

12. Freedom of Movement

12.1 Background

All Burmese citizens are required to inform the authorities of their movements within the country. Under existing laws, any person not normally resident in a house who stays for one night or more must be registered at the local township LORC office. SLORC issued Order 1/90 on May 22, 1990 to remind people that “action will be taken against all those who fail to report people illegally residing in their home.” It threatened to charge persons failing to do so under section 124 of the Criminal Code “for failing to disclose to the authorities concerned either an act or a conspiracy that amounts to high treason” and sentencing them to seven years’ imprisonment, or three years’ imprisonment under the Unlawful Association Act, section 17.1 or six months’ imprisonment and a fine or both under section 22 of the Criminal Code for “failure to report crimes committed.”

All residents in Burma have to carry identity cards, showing the citizenship status, normal place of residence, date of birth, name of father, and so on. The format of the identity card was changed in 1990 to include not only all of the above, but also of ethnicity and religion. All residents and citizens in Burma are required to apply for the new cards, without which it is illegal to buy a train or bus ticket, to register with a local council outside one’s normal place of residence, and to vote in any future election. Only citizens carrying identity cards are free to travel within the country, which precludes movement by those unable to meet the restrictive provisions of the “citizen law.” For example, it is virtually impossible for Muslims to move within Arakan State or to other parts of Burma from Arakan State. Rohingyas (Bengali-speaking Muslims) who would like to travel outside their villages must apply to the local SPDC authorities, which pass requests on to the nearest administrative base. The Immigration and Manpower Department, Police, Riot Police, Military Intelligence, and Customs Departments all have to agree to each individual’s request. In most cases, passes are only granted for a twelve-hour period; only on rare occasions are Muslims permitted to stay outside their villages overnight. To travel further, for instance, to the township capitals at Maungdaw or Buthidaung or the state capital at Sittwe is virtually impossible.

Leaving the country legally requires the possession of a specific government authorization, which it is extremely difficult to obtain. The SPDC carefully scrutinizes all prospective travel abroad and rampant corruption results in many applicants having to pay bribes to obtain a passport or a document to which they are legally entitled. The application for exit visas and passports requires certificates of nationality and security clearance, which many citizens either do not possess or cannot obtain. All college graduates (except certain government employees) are required to pay a special education clearance fee to the SPDC authorities in order to obtain a passport. Passport applications are reviewed by a board and not with standing denials decisions appear to depend on political considerations. Since January 1996, the SPDC has begun restricting the issuance of passports to young, single, female applicants seeking work abroad. The new procedures are reportedly intended to

prevent young women from being enticed into the commercial sex industry abroad. Each time Burmese citizens come back to the country, they are required to surrender their passports to the authorities; a passport application must be submitted each time they want to travel outside the country.

Burmese embassies issue tourist visas, valid for one month, within 24 hours of application. However, selected categories of applicants, such as some human rights advocates and political figures, continue to be denied entry visas unless traveling under the aegis of a sponsor acceptable to the SPDC. More scrutiny and review has been conducted of visa applicants after 18 foreign activists were arrested for the peaceful distribution of democracy leaflets in August 1998 inside Burma.

Although some areas of the country remain off-limits to foreigners for security reasons, the authorities allow travel to most destinations. In some areas, tourists are allowed only to travel by plane or train and, in some places, prior permission is required.

12.2. Restriction of movement on the NLD MPs-elect

The NLD continue to be subject to intense and constant monitoring by the SPDC throughout 1998, aimed at restricting its activities and prohibiting its members from leaving their localities. Existing orders from the SPDC, including the 1961 Habitual Offenders Restrictions Act, preclude members of political parties from leaving their localities or their houses without prior permission from the authorities; otherwise they risk arrest and interrogation by the police or military intelligence agents. A number of NLD elected representatives have been arrested or charged under this Habitual Offenders Restriction Act. It is contended that the authorities have used the Act to restrict the activities of NLD-elected representatives in the Divisions. Starting from the night of June 25, 1998, elected NLD MPs in different parts of Burma, excluding Rangoon Division, have been restrained by township judicial authorities who act jointly with the police officials in those townships. All elected NLD representatives are required to stay within the confines of their respective municipalities for a year. They are said to have to report to the local police stations at least twice a day. Ward authorities have been ordered to visit the homes of a representative who reports sick to verify whether the claim is true. Those refusing to comply with the restraining order are threatened with arrest.

In the initial stage, in Pegu Division, military security personnel were involved in the implementation of the restraining orders on NLD elected representatives; in the other States and Divisions, only the township judges and the respective police station were involved. There had been a consistent pattern of elected NLD representatives being taken to their respective police stations and being held there overnight, and in some instances, for two nights. The NLD representatives would be allowed to take their own bedding, blankets and mosquito nets; the next morning, they would be released if two "guarantors" posted bond to the amount of 100,000 *Kyat* each. The township judge would then read out an order based on the Emergency Provisions Act, section 5, sub-section 1 (f) and (g), under which the elected NLD representatives would be required to "sign in" at the local police station every day. This practice is to prevent the individuals thus restrained from traveling outside their town's jurisdiction. Non-compliance with the restraining order would entail a prison sentence of one year. The NLD leadership has urged its elected representatives to defy the

restraining orders and as a result, a number of arrests have been made by the authorities. The total number of NLD representatives facing restrictions in the whole country now exceeds 50, as of the end of 1998. Such practices of restraining orders constitute a violation of the norms of basic international human rights, in particular those proclaimed in articles 9 and 21 of the Universal Declaration of Human Rights.

