

BURMA HUMAN RIGHTS YEARBOOK 2007
CHAPTER 10

**FREEDOM OF ASSEMBLY,
ASSOCIATION AND
MOVEMENT**

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

- Article 13, Universal Declaration of Human Rights

10.1 Introduction

In 2007 the freedom of movement, assembly and association remained highly restricted in Burma. The right to freedom of movement is set out in the Universal Declaration of Human Rights (UDHR) Article 13, which 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.”* Article 20 states that: *“Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.”* Despite being a signatory to the UDHR, the Burmese military junta blatantly contravened Articles 13 and 20.

Throughout the year, the ruling junta continued to tightly restrict, monitor and interfere with the movement of the Burmese population. Residents in ethnic areas along the country’s Eastern and Western borders were particularly affected by the movement restrictions. In the East, villagers of Karen and Mon State were under particular restrictions, while in the West the Muslim Rohingya in Arakan State were unjustly targeted. In addition, other ethnic minorities, generally South Asians and Chinese, were limited in their travel, and had to obtain prior permission to travel domestically. Moreover, the movement of the country’s political dissidents and human rights activists was closely monitored and controlled. Following the Saffron Revolution in September 2007, monks also faced limitations on their movement. The SPDC went to great lengths to limit and regulate domestic as well as international travel, through restrictions on the freedom of movement, including unaffordable costs of travel documents, the threat of punitive action, and the regular closure of official border crossings. Nevertheless, significant undocumented migration as well as commercial travel occurred through the country’s borders with China, Thailand, Bangladesh, and India.

Furthermore, the movement of foreigners, including humanitarian agencies attempting to deliver much needed aid supplies, was restricted. Humanitarian organisations were increasingly restricted in their access to those in need of assistance. The ethnic border areas of the country continued to remain out of reach, whilst aid workers operating in central areas faced restrictions on their ability to operate according to humanitarian principles of independence and neutrality. For many aid agencies the freedom of movement was restricted to the point where they were unable to operate effectively. In 2007, both the UN and the ICRC issued unprecedented statements about the junta’s responsibility for the deteriorating socio-economic situation in the country and the suffering of the people. This led the junta to take measures such as expelling the UN country chief and further limiting the work of the ICRC.

The right to assembly was also significantly curtailed by the regime in 2007. The authorities routinely prevented pro-democracy and human rights activists from organizing events or meetings. Those who did risked lengthy prison sentences. During the monk led September protests, the largest uprising since 1988, the junta enforced the prohibition on outdoor assemblies of more than five persons. The authorities used force to break up the peaceful demonstrations and arrested, tortured and imprisoned many participants, including monks.

The right to association continued to be severely limited in 2007. Trade unions and labour organisations were not tolerated by the junta, despite obligations under domestic law and international treaties to recognize and respect the rights of workers. Also political parties, social organisations and human rights groups were outlawed by the regime. Even legal organisations faced severe difficulties in operating freely and securely. The regime was particularly intolerant of the main opposition party, the NLD, as well as the 88 Generation Students Group. Prominent members of these groups continue to face arrest and long prison sentences for their political opinion and association.

Only SPDC approved organisations and Government Organised Non-Governmental Organisations (GONGOs) such as the Union Solidarity and Development Association (USDA), were granted the freedom of association. These groups rely on coercion for their membership, and routinely force people to attend mass rallies supporting SPDC policies, as well as taking active part in the regime's continued oppression of the country's population.



Villagers in northern Karen State being forced to construct a fence around their village by SPDC army soldiers. *[Photo: FBR]*

10.2 Restrictions on Villagers in Border Conflict Areas

"If they see villagers out side a village they kill everyone. So the villagers were afraid to go out side. SPDC soldiers shot at me twice. The first time I was with two of my friends. I got hurt seriously; it was a big wound on my right hand elbow and my chest. The second time I was escape but one of my friends was died."

- Villager from Thaton District, Karen State¹

In 2007, the freedom of movement became ever more limited for villagers in Burma's border conflict areas. SPDC forces, and its allied groups such as the Democratic Karen Buddhist Army (DKBA), severely restricted the movement of villagers in conflict areas of Karen State, Pegu Division and Mon State. The restrictions on movement had serious consequences for villagers' livelihoods, as access to food and work has become almost impossible for some villagers in conflict zones.² Moreover, since the SPDC banned poppy-growing in northern Burma, poverty has exacerbated as ex-poppy farmers have received limited assistance in growing alternative crops and been barred from leaving their areas in search of work.³

In border areas, the SPDC has put restrictions on the movement of both people and food. As a result of restrictions and taxes on transporting rice, prices in border areas are up to 30 per cent higher than in central Burma, making basic commodities out of reach for many villagers.⁴ In Arakan State, the SPDC has prohibited the transportation of rice from one township to another. As farmers were unable to sell their paddy at open markets in townships where the price is higher, the price of paddy was pushed down, leaving farmers with even less income.⁵ In January, further restrictions were introduced on the transport of rice to Rangoon. According to farmers, new requirements included a letter of permission from local authorities to transport rice and other goods, such as bran and what is called "broken rice."⁶ (For more information see Chapter 6: Deprivation of Livelihood)

Northern Karen State

The SPDC launched a large scale offensive in the Districts of Toungoo, Nyaunglebin and Papun, northern Karen State in November 2005, and increased their operations even further in 2006.⁷ In 2007 SPDC forces continued with more small scale attacks against villages in northern Karen State, further restricting the movement of thousands of villagers. Violations of movement restrictions arose as part of civilian efforts to access agricultural fields at abandoned villages and conduct trade between communities.⁸ As well as obstructing villagers' access to agricultural fields, restrictions on travel hinder access to external health and education facilities and undermine trade and other economic opportunities.⁹ (For more information see Chapter 15: Ethnic Minority Rights, Chapter 16: Internal Displacement and Forced Relocation, and Chapter 17: The Situation of Refugees).

In 2007, the SPDC continued its expansion of roads and camps throughout northern Karen State. Instead of increasing movement and travel, road construction in Karen State is infringing heavily on people's movement. The roads are garrisoned, patrolled and mined by the SPDC military, making it more difficult and dangerous for people to move freely. Villagers who attempt to cross or move along the roads are doing so at great risk. The growing road network enables increased SPDC control of the area and the rural communities living there. The army attacks villagers and patrols areas where it plans to construct new roads and improve pre-existing roads. These roads are then used to supply the SPDC camps, to provide a springboard from which they launch attacks against civilians, and to exert greater control over the movement of civilians.¹⁰ Controlling the roads, the military is effectively in control of villagers' access to food and other commodities. In some

cases roadblocks effectively bar all civilian travel and thereby obstruct access to medicine, food and other trade items.¹¹ The SPDC also increased efforts to block all movement of people and supplies between the plains and the mountains.¹² According to one villager from Toungoo District:

*"The current biggest problem is food, because the SPDC soldiers have closed the road and we are not allowed to buy food from the town or to go outside the village. If the situation remains the same we will have problems with food in the coming year."*¹³

Villagers in hiding faced increased difficulties as a result of the expanding network of roads and SPDC army camps throughout northern Karen State.¹⁴ Along the expanding network of roads, the SPDC has established satellite army camps, from which soldiers can easily locate civilians attempting to flee, attack their hiding sites and force them into military-controlled relocation sites along the roads.¹⁵ The relocation sites are fenced by fences that villagers themselves were forced to construct. Villagers need to purchase travel passes from SPDC or DKBA soldiers in order to travel outside the relocation sites.¹⁶

Papun District

The SPDC has aggressively pushed to extend and strengthen its rule over all areas of Papun District, using a combination of road and camp construction to sustain its military presence. Like in other areas of Karen State, local military authorities have in Papun District imposed comprehensive movement restrictions, including a shoot-on-sight policy.¹⁷

The movement of villagers was further threatened as the SPDC military continued road construction operations in northern Papun District. In April 2007 the military started clearing a new road in T'ler Ker in the area of Ta Kwee Jo, which is intended to connect the current Toungoo - Buh Hsa Kee road to the Kyauk Kyi-Ler Mu Plaw road.¹⁸ In the autumn of 2007, the SPDC completed the initial construction of a vehicle road west of the Yunzalin River linking the army camp at Pwa Ghaw, Lu Thaw Township, to smaller army camps in the mountains further north. Pwa Ghaw is also the planned location of a new large-scale relocation site. While this means the SPDC has completed the initial road construction up to the northern district border of Toungoo, it has yet to complete the stretch to Buh Hsa Kee, an SPDC camp in southern Toungoo which appears to be the intended end point of the road. If the road to Buh Hsa Kee is completed, it will effectively block off a large section of mountainous land spread across southern Toungoo, western Lu Thaw Township and northeast Nyaunglebin District. This road network will create a considerable barrier to IDPs attempting to flee from SPDC forces. In order to spot those attempting to cross, the SPDC has a policy of clearing large swaths of land on either side of roadways, and then deploying landmines alongside these roads. Thus, villagers who attempt to cross the roads are at risk of being killed or injured by exploding landmines or shot by SPDC soldiers.¹⁹

Toungoo District

In 2007, the SPDC continued attacking villages in Toungoo District, extending their military control further into the district.²⁰ Increased SPDC presence means constant demands for forced labour and resources from the local population. As SPDC does not have total control in this area, villagers have been able to escape into the forested mountains in order to avoid these demands. To prevent villagers from escaping, the SPDC has imposed rigid movement restrictions. Movement restrictions in Toungoo District included regular military checkpoints, prohibitions on road travel, restrictions on trade in staple goods and limited permission to work at agricultural fields.²¹ As well as increased control of villagers in SPDC-controlled areas, displaced communities in hiding risk potential arrest and execution by venturing out into the relatively open area of their hill side agricultural fields where they are more easily spotted by SPDC troops who regularly patrol the area.²² (For more information see Chapter 5: Forced Labour and Forced Conscription, Chapter 6: Deprivation of Livelihood, Chapter 15: Ethnic Minority Rights and Chapter 16: Internal Displacement and Forced Relocation).

The comprehensive movement restrictions in Toungoo District were both a threat to the food security and the physical security of local residents. Villagers were forced to violate the restrictions on movement in an attempt to tend to their fields and crops and secure food supplies. The combination of the SPDC's shoot-on-sight policy and its strategic placement of landmines, threatened the physical security of villagers who violated the movement restrictions. In August, a Karen Human Rights Group (KHRG) report documented 38 known murders of Karen villagers since the start of 2007, which were often a result of violations on the restriction of movement. Villagers live under the threat of being shot on sight if caught travelling outside military designated areas, be it to tend a nearby field or trade produce with neighbouring communities. Landmines have been planted by the SPDC on forest trails used by villagers and throughout farmers' fruit plantations.²³ (For more information see Chapter 3: Extra-judicial, Summary or Arbitrary Executions and Chapter 4: Landmines)

As a means of maintaining military control, the movement of villagers in SPDC-controlled areas of Toungoo District, in particular the Kler La area, was rigidly restricted and monitored. The strict movement policy was implemented by soldiers of the Southern Regional Command, who arbitrarily arrested and killed villagers found outside their home villages. In order to travel outside of their village to tend their nearby fields, villagers were required to purchase permission documents from local SDPC officials. Travel documents valid for one week cost 500 kyat. However, even holders of these documents were prohibited from staying in their fields overnight; farmers were only allowed to stay outside their villages from 7:00 am to 4:00 pm. Moreover, villagers caught travelling beyond their fields to visit neighbouring villages, have been interrogated, threatened and tortured regarding their movements and forced to serve as military porters for SPDC forces.²⁴

In a move to entrench further control on the whereabouts of villagers, SPDC forces based in Kaw Thay Der village began forcibly registering local residents at the beginning of March. The soldiers ordered each household to post their household register with names of all residents, on the front of their homes clearly visible to passing soldiers. In addition, MOC #5 ordered all car owners, as well as anyone wishing to travel by car in the Kler La area, to submit a photo and register their names with local SPDC officials. The MOC #5 prohibited anyone who was not a family member of the car owner from travelling in the vehicle, searching all cars at P'Leh Wa checkpoint, between Kler La and Toungoo town. Upon arrival at Toungoo town, all visitors were required to register with local SPDC authorities, who could then monitor them for the duration of their stay.²⁵

Furthermore, SPDC military forced prohibited overnight stays for non-residents. The forced household registration enabled the SPDC to effectively monitor and control visitors in the villages. In some cases of non-compliance with the visitor restrictions, SPDC threatened with arrest for the visitor and execution and house demolition for the host. On 11 February 2007, Commander Yeh Man Aung of LIB #346, Column #2, summoned the village leaders of Pa Gkaw Der to Moh Kaw Der village and told them:

*"We have to systematise our control. So the villagers are not allowed to invite other people into the village. If anyone invites a guest into the village and if we see them, the village head will be in trouble and furthermore the house owner will also be killed and their house burnt down."*²⁶

In a similar fashion, on 12 April 2007, soldiers from MOC #5, LIB #436 based at Kler La, summoned village heads from Pa Gkaw Der, Moh Koh Der, Der Doh, Pa Heh Der and Kler La to a meeting at Kler La town where the SPDC commander prohibited all villages from welcoming guests into their village. The commander then threatened that anyone seen outside of their village between 6:00 pm and 6:00 am would be shot on sight.²⁷ (For more information see Chapter 3: Extra-judicial, Summary or Arbitrary Executions)

In order to further restrict their movement SPDC forces ordered communities to fence in their villages. They threatened that village heads would be severely punished should the fence fall into disrepair. Since March 2007, MOC #5 Commander Kaung Mya has prohibited villagers in the Kler La area from travelling outside of their home villages.²⁸

Since August 2007, SPDC Military Operations Command (MOC) #5, based in Kler La and under the command of Kaung Mya, restricted all trade and transport of rice from Toungoo town to Kler La and Gkaw Thay Der. Up to that time, residents could travel by car to buy rice and other supplies at Toungoo town to be sold to rural communities. Kaung Mya's restrictions appeared to be an effort to further entrench SPDC's control and prevent non-military controlled rural communities in Toungoo from accessing such supplies. This has further pressured communities in hiding to tend small hill fields in order to address the increasing military-induced food insecurity. On top of the trade and transport restrictions on food supplies from Toungoo town, Kaung Mya ordered soldiers to search SPDC-controlled villages where he has barred residents from keeping more than 2 big tins (12.5 kg) of rice, as excess supplies could potentially be sold off to those communities living outside of SPDC-controlled areas. Any rice in excess of the permitted amount which soldiers discover is being confiscated and taken back to the SPDC army camp.²⁹ (For more information see Chapter 6: Deprivation of Livelihood)

Nyaunglebin District

Villagers in Nyaunglebin District also faced further difficulties as a result of the SPDC military's relocation policy. Residents of several villages close to Kyauk Kyi (Ler Doh) town in western Karen State have been forced to move multiple times, and once relocated, most have not been provided with sufficient resources to make a living. Villagers have complained that because their movement is so restricted, and because they are often not allowed to work in their farms or gardens, they are unable to grow enough food or make enough money to feed their families. Villagers stated: *"If there is no work, then there is no money. If there is no money, there is no food."*³⁰

Southern Karen State

For decades, the SPDC has justified travel restrictions in ethnic areas as part of their 'four cuts' strategy to limit villagers' support of, and communication with, armed resistance groups.³¹ In areas of Mon State and northern Karen State movement restrictions were inarguably linked to the ongoing SPDC offensives in these areas.

The continuing harassment of villagers in Thaton District has limited their movement, time and freedom to tend to their crops. To grow paddy and vegetables, villagers require access to open space outside of the village proper. They also need the freedom to travel to, and remain for long durations at their farms and plantations. When the monsoon begins around May-June, farmers begin the cultivation period which means they need to spend most of their time working in their fields. As the village is often a distance away, farmers live and sleep in farm field huts in order not to waste time travelling back and forth to their villages. Movement restrictions placed on villagers can have severe consequences for their harvest; daily losses of labour time and being unable to access their fields for drawn out periods can result in limited or wholly failed crops.³² Movement restrictions established across much of SPDC- and DKBA-controlled areas of Karen State, have resulted in farmers harvests yielding only a fraction of their potential.³³ (For more information see Chapter 6: Deprivation of Livelihood).

According to a detailed report published by KHRG in mid-2007, the DKBA forces operating in Thaton District imposed severe movement restrictions on villagers. In blatant disregard of the labour-intensive requirements of the cultivation cycle, the DKBA implemented strict control over all movement in and out of the villages, and a total ban on staying at farms over night. As one villager in Bilin Township stated:

*"When DKBA soldiers came to operate they did not allow villagers to go to their hill fields, so many of the villagers' fields were overgrown with shrubbery. So the paddies were ruined. This year many of the villagers' hill fields were ruined. The hill fields that should have yielded 100 baskets of rice yielded only 20 baskets of rice. And this year there were about ten hill fields, in Khaw Poh Bpleh village, that should have yielded 100 baskets but yielded only 20 baskets of rice from the harvest. This happened because of the DKBA."*³⁴

DKBA forces has purportedly enforced such measures as they believe it will help eradicate the KNU/KNLA presence in Thaton and prevent civilians from fleeing forced labour and other demands. The DKBA Brigade #333 soldiers applied a shoot-on-sight policy, threatening that anyone caught violating the movement regulations would be deemed KNLA informants and shot on sight. (For more information see Chapter 2: Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, and Chapter 3: Extra-judicial, Summary or Arbitrary Executions). As one villager in Bilin Township stated:

*"The owners of [farm field] huts were sleeping in the village because the DKBA did not allow them to sleep outside the villages in their huts. And they [DKBA] said that if they saw anybody sleeping outside the village they would shoot them all."*³⁵

Villagers carrying food and other essential commodities on the roads are subject to arbitrary and excessive taxation at checkpoints run by SPDC and DKBA troops. Civilians are subject to these checkpoints every couple of kilometres, where they are checked for movement passes, expected to pay bribes, and sometimes detained for *ad hoc* forced labour.³⁶ As one villager from Thaton District stated:

*"Along the way [to Yoh Klah village], there are some toll gates that we must pass through. They are at Hta Bpaw, Bp'Nweh Klah, Lay Gkay and Yoh Klah. They [the SPDC soldiers] don't collect the taxes from the passengers, they collect them from the truck drivers. If any of the passengers don't have travel passes, they will be in trouble. To get a travel pass we must pay 200 kyat. We don't have freedom to do our work and we must travel in fear of them [the soldiers]."*³⁷

Mon State

In 2007, SPDC forces continued fighting an armed Mon splinter group in southern Mon State. Since 2005 the SPDC has imposed movement restrictions on villagers in areas where ethnic rebel soldiers are active, and the fighting takes place. The SPDC annually launches operations against Mon rebel groups during the monsoons, and imposes restrictions on villagers, barring them from going to work outside the village.³⁸ The southern part of Ye Township has been particularly affected by the fighting, and the subsequent movement restrictions. Residents of Kaw-Zar, Han-gan and Toe-tat-ywa-thit villages have faced increased restrictions after fighting started in late 2006.³⁹ Some villages were also forced to relocate as a result of SPDC military expanding its activities in the area. In late June and early July hundreds of villagers were forced to relocate after Military Operation Management Command (MOMC) #19 set up a base in Ye Township.⁴⁰ Most villagers depend on their farms, rubber plantations, betel nut plantations and fruit plantations, for their livelihoods. Movement restrictions and forced relocation limit their ability to work on their farms and plantations, which directly affects their livelihoods.⁴¹ (For more information see Chapter 15: Ethnic Minority Rights, and Chapter 16: Internal Displacement and Forced Relocation).

As part of the movement regulations, local authorities and army commanders forced villagers to pay tax whenever they wanted to leave the village. Local farmers had to obtain permission from the SPDC authorities to be able to go to their plantations.⁴² In order to leave the village, they were required to apply for travel documents, which cost 500 kyat and were only valid for 15 days. The villagers had to show this document to the army at the village entrance checkpoint, as well as to SPDC soldiers patrolling near their farms. This affected the farmers' livelihoods adversely, as many could not afford the travel document. Villagers who attempted to cross the checkpoint without the document risked being beaten and fined by soldiers. According to a 50 year old woman from Toe-tat-ywa-thit village:

*"When we went to the farm we should take travelling document with us to pass the village checkpoint, otherwise the soldiers will beat the villagers and let the villagers to pay one bag of sand as a punishment."*⁴³ Moreover, a villager from Kaw-Zar stated: *"If we do not have any document to pass the village checkpoint set SPDC soldiers, they will beat you and punish to give 1 pitta (633 kgs) of chicken to the commander."*⁴⁴

In yet another bid to control the movement of villagers and extract their money, the Three Pagoda Pass (TPP) based battalion #18 in March 2007 set up a new SPDC army checkpoint on the road to TPP town. The battalion set up the checkpoint at the entry of Tom-dot-poit (Kwan Gyi Pyai) village on 23 March, purportedly to stop people

migrating to Thailand and to control the drug trade in the town. Villagers reported being made to pay tax for anything they carried through the gate, whether it is consumer goods coming from the town, vegetables to be sold in the town or paddy being transported to rice processors. The villagers reported being taxed 5 to 20 baht for every pack, and 100 baht for every vehicle with grocery to be sold in the village. In addition to extorting tax, the soldiers reportedly ask for vegetables for their own consumption. As a result of the time-consuming checkpoint procedures, villagers reported arriving late to the town market. Moreover, even though one of the reasons for the check point was ostensibly to stop Burmese from going to Thailand, the soldiers demand 100 baht per person from the human traffickers.⁴⁵

Villagers in the southern Ye Township area were regularly ordered to live under curfew, which restricted them from properly tending to their farms and plantations.⁴⁶ The curfews restricted villagers to go to their farms or plantations from 4 or 6 o'clock in the morning until 6 in the evening. Before the curfew, farmers typically stayed at their farms for many days at a time in order to carry out their work such as planting seedling and harvesting paddy grains or fruits. However, as the curfew prevents them from staying at their farms at night, they cannot carry out their work efficiently as they have to waste a lot of time walking back and forth between villages and farms on a daily basis.⁴⁷ Moreover, SPDC forces accuse Mon villagers of supporting armed rebel groups with food and shelter. Thus, even when SPDC soldiers allow villagers to go to their farms, they are not allowed to take extra rice, as the SPDC fear they will give it to the rebels.⁴⁸

When local SPDC battalions suspect Mon armed rebels are resuming activities in an area, or they plan to fight them, they forbid villagers from going to their farms and plantations altogether. For example, near Armed Forces Day in March, SPDC did not allow residents of Kaw-Zar, Han-gan and Toe-tat-ywa-thit villages in Southern Ye to work on their farms, as they were planning to fight Mon rebels in the area. During the travel ban, women who worked in farms or plantations were particularly vulnerable as they risked sexual harassment and rape by soldiers.⁴⁹ According to a 50 year old woman from Toe-tat-ywa-thit village:

"On March 20th 2007, LIB #591 Kyone-ywa battalion didn't let us go to the farms. Because they said it is close to Armed Force Day (Tatmadaw Day) and they thought other armed groups will fight them. Normally they allowed us to go from 4:00 am to 6:00 pm in the evening. Except this time the battalion didn't allowed us to go out from the village. At the moment, the SPDC soldiers didn't allow the villagers to go out from the village."⁵⁰

From June to July 2007, hundreds of villagers were forced to relocate after Military Operation Management Command (MOMC) #19 set up a base in Ye Township. During the first week of July 2007, about 500 villagers from Bayoun-Ngae village were forcibly relocated by LIB #591, accused of supporting Mon insurgents. According to Nai Gai Khae, a 55 year old Mon villager who was ordered to relocate to Khaw-Zar Sub Township:

"We were ordered to move quickly. We begged the battalions not to move us from here. We have our gardens, farms and crops here. The main reason we were forced to move to Khaw Zar Sub Town was that we had been blamed of being rebel supporters. Some of our friends were even beaten by the Burmese soldiers during interrogation."

Forced relocation is the most severe form of movement restriction as people are forced to leave their homes and farms altogether, and usually get no compensation or assistance from the authorities.⁵¹ (For more information, see Chapter 16: Internal Displacement and Forced Relocation)

Residents of Moulmein and surrounding villages faced increased travel restrictions following two bomb explosions in February. The first bomb went off in downtown Moulmein on 16 February and the second on 20 February in Zay-Joe quarter, highway express car gate. The new travel restrictions required people to inform the Immigration Office and pay Immigration officers whenever they needed to travel from one town to another. According to a member of the New Mon State Party (NMSP), over 100 people had been arrested and jailed for not informing the Immigration office when they arrived in Moulmein. Local trades were worst affected, as they pay more in taxes at the gates for travelling from one town to another. Everyone was being checked at the police gate, however by mid-March no one had yet been arrested over the bombings. In Moulmein town, movement became particularly restricted at night time, and in crowded areas such as markets. According to a Moulmein shop owner this had serious impact on local business: *"There was no problem before the bomb blasts. We could sell till late in the evening. Now we have to wind before 5:00 pm."* Moreover, to avoid crowds, authorities banned outside gatherings.⁵²

Restrictions on Movement of Villagers - Partial list of incidents for 2007

Arakan State

On 29 October 2007, TOC in Buthidaung ordered the administration in Maungdaw, particularly the NaSaKa, to check family lists, tighten security on the border and watch the movement of monks. The NaSaKa were told to check anyone leaving their village or entering with or without permission. TOC also told the administration to check villages two or three times a month, stating that anyone who stays without permission or overstays with permission would be punished. The Village Peace and Development Council (VPDC) was ordered not to permit anyone to stay in the villages for more than three days. According to a villager, anyone who stayed outside their village for more than three days would be fined by the authorities.⁵³ (For more incidents, please see Section 10.3: Restrictions on Movement of Rohingya).

Chin State

On 9 January 2007, it was reported that residents of every village in Tedim Township were in November 2006 told by the TPDC to cultivate *Jatropha* plant before the end of December 2006. Villagers were threatened with being expelled from the village if they failed to comply with the order.⁵⁴

On 15 June 2007, it was reported that villagers in Meihwa, Paletwa Township, on the Indo-Burma border, were being subject to travel restrictions. According to new regulations, the villagers were not allowed to travel outside the village without the permission of the IB #34 based at Meihwa SPDC military camp. According to a villager,

"We have to reveal all the details about where we are going, the number of days and the purpose of our travel to the army, if we plan to go out of our village. We have no idea why we need to take permission. We feel that the army is afraid that we may lend support and contact underground outfits."

