

12. Freedom of Movement, Assembly and Association

12.1 Introduction

Article 13 of the Universal Declaration of Human Rights (UDHR) states that: “Everyone has the right to freedom of movement and residence within the borders of each state. Everyone has the right to leave any country, including their own, and to return to their country.” Such freedom of movement is a fundamental right, upon which other human rights are contingent. As such, restrictions may only be imposed if they are based on law, pursue a legitimate objective, and are strictly necessary. Throughout 2006, in direct and blatant contravention of the Universal Declaration of Human Rights, the State Peace and Development Council (SPDC- the Burmese military junta) continued to tightly restrict, monitor and interfere with the movement of the Burmese population. This was especially true for villagers in rural ethnic areas, with areas of Karen and Mon State especially affected in 2006. In addition, members of particular communities, especially the Muslim Rohingya, were unjustly targeted with such restrictions. The SPDC also required other non-citizens, generally ethnic South Asians or Chinese, to obtain prior permission to travel internally. In addition, the movement of politically active people in the country was closely monitored and controlled.

The regime continued in its attempts to limit and regulate those allowed to leave the country through restrictions on the freedom of movement, the prohibitive costs of obtaining travel documents, the threat of punitive action, and the regular closure of official border crossings. Despite this, the country’s borders with China, Thailand, Bangladesh, and India remained porous throughout the year with significant undocumented migration and commercial travel occurring. Simultaneously, foreigners, including humanitarian agencies attempting to deliver much needed aid supplies, seeking entry and access to certain areas of the country, were faced with significant restrictions on their freedom of movement, to the point where many were unable to operate effectively.

Rights to assembly and association were also significantly curtailed by the regime in 2006, with the order prohibiting unauthorized outdoor assemblies of more than five persons enforced selectively. Despite obligations under domestic law and international treaties to recognize and respect the rights of workers, the junta has banned trade unions and labour organisations. Many political parties and social organisations have also been outlawed by the regime. Those that are allowed to exist have been denied the ability to function freely and securely. In particular, the regime has targeted their political opponents. Over the course of the year the SPDC continued to coerce National League for Democracy (NLD) and Shan Nationalities league for Democracy (SNLD) members to resign and arbitrarily renewed the house arrest of NLD leaders Daw Aung San Suu Kyi and U Tin Oo. In general, freedom of association existed only for SPDC approved organisations and Government Organised Non-Governmental Organisations (GONGOs) such as the Union Solidarity and Development Association (USDA), which in fact rely on coercion for their membership. In turn these organisations coerce attendance at mass rallies supporting SPDC policies, as well as being complicit in the junta’s continued oppression of the Burmese population.

12.2 Restrictions on Villagers in Border Conflict Areas

“Everyone has the right to freedom of movement and residence within the borders of each state.”

-Article 13, Universal Declaration of Human Rights.

“He (DKBA Commander Mo Kyo) didn't allow the women to go to the river to bathe. He said that none of you can leave the village. If you leave the village, you have gone to give information to the KNLA ... You can't go out in the forest. If we see anyone, we will shoot them or kill them.”

- 50 year old Female Karen villager, from Bilin Township, July 2006.¹

SPDC troops, as well as those of allied groups such as the Democratic Karen Buddhist Army (DKBA), severely restricted the movement of villagers in areas inhabited by ethnic minorities throughout 2006. Such moves were generally justified as a means to cut off food supplies, information and potential recruits to armed opposition groups. Measures imposed have included the establishment of stringent curfews or completely confining villagers to their respective villages; enforced through shoot on sight policies, erecting an extensive array of checkpoints, as well as the deployment of landmines and the compaction and fencing in of villages and relocation sites.

Throughout 2006, villagers were frequently required to obtain travel permits from the military and local authorities to travel outside their villages. Those found outside of their village without such documentation were liable to be fired upon, or at the very least subject to a large fine. Even compliance with such movement restrictions did not guarantee the villagers' physical security. There were numerous reports of arrest, torture and extra judicial killings, being visited upon those in possession of a valid travel pass.² Villagers were required to pay for their permits which often only allowed one days travel, and no overnight stays outside of the village boundary, particularly in areas of continued resistance. At certain times, villagers struggled to obtain even a one day permit, with the SPDC military instituting total bars on any form of travel outside of their respective villages, and in some cases even banning movement within the village during the hours of darkness.³ In less volatile areas villagers were often permitted one week passes.⁴ Travel restrictions extended to what belongings a villager was allowed to have on their person whilst outside their village, with regulations imposed on the carrying of food, medicine, batteries and the use of flashlights; as these items are deemed to be useful to resistance forces.⁵

To monitor the movement of villagers and ensure compliance with restrictive travel policies, the SPDC set up and maintained numerous roadside check points in areas over which it had control. These checkpoints were generally manned by a few soldiers in a small bunker or bamboo hut and not only served as instruments of control but provided local troops with additional revenue. Even villagers with the necessary documentation were generally required to pay a small fee to pass. In 2006, it was reported that villagers living in the Shwegyin area of Pegu District and farming in Hsee Moo Hta area were not only forced to pay 2,000 kyat per month in order to obtain permission to leave their village, but were faced with ten checkpoints along the river, and seven on land between these two areas, with each checkpoint charging 200 kyat. Additional charges were generally imposed on any goods brought through the checkpoints.⁶ On top of such fees, villagers were susceptible to extortion at the hands of individual soldiers, expecting large bribes in order to grant right of passage.

The fencing in of villages, whereby outlying houses are dismantled and moved to a central location before a perimeter fence is placed around the village (through the forced labour of the villagers), is a further means utilised to check the movement of villagers. In November 2006, it was reported that many villages in Toungoo District had been ordered to erect such perimeter fences, leaving only three entry and exit points into their village. Villagers were assigned sentry duty at each gate, taking the names of all those who had left the village and when, allowing the SPDC to punish relatives, in lieu of the missing person, if they did not return within their allotted time. As such, the families of IDPs and refugees from these villages remained a high risk group throughout 2006.⁷

In addition, the relocation of communities to sites close to army bases in well garrisoned SPDC areas made it easier for the SPDC to monitor and control the movement of the population (as well as easier to demand forced labour, money, and goods.) Relocated villagers were often barred from returning to their old homes, even if they had been forced to leave before being able to collect all their belongings, or placed in uninhabitable relocation sites, with no clean water.⁸ Even if allowed to return to their fields and plantations, they were frequently relocated a long way from their farms and passes issued for a limited number of days were insufficient to maintain their fields. As a result, villagers were often forced to find work as day labourers in the towns or villages near their relocation site.⁹ In 2006, villagers in Hteh Htoo relocation site, Nyaunglebin District, complained that whilst they were barred from going out of the site, the SPDC soldiers had been looting their livestock, with 20 cows and buffaloes reportedly stolen between April and November 2006.¹⁰



The dry season vehicle road between Kya In Seik Gyi and Kyone Doh in western Dooplaya, seen here in June 2006. Villagers using this road must pay 'fees' at a number of SPDC and DKBA checkpoints in order to pass. The fees are particularly heavy for vehicles or carts carrying goods, which local villagers say stifles all trade in the region. *[Photo and caption: KHRG]*.

In 2006, restrictions on freedom of movement in ethnic areas had grave consequences in other areas of villagers' lives, and led to numerous infringements on their human rights. Primarily, they served as an enormous impediment to villagers' ability to enjoy their right to an adequate standard of living. Those who own or work on farms and plantations and rely on revenue and foodstuff from these, as a majority of villagers do, had their very source of life cut off. Even the ability to travel to their farms on daily passes was not sufficient when harvest time required farmers to stay on their land for a period of two to three weeks.¹¹ Trade was also greatly hindered by such restrictions, creating large scale food security problems for

villagers, and preventing them from earning any actual income. Often a situation arose where villagers' only access to food was to buy it from the local SPDC troops at grossly inflated prices, who in many cases had simply harvested the produce from farms owned by the villagers in the first place.

Not only did the laying of landmines to control movement in these areas lead to injury and death, but restrictions on travel made it difficult for those injured by such devices, or in fact anyone who required care, to receive medical attention. In March 2006, in Toungoo District, a villager who stepped on a landmine was denied permission to receive treatment in Than Daung Gyi. He was told by SPDC troops that they did not wish him to be seen by foreigners. Perversely, foreign tourists were not permitted to visit this area throughout 2006.¹²

The areas where the tightest movement restrictions were imposed in 2006 were in northern Karen State (and eastern Pegu Division- see note on demarcation in Abbreviations and Acronyms and Notes on Text), where the SPDC mounted offensives to establish control over areas in which the Karen National Union (KNU), and its armed wing the Karen National Liberation Army (KNLA) maintained a presence; as well as southern parts of Mon State and areas of Tenasserim Division, where Mon resistance forces remained active. In these areas, stringent restrictions were mirrored by and in fact greatly contributed to increasing poverty and dire threats to food security.¹³ (Movement restrictions were also severe in northern Arakan specifically targeting the Rohingya- for more information see Section 12.3)



This photo was taken in late April 2006 show part of Plaw Law Bler forced relocation site and surrounding fences. On the perimeter fences, note the construction with sharp bamboo spikes sticking out of the sides of the fence to make them impossible to climb over. The relocated villagers were forced to build these fences. *[Photo and caption: KHRG]*

Karen Offensive

The SPDC launched its large scale offensive in the Districts of Toungoo, Nyaunglebin and Papun, northern Karen State in November 2005, and continued their operations throughout 2006.¹⁴ Wholesale movement restrictions imposed in northern Karen State during the offensives were widely interpreted as being specifically designed to cut all contact between those living in the plains, under SPDC control, and those residing in the hills, including villagers, IDPs and the armed resistance forces,¹⁵ in order to starve those in the hills down into the plains, where the SPDC could more easily control and exploit them.¹⁶

Traditionally villagers from the plains and those from the hills would come to markets and trade their produce. Through this system, both groups could access a variety of foodstuff and goods.¹⁷ However, in 2006, those in the plains, under SPDC control, were barred from travelling without a pass and these were rarely granted. Checkpoints barred those from the hills to enter the plains, and concurrently villagers in the plains were ordered not to sell food or goods to those from the hills. Roads, between these two areas, continued to be closed throughout the year, and three bridges were dismantled further isolating those residing to the east of the Day Loh River.¹⁸

To ensure acquiescence to their restrictive demands, the SPDC deployed landmines along a north-south line, dividing Toungoo District between the eastern hills and western plains. This distribution of landmines reinforces the analysis that the SPDC's intended aim was to limit the access of hill villagers and IDPs to food and supplies, forcing them to enter SPDC controlled areas, thus submitting themselves to forced labour duties and the SPDC's extortionate demands.¹⁹

The entire system of restrictions meant that those in the plains were unable to tend to, and in fact forced to abandon, their crops and plantations and were also unable to trade for further goods that they required, creating large scale food scarcity.²⁰ Concurrently, villagers in the hills struggled to sell their vegetables robbing them of their only source of income. At the same time rice prices in the hills rose exponentially because of the inability of those in the plains to reach them. In August 2006, rice in these areas cost as much as thirty times that in the plains.²¹

Southern Karen State

The SPDC has justified travel restrictions in ethnic areas for decades as part of their 'four cuts' strategy to limit villagers' support of, and communication with, armed resistance groups operating outside the villages.²² Movement restrictions in areas of Mon State and northern Karen State during 2006 were inarguably linked to the ongoing SPDC offensives in these areas. However, the situation in southern Karen State, during 2006, demonstrates that in the absence of significant active resistance the regime continued to impose oppressive controls on the movement of ethnic civilian populations.²³

In the past year, many villagers in Doooplaya District, who had been forcibly relocated or displaced in the past, were permitted to return and re-establish their villages, but with a large number of conditions and restrictions. Scattered villages were made compact in order to better control their inhabitants, and villagers were only granted permission to visit their farms and plantations for a few days at a time, which was insufficient to protect and tend to their crops. Furthermore, the extensive system of SPDC, DKBA and Karen Peace Force (KPF) checkpoints in the area meant the transport of goods throughout the year was extortionately expensive due to the levies demanded from those who wished to pass.²⁴ As a further measure, villages throughout Doooplaya were ordered to send complete registers of household and village residents to the TPDC office and to provide these registers to every new military unit that arrived in their area.²⁵

Similarly, in Thaton District, the SPDC and DKBA have spent the past decade consolidating control over the civilian population, with incumbent draconian movement restrictions being again heavily enforced in 2006. Increased DKBA activity within the district meant that most restrictions on the movement of villagers were in fact imposed through their command, with

SPDC LID #101 and DKBA #333 Brigade, #999 Brigade, and the Central Security Battalion working together to enforce these restrictions. Reports given to KHRG have suggested that the SPDC paid the DKBA a large sum of money in return for their assistance in the imposition of tighter movement restrictions.²⁶

Villagers were not permitted to leave their villages without permission and had to return to their villages before nightfall regardless, under threat of shooting. In order that movement restrictions be enforced, many villagers in Thaton District were ordered to construct fences around their village with limited entry and exit points. Outlying houses were also moved into more central positions inside of the fence. There were numerous checkpoints throughout the district, each demanding a fee to pass, and village heads were required to supply intelligence reports on the movement of villagers.²⁷

In May 2006, the DKBA increased travel restrictions in the lead up to the rainy season, a crucial time for farmers. By the time the DKBA allowed farmers to travel to their fields, the rains had begun and much of their harvest yield for the year was lost. Beginning in June 2006, Commander Mo Kyo informed villagers that the DKBA would “*take action*” against those found outside of their village without the requisite permits. Permits were issued by the DKBA at a cost of 1,000 kyat and were generally only valid for a few days.²⁸

The plight of residents in Dtah Meh Kee village during 2006, serves as an archetypal example of the strains such movement restrictions place on these agrarian communities. The village, in Thaton District, is made up of 20 households with the traditional occupation being to raise hill field rice crops. DKBA restrictions in 2006 meant they were unable to tend to their fields and as such yielded a grossly insufficient harvest. Residents were forced to become daily wage labourers on the farms of neighbouring villagers, where they earned a daily wage of 1,000 kyat. As a result, the villagers were forced to survive on watered down rice porridge for the rest of the year.²⁹

Mon State

In southern Mon State, SPDC forces mounted an offensive in 2006 against an armed Mon splinter group operating in the southern part of Ye Township. Concurrently, SPDC TOC #3, from the Southeast Military Command, banned the travel of all villagers outside of their village. Many checkpoints were positioned along all major travel routes particularly along the Ye-Tavoy road and every villager wishing to travel was required to obtain a permit. Villagers, including children and women, were reportedly killed when SPDC troops sighted them outside of their villages.³⁰

The implementation of total travel bans, whereby the SPDC completely ceased the issuance of travel permits, continued throughout the year, usually in response to instances of SPDC military engagement with the Mon splinter group. In December 2006, following the death of three SPDC soldiers, the entire population of 14 villages was completely confined to their respective village boundaries. Harvesting of paddy and rubber sap was greatly affected by this ban.³¹ In Wear Kwao village, when betel nut plantations were ready for harvesting, the soldiers prevented the farmers from going to their plantations and instead sold their crops to local people as if they were their own; in some instances forcing stores to buy their cache, without any choice in the purchase or price.³²

Villagers in Mon State also faced restrictions on their movements as a result of heightened security following a gas pipeline bomb attack in February 2006. The reported sabotage of the 210 mile long “Kanbauk-Myaingkalay” gas pipeline, by an unknown armed group near Kwan Hlar village, Mudon Township, occurred on 1 February 2006. The pipeline passes through a huge number of paddy fields, fruit plantations and rubber plantations all the way from Yebyu Township, Tenasserim Division through Mon State to Pa-an Township, Karen State. Following the reported sabotage, the SPDC barred villagers from crossing the pipeline, imposed night time curfews and greatly limited the movement of the general population in such a way that farmers were significantly obstructed in their efforts to maintain a livelihood.³³ Those villagers residing in southern part of Ye Township were not allowed to cross the pipeline, for at least the duration of February 2006. If found crossing in daylight they were informed they would be beaten, if crossing at night they would be killed, meaning many local farmers were forced to abandon their crops, situated on the other side of the pipeline to their place of residence. Whilst farmers in other areas were generally allowed to cross the pipeline during the day, this still prevented them spending the necessary time with their crops, often forcing them to hire more labourers, which they could ill afford.³⁴

Shan State

A report published in January 2006 detailed the impact movement restrictions in Shan State were having on the livelihood of local inhabitants. Farmers in Mong Nai Township who had land far away from their home were not permitted to stay overnight in their fields. In order to get a day pass, they were forced to pay bribes to, either, the village headman, the police, the local SPDC LIB, or often all three. Even with a day permit, farmers were not allowed to take any lunch with them. The report also noted that different LIBs and patrols operative within the area were acting under differing orders. As such farmers in possession of a permit lacked any real security as they risked being shot at by those under a different command. As a result, many farms were abandoned within the area.

