 December 2008 authorities extended the sentences of members of the 88 Generation Students Group who had previously been sentenced to five years jail. Their sentences were increased by a further six years, to 11 years total. Members included:

1. Thein Than Htun;
2. Zaw Htet Ko Ko;
3. Chit Ko Linn;
4. Lay Lay Mon;
5. Nwe Hnin Yee;
6. Tharaphi Theint Theint Htun; and
7. Aye Thida;

The following three had their three year sentences extended to nine years:

1. Thaw Zin Htun;
2. Kyi Than;
3. Saw Myo Min Hlaing;
4. Aung Thike Soe; and
5. San San Tin.  

It was reported on 9 December 2008 that hostels owners in Sittwe, the capital of Arakan state, were warned against admitting any students into their hostels if they were involved in political activity. The local police chief summoned the owners to warn them of the dangers of students from the Sittwe University. The owners were told to inform authorities if they saw students involved in political activity and that failure to do so would result in punishment.  

On 11 November 2008 fourteen members of the 88 Generation Students Group, including Min Ko Naing, were sentenced to 65 year prison sentences on five charges, including 60 years for four charges each under section 39 (a) of the Electronics Act, and five years for an offence under section 60 of the corrections department regulations. Those sentenced were:

1. Ko Min Zayya;
2. Ma Mie Mie;
3. Ma Nilar Thein;
4. Ko Jimmy (aka) Ko Kyaw Min Yu;
5. Ko Zaw Zaw Min;
6. Ko Than Tin (aka) Ko Kyi Than;
7. Ko Zayya (aka) Kalama;
8. Ko Ant Bwe Kyaw;
10. Ko Pannate Tun;
11. Ko Thet Zaw;
12. Ma Mar Mar Oo;
13. Ma Sandar Min (aka) Shwe; and

Verdicts on 16 remaining charges are still pending. The following activists were also sentenced on the same day:

1. Su Su Nwe (12 years, 6 months);
2. Ko Bo Bo Win Hlaing (eight years);
3. Ko Pyi Pyo (24 years); and
4. Ko Nay Lin Aung (22 years).

Three other individuals were also sentenced. Ko Maung Kan and Ko Aung Kyaw Soe (aka) Japhee from the Wakema National League for Democracy members each received ten years. Ko Win Maw, a member of the pop band Shwe Thansin received seven years.
14.12 Prohibition of Free and Independent Trade Unions

The International Covenant on Economic and Social and Cultural Rights, sets out clearly, the customary law stipulations governing the establishment and rights to existence of free trade unions. Article 8, Sections 1, 2 and 3 of the covenant goes into great detail regarding trade unions. Unfortunately, international law means little to the regime of Burma and during 2008 this was evidenced by the maintenance of strict limitations on the formation and operations of free and independent trade unions. According to the US DoS, no free trade unions existed (i.e. those that did not seek permission from the SPDC) in Burma in 2008, despite there being provisions for their existence under domestic law in Burma.

A paucity of information regarding the activities of unionists in Burma make detailed analysis of the situation difficult, however, a limited amount of news and reports regarding the Seafarers’ Union of Burma (SUB), and the Federation of Trade Unions of Burma (FTUB) gave an indication of the status of trade unionism in the country in 2008. The Seafarers’ Union of Burma, is “an organization that seeks protection for and offers assistance to Burmese seafarers employed by foreign ships,” and has been deemed an ‘illegal association’ by the SPDC. The legal status of the SUB is a result of being affiliated with both domestic and international labour organisations, the International Transport Workers Federation (ITF) and the FTUB respectively. Both of these affiliations run counter to the domestic law of Burma. The SUB’s affiliation with the FTUB is the more troubling for the junta as the FTUB has previously been labelled as an illegal organisation according to the Unlawful Associations Act. The FTUB has been operating clandestinely since 1991 and in 2005 the Ministry of Home Affairs released Notification No.3/2005, branding the organisation and its members and related groups as a threat to the nation and a “terrorist organisation.”

As a counter to the SUB, the SPDC created the Myanmar Overseas Seafarers Association (MOSA). Membership of the organisation is not a choice however, it is compulsory for any sailors who wish to become licensed to go on voyages to work. Those wishing to apply for a license must secure a letter of appointment from the Seamen Employment Control Division (SECD), a government organisation under the Department of Marine Administration (DMA). Securing the appointment letter is expensive at around US$1,500 and can take between 6-12 months. In addition to licensing process, the SECD forces all seamen to join MOSA, and the seamen are given clear warning that they are not to contact SUB or the ITF whilst at sea. Warnings such as these thereby contravene the freedom of association convention of the International Labour Organisation (ILO), of which Burma is a signatory. ILO Convention (87) concerning Freedom of Association and Protection of the Right to Organise has been in existence since 9 July 1948, the same year that Burma joined the ILO, and entered into force in 1950. The convention,

“asserts the rights of workers and employers to establish and join organisations and to be free to elect representatives and draw up rules and constitutions as they wish without the interference of public authorities. Such organisations have the right to join together as national and international federations and may not be dissolved by administrative authority.”

