

March 11, 1990

BURMA (MYANMAR): WORSENING REPRESSION

Two months before national elections are scheduled to take place in Burma, the country's military authorities have clamped down on basic civil liberties throughout the country and have arrested scores of opposition candidates and party leaders. At the same time, they have launched a major offensive against ethnic minority guerrillas on the Thai-Burmese border, in the course of which the Burmese army has engaged in the torture and summary execution of prisoners and indiscriminate shelling of civilian areas.

Burma's first elections in thirty years are scheduled to take place on May 27, 1990. Despite promises that these elections will be "free and fair," members of Burma's ruling State Law and Order Restoration Council are taking no chances that any opposition candidate with genuine popular support will have a chance of winning. Most in fact will have no chance even of running. The crackdown against pro-democracy activists in Burma that began with the killings of hundreds of students in March 1988, and the massacre of at least 3000 unarmed demonstrators in August and September of that year, has continued, as thousands of opposition leaders and student activists have been jailed or have gone into hiding. In recent weeks, more than 25 opposition party candidates for election have been arrested. Meanwhile, Aung San Suu Kyi, the leader of the strongest opposition party, the National League for Democracy (NLD) who remains under house arrest, has been disqualified from contesting the elections.

In December, the Burmese army launched a major dry season offensive against ethnic minority guerrilla forces on the Thai border. With the support of the Thai military, they succeeded in capturing several critical Karen and Mon bases, as well as all but one of the student camps maintained by the All Burma Democratic Students Front, the student organization which played a major role in the pro-democracy movement. Thousands of civilians from these ethnic minorities and hundreds of students have fled into Thailand, where they face deportation into government-controlled areas of Burma, and arrest and torture upon their return.

Arrests of Opposition Party Leaders and Candidates

The disqualification of Aung San Suu Kyi as a candidate, along with the continuing crackdown against NLD activists and other opposition party members and students, appears to confirm widespread fears that government's promise to conduct free and fair multiparty elections is an empty one. Since July 1989, Aung San Suu Kyi has remained under house arrest, cut off from all but immediate family members. Her arrest followed massive NLD rallies at which she denounced the government's brutal suppression of the pro-democracy movement and of fundamental human rights.

Since then, most NLD leaders, as well as other opposition party leaders, have been arrested and remain in detention. On December 22, 1989, the 65-year-old chairman of the NLD, U Tin Oo, was sentenced to three years imprisonment with hard labor following a summary trial by a military tribunal. U Tin Oo was con-

victed on charges of "contacting, writing, and sending false antigovernment reports to foreign organizations and leaders;" "inciting public unrest in writing an international May Day message"; and "inciting the people to misunderstand the government and creating public disturbances through his statement made at the fifth news conference of the National League for Democracy." He was also found guilty of "meeting and abetting members of the Defense Services" who had joined pro-democracy demonstrations in September and October 1988, and of "giving financial assistance and engaging in agitation aimed at the disintegration of the Defense Forces." This last charge was apparently based on incidents in September and October 1988 in which U Tin Oo met with members of the Burmese Navy and the War Veterans Organization who had joined the pro-democracy demonstrations, and reportedly made "arrangements to feed and house the demonstrators and provide financial assistance" to them. Asia Watch believes that U Tin Oo has been imprisoned for the peaceful expression of his political views, and for providing information about human rights conditions to international observers. Military tribunals have been empowered to conduct summary trials which suspend legal safeguards and deny the right of judicial appeal. In most cases, detainees have been tried and imprisoned for the peaceful exercise of their fundamental rights of free speech and association.

On December 29, former Prime Minister U Nu was placed under house arrest after he refused to dissolve his declared interim government. Thirteen members of his League for Democracy and Peace party were also placed under restriction orders under the 1975 Act to Protect the State From Destructive Elements. Government sources stated that in forming a "parallel government," U Nu had committed "an act of treason worse than armed rebellion." Restrictions against five of U Nu's associates were later lifted. Tin Oo and U Nu have also been barred from contesting the election.

Since February 8, at least 25 candidates for the elections have been detained without charge under martial law regulations, according to Amnesty International. Those arrested on February 8 include: U Thein Han, a lawyer and a candidate for the NLD from Pabedan Township; Dr. Maung Zaw, the NLD chairman in Sanchaung Township; U Kyaw Min, a member of the Central Executive Committee of the NLD; U Zaw Pe Win, the chairman of the Burma United Democratic Party, U Tin Soe, a candidate for the NLD from Kyauktada Township; and U Htwe Myint, a candidate and a Central Executive Committee member from the Democratic Party. On February 11, U Sein Hla Oo, the NLD candidate for Insein Township, and Dr. Khin Tun, whose party affiliation is not known, were arrested.