In addition, movement restrictions negatively impacted upon trade within Mong Nai Township, and consequently food security in the surrounding areas. The neighbouring district of Langkhur is known for its tobacco and sugar cane production and traditionally traders from Langkhur would travel to Mong Nai to buy the rice produced there. In 2006 it was forbidden to leave Mong Nai with rice or other foodstuffs. Road blocks enforced this order and those transporting rice along jungle routes risked being shot.³⁵

Restrictions on Movement of Villagers- Partial List of Incidents 2006

Arakan State

(For further incidents see Section on Restrictions on Movement of Rohingya)

On 26 January 2006, the SPDC, in Indin Village, near Maungdaw Township, imposed movement restrictions on the local population as part of a manhunt for a group who attacked their army base in order to free a detainee. Travel permits were withdrawn, and all travel in areas between Maungdaw and Rathedaung Townships was banned. The restrictions were in place until at least 5 February 2006.³⁶

On 19 March 2006, local authorities in Buthidaung Township summoned religious authorities, village elders and VPDC members, from 12 village-tracts, and directed them to keep a watch on the movement of religious leaders. The authorities informed those at the meeting that they had information concerning the fact that around 1,000 religious leaders had entered Arakan. They ordered that the religious leaders were not to move from one village to another, and sentries were stationed around villages in order to monitor visitors.³⁷

In May 2006, 15 men including Molvi Jaffar from Sadamaw village were arrested whilst visiting market in Sittwe. They were arrested by immigration officials for not holding village out passes and sentenced to six months in jail.³⁸

On 19 July 2006, the SPDC military, NaSaKa, and police forces raided the homes of every house in the Shwezar quarter of Maungdaw Town (consisting of 5 smaller villages, Shwezar Mrauk, Shwezar Guna, Dayla Wra, Kanyin Chaung, and Aung Bala), blocking the roads and moving from house to house throughout the night. At least 70 people, mostly Muslim, were arrested, either on suspicion, or for not having proper permission from their village councils to be staying in a different household or town. The reason for the raid was unclear.³⁹

In September 2006, it was reported that fishermen in Sittwe were forced to sell their catch to brokers on the banks of the river at much deflated prices. The fishermen were unable to disembark from their vessels in the absence of permits to visit Sittwe.⁴⁰

On 4 September 2006, Mohammed Hussain of Bolati Village, Pauktaw Township, was arrested when he was found in Bogar Dill Village without a permit to leave his village. He was detained temporarily in Myuma Police Station Camp #1.⁴¹ On 8 September 2006, he was sentenced, by a Sittwe Court, to two and a half years imprisonment with hard labour.⁴²

In October 2006, an outbreak of diarrhoea in Arakan State, which claimed the lives of 41 children under 10 years old, over a 10 day period, was attributed to the consumption of unclean foods, which the children had foraged for. The families of the children had been unable to feed them since the SPDC banned travel to the local forest. Previously, roughly 90 percent of villagers in the Tawphyachaung area of Ponna Kyunt Township were employed as bamboo cutters.⁴³

On 9 November 2006, NaSaKa forces raided three Muslim villages to check the family lists, birth rates, any visiting travellers or guests, as well as for other potential illegal activities. One raid in the village of Aukpru was led by NaSaKa Area #5 Commander, Major Than Thay, who ordered all road entrances blocked. Further raids were conducted in Kran Soe Ree and Wra Thik villages in Aungtha Bray Village Tract. At least 8 villagers were arrested during the night.⁴⁴

Chin State

On 10 October 2006, it was reported that a curfew had been imposed on the road connecting Paletwa, Chin State to Mizoram, India. Following the desertion of two SPDC troops, the road was closed off to all wishing to visit India, causing grave difficulties to those who rely on cross border trade. The SPDC again ordered a blockade on the road from December 2006, which was expected to remain in force through to March 2007, with any one seen crossing the road liable to be shot.⁴⁵

On 23 October 2006, Tactical Operation Commander, Brigadier Colonel Myint Shwe, stationed in Kalaymyo arrived in Dar Khai (B) village, of Chin State, where he held a meeting with Tactical Commander Colonel Tin Hla, stationed in Hakha town. A curfew was imposed as of the morning of the meeting and no movement was allowed in the area.⁴⁶

Karen State

Nyaunglebin District

On 2 May 2006, it was reported that those villages residing in the Shwegyin area and farming in Hsee Moo Hta area were being forced to pay 2,000 kyat per month to the SPDC in order to obtain permission to leave their village. Furthermore, it was reported that the SPDC had established 10 checkpoints along the river and 7 on land between these two areas, with each checkpoint charging 200 kyat for right of passage.⁴⁷

On 9 May 2006, all those residing in Maw Keh Tha Per Koh, Baw Bpee Der, Aung Chan Tha, Myaung Oo, Meh S'Lee Gone, Pa Doh Kyaw Hta, Kyaw Kyi Paw and K'Muh Loh in northern Mone Township, and Yu Loh and Tha Pyay Nyunt in southern Tantabin District, Toungoo Township, Nyaunglebin District, were ordered not to leave their respective villages. MOC #16 Commander Captain Soe Oo informed the villagers that they risked being shot if caught outside of their place of residence. As a result of the restrictions SPDC troops were able to sell rice to their captive consumer base at inflated prices.⁴⁸

In July 2006, it was reported that around 800 people, in Nyaunglebin District, who had fled SPDC control and oppression in Mone Township, and were residing in the forests, were barely surviving without any access to food.⁴⁹



In August 2006, Battalion Deputy Commander Yan Aung and Company Commander Min Thant Lwin of SPDC LIB #599 ordered all villages in their control area of Mone township, Nyaunglebin district, to build a perimeter fence all the way around their villages with only one or two entrances/exits. The SPDC claims these fences are to keep 'rebels' out of the villages, but in practice they are used to restrict and monitor the movements of the villagers. It also makes it easier for the battalion to round up forced labour. These photos taken on August 27th and 28th show the people of four of these villages working on the fences. To get them done on time, everyone including children had to help. *[Photo and Caption: KHRG]*.

On 10 July 2006, it was reported that villages relocated to Plaw Law Bler, Nyaunglebin District, were only allowed to return to their old village during the daytime, and with the permission of the SPDC forces, or else risk being shot. There was a scarcity of water at the relocation site.⁵⁰

In August 2006, villagers of Mu Theh village, Nyaunglebin District, were ordered to construct a fence surrounding their village under orders from SPDC MOC #16 Operations Commander Than Soe and LIB #323 Battalion Commander Kyaw Kyaw Oo.⁵¹

On 3 August 2006, LIB #351 Battalion Commander Than Tate arrested villager Saw P--- in the Hteh Htoo relocation site, under accusation of having contact with the KNLA. He was bound, assaulted, and forced to stand in water overnight where he was bitten by leeches. He was then placed in a holding cell for a month. He was released, when his fellow villagers agreed to pay 300,000 kyat to the Battalion Commander, but remained barred from leaving the village.⁵²

On 17 August 2006, Major Min Kyaing Thant of SPDC IB #57 ordered villagers in Kyauktan, Them seik, Tone-ta-da, Shu-khin-thee, Po-pay-gon, Kaw-tha-say, Baw-ka-ta and Pa-deh-gaw to completely fence the perimeter of their villages within 2 days.⁵³

On 25 August 2006, LIB #351 Company Commander Yeh Win arrested a Taw Koh villager after finding two batteries in his hut, for which he was accused of having contact with the KNLA and fined 30,000 kyat.⁵⁴

On 28 August 2006, troops from LIB #351 spotted two villagers who had left the Hteh Htoo relocation site and gone back to their old village to collect their belongings and harvest some vegetables. The soldiers arrested the two villagers and took them to their battalion commander, Than Tate, who accused them of having contact with the KNLA and fined them 10,000 baht each.⁵⁵

On 30 August 2006, it was reported that SPDC forces had overseen the construction of a fence near Muthey, Nyaunglebin District. The fencing has greatly hindered local villager's access to their farmlands.⁵⁶

On 3 September 2006, LIB #351 Battalion Commander Than Tate arrested villager M--- from the Hteh Htoo relocation site and three of his friends when they were seen outside relocation site in their boat. They were locked in leg stocks for one week and fined 5,000 kyat each.⁵⁷

On 9 September 2006, LIB #351 Company Commander Lieutenant Yeh Win forced Hteh Htoo villagers to build a fence around the village while he took photos of them doing it. He subsequently demanded 2,000 kyat from the villagers in order to develop the film.⁵⁸

Also on 9 September 2006, LIB #351 Battalion Commander Than Tate ordered residents of Hteh Htoo village that they must obtain a travel permit, at a cost of 20,000 kyat, in order to be allowed to go fishing, and pay a further 3,000 kyat to be allowed to sleep in their field huts (off site). At the end of a five day period, the villagers had to return and resubmit an application for their travel permit.⁵⁹

Also on 9 September 2006, SPDC IB #242 began forcing villagers in the plains around Muthey area to erect fences around their villages. Villagers were also barred from travelling outside their villages. Roads and routes valuable for trade and travel between the plains and mountainous regions were blocked by SPDC forces.⁶⁰

On 10 September 2006, LIB #351 Battalion Commander Than Tate arrested Maung Min Oo from Hteh Htoo relocation site, reportedly telling him *“I am arresting you because you came back late and the time is over according to a specific time I set up.”* He had failed to return to the village when the time stipulated on his recommendation letter had expired. He locked him in mediaeval-style leg stocks for a week and fined him 10,000 kyat before releasing him.⁶¹

On 9 October 2006, LIB #350 Battalion Commander Tha Neing established a checkpoint at Toe Ta Dah and demanded 5,000 kyat from each car and 3,000 kyat from each motorbike wishing to pass.⁶²

On 19 October 2006, it was reported that the SPDC was forcing villagers in the Muthey area of Nyaunglebin District to construct fences around their villages in order to restrict their freedom of movement.⁶³

In November 2006, it was reported that twenty cows and buffalo had been stolen by SPDC troops in the area around Hteh Htoo relocation site since 1 April 2006. The thefts all occurred when villagers were restricted to their place of residence under orders from the SPDC.⁶⁴

Papun District

On 6 February 2006, Dta Khaw Hta village head Saw Mer Ler was arrested by SPDC soldiers from LIB #60, accused of writing a travel pass for a man believed to have exploded a bomb in Toungoo on 4 February 2006. Dta Khaw Hta villager Saw Ghay Ler Htoo was also arrested, as he was accused of allowing the same man to sleep at his house en route to Toungoo. At the same time, SPDC spokespersons were attributing the bomb blast to several opposition groups, without any announcement who the ‘man’ referred to was. Furthermore, any travel pass issued at Dta Khaw Hta would not have been valid for the entire journey to Toungoo. It was thought that these arrests were an attempt to implicate the KNU by suggesting that the attacker had crossed the Salween from Thailand. Saw Mer Ler and Saw Ghay Ler Htoo were each sent to army camps at Saw Hta and then Maw Pu and were held there incommunicado. On 10 March 2006, Saw Ghay Ler Htoo escaped. His wife Naw Lah Hser Paw and her infant child were then arrested, but later released. Saw Mer Ler’s fate was unknown.⁶⁵

Toungoo District

On 7 January 2006, it was reported that troops from SPDC IB #20, #39 and LIB #124, in Thandaung Township, banned people from villages located on the east side of Thyauk-ye-kat-chaung stream, from crossing the waterway and going to Than-daung-gyi. The troops subsequently planted landmines on the east side of the stream to enforce their order.⁶⁶

On 12 January 2006, SPDC Southern Command, Strategic Command #1 Commander Thein Htun, ordered that passes were needed in order for motor traffic to travel on the Baw-ga-li-

gyi-Ye-tho-gyi road. He informed villagers that if fighting broke out, in the Baw-ga-li-gyi area, he would completely ban motor traffic and would distribute land mines in the area.⁶⁷

On 21 January 2006, troops from SPDC LIB #440, based at Ye-tho-gyi camp prohibited Ye-tho-gyi villagers from going outside of the village and blocked roads in the area.⁶⁸

In February 2006, LID #66 ordered a total bar on all travel in Taw Tu Tu Township and Daw Pa Ko Township.⁶⁹

On 10 February 2006, in Toungoo District, the commander from SPDC Strategic Command 663, under LID #66, based at Play-sar-lo (Tate-pu) in Tantabin Township, demanded the village head of Ya-lo (Myauk-chaung) village, Lay-wo-lo (Kan-bay-myaung) village, and Paw-per (Bin-ba) village, to collect census data detailing the population and number of houses in each village.⁷⁰

Also on 10 February 2006, troops from SPDC TOC #663, under LID #66, based at Play-hsa-lo (Tate-pu) army camp, in Tantabin Township, banned the villagers from going outside of the village, threatening that those found outside would be shot on sight.⁷¹

On 24 February 2006, LID #66, TOC #3, under Commander Tin Aung, ordered the closure of Bo Maw Kee, Tha Pa Chaung and Day Yeh Kee Roads. Villagers from the hills were told they were not allowed to travel to the plains, and villagers from the plains were told not to travel on any of those roads, under threat of shooting. Subsequently, on 25 February 2006, Saw Roland and Saw Da Nu Nu, two brothers from Ler Klah Der village were killed by SPDC troops, with their bayonets, when carrying rice to their farms in the Kleh Loh area.⁷²



This 'jungle market' is one of the ways hill villagers evading SPDC control manage to survive. People in SPDC-controlled villages are strictly forbidden to take any food or medicines into the hills, but secret arrangements are made and on the specified date they smuggle goods out of the villages to a prearranged place in the forest, where they trade with the displaced hill villagers. The hill villagers bring cash crops like cardamom and forest products to trade for rice, salt and dry goods which they need to survive. This photo was taken in December 2005 in northern Nyaunglebin district. Since then the SPDC has tried to prevent these markets by sending in more troops, blockading and landmining the roads and footpaths between SPDC-controlled areas and forest areas. *[Photo and Caption: KHRG].*

On 11 March 2006, SPDC LID #66, led by Commander Aung Soe, captured Saw Ah Poe and Saw Dah from Ker Der Kah village before torturing and killing the pair as punishment for leaving their village.⁷³

On 12 April 2006, SPDC IB #73 troops banned villagers from using all cart-roads in Shasibo area. SPDC IB #53 troops, based at Htee-lo, kept watch on the cart-roads.⁷⁴

On 26 April 2006, SPDC troops forbade villagers in the Za-yat-kyi area, Tantabin Township, from transporting goods in the region. Travel by cart and car was also banned.⁷⁵

On 28 April 2006, it was reported that SPDC IB #53, commanded by Myo Thoo Ya and located at Sha-si-bo, placed heavy restrictions on the movements of local villagers. They were instructed that if they went to the mountains or slept in their fields they would be shot.⁷⁶

Also on 28 April 2006, soldiers from LIB #801 shot at villagers from Kaw Thay Der working in their plantations, hitting 35 year old Saw Mya Ler and breaking his arm. Following the shooting, the soldiers entered the village and informed the residents that anyone found outside the village would be considered an enemy and shot.⁷⁷

On 30 April 2006, in Tantabin Township, troops from Column 1 and 2 of LIB #108, under TOC# 663 of SPDC LID #66, fired on villagers of Ye-tho-gyi. Villagers were instructed that if they needed to go outside of their village they would need to get a travel permit from the SPDC army. Villagers were warned that they would be shot if found to be disobeying this order.⁷⁸

On 3 June 2006, SPDC columns from IB #11, LIB #5 and LIB #108 ordered all villagers of Ye-tho-gyi and Ye-tho-lay not to leave their villages. They threatened to shoot any person found outside of their village.⁷⁹

On 15 June 2006, TOC #2 Commander Ko Ko Kyi, based at Teik-pu camp, Tantabin Township, ordered the residents of Myauk-chaung Han-tho, Pa-ta-la-Myang and Kyauk-son-dung villages to register the names of their family members, and ordered all villagers to apply for a national identity card. He further instructed the residents of these villages to construct a fence around Teik-pu village.⁸⁰

On 25 June 2006, SPDC LID #66 Commander Tin Aung Naing ordered villages in Baw-ga-li-gyi, Ye-tho-gyi, Sa-ba-gyi, Maw-Ko-doe, Der-doh and Gar-mu-doh villages to construct a fence around their respective villages. At night villagers were not allowed to move between houses within their village under threat of being shot.⁸¹

On 6 July 2006, SPDC IB #35 ordered all villages located on the west bank of Thauk-ye-khat River to complete the construction of a perimeter fence around their village by 15 July 2006.⁸²

On 22 July 2006, SPDC LID #66 Division Commander Ko Ko, ordered Baw-gli, Kaw-soe-kho, Wa-tho-kho, Ler-ko and Kaw-thay-doe villagers to construct a fence around their respective villages. Any villager who wished to travel outside of the fence was told to purchase a village out pass at a cost of 100 kyat each day.⁸³

In August 2006, it was reported that the rice supplies of villages in the Kler Lah, Day Loh and Klay Loh areas of Toungoo District were extremely stretched, with some villagers having run out. Those they were forced to borrow from had no more than two months supply left with no prospects for acquiring more.⁸⁴

In November 2006, it was reported that strict movement restrictions continued to be placed on 12 villages in the Kler Lah area, with warnings that villagers disobeying these commands would be shot on sight. The twelve villages were:

1. Kler Lah,
2. Kaw Soh Koh,
3. Wa Thoh Koh,
4. Ler Koh,
5. Maw Pa Der,
6. Koo Pler Der,
7. Klay Soh Kee,
8. Kaw Thay Der,
9. Der Doh,
10. Gha Moo Der,
11. Maw Koh Der, and
12. Peh Kaw Der.⁸⁵

On 10 December 2006, SPDC IB #48 blocked all roads leading to villagers' betel-nut plantations and farm huts, located on the eastern side of Sha-zee-bo village.⁸⁶

Mon State

On 10 February 2006, it was reported that students attending a Mon school in Khaw Zar sub-Township were often unable to return to their village after school because of an SPDC imposed 5 pm curfew in the area. As a result many students were missing classes or else being forced to sleep outside of their villages at night.⁸⁷

From May 2006 to at least the time of this report, 31 July 2006, SPDC troops from LIB #299 barred villagers from Khaw-zar-chaung-wa from leaving their houses between 9 pm and 6 am. The villagers were also forced to erect fences around the village in order that the application and monitoring of movement restrictions be unproblematic for the SPDC.⁸⁸

On 12 May 2006, Captain Than Tun of LIB #586 ordered villagers from Mi-htaw-hla-kalay and Mi-htaw-hla-gyi, southern Ye Township, to obtain a pass from him before leaving their village. He charged 150 kyat for a daytime pass, and 700 kyat if the applicant wanted an overnight pass.⁸⁹

On 14 May 2006, following a clash between a Mon guerrilla group and SPDC forces, residents of Kabya village were prohibited from leaving their village by command of IB #31 and LIB #299. Villagers were also forced to construct fences around their village.⁹⁰

On 22 May 2006, SPDC IB #61 Captain Myint Zaw ordered that all those residing in Tuu-Myaung village, Ye Township must obtain a pass from the battalion in order to leave the village. A week pass was reported to cost 400 to 500 kyat. Surrounding villages in the area, including Kyone-Paw, Paw-Thaw, Wae-U, Kha-Pi-Taw and Kwan-Toe, were subject to similar demands.⁹¹

On 28 May 2006, villagers in Kyone-Kanya village, Ye Township, were ordered to pay 200 kyat for permission to work outside their village by Battalion Commander Maj. Win Maung, of LIB #591.⁹²

From 19 June 2006 to 30 June 2006, villagers in Sin-gu village, southern Ye Township were ordered by Commander Aung Kyi of LIB #587 to register all their family members with the VPDC. Villagers were further ordered not to leave the village without a village exit pass, for which they had to pay 300 kyat each. Aung Kyi informed villagers they would be shot if found outside Sin-gu without a pass.⁹³

On 28 June 2006, Captain Soe Naing Lin, of IB #591, ordered the villagers of Kyaung-ywa village, Ye Township, not to travel outside the village without permission. A 500 kyat charge was subsequently imposed for a 24 hour pass.⁹⁴

On 2 July 2006, SPDC troops from LIB #106 arrived in Koe-mile Village, Ye Township, Mon State, to begin a four week operation. Captain Thein Than informed the village headman and VPDC members that all villagers would be confined to the village for the duration of the operation. Anyone found outside of the village was to be shot. Farmers from outside the village, with fields within the area of operations, were also barred from visiting their farms and plantations.⁹⁵

On 17 July 2006, it was reported that over 30 people had been forced to pay a fine of 100 baht each for failing to register guests with the VPDC in the Three Pagoda Pass area.⁹⁶

On 31 July 2006, it was reported that movement restrictions in Kyone-kanya, Southern Ye Township, Mon State, ordered by SPDC TOC #3, IB #61 had been in place since the beginning of May 2006. Villagers were barred from going to their farms and plantations and were unable to harvest their crops.⁹⁷

Also on 31 July 2006, it was reported that the inhabitants of Kwan Hlar village, Mudon Township, Mon State, were barred from crossing the nearby gas pipeline by local authorities. Those who needed to cross the pipeline, to tend to their farms, were permitted to cross if they paid a daily toll to SPDC troops stationed along the pipeline.⁹⁸

Also on 31 July 2006, it was reported that Commander Soe Myint, of SPDC LIB #209, ordered villagers living along the Kanbauk-Myainkalay gas pipeline to keep away from the pipeline. He threatened that those who crossed the pipeline between the hours of 6 pm and 6 am would be shot.⁹⁹

On 3 October 2006, it was reported that villagers in southern Ye Township had been ordered to construct fencing around their villages. They were also barred from taking food with them to their farms and plantations.¹⁰⁰

On 4 December 2006, a clash between Mon insurgents and SPDC troops, which left three SPDC soldiers dead, resulted in heavy restrictions being placed on surrounding villages. SPDC IB #31 ordered the residents of 14 villages in the Ye Township area not to travel between villages, or visit their farms or plantations. Farmers reported cows eating their crops as a result. The authorities gave no indication of when the restrictions might be lifted.¹⁰¹

Pegu Division

On 2 March 2006, it was reported that SPDC troops in Nyaunglebin Township, had assaulted local residents for crossing the local railway tracks at night. Restrictions had been imposed declaring that no one may cross the tracks between 6 pm and 6 am. However, the announcement had not been made along the full length of the track, meaning that those assaulted had been unaware of the prohibition.¹⁰²

On 28 March 2006, villagers in areas of Pegu Division were ordered to confine themselves to their villages. All homes lying outside the village boundary were ordered to be dismantled and relocated within 15 days. Those who owned houses built of concrete were forced to abandon them.¹⁰³

Sagaing Division

In September 2006, the VPDC in Tahan, Sagaing Division, initiated a night curfew for youths in the area. The curfew was more strictly enforced in November and at the time of the report, 22 November 2006, was expected to be imposed throughout the Christmas period. Ostensibly, the curfew was imposed to keep a check on juvenile delinquency. However, local sources suggested that the curfew was put in place through a fear of SPDC troops conscripting youths into their ranks against their will.¹⁰⁴

Shan State

On 5 January 2006, it was reported that, following the killing of six members of the ceasefire Kachin Independence Army (KIA), by SPDC troops, in an unprovoked surprise attack on a Kachin District office in Muse, Shan State, the SPDC imposed heavy movement restrictions on those wishing to attend their funerals. *“Many villagers from Mu-se came for the funeral - over 200 or 300 of them – but they were prevented from travelling and performing funeral rites. Those people were actually parents and relatives of the dead but they were nevertheless banned from travelling. No one is allowed to travel. We heard that the army had already cremated the bodies in order to cover up the incident,”* stated a KIA officer.¹⁰⁵

On 8 July 2006, a couple and their 2 daughters from Laai Paang village in Ho Yaan Village tract, Kun-Hing Township, were arrested by SPDC troops LIB #519 in transit at Saa-Laa Village, Murng-Ton Township and detained in a Buddhist monastery for 4 days. They were detained on the basis that their daughters were underage and ought not be travelling with them to the Thai border. They were finally released upon payment of a 220,000 kyat fine.¹⁰⁶

Tenasserim Division

On 12 June 2006, to at least the time of this report, 31 July 2006, residents of Kyauk-tayan, Yebyu Township, Tenasserim Division were prohibited from fishing in the sea and working on their plantations. The order came in response to the ongoing conflict between Mon and SPDC forces.¹⁰⁷

On 20 June 2006, the commander of LIB #282 informed villagers from Ye-ngan-gyi, Yebyu Township, Tenasserim Division, that they would be confined to their village between the hours of 6 pm and 6 am. Outside of these hours villagers were required to get permission from SPDC forces if they wished to visit another village.¹⁰⁸

12.3 Restriction on the Movement of the Rohingya

“Everyone has the right to a nationality.”

