

Briefing Paper

on the

**Human Rights
Situation In Burma**

Year 2003-2004

*For the 60th Session of the
UN Commission Human Rights resolution on
'The human rights situation in Myanmar'*

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Recommendations:

1. The resolution on the situation of human rights in Burma adopted by consensus at 58th Session of the UNGA accurately reflects most of the human rights violations in Burma. Since there is no improvement in the overall human rights situation in the country, the elements contained in the UNGA resolution continue to be relevant and they should be incorporated into the UNCHR resolution.
2. In addition, UNCHR should call for an independent investigation by the United Nations into the violent incident of May 30, 2003 at Depayin in which hundreds of members and supporters of the National League for Democracy were killed or injured and women were harassed and arrested by authorities.
3. UNCHR should also express grave concern at the new politically motivated arrests of NLD members, student activists, and Buddhist monks and systematic harassment, intimidation, constant surveillance, and deprivation of economic and social opportunities to MPs-Elect and NLD members and their families.
4. UNCHR should express concern that SPDC's lack of cooperation has prevented the Human Rights Special Rapporteur to perform his mandated role, including the conducting of an independent investigation into rapes against women in ethnic minority areas.
5. UNCHR should strongly urge the SPDC to immediately allow the UN Special Envoy to visit Burma. His planned visit to Burma on January 15 to revive the national reconciliation process had been indefinitely postponed by the SPDC.
6. UNCHR should request the UN Secretary General to provide all possible assistance to the UN Human Rights Special Rapporteur so as to enable him to perform his mandate and consult with UN Security Council members for the success of national reconciliation, democratization and improvement of human rights in Burma.
7. UNCHR should express concern that the SPDC's declared road map lacks the timeframe and elements to ensure that the transition process towards democracy is inclusive and transparent.
8. UNCHR should urge the SPDC to ensure that cease-fire arrangements with armed ethnic groups are followed by substantive political dialogues to address the right of ethnic nationalities to equality and self-determination within the framework of a federal constitution, which is vital for long-lasting peace in Burma.
9. UNCHR should continue to maintain the wording "systematic" in expressing the nature of human rights violations in Burma in both areas of civil and political rights and economic, social and cultural rights since these human rights violations are persistent and widespread in nature and being committed by security agents of the government under the instruction and policy of the authorities at the highest level.

Summary*

The human rights situation in Burma has worsened again this year. While the military junta claims that it is working to bring "disciplined democracy" to the country through a "seven-point roadmap", political arrests continue unabated and leaders of the election-winning party, the National League for Democracy, remain under detention. High-ranking officials of the military junta try to paint a rosy picture of the political future of the country while they refuse to cooperate with the United Nations' call for an independent investigation into the use of rape as a weapon against Shan women by the military or to permit an inquiry into the massacre of National League for Democracy members who came under the "premeditated attack" of the military and its affiliated thugs near Tabayin [Depayin] during the tour of the region by Aung San Suu Kyi and her party members.

The junta also continues to ignore the resolutions of the past years passed by the General Assembly and relevant bodies and blatantly ignores the efforts of the United Nations' Secretary General and his envoy to facilitate a national reconciliation process in Burma.

Violations of human rights, including arbitrary killings, rape, looting, force relocation, and destruction of villages continue particularly in the border areas where large-scale military offensives are launched against ethnic nationalities. The Burmese people continue to be held hostage under the military's corrupt, brutal, inhumane, and undemocratic policies.

This briefing paper, along with many other reports compiled by prominent human rights and intergovernmental organizations, should serve as a testimony to the fact that human rights violations in Burma are continuous, as they have tragically been for many years; that the regime has no regard for the protection and promotion of its people's human rights and only cares about instilling fear in the minds of the people through the use of brute force so as to preserve military rule.

* This paper has been prepared by the Burma UN Service Office of the National Coalition Government of the Union of Burma (NCGUB).

The Judicial System: Unjust Laws and Orders

Prior to the coup of 1962 leading to military rule, the judiciary in Burma was generally considered to be competent and independent, especially at the appellate level. The 1974 constitution formalized single party rule by the Burma Socialist Program Party (BSPP), and established 'People's Courts', which enshrined BSPP control of the judicial system especially in political cases, as the courts acted as another arm of the BSPP government, rather than as a defender of rights. The judicial system continued to deteriorate through the 1980s as party connections, not professional skills, became the primary criteria for personal advancement.¹

All civilian government institutions, including the judicial system, were abolished after the military takeover on 18 September 1988. The 1974 Constitution was suspended and the military regime immediately implemented martial law and assumed all executive, legislative and judicial powers.

Military tribunals were established in July 1989 to try criminal offenses. It is estimated that several hundred people were tried and convicted by these tribunals and some 24 people were sentenced to death in the first three months of their functioning. An overwhelming majority of those brought before the tribunals were students, members of the NLD or other political parties, Buddhist monks and other pro-democracy activists.² The military tribunals were abolished in September 1992. The civilian courts do not guarantee the people of Burma a fair trial as most cases are tried in a summary manner and verdicts are determined in advance of the trials. Appeals are rare.³

In his report to the United Nations General Assembly in 2000, Professor Pinheiro discussed at length the justice system in Burma, focusing on developments since the Judiciary Law was promulgated in 2000. His observations included:

- Some confusion among law enforcement and judicial officers, not to mention the public, about what laws are currently in force, to what extent, and how conflicts are to be resolved in practice;
- Independence of the judiciary is not respected;

¹ See *Summary Injustice: Military Tribunals in Burma (Myanmar)*, Lawyers Committee for Human Rights, 1991, p. 3.

² ARTICLE XIX, *Burma Beyond the Law*, August 1996, at p.37.

³ See International Commission of Jurists, *Burmese Way: to Where? Report of a Mission to Burma* (Geneva: 1991), at 50.

- Widespread, subjective implementation of the law – a high degree of arbitrariness in the process as applied to political prisoners;
- Political prisoners are imprisoned in an arbitrary manner;
- Widespread use of torture by security personnel against suspected political critics, civilians and prisoners in insurgency areas has been documented beyond reasonable doubt;
- Handling of political offenses in “special courts” as a major concern⁴

Professor Pinheiro recommended “a systematic review of all existing legislation that criminalize the exercise of the most fundamental internationally recognized human rights, with a view to amending it or bringing it into conformity with both the principles stated in the Judiciary Law and international human rights standards.

Allegations of abuse of power should be investigated and the persons found responsible brought to trial. Special courts should be disbanded – as were military courts.”⁵

Freedom of expression, information and association is controlled by more than half a dozen laws, the violation of which, may be, and in fact is, widely sanctioned by 3 to 20 years in prison.⁶ The reasons to why there is such a large number of political prisoners are that people have been detained and sentenced for having peacefully expressed their views verbally, through participation in peaceful demonstrations or in activities of political parties, for having written about human rights or political issues in the country, or for reading or possessing written materials deemed illegal.

⁴ Pinheiro’s UNGA 2002 report at paras. 44-54.

⁵ Ibid, at para. 56.

⁶ Among such laws are the State Protection Law 1975, the Emergency Provisions Act (1950) (confers sweeping powers on authorities to silence and punish any real or perceived dissent), the Printers and Publishers Registration Act (1962) (main instrument of official censorship), the Official Secrets Act (1923) (offence to possess, control, receive or communicate any document or information, which is likely to affect the sovereignty and integrity of the state), SLORC Order 5/96 (1996), TV and Video Law No. 8/96 (1996), the Computer Science Development Law No. 10/96 (1996), the Burma Wireless Telegraphy Act (1933), the Motion Picture Law No. 9/96 (1996), Section 122 of the Penal Code (offence to commit treason against the government), the Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Conventions Against Disturbances and Oppositions Law No. 5/96 (offence to incite, demonstrate, deliver speeches, make oral or written statements and disseminate anything that would affect the stability of the state), the Law on the Formation of Associations and Organizations, No. 6/88 (1988), SLORC Order 2/88 (prohibits strike centers and meetings of more than 5 people), the Unlawful Associations Act 1908 (offence to have contact with any organization the government has deemed illegal).

It is imperative that these unjust laws and orders to be repealed for Burma to move towards the restoration of the rule of law, peace and democracy. The Karen Human Rights Group has prepared an extensive report on all military orders (783 of them) that the junta has made to villages in 2003.⁷ Most of the military orders are straight-out autocratic and repressing, ordering local communities to carryout humiliating and repulsive policies. The Karen group points out that “the orders dictate demands for forced labour, money, food and materials, place restrictions on movements and activities of villagers, and make threats to arrest village elders or destroy villages of those who fail to obey.”⁸

The Depayin Massacre⁹

The assassination attempt against the leaders of the National League for Democracy, including Daw Aung San Suu Kyi and U Tin Oo, the deputy Chairman of the NLD, took place near Kyi village, Depayin township, Shwe Bo District, Sagaing Division, Burma at about 8:00 p.m on 30 May 2003. Immediately after the incident, at a press conference held on May 31, 2003, the SPDC military junta simply blamed the NLD for such an atrocious incident.

The junta claimed that the members of the NLD including U Tin Oo led by Daw Aung San Suu Kyi incited unrest with a crowd of people, and due to such acts, there occurred a traffic jam and instability. The junta further claimed that at the scene of crime, there were about 5,000 people present to demonstrate against Daw Aung San Suu Kyi. The junta shifted the responsibility of the massacre on to the victims when it claimed that clashes broke out between those in support of Daw Aung San Suu Kyi and those opposed to her, and as a result, four people died, fifty were injured, and eight vehicles and nine motorcycles were destroyed.

It is apparent that the accusations made by the SPDC against the NLD leaders are groundless. The fact of the matter is the presence of 5,000 people in that killing field, as claimed by the junta, manifestly indicates that the incident was a premeditated attack. In fact, Kyi Ywa, which is the closest village to the disputed area, is a very small village with a population of less than 500. The number of villagers, from Kyi village, and the NLD members and supporters from the convoy of Daw Aung

⁷ This report can be accessed at <http://www.ibiblio.org/freeburma/humanrights/khrg/archive/khrg2003/khrg0301.html>

⁸ Ibid.

⁹ The events of the Depayin Massacre are summarized from the *Preliminary Report of The Ad Hoc Commission on Depayin Massacre (Burma)*.

San Suu Kyi were not more than 1,000 in total. The villagers from Kyi village were supporters of Daw Aung San Suu Kyi. There are no eyewitnesses to the fact that the local people from Depayin town publicly came to that disputed area by any transportation or on foot on May 29 or 30. If so, where do 5,000 criminals who attacked the motorcade of Daw Aung San Suu Kyi and the villagers from Kyi village come from?

Reliable sources indicate that members from the Union Solidarity and Development Association (USDA) and other criminals had been collected and taken by the authorities from other parts of Burma. According to the statements of the eyewitnesses, when the incident commenced, the first large group of attackers came from the cars that closely chased the motorcade of Daw Aung San Suu Kyi at the rear. The total numbers of those were over one thousand. Out of 5,000 claimed by the junta, the remaining numbers were positioned clandestinely beside the road in the two designated killing fields by the authorities. Both groups of attackers were holding iron spikes, iron bars, bamboo and wooden clubs and other sharp weapons. They appeared only after the two monks halted the motorcade of Daw Aung San Suu Kyi. Then, they inhumanely and brutally attacked the unarmed NLD members and its supporters.

In the event that the clashes between the two opposing groups with bare hands happened incidentally, it might not be atrocious and serious. It is evident that the NLD members and its supporters including the villagers from Kyi village held no weapons. To the contrary, 5,000 people claimed by the junta had already held the lethal weapons before the incident happened. The following factors indicate that it was not an event happened incidentally but it was a well-organized crime:

- Before the motorcade of Daw Aung San Suu Kyi arrived, the local authorities threatened the people living in the villages between Sai Pyin village and Depayin town not to welcome Daw Aung San Suu Kyi and not to appear if something happened;
- Out of 5,000 that the junta referred, over one thousand criminals, who took the cars at the rear of Daw Aung San Suu Kyi's motorcade, firstly created problem with the villagers from Kyi village and started their premeditated attack at the first killing field.
- The remaining thousands of criminals awaiting beside the road under cover of night joined the first attackers and attacked the motorcade of Daw Aung San Suu Kyi from the left site of the first killing field.
- Other criminals numbering more than 1,000 were already positioned at the second killing field.

It was on the way to Depayin town; about five minutes drive from the first killing field where they attacked the cars of NLD members and supporters from Daw Aung San Suu Kyi's motorcade. This motorcade had already escaped from the first killing field. According to reliable information, the villagers from the villages around the killing field areas took care of the wounded victims. Then, the victims left those villages and were hiding from the danger of being arrested and executed by the junta. The junta arrested the wounded victims who did not escape from the killing field and placed them in the prisons such as Shwebo, Katha, Hkamti and others. As such, the list of the injured persons issued by the junta is not complete. The wounded victims from Depayin incident had been confined to military hospitals and the family members and relatives could not get access to them.

The reasons for such are that if the junta allows the wounded victims to meet the public including international Media, the wounded victims might articulate their experiences in the incident. The junta has not yet allowed Daw Aung San Suu Kyi and other NLD leaders to publicize their experiences in the incident through the international Media and other news agencies.

According the Amnesty International, ten people were massacred on 30 May 2004. Their names and affiliations follow:¹⁰

1. Min Zaw Oo, student
2. Myint Oo (U), Mandalay Southeast
3. Myint Soe, NLD organizer, Mandalay Southwest
4. Pyin Nya Thiri (U), Buddhist monk
5. Ragu, aka San Myint
6. Thein Soe, NLD member, Thingangyun, Rangoon
7. Thein Toe Aye, NLD member, Mandalay Southwest
8. Tin Maung Oo, NLD Mandalay Division photographer, Mandalay Southwest township organizer
9. Toe Toe Lwin (f), NLD Youth, Bahan township, Rangoon
10. Win Thiha Maung

Amnesty International notes that 64 people were detained after the massacre and 53 disappeared, most of them believed to be affiliated to the NLD. Eight people were placed under house arrest, and another 53 were detained by the SPDC “for their own security purposes.” These numbers were given to Amnesty International by SPDC, while many others are still unaccounted for.¹¹

¹⁰ Amnesty International. Library – Myanmar. *Justice on Trial* (July 2003). Accessed on February 15, 2004, from <http://web.amnesty.org/library/index/engasa160192003>

¹¹ Ibid.

Political Prisoners

The State Peace and Development Council of Burma (SPDC) issued a statement in the last week of January 2004 declaring that it had released 151 political prisoners arrested in connection with the 30 May Depayin episode. According to its statement, all political prisoners who had been jailed following the violence at Depayin in Upper Burma between a group of NLD's supporters and a pro SPDC mob on May 30, 2003, had been already released and that there were no Depayin-related prisoners left in the junta's jails. No details were given.

According to the NCGUB's reliable information and documentation a total of 230 persons were arrested and incarcerated (111 on the 30th May and 119 after that date). Up to date, only 54 of those arrested on the 30 May and 52 after that date have been freed. So the fact is that only 106 Depayin-related prisoners have been released and not 151 as stated by the junta. There are also 73 political prisoners still in prison who were arrested in connection with other political matters. Therefore the total figure of political prisoners arrested since May 30 and still remains in prisons is 197. Please find the Appendix II.

As of January 2004, Amnesty International estimates that there are about 1,350 political prisoners in Burma, many of whom are prisoners of conscience. Amnesty International also reports that there has also been an upsurge in the detention of those peacefully exercising their right to freedom of expression and association. That is why the estimates of numbers of political prisoners have risen from 1,200 in the previous year to 1,350 this year.¹² Amnesty International reports that:

“Prisoners are frequently deprived of any outside contact before being brought to trial - if they are brought to court at all. The authorities can order people to be held for up to five years without any appeal to the courts, and with no charge and no trial. Those brought to trial may not know what charges have been brought against them or even that their trial is taking place until they arrive at it. Trials are frequently held in secret, and prisoners are usually denied their right to a lawyer or to call or question witnesses. Complaints of torture to the judge are usually ignored. Often prisoners are not allowed to see the judgment against them and are unable to appeal.”¹³

¹² In the 2003 Amnesty International Report estimated that there were about 1,200 political prisoners in Burma. The number has now risen to 1,350.

¹³ Amnesty International. *The Wire*. “Denial of justice in Myanmar.” August 2003, retrieved on February 8, 2004, from <http://web.amnesty.org/web/wire.nsf/August2003/Myanmar>

Political arrests in Burma still follow the pattern of "'un-rule of law', including arbitrary arrest, prolonged incommunicado detention and interrogation by military intelligence personnel, extraction of confessions of guilt or of information, very often under duress or torture, followed by summary trials, sentencing and imprisonment" as pointed out by Mr. Pinheiro in his report submitted to fifty-ninth session of the Commission on Human Rights.