Moreover, all traders arriving in the village were required to report to the SPDC army camp, where they were asked whether they had any contact with underground groups.⁵⁵

Karen State

Dooplaya District

On 12 March 2007, it was reported that SPDC forces were attacking villages near the Thai border. More than 200 villagers fled from Wa Kwe Klo village on 8 March during a joint attack by the SPDC and its proxy army, the DKBA. Another 400 villagers fled from K'law Gaw village when SPDC and DKBA troops attacked KNLA bases close to the Thai Border. The attacking forces occupied the area for several days, blocking the border to prevent displaced villagers from fleeing to Thailand.⁵⁶

Nyaunglebin District

On 7 January 2007, it was reported that villagers from Kho Pu, in Hsaw Mi Lu village tract (Kyauk Kyi Township), who had already been forced to relocate to Aung Soe Moe, were forced to destroy all of their homes and relocate to Kyauk Kyi (Ler Doh) Township. The order was given by IB #60, led by Saw Lin; LIB #351, led by Chittha Oo; and SOC #2, led by Khin Maung Oo.⁵⁷

In early March 2007, it was reported that Battalion Commander Than Hteik demanded villagers in Ler Doh (Kyaukkyi) Township, to pay 2,000 kyat for a 10 day travelling pass.⁵⁸

On 21 May 2007, it was reported that the SPDC had increased restrictions on the movement of residents from 8 villages. The villagers were only allowed to go to their farms and orchards two times a week, making it impossible to sufficiently care for their crops. Villagers reported the loss of large amounts of plants such as durian, betel nut and cardamom. Villages that have reported this restriction are:

1. Maw Ke'tha per ko;
2. Yu lo;
3. Kamulo;
4. Ker Poh Der;
5. Saw Tay Der;
6. Kyauk Pyat;
7. Thay Baw Der; and
8. Yaw Kee.⁵⁹

On 1 August 2007, the commander of LIB #351 ordered residents of Kyauk Pyat village to relocate, threatening with fines of 340,000 kyat as well as 8 tins of rice per house if they did not relocate. On 9 August, the villagers had not yet moved.⁶⁰

On 22 August 2007, it was reported that residents of a number of villages in the Karen foothills close to Kyauk Kyi (Ler Doh) town in western Karen State were struggling as a result of the SPDC's relocation policy. Villagers in these areas have been forced to move multiple times, and once relocated, most have not been provided with sufficient resources to make a living. In early July, villagers from at least seven villages close to Kyauk Kyi were allowed to return to their old villages, after being forced to relocate earlier in 2007. However, to be able to return, each family had to agree to pay 7,000 kyat per month to the SPDC commander. On 8 August, these villages were again forced to return to the relocation site. As a result of restrictions on their freedom of movement, the villagers were unable to grow enough food or make enough money to feed their families.⁶¹

Papun District

On 15 March 2007, IB #379 and #380 attacked the Saw Ka Der area of southern Mon Township, and more than 600 villagers fled their homes and went into hiding in the jungle. As of 24 March the IDPs had not yet returned to their villages.⁶²

On 20 March 2007, MOC #1 attacked the area of Tha Da Der and Hta Kaw To Baw villages, in northern Papun District. More than 400 villagers fled the attack and went into hiding. As of 24 March the IDPs had not yet returned to their villages.⁶³

In April 2007, it was reported that more than one thousand villagers from Northern Papun District were forced to flee after four villages were attacked and burnt down by SPDC forces.⁶⁴

On 22 April 2007, LIB #505 burned down Tee Bwey Kee village, forcing the entire village to flee. Unable to escape with the rest of the villagers, Saw Aung Tha (61) was killed by SPDC troops. Troops then continued to other nearby villages, burning down Tee See Kee, Taw Ku Mu Der, and Boe Na Der. LIB #505 is under the command of Major Aung Myo. Two other SPDC battalions were involved in the attack but were not yet known at the time of writing this report.⁶⁵

On 29 October 2007, SPDC troops from Division #88 and MOC #1 attacked Ler Mu Plaw and Yeh Mu Plaw areas, forcing villagers to flee their homes and disrupting the villagers' harvest.⁶⁶

Toungoo District

On 11 February 2007, Commander Yeh Man Aung of LIB #346, Column #2, summoned the village leaders of Pa Gkaw Der to Moh Kaw Der village and told them:

*"We have to systematise our control. So the villagers are not allowed to invite other people into the village. If anyone invites a guest into the village and if we see them, the village head will be in trouble and furthermore the house owner will also be killed and their house burnt down."*⁶⁷

On 19 February 2007, SPDC troops of the MOC #5 headquarter in K'ler-la and MOC #9 headquarter ordered K'ler-la and P'lay-hsa-lo villagers not to go and work outside the village.⁶⁸

On 17 March 2007, LIB #590 Commander Aung Tun Oo ordered residents of 7 villages to stay in their villages and not go to work in their fields. The SPDC subsequently placed landmines along the eastern edges of these villages to block villagers from travelling to the hills. The affected villages were:

1. Tai Pin;
2. Myet Ye;
3. Po Thaung Su;
4. Nye Loud The;
5. U Chit Kin;
6. Thit Chat Zeik; and
7. Kyaung Bya.⁶⁹

On 21 March 2007, it was reported that MOC Operations Commander Win Myint had given a list of new orders for residents of Bawgali Gyi (Kler La) village. The orders severely restricted villagers' freedom of movement: villagers were not permitted to leave their village between 6:00 pm and 6:00 am; villagers who wished to go to their gardens or fields had to ask for a permit; any villager found in the village who was not on the village list would be punished. The villagers were threatened that non-compliance with these orders would result in punishment.⁷⁰

On 12 April 2007, soldiers from MOC #5, LIB #436 based at Kler La summoned village heads from 5 villages to a meeting at Kler La town where the SPDC commander prohibited all villages from welcoming guests. The commander also stated that villagers may not leave their villages to work until 6:00 am and must arrive back at their own village by 6:00 pm. He threatened that anyone seen outside of their village between 6:00 pm and 6:00 am would be shot on sight. The village heads were from the following villages:

1. Pa Gkaw Der;
2. Moh Koh Der;
3. Der Doh;
4. Pa Heh Der; and
5. Kler La.⁷¹

On 29 April 2007, the Commander of SPDC MOC #5 banned Baw-ga-li-gyi (Kler La) villagers from leaving their village between 6:00pm and 6:00am, and from wearing traditional Karen dress and bags.⁷²

On 12 May 2007, Commander Thaung Htaik Soe of LIB #542, MOC #5 and Battalion Commander Hla Htay of LIB #544 along with over 400 soldiers arrived at the area of Klay Wah in Than Daung Township. Upon seeing villagers tending their rice fields, the troops arrested two residents of Maw Ku Daw village and six others from Bper Kha Lay Koh village, accusing them of violating movement restrictions.⁷³

On 4 December 2007, it was reported that SPDC forces had increased movement restrictions in Toungoo District, backed up by a shoot on sight policy, meaning villagers risked execution if they were found working on farms and plantations outside of the village.⁷⁴

Karenni State

On 15 November 2007, it was reported that SPDC forces had imposed a curfew on villagers in the Pasaung and Bawlake areas in Southwestern Karenni State. SPDC army units, such as IB #134 and #135, and LIB #530, were providing security for the construction of the Mawchi—Pasaung Road and the Mawchi goldmines, as well as patrolling north from Pasaung and Bawlake in Karenni State. The curfew was part of the increased security measures, and restricted villagers from being outdoors at night or staying overnight at their farms and plantations.⁷⁵

Kachin State

On 1 March 2007, Daw Nu Nu Way, the wife of the village chairman of Pa La Na village, died after the SPDC military blocked her from receiving emergency hospitalization. Nu Nu Way (37) died from bleedings after giving birth to a baby without placenta at her house in Pa La Na village, seven miles north of Myitkyina Township. Family members and village health workers were carrying Nu Nu Way to Myitkyina Hospital when they were stopped at the village-based Burmese military gate of IB #29 for security reasons and held for about two hours. Nu Nu Way died upon arrival at the hospital.⁷⁶

On 10 May 2007, Commander Major General Ohn Myint of the SPDC military's Northern Command, ordered military curfew in Myitkyina Township and surrounding villages. All residents were banned from leaving their homes after 11:00 pm, and shops were also to close at this time. During the curfew, civilians were ordered to report their home-made guns as well as lists of new guests, to SPDC authorities. Civilians who failed to follow the curfew would be punished with prison. The military curfew was released three days after the Kachin Anti-Dam Committee (KADC) was formed on 7 May 2007 by Kachin organizations on the China-Burma border.⁷⁷

On 30 May 2007, it was reported that military curfews had been imposed in two more townships in Kachin State; the Bhamo and Man Si townships. The curfew was imposed the day after Commander Major General Ohn Myint and other officials visited Bhamo Township. Under the curfew, villagers were prohibited from being outside after 11:00 pm. Civilians were also prohibited from carrying knives when going out into the teak forests in the two townships. Those who committed such acts would be punished by a 3 year prison sentence.⁷⁸

In November 2007, the SPDC disabled two key bridges in N'mai Hka River in Kachin State, after Kachin Independence Organisation (KIO), the main ceasefire group, refused to issue a statement opposing Daw Aung San Suu Kyi's November 8 statement. The two metal-string bridges - 59-Mile Jubilee (Jubili) and Chipwe (Chahpwi) on Waingmaw-Pang Wah - were partly dismantled by SPDC troops on the orders of Commander Maj-Gen Ohn Myint. The bridges connect gold mining areas and logging fields under the KIO's 1st Brigade on the western side of N'mai Hka River and the SPDC and the New Democratic Army-Kachin (NDA-K) controlled areas on the eastern side of the river. Merchants and truck owners were also denied permission to cross the bridge. The bridges were recovered on 14 December.⁷⁹

On 20 November 2007, the SPDC imposed a ban on the movement of pedestrian and vehicular traffic along the Myitkyina-Bamaw highway to Laiza. The ban on movement was imposed by the IB #312, based in Laja Yang village, about three miles from Kachin Independence Army (KIA) headquarters in Laiza.⁸⁰

Mon State

On 7 March 2007, it was reported that increased travel restrictions were imposed on residents of Moulmein and nearby towns following two bomb explosions. The new travel restrictions required people to inform the Immigration Office and pay Immigration officers whenever they needed to travel from one town to another. According to a member of the New Mon State Party (NMSP), over 100 people had been arrested and jailed for not informing the Immigration office when they arrived in Moulmein. Local trades were worst hit by the restrictions, as they pay more in taxes at the gates for travelling from one town to another. All travellers were reportedly stopped and checked at the police gate. In Moulmein, movement was particularly restricted at night time, which had serious impact on local business.⁸¹

On 20 March 2007, the LIB #591 Kyone-ywa battalion banned villagers from Toe-tat-ywa-thit village, southern part of Ye, from going to their farms. The SPDC troops were reportedly concerned that armed rebel groups would fight them, as it was close to Armed Forces Day.⁸²

On 25-26 March 2007, LIB #299 prohibited villagers from Han-gan village, southern part Ye, from going to work on their farms. This was reportedly because the troops were concerned about ethnic armed rebels on occasion of Armed Forces Day. According to villagers, women who worked on farms or plantations faced sexual harassment by soldiers during the

movement restriction: *"When the soldiers moved around in one area, if they [found] women or girls working, they raped them."*⁸³

On 23 March 2007, LIB #31 Commander Ye Lwin Oo ordered villagers from Kaw-zar Sub-Town, southern part of Ye, not to go to their farms and rubber plantations. SPDC troops planning to fight Mon rebels in the area, reportedly banned villagers from access to the area, as they feared they would give the Mon rebels food and other support.⁸⁴

During the first week of July 2007, hundreds of villagers were forced to relocate after Military Operation Management Command (MOMC) #19 set up a base in Ye Township. Around 500 villagers from Bayoun-Ngae village were forcibly relocated by LIB #591, who accused them of supporting Mon rebels. Almost all families from Bayoun-Ngae went to Han-gan village, but local military authorities made no efforts to help the villagers resettle.⁸⁵

On 2 July 2007, SPDC forces ordered over 300 villagers, comprising 100 households, to relocate from Bayoun-ngae village. The relocation order came after Burmese troops from LIB #583 fought Mon rebels outside the village. Moreover, on the suspicion of supporting the Mon rebels, more than 60 villagers were beaten by SPDC forces. The villagers abandoned their farms and plantations and went to Han-gan village, however military authorities made no effort to resettle them. Furthermore, the military imposed a curfew and told villagers to inform the SPDC soldiers about the movement of Mon rebels.⁸⁶

On 9 July 2007, LIB #583 imposed a travel ban in Bayoun-ngae village, Khaw-zar Sub Township, following the relocation of its residents. Following the travel ban, the battalion was replaced by LIB #343, based in Aru-taung village. The villagers were prohibited from going to the plantations during the travel ban. Moreover, the travel ban required villagers, including those living on plantations, to inform the battalion immediately if they had information about Mon rebels. The villagers were threatened with punishment and expulsion from the township, if failing to provide the information. The travel ban was imposed not only in Khaw-zar Sub Township, but also in Han-gan and Ka-lort villages in Ye Township.⁸⁷

On 7 August 2007, it was reported that villagers in Khaw-zar Sub Township in Ye, Mon State and north of Yebyu Township, Tenasserim Division, were barred by authorities from leaving their villages to work in the plantations and farms. This was a result of the SPDC army's offensive against Mon rebel groups in southern Mon State and northern Tenasserim Division. The SPDC confined people to their villages in order to prevent them from contacting Mon rebels.⁸⁸

Shan State

Since late November 2006 to April 2007, persons in Kaeng-Tung Township who applied for travel permits, guarantee and supporting papers were required by the authorities to provide a 500-sheet packet of good quality Thailand-made paper, worth 4500 kyat, in exchange for each item.⁸⁹

On 17 August 2007, it was reported that authorities in Muse District, Eastern Shan State, had ordered the destruction of huts in the paddy fields, in order to prevent people from staying in the fields. Authorities also ordered villagers to report about guests staying overnight and to immediately inform authorities in case of spotting any suspicious persons. Villagers were threatened with severe punishment if they failed to follow these orders.⁹⁰

Tenasserim Division

On 1 January 2007, village heads of Hin-teing, in subdivision of Myin-ta Township, commanded the villagers not to leave the village. The villagers were warned that if they were away from the village for more than three months they would no longer be recognized as villagers. They were only allowed to leave the village for a day upon payment of 500 kyat for a pass.⁹¹

10.3 Restrictions on the Movement of the Rohingya

*"The Rohingyas are being forced to live as if in a concentration camp ... The SPDC's philosophy is to make life so difficult for the Rohingyas that they will flee to Bangladesh."*⁹²

- Nurul Islam, president of the Arakan Rohingya National Organisation (ARNO)

The Rohingya ethnic minority continued to face particularly severe restrictions on their movements in 2007. The Rohingyas are a Muslim minority group, mainly residing in northern Arakan State, who for decades have suffered discrimination and persecution by the Burmese military junta. (For more information see Chapter 8: Freedom of Belief and Religion, and Chapter 15: Ethnic Minority Rights). According to UNHCR, although Muslims make up 76 percent of the population of northern Arakan state, the government does not consider them as "citizens," preferring to call them merely "residents of Arakan State," because it does not want to imply they have the right to live anywhere in the country.⁹³ SPDC's denial of citizenship to the Rohingya is at the root of an array of discriminatory practices and harassment towards the minority group. Without citizenship they cannot obtain national identity cards, and without identity cards they are not able to travel freely within the country. Thus, the freedom of movement is a fundamental right which is systematically denied the Rohingya.

In April 2007 six UN Special Rapporteurs issued a joint press statement addressing discrimination against the Rohingya.⁹⁴ The statement said that under the 1982 Citizenship Law, the members of the Muslim minority in North Arakan State, generally known as the Rohingyas, have been denied Burmese (Myanmar) citizenship, which has seriously curtailed the full exercise of their civil, political, economic, social and cultural rights and led to various discriminatory practices. This includes severe restrictions on freedom of movement; various forms of extortion and arbitrary taxation; land confiscation and forced evictions; restricted access to medical care, food and adequate housing; forced labour; and restrictions on marriages. As a consequence, thousands have fled to neighbouring countries, in turn creating a complex humanitarian situation in the region.⁹⁵

In 2007 Rohingya Muslims continued to be denied citizenship and national identity cards. Neither were they issued Foreigner Registration Cards, despite effectively being treated as illegal foreigners. The authorities have instead issued "Temporary Registration Cards" (TRCs), to some Rohingyas. However, there were several obstacles to obtaining these cards. For example SPDC authorities have insisted that Muslim men applying for TRCs submit photos without beards.⁹⁶ Also the cards have been costly and difficult to obtain; in Buthidaung, a Rohingya had to pay at least 7,000-10,000 kyat for a card, whilst Rohingyas in Maungdaw had to pay 25,000 to 40,000 kyat. Observing the discrimination and difficulties faced by Rohingyas in obtaining the cards, the UNHCR and UNOPS negotiated with the Burmese authorities to accept some help from them on proceeding with TRCs to the Rohingyas. The two UN organisations would bear all expenses in giving TRCs free of charge to Rohingyas in Arakan State.⁹⁷

In March 2007 the UNHCR started cooperating with the SPDC authorities on issuing the first TRCs to the Rohingya minority in Burma's northern Arakan State. According to Jean-Francois Durieux, the UNHCR's representative in Rangoon, more than 30,000 people registered for a TRC between March and June. Among Arakan's estimated 800,000 Rohingyas, about 200,000 persons in the area were estimated to need identity cards.⁹⁸ However, it remained unclear what actual rights were given to the holders of these cards. The UNHCR recognised that despite being issued resident cards, the question of the legal status of Rohingyas is still unclear: *"They are not citizens by law. We do not say this document exists in law. Under international law, it is a temporary document, proving*

residence not citizenship." Nevertheless, the refugee agency considered the issuance of TRCs to be an important first step towards a clear legal identity and eventually acquiring full citizenship. The UNHCR recognised the biggest challenge ahead was to discuss with the authorities rights relating to the TRCs and in the long term citizenship status for the Rohingyas.⁹⁹

On the pretext of keeping a check on the Rohingya population, the NaSaKa, Burma's border security force, reportedly takes photographs of all Rohingya families at least once each year. However, they keep the photos and never make them public. In February 2007 it was reported that families in northern Arakan were being photographed by NaSaKa, who demanded 1,500 kyat from each family to take the photographs. Moreover, villagers have to provide food and other essential commodities for officers who come to take the photographs. The NaSaKa accompanied by Immigration officials reportedly check group photographs of Rohingya families by going from door to door and deleting from the list the names of whoever is absent. As a result the absentee becomes a permanent foreigner, and has to pay a large bribe in order to be put back on the list. Villagers also reported having to pay 500 kyat for each new born to be included in the family list, as well as to delete names of each of those who have died. This is yet another way for the authorities to harass Rohingya people and earn money illegally.¹⁰⁰

According to Nurul Islam, president of the Arakan Rohingya National Organisation, not only are the current travel restrictions "more oppressive" than before, they are also "far worse" than what the SPDC has imposed across other parts of Burma: "Now you cannot move from one village to another, even a five-mile distance, without getting a pass. Rohingyas even need passes to go on day trips to health clinics."¹⁰¹

The strict travel restrictions applied not only to Rohingya but also non-Rohingya Muslims. The authorities generally did not grant permission to Rohingya or Muslim Arakanese to travel from their hometowns for any purpose; although some obtained permission through bribery. Even when travelling locally within Arakan State, Muslims had to go through endless paperwork and perpetual inspections. Non-Arakanese Muslims were given more freedom to travel, but they were also required to seek permission, which was usually dependent on a bribe. Most attribute these restrictions to the government's belief that Rakhine is plagued by illegal immigrants from India and Bangladesh who do not deserve citizenship or the right to travel. Muslims residing in Rangoon could visit beach resort areas in Thandwe, Rakhine State, but could not return to Rangoon without the signature of the Regional Military Commander, unless they were able to bribe local officials to return. If they visited other parts of Arakan State than the beach resorts, Muslims residing outside of Arakan State were often barred from return travel to their homes.¹⁰²

As a result of the travel restrictions they face, an increasing number of Muslim youth in Arakan State go to Bangladesh looking for work and a better life. Buddhist youth in Arakan State are able to travel anywhere, so they often leave for Burma proper first and later move on to Thailand and Malaysia. Many youths in Arakan have been leaving for neighbouring countries, as there are few job opportunities for youth in Arakan besides joining the army.¹⁰³

During the Eid-ul-Azha religious festival held in December, some Rohingyas from Arakan State and other Burmese Muslims obtained permission to travel to Mekka to perform Hajj (pilgrimage). However, the junta gave travel permission only to a small number of Muslims. In 2007 Burma's Minister for Religious Affairs Brigadier General Thura Myint Maung allowed 325 Hajji (pilgrims) across the country to perform Hajj. According to government mouthpiece, the *New Light of Myanmar*, he asked the pilgrims to refrain from political activities while in Mekka.¹⁰⁴

Due to the repressive policies and poor economic management of the SPDC the majority of Rohingyas live in poverty. Movement restrictions have a direct impact on the Rohingya's ability to obtain basic commodities such as food and firewood. In February 2007 it was reported that the Burmese Army had increased harassment of firewood collectors who go to the hill to collect firewood.¹⁰⁵ In January, a group of Rohingya were arrested and beaten by SPDC soldiers when they went to collect firewood without having obtained permission from the military. They were released after they paid the soldiers bribes of 1,500 kyat. The army threatened the villagers in Dabru Chaung that anyone found in the hills or on the way home after collecting firewood, will be *"punished severely"*. A firewood collector said, *"We are poor people. If we have to pay 500 to 1,000 kyat to the army for collecting firewood how will we maintain our families. Every thing is very expensive."*¹⁰⁶

Moreover, Burmese military forcibly collected taxes on the use of rickshaws transporting firewood, kitchen ware and passengers in Sarki Para of Sittwe, Arakan State, Burma. As the gate manned by the military is located at the villages' entry and exit points, villagers have no option but to cross the gate if they need to go to markets, farms, paddy fields, the river and the sea front. Rickshaws and bull-carts, which are the main means of transport for villagers, have been forced to pay taxes to the military since 2006. Each rickshaw or bull-cart had to pay the military at least 100 kyat during the day and 150 kyat at night.¹⁰⁷

The Rohingya are also frequently subject to other types of random taxation and fines. For example, in January 2007 a man was fined 50,000 kyat by NaSaKa because he took his mother for treatment to Bangladesh.¹⁰⁸ As stated by a Rohingya, Ziaur Rahaman (25), from Zadi Parang village of Sittwe: *"Strangely the army collects tax from only Rohingyas exempting other communities such as Rakhines [Arakanese]."*¹⁰⁹

Moreover, authorities have limited the Rohingya community from accessing assistance obtainable from international aid organisations. According to coordinator of the Arakan Project, Chris Lewa, poverty-stricken villagers have been forced by local authorities to pay for travel passes to collect food aid distributed by the World Food Programme (WFP).¹¹⁰

Restrictions on Assembly

The Rohingya's are also particularly restricted in their freedom of assembly, often experiencing limitations on and harassment during religious celebrations. For example, when Rohingyas in Arakan State celebrated Eid-ul-Azha in December 2007, the authorities in some parts of Maungdaw Township first prohibited them from sacrificing animals, a traditional ritual carried out during the Muslim festival. However, later the authorities gave permission, demanding money and meat of the sacrificed animals in return. In Bawli Bazaar, NaSaKa officers collected 1,500 to 2,000 kyat per head while it took 2,000 kyat in Maungdaw's southern side. In NaSaKa area No. 3, the authorities took three kilograms of meat per head from sacrificed animals.¹¹¹

Restrictions on the Movement of the Rohingya - Partial list of incidents for 2007

On 11 January 2007, Mohamed Fayas, a Rohingya man was fined 50,000 kyat by NaSaKa after he took his mother to Bangladesh for treatment of a *"peptic ulcer"*. Arakan State had no facilities for the treatment. They crossed the Burma-Bangladesh border on 5 January after acquiring passports from the concerned authorities in Maungdaw town. Upon return home on 10 January, the Chairman of the village wrongly informed the NaSaKa that the mother and son had gone to Bangladesh without permission. The next day, Mohamed Fayas was arrested by NaSaKa and later taken to the NaSaKa camp in Buthidaung town and detained for a day. NaSaKa did not accept their passports, reportedly stating, *"We need money, we don't understand passports."* Fayas was released on 11 January after paying a bribe of 50,000 kyat to the NaSaKa.¹¹²

As of 15 January 2007, families in northern Arakan State were reportedly being photographed by NaSaKa, and made to pay for it. The NaSaKa had been collecting 1,500 kyat per family to take the photographs. In addition to being forced to pay for the photographs, villagers had to provide food and other essential commodities for the NaSaKa officers. Villagers were also forced to pay 500 kyat for each new born to be included in the family list and to delete names of family members who had passed away.¹¹³

On 21 January 2007, NaSaKa authorities resettled about 55 Buddhist families on land belonging to 3 Rohingyas of Longa Daung village in Buthidaung Township, Arakan State. NaSaKa authorities confiscated about 37 acres of arable farmland from the three Rohingyas, who were:

1. Abu Ahamed, son of Noor Hussain;
2. Ahamed, son of Sayed Noor; and
3. Mostafa, son of Khasim Ali.¹¹⁴

On 25 January 2007, it was reported that SPDC authorities ordered Muslim residents in the Dagon Myothit South Township, Rangoon Division, to sign statements agreeing not to hold public gatherings or preach in homes. The statement said that discussions on Islam could *"harm the stability of the township"*.¹¹⁵

On 25 January 2007, a group of Rohingya were arrested and beaten by SPDC soldiers when they went to collect firewood without having obtained permission from the military. They were released after they paid the soldiers bribes of 1,500 kyat. The harassed firewood collectors were Abul Kasim (35), son of Rusan Ali, and Kamal Hossain (25), son of Hossain Ahammed, both from Dabru Chaung village in Buthidaung Township, Arakan State. The army threatened the villagers in Dabru Chaung that anyone found in the hills or on the way home after collecting firewood, would be *"punished severely"*.¹¹⁶

On 29 January 2007, it was reported that SPDC forces had forced several Muslim households in the village of Taungbro in Maungdaw Township, Arakan State, to relocate to make way for the construction of new houses for model villagers from Burma proper. NaSaKa authorities demolished 22 houses in the Muslim village and constructed 120 new houses for the model villagers. No compensation was paid to the owners of the houses. As a result, several of the families fled to Bangladesh for refuge.¹¹⁷

On 1 February 2007, SaYaPa forces accompanied by police destroyed about 30 houses belonging to Rohingya villagers of Ward No. 3 and 4 in Taungbru Left in Maungdaw Township in Arakan State in order to build a model village for settlers from central Burma.

On 7 March 2007, a Rohingya man was falsely detained accused of crossing the Burma-Bangladesh border. The detainee was Mohammed Islam (30), son of Nurul Alam, from Seail Khli village tract, Rathedaung Township in Arakan State, Burma. On 27 February 2007, Mohammed Islam obtained permission from the authorities to visit his sick aunt in Pong Zar (Ashikkah Para) in Maungdaw Township for one week. He stayed at his aunt's in Maungdaw for a week, and returned to his village on 7 March where he was summoned to NaSaKa camp #25, and asked why he was late by a day. The NaSaKa did not accept his explanation about his aunt being ill. He was physically tortured in detention and also kept standing in the water through the whole night. Mohammed Islam was released on 8 March after paying the NaSaKa a bribe of 50,000 kyat.¹¹⁸

On 8 March 2007, Immigration officials ordered 20 Muslims from Thandwe Township in Arakan State to pay bribes of up to 20,000 kyat for permission to travel to Rangoon for medical treatment.¹¹⁹

On 26 March 2007 it was reported that the Burmese military's infantry battalion #20 was forcibly collecting taxes on the use of rickshaws transporting firewood, kitchen ware and passengers in Sarki Para of Sittwe, Arakan State. The gate manned by the military is located at the entry and exit points of the village, hence villagers need to cross the gate if they wish to go to markets, farms, paddy fields, the river and the sea front. According to villagers, each rickshaw or bull-cart has to pay at least 100 kyat to the army during the day and 150 kyat at night.¹²⁰

On 24 April 2007, NaSaKa fined a family in northern Arakan State 2.5 million kyat for having sent a family member abroad. The family members are Hussain Ahamed (55), son of Mohamed Ali, his wife Somuda Khatun (47), and his son Hamid Hussain (22), from Ywet Nhyo Daung, in Maungdaw Township, Arakan state. On 24 April a NaSaKa captain from Ywet Nhyo Daung camp went to the family's house to arrest them on the allegations that they were involved in human trafficking. However, the family had already fled their home to avoid arrest. On 12 May, the NaSaKa captain again went to their house to arrest them. The NaSaKa captain demanded 2.5 million kyat from the family to absolve them of the accusation, a demand the family are unable to fulfil.¹²¹

On 23 September 2007, a Rohingya woman, Fatama (20), daughter of Abdul Salam, from Gozibil (Dahgyi Zarr) village, Maungdaw Township, was fined 30,000 kyat after travelling to Mingalagyi village to visit her relatives without carrying any documents.¹²²

On 25 December 2007 it was reported that NaSaKa authorities in some areas of Maungdaw Township had prohibited the Rohingya community from sacrificing animals during the Muslim Eid-ul-Azha festival. The authorities later gave permission, demanding money and meat of sacrificed animals in return. NaSaKa collected 1,500 to 2,000 kyat per head in Bawli Bazaar, and 2,000 kyat per head in Maungdaw's southern side. In NaSaKa area #3, the authorities took three kilograms of meat per head from sacrificed animals. In Buthidaung Township, the NaSaKa gave permits after taking either 3 kilograms of meat per head or 2,000 kyat per head. The skins of sacrificed animals were reportedly collected by NaSaKa agent Maung Maung Sein, who paid merely 500 kyat per piece.¹²³

10.4 Restrictions on International Travel and Migration

The SPDC made it increasingly difficult for its citizens to travel within and outside the country in 2007. Passports became harder to obtain, there was greater border and check point security, and civilians fell victim to extortion and corruption when trying to cross international boundaries to make a living.

In Burma it is necessary to obtain a national ID card before applying for a passport to cross international borders. As well as making the holder eligible to apply for a passport, the national ID card allows the holder to travel within the country without applying for permission to do so. However, the issuance of these cards, by the Minister of Immigration and Population, has turned into a source of extortion and corruption among local officials. According to local residents of Ye and Mudon townships in Mon State, minister officials have charged 4,500 to 6,000 kyat upon applying for the ID card and another 3,000 when picking it up. Ethnic discrimination also took place in the issuance of these ID cards. For example, people of Mon ethnicity were charged between 20,000 and 70,000 kyat since they are seen by the regime as a more likely to emigrate for jobs.¹²⁴

For those who were able to obtain an ID card in 2007, there were still obstacles when applying for a passport. This was partly due to the increase in passport applications due to the relocation of the passport office from Rangoon to the Naypyidaw, the new capital. Due to well-founded fears that ordinary citizens would face restricted access to the passport application process in the isolated location of Naypyidaw, there was an influx in applications, and the bureaucratic procedure could take several months to complete. The usual rate was 50,000 Kyat per application, however many resorted to pay a broker 100,000 kyat for a passport, which they then would receive in a matter of a few days.¹²⁵ Many people, however, did not have access to a broker, mostly due to the high cost but also other reasons. There were reports of religious discrimination in the passport application procedure, with many Muslims reporting the lengthy process to be too troublesome for them to take part in the Hajj (pilgrimage to Mekka). Moreover, many officials used the Hajj as an excuse to extort bribes from the Muslims who wished to speed up the application process. Reportedly, only 3,000 Muslims were able to obtain their passports in time, while many more were left waiting.¹²⁶

Still, being in possession of a passport did not automatically mean being able to travel freely. Political dissidents and activists are at constant risk of having their passports denied or confiscated. For example, on 5 March 2007, Ko Thwin Lin Aung was arrested at Rangoon's Mingaladon airport before his departure to study abroad in the United States. Ko Thwin Lin Aung, a current volunteer English teacher and former political prisoner, was arrested under the suspicion of teaching politics in his classes. The authorities confiscated Ko Thwin Lin Aung's passport upon his release in April 2007, in an effort to make sure he did not attempt to leave the country again.¹²⁷

Heightened security at airports is just one example how the junta tried to control the movement of the population. The regime also increased the number of military check points and border security officers. Furthermore, proper documentation was often not sufficient to travel past these barriers. For example, Sura Khatoon had permission to travel to Bangladesh from 28 February to 7 March 2007, however when she returned, she was immediately confronted by the local NaSaKa (border security), who demanded that she surrendered her passport. When she refused, the NaSaKa detained her for three days and extorted 125,000 kyat upon her release.¹²⁸ Members of the Rohingya ethnic group have faced particular discrimination by the NaSaKa, who in order to extort bribes have accused Rohingyas of crossing the Burma-Bangladesh border illegally. After visiting his aunt in a near by town, Mohammed Islam was on 7 March 2007 detained by the local NaSaKa on the

accusation of illegal border crossing. As punishment, Mohammed Islam was detained and tortured for one night, and made to pay a fine of 50,000 kyat to be released the next day.¹²⁹

At the beginning of 2007 it was reported that Burmese authorities had reinstated the seven day visa for visitors to Bangladesh. The visa had previously been available to people travelling via the Maungdaw border point, since Burma opened a trade border with Bangladesh 17 years ago. However, halfway through 2006 the policy was changed and travellers were obliged to apply for permission from the State administration in Sittwe Township. Processing times were slow and many applications were rejected. Once it became known that applications were again being accepted via the Maungdaw district office, many traders resumed travelling and trying to do business.¹³⁰

Throughout 2007, border closures proved to be an effective means of prohibiting international travel. Sporadic border closures left many Burmese nationals vulnerable to foreign arrest when they exited Burma on a short term visa. For example, on 6 July 2007, 20 Burmese citizens were stranded in Teknaf, Bangladesh, and were not allowed to enter their own country for over a month until the NaSaKa decided to reopen the Burmese side of the border crossing.¹³¹ In addition, these border closures affected the livelihoods of those who depend on them to access work in neighbouring countries. When the military shut down a crossing at Three Pagodas Pass in March 2007, many Burmese labourers lost their jobs in Thailand as they could not cross from Burma. Moreover, farmers and traders who were reliant on exporting their goods struggled to turn a profit because they were forced to bribe border officials in order to access Thai markets.¹³²

The tight control of international borders is also a strategy by the SPDC to prevent any form of illegal emigration. In 2007, one could be arrested for leaving Burma illegally, or even for being suspected of attempting to leave the country. A case in point was evident on 17 July 2007, when over 70 Chins were arrested by police at the Five Star sea port in Rangoon's Thaketa Township. The police made the arrest under the suspicion that these people were trying to flee to Malaysia or Thailand to seek jobs. However, the police preferred to classify this case as a "*rescue mission*" in its campaign to crack down on human trafficking. The detained were held in a local monastery for several weeks before being sent back to the Chin State.¹³³

Severe punishments were often given to those who were caught by the NaSaKa at the Bangladesh border. In December 2006, the NaSaKa arrested 55 people on a boat, 48 of which were Burmese Muslims on their way to Malaysia. The migrants were captured by border security forces when their boat engine failed near Sittwe, off the coast of the Arakan State. Three months later, in February 2007, a court in Maungdaw sentenced all 48 Burmese Muslims to five years of prison for trying to leave the country illegally.¹³⁴ Similarly, on 28 November 2007, a further 54 Burmese Muslims were arrested on Manaung Island when, again, their boat engine failed in their attempt to migrate to Malaysia. The civilians were in December sent to Sittwe prison to serve sentences.¹³⁵ These are two examples of how the increase in NaSaKa officers along the Burma-Bangladesh border has prevented an anticipated Muslim exodus from Arakan State.¹³⁶ Still, this is just one of many methods the SPDC used in 2007 to restrict Burma's citizens from their right to international travel and migration.