12.3. Harassment of NLD's "reading session"

On June 25, 1998, security forces prevented four NLD representatives and 40 youths from entering Daw Aung San Suu Kyi's Rangoon compound for a "reading session" regularly held at her home. They were pushed back to the junction of Kabe Aye Chedi Road and University Avenue. When they were informed of the incident, U Tin Oo, NLD vice-chairman, and Daw Aung San Suu Kyi went to the junction to lead the members back to their compound. After blocking them at various points, a man in civilian clothing ordered the security forces to attack the group. The police proceeded to do so, using batons and tree branches which were lying on the roadside. As a result, four young men around Daw Aung San Suu Kyi were severely beaten, and she herself was slightly injured. In protest at the refusal to allow the group's access to her compound, U Tin Oo and Daw Aung San Suu Kyi remained with the group, surrounded by security officers, throughout the night until they were finally allowed to enter her residence at 8:00 a.m. the following morning. The SPDC issued a statement the day after, saying that the group had refused legitimate orders to leave "on security grounds" but staged a sit-down protest overnight. They had been allowed to enter later. Officials had earlier denied that anyone was injured in the scuffle and said no arrests had been made. The road to Daw Aung San Suu Kyi's compound remained sealed off for the next two days.

12.4. Restriction on the movements of Daw Aung San Suu Kyi

The SPDC progressively tightened the restrictions that it imposed in late 1996 on Daw Aung San Suu Kyi's freedom to leave her Rangoon compound and her ability to receive visitors. On four occasions, the SPDC prevented Daw Aung San Suu Kyi from leaving Rangoon, which prompted confrontations that lasted several days. While two of the standoffs were resolved through negotiation, on one occasion security forces forced her to return to Rangoon. On another occasion she returned voluntarily, but only after her health had deteriorated dangerously when soldiers blocked her vehicle on the road for nearly two weeks to prevent her from peacefully visiting families of her detained supporters.

From mid-1998, the NLD leaders have sought to exercise their right to conduct normal political activities by visiting members and sympathizers of the party outside Rangoon.

On July 7, 1998, Daw Aung San Suu Kyi and NLD party chairman U Aung Shwe attempted to go to Min Hla township in Pegu Division, 147 km north of Rangoon, to meet a party member. They were stopped by the police 80 km from Rangoon and ordered to return home. Both leaders refused and staged an overnight sit-in protest in their car at Shwe Myaya village. The following day, the SPDC announced that it had allowed her to meet

with the NLD party member, Daw Hla Hla Moe. Arrangements were made to bring Daw Hla Hla Moe to Shwe Myaya village to meet with the NLD leaders on the morning of July 8. After the meeting, both parties returned home.

On July 20, 1998, the SPDC stopped a van carrying Daw Aung San Suu Kyi and other people from going to the southern Pantanaw township, Irrawaddy Division, at Ainyarsuu village. After meeting Dr. Tin Min Htut, NLD MP from Pantanaw township under the auspices of the SPDC, Daw Aung San Suu Kyi returned back to Rangoon on the same day.

On July 24, 1998, Daw Aung San Suu Kyi and her party were stopped by local authorities about 80 km west of Rangoon as they attempted to drive to Bassein, 160 km west of the capital, to meet members of her political party. The authorities refused to let her proceed. However, she refused to return to Rangoon. As a result, she spent five days stuck in a car on a rural highway surrounded by security personnel. U Thein Win, U Soe Win, U Mahn Nyunt Thein, Daw Naw Ohn Hla, Daw Cho Cho Myint, Ko Khin Kyaw and Ko Hla Win, members of the NLD who went peacefully to visit their leader because they were concerned about her well-being, were all arrested. While Daw Aung San Suu Kyi and members of her party were staying at the blockaded site near Ainyasuu village on July 30, the authorities ordered the security forces to use force to remove the NLD representatives. Daw Aung San Suu Kyi was physically forced into a car and driven back to her home without her consent. The authorities also drove the car belonging to Daw Aung San Suu Kyi back to her home without her consent. The remaining Central Executive Committee members and two other members of the party were also forced into cars belonging to the authorities and driven back.

On August 12, in another attempt to travel outside her residence to meet members of her political party in Bassein, 160 km west in the capital, Daw Aung San Suu Kyi, together with U Hla Pe and a driver, were again stopped by the authorities at Ainyarsuu village, the same place as the previous stand-off. After spending 12 days on the spot, Daw Aung San Suu Kyi and colleagues returned after her health had deteriorated dangerously.

The SPDC said the travel restrictions it had imposed on Daw Aung San Suu Kyi were for her own safety. It said it had banned her from going outside the capital, Rangoon, because she might be the target of an attack by Karen separatist guerrillas.