

## CHANGES IN BURMA?

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### I. INTRODUCTION

Since April 1992, developments in Burma have suggested to some that the ruling State Law and Order Restoration Council (SLORC) is beginning to moderate its hardline stance. These developments have included the replacement of SLORC's chairman; the release of 277 political prisoners; visits to imprisoned opposition leader and Nobel Peace Prize winner Aung San Suu Kyi by her husband and sons; the convening of a planning meeting to prepare for a constitutional convention; the signing of a repatriation agreement between Burma and Bangladesh for the return of close to 300,000 refugees, and the suspension of a military offensive against the Karen National Union (KNU) along the Thai border.

While some of the measures are welcome and may show the impact of international pressure, Asia Watch finds no reason to believe that the human rights situation has fundamentally changed. Key political leaders remain in detention. In addition to Aung San Suu Kyi, at least 16 other Members of Parliament of the 485 elected in 1990 remain in custody, with over 100 more disqualified for political reasons. Martial law remains in force, effectively eliminating the ability to speak, write or meet freely and perpetuating an atmosphere of fear. Thousands of civil servants throughout the country have lost their jobs or been demoted as a direct result of their political thought or affiliation. Military abuses continue to be reported along Burma's borders.

In the following report, Asia Watch analyzes each of the recent developments in terms of its possible impact on the protection of basic rights.

## II. CHANGES AT THE TOP

On April 23, 1992, Rangoon Radio announced that General Than Shwe would become the new chairman of SLORC and Prime Minister of Myanmar (Burma), replacing General Saw Maung, who was said to be in ill health. Two days later, General Than Shwe took on another of Saw Maung's posts, Armed Forces Commander-in-Chief.<sup>1</sup> He is described by one expert as "a ruthless field commander,"<sup>2</sup> and appears to be no more committed to democratic change than his predecessor. As deputy commander of Defense Service and army chief, he was unswervingly loyal to Ne Win. (The last photograph of Ne Win in the state press *Working People's Daily* early in 1989 showed the Burmese leader laughing with fellow generals, including both Saw Maung and Than Shwe.) The change had been expected, and "no one considered the taciturn, sullen Than Shwe to be a closet liberal with grand schemes up his sleeve."<sup>3</sup> The release of some political prisoners and permission for Aung San Suu Kyi to see her family took place shortly after Than Shwe took office, but he is not thought to have been the impetus for either.

## III. RELEASE OF POLITICAL PRISONERS

On April 24, 1992, SLORC issued Declaration No. 11/92, stating that political detainees who posed no threat to state security would be promptly released. It was the first acknowledgment by SLORC that the Burmese government held political prisoners, and it was followed by a series of releases.

By June 17, according to SLORC statements, 277 political prisoners had been freed, although, in most cases, the releases could not be verified independently, nor could it be determined how many of the 277 had in fact been arrested on political charges. Asia Watch is

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<sup>1</sup> *The Nation*, **Bangkok, April 26, 1992.**

<sup>2</sup> *International Press Service*, **Bangkok, April 27, 1992.**

<sup>3</sup> *International Press Service*, **Bangkok, April 27, 1992.**

aware of at least 33 MPs, elected in the May 1990 elections, among the 277 released (Appendix A). It remains unclear what criteria was used to determine who would be released and whether the releases were unconditional. Asia Watch has received information from a reliable source indicating that some of the MPs released were first taken to interrogation camps and questioned about their future role in politics. They were told to answer in writing, as well as to give their opinions on the Nobel Peace Prize given to Aung San Suu Kyi. Those who were released said they wrote what was expected of them. Since those released were only people deemed to pose no security threat, it is obvious that the policy of detaining key opponents remains in place. Asia Watch knows of 17 elected MPs still in prison (Appendix B), 33 MPs detained after elections with present whereabouts unconfirmed (Appendix C) and believes thousands of additional political prisoners remain in jails throughout Burma.

In some cases, the releases seemed as arbitrary as the original arrests. For example, U Kyi Maung and U Chit Khaing were arrested on September 6, 1990. Both were elected members of Parliament (MPs) and senior leaders of Aung San Suu Kyi's party, the National League for Democracy (NLD). They were arrested on treason charges under the 1923 Official Secrets Act and Section 5J of the 1950 Emergency Provisions Act and both sentenced to ten years (later doubled). In April 1992, U Chit Khaing was released from Insein Central Jail. U Kyi Maung, however, remains in detention.

U Nu<sup>4</sup> released April 25, 1992, was arrested and charged under the same law as Aung San Suu Kyi and similarly placed under house arrest in 1990. The 1975 State Protection Law under which they were arrested gives state authorities the right to detain for up to three years without trial anyone who they believe has, does or will "endanger[ed] the security and sovereignty of the state."<sup>5</sup> Aung San Suu Kyi, however, remains under house arrest.

#### **IV. FAMILY VISITS ALLOWED FOR AUNG SAN SUU KYI**

Although Aung San Suu Kyi remains under house arrest she has been allowed family visits after over two years of being held incommunicado. Her husband and two sons visited her in May 1992 and her husband returned again in July for one month.

Following these family visits, Maj. Gen. Khin Nyunt,<sup>6</sup> in an interview with the BBC in Rangoon, made clear that there is not a role for Aung San Suu Kyi in Burmese politics and that recent changes did not reflect any basic change in the government's attitude.<sup>7</sup> There is no indication that the family visits presage an imminent release or a relaxation of the terms of the

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<sup>4</sup> U Nu was Burma's first Prime Minister who Ne Win ousted in 1962. U Nu reemerged again in the 1988 pro-democracy movement as a major opposition leader.

<sup>5</sup> The punishment was extended to five years without trial in August 1991.

<sup>6</sup> Khin Nyunt is Chief of Intelligence and considered one of the most powerful figures in SLORC.

<sup>7</sup> *Bangkok Post*, June 12, 1992.

opposition leader's detention.