- Article 15(1) Universal Declaration of Human Rights.

“Everyone has the right to freedom of movement and residence within the borders of each state.”

- Article 13(1) Universal Declaration of Human Rights.

The Rohingya were rendered stateless by the Burmese Citizenship Law of 1982. The SPDC, as well as the majority of the Burmese public, consider them to be ‘illegal immigrants from Bangladesh’, and their non-citizen status places enormous restrictions on their freedom of movement. They are completely barred from travelling beyond northern Arakan, wherein many checkpoints are only applied to the Rohingya population who require a travel pass even to visit a neighbouring village.¹⁰⁹ In the spring of 2006, movement restrictions on the Rohingya were noticeably tightened especially in south Maungdaw Township, and from July, travel passes in northern Arakan were only valid for a period of three days, with permission to travel between Maungdaw and Buthidaung rarely granted.¹¹⁰ In a further measure of control over the Rohingya, VPDC chairman were ordered to keep the NaSaKa (Border Security Force) abreast of all incidents occurring in their village on a daily basis, and fined if they failed to do so.¹¹¹

Throughout the year, authorities in northern Arakan mounted numerous raids and censuses on Rohingya villages,¹¹² and in December, villagers found to be absent without proper travel documents were erased from their family list, with their relatives fined 5,000 kyat. In some cases, families had to sign a declaration that they agreed for their missing family member to be deleted from their list. Earlier, in August 2006, in south Maungdaw (Inn Din and Kyauk Phun Du), NaSaKa (Burma’s Border Security Force) ordered the VPDC to expel over 100 villagers who were not properly registered as residents of their village. These persons had their names deleted from their family lists in previous years and had been living in Bangladesh ever since. However, when the oppression of the Rohingya had relaxed in the aftermath of Khin Nyunt’s ouster, they had returned to their village and negotiated with their Village Council to be reinstated against the payment of a bribe. With the oppression of the Rohingya again increasing, throughout 2006, they were forced to return to Bangladesh.¹¹³

The Rohingya have been barred from travelling to the Arakan State capital, Sittwe, since 2001, in the absence of prior permission from the authorities. From December 2005, the State Immigration Department in cooperation with police began a crackdown in Sittwe, arresting any Rohingya not in possession of “Form 4”. “Form 4” was initiated as a “temporary travelling form for foreigners”, but has been adapted into a further tool of oppression for use against the Rohingya population. Many Rohingya have refused to accept the order to carry such a form due to the insinuations such a diktat contains, stating *“We are not foreigners, we live here, we were born here, and we will die here.”* Those found to be travelling without the form were sentenced to six months imprisonment.¹¹⁴

The inability to travel freely in Burma has severely impacted many areas of the Rohingya population’s lives, jeopardizing their personal security, food security, livelihood, educational opportunities and access to adequate healthcare. This was especially true in 2006, with the economic crisis in Arakan State continuing to worsen.¹¹⁵

As there is only one University in Arakan State, located in Sittwe, the need to acquire permission to visit Sittwe is a huge obstacle to obtaining a higher education. On 16 January 2006, DPDC Chairman Major Ran Myu Aung and immigration officers in Maungdaw District failed to grant 270 prospective students their necessary travel permits, despite previously soliciting money from them, under the promise of forthcoming passes. Eventually, the Rohingya students were told that they would not receive travel passes as they were not citizens of Burma.¹¹⁶

The inability of Rohingya to travel to Sittwe further acts as an impediment to their right to health. For patients with a medical case too serious to be treated locally, prohibitions on travel or delays in the issue of travel passes make it virtually impossible for them to be referred to a hospital outside northern Arakan.¹¹⁷ In 2006, those Rohingya who could afford it were forced to become a member of the Border Trade Organisation, at a cost of around 20,000 kyat so as they could visit Bangladesh for medical attention.¹¹⁸ Concurrently, movement restrictions served as a major impediment to humanitarian assistance in Arakan State throughout 2006, and negatively affected the Muslim staff of international agencies and NGOs, preventing them from attending necessary trainings.¹¹⁹

As well as affecting health and education needs, restrictions on movement greatly hindered the Rohingya's ability to sustain a livelihood. As around 60 percent of Rohingya are day labourers, most cannot afford the fees and bribes required to obtain travel permits, whilst at the same time needing to travel daily to their place of work.¹²⁰ As such, the mountain pass between Buthidaung and Kyauktaw became a popular route for Rohingya wishing to bypass Sittwe, and checkpoints along busier routes. However, during 2006 many Rohingya were arrested by passing SPDC army columns along this route. In April and May 2006, alone, over 100 people were arrested whilst traversing the pass. The punishment for using the pass was said to be severe as the SPDC saw its use as an affront to their authority.¹²¹

When the Rohingya adhered to the draconian restrictions placed on them, and were able to produce the requisite travel and identity documents on demand, they nevertheless often fell victim to corrupt and prejudice officials. Due to the economic depression in northern Arakan, many Rohingya were using the Maungdaw-Buthidaung Road to travel to Maungdaw for work. In 2006, one of the army checkpoints (outpost 18) was specifically targeting Rohingya travelling along the road. It was reported that those with valid travel permits were frequently detained, had their documents destroyed, their money extorted, and were sent for trial, where some received prison sentences of two years.¹²²

Restrictions on the Movement of the Rohingya Minority - Partial List of Incidents for 2006

On 10 February 2006, U Aye Maung and other police officers from Buthidaung Town reportedly arrested seven Rohingya villagers from Dongpyin village for having relatives living in foreign countries. Relatives of the arrested villagers had to pay 30,000 to 40,000 kyat for the release of each person. Those persons arrested were:

1. Moulvi Baser, aged 50;
2. Moulvi Noor Alam, 35;
3. Baser Ahamed, 48;
4. Ulla Meah, 65;
5. Aul Kalam,
6. Moulvi Nozir, 65; and
7. Azi Rahman, 60.¹²³

On 3 April 2006, SPDC army outpost 18 on the Maungdaw-Buthidaung Road seized money from Rohingya travelling along the road despite the fact that some were in possession of valid permits. After taking the money from them and destroying their travel permits, the labourers were detained, tried and sentenced to two years imprisonment. Those Rohingya sentenced to two years, their age, and amount extorted from them, were:

1. Mohamed Salim, 18, 50,000 kyat;
2. Shamsul Alam, 19, 60,000 kyat; and
3. Zani Alam, 19, 40,000 kyat.¹²⁴

On 18 May 2006, an SPDC column under the command of Captain Win Tin Aung from the Military Operation Planning Bureau in Buthidaung arrested over 30 Muslims on the mountain pass near Mi Gaung Tet Village, located between Buthidaung and Kyauktaw for travelling without permits. Included in those arrested were Muslims from the following villages:

1. Ngaki Thauk Village, 6 persons;
2. Min Gri Taung, 5 persons;
3. Kinttha Mar Village Tract, 4 persons;
4. Dapai Sara Village, 3 persons;
5. Thay Kan Kutson, 2 persons; and
6. Tha Pike Taung, 2 persons.¹²⁵

On 24 June 2006, NaSaKa forces raided a number of Muslim villages in Buthidaung Township where they checked on family lists, unlicensed construction of mosques, and marriage licenses. NaSaKa discovered 2 illegally married couples and 18 families who had moved from one village to another without permission.¹²⁶

On 26 June 2006, NaSaKa officers raided Ngakhura Village under NaSaKa Area #5 to inspect family lists, birth rate compliance, and marriage licenses. The authorities discovered 18 children who were born in contravention of the rule governing the number of children each Muslim couple were allowed. They also found that 8 people had recently fled to Bangladesh and 34 people, 13 males and 21 females, had migrated within Burma without the authorities' permission.¹²⁷

On 2 July 2006, NaSaKa troops arrested 17 Rohingya villagers in Fokira Bazaar, Maungdaw Township, as they had come to the village without obtaining travel documents. The villagers were subsequently forced to work on a road construction site between Aung Zu and Khamaung Zeik in Maungdaw Township as punishment.¹²⁸

On 19 July 2006, the *tatmadaw*, NaSaKa and police raided the homes of every house in the Shwezar quarter of Maungdaw Town (consisting of 5 smaller villages, Shwezar Mrauk, Shwezar Guna, Dayla Wra, Kanyin Chaung, and Aung Bala), blocking the roads and moving from house to house throughout the night. At least 70 people, mostly Muslim, were arrested, either on suspicion or for not having proper permission from their village councils to be staying in a different household or town.¹²⁹

On 9 November 2006, two columns of NaSaKa troops conducted raids on three Rohingya villages in Maungdaw Township. Troops led by Major Than Thay blocked all roads surrounding Aukpru Ma village and checked every household for irregularities in the family lists, unregistered births and non permitted guests. Some villagers were reportedly arrested. Raids also took place in both Kran Soe Ree and Wra Thik, Aungtha Bray village tract, where at least 8 villagers were arrested. One villager asserted that those arrested in the raids are typically freed after paying bribes to the NaSaKa officials.¹³⁰

12.4 Restrictions on International Travel and Migration

“Everyone has the right to leave any country, including his own, and to return to his country.”

- Article 13(2) Universal Declaration of Human Rights.

In order to travel abroad legally a Burmese citizen is required to have three separate documents, the issuing of each being controlled by a different Ministry. A passport is issued by the Ministry of Home Affairs, a revenue clearance by the Ministry of Finance and Revenue, and a departure form by the Ministry of Immigration and Population. Since a relaxation in regulations, in 2004, those issued passports have been allowed to retain them on their return from abroad for: one year after incidental travel; three years for dependents; four years for employment; and 18 months for those travelling on business.¹³¹

Despite announcements in 2005 that passports would be issued within a week of application, the process frequently took several months in 2006, and corrupt officials often sought bribes, of up to 300,000 kyat, equivalent to one year’s salary, in order to speed up the process.¹³² Citizens were required to indicate their religion on official application forms including those for passports, and there were reports of Muslims facing discrimination as a result.¹³³ In 2006, 500 Muslims wishing to attend the Biswa Itjema in Dhaka, Bangladesh, were each forced to pay 7,000 kyat to authorities in order that their passport applications were processed. However, the authorities did not issue the passports in time for the occasion and 13 Burmese Muslims were later arrested in Bangladesh, after taking out a single day pass in order to get across the border.¹³⁴ The costs and procedures for women wishing to travel abroad, particularly those under 25, remained prohibitive under the justification of anti-trafficking measures (for more information see Section 12.5 Restrictions on the Movement of Women). College graduates were required to pay a fee to reimburse the regime for the cost of their schooling, in order to obtain a passport, and passports continued to be denied on political grounds.¹³⁵ Burmese comedian, and former political prisoner, Zargana, was refused a passport to travel to Singapore for an International Burma Studies Conference in June 2006.¹³⁶

Citizens who emigrated legally were generally allowed to return to visit relatives, and some who left the country illegally and acquired foreign citizenship were also able to return.¹³⁷ However, in 2006, the Burmese junta cancelled the passport of Chin human rights activist, Salai Tun Than, and prevented him from returning to his home country from the USA, via Thailand. Salai Tun Than rightly claimed *“I am barred from returning home, this is a human rights abuse.”* He had been refused permission to board a flight in Thailand after announcing his intention to stage a protest on his return, and as such became effectively stateless.¹³⁸

Throughout 2006, passports were generally issued quickly for those seeking to work abroad through official channels, with the processing time cut from 4 months to 14 days. Employment agencies offering overseas work rapidly grew in number; actively encouraged by the junta. As the SPDC taxed these workers, economic analysts saw the relaxation as an attempt to generate income through the outsourcing of manpower.¹³⁹ However, prohibitive costs and discriminatory procedures ensured that the vast majority of Burmese, particularly those from ethnic minorities, did not possess a passport. As such the bulk of those who migrated to neighbouring countries did so surreptitiously. On 1 December 2006, the SPDC’s newspaper, the *New Light of Myanmar*, reported that since September 2001, the SPDC had

prevented 868,995 persons from emigrating in this way and had taken action against 1,638 brokers.¹⁴⁰

If migrants are able to bypass SPDC checks against emigration and are then deported back to Burma, through official channels, they are criminalised under Burmese law. SPDC regulation 367/120 (b)(1), introduced in 2001, imposes punishments of up to 7 years imprisonment for illegal emigration, and Article 13 (1) of the Immigration (Emergency Provisions) Act, 1947, states: “*No citizen of the Union of Burma shall enter the Union without a valid Union of Burma Passport, or a certificate in lieu thereof.*” Under this Act, undocumented migrants are subject to one year’s imprisonment and a fine upon their return to the country.¹⁴¹ Deportees have reported that SPDC officials photograph and maintain records on all deportees. Those deported are informed that if officials collect three photographs of one returnee, (i.e. if someone is deported through the reception centre three times) that person will be arrested for illegal emigration. (For more information see Chapter 15 Situation of Migrants). Furthermore, family members of those who have emigrated illegally are subject to punishment in lieu of their kin. On 10 February 2006, police from Buthidaung Town reportedly arrested seven Rohingya villagers from Dongpyin village for having relatives living in foreign countries, only freed after a payment of between 30,000 and 40,000 kyat.¹⁴²

Throughout 2006, the SPDC continued to make strides to account for all undocumented migrants who had left the country for Thailand. However, an MoU between the SPDC and the Thai Government, whereby worker registration in Thailand will be dependant upon the worker’s nationality being verified by the SPDC, was stalled in its implementation after the 19 September 2006 coup installed a new administration in Bangkok. The MoU would basically require the forced repatriation of migrant workers for processing by the SPDC, before being allowed to return and work in Thailand. Such a process would potentially put many migrants at risk of arrest or simply not being permitted to return to Thailand. In their place the SPDC would be able to send more favoured sections of the population such as members of the USDA. It would also likely leave workers liable to a large financial burden, primarily in the form of a heavy tax on their earnings whilst abroad, imposed under threat of action against family members, but also through the creation of new avenues for extortion.

Despite a lack of agreement with the Thai administration, the SPDC, in 2006, exerted pressure on family members in order to force the return of these migrants. On 28 September 2006, SPDC LIB #548 organised a meeting with village heads in Dt’Nay Hsah Township, Pa’an District, stating “*The villagers whose children have gone to Bangkok must return to their village and register their names. Everybody must come back without fail. Tell your children who work in Bangkok to come back and get travel documents.*” The cost of registration was set at 500 kyat, with requisite travel documents costing a further 100,000 kyat. It is feared that family members will be liable to punishment in the absence of their relatives.¹⁴³ (For more information see Chapter 15 Situation of Migrants).

Despite such measures, there continued to be significant undocumented migration as well as commercial travel across the country's borders with China, Thailand, Bangladesh, and India, which remained porous throughout 2006. However, official border crossings with India, Bangladesh and Thailand were routinely closed, negatively impacting those who rely on cross border trade for their livelihood.¹⁴⁴ In some instances, authorities were even reluctant to allow those requiring urgent medical attention to receive it across a State border. On 18 April 2006, it was reported that only after one of those injured, in an oil tanker explosion in Tachilek, actually died, did the authorities allow others to cross to Thailand for treatment.¹⁴⁵ This in a year in which Sen. Gen. Than Shwe visited Singapore in order to receive the best possible medical care.¹⁴⁶

Population Registration

All citizens of Burma are required to carry national identity cards, showing their citizenship status, normal place of residence, date of birth, name of father, and so on. Possession of these national identity cards is mandatory in order to pass certain SPDC check points, buy train or bus tickets, register with a local council outside one's normal place of residence, to vote in any future election, or to enrol in higher education institutions.

Civilians not in possession of these cards, which are required to be carried at all times, but have not yet been issued to large sectors of the population, especially those from ethnic minority areas, are disenfranchised as a result, constantly subject to the threat of arrest and extortion at the hands of SPDC officials, and severely restricted in their freedom of movement. Recruiters for the SPDC army are reported to commonly approach children and ask if they have a national I.D. card. If, as is often the case, they do not, the recruiters threaten the child with arrest if he refuses to join the military.¹⁴⁷

Since 1990 these cards have often been required to contain information on the holders' ethnicity and religion. Religious affiliation noted on these cards often led to harassment or discriminatory practice, particularly against Muslims, throughout 2006.¹⁴⁸ Furthermore, the Muslim Rohingya minority are completely debarred from applying for identity cards, given that they are not considered citizens by the SPDC. In their place, the Rohingya are supposedly entitled to Temporary Resident Cards (TRC), although it has been reported that only 50 percent of the Rohingya population have as yet been issued with TRCs.¹⁴⁹

Not only does the lack of identity cards expose members of the population to restrictions and abuse at the hands of the SPDC, but the issuance of these cards provides a further avenue for abuse and extortion. In 2006, villages in Dooplaya District were forced to apply for identity cards at the arbitrarily high cost of 5,000 kyat, under threat of arrest.¹⁵⁰ Arbitrarily high fees were also charged in Rangoon, Sagaing Division and Chin State during 2006. As well as the extortionate cost, the authorities continually delayed the issuance of these documents long after payment had been received.¹⁵¹ On 15 December 2006, it was reported that Muslim students at government schools in Than Twe Township, Arakan State, had been forced to pay bribes to immigration officials in order to be issued identification cards, which were being distributed to Buddhist students free of charge. One parent stated *"They said, our children's applications were to be submitted to Nay Pyi Daw (the SPDC's new administrative capital) as they are mixed-bloods, and that it would cost us about 50,000 kyat. Some people paid the money between four and five months ago but their applications have not progressed yet."*¹⁵²

In addition, the cost of TRCs for the Rohingya is said to have increased to 20,000 kyat since permission to marry has been conditional upon their possession.¹⁵³ There were numerous reports of couples being arrested throughout 2006, after marrying in the absence of official permission. There were also numerous cases of couples leaving for Bangladesh in order to avoid this requirement, leading to family members being arrested in absentia of the couple.

