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'No law at all'

*Human rights violations
under military rule*



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Cover photograph: Over 260,000 people, mostly members of Myanmar's Muslim minority population, have fled from Rakhine State to seek refuge in camps in Bangladesh

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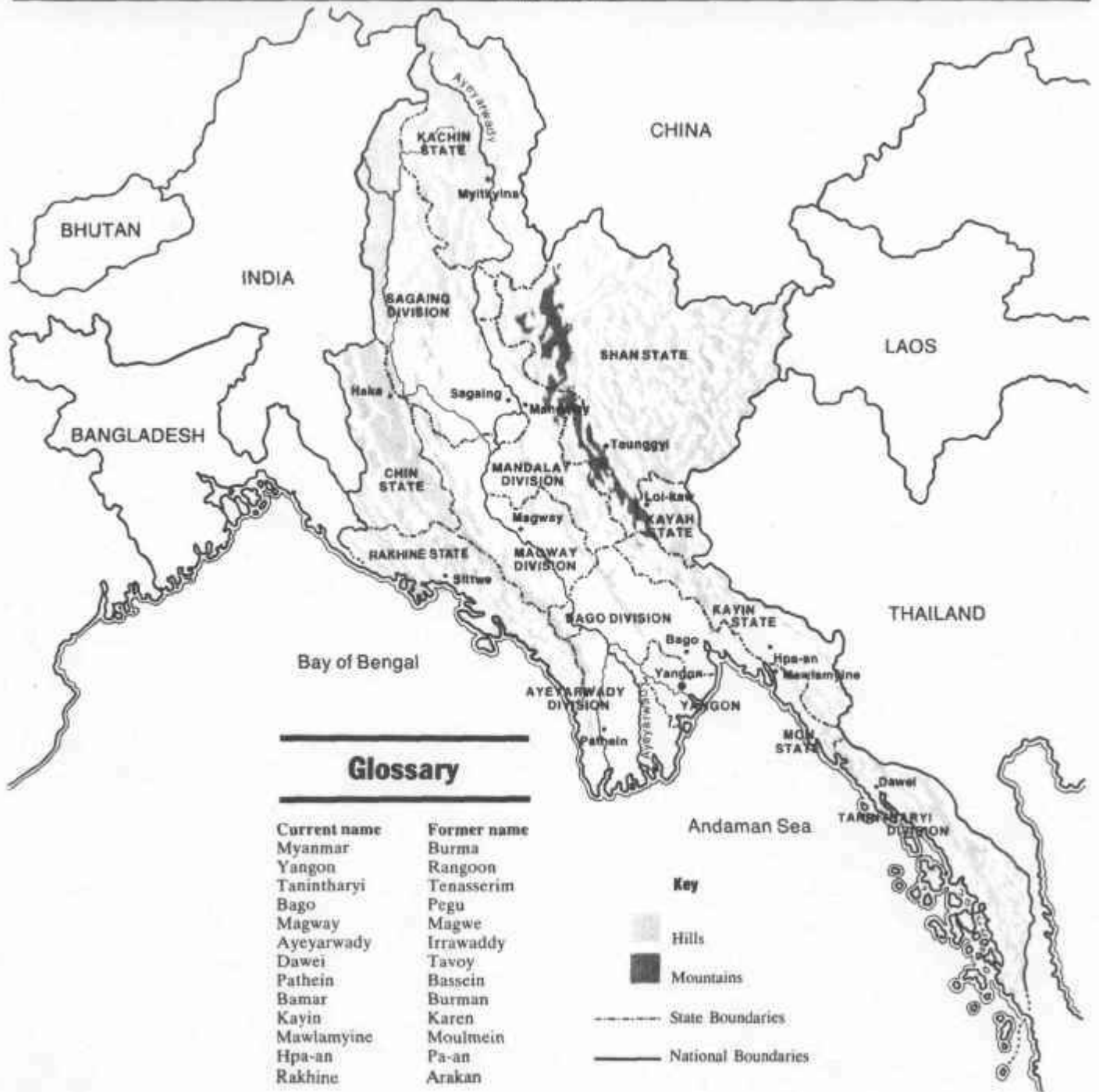


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Myanmar

'No law at all': human rights violations under military rule

"I would like to explain about this martial law according to records that I have studied... martial law is neither more nor less than the will of the general who commands the army; in fact, martial law means no law at all." (Major General Khin Nyunt, Secretary-1 of the State Law and Order Restoration Council and head of military intelligence, 15 May 1991.)