In a further restriction on the rights of seamen, the International Seafarers Assistance Network (ISAN), a UK based group, reported that they had discovered contracts of seafarers stipulating as a contractual obligation that individuals would not approach international groups such as the ITF for assistance and that should they do so, they would be liable for repatriation expenses and other costs.
**General Labour Rights**

According to the US DoS, the SPDC sets wages in the public sector, while market forces set those in the private sector. Regardless of who sets wages, workers were generally unable to make any significant protest as the SPDC did not allow workers to organise or bargain in a collective manner at any time in the past or throughout 2008. Workers were forbidden by law from strike action, but despite the ban there were low level strikes throughout 2008 that were mostly resolved without recourse to government intervention. The average worker in Burma is said to have a low-level awareness of workers rights and this condition is taken advantage of by employers. Overtime rates are rarely paid and leave is seldom granted, even though the law stipulates these rights for workers in the Workmen's Compensation Act of 1923 and the Leave and Holiday Act 1951. Whilst the International Labour Organisation is working in Burma, its mandate is limited to dealing with issues of forced labour, child soldiers and the right to freedom of association. This means that industrial relations concerns fall outside of the issues it can deal with in the country. The ILO therefore cannot, in any tangible sense, come to the aid of workers who are being taken advantage of.

Workers were also punished for attempting to assert their rights. The regime has developed a limited relationship with the International Labour Organisation over the issue of forced labour in recent years (Burma has ratified the convention on forced labour), however, workers still face difficulties in trying to access the ILO with complaints regarding working conditions. On 8 December 2008, 3 factory workers were jailed for reporting labour rights cases to the ILO after initially being arrested on 2 August 2007. Khin Maung Cho a worker at the A21 soap factory, NLD member Nyo Win and Kan Myint filed the report after a soap factory in Hlaingthaya stopped paying employee salaries. As of December 2008 the accused were facing jail terms of up to 19 years. Khin Maung Cho's wife, Aye Mya Thida told media sources that her husband was facing a 19 year jail term on four separate charges including sedition. Kan Myint was to receive 10 years on three charges and Myo Win was facing five years on two charges. In addition to the sedition and other related charges, Khin Maung Cho was also awaiting sentencing for charges under the Illegal Immigration Act, for alleged illegal border crossing. There were no further details regarding this sentencing at the time of this report.

Earlier in the year, on 16 September, another labour rights activist, U Thet Way, was sentenced to two years hard labour for providing the ILO with information regarding forced labour used by the military, including the use and recruitment of child soldiers. The Burmese regime has been engaged with the ILO on the issue of forced labour and in 2008, the junta extended the Supplementary Understanding regarding forced labour. While the agreement to work towards eliminating forced labour appears promising, most analysts concur that the agreement is another attempt to placate the international community while achieving little in the way of concrete change in the labour conditions on the ground. It is clearly important as a starting point for change, however, as many commentators point out, the trouble with the agreement is the complaints process that accompanies it. If labour rights activists are not at liberty to lodge complaints and have those complaints dealt with fairly, then the process lacks viability. As proven by the few cases discussed above, complaints through 2008 were still being answered by arrests of the complainants, not investigations into workplace arrangements or workers rights. The pervasive environment of impunity necessarily discourages those who would stand up for workers rights, depriving the complaints process of viability and legitimacy. Only when cases reach the ILO and that organisation is able to involve itself in the cases do tangible results tend to emerge. Unfortunately, such occasions are the exception and not the rule in Burma.
14.13 GONGOs and Restrictions on Independent Social Organizations