Population Registration

In preparation for the announced 2008 constitutional referendum, the SPDC conducted various censuses throughout Burma in 2007 to register the population eligible for voting. Moreover, the SPDC stepped up efforts of issuing national identification cards to increase the number of eligible voters.

The immigration department distributed the ID cards in three categories: for those aged 10-18, 18-30, and to those over the age of 30. While the ID cards were necessary to vote in the upcoming referendum, their issuance was also used by the military as a means to control the movement of the country's residents. The SPDC continued to use population registration to distinguish civilians from rebel groups, to extort and discriminate against ethnic minorities, to control family households of local communities, and to limit domestic travel by implementing guest registration laws.¹³⁷

Issuing identity cards provided the regime ample opportunity to exploit different groups of people by charging arbitrary registration fees. In July, villagers of Paletwa Township, Chin State, were charged 6,000 to 8,000 kyat for an ID card, while the official rate within the town was only 3,500 kyat.¹³⁸ (For more information see Section 12.4 Restrictions on International Travel and Migration) Unregistered citizens were forced into paying these high fees, as there were grave consequences for refusal of payment or for being confronted by a military officer without an ID card. One consequence that children may fall victim to is forced recruitment into the military. Officers routinely give children the option of joining the military or going to jail for not having proper identification.¹³⁹

Some were unable to register for the national identity card due to discrimination against their ethnicity. Rohingyas continued to be denied national ID cards as they are not recognised as citizens by the military junta. However, in 2007 they were given limited recognition as residents, by being issued temporary registration cards. (For more information see Section 10.3: Restrictions on the Movement of the Rohingyas). Moreover, some mixed ethnicity citizens were denied a national ID card. Ko Nyi Nyi Htun, a Pegu college student, paid the 4,000 kyat fee when he applied for an ID card in May 2007. However, a few weeks later, upon returning to the immigration office to pick it up, he found his application was rejected due to his mixed blood ethnicity. When the officer refused to give him his entire refund, Ko Nyi Nyi proceeded to file an official complaint, at which point he was fined an additional 70,000 kyat.¹⁴⁰ Muslims, Chinese and Indians experienced similar discrimination. Aside from additional registration fees, the cards issued to these groups, with their ethnicities and religious affiliations labelled, often prohibited them from leaving their local community without prior official consent.¹⁴¹

At the same time as issuing personal national identity cards in 2007, immigration officials also documented family lists. In July, state officials in Myitkyina collected "Family Members List Book" from the entire population.¹⁴² While acquiring family lists the junta found yet another avenue to extort arbitrary fees. Throughout Shan State, immigration officers regularly charged over 10,000 kyat for each mandatory household registration.¹⁴³ In addition to family lists and household registration, NaSaKa officials also took pictures of each family in northern Arakan State as part of an ongoing campaign to control the Rohingya population. In January 2007, the NaSaKa would visit each household and take a picture of its members, charging 1,500 kyat. If a family member was not present at the time of the NaSaKa's arrival, the particular family member would be crossed off the family list, and considered as a permanent foreigner. Only a large bribe could get the absent family member back on the family list. Furthermore, the NaSaKa charged a family 500 kyat for a new born to be added

death.¹⁴⁴ (For more information see Section 10.3: Restrictions on the Movement of the Rohingya)

Similar campaigns were conducted by the Township Peace and Development Council in Karen and Mon states throughout the spring. In some cases, families had to place their family lists and photographs on the outside of their front door in order to ease the investigation process for the authorities. However, it is important to note that these family lists are not just used to follow the community's residents; they are also used to keep track of travelling guests. Limiting the movement of overnight guests is an important priority for the SPDC when controlling local populations. In some places, local authorities charge 1,000 - 2,000 kyat to stay as a guest overnight with another family.¹⁴⁵ In accordance with SPDC Order 1/90, failure for a household to register a guest with local authorities can result in heavy fines or even imprisonment.¹⁴⁶

Inspection of overnight guests was used by the junta as a means to punish, abuse, and exploit political opponents and civilians throughout 2007.¹⁴⁷ On 2 May 2007, three human rights activists, Ko Aung Kyaw Soe, Ko Aye Lwin and Ko Yin Kyi, were arrested for not properly registering as guests. Authorities reportedly raided a Rangoon residency at 3:00 am to check if the human rights activists had registered correctly. According to reports, the three activists had earlier been told by one of the arresting police officers that they would not have to register until the next evening. This suggests that the officers deliberately deceived the activists in order to legitimize the arrest.¹⁴⁸ Similarly, on 27 August, 14 NLD members were arrested in Magwe division's Saku Township at 2:00 am for not possessing guest registration forms. However, the NLD members claimed they tried to register at the local ward the day before where the officials had refused to approve their request.¹⁴⁹ Moreover, guest list inspections were used as a pretext to raid the home of anyone suspected of being a political dissident. During such raids, officials often seized private property and imposed arbitrary fines.¹⁵⁰

There seems to be an almost endless list of arbitrary ways in the junta has harassed and extorted the country's residents with regard to guest registration forms. In some places, women were not allowed to register guests by Ward Peace and Development officials unless the women join the Myanmar Women's Affairs Federation (MWWAF). In order for a woman to register an overnight guest, she was then forced to purchase an application to join the MWWAF, at a cost of 200 kyat. Reports indicate that the USDA was responsible for making these demands.¹⁵¹ Moreover, on 8 February, passengers at a Mandalay train station were fined 50 kyat for not having guest registration forms when their train was delayed by over 10 hours, because the delay extended the departure time to past 2:00 am.¹⁵² Moreover, in January 2007 a man was arrested at the home of his newly eloped wife, on the grounds that he was not on the family list and without proper registration forms, regardless of the fact that it was at his wife's residency. The family later found the man dead custody, told that the cause of death was malaria.¹⁵³

10.5 Restrictions on the Movement of Women

The SPDC has continued to involve itself in internal human trafficking. For the sixth consecutive year, Burma has been ranked as a Tier 3 Country (the worst possible ranking) by the US Department of State's annual report on human trafficking.¹⁵⁴ On the other hand, the SPDC has made great efforts to portray itself as a leader at ending trafficking among women in Burma and its surrounding countries. In order to do this the regime places movement restrictions on women and places large fees on all travel documentation. Although the junta claims this legislation is intended to protect women from trafficking its effect is quite the opposite as it makes it very difficult for them to leave the country legitimately.¹⁵⁵ This means that many young women seeking to migrate abroad require the assistance of "travel facilitators" who, aside from being expensive, can often be connected to traffickers.¹⁵⁶ Thus, the restrictions on women's ability to travel legally can actually make them even more vulnerable to the risks of trafficking.

In its campaign to eliminate human trafficking at the grassroots level, the junta in August 2007 established more anti-trafficking border liaison offices along the country's southeastern border in August 2007. This act is in accordance with the Law on Prevention of Trafficking in Persons, which was passed in 2005. Since then, in 2006 the state's police have claimed to arrest over 400 people involved in 191 trafficking cases, in which another 1,370 people were claimed to have been rescued.¹⁵⁷ However, it is important to note that there has not been an independent body to confirm these claims, there is no distinction made between smuggling and trafficking, and the regime has continuously failed to hold their own officers accountable for their involvement in trafficking. Many Burmese officers guarding these check points have been accused of corruption. For example, in April 2007, officers at battalion #18, near Three Pagodas Pass were accepting payments of 100 Baht per person being trafficked into Thailand.¹⁵⁸

Another strategy employed by the junta to crack down on human trafficking, is movement restrictions around villages to control who enters and exits the village. This forces many people, including women, to purchase travel documents at a price of 500 kyat for a fifteen day allowance in order to access the farms in which the civilians work at. However, when the SPDC suspects any type of armed conflict with the rebel groups, the SPDC will permanently enforce the movement restrictions. In March 2007, three women from the southern part of Ye were not allowed out of their village to work at their farms. As a result, these women were left without a source of income, which would make it nearly impossible for them to pay the fees for the travel documents required to go outside of the village when the junta would allow. Therefore, these women are forced to bribery in order to gain access to their farms, while subjecting themselves to rape and other forms of violence from the military guards.¹⁵⁹

On 3 August 2007, twelve people were caught trying to cross the Thai-Burma border illegally. Of the twelve people, three were women from the Chin Province. The Burmese authorities then held the detainees for sixteen days in a Rangoon monastery. Once released, the authorities urged the women to obtain passports in order to travel legally across international borders. However, a passport for a woman costs 250,000 kyat, a fee that can seem burdensome to women that is trying to escape deprived economic conditions.¹⁶⁰

Local authorities in Kawthaung arrested five people on charges of human trafficking on 19 July 2007. Of the five arrested, two were corporal police officers and another was Kyaw Win, who had been arrested in June 2007 in suspicion of trying to illegally transport over 200 Burmese civilians into Thailand and Malaysia. Sources also indicate that recently over 100 people a day are being trafficked from Kawthaung to its bordering countries.¹⁶¹

These examples show how trafficking inside of Burma has done anything but cease. The SPDC's measures to eliminate female trafficking have failed to address the causes of trafficking in the first place. Applying movement restrictions on women, which are directly responsible for depriving women of their livelihood will only perpetuate the cycle that allows trafficking to exist. Since many women cannot obtain permission, the fees to travel legitimately, or opportunity, they become increasingly vulnerable to the dangers and exploitations of criminal trafficking.

10.6 Restrictions on the Movement of Monks

In the aftermath of the Saffron Revolution in September 2007, Burma's Buddhist monks became subject to increased movement restrictions. In an attempt to crush the monks' uprising, the SPDC authorities carried out strict measures in order to limit their movement. As a consequence it became more difficult for monks to travel around the country, and to gather with other monks. The travel restrictions on monks resulted in many monks being forced to break Buddhist lent, and were unable to continue their studies. Thousands of monks broke the Buddhist lent as they were sent back home from the monasteries and were unable to return to the monasteries within seven days after they took the lent.¹⁶²

In order to prevent student monks and novices from organizing further protests, the junta's first step of movement restrictions was taken in September and October 2007, when thousands of monks all over the country were forced to leave their monasteries and return to their home towns and villages. For example, on 3 October, junta authorities and senior monks in Meikhtila town of Mandalay division in central Burma told student monks and novices to return home immediately. According to a local resident close to the monasteries:

*"The USDA members came to the monasteries and told Sayadaw (abbot) to tell the parents of the student monks to take them back home. They forcibly made them go home. The idea is to pre-empt fresh protests because the younger monks have said that if there is any one to lead them they are willing to hit the roads again in protest. But because the Sayadaw ordered them to go home, none has dared to start demonstrations again".*¹⁶³

Many young monks faced severe difficulties in travelling back home as most had no money for transportation fares, and their parents were unable to pick them up. USDA members threatened to arrest monks who did not follow orders to return home.¹⁶⁴ Moreover, in Moulmein, the capital of Mon State, monks from all monasteries were ordered to go home after they protested against the military regime for four days in September. Almost all the monasteries in the town were investigated by the authorities for their involvement in the protest. According to travellers many monks who were travelling by bus and train were dragged down and arrested in Thaton.¹⁶⁵

Since being forced to return to their hometowns, many monks found it difficult to travel freely, as they were subject to police searches and thorough interrogations at every check point. According to October reports, monks from Mon state and Pa'an Township of Karen State found it near impossible to travel outside their hometowns. According to one monk from Lamine Township, Mon State, *"After the monks finished their studies in Moulmein they obtained travelling documents from their abbots. However, when they crossed the Thanbyu Zayat checkpoint, police questioned them, threatened them and forced them to go back to their home town."* The heavy questioning and interrogation of travelling monks led to complaints by bus and train vendors, as it caused conflict and delayed other travellers. Furthermore, the delay and questioning at checkpoints made car drivers reluctant to transport monks. According to the same monk:

"Last week when I came to Moulmein, I was asked a lot of questions by checkpoint police, so I think now that car drivers are not willing to take the monks in their vehicles. Whenever a monk travels in their car, they have to clarify questions and are investigated by checkpoint police."

Another monk reported that:

*"After the monk led demonstration, the SPDC marked us all as their enemies so when monks travelling by car now the police are looking at us as their enemies. They can threaten us and make things very difficult, but they cannot ask for money from us."*¹⁶⁶

As well as facing difficulties while travelling, monks also faced restricted access to shelter. Several monasteries were ordered by the SPDC to turn down guest monks in need of accommodation. In Ye Township, Mon State, government authorities ordered every monastery to cease any guest monk accommodation. According to one monk who fled to Ye Township and was denied shelter, *"Most of the Mon monasteries in Ye Township dare not allow monks to sleep in their monasteries now, so when night falls monks have to go to their donor's house and sleep there"*.¹⁶⁷

Travelling Monks

As a result of the increased travel limitations, monks travelling in border areas had difficulties as the authorities feared they were attempting to flee the country. In October 2007 it was widely reported that monks travelling near the southern part of the Thailand-Burma border were particularly restricted in their movements. The SPDC prohibited monks from Kawthaung Township, Tenasserim Division in Southern Burma to travel to Yanaung/Ranong Town in Thailand.¹⁶⁸ However, authorities failed to inform the monks of the reason for the prohibition on travelling. According to one monk, *"They did not mention why they have banned. However, we [monks] thought they [authorities] want to check out if local monks crossing to outside country or monks in exile entry in the local country."* In normal circumstances, monks in Kawthaung were required to obtain a recommendation letter from Sanghanayaka and Immigration to cross the border legally.¹⁶⁹

In Arakan State SPDC authorities on 29 October 2007 ordered the administration of northern Arakan to check family lists, tighten security on the Burma-Bangladesh border, and watch the movement of monks. According to reports, the Township Peace and Development Council (TPDC) and Head Quarters (HQS) of Burma's border security forces (NaSaKa) ordered the administration to watch the movement of monks and to arrest monks if they saw new faces in northern Arakan. The authorities suspected monks involved in the recent uprising were trying to cross the Burma-Bangladesh border and were coming from outside northern Arakan.¹⁷⁰

Also in Kachin State in northern Burma the movement of monks was kept under intense scrutiny following the protests. According to a teacher travelling from Khat Cho to Myitkyina, the capital of Kachin State, *"They also checked us but they didn't conduct a search. The monks, however, were treated differently. They checked everything and asked for the monks travel documents and their reason for travelling."*¹⁷¹

In November 2007 it was reported that monks from the rural areas in Burma had been banned from entering Rangoon unless they were going there for medical treatment and could show recommendation from a hospital. According to one monk, authorities only allowed monks to enter Rangoon if they had recommendations from doctors, as well as the name of the monastery where they intended to stay and credentials from monks of that monastery. According to one monk who had recently returned from Rangoon, about 50 Monks from Arakan State were turned back after the authorities had checked their recommendations at Rangoon station and found them incomplete. The same monk reported that many monks did not dare to go to Rangoon as they were apprehensive about not

getting permission from the authorities. As a result monks from Mon State stopped going to Rangoon for religious education.¹⁷²

Fearing further protests, the authorities severely restricted large gatherings of monks in the months following the Saffron Revolution. In Rangoon monks faced difficulties when attempting to enter Shwedagon Pagoda, one of the main sites of the September protests. In November 2007 security around Shwedagon pagoda in Rangoon was again tightened, with guards demanding identification documents from anyone wishing to enter the pagoda grounds, including monks. According to local worshippers, while this rule was not enforced for all visitors, monks' documents were thoroughly checked by the guards: *"They didn't really check everyone for [ID cards], although they were checking on monks. Monks who were unable to show any identification were not allowed to enter the pagoda."*¹⁷³ In Sittwe, the capital of Arakan State, authorities ordered three small video theatres to shut down in November 2007 after groups of monks gathered in the theatres to watch videos. As well as shutting down the theatres, the authorities seized the material and arrested the owners. A local resident said authorities did not want large groups of monks to gather in one place because *"they are worried that the monks will launch protests"*.¹⁷⁴

10.7 Restrictions on Foreigners in Burma

Humanitarian and Aid Agencies

“Humanitarian assistance should not be made hostage of politics, rather it must only be guided by the best interests of the affected communities.”

- Paolo Sergio Pinheiro, UN Special Rapporteur on human rights in Burma¹⁷⁵

The military government further increased its restrictions on the movement and operations of international aid agencies and non-governmental organisations (NGOs) in 2007.¹⁷⁶ The restrictions imposed on humanitarian organisations operating in the country have limited their ability to reach those in need, while the humanitarian situation is deteriorating. As a result, both the UN and the ICRC in 2007 issued unprecedented statements about the junta's responsibility for the deteriorating socio-economic situation in the country and the suffering of the people.¹⁷⁷ The separate statements led the junta to take severe measures, expelling the UN country chief and further limiting the work of the ICRC.¹⁷⁸ In November 2007, thirteen international humanitarian organizations working in Burma called for a more open working environment for local and international humanitarian organizations and a significant build-up of humanitarian assistance to directly address the needs of the poor.¹⁷⁹

To work with UN agencies operating in the country, the junta formed a Central Coordination Committee (CCC) in 2006. Besides the UN agencies, other international non-governmental organizations (NGOs) and domestic NGOs are also governed by regulations of the CCC. The CCC designates that all NGOs assisting Myanmar are to be registered with the government for their operations and the travelling in the country of their project staff is so limited that they must be accompanied by at least one responsible official of the government.¹⁸⁰

In April 2007 the United States Government Accountability Office (GAO) released a report entitled *Assistance Programs Constrained in Burma* which outlined the effects of the restrictions imposed on international relief groups operating in Burma. The report identified limitations on the movement of international staff within Burma and on their freedom to *“gather data needed to understand the scope and nature of Burma's problems.”*¹⁸¹ The SPDC requirement of aid agencies to be accompanied by a representative of the authorities, effectively inhibits local people from voicing their concerns and speaking out about human rights abuses. The report stated that the junta had prevented international staff of humanitarian agencies from moving freely within the country, obstructing the timely provision of assistance. It also stated that UN, FAO, UNICEF, WFP and WHO staff had been restricted by the SPDC in providing assistance to populations living in conflict areas.¹⁸²

In 2007 a report jointly produced by the University of California, Berkeley and Johns Hopkins University, entitled 'The Gathering Storm', focused on the deteriorating health situation in Burma, and showed ICRC, MSF and the Global Fund have been affected by SPDC policies inhibiting the implementation of work necessary to combat the occurrence and threat of infectious diseases.¹⁸³ The report found that *“while the health situation deteriorates, the junta continues to limit the ability of international humanitarian organisations to reach those most in need.”*¹⁸⁴

Global Fund 'Out' - 3D Fund 'In'

The Global Fund to Fight Malaria, Tuberculosis and AIDS terminated its US\$ 37.5 million program in August 2005, stating that it could not carry out its programs because of restrictions by the junta, including travel restrictions on staff members that prevented the effective implementation of their projects.¹⁸⁵ To fill the gap left when the Global Fund pulled out, a group of six donor countries in 2006 initiated a five-year Three-Disease (3-D) Fund project to fight HIV/AIDS, tuberculosis (TB) and malaria. The project was in operation by April 2007. The entire 3-D fund project is worth about US\$ 100 million, and funded by the European Commission, Sweden's Sida, the Netherlands, UK's DFID, Norway and Australia's Aus AID. It is to be implemented under the guidance of the Work Coordination Committee headed by Health Minister Dr. Kyaw Myint.¹⁸⁶

Regulations and Restrictions

In February 2006 the regime issued new regulations, imposing further restrictions to independent functioning of the humanitarian groups.¹⁸⁷ The regulations require foreign aid workers to notify the authorities at least two weeks in advance of any plans to travel outside Rangoon. As well as further limiting the movement of NGOs, the 2006 regulations required that the authorities investigate all Burmese staff hired by international organizations, that foreign aid workers be escorted by SPDC officials on any trips outside Rangoon, and that aid agencies work with the junta-affiliated Union Solidarity and Development Association on projects.¹⁸⁸ According to UN humanitarian coordinator in Burma, Petrie, while the travel controls are generally enforced, the UN insisted on its independence in hiring staff, and also made it clear that it could not work in the manner indicated with the USDA. Since the new regulations, international agencies have reported more administrative harassment, such as delays or denials of passport renewals for Burmese UN staff, and denials or revocation of permission to hold meetings.¹⁸⁹

Anyone who works for the UN or an NGO in Burma has to submit a detailed schedule of all projected travel, complete with permissions from associated government ministries and state, division and township-level administrative bodies, in advance of any trip. Such restrictions affect the quality of the project monitoring system, particularly for performance-based and time-sensitive projects. In some cases, a sound monitoring system requires spontaneous trips to project areas in order to get reliable qualitative and quantitative data about the real situation on the ground. Such trips are impossible to make under the current restrictions imposed by Burma's military government.¹⁹⁰

As a result of increased pressure from the junta, many international medical charities have ceased their operations in Burma in recent years. For example Médecins Sans Frontières pulled out of Karen and Mon states in 2006, stating that government restrictions on its movements that made it nearly impossible to carry out their work.¹⁹¹

In March 2007 it was reported that Burma's ruling junta aimed to control the movement and operations of international humanitarian organisation further, through the creation of State-run "*coordination committees*". While such committees have previously been initiated principally on division and state levels, some of the coordinating committees were now formed at the township level, where many of the country's humanitarian projects are implemented. The committee plan was developed after the 3D Fund signed a memorandum of understanding with the UN Office for Project Services and Burma's Ministry of Health in October 2006. According to NGO guidelines issued by the government in February 2006, members of the new coordination committees would be drawn from junta-backed social organisations such as the USDA, the Myanmar National Working Committee for Women Affairs and, on the township level, the Auxiliary Fire Brigades and the Veteran's Association.

NGO officials in Rangoon have expressed concern for the viability of their projects under tightening governmental controls. The Burmese version of the NGO guidelines, which were not distributed to UN agencies and INGOs, stated that the township coordination committees are to monitor project teams and insure that their activities do not go beyond the stated scope of their mission.¹⁹²

Humanitarian Access

International relief organisations continued to report mixed access to areas in need of relief throughout 2007.

In Chin State, a few international relief organisations have been allowed to operate, including UNDP, UNICEF and Merlin, a UK based international health NGO. UNDP and UNICEF function in health, education, agricultural sector and breeding of domestic animals. Merlin started their work in Thangtlang Township in the beginning of July 2007, providing health care and health education awareness to local villagers. Moreover, the organisation set up an office in Thangtlang town to monitor civilian health problems effectively and is undertaking field checks on the health condition of the people from villages.¹⁹³ However the three organisations are limited to operating in specific areas, mostly near the towns. As a result of the limited access to large areas, particularly near the Indian border, relief work in these regions have to be carried out by organisations operating from the Indian side of the border, such as Chin Backpack, Chin Health Programme and other health related organizations.¹⁹⁴

In early August 2007, it was reported that the UNDP had been given permission to assist villages facing a water crisis in Padaung village tract, south of Maungdaw, in Arakan State. The UNDP constructed two concrete wells for drinking water in Kayandan village of Padaung village tract.¹⁹⁵ The UNDP also assisted with the constructing of wells in villages of Rathedaung Township.¹⁹⁶ However, on 15 October the NaSaKa, Burma's border security force, arrested four villagers in Razar Bill village, Rathedaung Township, on the allegation that they had cooperated with the UNDP in digging three wells in their village.¹⁹⁷

According to the United Nations World Food Programme (WFP), about 5 million people in Burma are chronically short of food. The WFP tries to provide aid to 500,000 people each month, but because of movement constraints can help only 200,000.¹⁹⁸ In 2007 the WFP upgraded its food assistance to ex-poppy farmers in Shan State from emergency operations to protracted relief and recovery operations. The operations targeted 726,000 people whose livelihoods have been affected by the poppy ban. However, the UN agency was not allowed access to Wa territory, where farmers face many of the same problems.

'In-Country' Versus 'Cross-Border' Aid

A result of the ever increasing restrictions on the movement and operations of humanitarian agencies operating officially inside Burma, is the inability to reach some of the country's most vulnerable populations. In 2007, Asia and Pacific spokesperson of ICRC, Carla Haddad stated that the ICRC *"is concerned about the lack of provision of basic services to civilians living along the Thai-Myanmar border where no humanitarian organisation has access today"*.¹⁹⁹ There is an estimated 1 million internally displaced people (IDP) in rural areas. Since the SPDC does not authorize independent monitoring of the displaced it is difficult to get reliable statistics and implement proper relief programmes. In Burma, aid agencies and donors struggle to deliver assistance in ways that are consistent with humanitarian principles. Reluctant to channel aid through state structures, some work through non-state structures, such as religious groups, and national staff.²⁰⁰

In 2007 there was increased recognition from the international community that aid to hard-to-reach areas in western and eastern Burma, was more effectively provided across the borders rather than from NGOs operating inside. In February 2007, the Special Rapporteur on human rights in Burma, Pinheiro, expressed concern for the humanitarian situation for civilians affected by conflict in Karen State. Pinheiro urged the junta to grant aid agencies immediate access to these civilians, and guarantee the safety and freedom of movement to the UN and other aid workers.²⁰¹ In July, the UK House of Commons International Development Committee published the report *DFID Assistance to Burmese Internally Displaced People and Refugees on the Thai-Burma Border*. The Committee urged the British Government to quadruple aid to Burma by 2013, and called for specific funding for cross-border assistance in Burma, arguing that “it is the only way to reach very vulnerable IDPs”. As well as providing aid to the IDPs across the Thai border, the Committee called on the British government to “look at the options for starting to fund assistance over the Indian border” to the Chin people, and “scale up” support for aid on the China border.²⁰²

The ICRC in Burma

“Since 2005, the government of Myanmar has imposed increasingly severe restrictions on ICRC activities, making it impossible for the organisation to continue visits to thousands of detainees in line with its usual working procedures, which include carrying out private interviews with detainees. This has also prevented the ICRC from conducting independent field visits to conflict affected areas and from delivering aid to civilians according to strictly humanitarian, neutral, and apolitical criteria.”

- Carla Haddad, Asia and Pacific spokesperson for the ICRC²⁰³

The ICRC has been operating in Burma since 1986, when the organisation opened an office in Rangoon and started a limb-fitting and rehabilitation project. Since 1999 it has carried out assistance and protection work in places of detention and in sensitive border areas. Between 1999 and 2005, the ICRC visited hundreds of detainees in more than 70 prisons and labour camps to assess their living conditions, as well as providing assistance and treatment. On the basis of the ICRC's recommendations, and with its support, the detaining authorities made efforts to improve the water supply, accommodation, and provision of health care available to detainees. The organisation had also opened up new offices around the country and for some time made important interventions, in accordance with its humanitarian mandate.