In 2006, the SPDC instructed villagers in southern Karen State that, in order that they be issued national identification cards, enabling them to travel outside of their village, they must first compile lists of all the village's inhabitants, their family relations, as well as property and possessions. This forced registration, enables the SPDC to more easily make demands for money and labour. In addition each household was told to post a list of all those living in each home outside of that home.¹⁵⁴

These family lists are used to check occupants against. If a person listed is found to be absent the SPDC often accuses that they are a member of an ethnic resistance force or have emigrated illegally. In such situations, those family members present may be subject to punishment in lieu of their missing relative. Throughout the year, authorities in northern Arakan mounted numerous raids and censuses on Rohingya villages,¹⁵⁵ and in December, villagers found to be absent without proper travel documents were erased from their family list, with their relatives fined 5,000 kyat.¹⁵⁶ Family lists are not only used to discern who is missing but also to check for unauthorised guests. According to SPDC Order 1/90, every house must register with the local Village or Township Peace and Development Council (VPDC/TPDC) when they receive guests at home. If visitors who are not registered are found, the visitors are fined an arbitrary amount, and can face up to 14 days in prison. On 17 July 2006, it was reported that over 30 people had been forced to pay a fine of 100 Thai baht each for failing to register guests with the VPDC in the Three Pagoda Pass area.¹⁵⁷

Whilst the law was not consistently enforced in 2006, authorities in Rangoon and Mandalay continued in their increased enforcement of the regulation following the 2005 bombings in Rangoon, and often entered homes during night hours to check up on registration documents.¹⁵⁸ On 26 May 2006, authorities in and around Rangoon ordered that households place family photos outside their homes, as well as submitting a copy to the authorities, so that security checks can be made uncomplicated for SPDC officials.¹⁵⁹ Households were required to pay for the cost of their photographs, usually at significantly higher than market rates, and permanently display in their homes the photographs of authorised residents.¹⁶⁰

NLD members were routinely denied permission to lodge in Rangoon overnight when they travelled to the city to attend NLD events and functions.¹⁶¹ There were instances of NLD events being disrupted during the year when authorities arrested members during the night, after previously denying them permission to register as overnight guests.

In Arakan State, in response to the continuing economic crisis, which has led to a large increase in internal migration to other areas of Burma, the local immigration department actually ceased the issuance of the family list. As there was no official ban on migration, it was still possible to visit Rangoon and other parts of Burma, if able to obtain a travel permit. However, in the absence of the family list, or Form 10, as it is also known, they were unable to settle permanently, having to instead register each night as the guests of a host family.¹⁶²

12.5 Restrictions on the Movement of Women

“States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile”

- Article 15 (4) CEDAW.

The SPDC is itself heavily involved in the internal trafficking of women. The country has been ranked as a Tier 3 Country (the lowest possible ranking) by the U.S. Department of State since 2001, largely for its forced labour practices, wherein persons are trafficked throughout the country for use as labourers and porters.¹⁶³ In seeming contrast, the SPDC is ostensibly tackling the international trafficking of its female population to neighbouring countries. However, under the auspices of such measures it has placed draconian restrictions on the movement of women, which are not only an infringement on their human rights but potentially make them more vulnerable to the criminal trafficking fraternity.

In eastern Shan State, the travel of women under 25 to and across the Thai border has been prohibited since 1997.¹⁶⁴ However, due to strong push and pull factors such measures have had little effect in stemming the cross border movement of women. Nor have they stemmed the trafficking of women. In 2006, Akha, Lahu and Shan women, from Shan State, were cited as the most vulnerable groups, in the whole of South East Asia, to being trafficked to other countries.¹⁶⁵

The Myanmar Women Affairs Federation (MWAFF), a government organised NGO has been trumpeted by the regime as a crusader against trafficking within this region. The MWAFF is said to distribute information on the nature and modes of human trafficking as well as organising trainings, discussions and educational sessions. They also play a role in rehabilitation programs for repatriated victims of trafficking.¹⁶⁶ In collaboration with the UNIAP, the MWAFF organised the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) in 2004 in Rangoon.¹⁶⁷

Not only have the MWAFF failed to stem the flow of trafficked women, but they have actually directly profited from travel restrictions in place in Shan State. The ban on the travel of young women is avoided if they are able to obtain a recommendation letter from the local MWAFF. The sole criteria for obtaining such a letter: a substantial payment. The Kengtung MWAFF chairwoman, who personally has to sign these letters of recommendation, is the wife of the SPDC Regional Military Commander.¹⁶⁸

The SPDC military also appear content to turn a profit from such restrictions. On 8 July 2006, a couple and their 2 daughters from Laai Paang village, in Kun-Hing Township, were travelling on a bus from Murng-Pan to Murng-Ton. They were arrested by troops from SPDC LIB #519 in transit at Saa-Laa village, Murng-Ton Township, and detained in a Buddhist monastery for 4 days until they paid a 220,000 kyat fine. They had been arrested on the basis that their daughters were underage and ought not to be travelling with them to the Thai border.¹⁶⁹

In addition, anti-trafficking laws have been absurdly misapplied against the regime's political opponents. On 15 January 2006, NLD youth official, Aye Thein, was charged for eloping with his long term girlfriend. He was sentenced to five years imprisonment. Four of his friends were charged with abetting the act and given three year jail sentences.¹⁷⁰

On 13 September 2005, the SPDC won acclaim from relevant international agencies when it enacted the “Anti-Trafficking in Persons Law,” which delineates harsh sentences up to life imprisonment against human traffickers.¹⁷¹ The new legislation was actively supported by the UN Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-Region (UNIAP) together with the UN Office on Drugs and Crime (UNODC) and the Asia Regional Cooperation to Prevent People Trafficking (ARCPPT), and has been described as a “*success story*” by UN staff in Rangoon.¹⁷² The SPDC subsequently issued plans to create nine further police units tasked with the suppression of trafficking.¹⁷³ However, the introduction of the new law, with its associated lengthy penal sentences, has been unsurprisingly accompanied by an increase in the cost of MWAF letters of recommendation. They are reported to have risen from 150,000 kyat to 200,000 kyat with the enactment of the new law.¹⁷⁴ Furthermore, immediately following the introduction of the legislation, there were reports of local authorities completely barring people from travelling to Thailand; households in many areas were ordered to re-register their family members and apply for new national identity cards with associated costs; authorities also reinforced restrictions on the registration of guests staying overnight, in order to monitor people’s movements more closely.¹⁷⁵

The authorities also restricted the international travel of women through the discriminatory pricing of passports. Under the justification of providing protection against trafficking; women have been charged 250,000 kyat for a passport compared to 10,000 kyat for a man.¹⁷⁶ A further ‘anti trafficking measure’ saw the continued ban on marriages between female citizens and foreigners during 2006, although this was rarely enforced.¹⁷⁷

Not only have these measures failed to address the root causes behind the migration of Burmese women, namely: the economic situation in the country; the use of forced labour; and other human rights abuses committed by the regime,¹⁷⁸ but they are actually being used by the SPDC as a means to garner international support and legitimacy for the continuation of its rule.¹⁷⁹ Furthermore, and perhaps most alarmingly, such impediments to travel through official channels potentially force many women, fleeing oppression and abuse in Burma, to rely on the criminal trafficking trade. Lacking permission, sufficient funds or the necessary documentation, women are made more vulnerable to the exploitation, abuse and financial hardship associated with being trafficked.¹⁸⁰

12.6 Restrictions on Foreigners in Burma

Throughout 2006, recognising tourism as a much needed income generator, the regime continued to issue ‘visas on arrival’ for tour groups, following a pre-departure application through the Internet. The country's embassies also generally issued tourist visas, valid for one month, within 24 hours of application. On 25 July 2006, Burma entered into the Association of South East Asian Nations (ASEAN) Framework Agreement on Visa Exemption with its ASEAN neighbours, whereby citizens of ASEAN countries would be permitted to stay in Burma for up to two weeks without a visa, though the agreement grants member countries the right to refuse admission to anyone “*considered undesirable*,” or suspend the agreement in the interests of “*national security, public order, and public health*.”¹⁸¹

Certain categories of applicants, such as human rights advocates, journalists, diplomats, and political figures continued to be denied entry visas in 2006.¹⁸² Not only were foreign reporters frequently denied visas but those who were found with a camera or journalistic documents in the country, without permission, were liable to seven years in prison.¹⁸³ Nevertheless, the SPDC did issue visas to foreign journalists at the time of the National Convention resuming in October 2006. At that time the SPDC invited select journalists to attend press conferences in which it conveyed its views on the country’s political problems.¹⁸⁴

Internally, restrictions on tourists, foreign diplomats and foreign UN employees were relatively relaxed around recognised tourist sites and non sensitive areas in 2006; all other travel required advance permission.¹⁸⁵ Further, foreigners were not permitted on university campuses without prior approval and were not allowed to attend any meetings involving students.¹⁸⁶ Despite the hurried construction of numerous hotels, overseas visitors were barred from visiting the new capital city, which was still being constructed, close to Pyinmana.¹⁸⁷ Many areas within ethnic states also remained off limits to foreigners.

Furthermore, Burmese citizens faced harsh punishments if they housed foreign visitors without receiving permission from the State apparatus to do so. The Hotel and Tourism Act, 1993, has been applied by the regime as a means of controlling foreigners' movements, ensuring tourism revenue ends up in their hands, and as a pretext to target and arrest 'undesirable elements'. On 10 February 2006, Sa Oo Kya, a member of the Shan State Consultative Council, had his appeal against a thirteen year jail sentence rejected. One of the counts he had been sentenced under, the previous year, regarded the fact that he had hosted a foreign guest without having a license to operate a hotel or guesthouse.¹⁸⁸ Even privately run registered guest houses and hotels were required to register foreign guests at a cost of 200 kyat each per night. Concurrently, reports in 2006 stated that the SPDC, in search of the tourist dollar, had been pressuring tourists to stay at hotels in which they had a financial interest.¹⁸⁹

Visiting foreign envoys and politicians received mixed welcomes throughout 2006. UN Under-Secretary for Political Affairs, Ibrahim Gambari, tasked with pressing the junta for political reforms, was twice received by the Burmese regime, as well as being granted an audience with Daw Aung San Suu Kyi. His first visit, began on 18 May 2006, and represented the highest level UN mission sanctioned by the regime for more than two years. During his second mission to the country on the 9-12 November 2006, he was granted observer status at the National Convention.¹⁹⁰ His visits, and particularly the fact he was twice allowed to meet with Daw Aung San Suu Kyi, as well as other NLD members were

taken by many as an optimistic sign pointing to a softening in the junta's attitude.¹⁹¹ Gambari cautiously endorsed such optimism stating "*The doors have been opened, but we have to see. This engagement is a process, not an event*". However, many other analysts opined that, by allowing Gambari's visit, the junta was trying to avert an UN Security Council resolution on Burma, labelling the meeting with Daw Aung San Suu Kyi, the regimes "*pre-emptive strike*." Gambari was unable to meet with any ethnic political parties during either of his two visits.¹⁹²

Other diplomatic guests were not so well received during the year. The start of the year was marked by the resignation UN Special Envoy for Myanmar, Razali Ismail. Razali had took up his post in 2000, and like Gambari, enjoyed early success in mediating contact between Daw Aung San Suu Kyi and the SPDC.¹⁹³ However, Razali resigned his office on 8 January 2006 citing an inability to effectively carry out his mandate. The SPDC had barred him from visiting the country since March 2004.¹⁹⁴ Further, the UN Special Rapporteur on Burma, Sergio Pinheiro, was unable to gain access to the country throughout 2006, and his last visit was as long ago as 2003.¹⁹⁵ Philippines' former president Cory Aquino, who had asked for permission to visit Daw Aung San Suu Kyi several times, also had his visa application denied in 2006.¹⁹⁶

In addition, the junta spent the first three months of the year avoiding and delaying a fact finding mission by ASEAN Envoy, Malaysian Foreign Minister, Syed Hamid Albar, which it had originally agreed to on 12 December 2005. He had been tasked with discerning what steps the SPDC were actually making towards tackling the political and economic woes suffered by the Burmese people.¹⁹⁷ Syed Hamid Albar insisted that such a mandate could not be fulfilled without meeting with democratic opposition figures including Daw Aung San Suu Kyi.¹⁹⁸ However, on 6 January 2006, the SPDC claimed that it was too preoccupied with the move of its capital from Rangoon to Nay Pyi Daw to receive the Malaysian Foreign Minister.¹⁹⁹

On 23 March 2006, under increasing pressure from its neighbours in ASEAN, the SPDC eventually agreed to host their Envoy.²⁰⁰ However, Syed Hamid Albar chose to leave after just one day, after discovering he would not be granted an audience with Daw Aung San Suu Kyi, and would only be allowed to meet with USDA and SPDC officials; "*they told me that Aung San Suu Kyi has no more influence, that the NLD has no more influence...We hear their side of the story but we are not able to verify their story with other stake holders*," he said.²⁰¹ In the interim, the SPDC was happy to receive Indonesian President Susilo Bambang Yudhoyono and the Indian President APJ, who visited the country on 1-2 March 2006 and 8-11 March 2006, respectively, and whose visits were concerned solely with bilateral issues and economic co-operation.²⁰²

Meanwhile, foreign diplomatic staff, based within the country, were harassed for carrying out their normal diplomatic activities throughout 2006. The U.S. and British Embassies, in Rangoon, came under intense surveillance from the regime during the year, and were scolded and slandered on numerous occasions both in State controlled media and USDA pamphlets. A local member of staff at the U.S. embassy was attacked in an article in State run media, because she had participated in meetings between the embassy and Daw Aung San Suu Kyi. The article included the woman's photo and address presumably in an attempt to intimidate her.²⁰³ The two embassies faced particularly strong condemnation for the running of language, international relations and global information classes. The regime responded vehemently to the fact that some NLD members had been allowed to attend the classes free of charge. The State run newspaper, the *New Light of Myanmar*, claimed that the classes

amounted to blatant interference in the internal affairs the country. The courses were labelled illegal, and deemed to be in violation of the diplomatic code of conduct. The U.S. denied charges that the NLD was given special treatment, claiming that free places were kept open for those who might otherwise not be able to afford such an opportunity.²⁰⁴ In August 2006, the British embassy was again condemned by the *New Light of Myanmar*, as ambassador Mark Canning met with representatives of the NLD, the Committee Representing People's Parliament (CRPP) and the 88 Generation Students Group in order to discuss the administration of newly announced humanitarian funds.²⁰⁵ Whilst the constant surveillance and reporting on the activities of diplomatic staff was utilised to frame the NLD as a stooge of foreign influence and to discredit foreign governments, it was in reality the junta's actions, in conducting such surveillance, that were in violation of diplomatic protocol.²⁰⁶

Humanitarian and Aid Agencies

“[The Security Council] Urges all those concerned as set forth in international humanitarian law, including the Geneva Conventions and the Hague Regulations, to allow full unimpeded access by humanitarian personnel to civilians in need of assistance in situations of armed conflict, and to make available, as far as possible, all necessary facilities for their operations, and to promote the safety, security and freedom of movement of humanitarian personnel and United Nations and its associated personnel and their assets.”

- UN Security Council Resolution 1674 (2006)

Throughout 2006, humanitarian, development and aid agencies, operating in Burma, have faced continued restrictions on their operations including, travel limitations, stricter regulations, lengthy delays in getting permission to carry out their operations and programme closures. The reorganisation of government ministries following the ouster of Khin Nyunt in 2004 and the relocation of the capital to Nay Pyi Daw contributed to situation, with many civil servants difficult to contact, unsure of their roles and avoiding controversial decisions; not wanting to be seen to be close to foreigners.²⁰⁷ As a result of these two factors, UN agencies and INGOs have faced significant delays in their applications for travel permits and import licenses for medicines, and have found high ranking SPDC officials inaccessible.²⁰⁸

Throughout the year, with the justification of concerns for security, the SPDC has required all UN personnel, and those of other international agencies, planning field visits, to inform authorities of their plans at least two weeks in advance. National Planning Minister Soe Tha stated *“We do not wish any unpleasant incidents happen to them.”*²⁰⁹ The requirement that international staff travelling upcountry be accompanied by SPDC minders was stringently applied throughout the year, under similar justifications. Surveillance of daily activities was also prevalent throughout 2006. Special Branch were reported to have tracked aid officials, interrogated local staff and demanded to sit in on internal meetings.²¹⁰ In addition, the SPDC continued to reject proposals for any sort of research or data collection projects. UN health officials reported that the SPDC had restricted the scope of their HIV/AIDS research and the health data that they could share with the public. Similarly the WFP reported difficulties in carrying out national surveys on food needs.²¹¹

Aid agencies faced growing pressure to work with the USDA and other GONGOs during 2006.²¹² The International Committee of the Red Cross (ICRC) was unable to conduct any prison visits throughout the year, following its refusal, in December 2005, to compromise its humanitarian principles and allow members of the USDA to accompany it whilst meeting

prisoners.²¹³ And on 8 December 2006, the SPDC explicitly informed the ICRC that it would not be allowed to resume its prison visits. The ICRC had been delivering essential items such as medicine and soap as well as meeting with detainees.²¹⁴

The SPDC had also demanded that USDA members accompany ICRC teams in certain conflict areas. Since 2004, the SPDC had increasingly restricted ICRC access to such conflict areas; leading ICRC staff to assert that between 2002 and October 2006, regime actions reduced the scope of ICRC's assistance and protection effort by 90 percent.²¹⁵ On 23 October 2006, the ICRC was ordered by the SPDC to close all its field offices in Burma, which were based in Pa-an, Kengtung, Mandalay, Moulmein and Taunggyi, and operate solely from its Rangoon headquarters. All field trips were prohibited. Such a move made it impossible for the organisation to carry out most of its assistance and protection work,²¹⁶ including the provision of food and medicines to villages in these border regions.