## **V. PLANNING MEETINGS FOR CONSTITUTIONAL CONVENTION**

The primary demand of the international community has been for SLORC to turn over power to the civilian government elected in the May 1990 elections.<sup>8</sup> On April 24, 1992, SLORC announced Declaration 11/92: "SLORC will hold talks with the leaders of elected representatives from legal standing political parties and independent representatives within two months, and that a national convention will be called within six months in order to lay down basic principles to draw up a firm constitution."<sup>9</sup> The meetings would be the first role permitted elected representatives since the 1990 elections, but it was clear the MPs would be hand-picked and the meetings tightly controlled. SLORC made no mention of an eventual transfer of power to a civilian administration.

### **The Meetings**

On May 28, SLORC issued Order No. 9/92, announcing 29 MPs as participants for the three meetings. (In May 1990, 485 MPs had been elected; of those, at least 119 have since been detained or disqualified<sup>10</sup>. How the 29 MPs were selected from the remaining 366 is not clear.) The 29 included 15 from the NLD headed by Aung Shwe<sup>11</sup>, six from the Shan Nationalities League for Democracy, three from the National Unity party, one from each of four smaller parties and one Independent Representative-elect.<sup>12</sup> In addition, a 16-member Constitutional

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<sup>8</sup> Declaration 1/90, issued two months after the May 1990 elections, states that "the representatives elected by the people are responsible for drafting a constitution." Concluding "only SLORC has the right to legislative... administrative...[and] judicial power," ruling out any parliamentary role for the elected MPs, which the military had promised before the elections. (*Far Eastern Economic Review*, July 9, 1992, p. 14.)

<sup>9</sup> *Rangoon Radio*, June 23, 1992, in *FBIS*, June 24, 1992, p. 30.

<sup>10</sup> Under Martial Law No. 10/91 of July 10, 1991, the People's Assembly Law was amended retrospectively banning from office, up to ten years, candidates judged guilty of any array of crimes including treason, misuse of election expenses and other related offenses. The reality has been that any MP detained is automatically disqualified by the office of the Multi-party Democratic General Election Commission of the SLORC.

<sup>11</sup> "The new [NLD] central executive committee, led by Aung Shwe, former army brigadier and one-time Ambassador to Australia, has been notably accommodating to the SLORC. On 15 December [1991] even gave in to SLORC pressure to expel Aung San Suu Kyi from the party." (*Far Eastern Economic Review*, July 23, 1992, pg. 19-20.)

<sup>12</sup> The MPs elected represented 29 parties, only seven however were selected to participate in the meetings. In addition, the government's National Unity Party (NUP) claims only ten political parties are still legal. (*Rangoon Radio*, June 30, 1992, in *FBIS*, July 2, 1992, pg. 24.)

Coordinating Committee composed of SLORC members was also appointed to attend the meetings; Maj. Gen. Myo Nyunt was appointed chairman of the committee.<sup>13</sup>

On June 23, Myo Nyunt opened the first meeting. He assured the political leaders that they will be able to discuss freely all issues, like who will be invited to the convention.<sup>14</sup> He went on to encourage representatives present to offer detailed suggestions on the make-up of the proposed convention and submit names of potential delegates from political parties with elected MPs, members of national peoples and the peasantry, workers, intelligentsia, technocrats and public servants.<sup>15</sup>

The second meeting was held June 30, with the meeting's agenda presented by Maj. Gen. Myo Nyunt and Col. Aung Thein.<sup>16</sup> The NLD representative, U Aung Shwe, was the first to speak, followed by U Hkun Tun Oo, of the Shan Nationalities League for Democracy (SNLD) and the other parties represented.

U Aung Shwe's speech followed SLORC guidelines to the letter. He focused entirely on suggestions for who should be invited to the convention, submitting a comprehensive list of nearly 1,000 names.<sup>17</sup> U Hkun Tun Oo also submitted names but went further to raise a number of other concerns and questions:

Will there be the right to discuss freely and publish freely at the National Convention? Will there be any announcement stating that there will be no suit, no action and no investigations in connection with discussions and publications during the National Convention?

He also suggested that the proceedings of the National Convention be broadcast live on the radio and television from the beginning to end to keep the public informed about the National Convention.<sup>18</sup> The MP representative from the Shan State Kokang Democratic Party suggested

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<sup>13</sup> Maj. Gen. Myo Nyunt is currently SLORC's Military Commander of the Rangoon Division.

<sup>14</sup> *Hong Kong AFP*, June 23, 1992, *FBIS*, June 23, 1992, pg. 36.

<sup>15</sup> Press Release No. 28/92, Myanmar Embassy, New York, July 14, 1992.

<sup>16</sup> Col. Aung Thein, Director of Public Relations and Psychological Warfare was appointed Secretary of the Steering Committee.

<sup>17</sup> The NLD representatives at the meeting neither mentioned imprisoned NLD leaders and members nor requested of SLORC their release.

<sup>18</sup> News of Myanmar, Embassy of the Union of Myanmar, Washington DC, July 8, 1992.

SLORC should halt offensives throughout the country and grant amnesty to all political prisoners.<sup>19</sup>

The remaining parties continued to outline in detail all those to attend a national convention, so that representatives of all professional and ethnic groups would be included.