As a part of harsh restrictions on the freedom of association in Burma, there was little room for independent social organisations to operate in the country in 2008. The status quo remained with SPDC funded and supported social organisations filling the breach where independent social organisations should have been. Only those groups sanctioned by the SPDC were allowed any degree of freedom. Two of the most powerful of the SPDC’s proxy organisations, the USDA and the Swan Arr Shin are discussed below. Other SPDC-backed social organisations and Government-Operated NGOs (GONGOs) include the Myanmar Women’s Affairs Federation (MWAF), The Myanmar Medical Association (MMA), Myanmar Red Cross (MRC), Myanmar Anti-Narcotic Association (MANA), Myanmar Maternal and Child Welfare Association (MMCWA), Myanmar Women Entrepreneurs Association (MWEA), Auxiliary Fire Brigade, Parent Teacher Associations (PTA), and the Myanmar Nurses Association (MNA). These groups have all been involved previously in forced memberships, forced attendance at rallies and in the case of the Auxiliary Fire Brigade, of performing as proxy militias for the SPDC, intimidating members of the opposition and civil society organisations. At times the Auxiliary Fire Brigade has been involved in violent confrontations as well, at times providing backup to the USDA. Reports from 2008 have been limited as to the activities of these three groups. In the case of the AFB this may merely be due to the fact that AFB members are not uniformed and may not have been identified by victims of their abuse and interference. It possible furthermore that with the higher profile of groups such as the USDA and the Swan Arr Shin, AFB members have been confused with members of those organisations.

The Union Solidarity and Development Association

After more than 16 years in existence, the nature and purpose of the Union Solidarity and Development Association (USDA) has become more than apparent to the civilian population in Burma. Events over the course of 2008 served to emphasise the invidious nature of the USDA as a civilian proxy of the ruling junta; the year was marred by violence, harassment and political manipulation by the organisation. The year also saw the assassination of several members of the USDA in a manifestation of the general population’s disapproval of the organisation. It is believed that the image of the organisation has fallen to such depths that it may not contest the nation-wide elections in 2010, as some had originally speculated. The image of the group has been dogged by its reprehensible record of involvement in the so-called Depayin massacre of 2003 and the violent crack-down on protestors in September 2007, when members of the group took part in assaulting peaceful protestors. Membership of the group had reached 24 million members by 2007 according to officially released figures. Other sources speculate that the figure could be as high as 27 million members, or roughly half of the entire population. The membership numbers given by the SPDC indicate that the organisation appears to be growing, despite the fact that the USDA and its militia offshoot the Swan Arr Shin (masters of force) continue to harass, monitor and assault groups, both civilian and political, that oppose the SPDC. With its poor public image and even worse behaviour, this augmentation of membership numbers seems to strongly suggest that recruitment into the group is often not a matter of choice.
Recruitment

With the reputation of the USDA at new lows in the post-Saffron revolution era, the organisation has increasingly struggled to attract new members to its ranks voluntarily. In order to combat the fall in voluntary recruitment the USDA has turned to blackmail and extortion in order to bolster its numbers in recent times. On 8 February 2008 a report from Arakan State highlighted one of the methods by which the USDA holds civilians to ransom in return for membership. According to the report, the Minister for Transportation Thein Swe and the local military divisional commander raised a sum of 7.5 million kyat that was supposed to be put toward repairing a road in Ramree Township that leads to Gon Yan Taung pagoda. According to residents of Ramree however, about one month after the money was raised by the two officials, local township authorities announced that they would not be releasing the funds allocated to repair the road unless all youths in the township joined the USDA. Despite the appeal of the lucrative offer to fix the road, there was latent resentment among the residents of Ramree toward the USDA for its part in cracking down on monks and protestors during the Saffron revolution. That lack of support from the residents prompted one man from the local to community to remark, “The USDA never done anything good for the country and nobody wants to join them.”

Similarly on 9 February, a local resident of Hlaingthaya Township Ward 8, U Tin Yu, told media sources how the local residents had been summoned to a meeting held by Thant Sin, the ward’s USDA official. According to Tin Yu,

“Hlaing Tharyar ward 8’s USDA official Thant Sin called us into a meeting and said the association was going to build a concrete road in our ward. We were all happy until they told us we had to join the USDA in exchange for their efforts.”

The referendum to accept or reject the military drafted constitution loomed as the largest event on the Burmese political calendar in 2008. In preparation for the voting process, the USDA again turned to bribery as a means of boosting numbers in order to secure a favourable outcome for the SPDC’s unambiguously biased draft constitution. In Myitkyina, the capital of Kachin State, media sources reported the use of business concessions by the USDA in return for membership, in the lead up to the referendum on the new constitution. On 23 February 2008 a meeting was held between Christian clergy and priests from Dukataung Ward 3 and Kachin State USDA Chief and Minister of Post and Telegraph, Major General Thein Zaw, in the capital of Myitkyina. Details emerged from the meeting that the SPDC officials had promised the religious leaders that they would be given phone lines and business permits in return for people joining the USDA ahead of the referendum. The importance of this sort of incentive driven recruitment became clear once the referendum was conducted, whenceforth it emerged that the USDA had voted for many of its members unilaterally and in some cases, in advance.

Other types of incentives to join the USDA prior to the referendum were reported to be “business permits for construction, furniture stores and cottage industries.” The same report also made mention of the fact that there were differences in the incentives from ward to ward and that even students had been targeted for recruitment. One student from Dukataung Ward suggested that he had been approached by the USDA to join the organisation in return for a guarantee of passing his examinations.