Whilst the Red Cross never fully closed its offices, only its projects for physical rehabilitation of amputees remained totally operational.²¹⁷ Other programmes were partially carried out in conjunction with the Myanmar Red Cross. The head of police, Brig. Gen. Khin Yi, subsequently stated that the SPDC had only "*temporarily suspended*" the operation of the offices, pending new rules and regulations governing the functions of foreign organisations²¹⁸, (see below for information on new rules and regulations) and, in December 2006, the junta informed the ICRC that they could reopen their field offices.²¹⁹ However, the offices remained semi operational at the end of 2006, as the ICRC sought further clarification as to the types of activities permitted.²²⁰ In early 2007, it was reported that the regime was insisting that the ICRC follow strict guidelines that did not allow for the independent movement of field teams.²²¹

Whilst the aid community in Burma has increased its geographical reach over recent years (primarily as a result of ceasefires between the SPDC and ethnic groups), conflict-affected areas along the Thai border remained largely inaccessible. As a result little aid was able to reach villagers in areas where there was large scale food scarcity in 2006.²²² One senior UN official asserted that the regime's refusal to allow free access to conflict areas is one of the most important restrictions faced by international organisations within Burma, and contrasted current policies with those under Khin Nyunt who expanded opportunities for the UN Development Programme to work in previously closed parts of Burma.²²³

In March 2006, Medecins Sans Frontieres (MSF) - France was forced to cease operations in Burma due to an inability to gain access to conflict areas in Mon and Karen State. Heavy SPDC restrictions and obstacles included: prohibitions on travelling within the affected areas; initially receiving authorisation to travel to districts and then having it withdrawn; pressure placed on local health workers not to communicate with foreign agencies-making it impossible to exchange information on medical epidemics; and very complicated procedures to obtain visas. Ultimately, MSF-France withdrew, refusing to become a technical service provider – subject to the political priority of the junta.²²⁴

Whilst MSF's Swiss and Dutch sections continued to operate in the country, they also questioned their future role due to the restrictions placed on NGOs operating in conflict areas. Herve Isambert, head of MSF's French programme in Burma asserted "*In reality, the Myanmar (Burmese) authorities do not want anyone to witness the acts of violence they are committing against their own people.*"²²⁵ MSF had previously withdrawn from their cross border operations from Thailand to Mon State, in December 2005. The withdrawal came about after they were refused permission to cross the border by Thailand's Ministry of

Interior. In their absence Mon medical workers in Tavoy, Yebyu, Ye, Thanpyuzayart, Kya-inn-seikyi, Kyait-Ma-Yaw, Kawkareit and Three Pagoda Townships were unable to fully respond to outbreaks of malaria and chickenpox during 2006. Chickenpox was said to have affected at least one person per household within the area, in the absence of preventative treatment.²²⁶

The Rangoon offices of the Centre for Humanitarian Dialogue were also forced to close in 2006 after the junta refused to extend its annual operating permit which expired on 22 February 2006, and declined to renew the visa of Leon de Riedmatten who had worked as a mediator between the SPDC and pro-democracy opposition. De Riedmatten had had more contact with Daw Aung San Suu Kyi than any other foreigner over the preceding five years, and had also worked as an informal facilitator for the ILO.²²⁷

Those INGOs and agencies continuing to operate in Burma constantly faced SPDC imposed impediments to the proper implementation of their mandates. The World Food Programme was required to obtain permission each time they wanted to move rice supplies from Sittwe to other areas of Arakan State, greatly disrupting the stockpiling of rice for the monsoon season.²²⁸ Many INGOs were forced to operate under the conditions laid down in MoUs with the SPDC. Those known to have such agreements in 2006 included Medecins du Monde and World Vision. While the content of these MoUs has not been made public, it is known that meeting with the NLD, or cooperating with its members, is not tolerated.²²⁹

The confused issuance of new ‘Guidelines for UN Agencies, International Organisations and INGOs/NGOs’ by the SPDC, in February 2006, suggested that the junta’s control over aid operations may increase to such a level that many more agencies and INGOs will be forced to withdraw from the country. The guidelines actually begin by listing the political objectives of the SPDC, immediately and explicitly politicising humanitarian action. The guidelines also establish a system of committees at central, state/division and township levels to “coordinate” aid activities in their areas. Committee membership would include representatives of GONGOs such as the USDA, increasing their role in the functioning of aid agencies.²³⁰ Also, the guidelines referred explicitly to the need to close loopholes relating to agencies acting outside their MoUs, including surveying socio-economic conditions without permission, and establishing offices before proper vetting.²³¹ As these approval processes involve much bureaucracy, the procedure in itself is an impediment to the work of aid agencies.²³² The guidelines also state that UN and INGO staff travelling within Burma must first obtain permission, and must be accompanied on their trip by a government appointed official.²³³

Whilst the guidelines circulated to the UN and INGO staff largely represented a formalisation of ad hoc restrictions already being enforced, there was also a Burmese version of the guidelines which was, in fact, the edition circulated to local authorities within the country.²³⁴ The Burmese version included the stipulation that local staff must be hired from an SPDC short list, and that all incoming project funds must be channelled through the Myanmar Foreign Trade Bank, and withdrawn in Foreign Exchange Certificates. As the official exchange rate is much lower than the street rate, the process would lead to huge profits being made by the SPDC on international aid.²³⁵ According to a planning ministry official, the Burmese version was not intended for publication, only to help inform local authorities. Whilst such an assertion was intended to reassure all those concerned, it is certainly questionable why guidelines not intended for implementation would be circulated to those intended to implement them.

The UN made it clear to the SPDC that the international community could not accept the regulations as they stood.²³⁶ Whilst the SPDC agreed to further discussions on the guidelines, there were instances throughout the year of ministers and local officials already applying facets of the Burmese version, such as requiring national staff to be vetted.²³⁷

Nay Pyi Daw – The ‘Royal City’

The junta’s construction of its new capital continued apace throughout 2006, with heavy movement restrictions continuing to be imposed. Access to the military zone of Nay Pyi Daw was tightly restricted, and civil servants continued to be forced to reside in the undeveloped town. The option of resigning their posts was extremely limited, often met with the threat of imprisonment.²³⁸ In one instance, Khin Khin Aye was ordered to pay 3.5 million kyat in compensation, stating *“it’s more than I’ve earned in 15 years of service, but I couldn’t have moved there for the world. Both my parents are bedridden and I’m an only daughter.”*²³⁹

Whilst certain diplomats have been received in the new capital, foreigners were generally barred from visiting during 2006.²⁴⁰ It was reported, on 15 August 2006, that even military personnel were required to obtain prior permission before entering the capital. The diktat issued in north western Burma, instructed military officials below the rank of major to submit an application five days prior to departure detailing the reasons for travel, where the person will stay and a list of firearms in their possession. Military analysts have suggested the order was imposed in order to limit the chances of a coup.²⁴¹ As a further restriction, the SPDC ordered that buses travelling between Rangoon and Mandalay would not be allowed to travel through the city during the hours of darkness, beginning 26 September 2006.²⁴²

12.7 Restrictions on the Freedoms of Assembly

“Everyone has the right to freedom of peaceful assembly and association”

–Article 20 (1), Universal Declaration of Human Rights.

The law in Burma allows for almost total control at state level of the assembly of the people, and thus stands in direct contravention of Article 20 of the UDHR. Following the nationwide demonstrations of 1988; Order 2/88 was enacted on 18 September 1988 and prohibits the *“gathering, walking or marching in procession by a group of five or more people regardless of whether the act is with the intention of creating a disturbance or of committing a crime.”*²⁴³ The order continued to be applied selectively throughout 2006, as a means to suppress any activity that the SPDC deemed threatening or undesirable. Ethnic and political gatherings were frequent targets of bans and crackdowns, celebrations of historical events were heavily circumscribed, and peaceful demonstrations were disrupted and participants penalised:

- On 13 February 2006, Mon National Day celebrations were banned within Rangoon and Pegu Division, although areas under the control of the New Mon State Party (NMSP) were able to hold such ceremonies and celebrations.²⁴⁴
- The Chin population of Burma were again banned from celebrating the anniversary of Chin National Day,²⁴⁵ and in March 2006, TOC #2 Commander Colonel San Aung demanded a payment of 3 million kyat in order to grant permission for the annual Chin Youth Conference to go ahead the following month in Matupi Township.²⁴⁶
- Armed soldiers took to the streets in Rangoon as Martyr’s day approached. The day marks the anniversary of the assassination of General Aung San on 19 July 1947. State run media threatened that any demonstrations would be countered by *“people’s power-holder members”*, a euphemism for junta sponsored thugs. On the day, road blocks prevented large numbers of civilians from attending ceremonies, and members of the NLD were blocked from entering the Martyr’s mausoleum.²⁴⁷
- Security was tightened in the build up to the anniversary of the democracy uprising, on 8 August. Increased security in Sittwe, Kyaukpuru, Mrauk-U, and Taungup saw those active in the 1988 demonstrations heavily monitored. Plain clothes security personnel were reported to have taken the names of those involved.²⁴⁸ In Mrauk-U, four student leaders were warned by the police not to take part or conduct any ceremonies on the day, nor to travel outside of the city during this time. Furthermore, they were warned that if any news regarding this particular warning was leaked, they would be severely punished.²⁴⁹
- On 9 August, the authorities at Rangoon’s Shwedagon Pagoda barred around 30 political activists from conducting their regular weekly prayer vigil for political prisoners, for the first time since the event had been initiated. The local TPDC secretary, Tun Hla Sein, personally refused entry.²⁵⁰ Later in the year, on 7 November 2006, 14 participants of the weekly prayer vigil, including members of the NLD, were detained briefly at Shwedagon Pagoda. They were taken into the trustee’s office and warned that they could not gather in groups of more than 5 people to pray at the Pagoda. They were subsequently released later the same day.²⁵¹

- A week of nationwide candle lit prayer ceremonies organised by the 88 Generation Student group, calling for the release of political prisoners, and a peaceful resolution to the country's political crisis, began on 30 October 2006. Nay Tin Myint, an active 88 Generation student leader based in Rangoon stated that *"security personnel are everywhere and they tried to block every entrance to the Pagoda"*. It was also reported that the ceremony in Mandalay on the second day was unable to go ahead as the roads to the Pagoda were blocked by the authorities.²⁵² Throughout the week there were further reports of the authorities harassing those taking part. The authorities in Aungmye (Allen), Magway Division, visited the local monasteries where the events were being held and threatened their monks. In nearby Chauk, agents photographed participants. In Sittwe, Arakan State, the police cordoned off religious compounds.²⁵³
- On 22 September 2006, around 30 students were reportedly detained at Myingyan Degree College, Mandalay Division, after staging an impromptu demonstration. As of 24 September 2006, they remained in military custody.²⁵⁴
- The regime also frequently interfered with the assembly of religious groups during 2006. (For more information see Chapter 10 Freedom of Belief and Religion)
- The regime also pressured third parties as a by proxy means to suppress the assembly of its opponents. For instance, restaurants were threatened with closure if they allowed members of the United Nationalities Alliance to book a table on Burma's Union Day.²⁵⁵ There were also several reports of members of the monkhood being warned against allowing the NLD to hold events within their premises. (For more information see Chapter 10 Freedom of Belief and Religion).

One tactic commonly employed by the junta to prevent gatherings is to arrest the participants in the build up to the event only to free them once the event has been disrupted:

- On 10 December 2006, three democracy activists, including U Myint Aye, were arrested at around 9am, approximately an hour before a scheduled ceremony marking International Human Rights Day at Bogalay, Irrawaddy Division. They were released at around 1pm. The arrests meant the cancellation of the planned meeting, said May Ky, a spokesperson for the 88 Generation Students Group.²⁵⁶
- On 13 August 2006, 11 members of the NLD youth wing and members of HIV/AIDS support group Friends with a Red Ribbon were arrested in Rangoon for not informing local authorities of an overnight stay at Maggin Buddhist monastery, in Rangoon's Thingangyun Township, where a memorial service for HIV/AIDS victims was planned. The robe-offering ceremony was to begin at 8 am and the arrests were made of some of the leading organisers at about 1.30 am, in a raid at the monastery. All 11 were released about 36 hours later, when the police station where they were held was swamped by supporters. The event had been cancelled.²⁵⁷ (For more information see Section 12.10 Restrictions on and Harassment of the NLD Partial List of Incidents for 2006)

While the SPDC has suppressed free assembly, it has also zealously coerced forced gatherings to serve and support their political ends. On 11 February 2006, more than ten thousand civilians were pressured into joining a rally denouncing the Chin National Army (CNA) in Matupi Town, southern Chin State. Colonel San Aung, Vice Chairman of Chin

State Peace and Development Council, ordered all those in the area from ages 15 to 50 to attend. The rally was designed to pin the blame for a fatal shooting of two youths, at the end of a football tournament in 2005, on the CNA. Those attending were forced to shout anti CNA chants. Witnesses to the shooting had previously suggested SPDC troops were responsible.²⁵⁸

Mass gatherings were also staged to feign public support for the SPDC controlled National Convention (NC) process. On 13 January 2006, SPDC Colonel Tin Hla compelled those living in Hakha Township to attend such an event. Villages with 100 households were ordered to send 50 persons; those with more than 150 households had to send 100 persons, under threat of punishment for non-compliance. There were further reports of similar events throughout Chin State, whereby villagers were pressured to attend under duress to support the National Convention. In addition, residents of Arakan State were forced to attend a number of ceremonies in honour of their new state governor Brigadier General Maung Shin, in June 2006.²⁵⁹ Throughout the year, the junta organized numerous other mass rallies, primarily through their puppet organisation, the USDA. (For more information see Section 12.13 The Union Solidarity and Development Organisation)

Further to the fact that such staged events pressed many people into demonstrating support for the regime and its practices against their will; the logistics behind these rallies were a huge imposition on the lives and livelihoods of those forced to attend. Those with large distances to travel were often forced to walk for up to three days to reach the gatherings; those with transport were forced to serve as a ferrying service without any reimbursement for their troubles and expense; and those residing in the vicinity were designated as hosts for those who had to travel.²⁶⁰



SPDC controlled press regularly reports on mass rallies in which participants have been forced to attend. Such efforts are made to demonstrate that the junta rules with the mandate of the people. These photos accompanied an article in the *New Light of Myanmar* reporting on one such rally on 10 January in Pegu Division organized to feign support for the National Convention, with a purported attendance of 16,000 people. [Photos: *New Light of Myanmar*].

12.8 Restrictions on Freedom of Association

“Everyone has the right to freedom of peaceful assembly and association.”

-Article 20 (1), Universal Declaration of Human Rights

“No one may be compelled to belong to an association.”

-Article 20 (2), Universal Declaration of Human Rights

In blatant violation of Article 20 of the UDHR; the Burmese junta has enacted and applied a number of legislative texts in order to suppress the right to freedom of association. Article 15 (2) of the Unlawful Associations Act, 1908 (1957) declares an unlawful association to be any association:

a) which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, or

b) which has been declared to be unlawful by the President of the Union-under the powers hereby conferred.

Those groups criminalised under this act include political parties, trade unions, student unions, religious associations, as well as armed opposition groups. The act allows for the imprisonment, for up to five years, of anyone who is a member of, or is deemed to have assisted, any organisation deemed illegal under this act. Through this mechanism the SPDC has been able to disrupt the operations of any group deemed undesirable to its own ends, with Article 15 (2)(b) conferring upon it the unlimited right to do so.

An official system of registration was put in place for all organisations wishing to legally operate within Burma, in 1988. With the establishment of military rule following the pro-democracy uprisings, Order 6/88, the Law of Formation of Associations and Organisations, was created on 30 September 1988 and defines an organisation or association as “*an organisation, union, party, committee, headquarters, syndicate, front... or similar association and organisation that may not have a name but is composed of a group of people for a purpose or program.*” All organisations fitting this description must be granted official permission to function, without which they have no right to operate. If denied permission, members of such an organisation may be subject to up to three years imprisonment.²⁶¹

There were 10 legally registered political parties in 2006, but most were moribund. During the year, authorities harassed and intimidated the three legal parties that challenged military rule. The seven other legal parties supported regime policies in return for more favourable treatment.²⁶² (For more information see Section 12.9 Restrictions on Political Parties). State employees continued to be prohibited from joining or supporting political parties, as did monks. At the same time, civil servants were forcibly conscripted into the increasingly politicised SPDC controlled USDA. Few independent NGOs existed in Burma in 2006, and those that did took special care to act in accordance with SPDC policy, as the SPDC’s security apparatus continued to closely monitor the activities of virtually all organisations, whether legal or not.²⁶³

12.9 Restrictions on Political Parties

On 28 March 1964, all political parties were banned along with all other non-governmental organisations (NGOs) and it was not until the 26 October 1988 with the introduction of the Political Parties Registration Act that parties were again able to form.²⁶⁴ Over two hundred parties were formed and free elections were held in 1990, in which the NLD won an overwhelming majority of the votes. In response, the military refused to honour the election results and began a heavy handed and suppressive campaign against their political opponents which continued up to and throughout 2006. Under the Unlawful Associations Act, 1908 (1957), the regime began to rule political parties illegal. Notably, among the first parties to be de-registered were those which represented ethnic minorities and those which had collectively called for a federal constitution in their party manifestos. Later, some ethnic minority parties attained a quasi legal status upon signing ceasefire agreements with SLORC (former moniker of the SPDC), whereby they were not officially declared or accepted as legal entities but still welcomed into the NC process.

In 2006, there were 10 legally registered political parties, most of which supported the SPDC unquestioningly, either in return for favourable treatment, or because they were affiliated to the regime. Three legally recognised parties, the NLD, the Shan Nationalities League for Democracy, and the small Shan State Kokang Democratic Party, continued in their attempts to operate independently. As a result, their legal status did not protect them from intense pressure and interference at the hands of the junta.²⁶⁵ The same was true for those ceasefire groups who abstained from the NC process, such as the New Mon State Party (NMSP), who were faced with intense scrutiny, surveillance and harassment in both Mon and Karen State.²⁶⁶ After the NMSP announced its support for Burma being placed on the UN Security Council agenda, the SPDC began applying increasing pressure upon the party. Food aid to NMSP regions was cut and the SPDC increased its military presence within the area.²⁶⁷

Legal political parties were required to request prior permission from the SPDC to hold meetings, and in June 2006, the SPDC ordered that all meetings of political parties were to be attended by a member of the local Peace and Development Council who was to take minutes and photographs. NLD spokesperson Myint Thein responded *“We see it as a violation of the rights of a political party or an organisation. In another way, it seems as if they suspect us of some misdeed and find it necessary to watch us closely.”*²⁶⁸

Throughout the year, members of the SNLD and NLD were coerced by authorities to resign their party membership. These underhand tactics were accompanied by a propaganda campaign mounted in state run media, announcing large numbers of voluntary resignations from the two parties. The articles claimed the resignations to be a result of dissatisfaction with the parties' abstention from the National Convention, or the fact that they were stooges of western governments. The campaign began in northern Shan State in the first quarter of the year, with the regime's mouthpiece, *The New Light of Myanmar*, claiming, on 5 May 2006, that all members of the SNLD in Nawnghkio Township had resigned. The operation then spread throughout the country. NLD spokesperson, Nyan Win commented *“Trying to restrain the parties only belies their claim that a multiparty democratic system is their goal.”* Whilst both parties admitted to a number of resignations they asserted that actual figures were much smaller than those reported, and claimed the large majority of resignations had been the result of pressure from the authorities.²⁶⁹ (For more information see Section 12.10 Restrictions on and Harassment of the NLD)

As in previous years, the SPDC maintained constant surveillance on the activities of all prominent pro-democracy advocates, often including detailed listings of their movements and activities in state run press, alongside assertions that citizens viewed these activities as attempts to destabilise the country.²⁷⁰ In May 2006, an elected MP from the Arakan League for Democracy (ALD) was forced to flee Burma as a result of such surveillance. U Aung Tun Sein, elected MP for Ponna Kyunt, Arakan State, was serving as a presidium member of the United Nationalities Alliance, made up of eight ethnic minority political parties including the ALD. He stated that “*Military intelligence began to follow me after our two Shan leaders - Khun Tun Oo and Sai Nyunt Lwin from SNLD and UNA - were arrested by the Burmese military junta,*” adding “*If I continue to live in Burma, I could be arrested by the authorities at any time, that is the reason why I came to the outside, (Thailand).*”²⁷¹

The SPDC responded to explosions in Rangoon and around the country, both in 2005 and 2006, by asserting that its political rivals were responsible. In April 2006, the SPDC declared the exiled, and already criminalised, National Coalition Government of the Union of Burma (NCGUB), the Federation of Trade Unions – Burma (FTUB), the All Burma Students’ Democratic Front (ABSDF), and the NLD-Liberated Area (NLD-LA), to be terrorist organisations.²⁷² The KNU and National Council of the Union of Burma (NCUB) were also classed as terrorist organisations by the junta in 2006.²⁷³ All these groups denied these charges, and the junta failed to provide any concrete evidence to substantiate its claims.²⁷⁴ On 27 April 2006, the junta threatened to outlaw the NLD, as it maintained ties with these exiled organisations.²⁷⁵ In May 2006, the SPDC even justified its offensive in Karen State as a reaction to the KNU’s role in terrorist operations,²⁷⁶ and numerous arrests of political activists occurred throughout the year under unsubstantiated charges of terrorism activity.²⁷⁷