As has been the case for the last fifteen years, it is common that political prisoners are charged with Article 10 (a) of the 1975 State Protection Act, or Article 5 (j) of the 1950 Emergency Provision Act or Unlawful Association Act or Printers and Publishers Act. Although many political prisoners are charged with criminal acts, their detention involves political or security element. Severity of the sentence ranges from long-term imprisonment to even death penalty.

Since May 30, prominent leaders of the National League for Democracy, Chairman U Aung Shwe, General Secretary Daw Aung San Suu Kyi and spoke person U Lwin remain under house arrest. Vice Chairman U Tin Oo, who had been detained in Kalay prison since May 30, was recently moved back to Rangoon and kept under house arrest after the news of illness came out in the media.

In Feb, 2003, four political prisoners, - Ex-political prisoner: Ko Hla Htut Soe of Pyinnya Arman Tuition School, U Veda (a) Saya Maung Maung Maung Aye, lawyers U Aye and U Myint Yi were sentenced for 3 years imprisonment. They were arrested together with 30 other political activists for their alleged involvement in Anti-government activities.

In June of 2003, Seven university students from Dagon University were arrested and given long-term sentences on January 7, 2004 for forming a football union. Ko Aung Gyi, Nang Sian Non, and Myo Myint Tun were each given 15 years; Myo Than Htut, Win Htut Lwin and Aung Ko Lwin were each given 13 years and Ko Kyaw Maung was given 7 years.

On 3 June, two members of the CRPP, U Hla Maung – Chairman of Patriotic Old Comrades League/ Elected MP from Kya-in Seikkyi Township and U Soe Win, Chairman of the Party for National Democracy/ MP from Pegu Township Consti (1) were arrested.

The case of U Soe Win also highlights torture of MP. U Soe Win, an MP of Pegu and an information and news officer at the NLD Head Office, arrested soon after the Tapayin incident was released on the 29th of June with life threatening health condition. According to his daughter and his colleagues, he was a healthy man as fit as a fiddle with no serious illness

at the time of his arrest. After nearly a month in detention, he was released with signs of scars from beating on his face and head, extremely low blood pressure and incapability to speak. Due to his deteriorating health even after his release, he was hospitalized. He was unable to eat and has to be fed through the nose with a pipe. There are still 43 MPs inside the prisons in Burma.

Buddhist Abbot of Phone Daw Pwint Pagaoda in Kaya State, U Andastiya was arrested by local military commander, Lt. Col. Htin Kyaw on 31 May with the charge of having contact with Daw Aung San Suu Kyi. (June 4)

On June 6, U Aye Win, Bassein Township NLD Organizing Committee member and six other activists were arrested by the Military Intelligence for organizing a demonstration which demanded the immediate release of Daw Aung San Suu Kyi and the formation of an independent inquiry into the Dapayin Incident. (June 6)

On the 9th of June, Ko Ne Win, a security officer and chief organizer of central NLD was arrested and was tried in Insein Prison, Rangoon. When he was arrested, he was first charged with theft and robbery. When his family hired a lawyer and confronted the court, the original charge was dropped and he was later charged with distributing leaflets relating to act 5(j) on the 22nd of August.

On the 12th of June, Ko Myint Htay, the leader of Tamwe Township, Rangoon NLD Youth, was arrested and detained in Insein Prison. He was charged with sedition for distributing leaflets after Tapayin incident. According to an interview with his wife Ma Khin Khin Zin who is also a member of Tamwe Township NLD Women, "he was often arrested, at least three times. This time, he has been detained for more than three months...he was charged with Act 5 (e), sedition and spreading false news about the country...[a]uthority didn't find any incriminating evidence with him when they arrested him...they came to search our house while he was out. They found nothing. He was arrested at his father's house the next day...and he was being tried once a week at the court."

On the 15th of June, eight NLD youth—Ko Maung Maung Lay of Kyimyintaing, Ko Ne Win of Lanmadaw, Ko Myin Htay of Tamwe and five others—were arrested by the military intelligence and accused of distributing leaflets containing "false news on Tapayin assault." It is reported that they were tried at Botahtaung Court in Rangoon starting from July 1, 2003. On the 27th of October, Ko Maung Maung Lay, Ko Ne Win and Ko Myint Htay were each sentenced to seven years in prison.

On the 5th of July, it was also reported that one masked youth in Kawthaung for distributing leaflets on the true accounts of what really happened at the Tapayin incident. Six former NLD members in Kawthaung, Tenneserim Division—U Soe Win (41), U Than Lwin (46), U Khin Aung (51), U Min Maung (50), U Myint Aung (53), and U Kyaw Aye (55)—were arrested in Kawthaung for participation in political activities. Local civil servants, private business owners and monks in Kawthaung had been warned not to participate in politics.

On July 17, 2003, Ko Zaw Thet Htway, U Aye Myint, Zaw Zaw, Zar Naing Htun, Ko New Win, Ko Shwe Man, Ko Than Htun, Ko Myo Htway and Nai Min Kyi— an editor of a sports journal "First Eleven" and eight others, were arrested and sentenced to death penalty on November 28, 2003 for their alleged involvement in attempted assassination of junta leaders.

In September 2003, two Buddhist nuns who staged a protest in front of Rangoon City Hall to highlight the plights of Burmese people were each given 13-year-prison sentence at a court inside Insein Prison. They were charged with having contact with illegal organization and leaving the country without permission. Their appeal was rejected by local district court on January 19, 2004.

Another elected representative from Taungoo, Pegu Division, U Aung Soe Myint, after having involved in a minor motorcycle accident in which a schoolgirl who was riding her bicycle head on to him, was handed down a seven-year sentence by a SPDC court on the 19th of September despite there was no serious injury inflicted, the girl decided not to sue him and she even came to the court pleading for U Aung Soe Myint. On the 3rd of November, his appeal was rejected by SPDC district court. He is suffering from diabetes and high blood pressure and is being treated in Taungoo prison clinic.

In the past, SPDC used to release political prisoners before foreign dignitaries such as Mr. Razali Ismail and the UN human rights official, Mr. Paulo Sergio Pinheiro visited Burma. However, on the 28th of September, two days before Mr. Razali was due to visit Burma, Ko Win Ko and Ko Zaw Zaw Aung were arrested without any charge brought to them.

On the 23rd of December, at least ten political activists were arrested according to the media release by Democratic Party for a New Society dated January 1, 2004. Arrested activists are listed as— Ko Win Kyi (Le-Way, Mandalay Division), Ko Than Win (Mandalay), Ko Hla Oo (Mandalay), Ko Hla Soe, Daw Hnin Pa Pa (Mandalay), Ko Aung Aung, Ko Myint Oo and other unconfirmed three activists

On December 24, 2003, U San Min, a father of three children, a civil servant and a confidant of the recently deposed Forestry Minister U Aung Phone, was given death sentence. He was accused of passing on anti-American speeches of the new Forestry Minister General Thein Aung to the U.S. embassy in Rangoon. His children were also fired from their civil servant jobs.

On the 11th of February, six NLD leaders from Bogale Township— U Aung Khin Bo, U Aung Khin, U Aung Myint, Ko Win Naing, Daw Mi Mi Sein and Daw Khin Lay—were arrested for commemorating 57th anniversary of the Union Day. It is not known where they have been taken to and detained.

For not consuming nourishments offered by the SPDC, about 150 Buddhist monks were arrested and charged with "rebellion against the state." Arrests took place after Tazaungdaing religious festival in late 2003. Monks from Gandayon monastery in Rangoon were the ones arrested. Arrested monks were forcibly disrobed and sent to frontline areas. Attempt on the 21st February 2004 by a four person strong team of the ICRC to meet disrobed monks in Tenasserim Division failed. A directive from the director of Tenasserim Division prison authorities in southern Burma says that Buddhist monks who were arrested, forcibly disrobed and sent to the frontline areas last month must not be allowed to meet representatives of the ICRC based in Rangoon.

For denouncing 'road map' plan of the junta, six students were given long prison terms on the 20th of February 2004 by the Eastern Court of Rangoon Division. Ko Nanda Sit Aung and Ko Zaw Linn Tun were each given 17 years, Ko Kyaw Soe Moe 12 years, Ko Lwin Ko Latt, Ko Kyaw Kyaw and Ko Han Win Aung were each given 7 years. They were charged with Acts 6, 5J, 17 (1), 13 (1) AND 13 (5).

MPs, NLD members arrested for organizing trip of Daw Aung San Suu Kyi

Chairman of the Depayin Township NLD and elected MP U Win Myint Aung, Treasurer- U Win Maung and chief organizer – U Tin Hlaing were arrested in the 2nd week of May and each sentenced to 2 years with the charge of 'Talking Against the Government'.

After the 30th of May incident, the authorities have been watching members of the NLD and ex-prisoners and they have been summoned and interrogated regularly. On 31st of May, NLD chairman from Kachin

State U La Seng and his two secretaries, one of them is said to be U Ne Win, were arrested. On the 4th of June, another two NLD secretaries were arrested in Matupi, Chin State. On the 16th of June, six youth members of the NLD in Dala Township and one member from South Okkalapa, Rangoon were also arrested.

Elected representative from Mogok Township Constituency-1, Daw May Hnin Kyi had been under constant threat before she was finally arrested and sent straight to Insein prison on the 17th of July. Prior to her final arrest, Daw May Hnin Kyi was detained on the 3rd of June and released on the 11th of the same month. Again, she was detained and interrogated together with four other NLD women officials for writing to General Than Shwe on matters concerning with Tapayin incident. She was released in November after she staged a hunger strike.

Three Top NLD members of Mogok were arrested at the night of 3 June. Chairman U Ko, acted as MC, Vice-Chairman U San Linn and another one who acted as MC on the Northern part of the town were arrested.

On 4 June, U Kyaw Thaug, Secretary of the Sagaing Division NLD was arrested by MI on his way back from Mandalay to Sagaing.

Extension of Prison Terms under Section 10 (A)

Political prisoners are sometimes detained beyond the terms of their sentences. Article 10 (a) of the 1975 State Protection Act is being used to justify continuing detention of person who have served the maximum term of their sentences.

Min Ko Naing, a prominent student leader during pro-democracy uprising of 1988 was arrested in 1989 and had served his ten-year prison terms from 1989 to 1999. Now, four years after his prison term was up, Min Ko Naing still remains in detention, and no new charges have been brought against him.

On the 28th of January 2004, 56 year old U Shwe Tin who was detained beyond his release date passed away in Taungoo prison, marking a 85th case of death in custody since 1988. He was given 10 year sentence along with his son in law Ko Yan Lin in March 1994. U Shwe Tin had been suffering from cancer but the military authorities made no attempt to treat him.

Sagaing Division NLD Chairman, U Kyaw San was given two more months of extension of sentence in prison. According to original

sentence, he was supposed to be released on 30 March but he was continued to be detained two more months with Act 10 A. On the 29 May, his imprisonment was extended for a second time for two months according to DVB interview with his wife on 13 June.

Hunger Strikes in Prison

Hunger strikes in prisons are hardly a new phenomenon in Burma, but they are usually responded by extreme measures and sometimes ended in tragedy.

On March 4, 11 political prisoners in Khamtee Prison (Northern Burma) staged a hunger strike demanding for the release of all political prisoners. It was led by a student leader, Ko Thet Win Aung who was sentenced to 59 years. (May 5)

Starting from the 6th of September, seven political prisoners in Bassein staged a week long hunger strike demanding the release of Daw Aung San Suu Kyi, the unconditional releases of all political prisoners, the implementation of the 1990 election and the improvement of the living conditions of political prisoners in all the prisons throughout Burma. It is learnt that Ko Aung Hlaing Win of Oaktwin (death sentence), Ko Myo Aung of Pegu (death sentence), Mo Myo Thant of Pegu (death sentence), Ko Myo Min Zaw of Bahan (52 year sentence), Ko Than Htay of Dawpone (21 year sentence), Ko Kyaw Zin Htway of Thinggangyun (28 year sentence) and Ko Nay Aung of Pyinmana (8year sentence) are the participants of the hunger strike. It is reported that prisoners were fired upon by the SPDC security forces and at least four prisoners were killed and many are said to be wounded.

The Aging Political Prisoners

The fate of the political prisoners in Burma is not a hopeful one. Because many of them have been in prisons for decades now, their health has began to worsen due to old age and the horrific conditions in Burmese prisons. For instance, Win Tin who is currently 72 years old has been serving a sentence of 20 years under the 1950 Emergency Provisions Act (EPA). Tin, a former journalist and a senior adviser to Aung San Suu Kyi, began serving his sentence in 1989 for such things as attempting to write a letter to the United Nations Special Rapporteur,

exposing the horrific conditions at Insein Prison.¹⁴ According to Amnesty International, Tin has suffered health problems and has been held for months in a military dog cell without bedding, and deprived of food and water for periods during interrogation. He is currently believed to be ill and to require treatment for hemorrhoids and benign prostatic hypertrophy.¹⁵

U Saw Nandi, who is the Chairman of the NLD Keng Tung Township is also currently being detained at Keng Tung Prison in the eastern Shan state near Thailand. U Saw Nandi was arrested with the Shan State organizing vice-chairman U Sai Phat in September 2002. Both were given a seven-year sentence by Burma's military junta, SPDC. U Sai Phat died in Keng Tung Prison on 9 October 2003.

Many others such as Sein Hla Oo who is currently 64 years old is also serving a sentence of 7 years under the infamous 1950 EPA law. Though he was sentenced in 1994 and his sentence has already expired, Sein Hla Oo still has not been released. He is an elected MP and is believed to be suffering from heart disease. He was sent to prison for allegedly telling foreign diplomats and journalists "fabricated news" and distributing documents produced by groups in exile, which the regime labeled as "anti-governmental activity."

Another political prisoner, Htwe Myint who is currently 70 years old, is also serving a 7-year sentence for distributing literature that the government deems to be "anti-governmental." Myint is another patient of heart disease and was due to be released last year. Thar Ban who is currently 61 years old, and Salai Tun Than, 74 years old, are both serving sentences of 7-years each under the same 1950 law for calling for a political reform in the country.

Out the 18 MPs still remain in prison, may be in deteriorating health condition and hospitalized quite often. They are Pazundaung MP- U Naing Naing, Nyaunglebin MP- U Ohn Maung, Minbu Township MP- U Soe Myint and Tantse Township MP – U Kyaw San. Dr. Kyauktan Township MP – U Than Nyein was transferred from RGH recently. U Soe Myint was hospitalized in Thayet Prison because of Hypertension and heart problem.

Woman MP of Mayanggone Township – Dr. Daw May Win Myint's (53 years old) health was reported to be deteriorating. She is suffering from heart related disease.

¹⁴ *Supra* note 11.

¹⁵ *Ibid.*

The Health conditions of the President of Mon National Democratic Front (MNDF) – Naing Ngwe Thein , the Secretary-Dr. Min Soe Lin (MP-North Ye) and the Joint-Secretary- Dr. Min Kyi Win (MP-Mudon South) were said to be in critical health conditions. Dr. Min Soe Linn has been vomiting blood. Dr. Min Kyi Win is suffering from gastric problems. Naing New Thein is 82 years old and suffering from Diabetes and Kidney problems, and swollen prostate after 5 years in prison.

It was recently reported by the Democratic Voice of Burma that U Shwe Tin, another political prisoner who had been sentenced 10-years to jail along with his son in law, has passed away while he was in prison. Tin was accused of having contacts with the long defunct Burma Communist Party (BCP) and was arrested in 1994. Tin is the 85th political prisoner to die while in detention since 1988.¹⁶

In regards to deaths of political prisoners in Burma, Assistance Association for Political Prisoners (Burma) noted that:

“Analysis on the deaths of political prisoners in custody has proved that most of the cases were subjected to tortures during detentions, insufficient medical treatments and lack of physical as well as mental requirements in prison. The list of the victims comprises those who had strong and firm belief in their political deeds: hence it arouses the suspicion that the junta is killing people politically on purpose. In this approach, we are greatly concerned with the political prisoners in countrywide remote prisons who have been in bad health condition.”¹⁷

It behooves one to even imagine that men and women of such an old age can pose a threat to the security of a military dictatorship. The regime in Burma has used instruments of humiliation and mortification to oppress the will and democratic tendencies of a collective people, young and old. The regime is systematically political prisoners to rot in prisons in an effort to eliminate all opposition to the army without much expense.