As well as visiting various prisons in Burma, the ICRC was also one of the few organisations able to provide protection to the people in war zones in areas like Shan State, Karen State and Mon State. However, in the last few years their ability to work in these areas has become severely hampered as a result of the ever-increasing restrictions imposed by the SPDC.²⁰⁴ In late 2005 the organisation had to stop visiting detainees, after Burmese authorities refused to comply with the organisation's standard procedures, such as being able to talk with prisoners in private.²⁰⁵

The organisation announced in March 2007 that that “the ICRC's humanitarian work in Burma has now reached near-paralysis”.²⁰⁶ It stated that over the past year, the ICRC had reduced the number of its expatriate staff from 56 to 16 because of the restrictions imposed by the Government of Myanmar.²⁰⁷ The ICRC is ardently committed to uphold its principles of neutrality, impartiality and independence, which became almost impossible under the new restrictions. However, The ICRC stated that it remained open to high-level discussions with the SPDC to break the persisting deadlock and ready to act immediately to address the most pressing humanitarian issues provided that it may operate independently and with regular and direct access to persons in need.²⁰⁸

In March 2007 the ICRC resorted to closing down two of their main field offices; in Moulmein and in Keng Tung. These were important offices for the ICRC to be able to give assistance and protection to the people who suffered from armed conflict in Mon State, Karen State and Shan State.²⁰⁹ At the end of June, the organisation was also compelled to close its office in Taunggyi, leaving only two offices open outside Rangoon - in Pa-an and Mandalay - both of which continue to face heavy restrictions on their movements.²¹⁰

At the end of June 2007, the ICRC took a rare departure from its normally neutral stance, by publicly denouncing the junta for the first time, accusing it of carrying out human rights violations causing immense suffering to thousands of civilians and detainees all over the country. As a matter of principle the ICRC normally favours confidential and bilateral dialogue. However, the continued deadlock with the SPDC forced the organisation to make its concerns public.²¹¹ The statement came at a time when the ICRC was downsizing its operations in Burma, as a result of lacking the freedom it needs to work according to its mandate.²¹² The organisation accused SPDC armed forces of violating international law by committing repeated abuses against people living in areas affected by armed conflict along the Thai-Burma border including murder, violence, and destruction of food supplies or means of production.²¹³ After speaking out against the SPDC's gross violations of human rights and disregard for international humanitarian law, the ICRC's movements inside Burma became even more restricted.²¹⁴

'Post-Saffron' Situation

According to UN country chief, Charles Petrie, levels of mistrust increased after the September 2007 protests, and engaging with the regime remained difficult.²¹⁵ During the protests the junta restricted the movement of food, effectively hampering efforts by the UN's WFP to feed some 500,000 people living in poverty. As the UN agency's operations depend on the government facilitating the movement of food and personnel, it made an appeal to the authorities for access to all parts of the country. According to the WFP, local authorities in Mandalay stopped all movement of food out of the area, which affected WFP operations in northern Shan state and central zones which depends on food deliveries from Mandalay. The movement of food to WFP operational areas in northern Arakan state was similarly limited by the junta's reactions to protests in Sittwe.²¹⁶

In November 2007 the ICRC appealed to Burmese authorities for permission to visit people detained during and after the September demonstrations. The organisation reported to have been contacted by worried families asking for help to locate their relatives who had been detained or were missing.²¹⁷ The ICRC said it was *"ready to resume all its activities at very short notice, provided it was given the necessary guarantees that it will be able to act as a neutral and independent humanitarian organization."*²¹⁸

The United Nations

The UN's resident coordinator Charles Petrie was expelled from the country at the end of 2007, after he was told by the ruling junta that he had acted *"beyond his capacity."* Petrie however, insisted the UN had a *"moral obligation"* to state what it saw as an inescapable truth about the country's worsening socio-economic situation.²¹⁹ Petrie's effective expulsion was reportedly prompted by a statement issued by the UN Country Team in October, which said that the September protests *"clearly demonstrated the everyday struggle to meet basic needs and the urgent necessity to address the deteriorating humanitarian situation in the country."*²²⁰

UN envoys and officials visiting Burma

In 2007 an increasing number of senior U.N. officials visited Burma. In the first week of April 2007, UN deputy chief for humanitarian affairs Margareta Wahlstrom visited Burma to discuss cooperation with the regime.²²¹ In late June, UN special representative for children and armed conflict, Radhika Coomaraswamy, visited Burma. In the first four months of 2007 however, the UN had yet to appoint a new special envoy to Burma, despite requests from Burmese opposition groups.²²²

UN envoys were subject to limitations on movement during their visits in 2007, both in terms of which areas they have access to and who they are allowed to meet. Several UN envoys who have been invited to the country in the past have turned down invitations if denied access to the opposition, in particular Aung San Suu Kyi. To date, six UN special envoys to Burma have quit their jobs in frustration with the lack of cooperation by the junta.²²³

UN Special Representative for Children and Armed Conflict

In the last week of June 2007, UN special representative for children and armed conflict, Radhika Coomaraswamy, visited Burma for five days. The UN envoy met several senior junta officials including Prime Minister Thein Sein.²²⁴ Coomaraswamy also met in Rangoon with leaders of the Wa National Group from special region (2) in northern Shan State.²²⁵ In line with a UN Security Council resolution in 2005, Coomaraswamy aimed to establish a monitoring and reporting mechanism on grave violations committed against children. According to the 2005 UNSC resolution, the Security Council Working Group on Children and Armed Conflict was due to examine the Secretary General's report on the situation of children in Burma in November 2007.²²⁶ According to the UN children's expert, the SPDC agreed to appoint a high level "focal point" from the Ministry of Social Welfare to engage with the UN Country Team, especially UNICEF, on all issues related to children and armed conflict. However, the child rights expert was cautious, stating the agreement needed a comprehensive follow-up in order to effectively control abuse of children in Burma.²²⁷

UN Secretary General's Special Envoy

In May 2007 Ibrahim Gambari was appointed as the seventh UN Secretary-General's special envoy to Burma, and as such the third UN special envoy to Myanmar in eight years.²²⁸ Gambari visited Burma twice in 2006 in his capacity as undersecretary-general for political affairs, and was appointed as special envoy to continue the UN's efforts to pursue political reforms in Burma. Gambari's first visit in 2006 was seen as a first step to re-establish contact with the regime, since the previous special envoy Razali had become persona non grata with the junta and effectively banned from visiting Burma after his last visit in March 2004. During his visit in May 2006 Gambari was given a rare opportunity to meet detained pro-democracy leader Aung San Suu Kyi, which generated optimism and speculations that the junta would release the detained leader. However, the junta had once again planted false expectations with the UN and the international community, and renewed Suu Kyi's house arrest by yet another year. Also his second visit in November 2006 ended in meeting Burmese generals, with no follow up action.²²⁹ When Gambari was invited to visit Burma in April 2007, he said he would not accept the invitation unless the junta showed a commitment to meaningful reforms.²³⁰

Following the junta's brutal crackdown on the September protesters, Gambari went to Burma at the end of September 2007 to hold talks with the junta's leaders. Gambari was also granted a meeting with Aung San Suu Kyi.²³¹ At the end of his trip Gambari met with Senior General Than Shwe, as well as other top officials in Naypyidaw. The UN Special Envoy also

had a second round of talks with Aung San Suu Kyi, however he was not allowed access to other NLD members.²³² According to Secretary-General Ban Ki-moon, his special envoy delivered *"the strongest possible message"* to Burma's military leaders about their bloody crackdown on democracy activists, but added that he couldn't call the trip *"a success."*²³³

A month later, in the first week of November, Gambari was back in Burma. However, a souring of UN-junta relations was seen the day before his arrival, when the ruling generals announced that they would not renew the mandate of UN Country Chief Charles Petrie. During the visit the UN envoy met Prime Minister Lt-Gen Thein Sein as well as two other junta ministers. He also met with civil society groups and senior members of the NLD, as well as the UN country team and Suu Kyi. However, he was not invited to meet Senior General Than Shwe. The junta rejected Gambari's proposal of a three-way meeting between Suu Kyi, a junta member and himself to promote political reform and reconciliation.²³⁴ It seems apparent that the junta invites the Special Envoy merely to give the impression it is operating with the UN, while in practice showing little willingness to change.

Gambari has been criticized by the Burmese opposition for being too lenient towards the military junta, having stated that it is important *"to recognize progress where it has been made and encourage them to move further along the lines of democratization and respect for human rights."* As a reaction to Gambari's statement, Myint Thein of Burma's main opposition party, the NLD, stated: *"I want to ask what progress [made by the regime] means... I have to say there is no progress politically."*²³⁵



UN Special Envoy Ibrahim Gambari shaking hands with Burmese democracy leader Daw Aung San Suu Kyi during their meeting at her home in Rangoon on 8 November 2007. [Photo: UNIC]

UN Special Rapporteur on Human Rights in Burma

After being barred from the country since 2003, the United Nations Special Rapporteur for Human Rights in Burma, Brazilian lawyer and academic Professor, Paolo Sergio Pinheiro visited Burma in November 2007. The invitation came after the UN Human Rights Council condemned the Burmese military junta for its violent crackdown on the September protests and demanded it be allowed to send a Special Rapporteur to immediately investigate the situation.²³⁶ Pinheiro spent five days in Burma to investigate allegations of widespread abuse during the violent September crackdown on pro-democracy protests, with an aim of determining the numbers of people detained and killed by the regime.²³⁷

During his 2007 visit Pinheiro held discussions with senior SPDC officials, including from the Ministry of Home Affairs, the Rangoon Peace and Development Council, Rangoon general hospital and law enforcement agencies. He also met with the UN resident coordinator, Charles Petrie. Pinheiro visited several detention facilities where protesters were held after being arrested in September and October. He spoke to staff and security forces in charge of detainees at Insein prison, and two other detention centres. Pinheiro was also granted a visit to Kya Khat Waing monastery in Bago, where he spoke with the chief abbot, and also met the board of trustees of Shwedagon pagoda in Rangoon. He visited two more Rangoon monasteries which were involved in the protests, and met the senior abbots of the state governing body of the Buddhist clergy.²³⁸

While, Pinheiro's visit was mostly dominated by meetings with junta officials, he also had one-to-one meetings with five prominent political prisoners in Insein Prison, including members of the 88 Generation Students group, and labour activist Su Su Nway, arrested two days earlier as she tried to place a leaflet near a hotel where Pinheiro was staying.²³⁹ He also met with Win Tin, a 77-year-old journalist who has been detained since 1989, and as such the country's longest-serving political prisoner. Reporters who followed the UN envoy saw Pinheiro enter the prison compound but were not allowed to accompany him further. Pinheiro had requested a meeting with Aung San Suu Kyi, but it was not granted by the government. Despite worldwide criticism, the junta shamelessly continued its crackdown on suspected protesters during Pinheiro's visit.²⁴⁰ Upon returning from his mission, Pinheiro acknowledged that it had not been "*a full-fledged fact-finding mission*," as he was denied free access and movement, his agenda dictated to him by the military authorities.²⁴¹



UN Special Rapporteur on the situation of human rights in Burma, Professor Paulo Sergio Pinheiro. [Photo: AP]

Foreign Diplomats

Diplomats and foreign missions were in 2007 given mixed welcomes by the SPDC. Diplomats welcomed by the SPDC were mostly representatives of countries which are engaged in trade and infrastructure projects with the regime. For example, the Bangladesh Foreign Affairs Advisor, Ifhekhar Ahmed Chowdury, was invited on a four-day official tour of Burma in April.²⁴² In April, Yeo, a high level Singapore official visited Burma, and met the junta's First Secretary Lt-Gen Thein Sein.²⁴³ However, former South Korean president and Nobel Peace Prize winner Kim Dae-jung was denied a visa in early January. The former president reportedly hoped to visit the country to join an international campaign calling for the release of fellow Nobel laureate and pro-democracy icon Aung San Kyi.²⁴⁴ In an attempt to re-establish diplomatic relations with North Korea, a three-member delegation led by Vice Foreign Minister Kim Young Il, was invited to Burma in late April.²⁴⁵

Foreign Journalists

Foreign journalists continued to be denied visas to Burma in 2007. Thus most foreign journalists were forced to enter the country undercover on tourist visas. On two occasions, however, foreign journalists were granted visas to enter the country, both times to attend SPDC press conferences.

In March 2007, the junta invited foreign journalists to the first major press conference in its new capital Naypyidaw. In a bid to stem international criticism, SPDC Information minister Brigadier General Kyaw Hsan used the occasion to tell foreign reporters that, *"Myanmar has no ethnic cleansing, racial conflicts, or severe human rights violations."* Foreign journalists were also invited to observe a military parade to mark Armed Forces Day.²⁴⁶

In July 2007, the Burmese Embassy in Bangkok suspended a plan to invite Bangkok-based foreign journalists to attend a press conference on the final session of the National Convention. The embassy had previously been directed by the regime to issue visas for the journalists, and had already accepted some applications. According to one foreign journalist, the embassy refunded all visa fees for journalists who had applied. The regime had previously planned to invite foreign journalists from about 20 countries to attend the press conference of the National Convention. They were to receive a one-week visa from July 12-18, which was later changed to July 21-27. According to a Bangkok-based journalist, the visa schedule included a two-day state-sponsored trip to Mon and Karen states to show development projects in these areas.²⁴⁷ Rangoon-based foreign correspondents who had been invited to attend the National Convention press conference were told not to carry tape recorders and mobile phones.²⁴⁸

Foreign Tourists

Many Western tourists have been avoiding trips to Burma as they do not wish to support the military junta by providing revenue. Aung San Suu Kyi has repeatedly urged foreigners not to travel to Burma.²⁴⁹ However, the debate on whether tourists should visit the country continues, with the pro-tourism side claiming that sensible tourism has the potential to support the local economy and can help improve people's livelihoods.

According to official figures, 654,602 tourists visited Burma in the fiscal year 2006-07, representing an increase of 11.4 percent since the previous year. In the first four months of 2007 there were over 47,000 tourist arrivals through Rangoon entry checkpoint, representing an increase in 20 per cent from the same period in 2006. The regime gained US\$ 198 million from tourism in 2006-07, up from US\$ 164 million dollars the previous year.²⁵⁰

The regime only began allowing tourists to visit in the last 20 years, and movement outside the main cities and tourist sites are still restricted.²⁵¹ Tourists are limited mostly to travel in central areas of the country. Moreover, several destinations are only reachable for tourists by air, as overland travel in many areas is not permitted for foreigners. The authorities keep a close watch on the movement of foreigners, who are required to register with name and passport everywhere they travel. Moreover, there are limitations on where foreigners can stay overnight, as the guesthouse or hotel has to be authorised to receive foreigners.²⁵²



Economic protests in Rangoon in February 2007. [Photo: Irrawaddy]

10.8 Restrictions on the Freedom of Assembly

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. Thus, anti-government rallies are rare in Burma. Any show of public protest is firmly suppressed by the SPDC authorities, fearing a wider outbreak of unrest. In 1988 a nationwide pro-democracy uprising took place, upon which the authorities cracked down brutally, killing an estimated 3,000 demonstrators and imprisoning even more. Following the demonstrations of 1988, order 2/88 was enacted, prohibiting 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.”*²⁵³ Fearing another uprising, the regime has effectively upheld this act since 1988. In 2007 the authorities continued violating fundamental rights of assembly and association by harassing and arresting people for organising or taking part in peaceful gatherings.

The ban on demonstrations, however, only seems to apply to demonstrators critical of the regime. In 2007, the SPDC encouraged pro-government rallies organised by its proxy organisations, such as the government-backed USDA. By not attempting to prevent these protests, the SPDC put their own protestors above the law.²⁵⁴ In the aftermath of the September protests, the SPDC forced thousands to attend pro-government rallies all over the country, condemning the September uprising and supporting the national convention.

Throughout 2007, political gatherings were frequent targets of bans and crackdowns, celebrations of historical and religious events were constrained, and peaceful demonstrations were disrupted and participants penalised:

On 12 February 2007, a dinner organised by the United Nationalities Alliance (UNA) to celebrate the 60th Union Day at a Rangoon restaurant had to be cancelled, when the restaurant was ordered to close temporarily by the authorities. The Burmese authorities allowed the Union Day celebrations organized by NLD and the Committee Representing the People's Parliament at the NLD headquarters in Rangoon, but banned the dinner party organized by the UNA.²⁵⁵

Burmese authorities routinely refuse to issue permits for public gatherings for some literary events, fearing that discussion will also involve politics. On 22 February 2007, it was reported that three people were charged with *“creating unrest”* and sentenced to three months' imprisonment after organizing a traditional literary event in Paung Tale in western Pegu Division.²⁵⁶

May Day events were clamped down on by authorities. On 30 April 2007, authorities in Chauk Township in Magwe Division ordered employers not to allow their workers to attend a May Day celebration organized by the local NLD. Local authorities informed they would monitor the ceremony and take photographs. Employees were warned that if they attended the ceremony, or had any interaction with 88 Generation Students group, they would be fired and face legal action, according to Ye Thein Naing. Employees were ordered to sign documents stating that they would not attend the May Day ceremony.²⁵⁷ In Rangoon, the organizers of a planned May Day workshop at the American Center were arrested on 1 May by local authorities. About 30 people who were planning to attend the workshop were arrested and detained by Military Security Forces (SaYaPa). Most were later released from Kyaikkasan interrogation centre, however six of the organizers were given long prison sentences.²⁵⁸

Celebrations of Aung San Suu Kyi's birthday in June 2007, were as usual disrupted. A celebration held at the NLD township organizing committee chairman U Than Nyunt's house,

Shwe Bo Township, Sagaing division, was disrupted by violent attackers. According to U Than Nyunt, *"They tossed marbles using catapults from a distance. When we were returning iron-rivets and tin-rivets were put on the entrance. Our motorbikes, bicycles and vehicles were win-hatched."*²⁵⁹ (For more information, see Section 10.11: Restrictions and harassment of the NLD)

On Martyr's Day in July 2007, local authorities prevented residents in Pegu from giving donations to monks as they were worried it would lead to overcrowding. *"Personal donation is not related to Martyr's Day, but all the same the authorities were scared,"* said an abbot in the State Sangha Maha Nayaka. Security was also tightened in the town, and local authorities imposed curfew which barred people from gathering. As a result of the SPDC's restrictions on observing Martyr's Day, many schools have stopped commemorating the day.²⁶⁰

The regime also frequently interfered with the assembly of religious groups during 2007. Buddhist celebrations and monk gatherings faced new restrictions in the aftermath of the September protests. (For more information see Chapter 10: Freedom of Belief and Religion).

Suppression of Prayer Vigils

People in Rangoon attending prayer vigils for the release of Aung San Suu Kyi and other political prisoners were subject to severe harassment by SPDC authorities and their proxy groups USDA and SAS. In January 2007, a group of around 40 activists started visiting Shwedagon Pagoda every Tuesday (the day of the week that Aung San Suu Kyi was born), to pray at the Tuesday pillar for her release and the release of all political prisoners in the country. On several occasions, SPDC authorities used the USDA to harass the group. The USDA combined several tactics of harassment, including physically blocking the group from entering the pagoda grounds and making them pray outside the entrance; shouting and clapping loudly or playing music through loudspeakers at full volume to drown out their prayers; and pouring water on the floor in front of the Tuesday pillar so that the worshippers would have to kneel in water. On some occasions praying activists were even beaten by special police. Despite the harassment the worshippers continued to pray every Tuesday. In May 2007 many more groups began praying at different pagodas for Aung San Suu Kyi's release upon expiration of her detention order on May 27.²⁶¹ It was reported that in April and May 2007, more than 60 activists and politicians had been abducted or arrested by unidentified people after attending prayer campaigns or protests for the release of Daw Aung San Suu Kyi. The military has denied any responsibility for the arrests, claiming they were the work of "the people".²⁶²

On 16 January 2007, a group of around 10 activists attending the Tuesday prayer vigil for political prisoners at Shwedagon pagoda were beaten by special police. An estimated 200-400 pagoda police, USDA members and special police drove the activists out of the pagoda compound. Ko Than Zaw Myint who had attended the prayer vigil said: *"Two grabbed my shoulders and said, 'Don't hang around. Leave here'. I told them I was there not to leave but to pray on the pagoda. They said, 'You want to die?' and gave me a punch across my face."*²⁶³ A resident of Hlaingtharyar, Than Zaw Myint who was injured went to file a case in Bahan police station but the police refused to register the case. According to one of the praying activists, Ko Tun Tun, the SPDC group was lead by Nyein Wai, the head of North Okkalapa township branch and Thingyankyun branch head Htut Wai. Military intelligence, the Special Branch, police and security personnel of the Shwedagon pagoda were closely monitoring the situation.²⁶⁴

On the three next Tuesdays; 23 January, 30 January and 6 February 2007, activists attending the regular Tuesday prayer meeting for political prisoners at Shwedagon pagoda were doused with soapy water by pagoda officials and security guards. One member of the prayer group said: *"They are soaking the place with soapy water, sweeping it with brooms . . . they are making it impossible to sit down and pray. The place is also being blasted with a loudspeaker."* According to another prayer activist, the group was also doused with water while they were trying to eat their lunch: *"While we were having our meals, six uniformed security staff from the gazebo asked the cleaning girls to give them water buckets. Then they poured water onto us and ruined our meals. We said nothing in response."*²⁶⁵

On 20 February 2007, Tuesday prayer goers at Shwedagon pagoda were surrounded by several USDA members and pagoda security personnel, who threatened to beat them. A participant in the prayer campaign, said: *"I was shocked to see the big mob wearing the pagoda's security uniform who surrounded us. A man with a walkie-talkie shouted that we be beaten up saying that they won't tolerate prayers. Then he shouted that we be driven out of the pagoda compound."* According to the activist, orders were given by Captain Thein Htike Oo in civilian dress. One of the oldest activists, Hla Kyi (77), said: *"I was sitting inside the compound near a bamboo fence. They threatened us saying 'You old granny get out of here. If you do not go out, we will beat you.'"*²⁶⁶

On 15 May 2007, 39 activists were arrested on their way to Buddhist temples in Rangoon to pray for the release of democracy icon Aung San Suu Kyi. One group of 28 activists led by Su Su Nway were arrested on their way to Kyauktawgyi pagoda whilst another 11 activists were arrested as they prepared to march to Shwedagon pagoda.²⁶⁷

On 16 May 2007, 15 pro-democracy activists were arrested by civilian dressed mobs after praying for the release of detained opposition leader Aung San Suu Kyi at Kyaik Ka Lo pagoda in Mingaladon Township. Khin Myat Thu, an NLD youth member leader, said the activists were taken into custody by about 30 people in plain clothes, who failed to identify themselves. She said she later learned that some of those who took part in the arrests had earlier been forcefully recruited by authorities near the pagoda. They were taken to the Kyaik Ka San interrogation camp to join prayer goers arrested the day before, but the group was later released as there was no space in the interrogation centre, according to Than Naing, one of the arrested activists.²⁶⁸

On 25 May 2007, 30 NLD members were praying for the release of Aung San Suu Kyi at Kyaukhtutgyi pagoda in Bahan Township, when they were attacked and beaten by military personnel and members of the USDA and pro-government militia. The NLD members who were praying wore T-shirts with pictures of Aung San Suu Kyi and her late husband Michael Aris, and it was reported that the attackers had shouted slogans like 'destructive elements' and 'stooges'. According to an eyewitness, the attackers had weapons hidden under their jackets. According to an eye-witness: *"Those who were praying were calm and patient but four or five of them were first assaulted just after they finished praying. Buddhist monks helped to free them from the attackers."* It was reported that the group of attackers was led by the Secretary of Tamwe USDA, Lae Lae Win Swe, together with military personnel.²⁶⁹

On 27 May 2007, SPDC hired thugs and police blocked hundreds of activists as they were marching to Shwedagon Pagoda from the NLD headquarters to hold a prayer vigil for Daw Suu Kyi's release. The estimated 500 democracy activists were led by leaders of the 88 Generation Student Group. According to witnesses, the group of around 100 USDA and plainclothes police shouted abuse at the prayer goers for about 15 minutes, and dragged one NLD elected member away. The brief confrontation ended as the marchers returned to NLD headquarters, where they prayed and shouted slogans such as *"Free Aung San Suu Kyi"* and *"Release her now"*. Prominent 88 Generation Student leader, Min Ko Naing, was quoted as telling junta supporters from outside the NLD head office: *"Please understand that*

we are not frightened by your threats ... we will proceed with peaceful gatherings...We can pray for her from here."²⁷⁰ The prayer march to Shwedagon was staged to mark the 17th anniversary of the NLD's election victory.²⁷¹

On 11 June 2007, over 20 women NLD members who were praying for the release of Daw Aung San Suu Kyi in Thanlyin-Kyaikgawk pagoda, were driven out by pagoda management committee officials.²⁷²

A Year of Economic Protests

As a result of the ever deteriorating economic situation in the country, the year 2007 saw an increase in economic protests, starting subtly in February and continuing throughout the year, with a peak in August/September, when protests escalated and spread throughout the country. In September, activists were joined in the streets by large numbers of the Buddhist clergy, who took leadership in the protests, hence in the aftermath aptly named the "Saffron Revolution". Like the 1988 uprising, the 2007 Saffron Revolution was preceded by a series of smaller public protests over rising commodity prices, inflation and other economic hardships. As public protests escalated, so did the SPDC's reactions to the protests, responding with a brutal crackdown and arrest campaign. (For more information, see Chapter 11: The Saffron Revolution, and Chapter 1: Arbitrary Detention and Enforced or Involuntary Disappearances)

The year's first protest in February came after almost a decade without major public demonstrations against the military government well-known for not tolerating dissent. The three first major economic protests of the year took place in Rangoon on 22 February, 22 April, and 22 May, and were largely organised and attended by a small group of activists. In the following months, there were smaller, sporadic protests throughout the country. In June, it was reported that a protester in Arakan state was held for two days after he staged a one-person demonstration against inflation that drew crowds of onlookers.²⁷³ A wave of protests took place in late August as a result of a sudden hike in the price of gas which again led to increased commodity prices. The Myanmar Development Committee called for a nationwide protest against the sudden hikes, demanding the reduction of prices on fuel and basic commodities.²⁷⁴

On 22 February 2007, the first protests were held in downtown Rangoon by a group of around 15 activists calling themselves the Myanmar Development Committee. The group called on the SPDC to check on soaring inflation leading to abnormal rise in prices of food and essential commodities, as well as improvements in education and health care. The demonstrators were encouraged by onlookers, some joining the protests. The protest ended peacefully. At least 5 of the protesters were arrested by police.²⁷⁵ Several more protesters were later arrested from their homes. The state run newspaper *New Light of Myanmar* accused demonstrators of inciting a riot and said the protest panicked nearby vendors, shoppers and passers-by and "*violated the existing law.*"²⁷⁶ In the next few days at least 16 more people were arrested in connection with the demonstration.²⁷⁷ According to Myint Shwe the authorities announced that the Myanmar Development Committee (MDC) was banned and any activity conducted with it would be penalized under the existing law. "*The authorities briefed us about the penalties that would befall us for illegally associating, disturbing peace and tranquility, and causing the public to disrespect the government,*" said Myint Shwe.²⁷⁸

On 22 April 2007, around 10 activists held a demonstration near Sanpya Market in Rangoon's Thingangyun Township, calling for lower commodity prices, better healthcare and improved utility services. Eight of the protesters were arrested by plainclothes police,

members of the pro-junta USDA and the paramilitary *Swan Arr Shin*. According to witnesses, two of the protest leaders, Htin Kyaw and Phoe Thoke, were beaten by a mob led by police sergeant Zaw Khin before being taken away. Again, the junta denounced the protest as an attempt to mislead the public and cause unrest, while praising the actions taken by the USDA and *Swan Arr Shin* as “preventative measures for ensuring community peace and tranquillity.”²⁷⁹

On 22 May 2007, a demonstration was held against Myanmar’s rising inflation and other economic woes, such as electricity shortages. Htin Kyaw and four others were jailed. “All of his colleagues who were detained on May 22 were released early July,” said Win Naing, the self-confessed mastermind behind the unique form of protest in Myanmar, where no public demonstrations are permitted without government approval.²⁸⁰



Activists in Rangoon protest against the fuel price hikes in August 2007. [Photo: FDB]

The autumn’s first series of protests started on 19 August, after a sudden and unannounced hike in fuel prices on 15 August. At least 100 people were detained in the first week of protests in August. Most of the arrests were made in Rangoon from August 21 to 25, according to the Assistance Association for Political Prisoners (AAPP).²⁸¹

On 19 August the 88 Generation Students’ Group led more than 400 people in a protest march through Yangon after the SPDC raised fuel prices by 500 percent.²⁸² In an attempt to quell the protests, the authorities on 21 August arrested 13 leaders of the 88 Generation Students Group and several other activists. Min Ko Naing, Ko Ko Gyi, Pyone Cho, Min Zeya, Mya Aye, Ko Jimmy, Ko Zeya, Kyaw Kyaw Htwe, Arnt Bwe Kyaw, Panneik Tun, Zaw Zaw Min, Thet Zaw and Nyan Lin Tun were detained, and still not released by the end of 2007.²⁸³ In addition to the 88 Generation Student leaders, three members of Myanmar Development Committee (MDC), a group that called for nationwide protest the next day, were arrested, including MDC leader Ko Htin Kyaw.²⁸⁴ Following these arrests protests were led by four prominent women activists: Naw Ohn Hla from the NLD, Nilar Thein, Mie Mie from the ‘88 Generation Students Group, and NLD Youth Member and prominent HIV activist Phyu Phyu Thin.²⁸⁵

Protests escalated when monks took the lead in mid-September in what was to be the largest uprising since 1988. As a response to the uprising the military junta on 26 September enforced the ban on gathering of more than five people in public places, and declared a curfew in two major cities Rangoon and Mandalay. The peaceful September 2007 protests were brutally suppressed by SPDC military forces, police, and junta-backed USDA and *Swan Arr Shin* mobs. (For more information about the protests and the crackdown see Chapter 11: The Saffron Revolution – The 2007 Pro-Democracy Movement and the HRDU report: *Bullets in the Alms Bowl*)

As a result of the violent crackdown and massive arrest campaign following the September protests, not many took to the streets in October. In Sittwe, people tried to protest on 28 October, but the demonstration did not take place because of heightened security. On 31 October, more than 100 monks chanted prayers while marching in Pakokku.²⁸⁶ In November there were a few more sporadic protests, but they never had the chance to gain real momentum. On 3 November, about 50 Buddhist monks marched peacefully in Mogok. And on the 25 November, around 30 women activists staged a small anti-government protest in Rangoon - the first to take place there since the authorities crushed demonstrations in September.²⁸⁷ The women marched from Sule Pagoda to the Bothahtaung pagoda, where they prayed for the monks and other protesters who had died in the September demonstrations and for the release of detainees. The group was shadowed by members of the junta-backed USDA and the *Swan Arr Shin*, but they did not intervene.²⁸⁸

Pro-Junta Rallies

However, not everyone in Burma is restricted in their freedom of assembly. Pro-regime “demonstrations” and rallies organised by the SPDC’s proxy organisations are allowed and encouraged by the authorities. It is clear that the regime applies double standards in regard to assembly. In February 2007, while condemning the activists who staged a demonstration calling for improvement in the economy, education and healthcare, the state-run newspaper *New Light of Myanmar* praised a group of USDA members who held demonstrations in front of the US and British embassies, denouncing the two countries’ efforts to get a resolution condemning the military junta adopted by the UN Security Council.²⁸⁹

In blatant contradiction to its usual policy of prohibiting assembly, the regime organised forced gatherings to serve and support their own political ends. 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.

On 4 January 2007, villagers in southern Mon State were forced by SPDC troops to stop their work and attend celebrations of the 59th Independence Day of Burma.²⁹⁰

On 18 February 2007, townspeople in Sittwe, Arakan State, were forced by military authorities to attend the reopening ceremony of Sittwe seaport jetty. They were made to wear colourful dress, including Arakanese traditional dress.²⁹¹

On 29 March 2007, over 400 villagers were forced by military authorities to attend a celebration for the launch of construction on the Tasang Dam in Shan State in northeastern Burma. According to Sapawa, an ethnic Shan environmental group, local six-wheel trucks were commandeered, and villagers, including schoolchildren, from Mong Ton and Mong Pan were trucked to the dam-site. The villagers were threatened with imprisonment if they failed to obey orders to attend the ceremony.²⁹²

A series of pro-junta rallies were organised by authorities and its proxies in an attempt to show the people’s support for the National Convention and the proposed draft constitution which was concluded on 3 September 2007. The countrywide rallies were initially planned for the last week of September but were postponed after the monk-led demonstrations broke out.²⁹³ After violently suppressing the peaceful September demonstrations, the junta became even more intent on cleaning up its image. The rallies thus became an avenue for the regime to praise the national convention, as well as denouncing the monk-led protests, foreign governments and exiled Burmese media.

