

August 14, 1990

BURMA: POST-ELECTION ABUSES

Even after the landslide victory in the May 1990 general elections of the opposition National League for Democracy, the military government led by General Saw Maung has maintained its hold on power and has continued to commit gross human rights violations. On August 8 and 9, for example, the Burmese military opened fire on peaceful demonstrators in Mandalay and Pakkoku, killing at least four and wounding many more in a clear indication of its unwillingness to ease restrictions on freedom of assembly.

Thousands of political prisoners are believed to remain in custody and at least two dissidents, Min Thein and Kyaw Moe Thant, have died since May either in custody or in suspicious circumstances shortly after release. Military tribunals, set up in late 1988 continue to hand down death sentences for political offenses; five dissidents were reportedly executed in Pa-an, Karen State in June. Leading opposition figures such as Aung San Suu Kyi and Tin U remain under house arrest or in prison. Fundamental civil liberties such as the right to freedom of expression remain virtually non-existent. Asia Watch believes that the holding of elections *per se* has done little to improve the human rights situation in Burma or restore civil and political rights in that country. It is imperative that international pressure be maintained until those improvements come about.

Background

The ruling State Law and Order Restoration Council (SLORC), composed of senior military and intelligence officers, was formed in September 1988 following massive nationwide demonstrations against 28 years of military rule under strongman General Ne Win. As many as 10,000 peaceful demonstrators are believed to have been killed on August 8-12 and September 18-19, 1988 and thousands more were subsequently jailed or disappeared.

Though the National League for Democracy, the largest opposition party in the country, won a resounding victory in the May 1990 general elections, the military government has refused to consider an immediate transfer of power and has instead imposed a number of conditions which must be met before a transition to civilian rule may take place. The National League for Democracy captured 396 out of a total of 495 seats in the

People's Assembly, with some remaining seats going to allied ethnic-based parties. The pro-government National Unity Party, in contrast, won ten seats.

The National League for Democracy met on July 28-29 in Rangoon and demanded that all political prisoners be released, including NLD Chairman Tin U and General Secretary Aung San Suu Kyi, that full democratic rights be restored, that the newly elected People's Assembly be allowed to convene before October 1, and that power be transferred to the Assembly under an interim constitution already drawn up by the NLD.

SLORC has rejected calls for a transfer of power in the near future and has stated that a new constitution must be approved and a "strong government" be formed before a transfer of power is possible. In a statement to the press on July 27, SLORC Secretary General Khin Nyunt said that a "national convention" would be appointed to set "guidelines" for the new constitution, limiting the Assembly's role to the actual drafting process itself. If the military found the constitution acceptable, a national plebiscite would be held. It was implied that another round of elections might have to take place under the new constitution and that the entire process would take more than one year at least.

Recent Demonstrations

On August 8 and 9, the second anniversary of the mass protests and bloody crackdown, the Burmese military opened fire on peaceful demonstrators in Mandalay and in Pakkoku, killing at least four people and wounding many more. The demonstrators are believed to have been protesting the government's refusal to hand over power to the recently elected People's Assembly. Diplomats and others in Burma have reported arrests in several cities including Rangoon.

At 7:30 a.m., August 8, between three thousand and five thousand students and Buddhist monks gathered at the Maha Mya Muni pagoda in Mandalay and began marching peacefully towards the center of the city. Soon afterwards, following an incident in which a Burmese army officer was assaulted by one of the demonstrators, army troops opened fire, killing at least two students and two monks and wounding several more. The British Broadcasting Corporation (BBC) reported that troops quickly carried away the bodies of the four demonstrators. Later in the day, the army sealed off the hospital where wounded people were taken as well as other areas downtown. One western diplomat in Rangoon described Mandalay after the shootings as a "dead city," with little or no people on the streets and troops patrolling all major roads. Truckloads of arrested students and monks were reportedly seen being taken to Mandalay jail.

On the morning of August 9, according to Burmese state-run radio, a crowd of at least 300 protesters gathered in Pakkoku, a town along the Irrawaddy River south of Mandalay. After warnings from government authorities, troops "forcefully broke up the

demonstrations" in the afternoon. Student sources reported that several people were killed and an unknown number injured.

Also on the morning of August 9, according to Burmese state run radio, a large demonstration took place in Monywa, a town in the Chindwin Valley northwest of Mandalay. There have been no reports of casualties.