¹⁶ Democratic Voice of Burma this news on February 4, 2004, retrieved from (<http://www.dvb.no/english/2004/feb/20040201a.html>)

¹⁷ Assistance Association for Political Prisoners (Burma). Accessed on February 15, 2004, from <http://www.aappb.net/death%20Bios.htm>

Members of Parliament in Prison and in Exile

As of July 2003, as reported by Amnesty International, there are 18 MPs who have been detained, arrested or are missing, while 22 other were detained or disappeared on or after the Depayin Massacre.¹⁸

For instance, Ohn Kyaing, also known as Aung Win has been given a sentence of 10-plus years under the 1950 EPA for publishing pamphlets condemning the authorities' attack on a group of five monks in August 1990 during which three demonstrators were shot.¹⁹ Dr. Myint Naing was sentenced to 25 years in prison for charges on treason after he planned to formulate a parallel government in Mandalay after the SPDC refused to recognize the results of elections. Many others have been charged with such preposterous crimes such as calling on the government to recognize the results of election and for promoting democracy and self-determination in the country.

As of February 2004, there are 27 Members of Parliament (MP's) currently in exile. These members have either been threatened or were forced to leave the country. Of the 15 women MPs in Burma, most were forced to resign or were detained or dismissed. For instance, Sein Tin, a member of the NLD and from Kachin was forced from resign while San San, another member of NLD from Rangoon was first detained, then released and dismissed as MP, and eventually fleeing to Thailand.

The junta in power has done everything that one may think is impossible and in gross violation of human rights to deprive the Burmese people of their right to self-determination and a democratic government. From arresting activists and those who speak up against the regime's undemocratic and brutal policies, to arresting and torturing democratically elected Members of Parliament, one might ask, for how long will such behavior of madness by the regime and gross violations of a people's human rights be tolerated for?

¹⁸ *Supra* note 11.

¹⁹ *Ibid.*

Women, Children, Racial, Ethnic & Religious Minorities In Burma

Political activists and those demanding political reform in Burma are not the only victims of the regime's misruling. Burma's women, children, racial, ethnic and religious minorities suffer the same fate, if not worse. Authoritarian and undemocratic rule, lack of peace and a deep-rooted mistrust among the people of Burma towards the junta in power are the result of 40 years of military rule and 50 years of civil war. Oppression and injustice suffered under military rule is the root cause of violence and intersecting forms of discrimination faced by women, children and minorities of Burma. Militarization for about half a century in Burma has diminished the role of people in the everyday politics of Burma.

Women

Women remain highly vulnerable to human rights violations, especially in the ethnic nationality areas. Especially those women who have been displaced are extremely vulnerable to being victims of rape, murder, or humiliation. Humiliation and violence against women has been documented repeatedly as a tool used to terrorize communities and deter women from being involved in their local communities. Women have been mortified and humiliated and in the most severe cases (sadly the most often cases), they have been tortured, raped and killed for speaking against injustice. They have often been labeled as 'troublemakers' to set an example for other women in local communities.

Rape as a Systematic Tool

According to the Shan Women's Action Network (SWAN), in the last ten years, the Burmese military regime has almost tripled the number of its troops in Shan State. Since the Burmese Army troops began coming into Shan State, they have been abusing the local populations and women have always been easy targets, and have been vulnerable to sexual violence.²⁰

²⁰ Presentation Paper at the Asia Social Forum, Hyderabad India (January 2003). *Burmese Military Regime's Systematic Use of Rape against Ethnic Shan Women*, by Shan Women's Action Network (SWAN). Retrieved on February 16, 2004, from http://www.apwld.org/pdf/ASF_speech_about_LtR.pdf

The License to Rape Report

A report formulated by SWAN has received a lot of international attention for its well-documented account of widespread rape as a weapon of war by the Tatmadaw (Burma's armed forces) in Burma's Shan State. The report entitled *License to Rape*, formulated in collaboration with the Shan Human Rights Foundation, documents 173 cases of rape and sexual violence involving at least 625 girls and women by Burma army soldiers from 1996 to 2001 in Shan state, Burma. Most of the rapes took place in Central Shan State where over 300,000 villagers have been forcibly relocated from their homes since 1996 as part of an anti-insurgency campaign.²¹

The report found that the majority of the rapes were committed between 1996 and 2001 by soldiers from 52 different battalions. The report documents that 83 percent of rapes documented were committed by officers, in most cases in front of their troops. The rapes often involved extreme brutality and torture, 61 percent were gang rapes, 25 percent ended in the murder of victims and in some cases, women were detained and raped repeatedly for periods of up to four months. The youngest victim was only five years old. These crimes took place within military bases and in forced relocation sites. Given the stigma surrounding rape, this is probably the tip of the iceberg. Of the 173 documented incidents, in only one case was a perpetrator punished by his commanding officer. More commonly, the complainants were fined, detained or tortured by the military. These crimes have been committed with impunity.

The report concludes that the Burmese military, as part of its campaign to bring ethnic areas under its control, officially condones rape as a "weapon of war" against civilian populations. The regime insists that it has no control over regional commanders and thus is not liable for their actions. It should be noted however, that reports of rape are too frequent, too widespread and have been occurring for far too long to be either incidental or accidental.

Military's Response to the Report

The argument by central authorities that it cannot be held liable for its subordinate's actions is not new; many dictatorships have used this as a defense for allegations concerning human rights violations. Accountability of central authorities is hard to prove, since it is highly

²¹ The report can be accessed at:
(http://www.ibiblio.org/obl/docs/License_to_rape.pdf)

unlikely there is a paper trail of orders for soldiers to rape ethnic women and girls. However, given the level of discipline in the military, it is inconceivable that these rapes were occurring without the knowledge of the military leadership, and were probably part of a deliberate campaign to terrorize the ethnic communities - who are treated with contempt by the armed forces.

The military regime at first categorically denied the report and sought to denounce and discredit its authors. Following pressure after the release of the report in June, the regime stated on 30 July 2002 that it would punish any troops found to have committed rape. Further, on 2 August 2002 Burma's state press reported that a team led by the deputy home minister left for Shan state to investigate the claims. The deputy home minister stated, "to refute them [the allegations], inquiries are to be conducted". It was therefore no surprise that the regime at a news conference announcing the results of its investigation on 23 August 2002, stated it found the claims "groundless and malicious." In its counter-investigation of the report, the regime intended to discredit the report, thus the results were not surprising.

SWAN later found that the SPDC authorities investigation was carried out in an intimidating manner. Local people in central and southern Shan State were forced to sign prepared statements in Burmese language declaring that no sexual abuses had been committed by the armed forces in their area. It is clear that under the SPDC, with no rule of law and no faith in its institutions, no one will dare testify against perpetrators who have absolute power in their communities.

Responses to the Report

In a follow-up report to *License to Rape*, Refugees International, an international NGO, began interviewing indigenous NGOs, men, women, and local leaders in Burma and Burmese refugees in Thailand about the alleged rapes reported in the report. In the course of 26 individual interviews with women and men and two focus groups composed of 45 women, Refugees International learned about numerous instances of rape against ethnic women. Specifically, there were 43 cases of rape or attempted rape against women from five different ethnic groups, with 23 of those confirmed through eyewitness testimony or physical evidence. In seven of the confirmed cases, the abuser raped the woman or women on military property, and in eight confirmed cases, he was an officer in Burma's army. Refugees International confirms that the specific rapes documented in its report are only a fraction of those perpetrated by Burma's army. Every one of the 45 ethnic women who participated in the Refugees International focus groups said she had heard about rapes

occurring in her area of origin, and a vast majority said they knew someone who had been raped.²²

Allegations of rape by the military have been made in other ethnic nationality areas. Credible international human rights organizations such as Amnesty International have reported on the use of rape by the armed forces. The International Labor Organization raised this issue in the context of its investigation into the use of forced labor. Previous Special Rapporteurs on the Human Rights Situation in Burma have addressed this issue in their reports to the UN. Language adopted by the U.N. General Assembly and the Commission on Human Rights resolutions by consensus also addressed this problem.

Even after numerous condemnations by the international community, tragically, incidents of rape still occur in Burma. For instance, on 21 August 2003, three displaced women from Ka Li village relocation site in Kun-Hing township were raped by 4 SPDC troops from IB246, led by Commander Tin Win. The women were gathering mushrooms in the forest north of their village when they were approached by the troops and raped at gunpoint. The women had kept the rape a secret for 7 days because the troops had threatened to shoot their families if they revealed the incident.²³

Meanwhile, another 20-year-old woman was raped and her father beaten while her husband was forced to attend People's Militia training in Lai-Kha. The woman was raped by 3 SPDC troops from IB64 when she was tending her rice-field alone. Her husband was forced to attend a 45 day People's Militia training by the SPDC when the incident occurred. Three days later SPDC troops came to the woman's house in the evening, trying to take her away for the night. When the woman's father intervened, he was beaten by the troops.²⁴

Tragically, these are only a few incidents of rape by the SPDC troops among many reported. The SPDC continues to use rape as a systematic tool to mortify local communities and to create a culture of fear which they can use for their advantage.

²² Refugees International's report on the *License to Rape* report can be found at <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/18114cbcf8683b7449256e1b00236349?OpenDocument>

²³ SHRF Monthly Report: December 2003. This report can be found at <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/18114cbcf8683b7449256e1b00236349?OpenDocument>

²⁴ Ibid.

Recommendations to the United Nations

Unfortunately, there is no reason to believe that the use of rape by the military ended in 2001. Whether they take place in Burma, Bosnia, or Eastern Congo, rape as a weapon of war is a grave violation of the Geneva Conventions and a crime against humanity. It deserves the severest response by the international community. The international community must voice its concern about the contents and findings of the report.

The recommendations made by Refugees International after its investigations should serve as a guideline to the international community and the United Nations. Refugees International recommended:²⁵

- The UN Commission on Human Rights again condemn rape and other forms of sexual violence against ethnic women and girls by Burma's military in a stricter language in its annual resolution on the situation of human rights in Burma.
- The UN High Commissioner for Human Rights ensure that any investigation of rape and other forms of sexual violence inside Burma conducted by UN officials is done by experts on sexual violence, with guarantees of full access, complete and ongoing security for all witnesses and victims and a follow up mechanism to verify compliance.
- UNHCR assist the Royal Thai Government in providing a safe environment for Burmese fleeing human rights abuses with a special emphasis on women and children.
- The UNHCR insist that women and girls fleeing rape and other forms of sexual violence in Burma qualify for protection and assistance in Thailand.
- The Committee on the Elimination of Discrimination Against Women request a special periodic report from the State Peace and Development Council focusing on the constitutional, legal, administrative, military, and practical measures taken to eliminate rape and other forms of violence against women. The Committee should convene a special session to engage in dialogue with the SPDC about this special periodic report.

²⁵ These recommendations can be found at <http://www.reliefweb.int/w/rwb.nsf/6686f45896f15dbc852567ae00530132/18114cbcf8683b7449256e1b00236349?OpenDocument>

Other Tragedies Suffered by Women

It has also been widely reported that many ethnic Burmese women have been going to prisons in order to give birth free of charge. The Democratic Voice of Burma reported that desperate pregnant ethnic women from Burma come to the Thai border town of Mae Sot to commit petty crimes so they would be sent to jail where they could give birth to their babies free of charge. Since these ethnic Burmese women such as the Karen and Hmong people are not given citizenships by the military, they do not have access to state hospital services. One Karen woman, Naw Phaw Lu told the Democratic Voice of Burma: “At Htan Pin Kone Village, we are very poor. I had to have a Caesarean for my first-born. Therefore, I had no money to give birth to this baby. I had to go to where my husband worked and I was arrested at the Thai checkpoint in Mae Sod...They sent me to prison. I was already 7 months pregnant when they arrested me.”²⁶

In August 2003, a husband was shot dead in Burma while his pregnant wife was tortured, causing her a miscarriage and severe mental disturbances. The husband, Saang Zi-Na, aged 45 was shot dead by SPDC troops from the 55th Division near Paang Sa village when he was fetching water on the bank of Nam Taeng river. Three days later SPDC troops arrested Naang Non, Saang’ wife along with another woman Naang Zam, and took them to the harbor of the same river where they had shot her husband. The troops beat both women with a bamboo stick, ordering them to tell about boats used by people in the area. Naang Non was severely beaten when she replied that she did not know of any boats, leading her to have a miscarriage.²⁷

In yet another tragic incident, a 63 year-old grandmother was killed and smoked on a bamboo shelf by a patrol of SPDC troops from IB64. The woman was killed at a remote farm near the Lin Muk village in the Lai-hka Township. The woman’s family had been forced to relocate from the village in 1997 by the SLORC and had gone back to village to cultivate their farm. The woman who was with her 8 year-old grandson was approached by the SPDC troops. While the grandson was able to runaway, the woman was killed and her body “was put on a bamboo shelf and a fire was lit under it, as if to smoke or roast it like beef.”²⁸

Even after the neighboring countries have made notable progress in protecting women’s rights both culturally and in the business world, women in Burma are given the least amount of respect and dignity by

²⁶ This was reported by the Democratic Voice of Burma on January 24, 2004. The article can be accessed at (<http://www.dvb.no/english/2004/jan/20040124.html>)

²⁷ *Supra* note 28.

²⁸ *Ibid.*

the military junta in power. In fact, the regime has used women as a tool to threaten and pacify local communities into their oppressive, unjust and undemocratic rule.

Children

Who would want to be a child in Burma? Four decades of military rule, mismanagement and armed conflict have resulted in widespread poverty, poor health care, low educational standards and widespread and systematic human rights abuses. From being forcefully recruited into the military by the junta to receiving no education and healthcare and living a poverty-stricken life.

Burmese Children in Armed Conflict

On January 20, 2004, the Secretary-General's Special Representative on Children in Armed Conflict Olara Otunnu told the Security Council that the battle to uphold the rights and well-being of children exposed to armed conflict "has reached a watershed moment."

In a note titled "The Impact of Armed Conflict on Children", Secretary-General Anan noted, "in Myanmar [Burma], whole groups of children from 15 to 17 years old have been surrounded in their schools and forcibly conscripted."²⁹ The Secretary-General went on to note,³⁰

"Some commanders deliberately exploit such fearlessness in children, even plying them with alcohol or drugs. A soldier in Myanmar [Burma] recalls: 'There were a lot of boys rushing into the field, screaming like banshees. It seemed like they were immortal, or impervious, or something, because we shot at them but they just kept coming.'"

When UNICEF was compiling research for its recent publication on children in armed conflict *Adult Wars, Child Soldiers*, it was not given access by the military junta in power to interview Burmese child soldiers

²⁹ Office of the Special Representative of the Secretary-General for Children in Armed Conflict. *Key Documents: Note by the Secretary-General: The impact of armed conflict on children*. This report can be retrieved at (<http://www.un.org/special-rep/children-armed-conflict/index.html>)

³⁰ Ibid.

for the report.³¹ According to the same report, the military junta in Burma is yet to sign the 2000 Optional Protocol on the Involvement of Children in Armed Conflict, the 1998 Rome Statute on an International Criminal Court, the 1999 ILO Convention No. 182 on the Worst Forms of Child Labor and has not attended the Asia and Pacific Regional Conference on Child Soldiers. The regime in Burma stands defiant to the international community's efforts to relieve child soldiers of their painful duties and prosper some hope for the generations to come.

The regime acceded to the Convention on the Rights of the Child in July 1991 and submitted their initial report to the Committee on the Rights of the Child in 1995. The Committee met to scrutinize the regime's initial report in January 1997, and issued concluding observations and recommendations. The Committee's report had 19 paragraphs devoted to principal subjects of concern and 20 paragraphs on suggestions and recommendations in order for the regime to comply with the Convention.

The recommendations included: to undertake a comprehensive review of the national legislation to bring it into conformity with the principles and provisions of the Convention – especially in the areas of non-discrimination, citizenship, freedom of association, child labor and the administration of juvenile justice; to launch a systematic information campaign, for both children and adults, on the Convention; to incorporate the Convention in the school curriculum; to take all appropriate measures to provide access to health services throughout the country and to all children, including the ones living in the most remote areas as well as the ones belonging to minority groups; to take all appropriate measures to reduce the rates of school drop-out and repetition; to allocate resources to translate school materials into minority languages; to rapidly, impartially, thoroughly and systematically investigate all reported cases of abuse, rape and/or violence against children committed by members of the armed forces and apply appropriate judicial sanctions to perpetrators and give wide publicity to such sanctions.

The regime's second periodic report was submitted in June 2002.³² It is doubtful that the Committee will find an improvement on the implementation of the Convention and the situation facing the children of Burma.