Local authorities and USDA typically ordered every household in the town or village to send at least one person to the rally, and threatened to punish any family that did not comply with the orders. Government servants and members of government backed organisations were ordered to attend the rallies along with family members.

Punishment for not attending the rallies ranged from fines of 1,000-10,000 kyat to imprisonment. Type of punishment varied from place to place. It was reported that villagers who failed to attend a rally in Kalay, Sagaing division, were fined 5,000 kyat per household.²⁹⁴ In Myawaddy, Karen State, residents who did not attend the rally were fined 8,000 kyat and a sack of cement.²⁹⁵ In Kawkareik Township, also in Karen State, each household had to provide one individual to attend the rally or otherwise provide an explanation and pay a 5,000-10,000 kyat fine for non-attendance. This demand was backed up with the threat that those who were unwilling or unable to either attend or pay the fine would be imprisoned. In some cases SPDC authorities further warned that children of such households would not be allowed to sit their exams.²⁹⁶

Most people attended the rallies in fear of potential repercussions from the government, not because they supported the government or the national convention. *"People gathered in fear of military threats, not for what they believe. It is not their real will, and they are not interested in it. It is regime propaganda,"* said a Rangoon resident.²⁹⁷ Angered with the authorities' behaviour, some used the opportunity of forced rallies to oppose the junta, by shouting anti-government messages, and mocking the authorities.

At the rallies people were typically forced to shout slogans supporting the outcome of the National Convention and to condemn the Burmese media and opposition groups in exile as destructive elements who had encouraged the recent protests in Burma.²⁹⁸ However, according to several reports, most people refused to shout pro-junta slogans. According to a resident of Myitkyina, *"During the ceremony, people didn't care what the organizers were talking about. They were just going around and talking with each other."*²⁹⁹ Some even used the opportunity to oppose the military junta by shouting anti-junta messages. According to a resident in Sittwe, during the ceremony there, when organizers asked people to shout *"Oppose,"* some in the crowd shouted, *"Release the detainees."*³⁰⁰ It was similarly reported how the majority of people attending a rally in Mansi Township, Kachin State, demanded their wishes instead of denouncing the recent demonstration.³⁰¹

People Forced to Attend Pro-Junta Rallies – Partial list of incidents for 2007

Arakan State

On 12 October 2007, a rally was held in Danyawaddy playground in Sittwe, with over 100,000 people attending. Most of the attendees were USDA members and army families of 60 battalions stationed around Arakan State. Around 300 SPDC soldiers attending the rally were dressed in fire service uniforms, in an effort to present themselves as firemen. Tens of thousands of people were summoned for the rally from rural townships like Rathidaung, Pauktaw, Ponna Kyunt, Buthidaung, and Maungdaw. The night before the rally, authorities ordered over the loudspeakers that all families in Sittwe send at least one person to the rally, and threatened to punish any family that did not comply with the orders.³⁰²

On 14 October 2007, 100 people were forced to attend rallies held in Maungdaw and Buthidaung.³⁰³

On 15 October 2007, 300 people were forced to attend a rally in Rathedaung.³⁰⁴

On 16 October 2007, rallies in Pauktaw, Mrauk-U and Kyauktaw were staged for less than an hour.³⁰⁵

Chin State

On 9 October 2007, over 20,000 were forced to attend a rally at 'Vumtu Maung' sport ground in Hakha. Each household in Hakha Township were ordered to send at least two members.³⁰⁶

On 24 October 2007, over 4,000 forced to attend rally in Rih town in Falam district. Authorities ordered each household to send at least three persons.³⁰⁷

On 9 November 2007, over 6000 were forced to attend a rally in Thangtlang Township, while around 100 refused to attend.³⁰⁸



School children forced to attend a pro-SPDC rally at the Thuwunna Sports Ground in Rangoon, on 13 October 2007. [Photo: AFP]

Karen State

On 8 October 2007, authorities ordered each household in Kawkareik Township, Dooplaya, to provide one individual to attend the rally or otherwise provide an explanation and pay a 5,000 kyat fine for non-attendance.³⁰⁹

On 25 October, residents were ordered to attend rally in Myawaddy Sport complex, or be fined 8,000 kyat and a sack of cement.³¹⁰

Karenni State

On 30 September 2007, villagers were forced to attend a rally at the Kantarawaddy sports stadium in Loi Kaw. Thirteen wards from downtown Loi Kaw and 133 villages from 13 village groups attended the rally. The 13 village groups are Pan Kan, Htee Sakhar, Loi Lin Lay, Noe Koe, Kon Thar, Daw Pawkalae, Nwerlabo, Checal, Marhtawkhu, Par Laung, Tee Lone, Law Pi Ta and Htee Tangar.³¹¹

Kachin State

On 15 September 2007, a rally was held in Myitkyina to support the national convention. One person from each household were forced to participate, those failing to attend would be severely punished.³¹²

On 29 September 2007, around 1,200 high-school students, 250 teachers and 30,000 civilians were forced to join mass pro-government rally at Myitkyina stadium to show support for the National Convention. The rally was reportedly organised by the USDA under the direction of General Ohn Mya, commander of the northern states' military headquarters, who demanded two people from each household join the rally or else face punishment.³¹³

On 25 October 2007, 10,000 forced to attend a rally at a football playground in Mansi Township. Each household had to send one person, threatened with punishment if they failed to attend. Villagers from rural areas in Mansi Township were forced to gather at 4:00 am and come to the rally by trucks which were forced to carry people to the rally.³¹⁴

Mandalay Division

On 1 and 2 October 2007, around 200 people were forced to attend a rally at the football ground in Myingyan town, Mandalay Division, in support of the National Convention. The authorities ordered the attendance of at least four people from each village, and in some villages up to 10 people.³¹⁵

On 2 October 2007, around 20,000 people were forced to attend a rally at Meikhtila football ground Meikhtila town. The rally was reportedly organized by members of USDA U Than Toe and U Hla Myint, who lured people by saying that those who attend will be given 1500 kyat an lunch, however nothing was given. They also threatened to fine those failing to attend 10,000 kyat.³¹⁶

Mon State

On 10 October 2007, thousands of people were forced to attend a rally in Moulmein, the capital of Mon State to support National Convention and the newly drafted constitution. Teachers and students from about 16 high schools in Moulmein were told to wear plainclothes instead of uniforms. Also, the students were not allowed to wear watches, warm clothes or bring umbrellas to the rally. Each school had to send around 490 persons. Authorities ordered one person from each family to attend. Each village had to provide about eight USDA members, three members of other pro-regime organizations, and six people in traditional dress.³¹⁷

On 22 October 2007, authorities organised a rally at the football playground in Mudon Town to denounce the September uprising. Authorities ordered 42 villages in Mudon Township to attend the rally, threatening with fines of at least 1000 Kyat if failure to attend. Although each family were ordered to send a person to the rally, the majority of the villagers refused to attend. On average each village were to provide around 250 persons, however only about 50-100 villagers from each village attended. It was announced that those absent had to pay a fine of up to 3000 to 5000 kyat.³¹⁸

On 24 October 2007, around 20,000 were forced to attend an SPDC rally held at the precincts of a pagoda at the centre of Ye Town to denounce the monk-led September protests. Authorities demanded four bags of cement from each household in the villages of

Ye Township that failed to attend the rally, while threatening others with fines of up to 4,000 kyat.³¹⁹

Pegu Division

On 17 September 2007, a rally was to be held in Tharawaddy in support of the national convention. The rally was organised by the Tharawaddy USDA, who told village leaders from Pegu District to organise 100 people each to attend a USDA rally at the local football field on September 17. Tharawaddy Township and the surrounding villages had to contribute 5000 people while other townships had to send another 5000.³²⁰

Rangoon Division

On 26 November 2007, it was announced that the USDA was organising mass rallies in Khayan Township, Rangoon division, to show opposition to a statement by democracy leader Daw Aung San Suu Kyi. As an incentive to join the rallies, USDA members told local residents that they would issue national identity cards to everyone who attended the rallies.³²¹

Sagaing Division

On 19 November 2007, a rally was held in Monywa town. Every village was forced to send 400 to 500 residents to the pro-junta rally, and threatened with fines or imprisonment. Authorities forced some ethnic minority members to wear traditional clothing identifying their ethnicity in order to show that these groups "supported" the government.³²²

Shan State

On 1 October 2007, around 10,000 people in eastern Shan State were ordered to attend a pro-junta rally in Kengtung, to support the National Convention. Another rally was to be held in Lashio, in Shan State North.³²³

On 4 October 2007, a rally was to be held in Langkher, in Shan State South in support of the National Convention. One of its townships, Mongpan, was ordered to provide 1,500 attendees, required to bring with them 3 sticks of firewood, 3 milk cans of rice and 500 kyat (US\$ 0.4) each for food.³²⁴

On 12 November 2007, more than 10,000 people were forced to attend a rally in Hnam Kham Town of northern Shan State in protest against the US' condemnations of the SPDC. During the rally, plainclothes policemen set fire to a portrait of US President George Bush, presumably in an attempt to show that the people in Burma are opposed to the United States. The rally was organised by USDA officials, who ordered each village in the township and quarters in the towns to send at least 500 people each. According to a local resident, *"Authorities are taking the lead but they did not wear uniforms. Everyone came in plainclothes. They shouted slogans but nobody followed suit."*³²⁵

10.9 Restrictions on the Freedom of Association

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.³²⁶

There were 10 legally registered political parties in 2007; however most were crumbling due to the restrictions imposed on them. 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.³²⁷ (For more information see Section 10.10 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. (For more information see Section 10.17: The Union Solidarity and Development Association). Few independent NGOs existed in Burma in 2007, 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.³²⁸

Several associations were banned or given warnings against carrying out political activities. The Myanmar Development Committee (MDC), led by Ko Htin Kyaw, which organised peaceful economic protests in February, April, May and August, was banned by authorities in March. The SPDC announced that any activity conducted with it would be penalized under the existing law.³²⁹ The Committee Representing the People’s Parliament (CRPP), the country’s major opposition alliance, was in February warned by police chief Brig-Gen Khin Yi that the organisation is illegal and would be punished if making political statements. The warning came as a reaction to CRPP’s leading role in the celebration of “Union Day,” during which the group released a statement that called on the military government to immediately release political prisoners, to allow political parties free movement, to promote political reform in the country and to respect the human rights of Burmese citizens.³³⁰

A range of new activist groups emerged in 2007, however most were not recognised or legalised by the regime, and thus had to operate undercover. Following the September Saffron Revolution and the junta's brutal crackdown, pro-democracy groups mushroomed, mostly in the form of undercover groups such as 'Generation Wave', 'Peoples Union', 'Civilian Community' and the 'Freedom Fighters'. In addition, new alliances and coalition groups emerged from the Saffron Revolution, such as the People's Movement Leader Committee and the Mass Movement Supervising Committee (Rangoon Division). Their activities included distribution of pamphlets and posters calling for political change. As they have so far kept a relatively low profile, only limited information has been obtainable about these groups.³³¹

10.10 Restrictions on Political Parties

All political parties and other non-governmental organisations (NGOs) were banned from 1964 to 1988, when the introduction of the Political Parties Registration Act again made it possible for parties to form.³³² After over twenty years without official political parties, this sparked an overwhelming response and resulted in over two hundred parties being formed. Two years later free elections were held, in which the NLD won an overwhelming majority of the votes. However, determined to stay in power, the military refused to honour the election results. Instead the military junta embarked on a suppressive campaign against their political opponents which continued up to and throughout 2007.

The regime frequently utilizes the Unlawful Associations Act 1908 (1957) to rule political parties illegal and punish their members. 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. However, upon signing ceasefire agreements with the SLORC (former name of SPDC), some ethnic minority parties later attained a quasi legal status, whereby they were not officially declared as legal entities but still welcomed into the National Convention process.

In 2007, there were 10 legally registered political parties, most of which were either directly or indirectly affiliated to the regime. One old group which re-emerged in 2007 was the “Red Flag” Communists, who reportedly were forming a political organization to marginalize the main opposition groups - the NLD and the 88 Generation Students group. The regime seemingly tolerates the resurgence of old enemies as long as they are ready to support the junta’s cause.³³³ Only three legally recognised parties continued in their attempts to operate independently; the NLD, the Shan Nationalities League for Democracy (SNLD), and the small Shan State Kokang Democratic Party. As these parties refused to be co-opted by the regime, their legal status did not protect them from intense pressure and interference at the hands of the junta.³³⁴ Likewise, ethnic ceasefire groups, such as the New Mon State Party (NMSP), who chose to abstain from the National Convention process, were subject to scrutiny and harassment.

In 2007, the National Convention continued without the participation of the following political parties: the NLD, the Shan Nationalities League for Democracy (SNLD), the Arakan League for Democracy (ALD), Chin National League for Democracy, Kachin State National Congress for Democracy, Karen National Congress for Democracy, Kayah State all Nationalities League for Democracy, Mon National Democratic Front, and Zomi National Congress. These nine parties accounted for 90.9 % of the elected representatives in the 1990 election.³³⁵

The SPDC maintained firm restrictions on the assembly of legal political parties. Prior to holding meetings, political parties were required to request permission from the SPDC. Moreover, all meetings of political parties were to be attended by a member of the local Peace and Development Council responsible for taking notes and photographs.

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.

Throughout the year, political parties, coalitions and its members were subject to harassment and increased restrictions by the regime.

The Committee Representing People's Parliament (CRPP) and its members continued to face harassment in 2007. The CRPP is a 10-party coalition of ethnic minority parties, established to serve as a proxy parliament after the military government refused to convene the real parliament following the 1990 elections.³³⁶ After calling for the release of Aung San Suu Kyi, and for the 1990 elections to be honoured at a CRPP meeting in February 2007, its leader U Aung Shwe was warned by the country's police chief not to make pro-democracy demands in the future. The state newspaper, *New Light of Myanmar* stated that *"The CRPP's demands are unlikely to bring good results to the nation and the people. Moreover, it is not a legally formed organization, so it has no rights to make such a demand."*³³⁷ In response, Fu Cin Sian Thang, an ethnic member of CRPP, stated that *"It is nonsense to say the CRPP is illegal. The CRPP is indeed an organization formed in 1998 by people including elected representatives. These people are the ones who were elected in the government's election."*³³⁸

Fu Cin Sian Thang, an outspoken member of the CRPP, who is also chairman of the Zomi National Congress, has been particularly targeted by the SPDC authorities. In April 2007 the local authorities ordered the demolishment of his home in Kalay, Sagaing division, on the pretext that it was *"encroaching on the road and a squatter's house"*.³³⁹ Another politician facing harassment from the SPDC in 2007 was Ban Chan Pru, the Rangoon Division organizer of the Arakan League for Democracy (ALD) and a member of the United National Alliance (UNA). Ban Chan Pru was arrested on 22 January 2007 accused of having connections with an Arakanese political group outside the country, and in August, Ban Chan Pru was sentenced to 20 years in Insein prison, without access to a lawyer. The Arakan League for Democracy (ALD) is a political organization banned by the military junta. The party won 11 seats from Arakan State in the 1990 elections, and was thus the third winning party.³⁴⁰

Several NLD members faced pressure and harassment by the authorities throughout 2007. Members of the NLD were particularly pressured by authorities to resign their party membership. (For more information see Section 10.11: Restrictions on and Harassment of the NLD)

Moreover, political activists received particularly lengthy prison sentences. The regime continued to detain 13 MPs who were democratically elected in the 1990 election. Out of 13 MPs in prison, 11 belong to the NLD.³⁴¹ (For more information see Chapter 1: Arbitrary Detention and Enforced or Involuntary Disappearances)

The junta continues to marginalize political activists by limiting their economic and social rights. Members of legal political parties, as well as human rights defenders and social activists, experience being deprived of professional licensing and freely running their businesses. Some activists have even experienced the termination of their business registration as a result of their involvement in politics.³⁴² The SPDC has closed down businesses, revoked business licenses or refused to issue permits to people engaged in political activities. (For more information see Section 10.12: Restrictions on and Harassment of the 88 Generation Students' Group).

In 2007 the SPDC continued its propaganda campaign against political opposition groups, branding several of them as terrorist organisations. The regime's ungrounded use of "war on terror" rhetoric is a sign of its desperate attempt to legitimise its harassment of opposition groups.

The SPDC accused the political opposition of carrying out *"terrorist attacks"* following a number of bomb explosions throughout 2007, as in recent years. The responsibility for these bombs was seldom claimed by any group or individual, and there has so far been no evidence put forward that suggests who was responsible. The only group that has claimed

responsibility for bomb blasts is the underground group Vigorous Burmese Student Warriors (VBSW), which in a written statement claimed responsibility for a letter bomb which exploded at a post office in Rangoon on 15 January 2007. The VBSW remain outside Burma's mainstream pro-democracy movement, which favours peaceful opposition activities.³⁴³ Despite this, the SPDC routinely blamed bombs on "*internal and external destructive elements*" - a common SPDC term for opposition groups inside and outside the country. However, most cases remain officially unsolved, and the responsibility of the majority of bombs remains subject of much speculation.³⁴⁴ While the military government routinely blames ethnic insurgent groups and pro-democracy activists for bombings, the opposition blames SPDC of being behind the bombs.

Despite bombs never having been linked to any of the pro-democracy political parties, the SPDC has continued accusing them of terrorist activity. Ko Maung San, an NLD member from Kawthaung in Tenasserim Division, was arrested after a letter addressed to 'Ko Maung San' was found along with gunpowder on a boat on 6 March. The authorities arrested as many men in the area called Maung San as they could find, including the NLD's Kawthaung secretary. While the other men were released, the NLD member continued to be held in detention. According to NLD spokesperson U Myint Thein:

*"Gunpowder is widely used in the fishing industry, but the authorities are treating these materials as criminal explosives ... Town residents are worried because they know that Ko Maung San has nothing to do with the case, but that he may be charged because he is a member of the NLD."*³⁴⁵

Following the veto on a Burma resolution draft in the United Nations Security Council (UNSC), the SPDC alleged that internal and external anti-government organizations were planning terrorist attacks in the country. The state sponsored newspaper accused two opposition groups in exile; the Democratic Party for a New Society (DPNS) and All Burma Students' Democratic Front (ABSDF), of being behind the plans.³⁴⁶ In July 2007, the SPDC again accused ABSDF of planning terrorist attacks, this time with the Democratic Alliance of Burma (DAB). All groups denied the junta's claims, and the SPDC failed to back up the allegations with any concrete evidence.³⁴⁷ In August, the regime accused the CRPP, the NLD, 88 generation students, and veteran politicians, of instigating unrest by forming a Central Mass Struggle Committee in league with groups branded by the SPDC as "*terrorists*"; insurgents in exile, the NCUB and remnants of the banned Communist Party of Burma (CPB). The charges were denied by all groups and the junta failed to provide any concrete evidence to substantiate its claims.³⁴⁸

While making political activities increasingly difficult for opposition parties, the regime has been preparing their main proxy civilian organisation, the USDA, to become a political party. This is largely seen as an attempt to ensure the regime is represented by a civilian party in the announced upcoming elections in 2010. (For more information see Section 10.17: The Union Solidarity and Development Association).

10.11 Restrictions on and Harassment of the NLD

Burma's military regime frowns upon all displays of dissent, and is especially harsh on members of the main opposition party, the National League for Democracy (NLD), who continues to face constant harassment and pressure from the authorities. The NLD won a landslide victory in the 1990 election, which was annulled by the SPDC refusing to let go of its power. The SPDC has for the last 18 years ignored that the electorate provided the NLD, not the SPDC, with the mandate and political power to improve their lives. The regime has acted as if they could easily discard the results of the 1990 election without having to compromise with the NLD.³⁴⁹

In an attempt to undermine the opposition party and discourage its activities, the SPDC has detained NLD leaders; pressured thousands of party members and officials to resign, closed party offices, harassed members' families, and periodically detained hundreds of NLD supporters at a time to block planned party meetings.³⁵⁰ The NLD has written numerous letters to the head of the SPDC, senior general Than Shwe, urging an end to these abuses, but their appeals have been routinely ignored.³⁵¹

The SPDC has ensured that the NLD's two top officials and several elected MPs are not able to engage in politics, by detaining them and denying them the right to communicate with fellow party members. Party leader Aung San Suu Kyi and deputy U Tin Oo have been under house arrest since the 2003 Depayin massacre, when an NLD motorcade was attacked by a junta-backed mob.³⁵² In 2007, the SPDC extended the detention of the two top NLD officials by another year, as well as elected NLD MPs Dr Than Nyein and Daw May Win Myint.³⁵³ In 2007, 13 MPs were still detained in prison, 11 of whom members of the NLD.³⁵⁴

The NLD's Rangoon headquarters have been allowed opened since 2004, however most of its branch offices remain closed.³⁵⁵ Moreover, several local NLD groups were banned from holding meetings.

In an attempt to weaken and demoralize the opposition, the SPDC in 2007 continued to coerce NLD members into resigning from the party. According to the state-run newspaper New Light of Myanmar, at least 1,077 NLD members across Burma had resigned from the party in the first six months of 2007.³⁵⁶ What the state-run paper failed to mention was how the SPDC uses threats of arrest and other forms of intimidation, like economic incentives, to persuade NLD members to resign.³⁵⁷ In January 2007, it was reported that the SPDC offered financial assistance in an attempt to persuade members of NLD in Falam, Chin State, to withdraw from the party.³⁵⁸ And in June, SPDC authorities, local police, members of the USDA and the paramilitary group *Swan Arr Shin* in Thar Yar Kone village, Maymyo Township, Mandalay Division, forced NLD youth member Nay Myo Aung to resign from the party.³⁵⁹

NLD members continued to be subject to surveillance and movement restrictions in 2007. Authorities often denied permission for members travelling to Rangoon to register as overnight guests, consequentially criminalising their stay. The SPDC also barred Arakan NLD members from travelling to Sittwe to attend the party's meetings, effectively hindering the reorganization of Arakan State's NLD.³⁶⁰ Elected Arakan NLD members have not been allowed to travel from one township to another without the government authority's permission since the 1990 election.³⁶¹ Following protests in mid-August 2007, the authorities stepped up surveillance on NLD members all over the country. In Pwinbyu, Magwe Division, the movement of pro-democracy supporters, including NLD members, were reportedly closely monitored by authorities. And NLD members in Chauk, also Magwe Division, were warned not to leave their headquarters after 10 pm.³⁶²

In 2007 NLD members continued to face arbitrary arrest, and were routinely the first to be rounded up following anti-junta activities. Following the arbitrary arrest of several local party members, the deputy chairman of Taungup Township NLD, U Than Pe, in December 2007 accused local authorities of victimizing party members, blaming them for all anti-regime activities in the township. According to Than Pe, *"The [Taungup] township authorities are treating our NLD members like criminals. Whenever there is a problem in town, we are the first ones to be questioned."*³⁶³

Since economic protests started in August 2007, NLD members faced heightened surveillance, intimidation, and arrest as they attempted to engage in peaceful political activities. Following the August and September 2007 protests, the SPDC cut the telephone lines of NLD members and other key opposition leaders in an attempt to limit communication, and thus hampering the planning of further protests.³⁶⁴ As part of the continuing crackdown on the September uprising and as a preventive measure against further unrest, the SPDC detained and interrogated members and leaders of the NLD all over the country. More than 200 NLD members were arrested nationwide during and in the aftermath of the August and September protests. Of the 200 arrested, 15 were elected representatives from the 1990 election.³⁶⁵

However, prison is only one form of sanction the junta has imposed against the opposition. NLD members were in 2007 also subject to social and economic discrimination by having their businesses closed down and being denied access to public transport or roads. Moreover, in a move to isolate members of the opposition from their communities, the SPDC has gone so far as subjecting family members and friends of its political opponents to such social and economic exclusions.³⁶⁶

Family members of detained opposition members have also been subject to mental and emotional abuse by authorities. When NLD members are arrested family members are often kept in the dark about their whereabouts. Not only do authorities fail to inform families; even when contacting the relevant authorities they are frequently denied information about their relatives. Another form of psychological abuse used against families of imprisoned politicians, is giving them conflicting information about their release. For example, in January 2007 Daw Khin Aye, wife of imprisoned NLD member Dr Than Nyein, was told that her husband would be freed, only to be informed the next day that his imprisonment has been extended by another year.³⁶⁷

Throughout 2007 the SPDC launched frequent allegations against the NLD in the state-run media, in an attempt to give the population a tainted perception of the opposition party. Despite the NLD's peaceful approach, calling for dialogue and national reconciliation, the SPDC accused the opposition party of *"fostering unrest and causing instability."* In March Information Minister Kyaw Hsan accused the NLD of hindering the arrival of democracy in the country, saying: *"We tried for cooperation with the NLD in the past, as we have the same intention to implement democracy and an open market economy...We will take action against whoever harms the nation and the implementation of democracy."*³⁶⁸

One frequent allegation made by the SPDC is that the NLD are stooges of 'two foreign powers,' referring to the US and the UK, and trying to make the country and its people become 'followers of colonial powers'.³⁶⁹ These allegations have been repeatedly denied as groundless by the NLD, which considers the SPDC allegations as pure propaganda. On 7 February 2007, the SPDC issued a threat to the NLD in the *New Light of Myanmar*, which suggested the party's contacts with Western governments could lead to its demise.³⁷⁰ Again, on 16 March, the *New Light of Myanmar* accused the NLD of not having the support of the people, because of its 'misguided views'. The party was also accused of undermining the country and the Burmese people by receiving funding from foreign countries.³⁷¹

On 11 January 2007, the NLD appealed to the UN Security Council to support a US draft resolution calling for democratic reform in Burma. There were no punitive actions in the proposed draft resolution, which focused mainly on the establishment of national reconciliation through dialogue. The NLD appeal was printed in the state-run New Light of Myanmar newspaper, together with SPDC propaganda articles condemning the US for interfering in the country's internal affairs. While this was an apparent attempt by the regime to taint the image of the NLD, the opposition party instead thanked the regime for printing the statement as they considered it good publicity. According to NLD spokesperson U Myint Thein, the coverage was very helpful; since the military was criticising the NLD's policies, it was clear they were opposed to national reconciliation. *"What we've always been asking for, and the UN's Security Council's looking for, is national reconciliation and the dialogue. So their [condemning the UN] can be interpreted as a refusal of this,"* he said.³⁷²

Another allegation made against the NLD, as well as other opposition parties, is that they are 'terrorist organisations.' In April 2006 the government designated four exiled political groups as terrorist organizations. Among the groups listed was the National League for Democracy–Liberated Area, which was loosely affiliated with the NLD. The junta also adopted an increasingly threatening stance toward the NLD itself, stating in April 2006 that it had enough evidence tying the NLD to terrorist groups to justify dissolving the party.³⁷³ Despite bombs never having been linked to any of the pro-democracy political parties, the SPDC has continued accusing them of terrorist activity.³⁷⁴

Following religious ceremonies and prayers held by the NLD, the SPDC has accused the party of using religion as a political tool. When the NLD in May carried out their month long prayer campaign for the release of Aung San Suu Kyi, the state-run newspaper New Light of Myanmar accused the party of trying to *"stir up unrest under the pretext of religion."*³⁷⁵ On 30 May 2007, the NLD organised a memorial service at the Masoeyein monastery in Mandalay to commemorate the victims of the 2003 Depayin massacre. However, the authorities tried to stop this from going ahead. According to NLD member Ko Shwe Maung, *"A senior general sent in one of his officers to tell the head monk that the NLD was using religion as a political tool. The chief monk explained that the food offering was in accordance with Buddhist traditions and that the monks would not refuse it."*³⁷⁶

In yet an attempt to disgrace the opposition, the Burmese Ministry of Information pressured private periodicals to publish opinion pieces denouncing the opposition. One victim of such newspaper commentaries was NLD member Naw Ohn Hla (45), who has regularly been attending the Tuesday prayers for Aung San Suu Kyi at Shwedagon Pagoda. In January she filed defamation cases against 123 editors and publishers from 30 weekly journals. The journals had printed articles portraying her as a prostitute and linking her to a widely known but deceased pimp from the area in Rangoon where she lives. According to publishers of private journals in Burma, they are called for meetings at the Ministry of Information fortnightly, where they are instructed on what news to include or exclude, and given articles to publish attacking democracy activists, foreign governments and exiled political groups.³⁷⁷

NLD leader Aung San Suu Kyi had in 2007 been under house arrest for 12 out of the last 18 years, and continuously since May 2003.³⁷⁸ Despite being effectively barred from political activity under house arrest, the junta continues to accuse her of being a threat to national unity, claiming that she is trying to undermine the government by collaborating with foreign powers. On 18 January 2007, state-run newspaper New Light of Myanmar launched a new attack on Suu Kyi, accusing the detained NLD leader of evading taxes by spending her money from the 1991 Nobel Peace prize and other awards overseas.³⁷⁹

At a press conference in March, Information Minister Kyaw Hsan accused Aung San Suu Kyi of planning to “devastate” the country, adding that there was no impending date for her release. Kyaw Hsan accused Aung San Suu Kyi of “turning back to confrontation” each time the government had released her.³⁸⁰ On 25 May 2007, the authorities extended her detention by yet another year. In an attempt to defend and normalise the detention of Aung San Suu Kyi and others, the *New Light of Myanmar* stated that: “Those including Daw [Aung San] Suu Kyi who were under restrictions were detained for attempting to disrupt peace and tranquility and cause unrest in the country ... Arrest and detention like this are nothing unusual.”³⁸¹

Whilst under house arrest, Daw Aung San Suu Kyi is denied visitors and meetings, even with party colleagues. However, in conjunction with a visit by UN special envoy Ibrahim Gambari, on 9 November 2007 the party leader was allowed a brief meeting with four other NLD top officials; Chairman Aung Shwe, Secretary U Lwin, Nyunt Wai and spokesperson Nyan Win. It was the first time she has been allowed to meet with any of her colleagues in three years.³⁸² On the same day, Suu Kyi also met minister for relations Aung Kyi for the second time. Suu Kyi met with Gambari for an hour on 8 November 2007, who released a statement on her behalf after leaving the country. In her first public message since 2003, the NLD leader called for constructive dialogue: “In the interest of the nation, I stand ready to cooperate with the government in order to make this process of dialogue a success.”³⁸³

Despite facing systematic harassment by the authorities, the NLD has repeatedly called for dialogue and national reconciliation. On 19 July 2007, the NLD marked Martyr’s Day by calling for dialogue with the junta, and a more inclusive National Convention process.³⁸⁴ On 23 August 2007, NLD called for dialogue over the hike in fuel prices.³⁸⁵ However, the SPDC continued to ignore the NLD’s requests for dialogue, and instead stepped up persecution of the party and its members.