In June 2006, sources close to the regime leaked reports that the SPDC had devised a strategy whereby members of pro-democracy parties were to be arrested on fabricated charges. A USDA official revealed that he had been ordered to engineer arrests through the distribution of politically subversive material to pro-democracy activists. The plan stated that the Information Ministry was to follow up this distribution with a press campaign criticising the possession of subversive material, followed by raids on homes, and arrest for the possession of such documents. Members of political parties reported that documents of this type had been received by e-mail, purporting to be from the NCUB.²⁷⁸ On 17 July 2006, *The New Light of Myanmar* reported that members of political parties and those who took part in the 88 unrest were planning to distribute seditious leaflets throughout the country in collusion with terrorist organisations in order to destabilise the country.²⁷⁹

In the run up to the reconvening of the NC, the SPDC Information Minister Brigadier-General Kyaw Hsan vowed to “*crush*” any opponents to the process, and, in late September 2006, Min Ko Naing, Ko Ko Gyi, Htay Kywe, Pyone Cho and Min Zeya, all prominent members of the 88 Generation Student group, were arrested.²⁸⁰ Following the arrests, *The New Light of Myanmar* reported that authorities had received information that efforts “*to cause internal commotion and terrorist attacks*” were planned to coincide with the United States’ push to put Burma on the Security Council agenda.²⁸¹

As the SPDC, itself responsible for state level terrorism, co-opted the broad paradigm of the war on terror to attack and discredit peaceful political opponents, it is noteworthy that the Australian Government continued to provide anti-terrorist training to the regime throughout the year. This training included instructions in surveillance techniques and was given to the same Burmese agencies at the forefront of the country's human rights abuses. As one reporter put it *"if you can track terrorist finances perhaps you can track dissident finances a bit better as well; if you can track terrorists more effectively you can probably track the movements of political refugees more effectively."*²⁸²

In 2006, the SPDC also made strides to ensure that future generations did not become politicised. On 9 August, in Pegu Division, children and their parents were threatened with legal action if the parents failed to sign a pledge stating that their children would refrain from any political activity. Parents were forced to agree to prevent their children from associating with any political parties and activists, or entering into political affairs in the future.²⁸³



The Rangoon Headquarters of the NLD. No other NLD offices are permitted to open throughout the country, and celebrations and events held from the Rangoon offices were often disrupted in 2006, with attendees frequently refused permission to stay in Rangoon overnight. [Photo: Al Jazeera]

12.10 Restrictions on and Harassment of the NLD

Throughout 2006, the junta continuously propagated the demise of the NLD, and made concerted efforts to see their assertions become a reality. Members of the NLD, including many of those elected in 1990, continued to be arbitrarily detained in high numbers by the SPDC. (For more information see Chapter 3 Arbitrary Detention and Enforced or Involuntary Disappearances). Outside of Burma's prisons, members of the NLD faced continued threats of arrest, intimidation, and harassment at the hands of the regime and its affiliates such as the USDA. Their movement was curtailed, with authorities frequently denying permission for members travelling to Rangoon to register as overnight guests, thus criminalising their stay. Freedom of assembly was restricted with all NLD offices officially closed, by order of the SPDC, bar the party's headquarters in Rangoon, and social welfare activities, meetings, prayer gatherings and celebrations either heavily monitored and disrupted or completely forbidden.

On 12 February 2006, Burma's Union Day, the NLD issued a statement offering to recognise the SPDC as the country's legitimate government *de jure*. The unprecedented proposal came on condition that Daw Aung San Suu Kyi be released from house arrest and a parliament convened in accordance with the election results of 1990.²⁸⁴ The NLD further pressed for its offices to be reopened nationwide and for a cessation to the pressure on its members to resign.²⁸⁵ The NLD's Union Day proposal was formerly rejected, in April, by Information Minister Brig. Gen. Kyaw Hsan who claimed the NLD was linked to terrorist organisations and threatened the party could be ruled unlawful.²⁸⁶ The Unlawful Associations Act confers the right on the SPDC to declare the NLD unlawful in the absence of any such connection. However, it appears the regime still considers the NLD too influential to arbitrarily criminalise it. As a result, this threat was accompanied by a sustained campaign, throughout 2006, designed to weaken and discredit the party to the level where such a decree might be possible in the future.

Prominent NLD leaders, including Daw Aung San Suu Kyi and Vice-Chairman U Tin Oo, had their terms of detention arbitrarily extended in 2006,²⁸⁷ this despite the head of Burma's police force Brigadier General Khin Yi stating there would be no unrest if Daw Aung San Suu Kyi was to be released. *"Our police force can handle everything. There is peace and tranquillity in (Burma),"* he asserted, adding *"I don't think there are a lot of supporters for her. Some members of the NLD have resigned."*²⁸⁸ UN Envoy Ibrahim Gambari, who was twice allowed to meet with Daw Aung San Suu Kyi during the year (For more information see Section 12.6 Restrictions on Foreigners), believed the comment *"could be denigrating her importance but it could also be a way of preparing the ground if they were to decide to release her."*²⁸⁹ On 27 May 2006, Daw Aung San Suu Kyi had her house arrest extended for a further year.

The resignations the Information Minister mentioned were largely the result of the authorities continued use of force and arbitrary arrest against NLD members, along with bribery, threats and tight restrictions on members' business activities; all employed as a means to compel such resignations from the party.²⁹⁰ Such actions were complimented by a systematic propaganda campaign mounted in state run media, with the junta's mouthpiece, *The New Light of Myanmar*, continually reporting large numbers of resignations.²⁹¹ Between 21 April and 8 June 2006, alone, it reported on 546 NLD members resigning, which it claimed to be the result of internal division and disillusionment within the party.²⁹² Many of the resignations reported were in fact the result of pressure and intimidation by the authorities.

Other reports have been shown to be fictitious, using the names of non members, or forging signatures, on letters of resignation. Others were said to have been inactive members who had long been uncommitted to the party's work.²⁹³ For example, on 4 May 2006, 67 NLD members from Shwegu Township, Kachin State resigned at an event organised by the military. The ceremony was held at the TPDCI office. Members were forced to read out letters of resignation written for them by the military, before surrendering the party's belongings to the chairman of the Township Election Commission.²⁹⁴ On the same day, three NLD organisers in Shan State were pressured into resigning their posts, after authorities warned them that failure to do so would result in their family being harmed.²⁹⁵

The social welfare activities of the NLD and its members were also severely restricted and disrupted by the SPDC and the USDA throughout the year, particularly those assisting HIV/AIDS sufferers within the country. (For more information see lists of incidents below as well as sections on Other Social Organisations and the USDA). The SPDC has also regularly misapplied the Habitual Criminal Offenders Act so as to suppress the activities of NLD members. This act was promulgated in 1961 to establish a permanent probation for repeat criminal offenders, forcing them to register with the authorities on a daily basis. While the act was originally devised to monitor and restrict habitual criminals, the SPDC has been employing the Act since, July 1998, to tighten their control over former political prisoners. Under section 5/1(g), the SPDC has limited the ability of NLD leaders to move beyond a prescribed area.

The actions of the authorities suggested they are increasingly determined to eliminate, or at least marginalise, the NLD prior to any referendum on a constitution. In the absence of opposition, commentators believe power would be handed to a "*civilian incarnation*" of the current regime, namely the USDA.²⁹⁶ (For more information see Section 12.13 The USDA) In the face of such oppression, the NLD have reported increased membership figures, and the initiation of a new recruitment drive.²⁹⁷ Furthermore, whilst all NLD offices, besides their headquarters in Rangoon remained officially closed, the NLD in Sagaing and Meikhtila Township reopened their offices in defiance of the authorities during the year.²⁹⁸

Restrictions on and Harassment of the NLD- Partial List of Incidents for 2006

On 4 January 2006, Aung Kyaw Win, an NLD member from Woontwin Township, Mandalay Division, was assaulted by eight policemen whilst celebrating Independence Day. He was detained but subsequently released on bail.²⁹⁹

Also, on 4 January 2006, NLD Headquarters in Rangoon and party offices in Mandalay commemorated Independence Day under heavy monitoring. Sagaing Township NLD members also held a ceremony despite being refused permission by local authorities.³⁰⁰

On 12 January 2006, in Daik-U Township, Pegu Division, local authorities raided the business of Kyaw Myint, an active supporter of the NLD. His employees were arrested and ordered to pay a fine each week. Birth certificates of their family members were also taken.³⁰¹

On 15 January 2006, in Thabeikkyin Township, Mandalay Division, NLD youth official Aye Thein was charged under anti-human trafficking laws for eloping with his girlfriend. He was sentenced to five years imprisonment. Four of his friends, Tin Htoo, Maung Khaing, Zaw Lwin and Phoe Phyu were charged with abetting the act and given three year jail sentences.³⁰²

On 26 January 2006, Mandalay NLD spokesperson Win Mya Mya reported that Aye Thein had been transferred to a police-controlled hard labour camp. By mid-February 2006, his exact whereabouts remained unknown to his family, despite repeated attempts to obtain such information from the Mandalay prison authorities.³⁰³

On 18 January 2006, the prison term of Dr Than Nyein, MP-elect of Rangoon Kyauktan Township, was extended for a further 12 months under Act-10A. He had been sentenced to seven years in 1997 for forming a NLD youth organization and arranging a public rally for Daw Aung San Suu Kyi at nearby Mayanggone Township and had been due to be released in July 2004. His sentence has been continuously extended since that time.³⁰⁴

On 23 January 2006, Than Win and Pe Win (a.k.a. Puti), both NLD members, were arrested at Indaw Township, Sagaing Division, for allegedly opposing the military's nationwide forced castor oil plantations. A local NLD member reported that court proceedings were held on the same day as the two men's arrest, and family members were threatened with charges to keep the entire process secret.³⁰⁵

On 2 February 2006, local authorities in Pa-an, Karen State ordered the closure of a private tuition school. The school was managed by the husband of Nant Khin Htway Myint; an NLD elected MP. Pupils were reportedly subjected to intense interrogation.³⁰⁶

On 3 February 2006, the prison term of Dr May Win Myint, 56 years, MP-elect of Rangoon Mayanggone Township was extended by one further year under Act-10A, according to her husband. This was the fifth extension of her term, a seven year term originally imposed in 1997 in connection with her formation of the youth branch of the NLD at Mayanggone Township.³⁰⁷

On 7 February 2006, Ko Myint and Thein Zaw, active members of the NLD from Shwegu Township, Kachin State, were sentenced to seven years imprisonment. They had been arrested in 2005 when opium resin was allegedly found in their house.³⁰⁸

On 13 February 2006, NLD spokesperson Myint Thein advised that the house arrest of NLD vice-chairman, U Tin Oo had been extended for another year by the SPDC. U Tin Oo has been detained since 30 May 2003, when he and Daw Aung San Suu Kyi were ambushed by thugs at Depayin in upper Burma. He was initially held at Kalembo Prison, northwest Burma, for a couple of months before being placed under house arrest in Rangoon.³⁰⁹ On 8 March 2006, he was permitted to briefly attend a wake for his nephew, before being returned home.³¹⁰

On 20 February 2006, it was reported that the prison sentence of Nyunt Aung, a youth leader of Monywa Township NLD, Sagaing Division, had been extended by six years and nine months. The decision followed a riot at the prison in which his arm was broken by prison guards. Nyunt Aung's original sentence, of three years, had been imposed for giving illegal private tuition classes. He reportedly took no part in the riot.³¹¹

On 14 March 2006, Nay Zaw, the son of Mi Mi Tun, a member of Mohnyin Township NLD, Kachin State, was arrested by anti-narcotics police. He was with 3 friends, and they were all stopped and searched for drugs. Although nothing was found, they were beaten and detained. Whilst still in detention, authorities reported that Nay Zaw was hospitalised for 23 days, but died on 2 May 2006. Mi Mi Tun, requested a post mortem, which was refused. Furthermore,

after she reported the matter to Northern Command Comm. Maj. Gen. Ohn Myint, she became the subject of severe police harassment, forcing her to flee to Thailand.³¹²

On 19 March 2006, in Pegu, local NLD chairman, Myint Than, and NLD member, Nyunt Kyi, were called before the Township authority chairman and forced to sign a pledge to not say untrue things to the media.³¹³

On 4 May 2006, 67 NLD members from Shwegu Township, Kachin State resigned at an event organised by the military. The ceremony was held at the Shwegu Peace and Development Council office. Members were forced to read out letters of resignation written for them by the military, before surrendering the party's belongings to the chairman of the Township Election Commission.³¹⁴

Also on 4 May 2006, three NLD organisers in Shan State were pressured into resigning their posts. Authorities visited the three NLD members and suggested that a failure to resign would result in their family being harmed.³¹⁵

On 9 May 2006, it was reported that NLD members in Myohyin and Mogaung Townships, Kachin State, had been pressured by local authorities to quit their party by that day at the latest.³¹⁶

On 15 May 2006, four NLD members from Taungup Township, Arakan, were arrested and had their belongings confiscated. Ko Thay, alias Ko Kyaw Htay, owner of Amar Khan Saw Mill, Ko Aye Tun, Ko Soe Myint and Ko Tun Naing were arrested by police while watching a football game in the house of Ko Kyaw Thay. During the arrest, the police team, led by a police Sergeant Than Zin from Taungup police station, seized a VCD player, an antenna and a transformer from the house. There was no discernible and legitimate reason for the arrest.³¹⁷

On 17 May 2006, Sagaing Division NLD Organising Committee member Khin Than verified reports that the prison term of Dr Win Aung, Sagaing Division Khin-U Township NLD chairman, had been extended within the prison for a further period of seven years on the basis of new charges of inciting people under the Emergency Provision Act-5J. Dr Win Aung had been serving a 10 year sentence at Shwebo Prison, imposed jointly upon him and Khin Maun Lwin in July 2005 for distributing video tapes of Daw Aung San Suu Kyi's trip to Sagaing Division and a book about the late dictator Ne Win authored by exiled writer Kyemon U Thaung contrary to the Video and Press Act. The sentence of Khin Maung Lwin was also extended.³¹⁸

Also on 17 May 2006, the NLD office in Northwest Township, Mandalay Division, had its signboard removed during the cover of darkness.³¹⁹

On 22 May 2006, the state run *New Light of Myanmar* reported the resignation of nine NLD executive committee members from Namtu Township, northern Shan State. The report claimed their resignations were due to a dislike for the NLD's West-leaning policies, stating "... a glance at the acts of NLD would reveal that it has been sticking to the policy of 'Look West' and grabbing power. Besides, being jealous of peace and stability prevailing in the State, it is instigating the people to cause panic among them." NLD spokesperson Myint Thein asserted "Even if (news of the resignations) is true, it is very clear that they are not acting according to their will but by the junta's pressure."³²⁰

On 23 May 2006, it was reported that U Maung Krun Aung, an elected NLD MP in northern Arakan, was being denied permission to continue his business operations by local authorities. He had previously resisted many requests and much pressure to resign from the party.³²¹

On 27 May 2006, Daw Aung San Suu Kyi's house detention order was extended for a further year by the junta under the State Protection Act-10B. The Burmese police chief Maj. Gen. Khin Yi was reported as saying the extension was due to the fact that she poses a threat to the security of the nation. The junta-run newspaper, *New Light of Myanmar*, reported that she was being detained for her own safety as well as that of the country. It also said that her days were "numbered," that she and her party were heading for a "tragic end"; "*The restrictions will never be lifted until she abandons her practice of the liberal policy.*" Her current term of detention commenced on 30 May 2003, when she was travelling in Depayin in upper Burma and was ambushed by USDA thugs said to have been sponsored by the military junta. She had to be treated in hospital for injuries, but has been kept under house detention ever since. This had followed earlier periods of house arrest, from 19 July 1989 to 10 July 1995, then from 21 September 2000 to 6 May 2002. She has thus been under house arrest for almost 11 years of the past 17 years. The NLD reported that an appeal would be lodged, despite the fact that appeals from the earlier extensions had been lodged and ignored.³²²

In June 2006, the Ministry of Home Affairs ordered that at least one member of the local Peace and Development Council would take minutes and photographs of all meetings held by all political parties in Burma.³²³

On 13 June 2006, NLD members in Hakha Township, Chin State, were banned from holding meetings or ceremonies, by local SPDC authorities. The chairman and secretary were forced to sign a pledge agreeing to this diktat.³²⁴

On 15 June 2006, it was reported that members of the NLD, Thaton Township, Mon State, were under constant surveillance by the SPDC secret police. Vice-chairwoman San Myint was interrogated and her guesthouse had its phone line and electricity cut off.³²⁵

On 19 June 2006, Daw Aung San Suu Kyi's birthday celebrations at NLD headquarters in Rangoon were videotaped and photographed by Special Branch police.³²⁶ Police detained NLD member Tun Tun who held a solo demonstration whilst wearing a tee shirt with a picture of Daw Aung San Suu Kyi on it.³²⁷

On 22 June 2006, authorities in Kachin State barred NLD members from holding their regular meeting, scheduled to be held just four days later.³²⁸

On 23 June 2006, it was reported that authorities ordered the closure of a clothing store owned by Min Aung, the joint secretary of Arakan State Taungup Township NLD. His family members attributed the order to the fact that he had celebrated Daw Aung San Suu Kyi's birthday.³²⁹

On 29 June 2006, it was reported that the authorities in Rangoon had pressured the owner of a bus company to fire NLD Organising Committee member Yin Aye, who had been working as a driver. The authorities asserted that a person involved in politics could not drive a bus used by students.³³⁰

On 30 June 2006, the daughter of a prominent NLD member and political prisoner was dismissed from her job. Moe Wa, of Thanlyin Township, Rangoon Division is the daughter

of Tin San, joint secretary of Syriam Township NLD, serving a five year prison sentence since 2003. In 2004, Moe Wa had been the victim of assault in her own home at the hands of Thabyekan Village authority chairman U Nyein and members of his family. She brought charges against Nyein who in turn counter sued her for swearing at him. Both were charged and fined. The factory claimed that they fired Moe Wa because of her resultant criminal record.³³¹

On 3 July 2006, a watch repair shop, opened at the home of NLD elected representative Kyaw Khaing in Taungup Township, Arakan State, was pressured to vacate the premises by the order of “*authorities from above*”.³³²

On 4 July 2006, NLD members in Daik-U Township, Pegu Division were barred from holding an official funeral for their late chairman Maung Muang Khin.³³³

On 19 July 2006, the SPDC refused Daw Aung San Suu Kyi permission to attend an annual ceremony held in her father's honour. Whilst she was also barred in 2005, she had been permitted to attend the event in previous years. Two hundred members of NLD's youth wing were also denied access to the ceremony.³³⁴

On 31 July 2006, Nyein Maung, organising committee member and treasurer of Madaya Township NLD, Mandalay Division, was arrested and sentenced to one year's imprisonment, according to NLD MP-elect for Madaya Township, Than Lwin. He was charged with causing a civil servant undue distress under Act-198, by having an argument with the husband of a judge whilst in her chambers. He was told by the authorities that if he quit the NLD, the charge would be dropped.³³⁵