In Rangoon on August 8, small demonstrations of up to 100 students are reported to have taken place in several different locations around the city. Students and others gathered near the Sule Pagoda, on Mugal Street, Dalhousie Street, near the Shwe Dagon Pagoda and in front of the American Embassy in demonstrations or ceremonies marking the anniversary of the 1988 uprising. One diplomat said that he saw a group of 20 high school students in uniform, aged 13-15, gathered in front of the American Embassy vowing to continue the fight for democracy. He said that after a few minutes they dispersed and, as they crossed Merchant Street, seven were arrested by army soldiers.

The New York Times (August 12, 1990) reported that at least ten students were arrested on August 10 in North Okkalapa, a suburb of Rangoon, and that security forces were seen patrolling the gates of schools and escorting students home.

Arrest and Torture of Political Prisoners Since the Elections

The Burmese government has imprisoned more than 10,000 people for political offenses since the August 1988 uprising. Estimates of the total number of political prisoners run as high as 30,000. Many have been tried by military tribunals in closed sessions without access to defense counsel. Others have been detained without charge by the Directorate of Defense Services Intelligence (DDSI). Torture, including electric shocks, beatings, sleep deprivation and cigarette burns, is widespread and has continued since the May elections. The government has not released any political prisoners since the May elections and has instead arrested more people, at least one of whom has died in custody.

Dr. Min Thein, aged 31 and a member of the All Burma Students Democratic Front, was captured by the Burmese army at the beginning of May and died shortly after being released from military custody on June 11. Dr. Min Thein had been working as a doctor at the student camps and at nearby villages along the Burmese-Thai border and was captured by units of the 8th Burma Regiment near the town of Balin, Karen State. Though he was initially allowed to return to his family, officers of the DDSI came to his home at the beginning of June and took him away to Yay Gyi Aing DDSI headquarters. Following his release, one week later, he said that the DDSI had only questioned him and, just before his release, had told him to drink three bottles of water. When he returned home, he complained of severe stomach pains and had to be hospitalized. He died in Rangoon General Hospital on June 11. Student sources believe that he was poisoned. While Asia Watch has no evidence to prove or disprove this, we believe the circumstances and timing of

his death raise serious questions which can only be answered by a thorough and impartial investigation. Thus far, no such investigation has taken place.

Kyaw Moe Thant, a representative of the Democratic Party for a New Society and a history major at Rangoon University, died in Maubin Jail hospital in Maubin township, Irrawaddy Division on May 22. He had been in jail for three months and had been admitted to the hospital because of internal injuries sustained as a result of severe beatings he reportedly received in jail. According to his parents who were by his bedside, he was kept in chains until his death.

Kyaw Koe, aged 20 and a student from Rangoon's Dagon township, was reportedly tortured while in prison earlier this year. Following his release in May, he said that he had been blindfolded and beaten by several people and had been burned on his legs and genitals with lit candles and cigarettes.

On June 13, Tin Win, Myo Myint U, Hlaing U, and Ma Ohmar, all students, were arrested by DDSI in Henzada Township, Irrawaddy Division for distributing pamphlets marking the July 7, 1962 shooting of student protesters and the bombing of the Rangoon Student Union building by the army. They were charged under Article 20 of martial law regulations prohibiting the publication of material critical of the government or the armed forces. They appeared in court on July 15 and were scheduled to appear again on July 27.

Another student, Sanda Tun, was arrested in Bassein township, Irrawaddy Division, on July 14 on the same charge for distributing illegal pamphlets. Three other students, Aung Myo Htwe, Kyaw Kyaw Tun, and Moe Win were also arrested in Bassein on July 18 on the same charge. None of the four had appeared in court as of the end of July.

Bo Kyi, a member of the All Burma Federation of Student Unions Central Committee was arrested on June 21 in Rangoon and charged with distributing ABFSU badges. He has been sentenced to three years imprisonment and was transported to Mandalay Jail.

Tin Than U, a student at the Economics Institute of Rangoon University was arrested in July 1989 and is now in Tharrawaddy Jail in Pegu Division. She was reportedly beaten in jail and had to be taken to the prison hospital for her injuries.

Aung Myo Tun, a third year Geology student from Rangoon University was taken from his home in Rangoon by officers of the DDSI on July 3, 1990. He was blindfolded and taken to a room somewhere by car where he was interrogated without rest for three days. He was beaten at different intervals throughout his interrogation and was questioned primarily about the distribution of illegal pamphlets by student groups. He was released ten days after interrogation.

Maung Maung Than, a high school student and friend of Aung Myo Tun was arrested at the same time and was similarly beaten and questioned about the distribution of illegal

pamphlets. Maung Maung Than and Aung Myo Tun were kept in separate rooms but were released on the same day.

Ma Tar, a well known social worker at Prome, approximately 30 years old, was arrested by the army following a confrontation between students and the army on Martyr's Day, July 19. She was arrested together with several others (see below) who have not been identified.