Daw Aung San Suu Kyi meets with NLD colleagues at her home in Rangoon. [Photo: AFP]

Restrictions on and Harassment of the NLD - Partial list of incidents for 2007

On 4 January 2007, the Shwebo Township NLD was banned from holding regular monthly meetings by the township election commission. The group was in March again warned by local election commission officials not to hold any party meetings unless they asked permission from local authorities seven days in advance. Despite the ban, the group held a meeting on 1 March, and told the authorities that since the meeting had been instructed by the NLD headquarters, the officials should discuss with them instead.³⁸⁶

On 16 January 2007, a group of 10 pro-democracy activists holding a weekly prayer at Rangoon's Shwedagon Pagoda were attacked and forced out by around 200-400 pagoda police, Union Solidarity and Development Association (USDA) members, and special police. According to one of the prayer goers, 10 members of the USDA from each township in Rangoon division had been summoned by the SPDC authorities to carry out the raid. The USDA group was lead by Nyein Wai, the head of North Okkalapa township branch and Htut Wai, head of Thingyangyun branch. The Military Intelligence, Special Branch, police and Shwedagon pagoda security personnel were closely monitoring the situation. Than Zaw Myint who was injured in the attack went to file a case in Bahan police station but the police refused to register a case. On 22 January, the ten activists filed a complaint over the incident with the local religious authorities.³⁸⁷

On 17 January 2007, imprisoned NLD member Dr Than Nyein had his prison sentence extended by one year under Burma's legal Act 10/A. Dr Than Nyein was arrested for political reasons in 1997, and due to be released in 2004. Since then his period of detention has been extended several times. After first being led to believe he would be released, his wife Daw Khin Aye, was notified by intelligence agents of the extended detention.³⁸⁸

On 22 January 2007, it was reported that the SPDC offered financial assistance in an attempt to persuade members of NLD in Falam, Chin State, to withdraw from the party.³⁸⁹

On 23 January 2007, an appeal filed by imprisoned NLD member U Myint Tun was dismissed by the Insein northern-district court, without any reason being given. U Myint Tun was in July 2006 charged with manslaughter after a man stepped on a live electrical cable that had been illegally attached to mains supplies near U Myint Tun's apartment. U Myint Tun was charged after the man died of his injuries. However, according to U Myint Thaug the electrical cable did not belong to him, and the reason for his arrest was that he was a member of NLD.³⁹⁰

On 26 January 2007, NLD member Naw Ohn Hla (45) from Hmawbi, Rangoon, filed defamation cases against 123 editors and publishers from 30 weekly journals for portraying her as a prostitute. The journals had in January printed articles personally attacking her and falsely linking her to a widely known but now deceased pimp from the area in Rangoon where *she lives*. *According to one journalist against whom a case had been filed by Naw Ohn Hla: "We are being told to publish this kind of articles in our journal by the Ministry of Information"*. Naw Ohn Hla lodged the complaint with the Sanchaung Township Court where she was to appear on 13 February. However, the case was postponed three times by Judge Khin San Myint and finally dismissed by the court on 9 March 2007.³⁹¹

On 9 February 2007, it was reported that NLD members in Pulaw Township, Tenasserim Division, were put under increased pressure by authorities, who had repeatedly attempted to coerce them into quitting the party.³⁹²

On 13 February 2007, the SPDC extended the house arrest of NLD party deputy U Tin Oo by one year. U Tin Oo has been incarcerated since May 2003 when an NLD motorcade was attacked by a junta-backed mob in northern Burma. However it is still unknown to the NLD which under which law he was imprisoned.³⁹³

On 15 February 2007, NLD Chairman and head of CRPP U Aung Shwe and CRPP secretary Aye Tha Aung were summoned by SPDC police chief Brig-Gen Khin Yi at the Police Force office in Rangoon and warned against releasing political statements.³⁹⁴

On 19 February 2007, the SPDC refused the reformation of Arakan State's NLD and Sittwe Township's NLD. U Nyi Pu, a high ranking member of the Arakan NLD and elected representative from the 1990 election in Gwa Township had come to Sittwe, the Arakan capital, to reform the NLD there. However, the Arakan State NLD president U Thein Maung and secretary U Maung Kront Aung were prohibited to travel to Sittwe during the party's reformation meeting. As the two were unable to attend the meeting, the plan for the NLD's reformation failed to materialize.³⁹⁵

On 21 February 2007, NLD member and MP Daw May Win Myint (57) had her 10-year prison sentence extended by another 12 months. Daw May Win Myint was initially sentenced to seven years in prison in 1997 for arranging a meeting between detained NLD leader Daw Aung San Suu Kyi and a group of young people from Mayangone Township. Although her sentence expired in 2004, she continued to be detained in 2007.³⁹⁶

On 22 February 2007, NLD member Ko Myint Shwe and Ko Htin Kyaw were arrested after leading a demonstration outside Rangoon's Theingyi market calling for 24 hour electricity and an end to high inflation.³⁹⁷

On 24 February 2007, it was reported that Arakan NLD Chairman and elected MP U Thein Maung, was interrogated by police along with another NLD member for reportedly distributing around 200 party booklets to townspeople in Manaung. Days earlier a police team led by SI Inspector Kyaw Moe Yin raided NLD member U Maung Maung's house and seized all the remaining booklets. U Thein Maung and U Maung Maung were on 24 February yet to be arrested.³⁹⁸

On 7 March 2007, Ko Maung San, an NLD member from Kawthaung, Tenasserim Division, was arrested accused of gunpowder smuggling after a letter bearing his name was found along with gunpowder on a boat. After a letter addressed to 'Ko Maung San' was found stored in a boat docked at Kawthaung Port, authorities reportedly arrested as many men in the area called Maung San as they could find. Ko Maung San of the NLD was sent to Rangoon to be interrogated along with six other people. However, while the others were soon released, Maung San continued to be held by the authorities.³⁹⁹

On 29 April 2007, SPDC authorities in Chauk Township, Magwe Division, checked guest lists at the homes of NLD members and supporters in the run up to a May Day celebration organized by the NLD. Authorities also ordered employers not to let their employees attend the NLD organized celebration.⁴⁰⁰

On 15 May 2007, over 30 activists going to pray for the release of Aung San Suu Kyi, were forcefully stopped and arrested by a group of around 100 special branch police and USDA members at different locations in Rangoon. One group of about 11 activists, led by NLD youth members were stopped and arrested on their way from Mee Gwet market in Hlaing Thar Yar Township to Shwedagon Pagoda. Another group of more than 20 activists led by Su Su Nway, was stopped on their way to Kyauk Daw Gyi Pagoda in Insein Township. Kyaw Kyaw Min, a law student, was beaten by police and USDA members. They also

confiscated a camera from the demonstrators. Other activists taking part in a similar campaign were arrested in Hlaing Thar Yar Township earlier the same day.⁴⁰¹

On 16 May 2007, a group of over 15 NLD youth members were arrested while praying for the release of Aung San Suu Kyi at the Kyaik Ka Lo pagoda in Mingaladon township. The group was forcibly removed by around 30 men in civilian clothing who failed to identify themselves. The 15 NLD members were released later the same day. According to one of the arrested, Khin Myat Thu, some of the men who took part in the arrests had earlier been forcibly recruited by SPDC authorities near the pagoda.⁴⁰²

On 16 May 2007, Daw Tin Tin Maw (62), an NLD woman, was arrested after staging a solo protest for the release of Aung San Suu Kyi in front of Rangoon's City Hall.⁴⁰³

On 19 May 2007, 3 activists were arrested as they headed to a pagoda in central Rangoon to pray for the release Daw Aung San Suu Kyi.⁴⁰⁴

On 21 May, HIV activist and NLD member Phyu Phyu Thinn (35) was arrested by special police from her home in Rangoon for interrogation and detained in Kyaik Ka San interrogation camp. On 19 June 2007, she staged a seven-day hunger strike demanding a fair trial or be released. Phyu Phyu Thin was released on 2 July after signing a statement confirming her release.⁴⁰⁵

On 21 May 2007, NLD youth member Khin Htun was arrested after he visited Su Su Nway at the Muslim Free Hospital in Rangoon.⁴⁰⁶

On 23 May 2007, authorities arrested 2 NLD members in Rangoon for no apparent reason. One woman was arrested as she led a prayer vigil for Aung San Suu Kyi, and a man was arrested at a different location in the city. The arrests were seen as part of the SPDC's arrest campaign of pro-democracy activists in the lead up to 27 May, the date for the review of Aung San Suu Kyi's house arrest. At least 60 pro-democracy activists were detained in the same week as they went to pagodas to pray for Aung San Suu Kyi's release.⁴⁰⁷

On 24 May 2007, former political prisoner U Htun Lwin was arrested by SPDC authorities in Myitkyina, Kachin State, for staging a protest calling for the release of Daw Aung San Suu Kyi.⁴⁰⁸

On 25 May 2007, SPDC military personnel, USDA and *Swan Arr Shin* attacked a group of around 30 NLD members who were praying for the release of Aung San Suu Kyi at the Kyaukhtutgyi pagoda (Six Story Pagoda) in Bahan Township. Secretary of Tamwe USDA, Lae Lae Win Swe, along with military personnel, led the team of attackers. According to witnesses, Buddhist monks helped to free the prayer goers from the attackers.⁴⁰⁹

On 25 May 2007, SPDC authorities arrested six NLD members after they went to pagodas in Rangoon to pray for the release of Daw Aung San Suu Kyi.⁴¹⁰

On 27 May, the junta extended the detention of the NLD's General Secretary Daw Aung San Suu Kyi for another year.⁴¹¹

On 27 May 2007, a mob consisting mainly of SPDC officials and USDA members confronted Aung San Suu Kyi supporters marching to a prayer vigil for the detained leader at a pagoda in downtown Rangoon. The around 500 activists, mainly NLD members were blocked by about 100 SPDC supporters who shouted abuse, and dragged away at least one NLD elected member. The situation reportedly became extremely tense. In the end, the activist group decided to return to the NLD headquarters to hold the mass prayer vigil there. It was

reported that officials from across Rangoon had arrested some protestors after the group dispersed, including at least 12 NLD members.⁴¹²

On 29 May 2007, SPDC authorities arrested activist Ko Tun Tun after attending a prayer meeting at the Shwedagon pagoda in Rangoon.⁴¹³

On 5 June 2007, 11 HIV patients in Rangoon were arrested by police after participating in prayers at pagodas for the release of prominent HIV/AIDS activist and NLD member Phyu Phyu Thin. The patients were released on 8 June.⁴¹⁴

On 6 June 2007, SPDC authorities in Mandalay closed down the garment shop of U Ba Soe, brother of Daw Win Mya Mya, a member of the NLD Organizing Committee in Mandalay Division.⁴¹⁵

On 11 June 2007, a group of SPDC officials, police, USDA and *Swan Arr Shin* in Thar Yar Kone village in Pyin Oo Lwin Township, forced NLD youth member Nay Myo Aung to resign from the party.⁴¹⁶

On 11 June 2007, pagoda management committee members forced more than 20 women NLD members to leave Rangoon's Thanlyin-Kyaikgaug pagoda while holding a prayer vigil for the release of their leader Aung San Suu Kyi.⁴¹⁷

On 13 June 2007, 5 women NLD members of Zeegone Township, Pegu division, were attacked with catapults by an unidentified group of people when returning from Mya Thein Than pagoda after praying for the release of Aung San Suu Kyi. One of the women, Daw Khin Wyne, chairperson of Zeegone NLD, stated that they were attacked by catapults and stones by three men who were lying in wait for them on the Rangoon-Pyay highway. A special branch police officer witnessed the incident but did nothing to stop the attack.⁴¹⁸

On 15 June 2007, NLD MP U Than Lwin (70) was attacked by a mob of USDA members and other thugs, after he and some colleagues had led around 35 people in prayers for the release of all political prisoners in Burma. The prayers were held at pagodas in his town of Mettaya, as part of a nationwide campaign in recent months. Than Lwin was hit in the face with a knuckle-duster, before the attacker escaped into a local USDA office. When police came to the USDA office to investigate, staff refused to allow them inside. As a result of the assault, Than Lwin had a broken nose and left cheek, and serious facial injuries, and was sent to the Mandalay General Hospital for an operation. On 20 June, USDA members reportedly harassed him while he was undergoing surgery at a Mandalay hospital.⁴¹⁹

On 17 June 2007, Ko Win Bo, an NLD member of Naung Kham village, was summoned by local authorities, who threatened to close down his shop if he did not agree to work as their informer. The SPDC village council told Ko Win Bo to provide information about NLD activities, which he refused.⁴²⁰

On 19 June 2007, Daw Aung San Suu Kyi's 62nd birthday celebrations held at various locations across Burma were disrupted by thugs from junta-sponsored groups USDA and *Swan Arr Shin*. In Rangoon, NLD headquarters were kept under surveillance by plain-clothed security police, who took photographs of the birthday celebration from across the road. A dozen trucks filled with USDA and *Swan Arr Shin* members were also stationed outside the NLD headquarters. In Shwebo Township, Sagaing Division, USDA members threw stones at the local NLD office and placed sharp nails to puncture tires on a road near the building. And in Aunglan Township, Magwe Division, USDA thugs threw sharp objects at NLD members.⁴²¹

On 24 June 2007, the Maddaya USDA Secretary, U Kyaw Min, filed a lawsuit against 5 Mandalay NLD members and 4 family members of U Than Lwin, an NLD member and elected MP, who on 15 June 2007 was attacked by a man wearing a knuckle duster. While the attacker remained unidentified, he was reportedly seen fleeing into a Mandalay USDA office after attacking U Than Lwin. Maddaya NLD members U Nyo Gyi, Ko Kyaw Swe, Ko Thaung Naing, U Nyo Lay and Ko Nyi Nyi, along with 4 of U Than Lwin's family members were later accused of 'intimidation' after threatening to attack the USDA offices if the assailant was not handed over. The court stated they would drop charges against anyone who could prove they were not involved or if they could give a reasonable explanation for what happened. According to U Than Lwin, it would have been impossible for the group to have tried to intimidate the USDA since their only contact with the pro-government organisation over the incident had been in the presence of a number of police officers.⁴²²

On 7 August 2007, human rights activist and NLD member Su Su Nway was harassed by security police and a photographer while praying at Rangoon's Shwedagon Pagoda. She was first scrutinized by the pagoda's security police at the eastern gate when entering the pagoda, and then while praying an unknown photographer repeatedly took her photo without asking for permission. When she requested pagoda officials to arrest the photographer, she was ignored.⁴²³

On 21 August 2007, members of pro-junta organisation USDA and paramilitary *Pyitthu Swan Arr Shin* made threats against 6 NLD members in Rangoon. Myo Khin, the chairman of the Yankin Township NLD branch and five other NLD members were confronted on their way to their township headquarters by a group of around 60 USDA and *Swan Arr Shin* carrying catapults and sharpened bamboo sticks. The mob followed the NLD members as they walked to their office and later stopped to question them at a bus queue near Tamwe Plaza. The mob called the NLD members terrorists and threatened them to leave the area or they would be beaten to death. When the NLD members tried to explain that they were walking to work as they could not afford fuel, the pro-junta mob forced them onto a bus.⁴²⁴

On 27 August 2007, 14 NLD youth members were arrested in Saku Township, Magwe Division alleged with failing to register as overnight guests. The 14 NLD members were reportedly staying overnight at the home of another party member when the house was raided at around 2 am by township officials led by Than Naing Linn and Kyaw Kyaw. However, the NLD youth members said they had tried to register, but the officials had refused to approve it.⁴²⁵

In the last week of September and first week of October, several NLD members were arrested as a result of the countrywide demonstrations. NLD members from Pegu, Patheingyi, Mattaya, Tharsi, Myingyan, Kyauk Padaung and Pakhokku towns were summoned in a series of midnight raids and interrogated by police and SPDC township officials. Chairman of the Pegu NLD, U Myat Hla, was summoned and interrogated on 28 September 2007, and released the same day. General Secretary of the Patheingyi NLD, U Zaw Hein, was summoned by about 10 policemen in plainclothes on 1 October 2007, and was two days later yet to be released. U Than Lwin, NLD representative in Mattaya town, Mandalay division was arrested at midnight on 2 October 2007 by about 25 policemen and township officials headed by police commander Khin Maung Thein and Township chairman Khin Maung Soe. Central committee member of NLD in Tharsi town, U Myint Htay, was arrested by police on 2 October, and a day later his whereabouts remained unknown. U Hlaing Aye, an NLD representative in Pakhokku town, was arrested by police and township officials after midnight on 2 October 2007. The next day his whereabouts remained unknown. Another NLD member of Pakhokku Township, U San Pwint, an NLD member from Kamma village was also arrested. Authorities also arrested U Sein Kyaw Hlaing, U Kyat Soe, U Win Shwe, U Than Lwin, U Paw Aye, and Ko Ye Tun, who are all members of the NLD Kyauk Padaung town in Mandalay division. Secretary of the Myingyan NLD Ko Paw

Thein, and member Ko Win Naing and U Bo Win were also arrested by authorities the last week of September.⁴²⁶

On 17 October 2007, it was reported that U Aung Thein (77) an NLD member from Rangoon serving a 20-year prison sentence in Insein jail was denied permission to attend his late wife's funeral. U Aung Thein was imprisoned for illegally possessing a satellite phone and making contact with democracy activists in exile.⁴²⁷

On 3 November 2007, authorities reportedly interrogated the wife of NLD member Nyi Pu Lay, whose body was recovered from the Gwa River on October 17.⁴²⁸

On 4 November 2007, it was reported that NLD members from Taungup town of Arakan State were openly threatened by SPDC authorities. The NLD members, who had just been released after being arrested in connection with the September protests, were warned to stay calm or face harsh punishment.⁴²⁹

On 18 December 2007, Win Myint, an NLD member of Rangoon's Hlaing Tharyar Township was sentenced to three years imprisonment charged with possession of a weapon. However, his arrest came shortly after he refused SPDC authorities demands on him to leave the political party. On 2 December, soon after turning down the order, U Win Myint picked up a passenger in his trishaw and took him to a bus stop, where Win Myint found police and ward authorities waiting for him. They searched his trishaw and found a nine-inch knife. Although Win Myint insisted it must have belonged to his passenger, the police refused to believe his story and arrested him.⁴³⁰

On 17 and 18 December 2007, SPDC authorities detained and interrogated five NLD members in Taunggok, Arakan State, accusing them of organizing anti-junta poster and graffiti campaigns.⁴³¹



Aung San Suu Kyi supporters praying at the NLD headquarters in Rangoon in April 2007.
[Photo: AFP]

10.12 Restrictions on and Harassment of the 88 Generation Students' Group

"We [88 Generation Students] will continue our struggle for the country, even if we face arrest and torture. We will not turn back—whatever happens; whatever difficulties or pressures we face."

- Htun Myint Aung, a member of the 88 Generation Students movement⁴³²

The student movement was revitalised during the last couple of years, following the release in 2005 of several key student leaders who had spent more than a decade in prison over the 1988 uprising and other protests.⁴³³ In August 2006, the 88 Generation informal network was established. The group's five most prominent leaders were arrested in September 2006, however in October other members launched a nationwide petition calling for the release of the estimated 1,100 political prisoners and a genuine national-reconciliation process.⁴³⁴ On 10 January 2007, 88 Generation Student leaders Min Ko Naing, Ko Ko Gyi, Min Zeya, Pyone Cho and Htay Kywe were released after spending over three months in prison.⁴³⁵ Together, the five represent the core of the network's leadership.⁴³⁶ On 21 August 2007, four of the leaders were again arrested, with only Htay Kywe left in hiding.⁴³⁷

Political analysts have stated that the junta now regards the 88 Generation Students group as its greatest threat. Estimated to have thousands of supporters, the 88 Generation is gaining great leverage in the population.⁴³⁸ As long time Burma observer, Bertil Lintner, has stated, *"Whilst the NLD has become weakened in recent years, the 88 Generation, on the other hand, has suddenly become a force to be reckoned with, although at the moment it has no proper leadership or organizational structure."*⁴³⁹

Unlike the NLD, the 88 Generation Student Group is not a political party but a movement uniting former students who were active in the mass uprising of 1988.⁴⁴⁰ Despite having been harassed, imprisoned, tortured and denied a return to their studies, the 88 Generation Students' commitment to creating a free and democratic society remains as strong as ever.⁴⁴¹

In 2007, the 88 Generation Students Group managed to gather activists and ordinary citizens across the country for peaceful activities, showing that a civil society still exists in Burma.⁴⁴² The 88 Generation Student Group spearheaded several public protests in 2007 with petition campaigns, prayer vigils and other actions to free political prisoners and promote a return to democracy.⁴⁴³ The 88 Generation Students repeatedly urged the SPDC to create a political environment which would *"allow free, frank and friendly discussions among all political stake holders in order to restore democracy in the country."*⁴⁴⁴

On 4 January 2007, Burma's Independence Day, the 88 Generation Students launched the "Open Heart" campaign, with the aim to encourage Burmese citizens to write letters to senior general Than Shwe and other members of the State Peace and Development Council, listing their grievances with the deteriorating economic, political, and social situation. People from around the country were invited to send the letters via the 88 Students Group, in an attempt to prevent the authorities from punishing participants.⁴⁴⁵ The group received more than 20,000 letters.⁴⁴⁶

On 11 March 2007, the 88 Generation Students launched the "White Sunday" campaign, with the aim to visit the families of political prisoners every Sunday, wearing white, to offer moral support and advice. The group continued the campaign despite facing harassment and threats by local authorities, who had reportedly been ordered to hinder the campaign. *"Since we began visiting political prisoners' families, local authorities have hindered or*

blocked our routes and monitored the houses we visit. Some authorities have even attempted to physically prevent members from making visits,” said Pyone Cho, a leading member of the 88 Generation Students group.⁴⁴⁷ Two members of the activist group faced intimidation by junta officials; one was briefly held for questioning, while the other was threatened during a visit to a political prisoner’s house in North Okkalapa Township. The campaign ended on 20 May, when a group of about 150 activists visited the home of Daw Aung San Suu Kyi’s cousins, while several plainclothes security personnel videotaped and photographed the group.⁴⁴⁸

In the months leading up to the September 2007 demonstrations, the 88 Generation Students Group organized several popular civil rights campaigns that directly challenged military rule. The September demonstrations grew from August protests by activists, including members of the 88 Generation Students Group and their supporters. Following the first protests in August, fourteen activists including 88 Generation leaders Min Ko Naing, Ko Ko Gyi and Min Zeya, were arrested. It was later reported that they had suffered brutal interrogation in prison. Some 88 Generation Students, including Htay Kywe, Nilar Thein, Mie Mie and Tun Myint Aung, managed to escape and carried on the struggle from their hiding places, encouraging the protesters through reports and interviews carried by international media. After the authorities launched a massive arrest campaign in October, Htay Kywe and Mie Mie were also arrested.⁴⁴⁹



88 Generation Students’ Leaders, Ko Ko Gyi, Min Ko Naing and Htay Kywe [Photo: AFP]

The SPDC frequently used state-run media to attack and threaten the 88 Generation Student Group. On 11 June 2007, an article in *The New Light of Myanmar* threatened leaders of the 88 Generation Students group with “*punitive punishment [...] more severe than legal action*” if they continued their political activities.⁴⁵⁰ On 5 July 2007, *The New Light of Myanmar*, launched another tirade against the 88 Generation Students Group, accusing them of manipulating Rangoon University students in an attempt to instigate unrest. The newspaper further stated that the 88 Generation Students were jobless and relied on funds from abroad in the name of political activity, which they spent in their own interest. The students flatly rejected the junta’s accusations and urged the Information Ministry to stop the false accusations and start an all inclusive dialogue for national reconciliation in Burma.⁴⁵¹

The junta in 2007 increasingly used civilians to harass 88 Generation Student leaders and monitor their activities. Beginning on 27 May 2007, unidentified men gathered around the houses of the student leaders, disturbing and threatening them, and followed them with motorbikes wherever they went.⁴⁵² While returning from the Martyr’s Day ceremony at the

NLD headquarters on 19 July, student leader Pyone Cho reported being followed by nine motorbikes. Moreover, two women members, Ma Thin Thin Aye and Ma Lay Lay Mon, were followed by five men on motorbikes who circled them at slow speeds and taunted them. According to one unnamed student leader, *"One group comprised around 20 people. I can't understand their duties. They are there all day and night...Only authorities have permission to drive that kind of motorbike."* The bikers were in civilian clothes, and did not disclose which organization they belong to. However, they revealed that they had been ordered to keep a watch on the students.⁴⁵³ *"This situation was not created by us. It has gotten to the point where it is difficult for us to even visit our families because they drive back and forth past our houses making loud noises,"* Ko Ko Gyi said.⁴⁵⁴ On 31 July 2007, the 88 Generation Students Group made a public announcement saying they would get hold of the people who were pestering them, confront them on the spot and call a public gathering to expose them.⁴⁵⁵

The SPDC has also discriminated business ventures of families and friends of political activists. For example, on 30 March 2007, authorities ordered the closure of the Rangoon-Mandalay Thamadi Carrier Service run by the family of former political prisoner and 88 generation student, Mya Aye. The authorities informed that *"action would be taken"* in the case of non-compliance with the order, but gave no reason for the closure. Following this, Myint Aye, a human rights defender stated: *"Mya Aye is a political activist, so in order to break him the authorities have closed down his brother's business which may be a support base for him."* Myint Aye said because of the junta's action on political dissidents, they are abandoned socially and economically by their family and even by society. In April 2007, the 88 Generation Students Group released a statement demanding an end to discrimination against lawyers, doctors and small businesses with perceived links to the pro-democracy movement. The 88 Generation Students Group stated: *"... those who are trying to restore democracy are marginalized from others as political activists, and have consequently become victims of oppression against the free practice of their economic and social rights."*⁴⁵⁶

Restrictions on and Harassment of the 88 Generation Students' Group - Partial list of incidents for 2007

On 11 January 2007, 88 Generation Student leaders Min Ko Naing, Ko Ko Kyi, Htay Kywe, Min Zaya and Pyone Cho were released by authorities from an unidentified location. Their release coincided with the introduction of a draft resolution on the situation in Burma at the UN Security Council.⁴⁵⁷

On 5 March 2007, Thwin Lin Aung, a member of the 88 Generation Student Group, was arrested at Mingaladon airport in Rangoon about to leave for the United States on a scholarship. No reason was given for his detention.⁴⁵⁸

On 18 March 2007, SPDC township officials tried to block a group of around 60 activists of the 88 Generation Students Group, as they approached the home of the family of political prisoner Myo Myint Zaw in Bahan Township. The visit to the political prisoner was part of the *White Sunday* campaign launched by the 88 Generation Students to show solidarity with families of political prisoners. Local authorities in Rangoon had reportedly been ordered to hinder the group's campaign. Two members of the activist group faced intimidation by junta officials; one was briefly held for questioning, while the other was threatened during a visit to a political prisoner's house in North Okkalapa Township.⁴⁵⁹

On 2 April 2007, it was reported that the authorities had closed a family business owned by Maung Maung Aung, the brother of Mya Aye, one of the leaders of the 88 Generation Student group, without explanation. On 30 March Maung Maung Aung had been ordered to report to the Rangoon Botataung Township City Development Office, where he was ordered to close the Tamardi Transportation Service, located at 55 Roads in Botataung Township, which transports goods between Rangoon and Mandalay. The local authorities gave no reason for the closure, other than that they were following orders from the top. However, Mya Aye said that when his brother went to the township development office in Rangoon, authorities had asked him if he gave financial support to the 88 Generation Student group or to his brother.⁴⁶⁰

On 22 April 2007, the family of political prisoner Ko Ba Nyar was interrogated by the police, after the 88 Generation Student group visited their home as part of their ongoing White Sunday campaign. Officials from Rangoon's Kamayut Township questioned the family over their ties with the 88 student leaders and asked if they had given the family money. According to Ko Banyar's sister Ma Aye Mi San: *"Fifteen minutes after Ko Min Ko Naing and Ko Ko Gyi left, the deputy police chief . . . Hla Thaung and local commander Hla Win came to question us. They asked details about my brother."*⁴⁶¹

From 27 May until the end of July 2007, prominent members of the 88 Generation Student Group faced heightened harassment and surveillance; being constantly watched by unidentified people on motor cycles who were stalking them and hanging about outside their residents. When one of the student leaders, Mya Aye, asked the stalkers who they were and what they were doing, they failed to reveal which organization they belonged to, but told him that they had been ordered to keep a watch on the students against their wishes.⁴⁶²

On 11 June 2007, an article in junta-run newspaper *New Light of Myanmar* threatened leaders of the 88 Generation Students group with *"punitive punishment [...] more severe than legal action"* if they continued their political activities.⁴⁶³

On 18 July 2007, it was reported that mobs backed by the regime had gathered around the houses of the 88 generation student leaders, behaving in a threatening manner and following them wherever they went. Mufti clad military security forces, special branch police, and members of the USDA and *Swan Arr Shin* had been in 24-hour stand-by position since 27 May, the anniversary of the 1990 general elections. The 88 Generation Students affected by the harassment included:

1. Ko Ko Gyi;
2. Min Ko Naing;
3. Htay Kywe;
4. Pyone Cho; and
5. Mya Aye.⁴⁶⁴

On 31 July 2007, the 88 Generation Students Group reported about increased harassment, claiming that members of their group were regularly followed by intelligence officials on motorbikes. The harassed members included two women; Ma Thin Thin Aye and Ma Lay Lay Mon.⁴⁶⁵ Motorbikes without registration are driving around the building of Ko Ko Gyi. *"Only authorities have permission to drive that kind of motorbike"*, a student leader said.