³¹ UNICEF. *Adult War. Child Soldiers*. (2002). The report can be retrieved from (<http://www.unicef.org/emerg/AdultWarsChildSoldiers.pdf>)

³² The report can be found at ([http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.70.Add.21.En?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/CRC.C.70.Add.21.En?OpenDocument))

In *Adult Wars, Child Soldiers*, UNICEF documents the tragic life of a Burmese child, Saw Aung, and his two cousins who were taken away from their family when they were 6, 7 and 8 years old. When Saw Aung had escaped from the military junta and was found in a Karenni refugee camp at the age of 17, he gave a tragic testimony:³³

About 10 Burmese soldiers in uniform with guns came and said, "Come with us." "No, we are very young."

"No, follow us," they said, "We will give you food, candy." We were young, we couldn't think much. We traveled by motorboat for three nights. When we reached the recruitment center in Rangoon, we talked with others about how they had come there – their parents had kicked them out of the house and they didn't know where to go. Like us, they were forced or kidnapped with promises of food and candy. The center was called Ye Nyunt. We were very, very afraid about what we were going to tell our parents. I tried to communicate through letters. I stayed in Ye Nyunt for five years. We were told we couldn't go back home and that we would have to stay there. They threatened us to keep us from escaping.

Some escaped and were sent to prison. Some were beaten. Some committed suicide. I know of five. One person drowned by driving a truck into a river. One jumped from a high building. Most were forced or tricked to join and always wanted to go home. They were very frustrated.

The only way out was to kill themselves. We were children. We wanted to play, have fun or work with our parents.

I was very depressed. I stayed in the barracks. Of course I wanted an education. I'm illiterate now. I can only write my name.

Within the camp, you don't want to go to school. I took care of the pigs. You could work at the fishpond, raise chickens, breed livestock. You could do any of these things but you couldn't go home. Some of the officers were nice. Some kicked us; they'd lose patience if you kept crying.

A child crying a lot and not taking orders was sent to prison. The barracks were very long. As far as you could see there were kids. Some stayed only one or two years in the barracks.

I felt I had no freedom. We were never allowed to go and see our parents. Finally, I decided to flee. I'm very bitter about the Burmese army. I haven't been able to see my parents or my sisters and brother. After I escaped, the Army told my parents I had died in the fighting. I

³³ *Supra* note 38.

have bad dreams but not frequently. Sometimes I am being killed, sometimes I'm being tortured but not killed.

Sometimes I dream I get to finally meet my parents but they're sick. Sometimes my anger is so big. I'm trying to be happy with friends. I drink a little alcohol now. I still want to take revenge because I'm separated from my family. I want to give them the same suffering I have had. One day...if I get a chance...I will do something for all the people sharing the same suffering. If I hadn't been taken by the soldiers, I'd be living with my parents happily, warmly. I'd be educated. It's what I want.

The story of this young boy is sad enough to bring tears to anyone's eyes. Tragically this story is the life of too many in Burma. The same UNICEF report documents testimonies of about 30 more children who had been forced into joining the military junta by the regime in Burma.

Human Rights Watch reports that children may account for 34 to 45 percent of new recruits to the Burmese military junta.³⁴ About 70,000 of Burma's 350,000 soldiers are children. Furthermore, Human Rights Watch reports that these children are often asked by the junta to commit human rights abuses against civilians and other child recruits.³⁵ These child soldiers were given duties such as preparing meals to fighting in front line areas and committing human rights abuses, including rounding up villagers for forced labor, burning homes and villages and carrying out extra-judicial executions.³⁶

According to Jo Becker of Human Rights Watch, Burma has more child soldiers than any other country.³⁷ The military junta recruits more child soldiers than any other country, leading the Secretary-General to place Burma on a list of violators of international law prohibiting the use and recruit of children as soldiers. As a result, Burma will now come under the scrutiny of the Security Council for the first time, as the Council will now begin debate on how to take action against the junta in power.

Health and Education of Children

According to UNICEF, soldiers in Burma only received an average of 1.9 years of schooling before becoming soldiers. Since Burma has the most child soldiers than in any other country in the world, education of

³⁴ Human Rights Watch. *Myanmar (Burma): Government armed forces*. This report can be accessed at (http://hrw.org/reports/2004/childsoldiers0104/11.htm#_edn164)

³⁵ Ibid.

³⁶ Ibid.

³⁷ Jo Becker. "A Gun as Tall as Me". *The Asian Wall Street Journal*. January 20, 2004, can be accessed at (<http://hrw.org/english/docs/2004/01/20/burma6966.htm>)

children in the country is given very little value by the regime. The regime is more interested in training children for soldiers, not for jobs.

According to the World Health Organization (WHO), only 2.2 percent of GDP in Burma is spent on health related issues, as the total health expenditure per capita is only \$24. Burma, tragically, also has the highest infant mortality rate in the region: 106/1000 for females and 121/1000 for males. In fact, Burma ranks very low if not last in the region for all major health indicators such as health expenditures per capita, adult mortality rate, child mortality rate, healthy life expectancy at birth, and life expectancy at birth.³⁸

The junta in power has no care for the health of its people; leaving Burma as one of the few countries to still have a significant amount of cases of diphtheria, measles, pertussis and tetanus.³⁹ The lack of funding for immunization at birth and the junta's lack of attention to issues of health in the country leaves Burma's children vulnerable to diseases, which the international community and neighboring countries have come to eradicating completely. Furthermore, Burma is one of the few countries considered a high-burden country by the WHO in regards to Tuberculosis.

Racial, Ethnic and Religious Minorities

According to Barbara Harp of the U.S. Centre for Conflict Management, Burma is amongst one of the thirteen countries where there is a "great danger" of genocide taking place. Ms. Harp made these remarks when she was speaking before the Stockholm International Convention on the Prevention of Genocide on January 28, 2004.⁴⁰ Minorities in Burma have been victimized ever since the military regime came into power.

All the violations of human rights and widespread discriminatory practices against ethnic groups and religious minorities (which comprise some 40% of the population), listed in previous UNGA resolutions have continued in the past year. This is particularly true of ethnic groups and religious minorities living in areas where ethnically based armed opposition groups are fighting against the Burmese army. Such groups

³⁸ These statistics can be seen on the World Health Organization's website at (<http://www.who.int/country/mmr/en/>)

³⁹ World Health Organization: Vaccines, Immunizations and Biological: Myanmar [Burma] 2003 profile. This report can be accessed at (<http://www.who.int/vaccines/globalsummary/immunization/countryprofileresult.cfm?C='MMR'>)

⁴⁰ Stockholm Forum 2004 Report. Ms. Harp's remarks can be found at (<http://www.preventgenocide.org/prevent/conferences/StockholmForum2004NewsReports.htm>)

live primarily in the Tenasserim (Tanintharyi) Division and in the Shan, Mon, Karenni (Kayah), and Karen (Kayin) States in the east of the country. The army maintains an increasingly large presence in these areas, particularly in the so-called “black” or “gray” zones where armed opposition groups are active. Burma’s various ethnic based armed groups no longer control any significant territory, but operate in mobile units around the countryside. Shan, Karenni, Mon and Karen civilians are targeted for punishment by the SPDC because of their ethnicity and presumed support for armed groups operating near their villages.

The Burma army commits a wide range of human rights violations in the context of its counter-insurgency activities. These violations trigger large-scale displacement of persons and flows of refugees to neighboring countries, as well as an increasing number of internally displaced persons.

Recently, the Sydney Morning Herald reported that the military junta is trying to the Moken nomads, who are considered ‘sea gypsies’ into its power.⁴¹ This is yet another abuse of ethnic minorities in Burma by the military regime. The Democratic Voice of Burma recently reported that when experts on Burma recently met with United Nationalities Alliance (UNA), UNA officials told them that social, educational and economical situations couldn’t change in Burma without a change in the country’s political infrastructure.⁴² UNA is comprised of nine ethnic national political parties and won the 1990 election, along with its ally NLD.

According to many reports by human rights NGOs, the Burmese military junta systematically and practically represses members of both religious minorities and the majority Buddhist population. According to a United State Department of State Human Rights report, ethnic minorities in Burma are also subjected to government discrimination, sentenced to forced labor and required to desecrate their own churches. Buddhist monks who promoted human and political rights are arrested, and some Buddhist monasteries are destroyed. The report also noted that the junta frequently employed coercion to induce Christian members of the Chin ethnic minority to convert to Buddhism.⁴³

Instances of extra-judicial and summary executions, extortion of money, property and land confiscation, and forced labor, forced portering, forced relocations and displacement, rape and torture have documented

⁴¹ Jeni Harvie. “Burma’s Gypsies of the Sea.” *Sydney Morning Herald*, January 29, 2004. This article can be accessed at

(<http://www.smh.com.au/articles/2004/01/28/1075088077604.html>)

⁴² This article can be found at (<http://www.dvb.no/english/2004/feb/20040205.html>)

⁴³ A summary of this report can be found at

(<http://www.cnn.com/2000/US/09/05/state.dept.religion/#2>)

this year by a number of human rights organizations, including the Shan Human Rights Foundation (see http://www.shanland.org/shrf/shrf_frame.htm), Karen Human Rights Group (see www.khrg.org), the Chin Human Rights Organization (see www.chro.org), the Mon Human Rights Forum and Earth Rights International (www.earthrights.org).

Burmese Muslims experienced a considerable amount of violence over the destruction of Buddhist images in Bamiyan, Afghanistan, in March 2001. It was also reported that in some cities outside Rangoon, there were credible reports of military intelligence officers stirring up anti-Muslim violence and of local mosques being destroyed at the order of local military commanders in Arakan state.

The September 11 attacks in the U.S. fueled further communal violence in cities outside Rangoon, such as Toungoo, Prome and Pegu, leaving Muslim houses destroyed and burnt, and Muslim-owned shops looted. The Karen Human Rights Group report notes that while extensive reporting has been done on the persecution of Rohingya Muslims in Arakan State, very little attention has been paid to the persecution suffered by the thousands of Muslim communities which exist in villages and towns throughout Burma. Muslim communities are forced to endure the denial of all citizenship rights, restrictions on travel, work, and education, prohibitions on practicing Islam, and the systematic destruction of their mosques.

According to Human Rights Watch, Muslims in Burma have also been made to carry special identity papers and travel restrictions placed on them. The regime in Burma also denies citizenship status to most Muslim Rohingyas, for example, on the grounds that their ancestors did not reside in the country at the start of British colonial rule in 1824.⁴⁴

The Christian minority also experiences many difficulties in practicing their religion. Particularly in Chin State, the military regime has desecrated churches and graveyards, disturbed religious ceremonies, prevented evangelists from preaching and imposed restrictions on attendance at religious gatherings. Christians have also been forced to build Buddhist pagodas in their own villages and to donate money for Buddhist festivals whereas they are prohibited from building new churches or printing Christian materials.

The International Labor Organization (ILO) has issued many report documenting the use of forced labour in Burma, including the report of the commission of Inquiry and the report of the High Level Team. According to these report, the military junta has used the ethnic

⁴⁴ Human Rights Watch. *Crackdown on Burmese* (July 2002). This report can be accessed at (<http://www.hrw.org/background/asia/burma-bck3.htm>)

minorities, women and children as porters to carry ammunition and as mine sweepers. The junta's regional commanders also employ forced labor to operate camps, to grow food for soldiers, and generate income for their units. These practices have destroyed the lives of ethnic communities in Burma, often leading them to flee the country.⁴⁵

Restrictions on Religious Practice and Freedom

The United State Department of State's 2003 International Religious Freedom Report on Burma documents the country's treatment of religious and ethnic minorities very well.⁴⁶ The report states:

“Since the 1960s, Christian and Islamic groups have had difficulties importing religious literature into the country. All publications, religious and secular, remain subject to control and censorship. Translations of the Bible into indigenous languages cannot be imported legally; however, Bibles could be printed locally in indigenous languages with government permission, but permission was often difficult to obtain...State censorship authorities continued to enforce restrictions on the local publication of the Bible, and Christian and Muslim publications in general.

The report further stated,

“The Government continued to discriminate against members of minority religions, restricting the educational, proselytizing, and building activities of minority religious groups. There is a concentration of Christians among some of the ethnic minorities (such as the Karen and the Kachin) against which the army has fought for decades. However, groups that practice Buddhism (like the Shan) also have waged many of the ethnic insurgencies.”

The Karen Human Rights Group has utilized the use of camera to capture some of the most horrific crimes of hate committed in Burma.⁴⁷ These crimes were committed by the SPDC with no regard or remorse for the victims; these pictures are more than enough to bring tears to any viewer's eyes.⁴⁸

⁴⁵ Federations of Trade Unions – Burma. *Responsibilities and Rights*. (February 18, 2003). This report can be accessed at (<http://www.tradeunions-burma.org/ilo/iloandburma.htm>)

⁴⁶ This report can be found at (<http://www.state.gov/g/drl/rls/irf/2003/23823.htm>)

⁴⁷ The group's website has pictures of abuse and torture towards ethnic and religious minorities. The website can be accessed at (<http://www.ibiblio.org/freeburma/humanrights/khrg/archive/index.html>)

⁴⁸ The photoset prepared by the Karen Human Rights Group can be viewed at (<http://www.ibiblio.org/freeburma/humanrights/khrg/archive/photo.html>)

Forced Labor, Forced Displacement, Land Mines And Refugees And IDPs

The military regime in Burma continues to violate all aspects of human rights, humanitarian and international law by its treatment of its own citizens. By forcing people to work and leave their houses and move elsewhere, to mistreating refugees and those who have been forced to relocate.

Forced Labor

Forced labor is one of the most prevalent forms of human rights abuse in Burma. The local military units have a great deal of autonomy by the national junta. Local military rulers have been forced to be self-sufficient by the national junta due to Burma's deteriorating economic situation, but also for economic benefit. Cultivation of military farms (e.g., shrimp), construction of military camps, fortifications, and other projects related to the economic support of military units continues at rates consistent to or slightly greater than past years. A report prepared by the Earth Rights International, titled *Entrenched: An Investigative Report on the Systematic Use of Forced Labor by the Burmese Army in a Rural Area*, shows that even after the many efforts by the international community and intergovernmental organizations, the junta in power continues to force labor.⁴⁹ The regime also continues to use sentry duty, forced portering and human minesweeping.

The ILO and the regime

In 1998, the International Labor Organization (ILO) concluded that forced labor was generalized and systematic in Burma. In November 2000, the ILO determined that the regime had not taken effective measures to deal with the 'widespread and systematic' use of forced labor and, for the first time in its history, called on all ILO members to review their relations with the regime and take appropriate measures to ensure that the regime would not be able to take advantage of such relations to perpetuate or extend the system of forced labor. In September and October 2001, the regime permitted a high-level team appointed by the ILO Director-General to travel extensively in the country to review the status of the regime's efforts to eliminate forced labor. The team found that forced labor was continuing, especially in the ethnic areas near the border and in villages near military camps, and that

⁴⁹ This report can be found at (<http://earthrights.org/pubs/Entrenched.pdf>)

legislation introduced by the junta last year has had a limited practical impact.⁵⁰

The ILO Committee of Experts noted in short that:⁵¹

“None of the three recommendations formulated by the Commission of Inquiry and accepted by the Government have so far been met. Despite longstanding promises, as well as the Government’s assured good will, the Village Act and Towns Act have not yet been amended. While Order No. 1/99, as supplemented, has been widely publicized and may for the time being have affected certain civil infrastructure projects, by itself the order has not stopped the exaction of forced labor, in particular by the military. There is no indication that the necessary specific and concrete instructions and budgetary provisions have been adopted or even prepared with a view to effectively replacing forced labor by offering decent wages and employment conditions to freely attract any workers needed. Finally, there is no indication that any person responsible for the exaction of forced labor and often concomitant crimes was sentenced or even prosecuted under section 374 of the Penal Code or any other provision, in conformity with Article 25 of the Convention.”

On 15 November 2001, the ILO Governing Body adopted conclusions after examination of the report of the High-Level Team. The Body recommended that the authorities distribute the Orders to all the media and translate them into appropriate languages (the orders have not been translated into other major ethnic languages). It expressed profound concern regarding the very limited impact of this new legislation to date and, in particular, the persistent impunity with regard to criminal prosecution of persons who have committed violations, despite the provisions of this legislation. The Body stated that urgent efforts should be undertaken by the SPDC to rectify this situation and provide more convincing evidence of their willingness to achieve this by the next session of the Governing Body to be held in March 2002. The conclusions supported the recommendations of the High Level team that an ombudsman should be appointed (who has national and international credibility) to whom complaints regarding forced labor could be

⁵⁰ See ‘CEACR 2001: Observations Concerning ILO Convention No. 29, Forced Labor (1930) –

Myanmar’, found at:

(<http://webfusion.ilo.org/public/db/standards/normes/appl/appldisplaycomment.cfm?hdroff=1&ctry=1670&year=2001&type=O&conv=C029&lang=EN>)

⁵¹ Ibid, at paragraph 29.

submitted and who would be able to conduct direct investigations along with a form of permanent presence of the ILO in Burma.⁵²

On 19 March 2002, the ILO and the SPDC signed an understanding in Geneva, which allowed an effective ILO representation in Burma from, at the latest, June 2002. An interim liaison officer was appointed in May and in September it was announced that Ms Hong-Trang Perret-Nguyen, who is director of the ILO's industrial relations department, will take up her new post in Rangoon in early October. The understanding provides that she will cover all activities relevant to ensuring the "prompt and effective" elimination of forced labor in the country. Under the mandate, the liaison officer, in cooperation with the authorities, "will have to help establish strategies to effectively address the root causes of the forced labor situation in Burma". This is a welcome development. The next meeting of the Committee of Experts will be at the end of November.