The reports of forced registration before the referendum were not restricted to the rural conflict areas as mentioned earlier in this chapter. Residents of cities also faced the possibility of having their votes appropriated by being forced into registering as members of the USDA prior to polling in May. In No 3 Ward of Myitkyina, Kachin State, USDA officials gave out registration forms to households in the lead up to the voting which were headed by the following sentence, “List of people supporting the constitution.” The list which
contained spaces for 18 names was to be filled by each household and returned. In such a manner the USDA enabled a recruitment drive and deprived many people the right to express an opinion regarding the draft constitution. This process also constituted a violation of the right to free association. The practice of forcing people to join the USDA for the referendum may also mean that those people will still be enrolled as USDA members up to and including the time of the nation wide election in early 2010. If the results of the referendum are any guide to the future, and if the USDA runs as a political party in those elections, it is highly probable that the votes of many citizens will be hijacked by the USDA and used to vote unilaterally for pro-junta USDA members.

It was not only regular civilians who were at risk of losing their rights to vote during the referendum. A resident of Bhamo Township in Kachin State told media sources that following a visit by Minister of Post and Telegraph, Major General Thein Zaw, and the Commander of the Northern Command in the week prior to 23 February 2008 that authorities, “forced all government staff to join USDA last week, irregardless(sic) of their having already joined or not.”

The USDA as a Political Party

The role of the USDA as a legitimate organ for social development has never been fully convincing and the behaviour of the organisation in the lead up to the referendum did nothing to dispel the commonly held belief of Burma analysts that the USDA is anything other than a civilian arm of the junta. The USDA’s participation in the suppression of the 2007 protests, its manipulation of the referendum results and finally its preparations for the 2010 election mean that it would be just as valid to look at the USDA as a political party, and not just as a civil society actor. Some doubt still remains as to whether the USDA will actually compete in the 2010 election as the USDA or not. It is entirely possible that the group will dissolve into individual members who will form separate organisations or that individual members will form their own separate parties. There are persuasive arguments that any of these outcomes could be likely, but predictions regarding USDA participation remain speculation thanks to the fact that the SPDC is yet to release any electoral laws governing the formation of political parties ahead of the election in early 2009.

What is clear, however, is that over the course of 2008, the USDA was engaged in overt political activity, including gross manipulation of the voting in the 2008 referendum. A closer look at the referendum reveals the nature of the USDA as a political force in Burma. It is necessary to understand the USDA in terms of its political power in order to appreciate the power and influence that its 24 million members wield and the consequences of that power for rights and freedoms in Burma, should it continue to be a political player through to the election in 2010.

Role in the Constitutional Referendum and Forthcoming Elections

It became apparent very early in 2008 that the USDA would be a focal player in the organisation of the referendum that eventually took place in May. Sources close to the organisation indicated that the USDA members at Township and District level had been tasked with setting up electoral commissions to monitor and oversee the referendum process, and that the allocation of these tasks would be repeated in the 2010 elections. In addition to the establishment of the commissions, the USDA began a recruitment push in early February. A resident of Hlaingthaya Township indicated that,

“They [members of the USDA] have been calling residents at night, telling them good things about the regime and asking them to join their organization……They also said that they will build new roads and clinics for the residents if they register as members.”
The reputation of the USDA is such that incentives were not always strong enough for civilians to overcome their distrust and disdain for the organisation, hence in 2008 as in the past, the USDA also turned to intimidation and harassment of those individuals with the temerity to stand up to the organisation and its attempts to bribe would-be members. Although bribery and incentives were a cynical apparatus with which to recruit new members by exploiting the population’s down-trodden economic status, those methods were far from violations of human rights. The USDA has no qualms about true rights violations however, and harsh methods were used against ordinary civilians over the course of 2008. Evidence to support this claim came from an ex-USDA member who spoke to Human Rights Watch in April.\(^\text{418}\) A former member of the Rangoon Township USDA described how, under the orders of the SPDC, the USDA was able to intimidate, harass and beat people in order to secure a ‘yes’ vote in the referendum. Working in combination with local SPDC members and the military police, the former USDA member related identifying potential ‘no’ voters in the upcoming referendum. Anybody identified as a possible dissenter against the proposed constitution ran the risk of being visited at night and intimidated. The source recounted to HRW that,

“The people who say “No” we write down their name and address. If they still say “No” we go back late at night and beat them. We go with Ya Ya Ka and take them to the jail. We accuse them of being a thief, a drunk. We explain we can give them trouble, give them many problems. Most are scared. [One person] we talked to about the referendum... he said he was not interested, he was against it. We came back later to his house and took him to the Ya Ya Ka office and pushed and beat him and told him he faced many problems.”\(^\text{419}\)