The Ruling Against Aung San Suu Kyi

On January 15, 1990, a divisional-level sub-commission of Burma's Election Commission disqualified Aung San Suu Kyi, the popular leader of Burma's pro-democracy opposition party, the National League for Democracy (NLD), from contesting the elections.*

* The sub-commission's ruling came in response to a challenge by a rival candidate from the National Unity Party (NUP) who charged that Aung San Suu Kyi had had "unlawful associations with insurgent groups." The rival candidate, Labang Grawng, also challenged Aung San Suu Kyi's candidacy on the grounds that she was "only entitled to the rights and privileges of a subject or a citizen of a foreign Power," because of her marriage to British national Michael Aris. The NUP is largely believed to be a government front, and most of its members, including Labang Grawng, were associated with the former ruling party, the Burma Socialist Programme Party. NLD officials had called on the Election Commission to review the decision; however election rules provide for no formal right of appeal and on February 17 the ruling was confirmed when her name did not appear on the Election Commission's list of approved candidates.

The basis for Aung San Suu Kyi's disqualification — her alleged links to insurgent organizations -- appeared on a list of criteria being used to disqualify potential candidates for office which was published by the Election Commission on December 8. Among other persons disqualified from running are those "serving prison terms, having been convicted under sentence of a court for any offense;" persons "entitled to the rights and privileges of a citizen or a subject of a foreign Power" and "members of organizations declared as unlawful associations."

The day before the ruling, Brigadier-General Myo Nyunt, Commander of the Yangon (Rangoon) Military Command prepared the ground for the decision in a speech in which he warned defense personnel that "insurgent organizations of all stripes have resorted to all means to win votes for the organizations they have reached agreement with behind the scenes... These destructive elements hiding behind personalities must be exposed thoroughly, completely and speedily." Following the announcement of Aung San Suu Kyi's disqualification, additional armed troops were deployed in the streets of Rangoon, apparently to prevent protests by her supporters. On January 22 - 23, 1990, troops dispersed hundreds of students and other demonstrators who had gathered to protest the ruling in front of Rangoon's City Hall. According to a BBC report of January 23, diplomatic sources claimed that the crowd dispersed after being warned that the army had been given orders to shoot demonstrators.

Restrictions on Freedom of Speech and Assembly

On February 23, the Election Commission issued new regulations which virtually assures that no political party will have the right to campaign freely before the elections. Order No. 3/90 ("Order Relating to the Right to Assemble and Campaign") restricts the parties' ability to "assemble and deliver speeches" by stipulating that such assemblies take place at "a prescribed place," and only with government permission. It outlaws "processions and chanting" in moving to the prescribed place for assembly and "processions and slogan shouting" when the meeting is over.

Speeches are limited to three hours, and must be delivered between 6 a.m. and 6 p.m. The use of loudspeakers is restricted to "what is actually needed." Although the speeches need not be submitted in advance to the Minister of Home and Religious Affairs for scrutiny, township subcommissions have been told that they must scrutinize "summaries" of speeches beforehand. Order 3/90 provides for imprisonment for up to three years or a fine of 5000 kyat (US\$750) for anyone making a speech, or publishing material which contravenes the following prohibitions:

Order 3/90 prohibits speeches, writings, printings or publications designed to "impair the country's independence, sovereignty and integrity;... impair the integrity of the Union and the unity and solidarity of the national races;... denigrate or impair the dignity of the State Law and Order Restoration Council and the law and order restoration councils at different levels and the government;... cause the disintegration of the Defense Services or impair the dignity of the Defense Services;... undermine security, the prevalence of law and order and regional peace and tranquility;... incite and cause racial or religious conflicts; ...incite or impair the peaceful pursuit of education;" ... incite the Defense Services, People's Police Force, or public service personnel so as to prevent them from discharging their duties, to oppose the government, and to protest." The restrictions are so broadly defined as to make any opposition candidate's speech subject to censure.

Other restrictions on speech and assembly have been used to prevent opposition groups from functioning freely. Martial law regulations promulgated in September 1988 prohibit gatherings of more than five persons in the streets, or fifty indoors. Congregating, walking, marching in procession, chanting slogans, delivering speeches, agitating and creating disturbances in the streets by a group of more than five people are also banned.

And despite government assurances that members of political parties have not been arrested for "engaging in politics," current martial law regulations define a number of political activities as criminal offenses. For example, political parties are restricted from publishing and distributing documents freely. Documents critical of the SLORC or of other government bodies are banned. At a press conference held by the SLORC on December 1, a government official denounced documents published by the youth wing of the NLD because they were distributed without permission. Other publications are condemned because they contain references to organizing "student unions," or because they contain instigations aimed at "insulting" government bodies or at "creating an unstable situation."*

Some aspects of the government's recent campaign to clean up Rangoon, allegedly so as to create a better impression among would-be foreign investors, also seem designed to restrict demonstrations and facilitate crowd control for the security forces. Informed observers have reported that all major roads in Rangoon, including the road linking the military command with the city center have been widened recently. Footbridges have been constructed throughout the capital in recent months, and residents are now required to use them and prohibited from crossing major roads, even though traffic in Rangoon is very light and seldom poses a hazard to pedestrians. The footbridges appear to have another purpose, however. In a recent incident, after an army jeep struck a child who had been in the road, a small group of some 30 people assembled at the scene. In minutes the footbridges filled with troops poised to open fire who warned the crowd to disperse or they would shoot.