On 21 August 2007, following the first August demonstrations, prominent leaders of the 88 Generation Students Group were arrested overnight, accused of attempting to disturb national security stability, implementation of the national convention and the roadmap process. The arrested leaders included:

1. Min Ko Naing;
2. Min Zeya;
3. Ko Ko Gyi;
4. Kyaw Min Yu (aka) Jimmy;
5. Mya Aye;
6. Htay Win Aung (aka) Pyone Cho; and
7. Ant Bwe Kyaw.⁴⁶⁶

On 17 December 2007, it was reported that imprisoned leaders of the 88 Generation Students Group were in poor health and forced to share cells with criminals. Mya Aye, who suffers from heart failure, was reportedly kept in the same cell as a criminal who received the death penalty for murder; Min Ko Naing was also sharing a cell with a criminal.⁴⁶⁷

On 21 December 2007, it was reported that at least six members of the 88 Generation Students Group were arrested in one week. The arrested members included:

1. Khin Moe Aye;
2. Kyaw Soe;
3. Zaw Min;
4. Htun Htun Win;
5. Min Min Soe; and
6. Myo Yan Naung Thein.⁴⁶⁸



Leaders of the 88 Generation Students' Group in Rangoon in August 2007. *[Photo: Irrawaddy]*

10.13 Restrictions on and Harassment of Human Rights Defenders and Activists

"We are being targeted and members of our group have been arrested on various charges. I am really worried about the human rights situation in our country as those promoting human rights are subject to abuses."

- U Myint Aye, leader of Human Rights Defenders and Promoters (HRDP)⁴⁶⁹

Human Rights Defenders and Promoters (HRDP) network was formed in 2002 to raise awareness about human rights and help people to defend their rights. It is an independent organisation, and does not operate in *"the interest or disadvantages of any government or political party"*. The HRDP's principal activities are distribution of the UDHR within Burmese society and providing assistance to disclose human rights violations. HRDP members operate in Rangoon, Mandalay, Pegu and Irrawaddy divisions, as well as in Shan and Arakan states.⁴⁷⁰

HRDP members and other human rights activists faced pressure and harassment by the authorities throughout 2007. Despite Burma being party to several human rights conventions, including the UDHR, the CRC and CEDAW, as well as a range of ILO conventions, the military junta actively suppresses efforts to promote and educate citizens about the rights enshrined in these conventions. Ko Ko Gyi, an 88 Generation Students Leader has stated, *"The government, which has signed international human rights charters, is responsible for educating its people about human rights ... It's totally improper that human rights activists and educators must clandestinely work like underground movements."*⁴⁷¹

As a result of the continuous harassment of human rights activists by the junta, human rights activists have been forced underground and cannot operate in public. As a result, events and trainings were confined to the homes of prominent activists. However, not even in the private sphere of their own homes could they escape the surveillance by authorities. On 10 December 2007, while a ceremony to mark International Human Rights Day was held at the house of HRDP leader U Myint Aye, two trucks of junta officials observed the ceremony from across the road.⁴⁷² Ceremonies and celebrations were also frequently infiltrated by USDA members and plainclothes SPDC officials taking notes and photos.

In 2007 the SPDC continued to regard the distribution of the Universal Declaration of Human Rights (UDHR) as undesirable, despite being party to the UN declaration. As a consequence, anyone attempting to distribute the document, risked arrest and harassment. On 20 March 2007, two HRDP members in Pegu Division were arrested for allegedly distributing the Universal Declaration of Human Rights.⁴⁷³ On 26 February 2007, U Thu Ganda, a monk from Taungup Township, southern Arakan State, was arrested after distributing booklets of the UN Declaration of Human Rights to villagers in Kha Rai Village. The police confiscated the monk's ID card, and imposed travel restrictions on the monk, prohibiting him from leaving his monastery.⁴⁷⁴ In the past, booklets on the UDHR could be distributed among the people everywhere in Burma without the permission of the authority.⁴⁷⁵

The HRDP has stated that arrests of and attacks on human rights activists reveals the junta's systematic plan to hinder increased awareness and understanding of human rights among the public and to prevent locals from welcoming human rights activists. In August 2006, Daw May Thi Han, was dismissed from her job as a primary school teacher after her grandmother Daw Thein Thein hosted a group of human rights defenders in Kun Hein Township, Southern Shan State. In July 2007, Ko Min Min (a.k.a Ko La Min Htun) was arrested after hosting a human rights workshop in Pyay Township, Pegu Division. He was

later sentenced to three years imprisonment and 30,000 kyat fine, the highest punishment he could receive for the verdict.⁴⁷⁶

The SPDC has denounced the efforts of activists as attempts to mislead the public and cause unrest, while characterizing the actions taken by groups such as the USDA and other government-backed organizations as *"preventative measures for ensuring community peace and tranquillity."* On 23 April 2007, the state-run newspaper *New Light of Myanmar* stated the junta's intention to crack down on human rights activists operating in the country with the aim of *"fulfilling the wishes of the majority to live in peace."*⁴⁷⁷

Under the SPDC regime peaceful human rights promoters are turned into criminals, and accused of inciting unrest, whilst violent thugs attacking them are treated with impunity. On 18 April 2007, six HRDP members were attacked and beaten by a junta-backed mob of around 100 people while they were returning from a human rights training in Oatpone village in Henzada Township. The mob - armed with clubs, slingshots and sharpened bamboo sticks - was led by secretary of Henzada Township USDA, U Nyunt Oo. The Taloke Htaw police chief was also present. Two of the activists, Ko Maung Maung Lay and Ko Myint Hlaing (aka) Ko Myint Naing, were severely injured and hospitalised, however doctors at the Rangoon General Hospital were reluctant to treat them, in fear of retaliation by the authorities. The six rights activists were arrested and detained on 2 May, charged with inciting a riot and creating unrest, as well as 'showing disrespect to the state'. While being detained in Henzada jail, they were denied medical treatment and meetings with their family members. Myint Naing suffered serious head injuries and abdominal pain but was in prison denied access to a doctor or medicines. On 24 July 2007, the Henzada township court sentenced the human rights activists to prison terms from four to eight years. The authorities failed to take action against those who perpetrated the brutal attack.⁴⁷⁸

Following the brutal incident in Oatpone on 18 April 2007, two high ranking UN officials on 25 April 2007 appealed to the military junta to respect and defend the work of human rights activists inside Burma. Paulo Sergio Pinheiro, the UN's Special Rapporteur on human rights in Burma, and Hina Jilani, the Secretary General's Special Representative on human rights defenders, issued a joint statement of *"deep concern"* over the current climate for human rights defenders. The UN officials said reports of the incident *"have highlighted the level of violence and the absence of intervention by the local police to protect the victims and remind us of the circumstances surrounding the tragic incident of Depayin in 2003."* The statement appealed to the authorities to conduct a thorough investigation of the incident.⁴⁷⁹

Reporting about the incident on 18 April, *The New Light of Myanmar* tried to taint the image of the human rights group, blaming them with incitement and urging the people of Burma to crush *"destructive elements"*. The paper said that while HRDP leader Myint Aye had gathered some 20 villagers and explained how they could make a complaint to the HRDP if there was any violation of human rights, *"the villagers replied that there was no such complaint nor violation of human rights in the village"*. The newspaper continued:

*"As they were unable to create problems over human rights, Myint Aye and his group on 18 April left Ingapo village for Otpon [Oakpone] village where they incited the villagers to quarrel over possession of Theinkyaung Monastery... As they were inciting the villagers and interfering in religious affairs, villagers of Otpon [Oakpone] village drove them out of the village, shouting, 'The arrival of you all amounts to harming the village and sowing discord among villagers.'"*⁴⁸⁰

The HRDP dismissed the accusations as false.

As no laws exist in Burma banning the discussion or promotion of human rights, the authorities are increasingly creative in their charges against human rights defenders and promoters. In July 2007, after hosting human rights discussions at his home, Min Min was arrested and charged with illegally opening a tuition centre, and sentenced to 3 years imprisonment and a fine of 30,000 kyat (US\$ 250). Aung Thein, a Rangoon lawyer said the charge was used as a “tool” to arrest Min Min because there was no law banning the discussion of human rights issues.⁴⁸¹ Also in July 2007, six labour rights were charged after holding discussions on international and domestic labour standards on May Day. As discussing labour rights is not illegal, they were instead charged with sedition and crimes relating to illegal associations and given jail sentences of up to 28 years. However, these were all unlawful sentences, as the court presented no evidence against them. In the above cases, Min Min and the labour rights activists were imprisoned ostensibly on grounds of giving illegal tutorials, and sedition and illegal association respectively, but were in fact jailed because of their similar efforts to promote human rights and labour rights instruments to which the government supposedly adheres. As such, human rights defenders were themselves targets of the human rights abuses of the junta.⁴⁸²



Two members of the Human Rights Defenders and Promoters network who were attacked by pro-junta henchmen after having delivered human rights trainings in Irrawaddy Division on 18 April 2007. [Photos: Yoma3]

Not only human rights defenders themselves, but also their family members, have been subject to frequent harassment by authorities. On 13 August 2006, Daw May Thi Han, granddaughter of Daw Thein Thein, who hosted the HRDP in Kun Hein Township, Southern Shan State, was dismissed from her job as a primary school teacher without reason.⁴⁸³ In August 2007, Daw Aye Myint Than, former political prisoner and mother of student activist Noble Aye, was arbitrarily arrested. Moreover, the authorities refused to return her identity card after she was released, severely restricting her freedom of movement. Daw Aye Myint Than stated:

*"They told me that the Special Branch Police ordered them not to give my ID card back, I am worried now about visiting my daughter who is in Insein Prison, because by prison rules I cannot see her without an ID card. I cannot go outside of Rangoon since my release because I do not have ID card. If I go outside Rangoon without an ID card, I could be arrested. I feel I am losing citizenship in my native land."*⁴⁸⁴

Restrictions on and Harassment of the Human Rights Defenders and Activists - Partial list of incidents for 2007

On 26 February 2007, U Thu Ganda, a monk from Taungup Township, southern Arakan State, was arrested after distributing booklets of the UN Declaration of Human Rights to villagers in Kha Rai Village. The police questioned the monk, and seized 60 copies of the UDHR booklet, as well as the monk's ID card. They also imposed travel restrictions on the monk, prohibiting him from leaving his monastery.⁴⁸⁵

On 20 March 2007, two HRDP activists in Pegu Division were arrested for allegedly distributing the Universal Declaration of Human Rights. Kyaw Kyaw Oo of Prome, Pegu Division was caught by local police while distributing pamphlets of the UDHR, while Kyaw Swe was arrested from his home later the same day. The two HRDP activists were interrogated at #2 Police Station in Prome.⁴⁸⁶

On 10 April 2007, Free Burma Rangers relief team member Saw Lee Reh Kyaw was interrogated, tortured and executed by SPDC troops. Lee Reh was captured by LIB #427 on 8 April, while providing humanitarian assistance to Karenni villagers. Troops of LIB #427 opened fire and attacked the village of Ha Lee Ku, and Lee Reh was shot in the leg and badly wounded.⁴⁸⁷

On 18 April 2007, 6 human rights defenders were attacked and beaten by a junta-backed mob of around 100 people while they were returning from a human rights training in Oatpone village in Henzada Township. The mob - armed with clubs, slingshots and sharpened bamboo sticks - was led by secretary of Henzada Township USDA, U Nyunt Oo. The Taloke Htaw police chief was also present. Two of the activists, Ko Maung Maung Lay and Ko Myint Hlaing (aka) Ko Myint Naing, were severely injured and hospitalised, however doctors at the Rangoon General Hospital were reluctant to treat them. On 2 May, the six rights activists were arrested and detained, charged with inciting a riot and creating unrest, as well as 'showing disrespect to the state'. While being detained in Henzada jail, they were denied medical treatment and meetings with their family members. Myint Naing suffered serious head injuries and abdominal pain but was in prison denied access to a doctor or medicines.

On 24 July 2007, the 6 human rights defenders were in Henzada Township Court sentenced to imprisonment of four to eight years on allegations of upsetting public tranquillity, discrediting the government, violating immigration laws and engaging with unlawful organisations. Ko Myint Hlaing (alias) Ko Myint Naing was sentenced to eight years in

prison under 505 (b) (c) while the other five were sentenced to four years each under 505 (b). The authorities failed to take action against those who perpetrated the brutal attack.⁴⁸⁸

The human rights defenders were:

1. Ko Myint Naing (aka) Ko Myint Hlaing (40), HRDP member, resident of Henzada Township, Rangoon Division;
2. Ko Kyaw Lwin (40), farmer, married with three children, resident of Tamaing village, Taluttaw, Henzada Township;
3. U Hla Shein (62), farmer, married with two children, resident of Oatpone village, Kanyinngu Village Tract, Henzada Township;
4. U Mya Sein (50), farmer, married with six children, resident of Oatpone village;
5. U Win (50), farmer, married with five children, resident of Oatpone village; and
6. U Myint (59), farmer, married with four children, resident of Oatpone village.⁴⁸⁹

On 1 May 2007, 33 labour rights activists were arrested for organising a discussion about worker's rights at the American Centre in Rangoon. Most were released later the same day, except six organisers who were detained and charged with sedition, forming an illegal organisation and having contact with illegal organisations. Their arrest and detention comes around the same time as other human rights defenders in Burma have been given long jail terms. The six activists were detained at the central prison, where they were reportedly held in separate buildings, denied visits, and also subjected to cruel and inhuman treatment. They would be taken away for interrogations in the middle of the night, or during mealtimes; and were not given medical treatment for ailments. Their court case opened on 16 July at the central prison premises. On 4 August, the lawyers of the accused withdrew from the case in protest, due to constant harassment by prison authorities. On 7 September 2007, the labour activists were charged with sedition, as well as being members of illegal associations and violating immigration laws. All were given jail sentences of 28 years, except Nyi Nyi Zaw and Kyaw Kyaw who got 20 years. The six labour rights activists were:

1. Ko Thurein Aung (32), from Hlaingthayar Township, Rangoon;
2. Ko Way Lin (24), from Mangaleit village, Kunchankone Township, Rangoon Division;
3. Ko Kyaw Min (a.k.a) Ko Wanna;
4. Ko Myo Min;
5. Ko Nyi Nyi Zaw (25), from Thukhayethar, Hlaing Township, Rangoon; and
6. Ko Kyaw Kyaw (29), from South Dagon Township, Rangoon.⁴⁹⁰

On 2 May 2007, three HRDP members were arrested for violating guest registration laws. Ko Aung Kyaw Soe and Ko Aye Lwin were arrested for failing to register as overnight guests in Rangoon, and Ko Yin Kyi, was arrested after going to the police station to check on the status of his two friends.⁴⁹¹

On 10 July 2007, HRDP member and former teacher Ko Min Min (aka) Ko La Min Htun (31) was arrested for conducting a workshop for locals to discuss the Universal Declaration of Human Rights in Prome Township, Pegu Division. On 30 July 2007, he was charged with teaching without a license and sentenced in Prome Court to three years imprisonment and a 30,000 kyat fine, which was the highest punishment for this violation. More than 100 of his former students and rights activists attended his sentence hearing to offer him moral support. Since the start of this year, Ko Min Min had stopped giving private tuition to high school students and had started holding rights awareness workshops.⁴⁹²

On 25 August 2007, Ko Htin Kyaw (44), the leader of the Myanmar Development Committee, was beaten and arrested by the SPDC sponsored thugs after staging a protest in front of Theingyi Market in downtown Rangoon. Authorities had offered a reward of 500,000 kyat (nearly US \$400) for his arrest.⁴⁹³

On 25 September 2007, social and political activist Amyotheryei Win Naing (70) was arrested after offering food to monks before they set out to march. He was detained for one month.⁴⁹⁴

On 8 November 2007, three HRDP members in Bago division were each sentenced to two years in prison by district judge U Maung Maung at Prome prison court. They were charged under section 505 (b) of the penal code, which covers causing public alarm and inciting offences against public tranquillity. The three HRDP members had been detained since at least 17 September 2007. They were:

1. Thet Oo;
2. Zaw Htun; and
3. U Panita (aka) U Myint Aye, a monk who was disrobed and treated as a layman.⁴⁹⁵

On 26 November 2007, HRDP member Aung Zaw Oo, was arrested by plainclothes police from a teashop in Kyauktada Township, downtown Rangoon. Aung Zaw Oo had actively documented the junta's human rights violations and was involved in imparting awareness trainings, and played an active role in the planning of the International Human Rights Day which took place on 10 December 2007.⁴⁹⁶

10.14 Prohibition of Free and Independent Trade Unions

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.⁴⁹⁷ 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. In 2007 no independent trade unions existed within the country.

Moreover, Burmese seafarers working on foreign ships were banned from making any contact with the International Transport Worker's Federation. The Unlawful Associations Act, 1908 (1957), as well as order Nos. 2/88 and 6/88 provided the legal machinery for the SPDC to maintain its prohibition on the formation and activity of free and independent trade unions. Thus the junta has branded the Thai-based Federation of Trade Unions Burma (FTUB) as a terrorist organisation, criminalising any person or organisation that has contact with it, and attempting to prevent its leader Maung Maung from attending the International Labour Conference and engaging in other international travel.⁴⁹⁸

Whilst the junta has claimed that 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.⁴⁹⁹

As independent trade unions, collective bargaining, and strikes are not tolerated by the junta, several labour activists are serving long prison terms for their political and labour activities. In 2007 six labour activists were sentenced to 20 and 28 years imprisonment, for organising a workshop at Rangoon's American Centre on May Day. Moreover, about 30 people who were planning to attend the workshop were arrested and detained by Military Security Forces (SaYaPa).⁵⁰⁰ In connection with their arrest, junta head Than Shwe stated: *"Neo-colonialists are disguising the members of destructive groups under their control as workers, and forming organizations which exist only in name to interfere in the affairs of international organizations."*⁵⁰¹

Others were also harassed by authorities in connection with May Day activities. In Ye Nan Taung village, Kyaukpyu Township, western Arakan State, 10 residents were questioned by authorities following a dispute over working conditions at a Chinese-run oil company.⁵⁰² In Chauk Township, Magwe Division, authorities ordered employers not to allow their workers to attend a May Day celebration organized by the local NLD, to visit the labour monument in Chauk or to contact the 88 Generation Student Group. Local authorities informed they would monitor the ceremony and take photographs. Employees were warned that if they attended the ceremony, or had any interaction with 88 Generation Students group, they would be fired and face legal action, according to Ye Thein Naing. Employees were ordered to sign documents stating that they would not attend the May Day ceremony.⁵⁰³

In 2007 the SPDC continued to use forced labour, despite formally banning the practice in October 2000. According to the International Labour Organization (ILO) and other sources, soldiers routinely force civilians, including women and children, to work without pay under harsh conditions. The forced labourers are made to construct roads, clear minefields, porter

for the army, or work on military-backed commercial ventures. The government is also increasingly using prisoners as forced labourers for government projects.⁵⁰⁴

On 3-4 April 2007, the 4th International trade union conference on Burma was held in Kathmandu, Nepal, attended by representatives of Federation of Trade Unions Burma (FTUB), the Federation of Trade Unions Kawthoolei (FTUK), the National Coalition Government of the Union of Burma (NCGUB), Global Union Federations, the International Labour Organisation (ILO) and union leaders from Asia-Pacific, Europe and North America. The conference noted that conditions for the trade union movement and labour activism in Burma remain critical, and urged the SPDC to stop repression of trade union rights, including the denial of freedom of association in law and in practice. The conference strongly supported the decisions of the ILO Governing Body and the Conclusions of the 2006 ILC Selection Committee to pursue a referral to the International Court of Justice (ICJ), relating to the violation of the Forced Labour Convention, 1930 (ILO Convention 29) by the Burmese military regime.⁵⁰⁵

In June 2007, the Worker's Group of the ILO dismissed a worker's representative from Burma to participate in an ongoing ILO conference as the Burmese delegate did not represent workers in Burma. The ILO stated that Khin Maung Oo, who was sent by the Burmese regime to Geneva as the representative of 'workers of Burma', was not from a democratically elected workers body, but a supervisor in the Myanmar Mayson Industrial Co. Ltd of Hlaing Tharyar Industrial zone in Rangoon. The conference stated that since the SPDC's "worker's representative" was not from a working level, he did not have the right to participate in the Worker's Group meeting. According to Maung Maung, General Secretary of FTUB:

*"The incident proves that the Burmese military junta, despite its commitment to the ILO as a member state, is not ready to allow workers to independently form associations. This is because the junta does not want the real situation of workers in Burma to be revealed. Because they know that the actual situation will be exposed if they send someone from among the workers. And they do not want to loose face internationally."*⁵⁰⁶

The Worker's Group of ILO, which is a tripartite UN agency of governments, employers and workers, has rejected Burmese representative for three consecutive years.⁵⁰⁷

10.15 Social Organisations and GONGOS

In Burma there exists little space for civil society. 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 SPDC. As minimal scope remains for independent civil society organisations, they have often faced elimination, or been co-opted by the SPDC and its proxies. 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.

According to official statistics, there are about 300 domestic NGOs in Burma.⁵⁰⁸ However, many of these so-called NGOs are in fact under the control of the junta, and as such can hardly be considered non-governmental. Thus, they are here dealt with under the rather contradictory name, Government Operated Non-Governmental Organisations (GONGOs).

Restrictions on Independent Social Organisations

Not only civil society organisations with a political agenda face harsh restrictions in Burma. Also informal groupings with humanitarian mandates have come under pressure to discontinue their operations. While ordering independent social welfare organisations to cease their operations, the SPDC has encouraged its proxy organisation, the USDA, to set up new social organizations within the country.⁵⁰⁹

In February 2006, the SPDC imposed new restrictions on international and domestic humanitarian organizations, which hindered the groups from effectively addressing the needs of the country's economically poor.

In mid-May 2007, Burma's Ministry of Home Affairs ordered the closure of 24 Rangoon based non-political and non-profit social welfare associations, and threatened them with potential legal action. However, some social organizations reportedly defied the ban on their activities.⁵¹⁰

One of the groups affected was the Free Funeral Services Society (FFSS), a non-profit organisation that provides free funeral services for people who can not afford burial or cremation of their family members. The FFSS had expanded its work by establishing a clinic in Rangoon in early March 2007, which provides free healthcare for the poor. According to the group it treats up to 100 patients each day.⁵¹¹ Although the organisation is non-profit, non-governmental and apolitical in its operations, the SPDC does not approve of it. The organisation continues to suffer harassment from the junta as it is led by Win Naing, Kyaw Thu and Than Myint Aung, all of which are known for supporting the pro-democracy movement. According to an executive member of the FFSS, *"Since the Home Ministry denied the extension of our registration, we have continued to run the organization according to the nature of our work."*⁵¹² U Win Naing, who founded the FFSS in 2001, said that while the government had not physically forced the organisation to close, they had forced it into a position of illegality. He said: *"For other organisations, it may be possible for them to put on hold of their work and discuss the matter. But our service society holds about 30 to 50 funerals every day. We are not in a position where we can stop these services and have a think."*⁵¹³

However, after international criticism, the regime a week later instructed social organizations prohibited from renewing their registrations to submit a letter of appeal if they wished to extend their registration. Observers say the funeral service group would likely get an extension of its registration, but only if they removed some of their executive members who

are close to the pro-democracy movement. However, a senior member of the free funeral society said that the organization had never received any official announcement to close and would continue to operate as normal until they did.⁵¹⁴

Throughout 2007 the junta and its proxies continued to harass persons and organisations providing social welfare. This is by many seen as a blatant attempt to discredit any non-governmental social efforts, as the government wants to take the credit for any well-doing in the country.

In late August 2007, a team led by veteran Burmese politician and social activist U Win Naing had to stop distributing rice to the hungry in Rangoon after frequently being harassed by junta-backed thugs. When returning from a rice donation trip on 19 August, U Win Naing and his team were twice attacked with catapults and chased by a group of about 12 people in vehicles. Moreover, the team was followed throughout their trip by at least two men believed to be intelligence agents. Despite reporting the attacks to police intelligence and requesting protection, the police only directed him to file a case at the nearby police station. According to U Win Naing there are at least 100,000 people in and around Rangoon who desperately need humanitarian aid. U Win Naing and his team recently started a rare campaign of donating rice and other essential commodities to the poor living in and around Burma's former capital and commercial city of Rangoon. As a result of the constant harassment, numerous poor people in the outskirts of Rangoon were denied U Win Naing's food support.⁵¹⁵

HIV/AIDS Support Groups

Attempts of setting up supportive organisations for HIV/AIDS victims have been actively stopped by the authorities. Responding to the increase in HIV/AIDS sufferers in recent years, a number of supportive groups have emerged in the country. There are now reportedly more than 30 such groups, however their work is severely hampered by government restrictions.⁵¹⁶ According to Phyu Phyu Thin, the country's most well-known HIV/AIDS activist, *"We can't travel freely or hold workshops and discussions on HIV/AIDS education and counselling."* Since 2002, Phyu Phyu Thin and her group have provided anti-retroviral medicine, accommodation, as well as care and counselling services to over 1,000 HIV/AIDS patients.⁵¹⁷

On 13 February 2007, a locally run HIV/AIDS awareness centre in Pakokku, Magwe Division, was forced to close by authorities. Ko Tin Ko, an AIDS sufferer from Kan Ma Township, had opened the centre on 10 February in an attempt to increase the community's understanding of the disease. He was detained and questioned by police three days after opening the centre.⁵¹⁸ Ko Tin Ko said the authorities did not realise that what he was doing could help the regime.⁵¹⁹ According to Ko Tin Ko:

*"I started handing packs of condoms to young men who are over 18. I put out HIV/AIDS educational books and leaflets I collected from the UNAIDS office in Rangoon . . . I did what I thought I should do as an AIDS victim. This is not a form of political movement. But today they are asking me to stop."*⁵²⁰

Prisoner Support Groups

On 4 March 2007, the Prison Charity Foundation (PCF), run by Chin Christians to assist prison inmates, was raided and closed down by the military junta. The PCF, founded in 1992, worked for social needs in prisons, donating food, medicine and clothes to inmates in 21 of the country's prison camps. Over 450 PCF members also prayed and preached Christian religion in some prisons camps. In 1999 the SPDC ordered the PCF to remove the word "P" (Prison) and instead rename the foundation the "Charity Foundation" (CF). The PCF refused this order and was forced to close. A member of the PCF said the junta seemed to be uncomfortable with the word "prison" and worried that PCF members who preach in prisons were trying to convert inmates to Christianity.⁵²¹ Since the organisation's office was shut down, authorities forced members of the group to sign agreements promising not to participate in Christian worship or gatherings. However, several PCF members reportedly continued their mission despite the risks involved. Rev. Dr Joseph, the founder of PCF, fled the country after the SPDC ordered his arrest. At the time of the Rangoon office raid, Dr Joseph was outside the country, and his wife and daughter were arrested in his place.⁵²²

Government Operated Non-Governmental Organisations (GONGOs)

The scope for independent apolitical non-governmental organisations is increasingly limited as the SPDC consider any organised activity outside their control as a potential threat. As activities conducted by independent organisations will always have the potential to run counter to SPDC wants and policies, the junta is making every effort to bring the work of NGOs under the control and remit of so-called Government Operated Non-Governmental Organisations (GONGOs). This way, the SPDC gives the impression that they allow the existence of a civil society, when in reality they maintain total control. Through GONGOs claiming to address social issues, the regime can further its political agenda,

In the space created by the banning of the independent social welfare groups, junta-backed organizations, in particular the USDA, began providing similar services. The USDA started providing free funeral services, and opened free clinics, reportedly coercing local doctors to donate their services. *"I was urged to sit in their clinic, but I don't want to work under the signboard of the USDA,"* said a Rangoon doctor.⁵²³ The group also launched a door-to-door campaign to draw local people to the clinics, as well as asking businesses and patients to make donations.⁵²⁴ *"The USDA has pressured businessmen to donate at least 300,000 kyat (US\$ 242) to be able to open the clinics,"* said a businessman in Insein Township.⁵²⁵ (For more information see Section 10.16: The Union Solidarity and Development Association).

Moreover, by asserting control over the work of civil society, the SPDC is provided with an avenue through which it is able to secure international funding intended for humanitarian purposes. According to SPDC policy, international humanitarian aid should be channelled through GONGOs, and international aid agencies should operate in partnership with GONGOs.

The SPDC also use GONGOs to carry out extortions and so-called tax collection. In July 2007 it was reported that tax was being forcibly collected in Ponagyun Township, Arakan State, by Burma Army's Light Infantry Battalion (LIB) #550 based in Ponagyun along with the Union Solidarity and Development Association (USDA), Village Defence Force, the Fire Brigade, and Rakhine Women's Association.⁵²⁶ In June 2007, around one million kyat was collected from villagers in Kyaikmayaw Township, Mon state, for a visit by Daw Myint Myint Soe, chairperson of the MMCWA in Mon State. The collection was made by the Village Peace and Development Council (VPDC).⁵²⁷

In addition, GONGOs are used to coordinate rapid mobilisation of the populace for attendance at mass rallies; designed to simulate support for the SPDC and to denounce its enemies. (For more information, see Section 10.8: Freedom of Assembly, and Section 10.16: The Union Solidarity and Development Association).

GONGOs operating in Burma in 2007 included: the USDA (for more information, see Section 10.16: The Union Solidarity and Development Association), 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).

GONGOs 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 coerced into joining. In 2007 it was reported that most of Karen State's Thaton, Doooplaya and Pa'an Districts, the SPDC has demanded that villages supply quotas of individuals for recruitment to government controlled associations. Villagers are forced to join GONGOs such as the Myanmar Women's Affairs Federation (MWAFF), the Myanmar Maternal and Child Welfare Association (MMCWA), the Auxiliary Fire Fighters, the Union Solidarity and Development Association (USDA) and the local village militia, or *Pyi Thu Sit* ('People's Army'). Typically, village heads are given quotas for the number of villagers that must join each organisation and must pay membership fees for each villager. Using its proxy organisations, the SPDC can further expand their control over the villagers and extort money from them.⁵²⁸

Women's Affairs GONGOs

In 2007, no independent women's organisations existed in Burma, but there were a number of junta-backed women's groups. The two main groups were the Myanmar Women's Affairs Federation (MWAFF), and the Myanmar Maternal and Child Welfare Association (MMCWA). The wives of military personnel fill all positions of authority in both organisations. Until 2004 the MMCWA was headed by Daw Khin Win Shwe, wife of Intelligence Chief and SPDC Secretary-1 Khin Nyunt. In 2007, the head of the MMCWA is Kyu Kyu Shwe, wife of Colonel Pe Thein who is a senior officer in the Office of the Prime Minister and formerly commanded the SPDC's psychological warfare unit.⁵²⁹ Similarly, MWAFF was in 2007 headed by Daw Than Than Nwe, the wife of then Prime Minister Soe Win.