The final meeting was held on July 10 with Col. Aung Thein saying he would submit all suggestions and recommendations to SLORC. Maj.Gen. Myo Nyunt then summed up the proceedings, saying the participants had agreed on the categories of people to be represented at the convention — which were identical to those he had outlined in his opening speech.<sup>20</sup> "Regarding the participation of representatives of armed terrorists insurgents," he said,

it would be unnatural to invite persons who have no confidence in the Convention to attend it. If those armed terrorist insurgents have a genuine desire to attend the national convention, they must give up their policy of armed struggle. They should without hesitation give up their armed struggle and they also need to come back to the legal fold. Once they are back in the legal fold they will be accorded the privileges given to other people and will be allotted the appropriated number of delegates to attend the national convention. It is very clear that this is the one and only way for the armed terrorist insurgents in the jungles to attend the national convention.... As to the general amnesty proposal,... With due scrutiny, those believed to be of no threat to national security would be released while those who pose a threat to national security would remain [in detention].<sup>21</sup>

Lest there be any illusion that these planning meetings represented an easing of SLORC control or a step toward democratization, it should be remembered that many of those elected in the May 1990 elections have since been detained and/or disqualified without formal judicial proceedings.<sup>22</sup> Thus, even if SLORC went so far as to convene the National Assembly of elected members of parliament, a step not even under discussion, that Assembly would be made up only of those representatives that SLORC found politically acceptable or had intimidated into acquiescence with SLORC policies.

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<sup>19</sup> *Rangoon Radio*, June 30, 1992, in *FBIS*, July 2, 1992, p.25.

<sup>20</sup> The delegates were to be invited from: political parties, elected representatives, national races, peasants, workers, intelligentsia and technocrats and service personnel. (Press Release No. 28/92, Myanmar Embassy, New York, July 14, 1992.)

<sup>21</sup> *Rangoon Radio*, July 10, 1992, in *FBIS*, July 13, 1992, p.32.

<sup>22</sup> In total 119 elected MPs have been disqualified by the SLORC Multi-party Democratic General Election Commission. This report has noted 33 MPs have recently been released, 16 MPs are still in prison and 33 other MPs detained since the elections (their current situation is not known); all disqualified from participating in government for up to 10 years under Martial Law 10/91 of July 10, 1991. In addition, 21 MPs have sought exile (12 in Thailand and 9 in India), 5 have died (one while in prison) and 11 others have resigned for unknown reasons.

## VI. SITUATION ON THE BURMA-BANGLADESH BORDER

Since Asia Watch issued a report in May 1992 on abuses by the Burmese military against the Rohingya Muslim minority in northern Arakan,<sup>23</sup> some 41,000 more Rohingya men, women and children have fled into Bangladesh. The refugees registered in Bangladesh now total 270,921.<sup>24</sup> The health, food and sanitation conditions in the camps are rapidly deteriorating. A UN-brokered agreement between Burma and Bangladesh for the "safe and voluntary" return of the refugees was reached on April 28, 1992 but contained no provisions for impartial screening of the refugees before they went back or for monitoring their well-being afterwards. On May 27, the Bangladesh government effectively closed the camps off to the outside world. As of August, the flow of refugees has slowed to about 10 per day, down from some 2,000 a day when the agreement was negotiated and in the following months. The decline almost certainly reflects the appalling situation on the Bangladesh side of the border, the restrictions of movement imposed by Burmese military, and the onset of monsoon rains, rather than an improvement in Arakan. A human rights nightmare is turning into a major humanitarian disaster.

### **The Repatriation Agreement**

On April 28, 1992 an agreement for the immediate repatriation of the Rohingya refugees in Bangladesh was signed by the Foreign Ministers of Bangladesh and Burma. According to the agreement, Burma would "take all necessary measures that would halt the outflow of Myanmar residents to Bangladesh and encourage those who had left Myanmar to return voluntarily and safely to their homes." The government of Bangladesh agreed to register all refugees and note those who have "Evidence of their residence" in Burma upon arrival. The Burmese government would then "repatriate in batches all persons inter alia: carrying Myanmar citizenship identity cards/National Registration Cards, those able to present any other documents issued by relevant Myanmar authorities and, all those persons able to furnish evidence of their residence in Myanmar, such as addresses of any other relevant particulars." Both sides agreed that the refugees "should be settled in their own households and original places of residence." Bangladesh pledged to work with the representative of the United Nations High Commissioner on Refugees (UNHCR) to assist the refugees "in the process of safe and voluntary repatriation." Burma, however, agreed to the services of the UNHCR only "as needed at an appropriate time."<sup>25</sup>

Meetings prior to the agreement<sup>26</sup> proposed details of the repatriation: that it would

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<sup>23</sup> *Burma: Rape, Forced labor and Religious Persecution in Northern Arakan*, Asia Watch, May 7, 1992.

<sup>24</sup> *Dhaka Radio Bangladesh Network*, July 20, 1992, in *FBIS*, July 21, 1992, pg. 55.

<sup>25</sup> Bangladesh Embassy Release, Washington DC, April 29, 1992.

<sup>26</sup> Prior to the signing of the repatriation agreement between the two governments a Technical Level Working Group met on April 26 and 27, 1992. The Bangladesh delegation was led by Muhammad Omar Farooq, Commissioner, Chittagong Division and the Burmese was

begin no later than May 15, 1992 and be completed within six months; to open ten transit camps in Bangladesh and five reception centers in Burma would open to repatriate 5,000 refugees to Burma every other day, to involve UNHCR in the process and to have both governments designate officials to resolve any problems that might arise.<sup>27</sup> The technical agreement was formally signed by both governments on May 7, 1992.

There were no provisions for setting up screening procedures on the Bangladesh side of the border to ensure repatriation was voluntary, or for having an international presence on the Burmese side to ensure it was safe. There was no indication of how long or under what conditions refugees would be held in the "reception centers."<sup>28</sup> On May 1, SLORC reported in the Working People's Daily that they had agreed to repatriate those "who hold official documents issued by the Myanmar government" and that returnees would be allowed to return home "after careful scrutiny,": an ominous phrase given what the refugees had been subjected to before they fled. The requirement that refugees show proof of residence in Burma ignores the fact that Burmese authorities, in their efforts to bolster their claim that the Rohingyas were "illegal immigrants", frequently destroyed identity cards and other proofs of nationality.

On May 12 and 14, Burmese officials from the Immigration and Manpower Department met with Bangladesh officials at refugee camps in Bangladesh to begin screening those acceptable for repatriation. Between May 14 and June 4, Burmese officials had received 20,250 names from Bangladesh of refugees to be repatriated. According to the Burmese Immigration and Manpower Department, only 10,456 were acceptable for repatriation.<sup>29</sup> No reasons were given for screening out the other 9,794.