In *Entrenched*, an investigative report by Earth Rights International, villagers testified that they were forced to relocate to the pipeline area, quarter soldiers, assist in sweeping for landmines, carry supplies and ammunition, and stand sentry duty to watch for insurgent attacks—labor referred to as "peoples' contributions" by the Burmese army. The report notes that threats and intimidation were also used to gain compliance. A village headman reportedly met weekly with the military officers, offering gifts and receiving new orders for his village.⁵³

The ILO described the situation at the pipeline as "a saga of untold misery and suffering, oppression and exploitation of large sections of the population inhabiting Myanmar by the Government, military, and other public officers." The ILO recently assessed that the situation continues to worsen in Burma.⁵⁴

According to a report by the International Confederation of Free Trade Unions, forced laborers are:⁵⁵

"Starved, beaten or even killed if they can no longer keep up or if they try to escape, the porters also have to walk in front of the soldiers, so they are the first to stumble over anti-personnel mines. They are even used as human shields during exchanges of fire. Women and children

⁵² ILO Governing Body Conclusions at the 282nd Session on 15 November 2001, found at

(<http://www.ilo.org/public/english/standards/relm/gb/docs/gb282/pdf/gb-4-2.pdf>)

⁵³ *Supra* note 55. Also view Daniel J. Hughes. "Unocal off the hook?". *In These Times*. (February 17, 2004). This article can be accessed at

(http://inthesetimes.com/comments.php?id=618_0_2_0_C)

⁵⁴ *Ibid*. "Unocal off the hook?".

⁵⁵ This report can be found at (http://www.icftu.org/www/pdf/brief_BirmanieEN.pdf)

are not spared this form of work either, though it is mainly men who are requisitioned.”

The report documents the tragic life a 46-year-old Burmese father of three children, who was forced to porter by the army, leading him to find refuge near the Thai border. This Karen man reports that when porters were not able to carry the heavy load of the army, they were usually beaten up, and in incident, were thrown off a hill.⁵⁶

The Unocal case in the United States has set examples for many corporations and businesses to stop doing business with a junta which forces labor upon its citizens to keep itself in power. In April 2003, the 600-member American Apparel and Footwear Association, in a surprise act of self-policing, called on the U.S. government to end imports of apparel, textiles and footwear from Burma. Moreover, companies including J. Crew, Reebok, Levi's, Ralph Lauren and Kenneth Cole, among many others, have also pulled operations out of Burma.⁵⁷ The international community must take a more resolute action to pressure the junta to end forced labor in the country.

"Forced labor practice in Burma is still at the worrying stage." so said the ILO.

It is reported on March 12, 2003 that the SPDC has been forcing local people to build roads in Karen State without wages for months. Villagers from 19 villages of Papun District are being used in the project. There were nearly 6000 people— over 3000 women and over 2000 men— being used as forced labor in construction of tarmac roads without pay since the November of 2002. It is learnt that the strategist commander of the Southeast Command, Colonel Tin Kyu is leading and Colonel Myint Win Aung is taking the responsibility of overseeing the project.

Starting from the 10th of March, more than 5000 households from 25 villages were reported to have been forced to "volunteer" for the construction of the 16-mile-long road that connects Kyondon and Kawbein. Chairman of Kawkareik District local authority, Lieutenant-Colonel Ko Ko Gyi headed the project.

On the 6th of September, the villagers of Chaungnet Village were forced to "volunteer" in clearing bushes along the Rangoon-Magwwe highway from 6 a.m. for the whole day in preparation for the visit of a minister. The local chairman of Chaungnet authority gave the order that one

⁵⁶ Ibid.

⁵⁷ Jeff Caplan. "NBA-Burma connection distributing." *Star Telegram*. (February 15, 2004). This article can be accessed at <http://www.dfw.com/mld/dfw/sports/7960275.htm>

person from each household must come to volunteer and each absentee will be fined 500 kyats.

Forced Displacement

According to a report released by the Norwegian Refugee Council and the Global IDP Project, there are about between 600,000 to one million IDPs in Burma. The report, which can be found on the World Health Organization's website, correctly states:⁵⁸

“Exposed to ongoing violence and systematic human rights abuses at the hands of government troops, these people are without protection from either their government or the international humanitarian community. This has affected the eastern border areas in particular, and especially the Karen, Karenni, Shan and Mon ethnic groups. In western Burma, the Muslim Rohingya people and other minority groups along the Bangladesh and India borders have also suffered from the military campaign. In addition, thousands more have been displaced in schemes to resettle the urban poor and the building of large-scale infrastructure projects. With their traditional livelihoods ruined and humanitarian assistance blocked by the army, the situation of Burma's displaced people is desperate.

The report further states that the primary source of displacement in Burma is the military junta in power, the Tatmadaw. For example, according to the report, between 1999-2002, at least 125,000 Wa and other villagers were relocated from northern Shan State, to the UWSA's Southern Command area, opposite Thailand's Chiang Mai and Chiang Rai provinces. The report further claims that the movement of Wa people, in turn, led to the forceful displacement of those originally living in the resettlement areas, mostly groups of Shan and Lahu people.⁵⁹

The report also states that those who people who have been ordered to relocate are given a week notice by the junta. The junta then destroys and loots whatever the family and person was not able to take with them, also destroying crops in order to discourage the family and people from returning.⁶⁰

A report by the Lahu National Development Organization estimates that since the end of 1999, over one-quarter of the entire Wa population (approximately 126,000) has been forcibly resettled from their homes

⁵⁸ This report can be accessed at (<http://www.who.int/disasters/repo/11310.pdf>)

⁵⁹ Ibid.

⁶⁰ Ibid.

near the China border to southern Shan state.⁶¹ The United Wa State Party (UWSP) and the regime have officially stated that the resettlement program is aimed to eradicate opium production by enabling villagers to grow alternative crops in the more fertile lands of southern Shan State. However, the report evidences that the resettled villagers are planting new opium fields with the support of UWSP and regime officials. The real motive for the resettlement has yet to be confirmed. The report documents the abuses not only on those resettled but on the villagers in the south who lost their lands to the new arrivals. The report estimates that the number of original inhabitants affected by the resettlement program is approximately 48,000. Of these, at least 4,500 have fled to other areas of Shan state, while another 4,000 have fled to Thailand. They cannot access protection or humanitarian assistance as Shan, Lahu and Akha villagers are not permitted access to refugee camps or humanitarian organizations by Thai authorities.

Landmines

It is believed that landmine pollution in Burma affect 9 out of 14 of the states or divisions. It is most prevalent in areas near borders with Bangladesh, India and Thailand, with a heavy concentration in eastern Burma. The states of Karen, Karenni and Shan are thus far the most affected states. The Burma army and other ethnic resistance groups place landmines. The Burmese army often places mines close to areas of civilian activity so that people who had been evicted and forcefully displaced are discouraged to return back to their homes. A report by the International Campaign to Ban Landmines (ICBL) reports that “interview records with mine survivors show that more than 14 percent are injured within half a kilometer of village centers. The same records reveal that 63 percent of civilian survivors crossed the area they were injured in many times before they stepped on the mine.”⁶² It is also widely reported that the Burmese army often uses its very own citizens and forcibly conscripted porters as human minesweepers in counter-resistance campaigns.

According to the most recent report by (ICBL), the military junta in Burma has not acceded to the Mine Ban Treaty, and has also abstained from voting on the pro-Mine Ban Treaty UNGA resolution 57/74.⁶³ The junta also has not attended any annual meetings of State Parties to Mine Ban Treaty or the intercessional Standing Committee meetings. A list of

⁶¹ “Unsettled Moves: The Wa forced resettlement program in Eastern Shan State”, April 2002.

⁶² This report can be found at (<http://www.icbl.org/lm/2003/burma.html>)

⁶³ Ibid.

questions compiled by Landmine Monitor were returned by the military junta's Foreign Ministry, stating that it could not find anyone to answer them.⁶⁴ The regime has show a complete disregard and contempt for the efforts of the international community to ban landmines in the region.

Meanwhile, according to the same report, the regime has continued to lay mines throughout the country, most notably in the state of Karen. Mines have also been laid near the Burmese and Bangladeshi border. There were 114 landmine casualties reported in 2002, and the numbers have kept pace in 2003, if not worsened. According to ICBL,

“In January [2003], six people traveling in Karen state in the township of Bu Tho were injured when a mine hung in a tree exploded; and in May, four people were killed and eight injured, including two porters and ten soldiers, when four mines exploded during an alleged mine-laying operation in southeastern Burma.”

However, the number of landmine victims in Burma remains unknown. There is currently no centralized agency collecting statistics on landmine incidents or survivors within Burma. Systematic collection of data remains difficult, especially in relation to those who are killed rather than injured in an incident. Landmine casualties appear to have increased in the past five years according to surveys conducted by Handicap International, Thailand Landmine Impact Survey data, the Médecins Sans Frontières (MSF) emergency medical clinic in Mae La refugee camp, and Nonviolence International. Moreover, there is no systematic marking of mined areas within Burma.

Refugees and IDP's

An estimated 400,000 Burmese refugees are currently living in neighboring countries (Thailand, Bangladesh and India). Some are provided with temporary shelter and protection, while some starting to be deported back to Burma. Others live outside the camps and without assistance support and have to look for means of subsistence as illegal immigrants, with the constant risk of being exploited, trafficked, or forcibly returned to Burma. Trafficking in persons, particularly in women and girls mostly for the purposes of sex work, is widespread.

According to a report released by the Peace Way Foundation, titled *IDP's in Burma*,⁶⁵

⁶⁴ Ibid.

⁶⁵ This report can be found at

(<http://www.burmaissues.org/En/IDPCampaign/Infobooklet.pdf>)

'IDPs also face many food security issues. The Burmese military will often enter villages and burn down rice barns and crop plantations. They often force villagers to feed their soldiers or just take villagers animals for their own use. Villagers are forced to supply the Burmese military with quotas of rice, never receiving any payment for it and then having to buy back their own produce from the military. IDPs are denied access to their crop plantations and have to map out an existence of foraging for berries and jungle food. Malnutrition and starvation are rife amongst the IDP population.'

Attacks on IDP settlements by the SPDC junta are ongoing. For instance, in December 2003, a 63-year-old displaced woman was killed and smoked by SPDC troops in Lai-Hka, while another was raped by SPDC troops in Kunhing.⁶⁶ On another incident on June 4, 2003, displaced villagers were robbed of their livestock in Murng-Kerng by SPDC troops from LIB514.⁶⁷ Meanwhile, another farmer was robbed of his livestock by SPDC troops on June 26, 2003 in Lai-Kha.⁶⁸

Bangladesh Border

Discrimination, violence and forced labor practices by the regime triggered an exodus of more than 250,000 Rohingya Muslims between 1991 and 1992. This population is predominantly concentrated in the northern part of Arakan State. Approximately 232,000 refugees have been repatriated under the supervision of the UNHCR and today 21,500 remain in two camps in Bangladesh. The voluntary nature of the repatriation was questioned by relief agencies.⁶⁹

The majority of Burmese refugees in Bangladeshi camps are malnourished and do not have sufficient food to feed their families, nor are they allowed to work or farm. As a result, 58 percent of Burmese refugee children suffer from chronic malnutrition, exposing them to disease and hampering their physical and mental development.⁵⁵ New refugees have continued arriving in Bangladesh. In the area of Teknaf alone, local officials estimated up to 4,000 new arrivals a month during the last four months of 2002.

⁶⁶ *Supra* note 29.

⁶⁷ SHRF Monthly Report: November 2003. This report can be accessed at (<http://www.shanland.org/HR/Monthly%20Report/2003/november.htm>)

⁶⁸ *Ibid.*

⁶⁹ Medecins sans Frontieres, MSF France, "The Rohingyas: Forcibly Repatriated to Burma", 22 Sept 1994 and MSF Holland, "Awareness Survey: Rohingya Refugee Camps, Cox's Bazaar District, Bangladesh", 15 March 1995.

According to Chris Lewa, the conditions in the refugee camps are “appalling.” He goes on to state:⁷⁰

“Refugees [in Bangladesh] are housed in sheds – long houses containing 6 rooms – made of bamboo and plastic sheeting, with a mud floor and a low roof. They are dark, cramped and poorly maintained. Primary education has only been permitted in recent years and capacity-building for refugees is minimal. Corruption and violence are rampant. According to Médecins sans Frontières (MSF), 58% of refugee children suffer from chronic malnutrition, exposing them to disease and hampering their physical and mental development. A recent survey conducted in the two camps by UNHCR and the Bangladesh Government revealed that 14,126 refugees (more than two thirds) do not want to repatriate or would do so only when conditions improve, to guarantee a return in safety and dignity.”

Since 1995, access to the refugee camps has been denied to new arrivals. They are forced to survive as irregular migrants in Southern Bangladesh without protection or humanitarian assistance, at risk of arrest and deportation. The local press reported that as many as 200,000 undocumented Rohingya are living outside camps.

The Government of Bangladesh is not a signatory to the 1951 Refugee Convention and has labeled the new arrivals as economic migrants. In early June 2002, the Government of Bangladesh declared that it was taking all measures to complete repatriation of the remaining Rohingya refugees by June 2003 and had instructed border forces to check further influxes from Burma.⁷¹

Indian Border

There is limited information about Burmese asylum seekers in India. Approximately 55,000 Burmese nationals, mostly Chins, are currently in India. Of that number, only about 467 are recognized by UNHCR as its mandate to protect and assist refugees extends only to those living in

⁷⁰ Chris Lewa. *The Situation of Burmese Refugees in Bangladesh*. (November 2003). This report can be found at (<http://www.ibiblio.org/obl/docs/CMP2003-11-07.htm>)

⁷¹ The Daily Star, Dhaka, 4 June 2002 and The Independent, Dhaka, 4 June 2002.

New Delhi. Most of the UNHCR-recognized refugees are student activists who left Burma during the 1988 uprising.⁷²

The majority of these asylum seekers live unprotected in Mizoram State along the Indo-Burma border where the Government of India, not a signatory to the 1951 Refugee Convention, does not permit access to UNHCR. They have joined the local labor market but local tensions and anti-foreigner feelings makes them vulnerable to deportation. In March 2002, Chin refugees were forcibly evicted from Lunglei District by the Young Mizo Association.⁷³

Thai Border

Burmese asylum seekers started arriving on Thai soil in 1984. According to recent reports, there were over 143,000 asylum seekers and refugees receiving relief assistance from the Burmese Border Consortium (BBC) along the Thai-Burma border. This is an all time high because most of the asylum seekers arriving in Thailand had previously lived for some time as IDPs. They became displaced either as they were forcibly relocated, or in anticipation of forced relocation, or else they fled when human rights abuses or military threats become intolerable. In urban areas, massive forced relocation has reportedly taken place for purposes of "land development planning" and other urban works.⁷⁴

According to a recent report by Human Rights Watch, "Prime Minister Thaksin Shinawatra [of Thailand] has abandoned Thailand's longstanding humanitarian stance towards Burmese refugees. As a result, the security of hundreds of thousands of exiled Burmese has been placed at serious risk."⁷⁵ The Thai government has also pressured UNHCR to suspend its screening of new asylum seekers from Burma. Human Rights Watch also reports that under the Memorandum of Agreement between the military junta in Burma and Thailand, the Thai government has began to deport 400 Burmese nationals per month into the hands of the military junta in Burma.⁷⁶

There are some 100,000 Shan refugees in the border region who do not have access to international protection or the camps. The Shan survive

⁷² South Asia Human Rights Documentation Center, *Survival, Dignity, and Democracy:*

Burmese Refugees in India, 1997.

⁷³ The Hero Daily, Lunglei, Mizoram, 1 & 7 March 2002.

⁷⁴ Source: Global IDP Project, Norwegian Refugee Council, at (www.db.idpproject.org).