Forced Relocations of Civilians

The government's beautification scheme does not end with footbridges. Following the September 1988 coup, SLORC authorities began forcibly evicting thousands of residents in Rangoon to outlying areas. Some 800 households comprising more than 3000 people were evicted in April 1989, and their houses demolished. The residents were resettled without compensation into bamboo shacks. Ten elderly people reportedly died in the move.** Residents are reportedly given only 48 hours notice of the eviction, and are relocated to areas that generally lack water, electricity and transportation to the city. ***

* Rangoon Domestic Service in Burmese, December 1, 1989, in FBIS, December 5, 1989.

** Far Eastern Economic Review. January 25, 1990.

*** Washington Post, February 18, 1990.

The evictions have continued in recent months. According to diplomats in Rangoon, some 16,000 people are targeted for relocation. They also report that similar efforts are underway in Mandalay.* Neighborhoods that have been targeted include those in which the pro-democracy demonstrations had their greatest support, including Aung San Suu Kyi's township, Bahan. In December 1989, more than 500 houses were reportedly demolished in Bahan, and their residents evicted. **

Recent regulations also prohibit anyone from living within 300 meters of a pagoda. Pagodas had previously provided a rallying point for pro-democracy demonstrations. Homes and other buildings surrounding pagodas in Rangoon have been cleared to provide a clear view of persons entering or leaving the pagodas.

Restrictions on Freedom of the Press

The print and broadcast media in Burma remain entirely under government control: press conferences are manipulated, journalists do not have free access to the public, and government employees must report all their conversations with foreign journalists. On November 11, the government announced that it would resume issuing visas to "unbiased" foreign journalists who wanted to come to Burma. The authorities had stopped issuing visas last summer during the crackdown against the NLD and other opposition groups, complaining of "biased" reporting by the foreign press. Journalists who apply for visas must obtain the endorsement from a government-approved "third party" before the visa can be granted.

Writers and journalists suspected of providing information about human rights violations to the foreign press have been arrested. On October 5, the Burmese Military Tribunal No. 2 near Insein Central Jail sentenced U Ne Min, a 42-year old lawyer who had worked as a part-time correspondent for the BBC, to 14 years hard labor under Section 5-E/J of the 1950 Emergency Measures Act for "spreading false news and rumors to fan further disturbances," and for "the possession of anti-government literature which he planned to send to the BBC." Ne Min was arrested on October 21, 1988, and has been detained without trial since then. Ne Min reportedly "confessed" to the "crime;" however, Asia Watch believes that he may have been tortured into "confessing." According to press reports, Ne Min complained of ill-treatment in jail and asked to be admitted to a hospital. His request was refused. The tribunal also sentenced writer and former naval officer U Ba Thaw, 62, to twenty years hard labor reportedly for encouraging naval personnel to participate in pro-democracy demonstrations and for urging the commander of the Ayeyarwady Naval Region Command Headquarters to secede from the Defense Forces.

The Border Conflict

The government's efforts to prevent free and fair elections has taken place simultaneously with a deadly dry season offensive against ethnic opposition forces along the Thai border. The offensive has crushed several Karen and Mon bases as well as all but one of the camps controlled by students fleeing Rangoon and other cities after the 1988 crackdown. The Thai army has reportedly assisted the Burmese army offensive by allowing the Burmese forces to enter Thailand and attack the rebel camps from the rear. According to Burmese

* Ibid

** The Far Eastern Economic Review, January 25, 1990. See also, The Washington Post, February 18, 1990.

officials, Thay Baw Bo -- the site of one of the largest student camps -- was overrun on January 25. Another major camp at Three Pagodas Pass was reportedly overrun on February 9. Some 15,000 Karen and Mon civilians have been driven across the border into Thailand to escape indiscriminate shelling by the Burmese forces. Four students captured by the Burmese army during the offensive were reportedly beheaded.

Forced Porterage

Burmese refugees fleeing the conflict have been deported by Thai officials. In January 1990, 300 Karen refugees who were arrested and handed over to the Burmese army were forced into porterage for the army. Other refugees who have fled into Thailand precisely to escape such porterage have also been forcibly returned. According to Burmese Catholic priest interviewed by *The Nation* (Bangkok, December 30, 1989), 200 civilians were arrested by Thai authorities on December 29 and handed over to Burmese military who took the men to serve as porters for the Burmese troops attacking Palu and Kaw Mu Ra.