## **The Aftermath**

UNHCR quickly eschewed any role in the repatriation until the necessary safeguards could be worked out. On April 29, the UNHCR office in Dhaka issued a brief press release on the repatriation agreement, saying it "noted with satisfaction that the communique... incorporates the principles of voluntary and safe return...UNHCR is concerned, however, that refugees continue to arrive. Immediate improvements in conditions in areas from which the influx originates....are indispensable for ensuring a voluntary and safe return. UNHCR notes the recognition by both parties of the role that the Office can play in various stages of the repatriation process."

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headed by H.E. U Maung, Director General, Immigration Department.

<sup>27</sup> Bangladesh Embassy, Washington D.C., April 29, 1992

<sup>28</sup> This is a critical issue as Asia Watch's report on *Burma: Rape, Forced labor and religious persecution in northern Arakan* documents refugee accounts of extensive forced labor camps and torture by SLORC officials.

<sup>29</sup> Press Release No. 29/92, Myanmar Embassy, New York, July 17, 1992.

On May 8, UNHCR held a press conference in Geneva, openly criticizing the rapid repatriation plan of Burmese refugees present in Bangladesh. UNHCR stated its concern that there was "no mechanism to ensure that repatriation was voluntary or to monitor refugees safety upon their return."<sup>50</sup>

On May 10, Burmese refugees in Bangladesh camps began to demonstrate against the proposed repatriation. The demonstrations escalated over the next few days. On May 14, the day before the first repatriations were scheduled to take place, refugees gathered near the office of the camp commander at Balukhali in Cox's Bazaar. Bangladesh paramilitary troops opened fire on about 2,000 Burmese refugees, killing one and injuring twenty.

On May 15, SLORC and Bangladesh governments postponed the starting date for repatriations because of procedural problems.<sup>31</sup> Two days later, the Bangladesh regional administrator for southeastern Chittagong and a UNHCR official reassured Burmese Muslim refugees in camps that they would not be repatriated against their will, although the administrator warned the refugees that his government would "not tolerate" any protest.<sup>32</sup>

The Bangladesh and Burmese government representatives have met five times since the postponement without declaring a new date to begin the repatriation. Burma continues to refuse any UNHCR presence in Burma. The UN Humanitarian Relief Coordinator, Jan Eliasson, is continuing negotiations with all concerned<sup>33</sup> and is presently exploring with both sides the possibility of an "interdisciplinary approach" to a UN presence. This would involve a monitoring function coupled with assistance in resettlement and community development.

### **Effect on Refugees**

In the meantime, the situation of the refugees in Bangladesh continues to deteriorate. On May 17, as Bangladesh and Burmese officials met in Teknaf<sup>34</sup> to reschedule the repatriation, Bangladesh police imposed tight security around the refugee camps in southeastern Bangladesh and ordered security forces to keep refugees confined to their straw and bamboo huts. On May 27, Bangladesh banned unauthorized visits to the camps, and restricted contact between refugees and outsiders. Barbed wire barriers were erected around the two refugee camps, where most of the demonstrations against repatriation had occurred, and refugees were

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<sup>30</sup> *Reuters*, in *Bangkok Post*, May 9, 1992.

<sup>31</sup> SLORC officials later claimed the delays were in "sending the lists and in the scrutiny process" on the Bangladesh side. (*Rangoon Radio*, May 20, 1992, in *FBIS*, May 21, 1992, pg.22.

<sup>32</sup> *Bangkok Post*, May 17, 1992.

<sup>33</sup> Jan Eliasson, newly appointed United Nations Humanitarian Relief Coordinator, went to Bangladesh and Burma in late March 1992, to secure the safe and voluntary return of the Burmese refugees in Bangladesh to their home.

<sup>34</sup> Teknaf is a Bangladesh town located along the Burmese border.

not allowed to leave.<sup>35</sup> Anyone desiring to visit any of the fourteen refugee camps or talk to residents was required from then on to get permission from the government-appointed camp officials or police. Government officials alleged that outside parties, including the UNHCR and various non-government organizations (NGOs), were advising refugees not to return home; it therefore restricted their work.<sup>36</sup>

Bangladesh officials announced that some 120 Burmese refugees had been arrested during the second week of June for participating in protests; they were charged with provoking unrest.<sup>37</sup> According to the police, "fighting had erupted on June 13 after they arrested one refugee leader at Kutupalong camp for inciting other refugees not to go back. Thousands of refugees, armed with sticks, knives and machetes attacked the police after the arrest, and after trying to disperse crowds with batons and tear gas, police responded by firing shots into the air.

On August 17, up to 10 refugees were killed when Bangladesh police opened fire at a meeting between Bangladesh officials and refugees in a camp in southeastern Bangladesh. According to witnesses, the meeting turned violent with refugees using spears, swords, machetes and sticks, injuring about a dozen people, including the Bangladesh camp officer and four police. A Bangladesh official claimed "the situation is very tense and we have called in extra force."<sup>39</sup>

Tension is currently mounting over the arbitrary emphasis on "proof of residence." According to the refugees, Bangladesh authorities have been insisting they show "proof of residence" in Burma in order to register for assistance. Fear of forced repatriation has made some unwilling to show their documents to Bangladesh authorities, since Bangladesh continues to hand over lists of refugees to SLORC.

### **Deteriorating Conditions and Ongoing Abuses**

The monsoon rains began in May, and of the 270,000 refugees, some 88,000 have no adequate shelter. The confinement of refugees to the camp and closing of markets within them

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<sup>35</sup> Previously refugees were able to travel between camps and search for relatives or friends, trade or seek temporary work.