⁷⁵ This report can be found at (<http://hrw.org/english/docs/2004/01/27/thaila7075.htm>)

⁷⁶ Ibid.

by seeking employment in the Thai labor market. They are most at risk during periodic deportation sweeps by Thai authorities. Many with genuine claims for refugee status have been deported and this practice has been recently stepped up. Another major concern is that those who are HIV/AIDS positive will be deported under a separate program. The details of this program are unknown.

Land Confiscation and Forced Relocation

The SPDC has a long history of land confiscation and forced relocation. During the last year, there have been reports of land confiscation and forced relocation.

It is reported that the SPDC's No. 13. Strategic Battalion is ordering a village between Kawthaung and Bokeyyin in Tenasserim Division, southern Burma to be removed within five days. The village is called Chaukkayet and there were more than 70 houses and it was forced to move because it is situated on the proposed Kawthaung and Bokeyyin motorway that is essential for the military supply, according to the villagers. The commander of the region, Colonel Thein Htail himself issued the order and the villagers were ordered to move out within the sixth and tenth of March. It is learnt that the houses that were not moved were bulldozed and the ruined remains of the houses are forcibly transported to relocated sites on military trucks.

According to a statement issued by The Mon National Council, SPDC army has grabbed more than 300 acres of lands from local people without giving them compensation in Ye Township.

The Economic Situation

The economic situation in Burma has a direct impact on the country's human rights situation. A sizable portion of the population lives a poverty-stricken life when Burma is a land of immense economic potential, rich in natural resources. During British colonial rule from the 1820s to 1948, some infrastructure was built to tap Burma's vast agricultural and mineral wealth, and the country became one of the world's leading rice exporters. A period of steady growth under a democratic government followed independence, but the military-dominated regime installed after an army coup in 1962 crippled economic growth by pursuing the isolationist "Burmese Way to Socialism" until 1988.

Desperate economic conditions and years of repression sparked huge pro-democracy demonstrations in 1988, the year Burma was declared one of the world's least-developed countries. The army crushed the uprising and took direct power as the State Law and Order Restoration Council (SLORC), pledging economic reforms and free elections. In November 1997, the SLORC renamed itself the State Peace and Development Council in hopes of improving its international profile. However, the generals have allowed neither democracy nor a true market economy. Army-run companies dominate much trade and industry and the economy has been propped up to a large degree by cash from the illegal trade in opium and methamphetamines, which some observers say constitutes 20% of all business.

The Asian Development Bank (ADB) criticized the SPDC for delaying reforms and making haphazard policies in its Asian Development Outlook 2002 report. The report states:⁷⁷

"There are no clear prospects for the introduction of necessary widespread economic reforms by the government of Myanmar to correct macroeconomic imbalances and reduce poverty. It lacks the necessary policies, and its strategies are ad hoc and respond to a variety of problems in, at times, contradictory ways. Moreover, the capacity to implement policies is lacking."

According to the 2003 ADB Asian Development Outlook report, though economic progress is noted, the government in Burma continues to make

⁷⁷ The 2002 report can be accessed at http://www.adb.org/Documents/Books/ADO/2002/Update/southeast_asia.pdf.

policies which may deteriorate the already terrible situation. The report states:⁷⁸

“Prospects for sustained reductions in poverty and broad-based improvements in the quality of life for the people of Myanmar are impaired by macroeconomic imbalances and impediments to structural adjustment. Despite recorded growth, there has been little change in the structure of the economy for more than a decade. There is also persuasive anecdotal evidence that, for a large number of people living in Myanmar [Burma], hardships are becoming more acute. A necessary if not in itself sufficient condition for pro-poor growth is the presence of a macroeconomic environment that allows markets to work efficiently, and that avoids the unfair and arbitrary redistributions of income that accompany high inflation.”

The ADB Asian Development Outlook 2003 notes, “an objective assessment of economic developments in Myanmar is made difficult by poor quality data.” The regime has continued to keep the country’s economic situation covert in order to escape any kind of responsibility for the turmoil that the country currently faces. The report further claims, “often, information is available only with a long lag, is incomplete, and is difficult to reconcile.”⁷⁹

The local currency, the kyat, is at an all-time low. As the kyat continues to plummet, the prices of most imported goods are skyrocketing as a result. The prices of meat, vegetables, eggs and palm oil are all rising alarmingly. The cost of medicines, petrol and diesel has also been rising at an unprecedented level. ADB estimates that inflation has risen 56.8 percent over 2002.⁸⁰ Wages and salaries are not rising as prices increase. Most families can only afford to eat one meal a day. A wave of violent crime has been reported as spreading across the country as people are becoming more and more desperate.⁸¹

The price of rice in Rangoon has more than doubled since the past year. In some rural areas, residents report a three-fold increase in the price of rice over the past three months. Rice shortages in the past have brought people out on to the streets in protest against the government. The authorities, nervous about the prospect of civil disturbances as a result of rice shortages, has been selling rationed low grade rice at subsidized

⁷⁸ The 2003 report can be accessed at http://www.adb.org/Documents/Books/ADO/2003/ADO2003_PART2SEA.pdf

⁷⁹ Ibid.

⁸⁰ This report can be found at http://www.adb.org/Documents/Reports/Annual_Report/2002/MYA.asp

⁸¹ Ko Thet, ‘Myanmar crime wave linked to hunger’, Japan Today, 10 September 2002.

prices, especially in urban areas. There are long queues at these government stalls.

As the ADB has stated in previous reports, Burma's economy needs thorough reform. Without it, there is little prospect of reducing the widespread poverty in the country. Government expenditure on education and health is low - amongst the lowest in the world says the bank, while the country's state economic enterprises are inefficient and a drain on the economy.⁸²

Concern should also be expressed about the SPDC's decision to dedicate scarce resources to military acquisitions, rather than to providing essential services to the people of Burma. Military spending soaks up at least 40% of Burma's estimated public sector spending, and the regime continues to expand its army despite an absence of external enemies. This is exemplified by the fact that the SPDC decided to spend U.S. \$150 million on twelve MiG fighter planes and a nuclear reactor from Russia in 2001.⁸³ The last thing the world needs is another pariah regime with lots of radioactive material on hand. On February 5, 2004, the *Straight Times* also reported that the military junta plans to buy military hardware from India.⁸⁴ It is uncertain how this expansion in military capacity is compatible with the national reconciliation process.

⁸² See Asian Development Bank 2001 report found at <http://aric.adb.org/aem/myanmar.pdf> and 'Myanmar teeters on the verge of collapse', ASIA TIMES, 13 December 2001.

⁸³ Roger Mitton, 'The Arms Deals: Burma and Thailand Go Shopping', *Asiaweek*, 10 August 2001.

⁸⁴ This article can be found at <http://straitstimes.asia1.com.sg/asia/story/0,4386,233777,00.html>

Appendix I

A. 16 Members of Parliament Remain in Prison unrelated to Tabeyin Episode

Name	State/ Division	Constituency	Party	Prison	Prison Term
Kyaw San	Sagaing	Tanze	NLD	Insein	7 years
Toe Po	Tenasserim	Yebyu	NLD	Insein	7 years
Ohn Maung	Pegu	Nyaung Lay Bin (1)	NLD	Insein	7 years
Zaw Myint Maung, Dr.	Mandalay	Amarapura	NLD	Myitkyina	25 years
Ohn Kyaing	Mandalay	Mandalay Southeast	NLD	Taungoo	10+7 years
Soe Myint	Magwe	Minbu (1)	NLD	Insein	7 years
Kyaw Khin	Shan	Taunggyi (1)	NLD	Thayet	10 years
Khin Maung Swe	Rangoon	Sanchaung	NLD	Myingyan	7 years
Sein Hla Oo	Rangoon	Insein (2)	NLD	Myitkyina	7 years
Than Nyein, Dr.	Rangoon	Kyauktan	NLD	Insein	7 years
May Win Myint, Dr. (Female)	Rangoon	Mayangon (2)	NLD	Insein	7 years
Naing Naing	Rangoon	Pazundaung	NLD	Insein	21 years
Yaw Hsi	Kachin	Putao	NLD	Myitkyina	5 years
Win Myint Aung	Sagaing	Deepeyin 2	NLD	Shwebo	2 years
Min Soe Lin, Dr.	Mon	Ye (1)	MNDF	Mawlamyine	7 years
Min Kyi Win, Dr.	Mon	Mudon	MNDF	Mawlamyine	7 years

Acronyms

NLD = National League for Democracy

MNDF = Mon National Democratic Front

Remark: Khun Myint Tun was released on 1 August 2003.

**B. 5 Members of Parliament Under detention or Under House Arrest Since
Tabeyin massacre on 30 May 2003**

Name	State/ Division	Constituency	Party	Address	Where- about
Aung Shwe	Rangoon	Mayangon (1)	NLD (CEC)	Rangoon	House Arrest
Lwin	Rangoon	Thongwa	NLD (CEC)	Rangoon	House Arrest
Kyi Maung	Rangoon	Bahan (2)	NLD Ex CEC	Rangoon	House Arrest
Saw Aung	Sagaing	Monywa (2)	NLD		House Arrest
Win Myint Aung	Sagaing	Tabeyin (2)	NLD	Tabayin	Shwe Bo Prison

Total MPs in Prison and Under House Arrest

17 (arrested before Tabeyin) + **5** (after Tabeyin) = **21** (As of March 2, 2004)

Acronyms

NLD = National League for Democracy

POCL = Patriotic Old Comrades League

Appendix II

Over 65 years Political Prisoners in Burma as of March 2004

No.	Name	Father's Name	Age(Date of birth)	Occupation	Charges	Sentenced	Current Dention	Address	Date of arrested
1	Aung Shwe	U Poe Koon	85(19/7/1918)	MP (Mayangon-1), Rangoon Div.			Under House Arrest	Rangoon	June,2003
2	Aung Thu		67	PPP & Lawyer	122(1)	20	Myingyan	Myingyan,Mdy	1993
3	Hla Maung	U Po Titt	68	MP (Kyar Inn Seikkyi), Karen State, (CRPP)			Disappeared		June,2003
4	Htwe Myint		70	Democracy Party	5(j), 10(A)	7	Insein	Yankin, Rgn	1995
5	Kyaw Khin	U Nyunt	65	(MP) NLD,Taunggyi1(Shan state)	5(j)+video act	10	Thayet	Taunggyi	June,1996
6	Kyaw San	U Lar Mya	71(17/6/1932)	(MP) NLD , Taze	5(j)	7	Insein	Insein,Rgn	7,9, 1998
7	Kyaw Than		70	NLD	5(j),17(1),17/2	20	Insein	Kemmemdine, Rgn	1993
8	Kyi Maung	U Phoe Thein	83	MP (Bahan Tsp.-2), Rangoon Div., Former PP			Under House Arrest	Rangoon	June,2003
9	Lwin	U Ba Tha	79(22/9/1924)	MP (Thongwa), Rangoon, NLD treasurer			Under House Arrest	Rangoon	June,2003
10	Maung Maung Kyaw, Dr	U Nyunt	73	Writer/lawer	5(j)	7	Moulmein	Kamayut, Rgn	28,4,1998
11	Naing Ngwe Thein		80(19/3/1923)	Vice-Chairperson (MNLN)(H.Q)	5(j)	7	Moulmein	Pa-an	1998
12	Ohn maung	U Shwe Hla	76	(MP) NLD (Nyaung Lay Bin1)(Pegu)		7	Insein		
13	Saw Aung	U Aung Chate	68	MP (Monywa-2), Sagaing Div.			Disappeared	Monywa	June,2003
14	Saw Bin Zin		70	KNU	122(1)	Life	Insein		1982
15	Saw Nay Dun		76	KNU	124(A)	20	Tharawaddy	Paukkhaung,Pegu Div	5-Jun-05
16	Sein Hla Oo	U Phoe Ba	65(17/11/1938)	(MP) NLD, Insein 2	5(j)	7	Myitkyina	Haling Rgn	6,10,1994
17	Shein Tin		68	PPP	5(j), 17(1)	7+3	Taungoo	Thingangyun,Rgn	March,1994
18	Than Nyein, Dr	U Maung Sein	67	(MP) NLD	5(j)	7	Insein	Kyauktan,Rgn	1997
19	Thar Ban	U Shwe Tun Aun	66(25/2/1937)	Lawyer	5(j)	7	Insein	Sanchaung,Rgn	28,4,1998
20	Thein Tun @ Maung Ye Pyar		66	PPP	5(j), 17(1)	7+3	Myingyan	Maubin, Irrawaddy	March,1994
21	Thu Wai		71	Democracy Party(Chair person)	5(j), 10(A)	7	Insein	Bahan, Rgn	1995
22	Tin Oo		76	Vice-Chairperson (NLD)(H.Q)			Kalay	Rangoon	May 30,03
23	Tin Tun		69	NLD	5(j),17(1),17/2	20	Thayet	Pabedan, Rgn	1993
24	Toe Po	U Pe Chit	65	(MP) NLD	5(j)	7	Insein	Tavoy,Tenasserim	1998
25	Win Tin	U Pu	73	Writer & NLD	5(j)	3+11+7	Insein	Lamadaw,Rgn	1989

Appendix III:

UPDATE TABLES ON POLITICAL PRISONERS' SITUATION

Table: 1 > Update Summary of Arrest/Release/Detention at Tabayin

Date	Arrest	Release	Still in Prison	Remark
On May 30	111	54	57	
After May 30	119	52	67	
Total figures	230	106	124	

Table: 2 > Update Summary of Arrest/Release/Detention on other political cases

Date	Arrest	Release	Still in Prison	Remark
On May 30	--	--	--	
After May 30	81	8	73	
Total figures	81	8	73	

Table: 3 > Update Summary of Politically Arrest/Release/Detention (May 30 to January 31)

Date	Arrest			Release			Still in Prison		
	Tabayin	Other	Total	Tabayin	Other	Total	Tabayin	Other	Total
May 30	111	-	111	54	-	54	57	-	57
After May 30	119	81	200	52	8	60	67	73	140
Total	230	81	311	106	8	114	124	73	197

The detailed Description of political prisoners by names is as follow:

* ← This sign shows released prisoner.

Arrested in Ambush (On 30 May, at Tabayin Township in Sagaing Division)

No	NAME	FATHER'S NAME	AGE	OCCUPATION	ADDRESS	PRISON	Date of Release
1	Aung Aung				Mdy Div	Shwebo	
2	Aung Khin			Member of NLD	Mdy Div		
3	Aung Ko *				Mdy North-west Township, Mdy Div		18 July 2003
4	Aung Kyaw Myint@						3 Dec 2003
4	Aung Kyaw Kyaw Oo *	U Kyi Thein	32	Member of NLD (youth)	Myayenandar Tsp, Mdy Div	Hkamti	
5	Aung Kyaw Tun *				Monywa Tsp, Sag Div	Monywa military hospital,	14 Oct 2003 (Had to sign agreements)
7	Aung Naing *			Mdy NLD members	Mdy North-east Tsp, Mdy Div		18 July 2003
6	Aung San			Chairman of Budalin Tsp NLD	Budalin Tsp, Sag Div	Shwebo	
7	Aung San *			Member of NLD Youth, Mdy	Mdy Div		Released
8	Aung San Suu Kyi (F)	U Aung San	58	General Secretary (NLD) (H.O)	University Avenue; Bahan Tsp, Rgn Div	Insein	
9	Aung Soe			NLD Organizer (Mdy Div) Driver of U Tin Oo's Car	Mdy Div	Shwebo	