By early February 2008, sources close to the USDA intimated that on top of recruitment drives involving nefarious methods and apart from serving on the referendum and electoral commissions, USDA members would also be involved in the selection of pro-junta candidates for the general election. The source related at the time that, “The association is now looking for well-educated, respected, wealthy people to be candidates in the election,”\(^\text{420}\) Political involvement by the USDA in the organising of the referendum and the likelihood of further involvement in the future election prompted the secretary general of the National Unity Party Khin Maung Gyi to suggest that the USDA would transform itself into a fully fledged political party by the time of the 2010 elections.\(^\text{421}\) By July 2008 the USDA appeared to be laying the groundwork for participation in the 2010 election. In July 2008, Htay Aung, the author of a book on the USDA, said, “Their latest move was to select two candidates to stand as MPs in each township who are well-educated, rich and respected in their communities.”\(^\text{422}\)

The interference of the USDA in political affairs resulted in widespread and well documented fraud in the case of the referendum. Therefore, those with genuine fears for freedom of association in the country would have been dismayed at the news that surfaced mid-year that military officials had met with USDA leaders and praised their efforts in guaranteeing the ‘yes’ vote needed to ratify the new constitution. A township level leader of the USDA had the following to say regarding the meeting, “The generals are very happy with the referendum result and advance voting. They think they can control people with advance voting rather than in a secret ballot on election day.”\(^\text{423}\) Not only were the USDA praised for their efforts, but media sources reported that the Generals actively encouraged the USDA to use the same techniques of ‘advance voting’ in the election slated for 2010. By ‘advance voting’ of course, the generals referred to voting yes for all registered USDA members in advance of the real ballot in order to guarantee a pro-junta outcome.\(^\text{424}\)
One businessman from Rangoon was surprised to find out that he had already voted when he went to the polling station,

“When I went to polling station on May 24 to vote, sub-commissioners at the polling station told me that their records showed that I had already voted. I asked them who voted for me. They told me that they voted on my behalf because they thought I would not come to the polling station,” 425

The encouragement of the generals and the blatant manipulation of the voting process used in the referendum in 2008 suggest that USDA involvement in the election in 2010 would mean a high likelihood of continued rights abuses, especially where freedom of association is concerned, as well as further co-opting of rights to suffrage.

Despite the signs by mid-year that the USDA was indeed gearing up to involve itself heavily in the forthcoming election, murmurs from Naypyidaw began to cast doubt on the likelihood of USDA participation by year's end. Reports surfaced in December 2008 following the USDA’s final quarterly meeting, indicating that the organisation had lost the support of its patron and founder, Senior General Than Shwe. 426 According to sources close to the military the image of the USDA proved unsalvageable following its involvement in the crackdown on peaceful protests in 2007. Even though the name of the USDA had lost its political capital (if it ever had any) that did not preclude the chances of the leading members of the USDA from taking part in the elections. According to sources, the members of the organisation were encouraged by the generals to join other parties that would have no connection in name to the USDA. 427

Regardless of the speculation surrounding the fate of the USDA vis-à-vis the election, it remained unclear at the end of 2008 as to just what use the SPDC would make of the USDA in the future political environment.

Military Intelligence operatives armed with cameras monitoring the activities at the NLD head office in Bahan Township, Rangoon during 2008. Intelligence agents are a common site at the office as they record the movements of NLD members and those who visit them. [Photo: © Mizzima News]
Chapter 14: Freedom of Assembly, Association and Movement

Lack of Popular Support

The overt relationship between the junta and the USDA, has taken a large toll on the impression of the USDA among the ordinary population of Burma. The USDA has become synonymous with corruption, bribery, violence and intimidation. The consequences of the USDA doing the SPDC’s bidding flow through the spheres of Burmese public life, affecting politics, business, education and employment, among others. Needless to say, the general population have become highly disaffected with the organisation and its strong-arm tactics. For many Burmese, the involvement of the USDA in the suppression of the 2007 protests constituted the final straw. After years of forced recruitment, compulsory membership for civil servants, attacks such as the infamous Depayin incident, extortion and violence, the population’s frustration with the USDA began to manifest itself in acts of retribution. Several recorded incidents took place in 2008 that attested to the frustration of the population with USDA interference in daily life. These attacks on USDA personnel, some of them fatal, reveal that frustration with the USDA has in some cases grown to be greater than the threat of retribution for attacking individuals who are clearly affiliated with the SPDC.