<sup>36</sup> The steps were taken after Home Minister Abdul Matin Chowdhury visited the area the previous week and warned unidentified parties who he said were attempting to foil the repatriation process that they would be severely dealt with. (*Reuters*, in *The Nation*, May 26, 1992.)

<sup>37</sup> *Reuters*, June 15, 1992.

<sup>38</sup> *Reuters*, Dhaka, June 20, 1992.

<sup>39</sup> *Reuters*, Dhaka, August 18, 1992

have seriously restricted the refugees' diet, affecting vulnerable groups such as children, pregnant and lactating women and elderly especially. Mortality rates are increasing as cholera and dysentery become more common as a result of the rains, poor sanitation and overcrowded conditions. A UNHCR sponsored survey by Helen Keller International found high rates of undernutrition among children (6-59 months) in the refugee camps (comparable to rates found in the Tigrayan refugee camps in Eastern Sudan in 1984-85). The rates were two to three times as high as those in the local Bangladesh population, where the nutritional status is reputedly poor.<sup>40</sup> There is increasing concern among relief workers and human rights organizations that the disaster of 1978-79 will be repeated, when hundreds of thousands of Burmese refugees fled to Bangladesh to escape abuse, only to be starved back to Burma.<sup>41</sup>

Reports of atrocities continue. UNHCR interviews of new arrivals in Bangladesh during May and June note that refugees "said they fled after they were forced to give up their possessions or had been conscripted into labor projects."<sup>42</sup> Other reports give no reason to believe that the human rights abuses in Arakan have ceased, even as the rate of the exodus decreases.<sup>43</sup> It may be harder for the Rohingyas to leave.<sup>44</sup> SLORC reportedly deployed troops in July to stop the exodus of refugees across the border.<sup>45</sup> During the dry season, refugees could find alternative routes through the forests. Now with the rains underway, such routes are impassable given the poor roads and seasonal flooding. As a result, it is easy for security forces to stem the exodus simply by policing major roadways.

### Ongoing Negotiations

On July 24, Burma once again told Bangladesh that UNHCR's involvement in the repatriation effort was not needed "at this time."<sup>46</sup> Bangladesh raised the possibility of

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<sup>40</sup> Data collected by Helen Keller International, Bangladesh, May 1992.

<sup>41</sup> *Burma: Rape, Forced Labor and Religious Persecution in Northern Arakan*, Asia Watch, May 7, 1992.

<sup>42</sup> *Information Bulletin No. 2 on Bangladesh*, UNHCR Public Information Section, June 11, 1992, p.2.

<sup>43</sup> On June 16, at least two leading opposition leaders were arrested by Burmese authorities in Arakan State. Mohamed Ilyas, member of NLD party died in detention on June 19 reportedly "beaten to death." Fazal Ahmed, an elected MP and member of the National Democratic Party for Human Rights, is apparently still in detention. (*Death in Custody/Fear of Torture*, Amnesty International, July 9, 1992, ASA 16/08/92.)

<sup>44</sup> On June 8, 1992, Burmese and Bangladesh delegations "discussed matters relating to accepting those who fled to Bangladesh and the prevention of further illegal crossings along the border in the future." (Press Release No. 26/92, Myanmar Embassy, New York, June 10, 1992.)

<sup>45</sup> *Hong Kong AFP*, July 21, 1992, in *FBIS*, July 21, 1992, p.55.

<sup>46</sup> *Associated Press*, July 24, 1992.

involving other UN organizations, such as the United Nations Development Programme (UNDP) or UNICEF, both of which are already in Burma, as an alternative. The assumption is that any UN office could expand its mandate to include the functions UNHCR would normally perform. But UNICEF and UNDP have found their capacity to carry out their own mandate limited, and the suggestion that they could expand their role to include the monitoring of some 300,000 refugees, should the Burmese government agree, seems utterly unrealistic.<sup>47</sup>

Even if the UN and international community succeed in convincing SLORC to agree to a UNHCR presence in Arakan State, that presence is likely to be severely restricted. UNHCR must not be put in a position of negotiating access on the Burmese side, only to find that its capacity to carry out monitoring functions or to respond to abuses is compromised.

## **VII. SLORC'S SUSPENDED FIGHTING WITH THE KAREN**

According to the BBC, quoting official Burmese state radio, SLORC's Maj. Gen. Maung Hla, who has been military commander against the Karen since 1982, announced a suspension of its fighting with the Karen on April 28. The announcement came at the end of the dry season after one of Burma's most aggressive campaigns to eliminate the Karen in four decades of fighting. Fighting continued immediately after the announcement<sup>48</sup> but now has halted; as it does every year during the rainy season.

If the suspension of the offensive were an indication that state policy had changed, and that violations would cease against civilians caught up in the fighting, it would be a major breakthrough. By all accounts, violations, such as forced conscription of villagers as porters and laborers, relocation of entire communities, confiscation of property, and rape still continue.

Relief organizations working with refugees from various minority groups along the Thai-Burmese border now refer to two types of the internally displaced within Burma; those forcibly relocated to SLORC-controlled areas, and those fleeing SLORC harassment and threats. The announced ceasefire does not address the far-reaching scale of human rights abuses by the Burmese military, that have become a way of life in rural Burma (especially in ethnic minority areas).

Entire villages have been forced out and into Burmese military controlled labor camps along Burma's eastern border. Asia Watch interviews with newly arrived refugees in Thailand in early 1992 consistently described forced relocation of villages to military-run labor camps. SLORC eviction notices have been brought out by newly arriving refugees as well as photographs of labor camps controlled by SLORC militia standing guard. Relief workers along the Thai-Burmese border are finding that village relocations are increasingly the reason for seeking refuge in Thailand. In previous years, most refugees fled to escape counter-insurgency

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<sup>47</sup> UNDP has recently begun a twelve month evaluation of their existing projects and have stopped funding for any new activities in Burma after much debate on their involvement and ability to monitor in the country following the military coup in 1988.