10	Aung Thu Win			University student (2nd. Year)	Monywa	Shwebo	
11	Aung Zaw Lay			Member of NLD	Amarapura Tsp, Mdy Div		
12	Bar Bar *			NLD MP, Myinmu-1, Sag Div, Chairman of Sag Div NLD	Sag Tsp, Sag Div	Shwebo	16 Jan 2004
13	Bo Maung *			NLD MP Tabayin-1, Sag Div	Tabayin Tsp, Sag Div	Shwebo	Released
14	Bo Nyunt *			Member of NLD, Budalin Tsp	Budalin Tsp, Sag Div		14 Oct 2003
15	Chit Tin *			Member of NLD, Tsp Organizer	Mdy North-west Tsp, Mdy Div		26 Aug 2003
16	Eindasiya			Buddhist Monk	Yankin monestry, Monywa Tsp, Sag Div	Shwebo	
17	Hla Moe Win *			Mdy NLD members	Mdy South-west Tsp, Mdy Div	-	18 July 2003
18	Hla Myint, Dr *			Member of NLD	Amarapura Tsp, Mdy Div	Shwebo	16 Jan 2004
19	Hla Oo *			Upper Burma NLD Youth Organizing member	Mdy North-east Tsp, Mdy Div	Shwebo	9 Nov 2003
20	Hla Soe Nyunt, Dr. *			NLD MP (Singaing-2), and Mdy Division Organizer	Mdy Div		Released
21	Htun Zaw Zaw *			Daw Aung San Suu Kyi's Bodyguard, Member of NLD Youth	Rgn Div	Hkamti	13 Nov 2003
22	Htun Htun Win *				Mdy North-east Tsp, Mdy Div		18 July 2003
23	Htut Soe			Member of NLD Youth	Rgn Div		
24	Htwe, U				Mdy North-west Tsp, Mdy Div		
25	Khin Aye Myint (F)			Member of NLD	Mdy North-west Tsp, Mdy Div		
26	Khin Maung Oo			Member of NLD, Photographer	Mdy North-west Tsp, Mdy Div		
27	Khin Mya Win (F) *			Member of NLD	Mdy South-west Tsp, Mdy Div	-	18 July 2003
28	Ko Myo			Member of NLD	Yankin Tsp, Rgn Div	Shwebo	
29	Ko Myo				Mdy Div	Shwebo	
30	Kyaw Aung			Secretary of Mdy North West NLD		Shwebo	
31	Kyaw Htin			Member of NLD	Mogok Tsp, Mdy Div		
32	Kyaw Naing Naing Aung			Secretary of Kyaukse Tsp NLD	Kyaukse Tsp, Mdy Div	Shwebo	
33	Kyaw Soe Linn *	U Ko Ko Gyi	25	Member of NLD (youth), Driver of Daw Aung San Suu Kyi's Car	Yadanapon University, Mdy Div	Hkamti	3 Dec 2003
34	Kyaw Tin Win			Member of NLD (youth)	Dawbon Tsp, Rgn Div		
35	Kyaw Zin Lin *			Daw Aung San Suu Kyi's Bodyguard, NLD youth (H.O), Rgn	Rgn Div	Hkamti	3 Dec 2003
36	Kywe, U				Mdy North-west Tsp, Mdy Div	Shwebo	
37	Min Aung				Chaung-U Tsp, Sag Div	Shwebo	
38	Min Lwin	U Kyi	34	Chairman of NLD (youth), Mdy South-west	Thanhlathmaw(east), Mahaangmyay Tsp, Mdy Div	Hkamti	
39	Min Lwin *			Daw Aung San Suu Kyi's Bodyguard, NLD (youth), (H.O)	Rgn Div	Hkamti	3 Dec 2003
40	Moe Thaw@ Pho Thaw *	U Kyi Thein	32	Member of NLD (youth)	No(15), Baho st., Wailuwun campus, Sanchaung, Rgn Div	Hkamti	3 Dec 2003
41	Myint Kyaw *	U Aung Than	37	Daw Aung San Suu Kyi's Bodyguard, NLD (youth)	No(18), Padaukshwewar st., Tamway Lay campus, Rgn Div	Hkamti	3 Dec 2003
42	Myint Myint Kyi (F)				Mdy Div		
43	Myint Ngwe	U Chit Po	38	Member of NLD youth	Myaseinyang campus, Yenangyaung Tsp, Magwe Div	Hkamti	
44	Myint Wai			Member of NLD	Yenangyaung Tsp, Magwe Div		
45	Myo Kyaw Thu				Mdy South-west Tsp, Mdy Div	Shwebo	

46	Myo Min *	U Kyaw Hlaing	31	Member of NLD (youth)	(D)campus(B-16), Pyigyitagun Tsp, Mdy Div	Hkamti	3 Dec 2003
47	Myo Nyunt *	U Hla Thein	37	Daw Aung San Suu Kyi's Bodyguard, Joint Secretary, NLD (Ahlone Tsp)	No(37), Theikpan st., Sinmin campus, Ahlone tsp, Rgn Div	Hkamti	3 Dec 2003
48	Myo Zaw Aung *	U Pan Kyaing	23	Member of NLD security and discipline	Botae campus, Kawlin Tsp, Sag Div	Hkamti	3 Dec 2003
49	Naing Naing Aung			Secretary of Kyaukse NLD	Kyaukse Tsp, Mdy Div	Shwebo	
50	Nyannainda, Rev.			Buddhist Monk	Yankin monetary, Monywa Tsp, Sag Div	Shwebo	
51	Nyi Nyi Aung *				Mandaly North-east Tsp, Mdy Div		18 July 2003
52	Nyunt Nyunt (F)						
53	Pa Pa Tun (F)					Shwebo	
54	Par Pa			Vice-chairman of Sag Division NLD	Sag Div		
55	Paw Khin *			NLD MP Myingyan-1, Mdy Div	Myingyan Tsp, Mdy Div	Kale	16 Jan 2004
56	Phoe Zaw *				Mandaly South-west Tsp, Mdy Div		18 July 2003
57	Pont Pont @ Ye Ye Lin (F) *	U Aung Soe			Mandaly South-east Tsp, Mdy Div	Shwebo	18 July 2003
58	Saw Hlaing *			NLD MP from Indaw Tsp, Sag Div	Indaw Tsp, Sag Div	Shwebo	16 Jan 2004
59	Soe Moe Kyaw				Tabayin Tsp, Sag Div	Shwebo	
60	Tauk Tun Oo			Tabayin Tsp NLD member	Tabayin Tsp, Sag Div	Shwebo	
61	Tayza Aung			Joint Secretary of Myinmu Tsp NLD	Myinmu Tsp, Sag Div	Shwebo	
62	Taza Naing *				Myinmu Tsp, Sag Div	Shwebo	9 Nov 2003
63	Than Aung				Thazi Tsp, Mdy Div	Shwebo	
64	Than Htay *				Mdy South-east Tsp, Mdy Div		18 July 2003
65	Than Htun Oo *				Mdy North-east Tsp, Mdy Div		18 July 2003
66	Than Myat Soe				Sag Div	Shwebo	
67	Than Tun *	U Ba Khway	47	Daw Aung San Suu Kyi's Bodyguard, Member of NLD(youth)	No.2, room.504, campus.1, Aungmyaytha, Kamayut tsp, Rgn	Hkamti	3 Dec 2003
68	Than Tun *	U Thein	47	NLD Organizing committee member, Mdy South-east	No. (860), Chanmyaythazi(south) campus, Mdy	Hkamti	3 Dec 2003
69	Than Saung			Member of NLD			
70	Than Win			Member of NLD (Youth)	Sag Div	Shwebo	
71	Than Win *			Member of NLD	Mandaly North-east Tsp, Mdy Div	Monywa military hospital	14 Oct 2003
72	Thein Aung				Mdy North-west Tsp, Mdy Div	Shwebo	
73	Thet Zaw @ Thet Tun *	U Tin Tun	30	Daw Aung San Suu Kyi's Bodyguard, In charge (2) of NLD (youth) reform	No.(816), Zayarthiri st, South Okkalapa Tsp, Rgn Div	Hkamti	3 Dec 2003
74	Thura @ Thiha *	U Khin Maung Swe	29	Member of NLD (youth), Mdy	(36)st., Minkalay campus, Mahaangmyay Tsp, Mdy	Hkamti	3 Dec 2003
75	Thwe				Mdy North West	Shwebo	
76	Tin Aung Aung *		59	NLD MP Mdy North-west-1, NLD Divisional organizer	Mdy North-west, Mdy Div	Kale	16 Jan 2004
77	Tin Htut Oo *			NLD MP from Lewe Constituency 1, Mdy Div	Lewe Tsp, Mdy Div	Kale	16 Jan 2004
78	Tin Lin *			Member of NLD	Mdy North-west Tsp, Mdy Div	-	18 July 2003

79	Tin Myint (F) *				Mdy South-west Tsp, Mdy Div		18 July 2003
80	Tin Oo, U		75	Deputy Chairman of NLD (H.O)	Rgn Div	Kale	
81	Tin Tun Oo				Mdy Div		
82	Toe Lwin *	U Sann Aye	32	Daw Aung San Suu Kyi's Bodyguard, Member of NLD (youth)	No(54), University Avenue, Bahan Tsp, Rgn Div	Hkamti	3 Dec 2003
83	Tun Myaing *			Joint Secretary, Sag Div NLD	Sag Div	Shwebo	16 Jan 2004
84	Tun Myint *	U Tin Tun	36	Daw Aung San Suu Kyi's Bodyguard, Secretary of NLD Bahan Tsp	No (10), Bobahtoo st. Boseinhman campus, Bahan tsp, Rgn Div	Hkamti	3 Dec 2003
85	Tun Zaw Zaw	U San Hla	31	In charge of NLD (youth) (H.O)	No (54), University Avenue, Bahan, Rgn	Hkamti	
86	Unknown			Buddhist Monk	Yankin monestry, Monywa Tsp, Sag Div	Shwebo	
87	Unknown			Buddhist Monk	Yankin monestry, Monywa Tsp, Sag Div	Shwebo	
88	Unknown				Rgn Div		
89	Unknown			Daw Aung San Suu Kyi's Bodyguard, member of NLD Youth	Rgn Div	Unknown	
90	Unknown (F)				Mdy Div	Shwebo	
91	Unknown (F)				Mdy Div	Shwebo	
92	Unknown (F)				Mdy Div	Shwebo	
93	Win Aung, Dr *			Member of NLD, Amarapura Tsp	Amarapura Tsp, Mdy Div	Shwebo	16 Jan 2004
94	Win Ei Phyu (F) *				Mdy North-east Tsp, Mdy Div	Shwebo	18 July 2003
95	Win Khing *			Member of NLD Youth	Mdy North-west Tsp, Mdy Div	Shwebo	18 July 2003
96	Win Ko *			NLD Member of Mdy North-east	Mdy North-east Tsp, Mdy Div	Monywa military hospital	14 Oct 2003
97	Win Kying			NLD youth Mdy	Mdy North-west Tsp, Mdy Div	Shwebo	
98	Win Mya Mya (F) *			NLD Mdy Division Organizer	Mdy Div		16 Jan 2004
99	Win Tin, Dr.			NLD member	Khin-U Tsp, Sag Div		
100	Winna Aung *				Mdy South-west Tsp, Mdy Div		18 July 2003
101	Yan Naing Win			2nd. Year University student	Monywa Tsp, Sag Div	Shwebo	
102	Ye Myint Aung *			Member of NLD Mdy North East	Mdy North-east Tsp, Mdy Div	Shwebo	16 Jan 2004
103	Zaw Aung			NLD youth Mdy		Shwebo	
104	Zaw Khin@Zaw Lay *	U Hla Myint			Amarapura Tsp, Mdy Div	Shwebo	14 Oct 2003
105	Zaw Lin			Member of NLD, Amarapura Tsp	Amarapura Tsp, Mdy Div		
106	Zaw Htun				Sai-pyin-gyi Sub-Tsp, Sag Div	Shwebo	
107	Zawtika			Buddhist Monk	Yankin monestry, Monywa Tsp, Sag Div		
108	Zaw Win Tun *	U Pyone Cho	27	Member of NLD (youth)	Thanhthamaw (west), Mahaaungmyay Tsp, Mdy	Hkamti	3 Dec 2003
109	Zayar Htun *				Mdy North-west Tsp, Mdy Div		18 July 2003
110	Zin Aung Lin, Ko				Monywa Div	Shwebo	
111	Zin Zin Latt (F)			Member of NLD	Mdy North-east Tsp, Mdy Div		

Arrested Persons after Ambush (On 30 May, at Tabayin Township in Sagaing Division)

No	Name	Organization	Address	Remarks	Sentence	Arrested Date	Released Date
1	U Kyi Maung	NLD	Rgn Div		House Arrest		
2	Thakin Soe Myint *	NLD, CRPP	Rgn Div		House Arrest		23 Nov 2003
3	U Aung Shwe	NLD, CRPP	Rgn Div		House Arrest		
4	U Hla Pe *	NLD, CRPP	Irrawaddy Div		House Arrest		23 Nov 2003
5	U Lun Tin *	NLD, CRPP	Mon State		House Arrest		23 Nov 2003
6	U Lwin	NLD, CRPP	Rgn Div		House Arrest		
7	U Nyunt Wai *	NLD, CRPP	Pegu Div		House Arrest		23 Nov 2003
8	U Than Tun *	NLD, CRPP	Mdy Div		House Arrest		23 Nov 2003
9	Myint Thein *	NLD MP Kyaikmaraw -1, Mon State	Rgn Div				15 July
10	Hla Minn	NLD MP Kawthoung, Tenasserim Div	Kawthoung Tsp, Tenasserim Div				
11	Maung Maung Latt *	NLD MP Thaketa-1, Rgn Div	Thaketa Tsp, Rgn Div				Released
12	Myo Khin	Member of NLD	Yankin, Rgn Div				
13	Kyaw Tint						
14	Min Min Zaw						
15	Myint Sein						
16	Myo Chit	NLD Township Secretary	Yankin Tsp, Rgn Div				
17	Thein Myint	Member of NLD Youth	Yenangyaung Tsp, Magwe Div				
18	Thein Zan *	NLD MP Kawlin Constituency, Sag Div	Kawlin Tsp, Sag Div				15 July
19	Tin Tin Nyo (F)	Member of NLD Youth	Dala Tsp, Rgn Div				
20	Tin Tin Oo (F)	Member of NLD Youth	Dala Tsp, Rgn Div				
21	Unknown	Member of NLD Youth	Dala Tsp, Rgn Div				
22	Unknown	Member of NLD Youth	Dala Tsp, Rgn Div				
23	Unknown	Member of NLD Youth	Dala Tsp, Rgn Div				
24	Unknown	Member of NLD Youth	Dala Tsp, Rgn Div				
25	Unknown	Member of NLD Youth	South Okkalapa Tsp, Rgn Div				
26	Tun Tin	NLD Legal Advisor					
27	Win Ko *	Member of NLD	Mogok Tsp, Mdy Div				Released
28	Wimala	Buddhist abbot of Myauk-kyauung Monastery	Kyiywa village, Tabayin Tsp, Sag Div		Shwebo Prison		
29	Kyee Nyo	Villager of Kyiywa	Kyiywa village, Tabayin Tsp, Sag Div				
30	Khin Khin Ohn (F)	Chairperson, NLD (Woman)	Pharkamp, Kachin State				
31	Cho *	Owner of NLD office where Daw Aung San Suu Kyi Lodged	Myitkyina Tsp, Kachin State				Released
32	Hla Seng *	Chairman of Kachin State NLD	Kachin State	Act 505	Myitkyina Prison	31 May 2003	16 Jan 2004
33	Ne Win *	NLD secretaries	Kachin State	Act 505	As above	31 May 2003	16 Jan 2004
34	Hlaing Zaw Win *	NLD secretaries	Kachin State	Act 505	As above	31 May 2003	16 Jan 2004
35	Mran Paukla *	Lawyer, Legal adviser	Kachin State	Act 505	As above	31 May 2003	16 Jan 2004
36	Kwanaw Sein *		Kachin State	Act 505	As above	31 May 2003	16 Jan 2004