According to a village head in Doooplaya District who was interviewed by KHRG:

"The TPDC [Township Peace and Development Council] and VPDC [Village Peace and Development Council] forced the villagers to organise themselves as the Maternal and Child Welfare [MMCWA] and Myanmar Women's Affairs [Federation]. They forced the women in the villages to organise this. If her husband is village head, she must become the [MMCWA or MWAFF] village head, and if her husband is village secretary then she must become the secretary. They don't care if they're literate or illiterate, even illiterate women were chosen to be the leaders and secretaries. Now we have 27 women in Myanmar Women's Affairs and 7 women in MMCWA. They didn't get any training about these organisations and they don't need to do anything, but each woman had to pay 500 kyat to join these organisations."⁵³⁰

Myanmar Women's Affairs Federation

The Myanmar Women's Affairs Federation (MWAFF) was established in 2003 by former Prime Minister Khin Nyunt, who stated that the role of the organisation was to *"take charge of the women sector comprehensively"*. Current MWAFF General Secretary Khin Mar Tun has declared *"the MWAFF plays an important role not only in development of women but also in that of the State."*⁵³¹ MWAFF claims to be a voluntary non-governmental organization working to encourage the welfare and advancement of women in Burma, in order to enable them to participate fully in national development. However, Burmese women inside and outside of the country have reportedly little faith in the organisation. According to Daw Zar from Mudon Township, *"We view MWAFF as pro-government organization and is only for show. It was founded by family members of government officials and we do not get see much of their activities."*⁵³² Women's League of Burma, a Burmese women's organisation based in exile, has stated that, *"MWAFF does not implement what they preach. We do not see them empowering women, giving education to women and making women aware. They must do these basic things to usher in improvement in the life of women."*⁵³³

The MWAFF is frequently used as a propaganda mouthpiece for the policies of the ruling junta, and the rhetoric of the MWAFF echoes and mirrors that of the regime. The MWAFF has frequently accused Burmese groups in exile of trying to create unrest among the people. It has also stated that women groups in exile do not represent women inside Burma.⁵³⁴ For example, when the ICRC spoke out in June 2007, accusing the SPDC of human rights violations, the MWAFF was used by the junta to reject the criticism by saying that claims of military abuse were unfounded and accusing the group of having connections with rebels.⁵³⁵

The MWAFF has a presence in all 14 of Burma's states and divisions, and claims around 1.5 million members.⁵³⁶ However, as with most GONGOs, much of the MWAFF's membership base is the result of forced recruitment. Recent years have seen a recruitment drive, which can be a result of the junta wanting to show strength in the announced constitutional referendum.⁵³⁷ In July 2007, it was reported that women in northern Shan State were coerced to become members of MWAFF. In Muse Township, at least 100 women from each of three village groups in Muse Township had been ordered to join the MWAFF. The order came from the Muse Township MWAFF chairperson, Daw Khin Nyunt Yi, who happens to be the wife of U Nyunt Han, chairman of Muse TPDC. Not only were the women forced to join the organisation, they also had to pay 1,000 kyat each for membership.⁵³⁸ In April 2007, MWAFF coerced young women in Karen State to join their organization. Even if they refused to join, women were forced to pay 1,000 kyat to MWAFF each month.⁵³⁹

Myanmar Maternal and Child Welfare Association

The Myanmar Maternal and Child Welfare Association (MMCWA) was established by the SPDC through the implementation of Order No. 21/90. MMCWA is controlled by the SPDC at all levels, reflected in its leadership structure. The chair of MMCWA at township level 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.

The MMCWA is heavily financed by international agencies, and in 2007 could boast funding from UN agencies and INGOs such as UNICEF, UNDP, UNAIDS, CARE and Médecins du Monde. MMCWA has claimed a membership base of 5.4 million people, or 10 percent of the total population of Burma. Although the organisation has stated that membership is voluntary, numerous reports have proved otherwise.⁵⁴⁰ According to a village head in Dooplaya District, Karen State:

*"Women that join their groups have to pay admission fees. They ordered the village head to select women to join Myanmar Women's Affairs [Federation]... Every person who joined had to pay 310 kyat. No villagers were interested in joining, so we had to force them to join. They gave 50 application forms to my village. Even though the villagers don't want to do the things they are forced or ordered to, they have to do it because we are under SPDC control. The SPDC doesn't sympathise with the difficulties of the villagers. For Maternity and Child Welfare [MMCWA], they gave 100 forms to our village, but we haven't done anything yet. I know that the villagers don't understand anything about these organisations, but when the SPDC demands money from them they are used to paying without knowing or understanding why."*⁵⁴¹

Although both the MWAFF and MMCWA have grown extensively under the forced recruitment schemes, the main parastatal association through which the junta attempts to create an appearance of mass civilian support is the Union Solidarity Development Association (USDA).⁵⁴²

10.16 The Union Solidarity and Development Association

Burma's largest and most significant GONGO is the Union Solidarity and Development Association (USDA). The USDA was founded by the military junta on 15 September 1993, under Order No. 6/88 as a social welfare organisation with the Ministry of Home Affairs. Originally registered as a social organization devoted to addressing civil and religious issues within Burma, the group has since become little more than a civilian wing of the government frequently used to enforce obedience to the state through violence or intimidation.⁵⁴³ At formal events USDA members appear dressed in white, long-sleeved Burmese-style shirts and dark green sarongs. However, at other times, they appear in civilian clothing and blend in with the public on missions which range from collecting intelligence for the SPDC, to attacking dissenters.⁵⁴⁴

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:

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

This mandate mirrors the ideology and aims of the military government, and suggests that the USDA is in fact an extension of SPDC governance, including the violent oppression of all who oppose such a goal.⁵⁴⁵

The leadership of the USDA gives further indication of the organisation being a perpetuation of SPDC governance; the USDA is led by senior SPDC ministers under the supervision of junta chief Senior-General Than Shwe. The USDA Secretary-General is Major General U Htay Oo, who is also the SPDC Minister for Agriculture and Irrigation.⁵⁴⁶ Minister of Industry-1 Aung Thaung is also a leading USDA member.⁵⁴⁷ The USDA is expected to be converted into a pro-junta political party that will contest future elections, after the regime adopts a new constitution.⁵⁴⁸

Recruitment

The USDA boasts a membership of 22.8 million people, nearly half of the country's population. Although the USDA claims membership is voluntary, forced recruitment is widely reported. Coerced recruitment is carried out through a system of both threats and 'incentives'. Incentives are offered to join with the explicit threat that failing to do so could result in harassment and decreased educational and job opportunities. In order to obtain government jobs it is often a requirement to be a member of USDA.⁵⁴⁹

The USDA is roughly made up of two types of members; the security wing and the civilian wing. The security wing consists of poor, unemployed men who are paid by the authorities to harass and intimidate dissidents and activists. According to the exiled Burma Lawyer's Council, the USDA hired unemployed people for approximately 2,000-5,000 kyat (US\$ 2-4) to intimidate and attack those taking part in the September 2007 uprising.⁵⁵⁰ However, the bulk of the organisation's membership consists of those who have been forcibly recruited or who have joined to avoid confrontation with authorities. The majority are civil servants,

teachers and school children, who are automatically enrolled in the USDA. Moreover, in some districts, people have been added to membership lists without ever being consulted. These members are used to legitimate the organisation as representing “the people”. As holding USDA membership enables Burmese citizens to avoid conflict with the military junta, the majority of USDA members have passively accepted their membership.⁵⁵¹

In addition to making USDA membership compulsory for large groups, the organisation uses aggressive and often coercive means to recruit new members. In order to attract young people, the organisation offers English language and computer courses to its members. Student membership also comes with benefits, including access to sport leagues and other extra-curricular activities. Moreover, the USDA encourages student members to provide intelligence, by monitoring and reporting about the activities of their classmates. Some student USDA members have reported receiving passing marks regardless of merit.⁵⁵²

USDA membership has become a prerequisite to obtaining or keeping a civil service job (including teachers and medical staff), gaining admission to university, passing school exams, entering contests, performing at cultural festivals, and in some areas even receiving sporadic electricity or running water to one's house.⁵⁵³

In areas of Karen State under consolidated military control, the SPDC has pushed the USDA recruitment drive into villages, giving quotas for the membership numbers required. According to a villager in Doooplaya District:

*“For the USDA [Union Solidarity Development Association], they also forced us to join them. They directed how many people from a village must join them. They told us that we could go to court if we have problems or if others did anything wrong to us. We were forced to join every organisation. For the USDA, we haven't organised our village to join it yet. They have ordered us to do this since May, but we haven't organised our villagers yet.”*⁵⁵⁴

Despite the SPDC claims of the USDA's massive membership as a supposed civilian support base, most members have joined only to avoid persecution or to keep their jobs.⁵⁵⁵ However, as members begin to comprehend the real nature of the organization, the USDA is faced with resignations. In June 2007, it was reported that for the first time in the USDA's history at least 18 of its members in Mon State had resigned since April.⁵⁵⁶

The USDA as an Approximation and Manipulation of Civil Society

The USDA has been presented to the public as a social organization that works for the welfare and development of all Burmese citizens. State-run television frequently shows USDA members voluntarily assisting development projects, donating blood or medicine to hospitals, and donating materials to schools.⁵⁵⁷ Official SPDC statements declare that “USDA members [are] urged to actively participate in development tasks”.⁵⁵⁸ In the past two years, the regime has promoted the USDA as a local partner for international development agencies and the United Nations, requiring aid workers to be accompanied by USDA members.⁵⁵⁹ The ability of international humanitarian organisations to follow their principles of transparency and accountability to local peoples and to conduct human rights impact assessments has been further restricted by this requirement.⁵⁶⁰ (For more information see Section 10.7: Restrictions on Foreigners in Burma).

Following the regime's announced closure of several independent social services, such as free clinics and a free funeral service, in May 2007 the USDA opened clinics in municipal buildings in Rangoon. USDA members reportedly launched a door-to-door campaign

together with WPDC officials, to draw local people to the clinics. However, in order to fund the “free” clinics, patients as well as businessmen were pressured into making donations. In December 2007, it was reported that patients visiting a free clinic run by the Union Solidarity and Development Association in Thanlyin Township, Rangoon, were forced to pay 300 kyat for an appointment.⁵⁶¹ And in May 2007, a businessman in Insein Township, Rangoon stated that, *“The USDA has pressured businessmen to donate at least 300,000 kyat (US\$ 242) to be able to open the clinics.”*⁵⁶² Moreover, some physicians in Rangoon were urged by the USDA to staff the clinics, against their will. As stated by one doctor, *“I was urged to sit in their clinic, but I don’t want to work under the signboard of the USDA.”*⁵⁶³ The USDA also set up a funeral service, similar to the Free Funeral Services Society (FFSS). Although USDA officials claimed they were not trying to replace the FFSS, the USDA has routinely adopted their methods and activities.⁵⁶⁴

Contrary to its ostensible mandate as a social welfare organisation, the USDA has been involved in criminal activities such as arbitrary extortion, as well as corruption. It has been reported that the USDA collects “taxes” at checkpoints all over the country, often together with military troops (Tatmadaw), military police (MP), military intelligence (SaYaPa) and Township Administration Office (MaYaKa). In July 2007, a trader of Kachin State’s capital Myitkyina reported that the USDA was among 18 government agencies forcibly collecting taxes at three major checkpoints.⁵⁶⁵ Moreover, reports have stated that the USDA has demanded money from locals for managing development projects. In November 2007, it was reported that USDA officials had extorted money from locals while it managed a water supply and pipeline project in Dagon Myothit Township outside Rangoon. According to an unnamed source, *“The USDA forced Dagon Myothit residents to pay 170,000 kyat (US\$ 130) per household to receive running water. The project has still not been finished”*.⁵⁶⁶ Moreover, according to local residents, leading members of the USDA had bought cell-phones with the project funds. It was reported that Secretary Soe Win and Joint-Secretary Than Oo of the USDA in Dagon Myothit Township (North) were responsible for the corruption.⁵⁶⁷ Moreover, in Mudon Township, Mon State, it was reported that the VPDC headmen had to pay about 50,000 to 70,000 kyat monthly to the TPDC for the support of USDA and other junta-backed organisations.⁵⁶⁸

In addition to corruption, USDA members have reportedly been involved in other criminal activities ranging from theft, running of brothels and drug trade, with explicit or implicit approval of the ruling junta. In July 2007 it was reported that two villagers were robbed by local USDA members at their house near Chaung Nat village in Taung Twin Gyi Township. A police investigation was started, but was stopped after USDA officers paid off the police. It was also reported that the USDA and *Swan Arr Shin* chairman of Sat Thwar village U Thaung Myint, who is also the former chairman of the Village Peace and Development Council (VPDC), had seized wood from illegal woodcutters and sold it off for his own profit. An investigation was started by the forestry department and police officials but ended when the Taung Twin Gyi Peace and Development Council chairman intervened and ordered the police station to stop pursuing the case.⁵⁶⁹ Moreover, in Moulmein, Mudon and Thanbyuzayat townships, Mon State, massage parlours and brothels are reportedly owned by USDA members who were close to SPDC officers.⁵⁷⁰ In northern Shan State, Panhsay Kyaw Myint, a well-known drug lord, was in 2007 appointed Chairman of Namkham USDA. Panhsay Kyaw Myint leads a militia of 300-400 armed men who give protection to local opium growers and traders, in exchange for hefty taxes. Kyaw Myint has also been attending the SPDC’s National Convention as an *“ethnic representative.”*⁵⁷¹

The USDA has also been responsible for organising mass rallies held in support of SPDC policies or in denunciation of the opposition or international community.⁵⁷² In order to ensure mass attendance, the organisation has coerced people to join through threats and intimidation. In the autumn of 2007, several such rallies were held to show support for the National Convention and to denounce the September protests. (For more information, see Section 10.8: Restrictions on Freedom of Assembly)

The USDA as a Security Apparatus

Although presented as a social welfare organisation, since its beginning, the USDA has played a dual role. The organisation has been used by the military regime to organize and carry out attacks on political dissidents and human rights activists in the country, as well as persons caught up in ordinary criminal cases.⁵⁷³ The brutal nature of the USDA became known after its members carried out attacks on Aung San Suu Kyi during her short periods of freedom, including the Depayin Massacre in May 2003, in which several NLD members were injured and killed. According to a 2006 report by the Network for Democracy and Development (NDD), the USDA is *"involved in most cases of political violence in the country, and their culture of thuggish behaviour is a key factor in the climate of fear pervasive in Burma today."*⁵⁷⁴

The USDA's mandate as civilian security apparatus is explicitly defined in the fourth objective of the group's 'People's Desires' which states; *Crush all internal and external destructive elements as the common enemy.*⁵⁷⁵ Moreover, the USDA's militant mandate was in 2000 laid out in the War Office's *Manual for Application of People's War Strategy*:

*"We must make necessary preparations to crush any military invasion by deploying national defence measures based on the 'People's War Strategy' ... If such an offensive were to be launched, the Burmese Defense Services, guided by the political leadership of the Union Solidarity and Development Association (USDA), will safeguard and defend the nation with the support of national reserve forces."*⁵⁷⁶

In order to carry out this mandate, some USDA members have been provided with basic military training.⁵⁷⁷ However, instead of being used against foreign military invasion, the USDA has been deployed to crush internal peaceful opposition.⁵⁷⁸

Furthermore, as the top generals realised they were facing a threat from a strong and independent military intelligence wing, this was reformed into the "Military Affairs Security" (MAS). The influence of the military intelligence wing became more restricted under MAS, as all civilian security matters were handed over to Special Branch Police and the USDA. As a result, the USDA was no longer limited to have authority over local officials but was granted indirect charge of security in the whole country. In this capacity, the USDA has played a crucial role in forcing NLD members to resign, closing down businesses of political opponents, and carrying out the dirty work for the Burmese generals.⁵⁷⁹ (For more information see Section 10.11: Restrictions on and Harassment of the NLD; Section 10.12: Restrictions on and Harassment of the 88 Generation Students' Group; and Section 10.13: Restrictions on and Harassment of Human Rights Defenders).

The USDA as a Political Party

It is becoming increasingly evident that the regime is preparing the USDA to become a political party. When the USDA was established, the government declared that it was not a political party, however in 2006, the USDA secretary, Major General Htay Oo stated that the association may change to a political party depending on the circumstances.⁵⁸⁰ The SPDC has been under growing international pressure to push through political reforms to create a functioning democracy.⁵⁸¹ The junta's response to this has been the creation of a seven point "roadmap to democracy," in which the USDA is being portrayed as an organisation which represents society and must make Burma a democratic country. It is widely believed that the SPDC is forming the USDA into a civilian political party to represent the military interest in future elections and thus secure continued military rule.⁵⁸² According to Brad Adams in Human Rights Watch, *"The routine use of violence by the USDA represents the true face of an organization being groomed to take power in Burma as a surrogate for the military."*⁵⁸³

The USDA has the same aims and political objectives as the military, and the organisation is increasing its administrative, economic and coercive power throughout Burma.⁵⁸⁴ USDA officials are slowly taking over control of local government responsibilities from military officials, a key step in institutionalizing their nationwide control.⁵⁸⁵ The USDA's reach and organizational structure covers villages, townships, divisions and cities countrywide, and the organisation is thus considered central in the junta's plan to have the organisation serve as the civilian side of the military regime.⁵⁸⁶

A further indication that the USDA is getting ready to become a political party was apparent at the USDA annual general meeting in Naypyidaw from 12-16 November 2007, when all members of the association were asked to hand in their CVs. They were also asked to resign from any position they might hold on the Township or Ward Peace and Development Council. According to an observer, *"They [the authorities] only called on respected people to join the USDA. It seems the generals would rather change the USDA into a political party."*⁵⁸⁷



NLD MP 70-year-old, U Than Lwin was seriously injured after being attacked by a mob of USDA members on 15 June 2007. [Photo: AHRC]

In an attempt to crush any opposition political parties, part of the USDA political campaign has been to discredit the largest opposition party, the NLD, and its leader Aung San Suu Kyi. These attempts have included forcing NLD members to resign and spreading rumours about Aung San Suu Kyi to distance her from the people. In November 2007, it was reported that the USDA were spreading false information about the detained NLD leader among villagers in different townships in Mon state. USDA officials had had briefed its members to tell the villagers that Daw Suu had never done anything for the cause of development for the people of Burma. The USDA campaign aimed to ensure that there was no support for Suu Kyi from the people should demonstrations take place again in the future.⁵⁸⁸ (For more information see Section 10.11: Restrictions on and harassment of the NLD).

Burma's top generals have over the last couple of years been seeking to test the waters and see if their chances of electoral victory have improved since 1990. However, according to a senior military source, *"There is a growing realisation that any army-supported political party would not have the support of the people."*⁵⁸⁹ It was reported that when asked outright at a Cabinet meeting if the USDA could win a future election, the Planning Minister, Soe Tha replied it stood no chance at all. Since then the military junta has stepped up plans to make the USDA a mass-based political party and improve its standing in the community.⁵⁹⁰ In 2007, the USDA increased its attempts to gain support in the population.⁵⁹¹ However, part of the USDA's mandate has also been to crush the democratic opposition, which has given the organisation less credibility among the population. Since the crackdown on the September demonstrations, the true nature of the USDA was revealed to the country's citizens, who witnessed USDA members beat and arrest monks and other peaceful protesters. It could thus be harder for the USDA to gain support as a political party.⁵⁹² The USDA's involvement in the crackdown since mid-August may have undermined the official image that the SPDC has projected for this force for Burma's "public welfare." According to Zin Linn of the NCGUB, after the September crackdown the USDA's reputation was at its lowest.⁵⁹³

The Swan Arr Shin

In security operations, USDA routinely operates together with paramilitary forces such as the *Swan Arr Shin* and the fire brigade. These civilian militias were used repeatedly throughout 2007 to break up silent prayer vigils and similar peaceful actions by concerned citizens.⁵⁹⁴ In the junta's crackdown on protesters in August and September 2007, the role of the *Swan Arr Shin* became increasingly evident. As stated by one diplomat who watched the *Swan Arr Shin* violently assaulting protesters on the streets of Rangoon, *"It's an underground organisation and I don't know who would admit to it existing, but it exists and it exists in force, and it has been evident over the last week."*⁵⁹⁵

Due to their unofficial and so-called civilian status, not much is known about the *Swan Arr Shin*. However, it is becoming clear that recruits are largely drawn from the unemployed underclass, and they are operating primarily in larger cities. Reports suggest that recruits consist of a mix of unemployed youth, former members of ward councils, ex-convicts, and some street vendors who are required to obtain permits for their livelihoods and thus obliged to comply with official demands.⁵⁹⁶ These are routinely rounded up from teashops and other public areas by USDA officials or TPDC officials, typically offered between 2,000-3,000 kyat (US\$ 1.50-2.30) per day and a meal.⁵⁹⁷ According to diplomats, the regime directly recruits to the *Swan Arr Shin* among newly released criminals; at least 600 criminals were reportedly released from Rangoon's Insein jail and recruited as vigilantes to be used in the September 2007 crackdown.⁵⁹⁸

The *Swan Arr Shin*, roughly translated as “*Masters of Physical Force*”, attack and arrest activists under the guidance of local council officials, and plainclothes special branch police and military officials. Thus, although often described in the media as “*pro-government gangs*,” the *Swan Arr Shin* are in fact an unofficial arm of the state, systematically mobilised and controlled by the military junta.⁵⁹⁹ According to a Western diplomat in Rangoon, “*The members of this group [the Swan Arr Shin] have been specially trained in crowd control and the violent suppression of protests. We have had reports of its foundation, to act as a security and intelligence wing, since the beginning of the year.*”⁶⁰⁰

In a 2007 press conference, Brigadier General Khin Yi described the *Swan Arr Shin* as “*members of the fire brigade, Red Cross and Ward Peace and Development Councils.*” According to Khin Yi, these groups provide “*a helping hand to the task of law enforcement community peace and tranquility without salaries and they are the strength who provide assistance voluntarily.*”⁶⁰¹

Attacks by the USDA and *Swan Arr Shin* in 2007

In 2007 attacks by the USDA against the political opposition continued, with an increase in particularly brutal physical attacks. In April, May and June, USDA and *Swan Arr Shin* carried out several violent and intimidating assaults, which were widely reported and condemned. On 18 April 2007, six human rights defenders were attacked and beaten by a mob led by the secretary of Henzada Township USDA, U Nyunt Oo. The mob was armed with clubs, slingshots and sharpened bamboo sticks. Two of the activists, Ko Maung Maung Lay and Ko Myint Hlaing (aka) Ko Myint Naing, were severely injured and hospitalised.⁶⁰² During the month of May, the regime’s crackdown against NLD members and other political activists intensified. Throughout the month, the USDA and *Swan Arr Shin* carried out violent attacks and intimidation against activists holding a prayer campaign for the release of Aung San Suu Kyi and other political prisoners.⁶⁰³

According to a retired Sector Peace and Development Council official who took part in the arrests of a group of 29 activists, including Su Su Nway, in May 2007, the *Swan Arr Shin* was responsible. The retired official, who had been recruited by the Township Peace and Development Council the day before, stated:

*“So on the next day at about 5:00 am, we gathered up . . . Then we went to a bus-stop in Insein Township in two trucks and waited there ... Our duty was to stop them from coming to the pagoda and to advise them to go to some other pagodas and to arrange them transportation ... There were about 50 of us in two trucks. We were given a new title, Swan Arr Shin . . . They told us not to mention ourselves as Swan Arr Shin but as just civilians. We have to say what we were told ... They have titled us Political/General informers.”*⁶⁰⁴

In June 2007, a particularly brutal attack was carried out by a combined mob of USDA and *Swan Arr Shin*, in which U Than Lwin, NLD elected representative of Madaya Township, suffered a broken nose and an eye injury after he was punched in the face with a knuckle-duster.⁶⁰⁵ The assailant was said to have escaped into a USDA office.

Equipped with bamboo sticks and iron batons covered with plastic, members of the USDA and *Swan Arr Shin* took part in the violently crack down on the peaceful August and September 2007 protests.⁶⁰⁶ Before the regime resorted to using military forces to crack down on 2007’s street protesters, it deployed the two civilian groups to carry out the harassment and arrest of protesters.⁶⁰⁷ The USDA and *Swan Arr Shin* operated in conjunction with Special Police and troops in security efforts and arrests.⁶⁰⁸

In addition to being central in the crackdown on the streets, the USDA took part in raids and arrests of suspected protesters in homes and monasteries, as well as harassment of media outlets and journalists. According to the exiled Burma Media Association (BMA) and Reporters Sans Frontieres, members of the USDA were among those responsible for "at least 24 serious violations of the freedom to report news and information since 19 August [2007]."⁶⁰⁹ (For more information about the September protests see Chapter 11: The Saffron Revolution – The 2007 Pro-Democracy Movement; and the HRDU report: *Bullets in the Alms Bowl*).

USDA and Swan Arr Shin Making Arrests

Although the USDA, SAS and fire brigade have no legal mandate to carry out arrest, the organisation has been increasingly involved in raids and "arrests". The manner in which persons have been arrested and detained by these groups is entirely outside of not only international legal standards but also domestic law.⁶¹⁰ However, although not granted an arrest mandate by law, they are given arrest powers in practice. These so-called "arrests" often involve abducting activists and dragging them to trucks or vans that stand ready to take them away to interrogation centres. The Asian Human Rights Commission has noted that these are blatant and lawless abductions, arranged by the SPDC to be carried out by USDA and *Swan Arr Shin*.⁶¹¹



A protestor is carried to a waiting van by unidentified men believed to be members of the *Swan Arr Shin*, in Hledan Township, Rangoon, on 28 August 2007 [Photo: DVB]

When carrying out arrests, the USDA and SAS are routinely dressed in civilian clothing, and often do not identify themselves. In this way, the regime can claim non-complicity in violent and unlawful actions, while at the same time say it is the work of "the people." On 15 May 2007, Ye Myat Hein, a Rangoon University student was arrested by a group calling themselves "the people", for conducting prayers at Kyaukdawgyi pagoda in Insein Township. He was later reported missing by fellow university students.⁶¹² In response to the arrests of groups of activists praying for Aung San Suu Kyi in May, the NLD stated that the arrests were unlawful: "[Pyitthu Swan Arr Shin] are not of any of the government's law-enforcement organisations such as Police Forces or the Military Intelligence, who have authority to arrest civilians . . . they are obviously breaking the law of the nation."⁶¹³ However, the junta praised the unlawful arrests in the state-run newspaper *The New Light of Myanmar* stating that "These groups were stopped and handed over to the authorities by people who oppose

unrest and love peace."⁶¹⁴ This shows how the military is avoiding accountability by using people appearing as civilians to carry out attacks and arrests of political dissenters.⁶¹⁵

In the August and September crackdown, the USDA and *Swan Arr Shin* were responsible for the brutal "arrest" of several protesters. The arrest of Ko Htin Kyaw and Ko Zaw Nyunt during a peaceful protest on August 25 2007 is illustrative. The two activists were dragged away to a waiting vehicle by a gang of unidentifiable abductors.⁶¹⁶ The authorities could have sent uniformed police officers to make an official arrest under section 54 of the country's Criminal Procedure Code, but instead, an unidentified gang appeared out of nowhere to grab and drag off the men in the manner of criminals.⁶¹⁷

Impunity for members of USDA and *Swan Arr Shin*

It has become increasingly clear that the enforcers of "discipline" in the "*discipline-flourishing democracy*" envisaged by the SPDC generals will be the USDA and SAS.⁶¹⁸ This is particularly worrying as these groups are not uniformed or official law enforcers, but rather plainclothes mobs portrayed by the junta as "*people who oppose unrest and love peace.*"⁶¹⁹ There is a big difference between the state's use of persons in uniform and those in plain clothes to assault and detain citizens. The former at least acknowledges the state's role, whilst the latter denies it.⁶²⁰ As such, the USDA and *Swan Arr Shin* are emblematic of the regime's attempt to avoid direct accountability for the violence carried out against those considered a threat to the regime.

Even the most brutal attacks at the hands of the USDA and *Swan Arr Shin* have been carried out with impunity. As the police force has become subservient to these groups, there is no one to enforce the law. The USDA members who attacked human rights defenders in the 18 April 2007 incident in Henzada Township, were treated with impunity. Despite the Taloke Htaw police chief witnessing the incident, the authorities failed to take action against those who perpetrated the brutal attack.⁶²¹ Furthermore, following the assault on NLD member U Than Lwin on 15 June 2007, the police were refused entry to the USDA office which witnesses said the attacker had escaped into.⁶²² These and many other cases are testimony that the groups enjoy virtual impunity as they represent an unofficial arm of the military junta. As the Asian Human Rights Commission (AHRC) has noted, the attacks organised by the USDA show how the military government is itself systematically undermining the law and order that it claims to uphold.⁶²³

Not only do USDA and *Swan Arr Shin* members enjoy virtual impunity. Victims who attempt to file a case against these assailants themselves risk facing countercharges. Following an attack by the plainclothes mobs, the police and local authorities typically step in and accuse the victims of being responsible for causing unrest and making trouble. The courts are then used by the regime to add insult to injury through the laying of charges against the victims.⁶²⁴ This is particularly worrying, as it turns the victim into a perpetrator, and thus deters targets of violence from seeking redress in the legal system.

One of the most blatant cases of this was the 2003 Depayin incident, when an NLD motorcade was the victim of a deadly attack by a USDA led mob. However, instead of punishing the attackers, the junta put NLD leaders, Aung San Suu Kyi and U Tin Oo under house arrest, under the allegation of causing public unrest. Following the attack against six human rights defenders in Henzada Township on 18 April 2007, the USDA attackers were left unpunished while a counter case was made against the rights activists, who were arrested on the allegations of a range of charges, including; upsetting public tranquillity, discrediting the government, and later sentenced to up to eight years imprisonment.⁶²⁵ Moreover, after the assault on NLD member U Than Lwin on 15 June 2007, the attackers were treated with impunity while four of U Than Lwin's family members faced

countercharges for accusing USDA members of being behind the attack. As the Asian Human Rights Commission (AHRC) has stated, this *“signifies a further diminishing and displacement of the police and courts, and a strengthening of arbitrary and extralegal institutions with no other agenda than to manipulate and brutalise.”*⁶²⁶

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