Execution of Political Prisoners

Five political prisoners were reportedly executed in Pa-an, Karen State close to the Thai-Burmese border after having been sentenced to death by a military tribunal. The military tribunals set up after the 1988 uprising have handed down at least 100 death sentences. It is not known how many have been carried out. The five reportedly executed are:

U Tin Maung, 55 years old, a businessman in Pa-an.

Sonny Thein, 25 years old, a 4th year student at the Rangoon Institute of Technology.

Yan Gyi Aung, 25 years old, a 4th year zoology student from Moulmein University. He had formerly lived at the Klerday camp of the ABSDF and had returned from the border in December 1988.

Kyaw Hein, 22 years old. He had also lived in Klerday camp before returning to Pa-an.

Myint U, a 26-year-old taxi driver. He had returned from Wang Hka camp of the ABSDF in April 1989.

Continued Detention of Political Prisoners

U Tin U, aged 64, Chairman of the National League for Democracy, was imprisoned in December 1989 after being under house arrest since July 20, 1989. He was charged with creating "public disturbances" and was sentenced to three years hard labor after a summary military trial which carried no right of appeal. Tin U's continued detention is of special concern because of recent reports of serious ill health. Tin U is said to be suffering from thrombophlebitis, a painful inflammation of the veins which causes severe blood clots. The illness is potentially life threatening and may require immediate hospitalization. Tin U has not received any medical care in prison.

Daw Aung San Suu Kyi, aged 45 and General Secretary of the National League for

Democracy, has been under house arrest since July 19, 1989. She has not been formally charged with any crime. Though the government initially placed her under house arrest for one year, General Khin Nyunt, head of the DDSI, announced on July 15 that she would not be released but did not say whether the house arrest had been extended for any specific length of time.

Zagana, a prominent comic and satirist was arrested at the end of May and is currently being held in Rangoon's Insein Jail. Zagana had been imprisoned before, from October 2, 1988 to April 21, 1989. He was reportedly severely tortured during his last time in prison and was kept in solitary confinement.

Approximately ten senior NLD officials, including Theingi, Aung San Suu Kyi's private secretary, and Tin Win and Aung Lwin, members of the NLD Executive Committee are still being held in Insein Jail. All were arrested in July 1989. In addition, hundreds of other NLD organizers are in jails around the country.

Former Prime Minister U Nu, Patron of the League for Democracy and Peace, has been under house arrest since December 1989 for refusing to disband his "parallel government" proclaimed during the height of the 1988 uprising.

Nay Min, a Rangoon lawyer, was arrested in October 21, 1988 and sentenced in November 1989 by a military tribunal to 14 years hard labor for allegedly passing on information to the British Broadcasting Corporation (BBC). Nay Min is reportedly suffering from heart ailments caused by repeated and severe torture by electric shocks and is said to be in solitary confinement in a cold cell. He has not received any medical attention.

Min Ko Naing, Chairman of the All Burma Federation of Student Unions (ABFSU), Moe Hein, member of the ABSFU Executive Committee, Soe Myat Thu, member of the ABSDF Executive Committee and other student leaders are also still in jail and many are reported to be in ill health because of torture during interrogation and other physical mistreatment. Hundreds and perhaps thousands of other students are also in jails in Rangoon, Mandalay and elsewhere.

On August 2, 63 students were moved, because of prison overcrowding, from Rangoon's Insein Jail to Mandalay Jail. Two reportedly died on route from dysentery and lack of proper medical care. Severe overcrowding and lack of medical care has reportedly caused numerous other deaths from dysentery in Insein Jail as well.

Abuses of Civil Liberties

SLORC still rules through martial law, prohibiting the outdoor gathering of more than four people and proscribing any criticism of the armed forces or the military government. Newly issued identification cards must be carried at all times and must be

shown to local officials when leaving or entering a township for more than one day. All publications are censored, and the state owns all newspapers as well as the television and radio stations.

In addition, the Directorate of Defense Services Intelligence (DDSI) is believed to maintain constant surveillance of large numbers of people suspected of harboring anti-government sentiments. Political opponents of the regime have complained of continued use of telephone taps and other forms of surveillance since the elections. DDSI's network of informants is said to extend into the army and the civil service and is used to ensure political loyalty to the current leadership.

On Martyr's Day, July 19, which marks the anniversary of the 1947 assassination of independence leader U Aung San and other cabinet members, anti-government demonstrations were reported to have taken place in several towns. In Rangoon, groups of up to one hundred students staged brief demonstrations despite a massive army presence around the city. One eyewitness reported that regular army troops as well as riot police could be seen in every major intersection.