37	Maran Po Thar *	NLD member	Kachin State	-	-	-	16 Jan 2004
38	Eindastiya, U	Buddhist Monk	Phonedawpyunt Zeidi, Kayah State	Because of relationship with Daw Suu	-	31 May	
39	Some (Unknowns)	-	Nawng Pein, Kyaukme Tsp, Shan State			31 May	
40	Marit Hla Seng	Chief Organizer, Kachin State NLD	Kachin State		Myitkyina Prison	June 1st week	
41	La Seng	Chairman of NLD Kachin State	Kachin State		As above	1 June	
42	Thein Oo *	PND MP Oak Twin-1, Pegu Div, now in NLD	Rgn Div			3 June 2003	15 July
43	Soe Win *	PND MP of Pegu-1, Pegu Div, CRPP member	Rgn Div		-	3 June	29 June
44	Hla Maung	POCL MP Kya-in-Seikkyi -1, CRPP member	Kya-in-Seikkyi Tsp, Karen State		-	3 June	Released
45	Myint Kyi *	NLD MP, Katha Constituency	Katha Tsp, Sag Div		-	3 June	16 Jan 2004
46	Unknown	Member of NLD	Eastern Mogok Tsp, Mdy Div		-	3 June	
47	San Linn *	Mogok Tsp NLD Organizing committee chairman	Western Mogok Tsp, Mdy Div		-	3 June	16 Jan 2004
48	Ko Oo *	Mogok Tsp NLD Organizing committee vice-chair	Mogok Tsp, Mdy Div		3 years	3 June	16 Jan 2004
49	Kyaw Din *	Mogok Tsp NLD Organizing committee member	Mogok Tsp, Mdy Div		3 years	3 June	16 Jan 2004
50	Aye Win	Member of NLD	Mogok Tsp, Mdy Div		3 years	3 June	
51	Aung Phan	Secretary of Matupi Tsp NLD	Matupi Tsp, Chin State			4 June	
52	Htaung Moe	NLD youth	Matupi Tsp, Chin State			4 June	
53	Mann Pa Htan	Student chairman	Matupi Tsp, Chin State			4 June	
54	Hla Moe	Member of NLD	Matupi Tsp, Chin State			4 June	
55	Kyaw Thauq	NLD Secretary	Sag Div			4 June	
56	Bo Zan *	NLD MP, Kyaukpadaung (1), Mdy	Kyaukpadaung Tsp, Mdy Div			5 June	16 Jan 2004
57	Myo Thant	NLD Organizing Committee Member	Mdy Div			5 June	
58	Aye Win	NLD Tsp organizing Committee	Bassein Tsp, Irrawaddy Div		4 Years	5 June	
59	Unknown	Member of NLD	Bassein Tsp, Irrawaddy Div			5 June	
60	Unknown	Member of NLD	Bassein Tsp, Irrawaddy Div			5 June	
61	Unknown	Member of NLD	Bassein Tsp, Irrawaddy Div			5 June	
62	Unknown	Member of NLD	Bassein Tsp, Irrawaddy Div			5 June	
63	Unknown	Member of NLD	Bassein Tsp, Irrawaddy Div			5 June	
64	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
65	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
66	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
67	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
68	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
69	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
70	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
71	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
72	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
73	Unknown	Member of NLD	Kawthoung Tsp, Tenasserim Div			9 June	
74	Maung Maung Lay	Member of Kemmendine NLD-Youth	Kemmendine Tsp, Rgn Div	Criminal act, 54-suspicion charge		10 June	
75	Ne Win	Member of Lanmadaw NLD-Youth	Lanmadaw Tsp, Rgn Div	As about		10 June	
76	Myint Htay	Member of Tamwe NLD-Youth	Tamway Tsp, Rgn Div	As about		10 June	
77	Unknown	Member of NLD (Youth)	Rgn Div			15 June	
78	Unknown	Member of NLD (Youth)	Rgn Div			15 June	
79	Unknown	Member of NLD (Youth)	Rgn Div			15 June	
80	Unknown	Member of NLD (Youth)	Rgn Div			15 June	

81	Unknown	Member of NLD (Youth)	Rgn Div			15 June	
82	Nyo	Vice Chairman of NLD Madaya Tsp, Mdy Div	Madaya Tsp, Mdy Div	For protection for Daw Aung San Suu Kyi and team	3 yr & 3 months	22 June	
83	Thaung Naing	Joint-Secretary of Madaya Tsp NLD Organizing Committee.	Madaya Tsp, Mdy Div		As above	22 June	
84	Unknown	Civilian, not NLD member	Madaya Tsp, Mdy Div	For throwing stones, shooting catapult	As above	22 June	
85	Unknown	Civilian, not NLD member	Madaya Tsp, Mdy Div	As above	As above	22 June	
86	Unknown	Civilian, not NLD member	Madaya Tsp, Mdy Div	As above	As above	22 June	
87	Unknown	Civilian, not NLD member	Madaya Tsp, Mdy Div	As above	As above	22 June	
88	Unknown	Civilian, not NLD member	Madaya Tsp, Mdy Div	As above	As above	22 June	
89	Sein Tun	Chairman of NLD Singu Tsp, Mdy Div	Singu Tsp, Mdy Div		2 Years	28 June	
90	San Oo Maung	Secretary of NLD Singu Tsp, Mdy Div	Singu Tsp, Mdy Div		As above	28 June	
91	Hla Shwe	Member of NLD Singu Tsp	Singu Tsp, Mdy Div		As above	28 June	
92	That Naing	Member of NLD Singu Tsp	Singu Tsp, Mdy Div		As above	28 June	
93	Soe Aung	Chief Organizer of Monywa NLD	Monywa Tsp, Sag Div		-	29 June	
94	Than Tun	NLD member	Kawthoung Tsp, Tenasserim Div	For distributing the People's Desire leaflets	5 (J)	3 July	
95	Kyaw Kyaw @ Than Gyaung	NLD member	Kawthoung Tsp, Tenasserim Div	For distributing the People's Desire leaflets	5 (J)	3 July	
96	Than Tun	-	Kawthoung Tsp, Tenasserim Div			5 July	
97	Kyaw Kyaw Lwin	-	Kawthoung Tsp, Tenasserim Div			5 July	
98	Aung Than	-	Kawthoung Tsp, Tenasserim Div			5 July	
99	Kyaw Kyaw	-	Kawthoung Tsp, Tenasserim Div			5 July	
100	Hnout Khan Hmwe	-	Kawthoung Tsp, Tenasserim Div		Detention	5 July	
101	Win Naing	-	Kawthoung Tsp, Tenasserim Div		Detention	5 July	
102	Than Aung	Chief Organizer of Yenangyaung NLD Youth	Yenangyaung Tsp, Magwe Div	Detained at Myothit Police Station	5 (J)	6 July	21 July
103	Aung Thein Oo	Member of NLD (Youth)	Natmauk Tsp, Magwe Div	Detained at Myothit Police Station	5 (J)	6 July	21 July
104	Khin Win	Chairman of Yenangyaung NLD	Yenangyaung Tsp, Magwe Div	Detained at Yenangyaung Police Station		8 July	22 July
105	Maung Maung	Secretary of Yenangyaung NLD	Yenangyaung Tsp, Magwe Div	Detained at Yenangyaung Police Station		8 July	22 July
106	Myo Aung	Ex-member of Student Union, NLD organizer	Khin-U Tsp, Sag Div	Sent to Shwebo prison	2 years	July 2nd week	
107	Tin Myint	Executive member of Township NLD	Kuanthaing village Khin-U Tsp, Sag Div	Sent to Shwebo prison	2 years	July 2nd week	
108	Saw Htun	Lawyer	North Koodo Ward, Monywa Tsp, Sag Div		2 years	c. 10 July	
109	Unknown	Student (10 Standard of Basic High School)	Monywa Tsp, Sag Div	Sent to Juvenile Correction Center	2 years	c. 10 July	
110	Ko Ko Lwin	Monywa NLD Youth Wing Organizer (2)	Monywa Tsp, Sag Div	Former USDA member	6 years	c. 10 July	
111	Thein Tun	Driver of a college bus	Monywa Tsp, Sag Div		10 years	c. 10 July	
112	Hla Hla Moe (F) *	NLD MP (Minhla Constituency-2), Pegu Division.	Pegu Div	For writing a letter to General Than Shwe on behalf of the NLD Women		11 July 2003	12 July 2003
113	Leh Leh (F)	Treasurer, NLD Central Women Executive Committee, Rangoon.	Rgn Div	As above		11 July 2003	12 July 2003
114	Myint Myint Khin (F) *	NLD Women EC (Rgn Div)	Rgn Div	As above		11 July 2003	12 July 2003
115	Naw Ohn Hla (F) *	NLD Women EC (Rgn Div)	Rgn Div	As above		11 July 2003	12 July 2003
116	Khin Khin Win (F) *	NLD Women EC (Rgn Div)	Rgn Div	As above		11 July 2003	12 July 2003
117	Aye Aye Mar (F) *	NLD Women EC (Rgn Div)	Rgn Div	As above		11 July 2003	12 July 2003

118	Khin Hnin Soe (F) *	NLD Women EC (Rgn Div)	Rgn Div	As above		11 July 2003	12 July 2003
119	Kyin Kyin Win *	NLD Women EC (Rgn Div)	Rgn Div	As above		11 July 2003	12 July 2003
120	Zar Naing Tun (a) Phyu Lay		Lanmadaw St., Thounzal Tsp, Pegu Div	Alleging: planting bombs and plotting to assassinate		16 July	
121	Zaw Myo Htet @ Zaw Zaw		No.4 , Pyidawtar St., Minhla Tsp, Magwe Div	As above		16 July	
122	Min Kyi @Naing Min Kyi		Maga St., Ward 18, Hinthagon, Pegu Div	Alleging: launching UG campaign		16 July	
123	Aye Myint		6th St., Alinyaung Ward 1, Nandawya, Pegu Div	As above		16 July	
124	Unknown	Member of Mon National Democratic Front	Pegu Div	Source: Independent Mon News Agency		-	
125	Unknown	Member of Mon National Democratic Front	Pegu Div	As above		-	
126	Unknown	Member of Mon National Democratic Front	Pegu Div	As above		-	
127	Thet Zaw @ Zaw Thet Htwe	Chief editor (First Eleven Sports Journal)	West Race Course St., Bo Sein Hman Ward, Tamway Tsp, Rgn Div	Alleging: launching UG campaign		17 July	
128	Myint Zaw *	Editor (First Eleven Sports Journal)	Rgn Div	As above		17 July	19 July
129	Htut Aung, Dr. @ Than Htut Aung, Dr *	As above	Rgn Div	As above		17 July	19 July
130	Zaw Myint *	As above	Rgn Div	Former political prisoner		17 July	19 July
131	Soe Pa Pa Hlaing (F) *	As above	Rgn Div	Daughter of U Ohn Kyaing, NLD MP		17 July	Released
132	Nay Win (a) Naing Yetkha		Kanni Village, Kawkareik Tsp, Karen State	Alleging: planting bombs and plotting to assassinate		17 July	
133	Myo Htway (a) Gyinga Kaung		Panga Village, Thanbyuzayat Tsp, Mon State	As above		17 July	
134	Aung Lun		Lagunein Street, Myaing Thaya Myothit, Moulmein Tsp, Mon State	As above		17 July	
135	Shwe Mann (a) Zeya Oo		5th Mon Sanpya St., Hinthakon Ward, Pegu Div	As above		17 July	
136	Than Tun *		9th Mon Sanpya St., Hinthakon Ward, Pegu Div	As above		17 July	Released
137	Myo Chit		1st Saikpyoyay St., Ward 45, Dagon Myothit (South), Rgn Div	As above		17 July	
138	Unknown	Law student from Dagon University, Rgn Div		Trying to form Students' Union in Ygn Div	Arrested by MI	17 July	
139	Unknown	As above		As above	As above	17 July	
140	Unknown	As above		As above	As above	17 July	
141	Unknown	As above		As above	As above	17 July	
142	As above	As above	As above	As above		17 July	
143	As above	As above	As above	As above		17 July	
144	As above	As above	As above	As above		17 July	
145	Kan Tun *	Secretary of Mdy Div NLD	Mdy Div	Tried at Chanayethazan Tsp, Mdy Div		18 July	16 Jan 2004
146	Ko Gyi *	Treasurer of Mdy Div NLD	Mdy Div	Tried at Chanayethazan Tsp, Mdy Div		29 July	16 Jan 2004
147	Saw Kha Be (a) Saw Mya Sein	Sergeant of No 2 Brigade of KNU		Alleging: planting bombs and plotting to assassinate		23 July	
148	Soe Win	Former NLD members	Kawthoung Tsp, Tenasserim Div	Detained at 9-mile Prison at		-	

				Kawthoung			
149	Than Lwin	As above	As above	As above		-	
150	Khin Aung	As above	As above	As above		-	
151	Minn Maung	As above	As above	As above		-	
152	Myint Aung	As above	As above	As above		-	
153	Kyaw Aye	As above	As above	As above		-	
154	Yu Lwin	Son of Daw Khin Htar Tin	Monywa Tsp, Sagaing Div	For participating in the incident of Tabayin ambush		5 August	
155	Phwa Tin (F)		As above	For participating in the incident of Tabayin ambush		5 August	
156	Min Zaw	Member of NLD (Youth)	Monywa Tsp, Sag Div		Mdy Prison	5 August	
157	Kyaw Kyaw Tin (aka) Moe Kyaw	Democracy activist	As above	For aiding to incite instability		8 August	
158	Minn Minn	Democracy activist	As above	As above		8 August	
159	Kyaw Kyaw Tun	Democracy activist	As above	As above		8 August	
160	Khin Htar Tin (F)		As above	Suspecting: planting bombs in Monywa		9 August	
161	Tin Ko	Former Member of CPB	As above	As above		9 August	
162	Aung Than Min		As above	Sentenced to 10 years imprisonment	Monywa jail		
163	Chan Myai Aung		As above	As above	Monywa jail		
164	Htun Zaw		As above	As above	Monywa jail		
165	Aung Soe Myint	NLD MP, Taungoo – 1, Pegu	Pegu Division	Charged with tax act 51	7 yrs Toungoo Prison	31 August	
166	Htay Oo *			For distributing leaflets (MIC)		26 Sept	27 Oct
167	Myint Myint Soe (F) *		Yankin Tsp, Rgn Div	For distributing leaflets (Insein)		26 Sept	27 Oct
168	Zaw Zaw Aung *			For distributing leaflets (MIC)		26 Sept	27 Oct
169	Thureinphyoway	Student				Sep Last week	
170	Nanda Sit Aung (a) Sit Ko Naing	General Secretary of ABFSU		For distributing pamphlets	MIC	Sep Last week	
171	Han Win Aung	Second yrs student, Yankin Education College		As above	As above	Sep Last week	
172	Kyaw Kyaw	DPNS		As above	As above	Sep Last week	
173	Kyaw Soe Moe	Ex-BESU	South Okkalapa Tsp, Rgn Div	As above	As above	Sep Last week	
174	Zaw Linn Htun	-	Kyauktada Tsp, Rgn Div	As above	As above	-	
175	Lwin Ko latt	Vedio actress, final yrs, Thanlyin University-(east)		As above	As above	-	
176	Win Ko	Student		As above	As above	28 Sept	
177	Than Than Htay (F)	Nun	from nunnery in Pegu	For protesting in front of Rgn City Hall	Sentenced 13 years, Insein Prison	Arrested on Jan 16,	
178	Thin Thin Oo (F)	Nun	from nunnery in Pegu	As above	As above	Arrested on Jan 16,	
179	Ko Min Lwin	Member of NLD Youth	Monywa Tsp, Sag Div	For distributing leaflets	12 yrs	-	
180	Ko Mya Soe (a) Ko Shwegyo	NLD member Daw Aung San Suu Kyi's bodyguard	Rgn Hlaing Township	Buying plot and land without permission	4 yrs	17 Dec 2003	
181	Nyi Soe	NLD member	Thayetchaung Tsp, Tennasserim	Participation in political activities		Early Dec 2003	
182	Aung Min	As above	Palaw Township, Tennasserim	As above		Early Dec 2003	
183	Than Soe (F)	As above	Launglon tsp, Tennasserim	-		Mid Dec 2003	
184	Nyi Nyi Lay	As above	Thayetchaung Tsp, Tennasserim	-		Mid Dec 2003	
185	Phoe Pe	As above	Thayetchaung Tsp, Tennasserim	-		Mid Dec 2003	

186	Hninn Pa Pa (F)	As above	Mandalay	Alleging: having foreign contacts, keeping a mobile phone		22 Dec 2003	
187	Hla Soe	As above	As above	As above		22 Dec 2003	
188	Hla Oo	As above	As above	As above		22 Dec 2003	
189	Myint Oo	As above	As above	As above		22 Dec 2003	
190	Thaung Win	As above	As above	As above		22 Dec 2003	
191	Aung Aung	As above	As above	As above		22 Dec 2003	
192	Kyi Win	As above	As above	As above		22 Dec 2003	
193	U Ottara	Monks	Mahadamikayam Magwe monestry	5/J	27 Years	24 Dec 3003	
194	Khin Mar Sara	As above	As above	As above	27 Years	24 dec 2003	
195	Kauthanla	As above	As above	As above	27 Years		
196	Myint Ngwe	NLD Myaseinyaung campus, Yenangyaung T sp, Magwe Div		For distributing anti-HIV/AIDS leaflets		21 January 2004	
197	Mya	Vice chair of NLD Organizing Committee (Htantabin Tsp, Rgn)	Htantabin Tsp, Rgn	Arrested by MI, reason and detention place cannot be known		c. Jan Last week	
198	Maung Maung Kyaw Aye	Member of NLD Organizing Committee (Dawbon Tsp, Rgn)	Dawbon Tsp, Rgn	As above		c. Jan Last week	
199	Tin Maung Kyi	Member of NLD Organizing Committee (Kemmdine Tsp, Rgn)	Kemmdine Tsp, Rgn	As above		30 Jan 2004	
200	Myint Aye	Chair of NLD Organizing Committee (Kemmdine Tsp, Rgn)	Kemmdine Tsp, Rgn	As above		31 Jan 2004	

Source: Information Unit, NCGUB East