

11. Freedom of Assembly and Association

11.1 Background

SLORC issued Order 2/88 on the day it assumed power which prohibits freedom of assembly and association. It states: (a) no one, without proper authorization, is permitted to travel on the street between 20.00 and 04.00; (b) gathering, walking, marching in processions, chanting slogans, delivering speeches, agitating, and creating disturbances on the streets by a group of five or more people is banned regardless of whether the act is with the intention of creating disturbance or of committing a crime or not; (c) no one is permitted to open strike centers regardless of whether or not the intent is to cause disturbances or commit a crime; (d) no one is permitted to block roads or to demonstrate en masse; (e) no one is to interfere with or to obstruct people carrying out security duties.

Section (e) of this Order was repealed in April 1992, when General Than Shwe came to power. But the other sections remain in place. While this law has not often been enforced, there are many other laws which have. The most frequently used law is the 1907 (1957) Unlawful Association Act which allows for the detention of up to three years of anyone who is a member of or assists in any way an unlawful association.

SLORC Order 1/91, promulgated on April 30, 1991, requires that the conduct of public service personnel remain clear of party politics. This orders prohibits public service personnel engaging in any party politics or providing financial assistance to or supporting by other means any political party, as well as also prohibiting their dependents or persons under their guardianship from taking a direct part in activities that are aimed at opposing the government, and they must not be party to any labor association, organization, union, and other like bodies not formed in accordance with the rules occasionally prescribed by the government.

11.2 Mounting pressure on NLD and its gatherings

Since late 1996, the SPDC has prohibited regular weekend gatherings in front of Daw Aung San Suu Kyi's residence at which she and NLD vice-chairmen U Tin Oo and U Kyi Maung responded to letters from the public and delivered speeches.

Existing political parties are required to request formal permission from the SPDC to hold internal meetings of their members; however, the SPDC permitted several public gatherings of NLD members and supporters on various holidays. Those meetings continued through the year's end, although SPDC security forces were present. While the SPDC allowed celebrations to take place in Daw Aung San Suu Kyi's compound, police or riot police restricted the size of the gatherings, and their suspension of restrictions was sporadic. NLD members and their sympathizers were prevented from attending the gatherings. They are methodically arrested whether on their way to such meetings or after attending the gatherings. The SPDC enhanced the existing barriers that blocked access to her residence

during 1998, and severely restricted her freedom to leave her compound or to receive visitors.

February 12 Union Day celebration

Though, the SPDC permitted the NLD to hold a ceremony on February 12, 1998, to commemorate the Union Day, when the Panglong Agreement was signed in 1947 by ethnic minorities, more than 500 NLD members were unable to attend because of obstruction and harassment by SPDC Military Intelligence. Elected MP from outlying districts who came to Rangoon to attend the Union Day commemorative ceremony were blocked and harassed. The SPDC pushed back NLD members with their shields. Riot police threatened the NLD delegates who arrived at the corner of Saya San Road in Bahan township by saying: “Previously we sent you all back to place you could return from, but in future we will send you to a place from which you will not be able to return.” This means they will all be imprisoned. At a certain place in Rangoon, the riot police mockingly told the NLD delegates that they would be losing their human rights.

May 27 election victory celebration

The SPDC warned the NLD not to celebrate the anniversary of its landslide victory in the 1990 general elections. The NLD had been asked “to refrain from creating conditions that will unnecessarily cause a setback in the ongoing nation-rebuilding process.” Elected NLD MPs throughout the country had also reportedly been urged to “maintain stability and peace” by not marking the occasion. Hundreds of NLD members and supporters were arrested to keep them from attending the meeting.

However, the celebration was successfully organized at the NLD headquarters on May 27, without harassment by the authorities. More than 400 members of the NLD participated. Daw Aung San Suu Kyi thanked the SPDC for permitting the meeting but said it was not enough. “It is necessary to honor the results of the 1990 elections and hold the parliamentary session as soon as possible,” she said. A resolution demanding a parliament be convened by August 21, 1998 was passed.

Daw Aung San Suu Kyi’s birthday on June 19

About 300 guests, mostly NLD members, came to Daw Aung San Suu Kyi’s residence on her birthday June 19 to wish her well. The arriving guests were not prevented from gathering by the SPDC, but were checked by soldiers posted outside her compound before they entered her home.

