

BURMA

Burma remains one of the most repressive countries in Asia, despite promises for political reform and national reconciliation by its authoritarian military government, the State Peace and Development Council (SPDC). The SPDC restricts the basic rights and freedoms of all Burmese. It continues to attack and harass democratic leader Aung San Suu Kyi, still under house arrest at this writing, and the political movement she represents. It also continues to use internationally outlawed tactics in ongoing conflicts with ethnic minority rebel groups.

Burma has more child soldiers than any other country in the world, and its forces have used extrajudicial execution, rape, torture, forced relocation of villages, and forced labor in campaigns against rebel groups. Ethnic minority forces have also committed abuses, though not on the scale committed by government forces.

The abrupt removal of Prime Minister General Khin Nyunt, viewed as a relative moderate, on October 19, 2004, has reinforced hardline elements of the SPDC. Khin Nyunt's removal damaged immediate prospects for a ceasefire in the decades-old struggle with the Karen ethnic minority and has been followed by increasingly hostile rhetoric from SPDC leaders directed at Suu Kyi and democracy activists.

Thousands of Burmese citizens, most of them from the embattled ethnic minorities, have fled to neighboring countries, in particular Thailand, where they face difficult circumstances, or live precariously as internally displaced people.

Depayin Incident

On May 30, 2003, in Depayin in northern Burma, Suu Kyi's traveling party was attacked by a group of armed men associated with the Union Solidarity Development Association (USDA), a mobilization organiza-

tion created by the SPDC. According to eyewitnesses, police were present at the time of the incident, as were common criminals who had been released from prison for the purpose of taking part in the attack. The Burmese government has admitted to four deaths in the incident, while eyewitnesses have reported far more. As the government continues to prohibit any independent investigation into the incident, the number of casualties remains unknown.

Suu Kyi, as well as scores of members and supporters of the National League for Democracy (NLD) Party, were detained following the attack. They were held under article 10a of the 1975 State Protection Act, which permits the authorities to detain anyone considered a threat to state security for up to five years without charge or trial. U.N. sources reported that ninety-one of the NLD and pro-democracy detainees, never charged with any crime, were released within two months. Suu Kyi remained under house arrest at this writing.

An Aborted Attempt at Reform

In August 2003, former Prime Minister General Khin Nyunt launched what he called a “road map” for a transition to democracy in Burma. The SPDC pledged to eventually hold elections as part of a transition to a democratic government. The first step was the convening of a national constitutional convention, a process that had been stalled since 1996 after the NLD and other pro-democracy parties walked out, citing the SPDC’s domination and manipulation of the proceedings.

In May 2004, the National Convention began work. But the SPDC refused to release Suu Kyi and senior members of the NLD, as well as to reopen all NLD offices. As a result, the NLD and the Shan Nationalities League for Democracy (SNLD) and affiliated parties in the United Nationalities Alliance (UNA) decided not to take part in the National Convention. Without the participation of the NLD and other political parties that won the majority of seats in the 1990 elections, the

National Convention lost any serious legitimacy and genuine prospects for instituting meaningful reform.

The sudden ouster of General Khin Nyunt in October 2004 further diminished hopes for reform. The ousted prime minister and military intelligence chief had been willing to engage with Aung San Suu Kyi to break the political stalemate. Lieutenant General Soe Win, who was named Burma's prime minister after the dismissal, has stated publicly that "the SPDC not only will not talk to the NLD but also would never hand over power to the NLD."

Political Prisoners

In 2002, the International Committee of the Red Cross reported there were approximately 3,500 "security detainees" in Burma. Of these, at least 1,300 were believed to be political prisoners, including elected members of parliament. Most, if not all, were arbitrarily arrested for exercising their freedoms of opinion and expression. The right to a fair trial, including the right to access a lawyer, continues to be denied to most detainees, in particular those accused of political dissent. Torture and mistreatment of detainees is common, especially during pre-trial detention in military intelligence interrogation centers. Authorities continue to extend the detention of political prisoners who have served their prison sentences by placing them under "administrative detention." This practice is used even with elderly and infirm prisoners.

Child Soldiers

On June 4, 2004, the United Nations Committee on the Rights of the Child issued its concluding observations on Burma's compliance with the Convention on the Rights of the Child. The Committee identified a range of concerns, including the continued recruitment and use of child soldiers by Burma's armed forces.