The Burmese army has a long-standing practice of impressing villagers among the ethnic minorities in border areas into service as porters for army operations. Forced porterage has been used by the Burmese army to punish and demoralize villagers suspected of supporting ethnic insurgent movements along the Burmese border. Villagers who resist or who fall sick have been shot and left to die, beaten to death or beheaded by soldiers. On October 25, 1989 Karen guerrillas reported the discovery of a mass grave containing the remains of villagers who had apparently been used as porters. Another grave containing the remains of at least six people was reportedly discovered by Swiss photographer Karl Ammann, who stated that it was clear from villagers in the area that such killings were routine. The U.S. State Department, and other diplomatic sources, have also confirmed the widespread practice, and the ill-treatment and torture of those forced to porter for the army. Urban Burmese have also been abducted and forced to become porters for the army.

Student Refugees in Thailand

As many as 1500 Burmese students have arrived in Bangkok in recent weeks after fleeing the Burmese army's offensive. On March 3, 56 Burmese refugees were arrested by Thai authorities in Bangkok, including Tha Gyaw Maung, the son of NLD Executive Committee member Aung Lwin. They are being held in the Suan Plu Immigration detention Centre and will face trial for "illegal entry" and imminent deportation into areas controlled by the Burmese army.

In Thailand, all such refugees are considered to be illegal immigrants and risk deportation back into the war zone. Since 1988, Thai authorities have repatriated at least 1,000 students. Some of those returned were arrested, others simply disappeared. According to the U.S. Committee for Refugees, in late September 1989, Thai officials in Mae Sot sent back some 200 students to border camps, while officials in Ranong repatriated another 871 Burmese, including some students, to Victoria Point where a Burmese garrison is posted.

U.S. Policy

The U.S. has played a positive role with respect to human rights in Burma, particularly in its public condemnation of violations by the Burmese authorities. Indeed, the 1989 State Department report on Burma is a scathing indictment of human rights conditions in Burma. The U.S. could take further measures to voice its concern about the ongoing repression of basic civil liberties and arrests of opposition party candidates, and about

the abuses committed by the Burmese army during the border offensive.

Members of Congress should refuse to participate in election-monitoring teams or otherwise lend legitimacy to the electoral process until major opposition candidates are released and restrictions on civil liberties ended.

The U.S. should use all available international forums to call for the release of Aung San Suu Kyi, and all other opposition leaders and party members who have been detained for the peaceful expression of their political views;

The U.S. should take a more active stance with respect to Burmese refugees in Thailand. It should pressure Thai authorities to refrain from deporting Burmese refugees and be more open than it has been thus far to requests for refugee status for Burmese in Thailand. At least twenty students have reportedly applied at the U.S. Embassy in Bangkok for refugee status in the U.S. However, although U.S. Embassy personnel have been directed to consider Burmese students for refugee status, inexplicably, they have been slow to do so. And for the refugees, time is running out. The U.S. should make every effort to ensure that Burmese students who face political persecution are considered for refugee status. The U.S. should also pressure Thai authorities to provide protection for civilians who have been forced to flee the border conflict and seek refuge in Thailand.

Finally, the administration should discourage countries with which we have friendly relations, including Thailand, Singapore, Malaysia and South Korea, from pursuing arms sales or new trade relationships with Burma until the Saw Maung government takes positive steps toward restoring fundamental human rights.

Despite the Burmese government's efforts to woo foreign investors, few foreign companies have been willing to take on the risks associated with the unstable political climate in the country, according to the *Far Eastern Economic Review* (December 14, 1990). However, the government's decision to sell logging concessions to Thai companies (some with apparent links to the Thai military), and fishing rights to Thai, Malaysian, Singaporean and Hong Kong companies have been more successful. China has also negotiated trade agreements with Burma. And a number of oil companies, including the U.S.-based Amoco and Unocal, reportedly signed licensing agreements with the government in October. The contracts have enabled the government to purchase the massive amount of arms need for the recent offensive on the border.

The deterioration of human rights in Burma demonstrates that sustained pressure — both diplomatic and economic - from the international community is needed in order to stop violations of basic civil rights and end the persecution of Burma's pro-democracy opposition and its ethnic minorities.

News from Asia Watch is a publication of Asia Watch, an independent organization that monitors and promotes human rights throughout Asia. The Chairman is Jack Greenberg. The Vice-Chairmen are Matthew Nimetz and Nadine Strossen. The Executive Director is Sidney Jones. Asia Watch is part of Human Rights Watch, which includes Africa Watch, Americas Watch, Helsinki Watch and Middle East Watch.

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