On 13 August 2006, 11 members of an HIV/AIDS support group ‘Friends with a Red Ribbon’ were arrested in Rangoon for not informing local authorities of an overnight stay at Maggin Buddhist monastery, in Rangoon's Thinganggyun Township. They had planned to hold a service for HIV/AIDS victims and sufferers the following day. One of those arrested was suffering from AIDS and the majority of arrests were of either NLD members or 88 Generation Students. The robe-offering ceremony was to begin at 8 am and the arrests were made at about 1.30 am, in a raid at the monastery. The organisers had attempted to advise authorities of the visit – by attending upon the Ward Peace and Development Council office and then handing a written notice to the council chairman the day before – but neither action was acknowledged. All 11 were released, about 36 hours later, when the police station where they were being held was swamped by supporters. Upon release from police custody, they were taken to the Thinganggyun Township authority office, where they were pressured to sign incriminating pledges, but refused. One of those detained, Than Naing, asserted that the authorities were motivated to undermine NLD attempts at assisting HIV/AIDS patients. The monastery was subsequently threatened to only receive donations from the council, and not the NLD. Those arrested were:

1. Than Naing, from Taungdwinggyi;
2. Htet Yazar, Twante;
3. Shwe Gyoe, Hlaing;
4. Aye Naing, New Dagon Town;
5. Awta, Yenanggytang;
6. Moe Naing, Bahan;
7. Kan Myint, Hlaing Thayar;
8. Myo Thant, Seikkan;

9. Soe Naing, Hlaing;
10. Than Htut, Hlaing Thayar; and
11. Than Htaik Aung, Hlaing.³³⁶

On 15 August 2006, it was reported that, Rangoon Shwepyithar Township NLD member, Myint Tun was being detained by the local military authorities. Myint Tun was held responsible after a person died from an electric shock they incurred from an electric post which U Myint Tun sourced electricity from. Myint Tun's wife Shan Ma asserted that the victim trod on a broken live wire belonging to someone close to the electricity authority, who was sourcing electricity illegally. She insisted that all those living in the area were aware that the authorities, led by a man named U Ni, destroyed all evidence, cut off the wire to her house and felled the electricity pole, in order to mount a case against her husband. She added that there was no sign of the electricity supply to her house being interrupted until the line was cut off deliberately at around 10.45 pm, when the victim was already dead. On 24 August 2006, it was reported that the local police chief Zaw Tin had forced witnesses at Myint Tun's trial to read out from prepared statements. Myint Tun was subsequently sentenced to five years imprisonment.³³⁷

On 16 August 2006, NLD youth members reported that authorities had been applying intense pressure to the family of Than Lwin, an AIDS victim, not to accept NLD support in organising his funeral. The authorities barred people from registering as night guests at the home for AIDS sufferers, where Than Lwin had previously received treatment. His family was also told not to invite any NLD members to the funeral.³³⁸

On 24 August 2006, the authorities ordered that all HIV/AIDS patients, from regions outside of Rangoon, must register as guests every month if they wish to be cared for, by the NLD, in the capital.³³⁹

Also on 24 August 2006, *The New Light of Myanmar* published reports and photos of meetings between the NLD and staff at the American embassy. This was done to expose those involved for "inappropriate acts".³⁴⁰

On 1 September 2006, Mya Thein along with his wife and daughter, well known and vociferous supporters of the NLD, were arrested in Daik-U Township, Pegu Division. They were arrested under the pretext of illegal gambling. His wife and daughter were later released upon payment of 250,000 kyat. Unable to pay anymore, Mya Thein was assaulted to the extent that his ribs were broken and pierced his liver. By 21 September 2006, at the time of this report, no one was allowed to visit Mya Thein in hospital, and it was believed his condition had not improved.³⁴¹

On 13 September 2006, it was reported that Daw Aung San Suu Kyi had been allowed to see her doctor just once in the preceding two months. This was later disputed by police chief Brigadier Gen. Khin Yi who claimed Daw Suu Kyi's physician had unhindered access to her at least once a month and whenever she required treatment. In addition there was an reported increase in SPDC personnel in and around her compound.³⁴²

On 22 September 2006, Hla Shwe and Yeh Myint, NLD members in Nattalin, Pegu Division, were arrested over the stabbing of the former local authority chairman. A local resident reported that the former chairman Yeh Win Tun, had often blamed Yeh Myint with crimes committed in the local area, and it is believed that these arrests were politically motivated. The stabbing had occurred on 30 August. Yeh Myint's wife had been arrested in lieu of him

on that day, with Hla Shwe's wife being arrested on 10 September, before their husbands were arrested on 22 September.³⁴³

On 25 September 2006, in Aunglan (Allen) Township, Magwe Division, it was reported that a recruitment drive for the USDA conducted by local authorities was being accompanied by orders to villagers not to join the NLD.³⁴⁴

On 27 September 2006, authorities in South Dagon Township, Rangoon, attempted to prevent a group of NLD youth members from attending the party's 18th anniversary ceremony at NLD headquarters. Traffic police stopped the car they were travelling in, claiming it was involved in an accident the previous day and had to be impounded. The NLD members hired another car which was also stopped. Only once they had hired a third car did they manage to reach the ceremony.³⁴⁵ The ceremony was conducted with no further harassment although security was tightened around the party's headquarters and authorities videotaped those attending.³⁴⁶

On 6 October 2006, Win Ko Ko and Zaw Tun Latt, youth members of Pegu Division Moe Nyo Township NLD, were arrested by members of the USDA, ostensibly for possession of illegal lottery tickets. NLD spokesperson Nyan Win stated that the two were in fact arrested for their political activities. They had been active in obtaining all the villagers' signatures in Yethabya, Moe Nyo Township, for a signature campaign calling for the release of all political prisoners, and had been found in possession of about 400 signatures for the campaign. On 19 October 2006, Win Ko Ko was sentenced to 3 years imprisonment, one day before his set trial date at Lethpandan Court, and in the absence of any legal representation. NLD lawyer Khin Maung Yin reported that he was convicted of 'obstructing the work of a government officer' for which he was sentenced to 2 years, and received a further year for possession of illegal lottery tickets. He was subsequently transferred to Paungde Jail.³⁴⁷ On 9 November 2006, Zaw Tun Latt and Win Ko Ko were each sentenced to an additional 14 years for the forging of documents and fraud, under Acts 420 and 468, at Tharawaddy Township Court, on the basis that signatures for the petition were obtained through misrepresentation. They had been moved to several different detention places in order to deny access to lawyers and family members in the interim.³⁴⁸ Zaw Tun Latt's mother passed away without being able to see her son, on 23 October 2006. It was reported that she had not previously been ill, but died from an anxiety-related illness.³⁴⁹

12.11 Prohibition of Free and Independent Trade Unions

“Everyone has the right to form and to join trade unions for the protection of his interests.”

-Article 23, Universal Declaration of Human Rights.

Burma ratified the Freedom of Association and Protection of the Right to Organize Convention 1948 (No. 87) in 1955, but has failed to ratify the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). However, as a member of the International Labour Organisation (ILO), the junta is also bound by the ILO Declaration of Fundamental Principles and Rights at Work, which includes the freedom of association and collective bargaining.³⁵⁰

Domestically, the right to form trade unions is still a legally recognised right within Burma under the Trade Unions Act, 1926. However, the act legislates that trade unions may only be formed with the prior consent of the government, and in 2006 no independent trade unions existed within the country. As a result there were no internationally affiliated unions. Furthermore, seafarers working on foreign ships were banned from making any contact with the International Transport Worker’s Federation. Order Nos. 2/88 and 6/88 as well as the Unlawful Associations Act, 1908 (1957) provided the legal machinery for the SPDC to maintain its prohibition on the formation and activity of free and independent trade unions, with the junta continuing, throughout 2006, to label the Thai-based FTUB a terrorist organisation, thus criminalising any person or organisation within the country who had contact with it.³⁵¹

Whilst the junta claims that the sometime forthcoming state constitution and its incumbent legislative machinery “shall enact necessary laws to protect the rights of workers” it has made no indication of any measures to repeal Order Nos. 2/88 and 6/88, nor the Unlawful Associations Act.³⁵² There is also nothing preventing the SPDC from adopting legislation prior to the completion of the ever drawn out National Convention process, as, conversely, the absence of a constitution did not prevent the regime from enacting legislation such as Order 6/88 which directly threatens workers’ rights.³⁵³

As no legal trade unions existed in 2006, workers were not afforded the right to organize and bargain collectively, and workers were generally prohibited from striking. Nevertheless, a number of workers at large factories organised illegal strikes during the year, and sometimes won improvements such as higher wages, although strike organisers were often fired. The authorities usually intervened as a mediator in unofficial strikes.³⁵⁴ On 2 May 2006, in South Okkalappa Township, Rangoon, 934 workers of a South Korean clothing factory initiated a wildcat strike as they had not been paid their annual bonus in full and were unable to take rests during the working day. The factory owner furnished the authorities with bribes and 12 police officers were stationed around the factory to quell any further dissent or unrest.³⁵⁵

12.12 Other Social Organisations in Burma

“No one may be compelled to belong to an association.”

-Article 20, Universal Declaration of Human Rights.

Burma is a country devoid of a civil society. Under the SPDC, attempts to construct and maintain independent civil society organisations and institutions, and to create a culture of openness and independent action, have generally been thwarted by the regime. Such organisations have often faced elimination, or been co-opted by the SPDC itself. Those social organisations that do exist, or wish to form, must be approved by the regime according to the 1908 (1957) Unlawful Associations Act, and Order 6/88.

Even informal groupings with humanitarian mandates came under pressure to discontinue their operations in 2006. ‘Friends with a Red Ribbon’ a grouping made up of about 50 HIV/AIDS sufferers in Burma, including members of the NLD and former political prisoners, had its activities disrupted by the authorities throughout the year. One event, organised in August, had been designed to make sufferers of HIV/AIDS feel a welcome part of the community, and raise money for their treatment. Preparations for the traditional Buddhist merit-making ceremony were fought at every step by the concerned authorities. Lt. Col. Maung Maung Shein, chairman of Rangoon’s Eastern DPDC, threatened to close down the local clinic where the victims receive treatment. The association of elder monks threatened to disrobe any member of the monastery involved in the ceremony. The USDA initiated a parallel event, to be held at the same place and same time. Finally, the night before the ceremony, the monastery was raided and 11 volunteers supporting the group were arrested, as they had not been able to obtain permission to stay overnight at the Buddhist temple in the Thingangyun Township. Whilst the volunteers were later released, the ceremony failed to go ahead. Upon release from police custody, they were taken to the Thinganggyun Township authority office, where they were pressured to sign incriminating pledges, but refused. One of those detained, Than Naing, asserted that the authorities were motivated to undermine NLD attempts at assisting HIV/AIDS patients. The monastery was subsequently threatened to only receive donations from the SPDC, and not the NLD.³⁵⁶

Furthermore, social housing organisations, also often supported by the NLD and 88 Generation Students Group, providing care to HIV/AIDS sufferers, had their activities disrupted in Thaketa and South Dagon Townships, Rangoon, during 2006. Patients were refused permission for overnight stays, and at one house the landlord was pressured into cancelling the rental contract, in August 2006. The NLD and the 88 Generation Student Group responded by calling on the authorities to stop the intimidation of HIV/AIDS patients and their supporters. *“We are just helping them as much as we can,”* said Than Naing. *“But we need the authorities to stop their shameful harassment.”*³⁵⁷ Such actions are part of an ongoing wider trend to stamp out or co-opt any organisations which are not affiliated to the regime, even if they are apolitical and serving a worthwhile social function.

During 2006, the Free Funeral Services Society (FFSS) was harassed and threatened with co-optation by the junta affiliated USDA. The FSSS, a non-profit, non-governmental and apolitical group provides free funerals to those families who cannot fund the funeral themselves. The association was initially compelled to appoint a USDA member to a high-ranking position, was barred from running adverts in the press and told not to accept any future donations. Social workers claimed these actions were in response to the vice president and secretary-1 of the FFSS attending events commemorating the 1988 democracy uprisings.

Later, in August 2006, local authorities informed social workers of the impending take over of its operations by the USDA. However, as reports of the takeover were leaked, donations substantially decreased and no further advances were made during the year.³⁵⁸ Other domestic humanitarian NGOs, particularly in areas where Government Organised NGOs (GONGOs) were strong, faced similar pressures. In December 2006, International Crisis Group reported how, particularly in areas where Government Organised NGOs (GONGOs) were well established, independent NGOs came under pressure to appoint members of the USDA and other GONGOs to their boards, work in partnership with GONGOs or else hand over their projects altogether.³⁵⁹



Free Funeral Services Society Vice president Kyaw Thu helps carry a casket during a funeral service in Rangoon. The independent welfare organisation came under intense pressure from the SPDC and USDA in 2006, with repeated threats of a take over. In early 2007, the SPDC refused to extend its operating permit. [Photo: FFSS/Irrawaddy]

To be apolitical in Burma is to not be politically biased in favour of SPDC governance. Independent action conducted by independent organisations will always have the potential to be out of kilter with SPDC wants and policies. By bringing the work of NGOs under the control and remit of GONGOs, the SPDC is able to obstruct independent action, potentially subversive to military rule. GONGOs, therefore, enable the SPDC to guarantee that the political agenda of the regime will always take precedence over the social issues these organisations purport to address. In addition, by asserting control over the work of civil society, the SPDC is provided with an avenue through which it is able legitimise its governance, and further, ensure international funding is secured for itself. It is SPDC policy that international aid should be channelled through GONGOs, and that aid agencies working in the country should only operate in partnership with these organisations. In response to such demands, the Centre for Public Health and Human Rights, at the John Hopkins Bloomberg School of Public Health, has cautioned that;

*“humanitarian aid channelled through these bodies serves the junta patronage system, rewarding those who support their rule, and excluding both employment and aid to those who support the NLD... imply(ing) that in the domain of health and humanitarian assistance, as is the case in most sectors, survival of the junta and maintenance of their political control are arguably a higher priority than programmatic success.”*³⁶⁰

GONGOs also act as a conduit through which to coordinate rapid mobilisation of the populace for attendance at mass rallies; designed to feign support for the SPDC and to denounce its enemies. (For more information see section below on the USDA). Through such rallies, reported in state run press, GONGOs manufacture the illusion that the SPDC has a mandate for its policies and the continuation of its rule.

Those GONGOs operating in Burma throughout 2006 included: the USDA (for more information see Section 12.13 The Union Solidarity and Development Organisation), The Myanmar Women's Affairs Federation (MWAFF), The Myanmar Medical Association (MMA), Myanmar Red Cross (MRC), Myanmar Anti-Narcotic Association (MANA), Myanmar Maternal and Child Welfare Association (MMCWA), Myanmar Women Entrepreneurs Association (MWEA), Auxiliary Fire Brigade, Parent Teacher Associations, and the Myanmar Nurses Association (MNA).

These groups are organized on the Township level and are largely under the control of the regime, with SPDC members and affiliates generally occupying top-level positions. Furthermore, most of the lower level members involved in these organisations have been pressured and coerced into joining. On 12 July 2006, it was reported that all those between the ages of 18 and 30 in Three Pagoda Pass Town had been enlisted by the TPDC into joining a GONGO, including the Fire Brigade, the USDA, the Myanmar Red Cross, or the MMCWA. Residents were told that they would be added to the list of those opposing the SPDC if they refused and risked being charged as a result. Household registration lists were used to collect the names of those eligible.³⁶¹ Through such large scale forced recruitments, the SPDC is able to structure Burmese civilian society within a chain of command stemming from the upper echelons of the SPDC, both complimenting, and interlinked to the military hierarchy; providing a further avenue through which to exert near total control over the population.

Despite the name, the Auxiliary Fire Brigade has no role in extinguishing fires or saving people's lives. Rather its members serve as an auxiliary militia force. Following the involvement of its members in the brutal beating and subsequent death of former political prisoner Thet Naing Oo, (for more information see Chapter 2 Extra-judicial, Arbitrary or Summary Killing) in March 2006, 88 Generation Student leader, Min Ko Naing, spoke out against the nature of the organisation, asserting;

*"In the international community, fire brigades are organisations formed to rescue human beings out of natural disasters. Therefore, they are fire brigades formed with the intention of protecting the lives of the public and citizens. This kind of organisation should never carry weapons for whatever reason and endanger or threaten the lives of the public. I want to talk about this matter daringly on behalf of all the people."*³⁶²

It is not only the fire brigade which is utilised as a militia force. An SPDC press statement in 2006 asserted that the mandate of both the Auxiliary Fire Brigade and the Myanmar Red Cross was to *"crush the destructive elements who have encroached upon perpetuation (sic) of the sovereignty."*³⁶³ Whilst the Myanmar Red Cross is a member of the International Federation of Red Cross and Red Crescent Societies; SPDC control over the organisation, forced recruitment, involvement in militias and attendance at political rallies, in 2006, stand in direct contravention to the international organisation's fundamental principles of humanity, neutrality, independence, impartiality and voluntary service.³⁶⁴

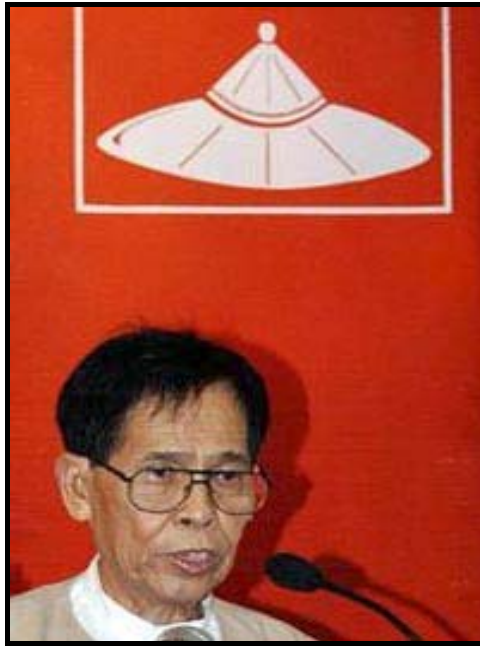
Members of numerous other GONGOs are forcibly conscripted into the *Pyitthu Ah Ku Tat*, or 'People's Auxiliary Forces', which since 2000 have existed under various monikers such as the 'Anti-Foreign Invasion Force,' 'State Defense Force,' the 'Peoples Vigorous Association' (PVA) and the 'People's Strength Organisation'.³⁶⁵ The PVA, for example, is made up of Myanmar Red Cross members, firemen, soldiers, MWAFF members, MMCWA members, Retired Soldier's Organisation members, village militias, and the members of the USDA.³⁶⁶ (For more information see Chapter 1 Forced Labour and Forced Conscription.)