Forced rallies denouncing NLD and Daw Aung San Suu Kyi

Since October, 1998, the SPDC has organized mass rallies known as “expressions of the people’s desire” over the whole country. Hundreds of thousands of people were forced to come to these meetings by local authorities. Most of the people are from a

government-sponsored organization, the Union Solidarity and Development Association (USDA). The USDA has proposed the banning of the NLD because it is an unlawful association and also called for the deportation of Daw Aung San Suu Kyi. People have no choice but to attend because to refuse attending means dismissal from their jobs and imprisonment for their sympathy for the NLD.

11.3. Suppression on the student-led peaceful demonstration

In addition to opposition politicians, students were also the target of deprivation of freedom of assembly. On August 24 1998, university students staged the first open street protests against the government since the 1996 demonstrations. The protesters gave out leaflets backing opposition leader Aung San Suu Kyi's National League for Democracy's vow to convene a parliament. Later the demonstration was broken up by riot police. Dozens of students were rounded up by the authorities during and after the demonstration.

Again in September 1998, thousands of students protested against the SPDC in the biggest such demonstration for nearly two years, as political tensions boiled over on the campuses in Rangoon. The protest was initially triggered by student anger at arrangements for examinations for the previous two weeks, the first since universities were closed following unrest in December 1996. Like previous demonstrations, this was broken up by riot police and dozens more student demonstrators were rounded up and given long sentences in prison. They included the members of student-backed organizations, the All Burma Federation of Student Unions and the Democratic Party for New Society.

11.4. Freedom of association

Pressure on the NLD

The SPDC has continually refused to honor the election result in which the National League for Democracy (NLD) won more than 80 percent of the seats. The SLORC-backed National Unity Party (NUP) won just 10 seats.

Following the election, the SLORC began a systematic campaign of repression against members of parliament from the NLD and other opposition parties. This systematic pattern of repression is a blatant attempt by the military to invalidate the 1990 election result. In conjunction with this, the SPDC has sought to secure its own dominant role in the political sphere through the drafting of a new constitution through a National Convention, which is an unrepresentative and illegitimate body. Although the SPDC recognizes the NLD as a legal entity, the authorities prevented the party from conducting normal political activities. The junta has never declared the election results to be null and void as this would clearly encourage international criticism. Instead it has used methods involving obstruction, threats and intimidation, jail and torture, as these have allowed the junta quietly to eliminate elected MPs from the political sphere. Almost all NLD MPs have suffered many forms of intimidation at the hands of the military regime to prevent or discourage them from taking an active role in politics.

The SPDC has used a range of repressive and arbitrary laws to gain convictions

against NLD MPs and other pro-democracy supporters. Approximately 150 NLD MPs currently in prison were charged under one or more of these laws, all of which are in contravention of accepted standards of international civil and political rights.

The Election Commission has dismissed from parliament all those MPs who have been charged with an offence, and many are also banned from running in future elections. After the election in 1990, the NLD had 392 of the 485 seats. Since the election, 112 MPs have apparently been forced from office or dismissed by the Election Commission. This is more than a quarter, or 28 percent, of the 392 NLD MPs who were elected. About 150 MPs remain in detention following the election and three MPs U Tin Maung Win, U Hla Than and U Saw Win have died in prison. Furthermore, as a result of threats and intimidation from the SPDC, 20 opposition MPs, most of whom are from the NLD, have fled Burma.

Since November 1995, when the NLD leaders withdrew from the National Convention, there has been increasing harassment of the party by the SPDC, including arrests of hundreds of party members. The NLD MPs-elect, members NLD organizing committees at every level and ordinary NLD members have not only been subjected to illegal restraint, illegal arrest, held in unlawful custody, tortured and persecuted, but have also been falsely charged with offences and sentenced to long terms of rigorous imprisonment in jails. As part of this campaign the SPDC has banned political parties, forced MPs to resign from office, dismissed MPs from parliament, forced them into exile and even jailed and tortured them.