As mentioned earlier, the referendum in 2008 stood out as an important marker on the political landscape and constituted a further step in the so-called ‘roadmap to democracy’. Just as importantly, the way in which the referendum was conducted indicated that the SPDC had no interest in allowing freedoms of association nor was it interested in any type of genuine democratic expression regarding the outcome of the voting on the referendum. The manipulation of the USDA membership, compulsory voting and pre-referendum intimidation from the USDA created a burgeoning sense of dissatisfaction and anger among the populace. There was a sense that a chance to vote down the highly criticised constitution was being denied them, and that the USDA was complicit in this deceit. It was reported on 9 April 2008 that the USDA secretary in Pan San Town in Muse Township, Shan State, was shot dead by three gunmen while campaigning for public support of the draft constitution. As the referendum drew closer and campaigning by the USDA increased, more violent attacks followed. Prior to the voting on the referendum on 10 May, the secretary of the USDA in Namhkam Township in Shan State was also gunned down by unknown assailants on 4 May 2008. Kyaw Myint died after being hit in the face and chest by gunfire, while Tin Aung from the geological survey department suffered severe injuries in the attack and was taken to Namhkam hospital’s emergency ward for treatment along with another wounded party. The assassination, which reportedly was not the first in Shan State, came during campaigning by the USDA secretary and officials to win support for a ‘yes’ vote in the 10 May referendum.

The capital city of Arakan State, Sittwe also saw a fatal attack on a USDA member in the lead up to the referendum. A 26 year old member of the USDA was killed in a knife attack in Sittwe at 8.30pm Tuesday 22 April 2008. According to a member of the NLD who wished to remain anonymous, the victim was stabbed several times, resulting in death. The victim, Tun Thein was attacked by Tun Lin, who had become angry over constant pressure from Tun Thein to get him to join the USDA so that he would cast a vote ‘yes’ in the referendum. According to the report, the USDA member had also taken to harassing the attacker’s father in order to increase the pressure on him to comply with the USDA’s wishes. The report also mentioned two unconfirmed incidents of two USDA members being killed in Rangoon, in the Townships of Kemmendine and Hlaingthaya, though no details were provided regarding these murders.

Frustration stemming from the USDA’s operations was not restricted to those incidences involving limits to the freedom of association. The USDA, due to their affiliation with the SPDC, was also able to benefit from business concessions in 2008 that facilitated graft, corruption and arbitrary taxation. The predatory behaviour of the USDA was enough to...
foster a general resentment of the organisation. An incident from Arakan State from early in 2008 provided an excellent microcosm of the effects of the patronage bestowed on the USDA and its effects on the general population.

According to the report, the USDA General Secretary for Arakan State, U Kyaw Yin had appointed many other USDA members to positions in the transport sector. This was made possible after U Kyaw Yin had been granted several lucrative business opportunities, including control of the transportation of goods between the towns of Sittwe and Buthidaung. These appointed USDA members were well known for harassing travellers and collecting arbitrary taxation to enrich themselves, whilst enjoying the protection of their membership to the USDA. One such individual, identified as Ko Maung Maung, a 26 year old man from Singu Land War in Sittwe Town, Arakan State, was a "supervisor of goods transportation on the waterway from Sittwe to Buthidaung." Ko Maung Maung had been appointed to his position by the U Kyaw Yin earlier. On 20 April 2008, Ko Kyaw Win, frustrated with harassment and extortion at the hands of Ko Maung Maung in relation to transporting goods from Sittwe to Buthidaung on the ferry, stabbed the man who later died in Sittwe hospital. The attacked allegedly took place on a ferry harbouried in Sittwe's inland transportation jetty.

The USDA as a Security Apparatus

The work of the USDA that is not focused specifically on the practice of politics, such as carrying out attacks, surveillance and harassment, of those groups who do not support the SPDC has been made easier by operating in tandem with the Swan Arr Shin (roughly translated as "masters of physical force"). Although the Swan Arr Shin (SAS) can be viewed as a separate entity, the existence of the organisation is intrinsically tied to the USDA and its members are often drawn from the USDA's ranks. Often attacks on anti-junta groups, opposition politicians especially, are carried out by the USDA, operating alongside members of the SAS and military intelligence.

The Swan Arr Shin

Following the Swan Arr Shin’s (SAS) involvement in helping to put down the protests in 2007, the group continued its anti-opposition work as a subsidiary of the USDA in 2008. The majority of reporting related to the SAS during 2008 revolved around instances of the group being responsible for attacks on opposition politicians as well as members of civil society organisations. Reports throughout the year were also suggestive of the fact that pro-junta militia groups were being trained in riot control techniques. Presumably this was an SPDC response to the threat of possible further protest action. The SAS was also active around the time of the referendum as an auxiliary to the USDA, helping that group to intimidate would-be 'no' voters.