Whilst no independent women's organisations existed in Burma in 2006, there were a number of regime backed women's groups. In 2003, the since deposed SPDC Prime Minister, Lt. Gen. Khin Nyunt, created the MWAFF mandating it to "*take charge of the women sector comprehensively.*" By 2006 it had a presence in all 14 of Burma's states and divisions, and boasted of a membership of around 1.5 million.³⁶⁷ Much of its membership base is the result of coercion, and in early 2006, the MWAFF initiated an aggressive recruitment drive in Chin State, leading the Women's League of Chinland to claim that the SPDC was employing the MWAFF as a weapon in its attempts to control and destroy Chin society.³⁶⁸ There were further reports of forced recruitment in Mauklauk Villahe, Meikhtila Township, Mandalay Division and throughout Karen State.³⁶⁹

The organisation is widely considered to be little more than a propaganda mouthpiece for the policies of the ruling junta. Most of the leaders of the MWAFF are the wives or family members of top SPDC officials and it is evident how frequently the rhetoric of the MWAFF echoes and mirrors that of the regime. On Women's Day in July 2006, MWAFF President, Than Than Nwe, the wife of Prime Minister Gen. Soe Win, claimed that: "*Myanmar women have achieved the momentum of advancement and security of life under the peace and tranquillity of the State (and) prevalence of law and order due to economic development and improved communication.*"³⁷⁰ The MWAFF has also condemned the decision to refer Burma to the United Nations Security Council, which they stated would have a negative impact on Burmese women; accused exiled women's rights groups of "*dancing to the tune of western nations*" when reporting incidents of rape; and profited from draconian movement restrictions placed on women in Shan State through a system of payments required to circumvent these restrictions.³⁷¹

The MMCWA is a health-oriented organisation which receives funding and support from United Nations agencies and INGOs, including UNICEF, UNDP and UNAIDS. The SPDC established the MMCWA on 9 November 1990 through the implementation of Order No. 21/90, and it is controlled by the SPDC at all levels. The head of the MMCWA in 2006 was Daw Kyu Kyu Shwe, wife of Colonel Pe Thein, Minister of the Office of the Prime Minister. At Township level, the chair is automatically the wife of the local TPDC chairman, and at village level the chair is the wife of the SPDC appointed village headman and the secretary is the wife of the village secretary. As of 2006, the organisation boasted of having a total membership of 5.4 million people, or 10 percent of the total population of Burma. Whilst the organisation states that "*recruitment is entirely on a voluntary basis,*" numerous reports have contradicted this assertion both in 2006 and earlier.³⁷²

In 2006, all those villages in the parts of Karen State where the military has established a measure of control over the local population were ordered to create a chapter of the MMCWA and MWAF. Villages were forced to buy a specified number of application forms, which had to be returned without fail. The membership numbers demanded were in proportion to the size of the village, generally around 50 percent of each village's female population. The wife of the village chairman was automatically installed as the chair for her village.³⁷³



On 12 February 2006, Burma's Union Day, NLD Chairman Aung Shwe announced that the party was prepared to recognize the SPDC as the legitimate government *de jure*, on condition that Suu Kyi be released from detention and a parliament convened in accordance with the election results of 1990. The SPDC responded by threatening to rule the NLD unlawful due to its associations with "terrorist organizations". [Photo: AP/NCGUB].

12.13 The Union Solidarity and Development Association (USDA)

*“The foundation of the USDA is...one of inherent violence and perpetuation of military rule. Any action taken by the USDA should be considered that of the SPDC. A transfer of power to the USDA would simply mean the SPDC has managed to hold onto power while nominally establishing a civilian government.”*³⁷⁴

-“The White Shirts: How the USDA will become the new face of Burma’s Dictatorship,” NDD, May 2006.

By far the largest and most significant GONGO within Burma is the Union Solidarity and Development Association. The USDA was formed by the Burmese regime on 15 September 1993. Whilst it was registered as a social welfare organisation with the Ministry of Home Affairs, under Order No. 6/88, its potential role as a strategic political player was evident from the beginning. The organisation was formed just days apart from the SPDC controlled National Convention and, immediately following the establishment of the USDA, its General Secretary asserted; *“the ruling SLORC (former moniker of the SPDC), the government and the USDA share the same objective.”*

The USDA was initially mandated to maintain the union, national solidarity, sovereignty; promote national pride, and support the emergence of a prosperous and peaceful nation. As an extension to such rhetoric, the USDA has also developed a ‘Four-Point People’s Desire,’ to:

- *“Oppose those relying on external elements, acting as stooges or holding negative views;*
- *Oppose those trying to jeopardize the stability of the State and progress of the nation;*
- *Oppose foreign nations interfering in internal affairs of the State; and*
- *Crush all internal and external destructive elements as the common enemy.”*

Such a mandate suggests that the very rationale of the USDA is in fact the perpetuation of SPDC governance, including the violent oppression of all who oppose such a goal.³⁷⁵

Furthermore, the USDA is in actuality inseparable from the SPDC. The USDA is currently headed by Major General U Htay Oo, a member of the SPDC’s cabinet and the Minister of Agriculture and Irrigation. At the same time, the two most powerful and highest ranking generals; Sen. Gen. Than Shwe and Deputy Sen. Gen. Maung Aye sit on the USDA’s panel of patrons. Not only do high ranking SPDC members fill high level positions within the USDA, but TPDCs and VPDCs are heavily involved in leadership and recruitment at regional level. Such a recognition invalidates the role of the USDA both as an independent social organisation and as a future independent political party; a role for which it is now being groomed.³⁷⁶

Recruitment

The USDA claims to have a total membership of 22.8 million people, or virtually half of the population of Burma. Whilst membership is purported to be voluntary, recruitment is known to be largely coerced, through a system of both threats and ‘incentives’. In a State where peoples’ human rights are constantly denied, the USDA offers the enjoyment of such rights as a privilege of membership, whilst those who refuse to join are faced with increased persecution and reduced opportunities for professional and academic advancement, as well as having to pay various taxes, or perform forced labour. Recruitment drives particularly focus on students, government employees, members of the political opposition and the business world, with increasing efforts to enlist ethnic villagers in areas under SPDC military control.³⁷⁷

Any person working for the government is required to be a member of the USDA, often becoming members without their knowledge or consent. To secure a government job in the first place, one is generally required to have recommendations from the Township USDA president and secretary at a cost of at least 10,000 kyat. As teachers are government employees, hence members of the USDA, they play a central role in the subsequent recruitment of their pupils. Students are informed by their teachers that membership of the group is compulsory, with threats of expulsion or downgrading of their work and exams to a fail used to ensure compliance.³⁷⁸ On 3 August 2006, roughly 600 hundred students at Myinggyan Technical College, Mandalay Division were forced, by their teachers, to join the USDA in order to be allowed to sit their final examinations,³⁷⁹ and in September 2006 it was reported that not only high school but primary school students were being forced to join the USDA in Pegu Division.³⁸⁰ Once pupils are members of the USDA they are reportedly given good marks regardless of the standard of their work and provided with the opportunity to participate in extra curricular activities or additional educational trainings, which they would otherwise have been excluded from.³⁸¹

Just as with a right to education, the right to freedom of movement is used to encourage people to join the USDA. A USDA membership card entitles people to travel freely around the country without the usual threat of harassment or extortion at SPDC checkpoints. Many members and former members of the USDA, interviewed by the Network for Democracy and Development in 2006, cited this as their primary motive for joining the organisation. Tight restrictions on overnight guests are also relaxed upon becoming a member.³⁸²

In 2006, the USDA had control over the awarding of licenses for the operation of businesses, after taking over the function from Military Intelligence. As a result, those interested in owning businesses often find membership to be a prerequisite. Furthermore, businesses which employ members of political parties, such as the NLD, run the risk of having their licenses revoked.³⁸³ In June 2006, the USDA successfully pressured the owner of a bus company to fire NLD organizing committee member Yin Aye from his job as a bus driver.³⁸⁴

In the rural areas of Burma, people are exempted from serving as frontline porters upon joining, as well as avoiding other forms of forced labour.³⁸⁵ In 2006, villagers in Ye Township, Mon State, forced to work on road repair projects, were given a break from their task if they agreed to enlist in the USDA. Those who refused were forced to provide additional lumber and stones. This incentivising followed a recruitment strategy meeting between USDA Head of Mon State, Brig. Gen. Ohn Myint, CEC Brig. Gen. Thura Myint Maung, and ECs and secretaries of the USDA from state and township levels, in 2005, in

Moulmein.³⁸⁶ In other instances villagers are not even provided with such a ‘choice’. Lists of households within each village have been used to assign membership without the peoples’ prior knowledge or consent.³⁸⁷

Additionally, the USDA has implemented various tactics to entice members of the opposition into quitting their party or organisation and joining the USDA. The USDA played a leading role in a concerted campaign of intimidation visited upon the SNLD and NLD throughout 2006, with the goal of forcing large scale resignations (For more information see Section 12.10 Restrictions on and Harrassment of the NLD), and on 25 September 2006, in Aunglan (Allen) Township, Magwe Division, it was reported that a recruitment drive for the USDA conducted by local authorities was being accompanied by orders to villagers not to join the NLD.³⁸⁸ Whilst strong arm harassment and intimidation are the traditional tactics of the USDA when dealing with the opposition, a USDA directive leaked in 2004, revealed a more subtle tack to diminish and ruin the opposition parties economically. The scheme involved setting up similar and parallel businesses to rival those owned by the opposition as well as lending money to opposition members on condition they leave their parties. On 22 August 2006, it was reported that USDA members at Shwebo Township, Sagaing Division, had enticed farmers to leave the NLD through the promise of interest free agricultural loans of around 20,000 to 30,000 kyat.³⁸⁹ Such promises were not reserved for opposition members in 2006. On 25 September 2006, it was reported that local authorities in Aunglan (Allen) Township, Magwe Division were promising interest free loans of 50,000 kyat to villagers who enlisted in the USDA.³⁹⁰

USDA as an Approximation and Manipulation of Civil Society

Selling it self as a benign and benevolent organisation, with the aid of state controlled media, has enabled the USDA to cloud public and international perception of the true nature of the organisation, and justified its ever increasing control over humanitarian operations within the country. However, given that the USDA is the SPDC, the Network for Democracy and Development assert that such control “*politicizes the distribution of humanitarian aid and ensures certain sectors of society will be discriminated against.*”³⁹¹

Furthermore, whilst seemingly charitable projects are used to legitimise the USDA, the means by which such projects are enabled requires the further abuse of the Burmese population, with funding and labour for such aid and development projects being demanded from the people against their will. Even when development projects are conducted through the labour of USDA members, forced membership negates any claims to voluntarism. Not only is this an inherently corrupt system but individual acts of corruption are rampant, with money raised by the USDA frequently finding its way into members’ pockets rather than being used for its intended aims.³⁹² Aware of such dangers, in October 2006, international donors, responding to floods in Mandalay, were forced to withdraw offers of help, when they were met with demands that aid be channelled through the USDA.³⁹³

Whilst the USDA serve to approximate civil society within Burma, truly independent organisations are targeted by the USDA, with attempts to co-opt or shut down such endeavours common. Throughout 2006, the USDA was operating under specific instructions issued in September 2005, to assume control of all educational, health and social activities within the country. Humanitarian projects carried out by the NLD or its members are especially targeted by the USDA. (For more information see Section 12.12 SPDC Control over Civil Society).

In addition, the USDA has sought to end and co-opt the activities of foreign agencies and INGOs. The ICRC was unable to conduct any prison visits throughout 2006, as a result of the junta insisting that members of the USDA accompany them on their visits. (For more information see Section 12.6 Restrictions on Foreigners). In their absence, the USDA made efforts to present it self as assuming the functions of the ICRC: visiting political prisoners as well as their families and donating supplies to prisoners, in moves which it presented as steps towards national reconciliation. However, their assistance programs have not been systematic, and it has been reported that torture and ill treatment of political prisoners inside Burma's prisons increased during 2006, whilst the health of prisoners deteriorated. The ICRC had previously provided 50 percent of medicines within Burmese prisons.³⁹⁴ This newly assumed function of the USDA has also been used as political capital to undermine the NLD. Throughout 2006, the USDA visited the families of political prisoners, to inform them that they are looking after their relatives and that they have provided them with generous grants. At the same time the USDA has been questioning these relatives as to whether they are being supported by the NLD, suggesting national reconciliation can be read as a euphemism for the removal of the NLD's influence and support.³⁹⁵ Meanwhile, efforts by the American and British embassies to provide libraries and trainings to the population have faced slandering in pamphlets distributed by the USDA, which claim such programs to represent an interference in domestic affairs.³⁹⁶

The issuance of new Guidelines for International Agencies and INGOs operating within Burma, in February 2006, caused confusion and worry within the international aid community. The version handed to the UN stated that the USDA would be a central part of newly formed committees charged with oversight of aid operations, and that government appointed officials would accompany staff on field visits. A Burmese language version, circulated to local authorities went further, and stated that national staff should be hired from an SPDC shortlist.³⁹⁷ All such requirements would likely lead to the increased influence and interference of the USDA, and by extension the SPDC, in the work of international humanitarian organisations. The UN since raised concerns over the guidelines and the SPDC agreed to further discussions, although appeared determined to push the regulations through by the beginning of 2007. The regime also attempted to impose the USDA on the UN as its main local partner within Burma, although the UN rejected this proposal.³⁹⁸

As a further manipulation of civil society, the USDA has played a central role in the organisation of mass rallies throughout the country, demonstrating support for the SPDC and its initiatives such as the National Convention, as well as denouncing opposition parties and foreign influence. In early 2006, numerous mass rallies were organized through the USDA in order to demonstrate popular support for the National Convention. The first staged rally of the year was held in Rangoon on 7 January 2006. The following day a mass rally in Kachin State, saw members of the Kachin Independence Organisation (KIO) forced to read out prepared statements expressing their support for the NC. Further rallies were held in subsequent days in Karen and Arakan State as well as Pegu and Mandalay Divisions. Reports from each of these events have revealed attendance to have been forced with quota systems demanding that one person from each household attend. The conscription of the populace is done under threat of fines, violence, prosecution and imprisonment. Those households unable to attend the rallies are expected to hire someone to take their place. If no one shows up, the household is fined 5,000 kyat (nearly US\$5) and the residents' details are recorded. Attendees were forced to shout prepared and protracted slogans such as *"It is essential for the tatmadaw to play the political leadership role in the country because of the lack of experience of people who would lead the transitional period."*³⁹⁹ The rallies and their

messages are documented and broadcast to the nation through state run press, convincing the public that the SPDC rules in accordance with people's desire. In this way, the USDA effectively acts as both the SPDC's propaganda machine and its mandate provider.

USDA as a Security Apparatus

Whilst the USDA, with the help of the state press, presents itself as a charitable social organisation, it continues to be involved in State sanctioned acts of political violence. Members of the NLD are the frequent recipients of such attacks. In November 1996, a gang of about 200 USDA members attacked Daw Aung San Suu Kyi's motorcade with iron rods and chains in Bahan Township, Rangoon. Whilst the attack took place in broad daylight in front of army security guards, the SPDC did not take any action against the aggressors. Again, on 30 May 2003, Daw Aung San Suu Kyi and her entourage were violently attacked by members of the USDA and other state organized individuals on the road to Depayin, Sagaing Division. An unknown number of individuals were killed in the attack, subsequently labelled the 'Depayin Massacre.' On 17 March 2006, members of the USDA were reportedly involved in the attack on Thet Naing Oo, a former political prisoner, in Kemmending Township, Rangoon. Thet Naing Oo was continuously beaten by his aggressors and subsequently died.⁴⁰⁰ (For more information see Chapter 2 Extra-judicial, Summary and Arbitrary Execution).

Following the ouster of Lt. Gen. Khin Nyunt and the purging of Military Intelligence, in 2004, the USDA has taken on increased intelligence and security duties throughout the country, with members frequently conscripted into relevant training sessions. As an example, on 13 September 2006, it was reported that members of the USDA in Pegu Division were ordered to attend military intelligence courses. Two members from each ward were forced to attend the week long course under orders of Pegu Division USDA Chief Organiser Saw Maw Tun. Whilst, those selected to attend were promised business permits and promotion to the role of chief organiser, many were reluctant as they would forgo a week's income in so doing.⁴⁰¹

Similarly, in October 2006, it was reported that members of the USDA, alongside other regime affiliated agencies, such as the fire brigade had been undergoing anti-riot training in Kachin State. Training in such things as the use of bamboo rods was given to participants by SPDC troops from Infantry Battalions #21, #29 and #37. Participants were then sent back to their home towns and instructed to gather information about the movements of political activists. Reports from inside Burma claim that the junta has ordered authorities in large cities across the country to train as many as 5,000 people each, with the USDA not only providing recruits but financial and material assistance.⁴⁰² (For more information see Chapter 1 Forced Labour and Forced Conscription).

The increased security role of the USDA has included the surveillance and arrest of opposition party members, in the absence of any legal mandate to do so.⁴⁰³ On 6 October 2006, two NLD youths from Moe Nyo Township, Pegu Division, were arrested by USDA members for allegedly having illegal lottery tickets on their being. According to a police officer; Win Ko Ko and Zaw Tun Latt were in fact targeted for their involvement in a petition calling for the release of political prisoners.⁴⁰⁴ In addition, throughout 2006, the USDA was involved in arrests made in relation to bomb blasts around the country, reportedly in the absence of any substantiating evidence.⁴⁰⁵

USDA members are not only being used to monitor the opposition, but to keep watch over the actions of the regime's other institutions such as the army and police force. USDA members also act as sentries, watching over peoples' houses during the night, with members of opposition groups frequently targeted for night time inspections in attempts discover non registered overnight guests. Teachers who are members of the USDA are also encouraged to maintain surveillance on their students.⁴⁰⁶

A directive in June 2005 warned USDA members to guard against the leakage of inside news to the outside world.⁴⁰⁷ Subsequently, on 1 August 2006, the USDA in Arakan State began a strategy of spreading misinformation about Burmese media in exile and other foreign media reporting on the situation in Burma. USDA members were briefed to go to public places and inconspicuously engage those gathered in these places in order to persuade them that such reports were erroneous. Misinformation circulated in this way included claims that the arrest of Sittwe NLD chairman U San Shwe Tun was because of his involvement in smuggling and logging and that the death of U Oo Thar Tun was not because of an injection by the authorities but due to old age.⁴⁰⁸

USDA as a Political Party

The oppressive and criminal activities of the USDA take on greater significance with an acknowledgment of the SPDC's plan for the organisation's future political role. The constitution being drafted at the National Convention provides for the *tatmadaw* to hold one fourth of the seats available in a future parliament, with the remaining seats to be contested in elections. It is the SPDC's desire for these seats to be held by its puppet organisation- the USDA, thus perpetuating its own rule in a civilian guise. In a December 2005 press conference, the General Secretary of the USDA, Htay Oo, made mention of such plans, indicating that members of the USDA should be prepared to contest seats not reserved for the armed forces.⁴⁰⁹

In reality, the USDA has already inserted itself into the political process with many of its members acting as delegates to the National Convention, holding 633 seats (58 percent) during the 2006 sittings.⁴¹⁰ Further, since 2003, the USDA has been compiling voter lists and estimating the votes the opposition would likely get and from whom. Local USDA leaders have also been instructed to open local offices and consider which candidates to run in the next election.⁴¹¹ In December 2006, it was reported that the USDA, along with TPDCs, were collecting family lists, including the ages of family members, throughout Rangoon and other areas of the country. It is believed that the purpose of this exercise was to compile voter lists for a possible referendum on the constitution being drafted by the National Convention.⁴¹²

If elections were to be called in the future, not only would USDA members likely stand, but past form suggests that the USDA would be employed as a means to intimidate and coerce the populace to vote against their wishes, and to intimidate the membership of the NLD against running for office or supporting the party's campaign.⁴¹³ Meanwhile, the USDA has already sought and in some cases gained international recognition and legitimacy as a political actor. New protocols have meant that the UN and foreign diplomats are made to pay courtesy calls with the USDA before meeting with the SPDC. When Malaysian Foreign Minister Syed Hamid Albar visited Burma in March 2006 as ASEAN's envoy, he was met by the USDA, while being denied access to the NLD. Former Thai ambassador, Surapong Jayanama, cautioned against countries recognising the USDA as a legitimate political organisation;

*“Whether other countries acknowledge the USDA as a political entity will be an important factor in the continuation of the organisation as well as its strength and power. It must be ensured that the USDA is an organisation freely joined and that its actions are independent of the current regime. Without this assurance a transfer of power to the USDA would be no transfer at all. It would merely allow the SPDC to maintain its grip on power and continue the oppression of the Burmese people.”*⁴¹⁴

Nevertheless, China has actively sought to establish party to party ties between the Chinese Communist Party (CCP) and the USDA, and, in April 2006, a USDA delegation met with the Vice Chairman of the National Committee of the Chinese People’s Political Consultative Conference (CPPCC) in Burma.⁴¹⁵

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