Massive arrest of the NLD MPs and supporters

The activities of the NLD remained severely restricted in 1998. The repression worsened greatly after May 1998 when the NLD declared its intention to call for the convening of parliament. The SPDC detained more than 900 NLD supporters including some 150 MPs to prevent the party from convening the parliament that was elected in 1990. It is difficult to detail lists of persons who have been arrested and who have been released, because a lot of those released were released with the understanding that they should not get in touch with the NLD headquarters, and a number of those taken into detention have been put into prison without trial. The SPDC claimed that the elected MPs and other NLD members were not arrested but were instead called for questioning and treated as guests in government guesthouses. People were kept in so-called "guesthouses" against their will or with the threat that their detention will continue unless they desist from political activities or abandon membership of the party or their seat in parliament.

11.5. Forced Resignation

Aside from the arbitrary arrests, NLD members have been subjected to intense and systematic harassment. The SPDC pressured many party offices throughout the country to close down and refused to recognize the legal political status of key NLD party leaders, its general secretary Daw Aung San Suu Kyi, and the two party co-chairmen, and it severely constrained their activities through security measures and threats. A concerted effort was made by local authorities to remove all signs of an NLD presence on main roads or at any place where they might be exposed widely to the public. The most common ways in which

the military regime has harassed and intimidated NLD MPs and members into resigning are:

- (a) banning their right to education, medical care and the right to travel as well as that of their families;
- (b) blocking promotions, sacking NLD members and canceling the licenses of lawyers and doctors;
- (c) arresting and charging NLD members and MPs;
- (d) forcing NLD members in government service and MPs to repay government loans; and
- (e) evicting and threatening to confiscate NLD members' houses and land.

Since September 1998, members of the NLD have been constantly intimidated by local authorities as well as by the armed forces. Their houses are under constant surveillance. Many members of the NLD have been evicted from state owned apartments where they had lived for many years.

The SPDC and MI personnel applied improper methods of coercion and force on NLD members of township organizing committees. They not only closed the branches but also applied pressure to obtain the resignations of members of the NLD.

In the wards and villages, groups of civil servants led by Military Intelligence personnel enter every house to question the occupants about their attitude toward and relationship with the NLD. Individuals who favor the NLD and members of the NLD are forced to sign prepared resignation forms to swell the number of resignations. In the entire country (States, Divisions, townships, wards and villages) members of the NLD are being summoned to attend various offices and departments, or are being visited in their homes and being made to terminate their party membership. The form used contains blanks following the word "name", "registration number", "father's name", "address", "occupation", which have to be filled in. At the bottom, the following words have to be written and signed: "I am suffering from ill health and have no inclination to continue working in the NLD and ask that I be permitted to resign without reservation from the organization."

In the townships, branches of the NLD are being destroyed and extinguished, and forced resignations of members are being carried out by the Military Intelligence units accompanied by members of the multi-party election commission branch offices, and other civil servants. The harassment of the NLD and the pressure under which its members are living have led some of them to resign. Such resignations are publicized in the State-controlled media.

Irrawaddy Division

West Bassein township

From December 2, 1998, a MI group combined with ward authorities called at the homes of NLD members with printed resignation forms and forcibly obtained signatures from them.

One organizing NLD committee member was pressured to resign from the committee by sacking his schoolteacher wife from her job and by threatening that their children's education was in jeopardy.

One organizing committee member against whom action had been taken under

section 5 (j) of the 1950 Emergency Provisions law was pressured and advised to resign from the NLD.

Danubyu township

On December 10, 1998, the chairman of Mukon village PDC in Sankin sub-township, Danubyu township, forced the members of the NLD organizing committee to put their signatures to prepared resignation forms. The same method was applied at Kyauktaing village tract.

Mawlamaing-gyun township

Members of the NLD organizing committee in all villages in Mawlamaing-gyun township, Irrawaddy Division, were forced to put their signatures to prepared resignation forms by the village PDC authorities.

Deedayee township

The SPDC chairman of Kyone Kyat Payagyi Gone village tract forced the members of the NLD members in the village tract to put their signatures to prepared resignation forms.

In Kyonedachaung village tract, U Aye Thaung, the chairman of village tract PDC, forced the NLD members in the tract to put their signatures to prepared resignation forms.