In Prome, Magwe Division, the local SLORC had banned any commemoration of Martyr's Day. According to eyewitnesses, at 9:30 a.m., over one hundred students marched to the Martyr's monument at the center of the town, many holding wreaths and flowers. Many townspeople joined the students and filled the main avenue leading to the monument. Soon, army trucks arrived and blocked the avenue, ordering people to disperse within five minutes. Although many did leave, the students remained and continued to march. The soldiers first fired into the air after which the students told the officer in charge "if you want to kill us, kill us, but then there will be more martyrs in Burma." At that point, they were allowed to lay their wreaths and leave. That night, however, approximately thirty students, believed by the government to have been the leaders, were reported to have been arrested.

Demonstrations also were reported in Mandalay and in Monywa on the same day.

According to the Melbourne Overseas Service, in Mandalay on July 1, troops surrounded a Buddhist monastery where students belonging to the All Burma Federation of Student Unions were meeting. Several hundred monks reportedly intervened and confronted the soldiers, one senior abbot shouting, "You soldiers are foolish fellows, because your leaders have already secured their asylum in China." Though most of the students were able to leave peacefully, 33 were subsequently arrested. They were all released the same day after questioning.

Abuses Against Refugees Returning from Thailand

Burmese security forces at the Thai border have detained or forcibly conscripted

large numbers of refugees forced back from Thailand in recent months.

The Thai Army in May pushed back an estimated 1,700 refugees who had been seeking asylum in Thailand's Tak province from continued fighting between Burmese army and rebel forces across the border. Thai army officials in May announced that 10,000 other Burmese "illegal immigrants" would be sent back in the near future. Seven hundred of the people repatriated were interrogated and detained in the Burmese town of Myawaddy shortly after arrival. Several dozen men were reportedly taken by the army for porter service.

On July 5 at 12:00 noon, 45 Burmese detained at Kanchanaburi prison were sent back to Three Pagodas Pass, across from Thailand's Sankhlaburi district. They included six women and 39 men and had been in prison for several months. The bus was escorted by the Thai Border Patrol Police and was driven directly to the Burmese army post at the border commanded by Lt. Colonel Thiha Thura Sit Maung. The detainees were photographed and handed over, at which point the Thai officer in charge said through an interpreter: "We are handing them over as you demanded." All the detainees were interrogated by Burmese soldiers and nearly all, including several of the women, were conscripted for porter service and taken to areas close to the fighting. One man, Soe Paing, a political activist from Tavoy township, Tennasserim Division, was identified and beaten. He was later taken to a medical clinic nearby.

Recommendations

Asia Watch reiterates recommendations made in its May 1990 report Human Rights in Burma:

- * Release from jail or house arrest all persons who have been detained for the peaceful expression of their political views, including opposition leaders U Tin U, Daw Aung San Suu Kyi and U Nu, and allow all Burmese to participate freely in peaceful political activity.
- * Establish independent impartial investigations into all reports of torture, disappearances and extrajudicial executions, and prosecute those responsible for such abuses, including members of the armed forces responsible for the massacre of demonstrators in 1988.
- * Abolish the practice of incommunicado detention, and establish safeguards against torture, including the right of habeas corpus and access to prisoners for family members and lawyers. The government should also maintain a centralized register of prisoners and allow lawyers and the public access to the list.
- * Suspend the use of military tribunals to try civilians and permit civilian courts to conduct trials in accordance with internationally recognized standards of due process.

- * Withdraw restrictions on basic civil liberties such as freedom of speech, freedom of association, and freedom of the press, including restrictions on access for foreign journalists.
- * Abolish the army practice of forced recruitment and abuse of civilian porters.
- * Establish independent investigations into reports of army abuses in the border conflict, including the arrest, torture and summary execution of suspected rebel sympathizers, indiscriminate attacks on civilians, and the looting and burning of private property, including houses and crop areas.
- * Permit international organizations that operate confidentially, and international relief organizations to undertake the full range of their protection activities in Burma.

Asia Watch also calls on the Burmese government to respect the results of the May 27 elections.

For its part, the United States, through its embassy in Rangoon should continue to press for the release of political prisoners and for investigations into reports of torture, extrajudicial executions and disappearances.

The United States embassy in Bangkok should continue to press the Thai government to grant Burmese refugees in Thailand temporary asylum and work to prevent any further forced repatriations. The United States should also be willing to accept more Burmese refugees for resettlement in the United States and support a role for UNHCR in protecting Burmese refugees along the Thai border and in Thailand itself.



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