<sup>48</sup> *Bangkok Post* and *The Nation*, Bangkok, April 30, 1992.

operations.

Nearly one thousand refugees fled into camps in Thailand during June 1992 (the rainy season and well after SLORC's announced suspension of fighting with the Karen). "Aid workers now believe that increased repression inside Burma could trigger a massive influx of a new kind of refugee into Thailand."<sup>49</sup>

## **VIII. ACADEMIC FREEDOM**

The education ministry in Burma announced universities and colleges under the higher education department will be reopened on August 24, 1992.<sup>50</sup> Schools in Burma have been closed since the 1988 uprisings except for a brief period from May 1991 after parents were obliged to sign documents saying their children would not cause trouble. In December 1991, schools were closed again, following peaceful demonstrations to honor Nobel Peace Prize laureate Aung San Suu Kyi in which hundreds of students were arrested.<sup>51</sup> After the December closure, the SLORC forced all university teachers back to school for courses in enforcing discipline. The course included a loyalty test, and those who failed were fired. Since the beginning of 1992, 160 lecturers from Rangoon University and 50 doctors from the Ministry of Health have been fired.<sup>52</sup>

SLORC has taken other measures to tighten its control of the students returning to campuses. Uniformed guards will be placed at campus entries, employees will be screened and issued security IDs to wear and new walls will be found to make it easier for police to isolate disturbances. Authorities want to reduce the number of students on campus and are extending classes over a longer period of time and introducing "distance learning" programs, including correspondence, TV and radio courses. Burma's Working People's Daily included an editorial on July 29, 1992 stating "The teaching staff who work closely with the students must especially guard against infiltration of undesirable elements within the student body and systematically and swiftly put into action contingency plans already worked out."<sup>53</sup>

## **X. INTERNATIONAL RESPONSE**

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<sup>49</sup> *Far Eastern Economic Review*, April 16, 1992, p.28.

<sup>50</sup> *Rangoon Radio*, July 29, 1992, in *FBIS*, July 29, 1992, pg. 30.

<sup>51</sup> In July, 1992 Asia Watch learned that six students were sentenced for their peaceful march through Yangon Arts and Science University (YASU) calling for the release of Aung San Suu Kyi from December 9-11, 1991. Three of the students were sentenced to 20 years imprisonment, the others sentenced to jail terms of 6, 7 and 15 years each.

<sup>52</sup> *Associated Press*, quoting Burma's *Working People's Daily*, July 25, 1992.

<sup>53</sup> *Hong Kong AFP*, July 29, 1992, in *FBIS*, August 3, 1992, pg. 22-23.

## United States

Secretary of State James Baker made a strong appeal for renewed pressure on Burma at the ASEAN (Association of Southeast Asian Nations which includes governments of Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand) post-ministerial conference in Manila in July. He declared, "do not see much progress on the human rights front, and we see zero progress toward democracy," and asserted: "Collectively, our message to the Burmese military authorities must be loud and clear: Release all political prisoners immediately and begin a genuine dialogue aimed at rapidly transferring power to a democratically elected government."<sup>54</sup> Robert Zeollick, Undersecretary of State for Economic Affairs, referred specifically to the "terrible flight" of the Rohingya refugees, and suggested it was time to say "enough is enough" to a government whose brutal actions were "an offense against the civilized world and source of instability."<sup>55</sup>

Fifteen prominent members of Congress, including the Democratic chairman and ranking Republican member of the House Foreign Affairs Committee, wrote to Baker before the meeting to urge him to raise Burma at the ASEAN meetings.<sup>56</sup>

However, Baker failed to use the opportunity of the ASEAN meetings to announce new initiatives by the U.S., such as further restrictions on imports from Burma, or a ban on private U.S. investments in Burma.

## Association of Southeast Asian Nations (ASEAN)

Although several individual ASEAN governments have made strong statements about the Rohingya Muslims, they have not been willing to put collective pressure on Burma, and the final 19-page communique issued by ASEAN at the ministerial meeting did not mention Burma. (Of all the ASEAN countries, Thailand has been the most supportive of the "constructive engagement" policy with Burma). One of the main issues between ASEAN members and their industrial trading partners was aid conditionality, with the ASEAN countries arguing that conditioning aid to any country on human rights grounds constitutes interferences in the domestic affairs of that country. They spurned Western suggestions to isolate Burma's military junta, which they asserted to be the country's legitimate government.<sup>57</sup>

The Philippine Foreign Secretary, Raul Manglapus, who visited Rangoon in late November 1991 on behalf of ASEAN, said that given the positive developments in Burma, he had invited the Burmese foreign minister to observe the ASEAN ministerial meeting in Manila

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<sup>54</sup> *Los Angeles Times*, July 27, 1992.

<sup>55</sup> *Reuters*, May 24, 1992.

<sup>56</sup> Among the signers of the July 17, 1992 letter were Representatives Tom Lantos, John Porter, Stephen Solarz, Dante Fascell, Jim Leach and William Broomfield.

<sup>57</sup> *United press International*, Manila, Philippines, July 27, 1992.

in July. This invitation was blocked by the Malaysians, who said that Burma "ranks among the countries with the worst record on human rights."<sup>58</sup> Manglapus claims the changes and "recent events seem to confirm the wisdom of the policy of the Philippines and ASEAN of constructive engagement with the government of Burma. Our policy is beginning to show it can be fruitful policy." For example, "President Aquino addressed herself in a letter to the head of state, pleading to allow Dr. Michael Aris and the family to visit. Now, the government has allowed Dr. Aris and the two sons to visit her. I think we can be proud that the appeal of President Aquino appears to have been heeded by the government of Myanmar." Manglapus said that it was time for ASEAN to review its attitude towards the Burmese government. <sup>59</sup>

## Japan

Japan has continued to pursue its own bilateral dialogue with Burma, sending the Vice-Minister of Foreign Affairs, Koji Kakizawa, to Rangoon from July 12-14, 1992 to hold talks with Major-General Khin Nyunt, Foreign Minister U Ohn Gyaw, and others. According to published reports of the meetings, Kakizawa expressed appreciation for the moves made by Gen. Than Shwe, and hoped that these developments would lead to the eventual transfer of power to a civilian government. Kakizawa was not allowed to see Aung San Suu Kyi and was explicitly told that she would remain under house arrest because she is a "threat to national security." But a Japanese government official later termed the visit to Rangoon a more "meaningful" diplomatic effort than the pressure exerted by Western nations.<sup>60</sup>

Despite earlier indications that Japan was considering resuming new ODA (Official Development Assistance) to Burma, there has been no announced change in the policy of continuing ODA assistance committed prior to 1988.