Wakema township

In Sabayoe village, Wakema township, MI personnel, members of the police force and village authorities together forced the resignation of NLD members in the village.

In Shwe Laung sub-township of this township, NLD members faced the threat of having their children expelled from schools.

Magwe Division

Chauk township

The SPDC authorities are seeking resignations from NLD members by promising to hold special ceremonies for the occasion.

Mandalay Division

Pressure is being applied by the MI units to force the removal of signboards of the NLD organizing committee in Mandalay Division by intimidating the persons concerned.

Sint Kai township

On September 6, 1998, at about midnight, a joint group of MI, police and ward administrative PDC personnel damaged and destroyed the entrance gates and doors, fence and office buildings of the NLD in an attempt to arrest one NLD member. The group had no search or arrest warrants for the action that was conducted.

Madaya township

Pressure was applied to the NLD members from the villages of Taungpyonegyi, Luntan, Salay and Sedawgyi areas in the township. NLD members were forced to resign from the NLD.

Windwin township

Three members of the organizing committee of NLD in Windwin township were summoned to the township branch of the Multiparty General Election Commission and threatened, to make them resign from the party. Because they all refused to resign, they were again summoned on the December 5 and 8 and threatened. One of the three members did not respond to the summons. The secretary of the township administrative authority threatened to issue a warrant for his arrest.

On December 3, 1998 the chairman of the township organizing committee who had already resigned was again threatened by the MI and told to inform the NLD headquarters himself of this resignation. He declined to do so.

Pressure is being applied to NLD members in village tracts and wards of Windwin township area to resign from the party. They are being summoned by the authorities and forcibly made to resign with the threat that “when the NLD is declared an illegal organization, party members will be imprisoned.”

Kanma township

NLD members in the township were made to resign by signing on previously prepared forms.

Sagaing Division

Salingyi township

Between December 5 to 8, 1998, in Salingyi township, the district chairman of the Multiparty General Election Commission summoned the members of the NLD organizing committee and required them to resign from the NLD not later than December 8, 1998.

Monywa township

The chairman of the local SPDC issued a summons to the organizing committee for their attendance at his office without fail on November 3, 1998. He forced the NLD committee members to resign from the party and said he would take appropriate action against those who failed to do so. The members of the committee rejected the order to resign.

Myaing township

Members of the local SPDC and the USDA went to villages in the township and threatened the grassroots members of the NLD into resigning or else face trouble. Not only was pressure applied, but they were enticed with promises of advantages if they would “speak out and organize themselves to cause disenchantment against Daw Aung san Suu

Kyi.” Some of them were threatened with action under section 5 (j) of the 1950 Emergency Act if they did not resign.

11.6. No Free and Independent Trade Unions

Since 1962 when General Ne Win staged a coup, all democratic rights including freedom of association were denied. Unions were no longer considered legal entities. All independent labor unions were replaced with government-controlled worker associations.

Workers do not have the right to organize and bargain collectively to set wages and benefits. The SPDC’s Central Arbitration Board, which theoretically provides a means for settling major labor disputes, continues to exist on paper but in practice is dormant. The regime unilaterally set wages in the public sector. In the private sector, market forces set wages. The regime puts pressure on joint ventures not to pay salaries more than those employed by ministries or other high-level government employees. The minimum wage is insufficient to provide a decent standard of living for a worker with a family. In particular, the low level of remuneration of public employment fosters widespread corruption.

In 1955, Burma ratified ILO Convention No.87 concerning Freedom of Association and Protection of the Right to Organize. However, workers in Burma do not enjoy the right to join organizations outside SLORC/SPDC’s existing structure. Furthermore, no Burmese organizations are permitted to join international federations or to affiliate with international organizations without SLORC/SPDC’s permission. Federation trade unions are not allowed to function in the country, and workers identified with the exiled Federation of Trade Unions, Burma (FTUB) are under constant surveillance by the police and the Military Intelligence making them live in permanent fear of arrest and torture.