The use of the SAS by the SPDC as a militia organisation over the course of 2008, just as in previous years, constituted a clear violation of the freedoms of both assembly and association. The ability for groups to form, mobilise and meet was impinged upon by attacks from the SAS, who very often operated in conjunction with other security forces (such as the police, military intelligence and fire brigade).

It was relatively common for the SAS to participate in general surveillance activities throughout cities which saw protests or other civil disturbances. In Sittwe for example, following protests staged by monks on 27 September 2008, the city was subject to greater security measures. Authorities posted security details around the city's areas of accommodation such as guesthouses and residential areas comprised of the SAS, military personnel, police and plain clothes agents.
USDA and Swan Arr Shin Training

According to reports throughout 2008, the USDA, and the SAS in particular, received riot control training from local authorities. The covert training sessions were said to take place at night time, with the focus on weapons training and making arrests. Reports from very early in 2008 indicate that the trainings were a regime reaction to the possibility of further protests on the heels of the civil unrest that characterised the end of 2007. During the Saffron revolution, the SAS had been used regularly to help put down the protests; presumably the SPDC was seeking to ensure that it could call upon a well-trained and controlled militia force should such events repeat themselves in 2008. On 4 January 2008 it was reported that SAS members in New Dagon and Hlaingthaya townships, Rangoon Division were receiving riot control training from local authorities. A Dagon Township resident told DVB that members of the SAS from Ywar Thar Gyi, Lay Daunt Kan, Shan Tal Gyi, Yay Kyaw, Kyar Ni Kan, Kyi Su and Sit-pin villages were taking part in the training.435

Around the time of the anniversary of the Saffron revolution, further reports of trainings of SAS members (along with USDA and local police) surfaced as the junta sought to take precautions against the threat of protesting on the anniversary. On 8 September SAS members and local authorities were witnessed being trained in riot control techniques at the Myingyan Township police academy in Mandalay Division according to a source connected to the Myingyan Township Peace and Development Council (TPDC). The source also revealed the details of instructions given to the SAS members regarding the protocol for dealing with protestors who refuse to disperse. The source indicated that these instructions had come from authorities in Napyidaw and outlined a three step method which the source described as follows,

“For the first step, the local authorities should negotiate with the protesters to get them to stop their demonstration,........If they refuse to stop, the second stage is to shoot them in the legs,.........And if the protesters still don’t back off after the second stage response, they will be shot dead according to the third stage set out in the instruction letter.”436

On 19 June 2008 roughly 700 NLD members and supporters had gathered at the NLD’s Rangoon headquarters to celebrate the 63rd birthday of detained pro-democracy leader Daw Aung San Suu Kyi. Many NLD members were beaten by a contingent of SAS members who arrived at the celebration. Several NLD members were then arrested including Win Naing, a female NLD member who was also beaten. Ten trucks carrying around 300 security personnel in uniforms and plain clothes then blocked off the road leading to the NLD headquarters.437

On 18 September 2008 it was reported that members of the SAS and the USDA had set up roadblocks in Rangoon and were stopping and checking vehicles in the city in the lead up to the commemorations of the Saffron Revolution. Sources said that members of both organisations had also been stationed around the Shwedagon Pagoda and Rangoon city hall, two of the focal points of the 2007 demonstrations.438

On 1 December 2008 it was reported that members of the USDA, SAS and AFB were reported to be receiving riot control training. Police in Rangoon’s Thanlyin and Thaketa townships were said to be conducting the training at Thiha Dipa stadium for around 300 members of the pro-junta organisations in preparation for future situations of civil unrest. A Thanlyin resident related that the trainees “were told how to identify people when there is a riot and how to control them by beating them up with sticks.” 439 A Tharketa resident indicated that several members of the groups receiving trainings were involved in “illegal gambling syndicates and alcohol shops”; the source indicated however that this was
overlooked by the police in return for providing services of crowd control should the need arise. The resident also mentioned that several of the trainees were, “loiterers, petty thieves and police informers.”

On 22 December 2008 it was reported that USDA and SAS members from Pegu Division had been sent to Naypyidaw to undergo training. An SAS member from Taungoo Township who attended the training said that each recruit was paid a monthly stipend of 100,000 kyat, whilst new recruits were paid 50,000 kyat. The trainee told DVB that two members of each village in Toungoo District were selected for the training in the new capital, making up a group of around 350 people. According to the report there were to be future trainings beyond riot control, focusing on administration and organising, which could possibly be viewed as preliminary preparations for the 2010 elections.