Burma has more child soldiers than any other country in the world, accounting for approximately one-fourth of the 300,000 children currently believed to be participating in armed conflicts across the globe. A 2002 investigation by Human Rights Watch found that as many as seventy thousand children under the age of eighteen may be serving in Burma's national armed forces. Burma is believed to have an estimated 350,000 soldiers in its national army. Armed opposition groups in Burma also recruit child soldiers, although on a much smaller scale. Human Rights Watch documented the use of child soldiers by nineteen different opposition groups.

While the government still denies such systematic recruitment, it has for the first time acknowledged child soldiers in the army as an issue. Largely as a result of an October 2003 report to the United Nations Security Council by Secretary General Kofi Annan, the government formed a high-level "Committee to Prevent the Recruitment of Child Soldiers," and announced that a task force was being formed to ensure inspections for underage recruitment.

Government forces have released small numbers of child soldiers. In these cases, the parents had reported the recruitment to the ICRC or the International Labor Organization, requesting their intervention. For instance, four boys recruited in March of 2004 were released, apparently because of the ICRC's involvement.

Violations against Ethnic Minorities, Particularly Women

The Burmese army continues to commit gross abuses against civilians, particularly members of ethnic minorities associated with various resistance movements in the country. In its campaigns against ethnic minorities, the army engages in summary executions, torture, and rape of women and girls.

The SPDC's eight-year campaign of forcibly relocating minority ethnic groups has destroyed nearly three thousand villages, particularly in areas of active ethnic insurgency and areas targeted for economic development. Hundreds of thousands of ethnic minorities have been forced into as many as 200 internment centers, and those who have passed through these sites report forced labor, extrajudicial executions, rape, and torture committed by government troops.

There are an estimated one million internally displaced persons (IDPs) in Burma, and several hundred thousand Burmese refugees in Bangladesh, India, Malaysia, and especially neighboring Thailand. The Burmese government has refused international access to areas of ongoing conflict, cutting off humanitarian assistance to IDPs in violation of international humanitarian law.

In February 2004, the Human Rights Watch report *Out of Sight, Out of Mind* detailed the increasingly harsh policies of the Thai government against Burmese refugees and asylum seekers. Many such individuals are returned to Burma in violation of the internationally recognized principle of non-refoulement.

Local and international nongovernmental organizations have documented widespread and continuing sexual violence against ethnic women by the military in Burma, including new reports by the Women's League of Burma (WLB) and the Karen Women's Organization (KWO) in 2004. The KWO documented 125 cases of sexual violence committed by the SPDC's military troops in Karen State from 1988 until 2004, half committed by high-ranking military officers. According to this report, 40 percent of the cases were gang rapes. In 28 percent, women were raped and then killed. The WLB reported sexual violence in 2003 and 2004 in all provinces with significant ethnic minority populations as well as in central Burma. Abuses included rape of women and girls, gang rapes, murder, sexual slavery, and forced marriage. The report implicated senior and junior military personnel as

being perpetrators or complicit in the majority of documented rapes. The SPDC has denied the findings of these reports, and women's organizations have reported intimidation of survivors and witnesses.

Key International Actors

The attack and arrest of Aung San Suu Kyi and her supporters in May 2003 drew widespread international condemnation. Despite repeated visits to the country, the U.N. secretary-general's special envoy to Burma, Razali Ismail, faced resistance from the SPDC in his efforts to prompt renewed political dialogue with the NLD and national reconciliation. Various U.N. actors, including Paulo Sérgio Pinheiro, the U.N. special rapporteur on human rights in Burma, expressed deep concern over the absence of major opposition parties from the National Convention.

In July 2003, the Association of Southeast Asian Nations (ASEAN), which Burma joined in 1997 and is scheduled to chair in 2005, issued an unprecedented rebuke of a member state when it called on the SPDC to release Aung San Suu Kyi. Japan, Burma's largest single aid donor, suspended its development aid to Burma in the wake of the May 2003 attack.

This strong regional position has, however, changed rapidly. Both ASEAN and Japan have since maneuvered actively to convince the European Union to accept Burma as a new member of the Asia-Europe Meeting (ASEM). China and Thailand continue to be the SPDC's closest allies, politically and economically, although both countries have expressed some concern over the implications of General Khin Nyunt's dismissal.

The United States maintains economic sanctions on Burma. The Burmese Freedom and Democracy Act of 2003 bans all imports from Burma and reaffirms United States recognition of the NLD as the legit-

imate government. An accompanying executive order calls for the freezing of assets of senior SPDC officials.