The situation in Burma was examined by the ILO Committee for the Application of Standards at the eighty-fifth session of the ILO Conference held in July 1997 at Geneva. Regarding the application by Burma of ILO Convention No.87, the Committee took note of the statement of the Burmese representative indicating the SLORC/SPDC’s commitment to harmonize law and practice with the convention in promoting and protecting the legitimate rights of all workers. In March 1997, the governing body of the ILO decided to refer the complaint to a Commission of Inquiry chaired by Sir William Douglas (Barbados). The Commission’s mandate is to consider whether, and to what extent, the alleged violations exist or existed and to make any recommendations it deems appropriate. The Commission held its first meeting in June 1997 to establish its rules of procedure.

11.7 SPDC-run NGOs in Burma

The SPDC continues to use the Union of Solidarity and Development Association (USDA) to serve the interests of the authorities. It was first founded by the SLORC as a social and business organization. It has since also become the SPDC’s political support group and functions much like the Indonesian Golkar, terrorizing targets identified by the SPDC. Within two years of its formation in September 1993, the USDA’s membership had reportedly grown to 2.5 million, and is now more than 6 million. The USDA has branches in every state and division, and is represented in 90 percent of Burma’s wards and villages. Membership is open to anyone over the age of 10, “but the 11 to 25 year age group,

representing roughly one third of the population, is the focus of recruitment efforts.” High schools are fertile recruitment areas, and members of the military and the public service, who are prohibited from joining political parties, are “encouraged” to join. In fact, high school students are threatened with losing their places at school if they do not join. Once they join, they are subject to indoctrination. The USDA has been primarily used to attack violently senior members of the NLD, including Daw Aung San Suu Kyi, and to damage and disrupt the activities of the NLD.

Since December 1995, the SLORC-controlled media has begun to report that mass rallies attended by tens of thousands of people throughout the country are being held in support of the USDA. According to inside sources, USDA membership is not voluntary; people join out of fear of the army. Attendance at USDA rallies is mandatory; in many cases people are fined if they do not attend required events. The USDA continued to hold large-scale rallies in support of SPDC policies in 1998. In September and October, large anti-NLD rallies were organized by the SPDC in every state and division; the authorities demanded that the respective regions, cities, and townships as well as different organizations provide a certain number of people to attend rallies.

Aside from officially sanctioned organizations like the USDA, the right of association existed only for organizations, including trade associations and professional bodies, permitted by law and duly registered with the SPDC, such as the Myanmar Women’s Entrepreneur Association. Only a few continue to exist, and even those are subject to direct intervention by the SPDC and take special care to act in accordance with SPDC policies. Such groups include apolitical organizations such as the Myanmar Red Cross and the Myanmar Maternal and Child Welfare Association.

Founded in 1949, Burma’s oldest non-governmental organization (NGO), the Myanmar Medical Association (MMA), began as a professional association. It currently boasts over 6,000 members, with 50 branches at the township or state/divisional levels. Consisting of physicians from both the public and private sectors, the MMA was pulled into the government’s orbit when senior BSPP officials in the Ministry of Health took up key leadership posts in its governing hierarchy. Today, many health workers feel that the MMA has yet to reestablish its independence under the present SPDC authorities.

The other NGOs, the Myanmar Red Cross (MRC) and the Myanmar Maternal and Child Welfare Association (MMCWA) have closer links with the government and Ministry of Health. With over 180,000 volunteer members, the MRC is supported by public donations and government funds and is supposed to have branches in each of the country’s 319 townships. The independence of the MRC is in question when SPDC Secretary-2 Gen. Tin Oo at a first aid kits donation ceremony on October 27, 1997 spoke of the aim of the Red Cross being to carry out relief tasks for the victims of natural disasters, and noted that one of the seven future tasks of the Red Cross was to train members to be ready to discharge duties as auxiliary forces for the maintenance of peace and tranquillity of the nation in addition to their primary duty of providing health care services.

Similarly, critics often question the MMCWA’s NGO status given its intimate association with the SPDC. Its joint general-secretary (a doctor) is the wife of the SPDC Secretary-1, Lt-Gen. Khin Nyunt; the president is the wife of Col. Pe Thein, the former Education minister; and the vice-president is the sister of the late Dr. Maung Maung, a leading BSPP functionary and, originally, one of the Ne Win’s chosen successors as party chairman.