**Attacks by the USDA and Swan Arr Shin in 2008**

Unfortunately, surveillance activities performed by the SAS on behalf of the regime authorities were among the more benign of their functions in 2008. The SAS was employed in a more sinister fashion to attack members of the opposition and civil society groups using threats, harassment, and outright violence in order to achieve the ends desired by the SPDC. These attacks were especially prevalent before the referendum, as pressure on the opposition was stepped up in response to the outspoken criticism of the draft constitution. In light of the way in which the process of the referendum voting was manipulated to guarantee the approval of the draft constitution, these attacks seem superfluous, and suggest a certain misplaced paranoia regarding the opposition.

In the two months leading up to the referendum, the authorities began stepping up attacks particularly against the NLD and members of the Human Rights Defenders and Promoters (HRDP). Although the affiliations of the attackers were never ascertained with concrete certainty, it was widely believed that the attacks were carried out by the either the SAS or by that group and USDA thugs combined. On 3 April 2008 NLD member Tin Yu from Hlaingthaya Township was attacked, resulting in his subsequent hospitalisation, where he received 20 stitches for facial wounds. The victim related that his attackers were carrying walkie-talkies and that they were on motorcycles (which are banned in Rangoon). Walkie-talkies are usually associated only with the SAS, the USDA and the Fire Services Department, strongly indicating that it was at least plausible that one of these groups were responsible for the attack.

On 27 March 2008, two unidentified assailants assaulted U Myint Aye, the founder of the HRDP organisation, as he was walking home in Myaynigone, in the Sanchaung Township of Rangoon. The two attackers were armed with batons, leaving U Myint Aye with serious head injuries; he was later treated at Rangoon General Hospital, where he stayed for two days following the beating. U Myint Aye reported the assault to the township court in Sanchaung, but at the time of this report it is believed that no action had been taken to apprehend the perpetrators.

On 1 April 2008 it was reported that Hlaingthaya Township NLD chairman, Myint Hlaing was attacked by unknown assailants near his home in Rangoon. The resident of Ward 11 was attacked while outside walking at around 7:30 pm. The resulting injury required three stitches. Although the assailant was unable to be identified the NLD chairman pointed out that the attack mirrored several other recent attacks on opposition members and members of the HRDP in Henzada and Madaya Townships.
On 18 April two human rights activists, Ko Myint Naing and Ko Maung Maung Lay, were set upon by a government backed gang in Oak Pon village, in Irrawaddy's Henzada Township. The two activists were in the town to conduct a human rights awareness raising exercise. The two men were assaulted as they left the village by a large group of up to 50 men armed with batons and slingshots. Ko Myint Naing was able to identify the leader of the gang who was speaking on a walkie-talkie as the group approached them, as USDA leader Ko Nyunt Oo. Ko Myint Naing related to DVB what happened next,

“[H]e ordered his people to beat us up while he started to hit me with a stick. I got hit on right side of the back of my neck. Then he yelled, 'Kill them!' and a group of about 50 people armed with sticks and slingshots chased us. We tried to escape on our motorbike but the road was so bumpy that we couldn't drive fast. A member of the Village Peace and Development Council named Satku and a guy named Ko Thang Aung dragged me off the bike and started hitting me.”

On 3 July 2008 reports emerged suggesting that Myo Yan Naung Thein a member of the 88 Generation Students Group was in ill health in Insein prison. The activist who had been arrested in December of 2007 was said to have been tortured by members of the SAS and Special Branch police officers following his arrest. The interrogation and resulting head injuries left Myo Yan Naung Thein paralysed down the left hand side of his body. According to relatives of the activist, he was refused medical treatment following his interrogation.
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The Human Rights Documentation Unit (HRDU) is the research and documentation division of Burma’s government in exile; the National Coalition Government of the Union of Burma (NCGUB). The HRDU was formed in 1994 to document the human rights crisis confronting the many and varied peoples of Burma, and to defend and promote those internationally recognised human rights that are inherent and inalienable for all persons irrespective of race, colour, creed, ethnicity or religion. To this end, the HRDU published the first Burma Human Rights Yearbook in 1995 to comprehensively document the systematic and egregious nature of the human rights abuses being perpetrated in Burma throughout the previous year. This report, the Burma Human Rights Yearbook 2008, represents the 15th annual edition of the Burma Human Rights Yearbook, which, combined with all previous editions collectively comprise well over 10,000 pages of documentation and provide an unbroken historical record spanning the past one and a half decades.

All editions of the Burma Human Rights Yearbook and all other reports published by the HRDU can be viewed online on the NCGUB website at http://www.ncgub.net as well as on the Online Burma Library at http://www.burmalibrary.org. Any questions, comments or requests for further information can be forwarded to the HRDU via email at enquiries.hrdu@gmail.com.

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