At the ASEAN conference, Kakizawa did not make any specific public mention of Burma. He did refer to Japan's new ODA criteria, announced in April 1991, taking into account human rights and democratization as a factor in aid decisions.<sup>61</sup>

## Australia/Canada

At the Manila conference, Australian foreign minister Gareth Evans called on the ASEAN nations to "use the good standing that ASEAN governments obviously have with the Burmese government to communicate very clearly and very precisely" the universal concern about human rights in Burma. He also appealed for support for the arms embargo already adopted by the European Community, Australia, the U.S. and other nations, and criticized China for supplying

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<sup>58</sup> *Asian Wall Street Journal Weekly*, August 3, 1992.

<sup>59</sup> *The Nation*, Bangkok, May 2, 1992.

<sup>60</sup> *Kyodo*, in *FBIS*, July 20, 1992.

<sup>61</sup> *United Press International*, July 24, 1992.

Burma with most of its arms.<sup>62</sup>

Canada's External Affairs Secretary Barbara McDougall appealed to ASEAN to undertake more "vocal and firmer action" on Burma and said the **Burmese** military government was a "blight on the regional landscape."<sup>63</sup>

## **Poland**

Polish officials and the Aircraft equipment plant in Swidnik, Eastern Poland, have confirmed that Poland sold 12 helicopters to Burma. The head of the central board for engineering at the Ministry for Foreign Relations, Jan Straus, explained that the transaction was legal and the "Mi2" and "Sokol" helicopters were sold to Burma with former Premier Jan Olszewski's consent after he talked the matter over with U.S. President George Bush during his visit to the U.S. Deputy head of Aircraft claimed the delivery of polish helicopters to Rangoon "was part of implementation of an old agreement and it is not knbwn whether contact will be continued." He added that Swidnik did not produce any arms, but weapons could be placed on board the helicopters and in this sense the transaction could be considered "military."<sup>64</sup>

On July 28, in a statement given to reporters, the U.S. State Department criticized the sale, referring to the arms embargo put into effect by the U.S., the European Community (EC) and others, maintaining that the U.S. had told the Poles at "high levels" that it opposes arms sales to Burma.

## **United Nations**

Following the action at the United Nations Human Rights Commission in Geneva, Switzerland in March 1992, mandating the appointment of a special rapporteur for Burma. Prof. Yozo Yokota of Japan was appointed Special Rapporteur to Myanmar (Burma) in June (Yokota visited Burma in 1991 as an independent expert dispatched by the Commission). Yokota is expected to visit Burma and to make a report to the United Nations General Assembly during its 47th session in September, 1992, as well as to the Human Rights Commission when it meets next year.

## **XL CONCLUSIONS AND RECOMMENDATIONS**

International pressure is believed by many Burma experts to be the impetus for the changes SLORC has introduced to date. The international community should increase that pressure on Burma, making it clear that the limited measures introduced thus far are insufficient to address the fundamental human rights problems. Specific steps that the U.S. and other nations could take include:

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<sup>62</sup> *Reuters*, July 23, 1992.

<sup>63</sup> *United Press International*, July 24, 1992.

<sup>64</sup> *Gazeta Wyborcza*, Warsaw, Poland, July 24, 1992.

## United Nations

The United Nations General Assembly, following receipt of Yokota's report, should adopt an even tougher resolution than the one it unanimously approved last December. It should expand and build upon the concerns and requests laid out by the Human Rights Commission, placing the regime's recent steps in a broader, long-term perspective and providing a framework for additional international action. The resolution should comment forcefully, for example, on Burma's refusal to allow the UNHCR and independent monitors access to Arakan and should explicitly call for Aung San Suu Kyi's unconditional release (neither of the previous UN resolutions did so).

In addition, the U.S. should actively consult with other permanent members of the Security Council as well as Burma's Asian neighbors regarding the possibility of Security Council action to formalize an international arms embargo. Although Security Council action must be undertaken on the grounds that the military regime in Burma represents a threat to international peace and security, an effective arms embargo could only help the human rights situation.

## The United States

### On ASEAN:

The Bush administration should continue to press the ASEAN countries to move beyond their current policy of constructive engagement. With regard to Thailand, for example, following the scheduled Thai elections in September, the administration should discuss Bangkok's role in exerting pressure on Burma in the context of bilateral talks about the possible resumption of U.S. economic and military assistance suspended following the February 1991 coup.

### On Investment:

The administration has done nothing to discourage or ban private companies investing in Burma. Pepsi Cola International opened a joint venture in Rangoon in November 1991. In June 1992, two U.S. oil companies -- Bermuda Limited and Apache Oil -- signed new contracts with the Burmese Ministry of Energy.<sup>65</sup>

The U.S. should legally prohibit any new investments by U.S. companies in Burma and should actively encourage companies already invested there to withdraw. Some U.S. companies have already taken steps in that direction, such as Levi Strauss which ended its relationships with contractors in Burma in March 1992 in accordance with their guidelines prohibiting business in countries with pervasive human rights violations.<sup>66</sup>

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<sup>65</sup> *Rangoon Radio Burma*, in *FBIS*, June 16, 1992.

<sup>66</sup> Letter to Asia Watch, July 1, 1992.

### On Trade:

The administration should announce a ban on imports into the U.S. of gems, pearls, crustaceans, and tropical woods from Burma, in compliance with the Moynihan Amendment to the Customs and Trade Act of 1990. The U.S. did not renew the Bilateral Textile Agreement with Burma when it expired at the end of 1990. Textile exports reportedly decreased by 25 percent in the first five months of 1991 as a result.<sup>67</sup>

### On China:

During the debate on Most Favored Nation (MFN) trade status for China, due to resume in the U.S. Senate when Congress reconvenes in September, Congress and the administration should utilize every opportunity to stigmatize China for its arms sales to Burma. The administration should call on China, both privately and publicly, to exert diplomatic pressure on Burma to allow UNHCR and independent monitoring in Arakan.

### **Japan**

Japan could increase pressure on Burma, while maintaining its current policy of bilateral dialogue, by indicating it will review its continuing ODA to Burma in light of what further concrete steps are taken by the end of 1992 to comply with the UN Human Rights Commission's March resolution. Japan could also assist in resolving the Rohingya refugee crisis by publicly criticizing Burma for its unwillingness to accept international monitoring and supervision of the repatriation.

<sup>67</sup> *"Burma: The International Response To Continuing Human Rights Violations,"* Lawyers Committee for Human Rights, February 1992.

APPENDIX A:

Members of Parliament recently released from prison:

	<u>Name</u>	Constituency & Party
1.	Daw San San Win	Rangoon Division, NLD
2.	U Shwe "	
3.	U Khin Maung Tun "	
4.	U Sein Hla Oo "	
5.	U Khin Maung Swe "	
6.	Daw San San	"
7.	U Tha Saing "	
8.	U Ba Bwa	Mandalay Division, NLD
9.	Daw Ohn Kyi "	
10.	U Chit Khaing "	
11.	U Tin Aye "	
12.	U Ye Htut "	
13.	U Soe Thein (alias) " Maung Wunth "	
14.	U Tun Aung "	
15.	U Oo Byit Tu	Kachin State, KSNCD
16.	U Saw Hlaing	Sagaing Division, NLD
17.	U Thein Pe	Sagaing Division, Independent
18.	U Myint Kyi	Sagaing Division, NLD
19.	U Thaung Myint "	
20.	Thihathura Soe Thein "	
21.	Daw Khin San Hlaing "	
22.	U Kyaw Min	Irrawaddy Division, NLD
23.	U Maung Maung "	
24.	U Chan Aye	Mon State, NLD
25.	U Khin Maung Kyi	Magwe Division, NLD
26.	U Chit Tin "	
27.	U Aung Than Myint "	
28.	U Hla Pe	Tenasserim Division, NLD
29.	U Myo Aung "	
30.	U Mahn Myaing Aye	Karen State, NLD
31.	U Saw Victor Clive "	
32.	U Saw Chit Than "	
33.	U Ohn Maung	Shan State, NLD

**NLD** - National League for Democracy  
**KSNCD** - Kachin State National Congress for Democracy

APPENDIX A:

Members of Parliament (MPs) still known to be in prison:

	<u>Name</u>	<u>Constituency &amp;c Party</u>
1.	U Kyi Maung	Rangoon Division, NLD
2.	U Hla Than "	
3.	U Kyaw Thwin "	
4.	U Nai Nai "	
5.	U Hla Tun "	
6.	U Maung Maung Latt "	
7.	U Zaw Myint Maung	Mandalay Division, NLD
8.	Dr. Soe Lin "	
9.	U Tin Aung Aung "	
10.	U Ohn Khaing "	
11.	U Thein Tun	Pegu Division, NLD
12.	U Myint Naing	Sagaing Division, NLD
13.	U Khin Maung Thein "	
14.	Dr. Zaw Myint	Irrawaddy Division, NLD
15.	Dr. Kyi Min	Magwe Division, NLD
16.	U Fazul Ahmed	Arakan State, NDPHR

**NLD** - National League for Democracy

**NDPHR** - National Democratic Party for Human Rights

APPENDIX C:

Disqualified MPs by the General Election Commission of SLORC:

The following MPs have been arrested at least once, their charges and sentences are unknown to Asia Watch. It is possible that many of the MPs listed below are still detained or imprisoned in Burma.

	<u>Name</u>	<u>Constituency &amp; Party</u>
1.	U Maung Maung Kyaw	Rangoon Division, NLD
2.	U Sein Win "	
3.	U Wun (a) Min Thun Wun "	
4.	U Yu Gun "	
5.	U Than Nyein "	
6.	U Soe Nyunt "	
7.	U Nay Oo "	
8.	Daw Win                      Myint	"
9.	U Kyi Win "	
10.	U Soe Myint "	
11.	Daw San May "	
12.	U Ohn Myint "	
13.	U Wan Maung	Mandalay Division, NLD
14.	U Win Hlaing "	
15.	U Maung Maung Lay "	
16.	U Thaung Tin "	
17.	U Maung Maung Myint "	
18.	U Mya Lay	Pegu Division, NLD
19.	U Soe Lwin "	
20.	U Khin Maung Win	Pegu Division, NLD
21.	U Bo Maung	Sagaing Division, NLD
22.	U Tin Htut	Irrawaddy Division, NLD
23.	U Mya Win "	
24.	U David Hla Myint "	
25.	U Thaung Tin "	
26.	U Tin Aung "	
27.	U Aung Kyi Nyunt	Mon State, NLD
28.	U Nai Thaung Nyunt "	
29.	U Aung Htoo	Magwe Division, NLD
30.	U Myint Aung "	
31.	U Saw Win (alias) "	
	U Kyaw Zaw                      Lin	"
32.	U R.P. Thaung	Karen State, DOKNU
33.	U Tun Hlaing (alias) "	
	U Hlaing	Shan State, NLD

**NLD**                      - National League for Democracy  
**DOKNU**                - Democratic Organization for Kyan National Unity

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