Human rights are grossly and persistently violated throughout Myanmar. The victims come from every section of society, and every ethnic and religious group. Opposition to the ruling State Law and Order Restoration Council (SLORC) has been systematically suppressed; over 1,500 political activists have been jailed, sometimes following unfair trials and sometimes with no trial at all. Many have been tortured or have suffered other forms of ill-treatment. The military continues to detain civilians to work as porters or as labourers who are routinely ill-treated and even summarily killed when they become too exhausted to continue working. In ethnic minority areas where the military confronts armed insurgency, defenceless civilians have been arbitrarily arrested, tortured and killed. Minorities in areas where there is little or no armed opposition, like the Muslims of Rakhine (Arakan) State, have also fallen victim to gross violations of their basic rights, including arbitrary arrest, torture and extrajudicial execution.

1 INTRODUCTION

On 24 April 1992 the military government of the Union of Myanmar (Burma)¹, the SLORC, announced that it would release all people detained for political reasons, other than those who posed a threat to national security (SLORC Declaration No. 11/92). This announcement appeared to mark a significant shift in official policy; only five months earlier the government had denied the very existence of the political prisoners it now promised to release.² In November 1991 Myanmar had assured the United Nations (UN) General Assembly that "there are no political detainees in Myanmar. Nor are there detention centres." At that time, Amnesty International had documented over 1,500 cases of named political prisoners and prisoners of conscience held in Myanmar, and believed the true figure to be considerably higher,

The fact that the government had at least acknowledged holding political prisoners, 427 of whom were released by 20 September, offered some hope for a reform of human rights practices in Myanmar. But hopes faded when only a small

proportion of the thousands believed to be detained were released, and with the news that many of those released had been forbidden to engage in further political activity.

Other steps taken by the SLORC in April included the announcement that a National Convention would be held to establish principles for the drafting of the long-promised new constitution. And on 28 April the government declared — in the name of "national unity" — a unilateral cessation of military operations against one of Myanmar's largest armed insurgent groups, the Karen National Union (KNU). This was the first time in 43 years of conflict with the KNU that the government had made such a gesture — although sceptics pointed out that it occurred near the beginning of the rainy season, when military operations would have been halted anyway. In the following weeks, the SLORC also released several hundred prisoners convicted of criminal offences, many of whom had been forced to work in cruel and inhuman conditions as front-line porters in war zones or on other military duties for the *tatmadaw* (the official name for the Myanmar armed forces). This category of prisoners



Above: Soldier in Yangon, August 1988, at the scene of demonstrations protesting against the one-party, military-dominated rule of the BSPP. The military shot thousands of demonstrators between March and September 1988. ©A Everard/Impact

Below: Pro-democracy demonstrations in Mandalay, 1988



was distinct from the political prisoners released under Declaration No. 11/92.

On 24 August, the Government of Myanmar acceded to the four Geneva Conventions of 1949, which establish the internationally-recognized minimum humane standards of conduct which are to be observed in situations of internal or external armed conflict, and on 10 September 1992 it lifted the night-time curfew which had been in force since 18 September 1988.

These measures by the SLORC, while important first steps, are not enough to alter the deeply entrenched disregard for human rights which is a hallmark of the Myanmar military government. The enormity of the task of reforming human rights practices in Myanmar and providing redress for the victims of violations should not be underestimated. In the 30 years during which the SLORC and its predecessor, the military-backed Burma Socialist Programme Party (BSPP), have ruled Myanmar, hopes of change have been repeatedly dashed when apparent reforms have been overtaken by renewed repression³.

Since the SLORC came to power in 1988, it has systematically and ruthlessly suppressed virtually all expressions of dissent. The SLORC has detained thousands of people, including scores of prisoners of conscience, simply for expressing political opposition. Many of them have been held without charge or trial; others have been subjected to trials before military courts which fell far short of international standards for fair trial and which appeared to result in automatic conviction. Widespread extrajudicial executions, especially in ethnic minority areas but also of demonstrators in cities, have been accompanied by reports of systematic torture, rape and ill-treatment committed by security forces personnel. Thousands of people — including those abducted from their villages by the military and prisoners serving sentences for criminal offences — have been forced to work as porters for the military during offensives in ethnic minority areas. Porters have frequently been the victims of cruel, inhuman, degrading and sometimes fatal treatment. Thousands of people have been driven from their homes and forced into camps, where conditions are invariably harsh.

Many of the severe violations of human rights that have occurred under the SLORC, including summary arrest, torture and extrajudicial executions, were also widespread under the BSPP government.⁴ Under the martial law decrees of the SLORC, however, the scale and geographic extent of human rights violations in Myanmar has markedly increased, and new forms of repression have appeared.

The seizure of power by the SLORC

When the SLORC seized power on 18 September 1988 it immediately declared martial law and suspended the constitution. It swiftly suppressed a nation-wide uprising against 26 years of one-party

rule under General Ne Win's BSPP. Independent reports indicated that at least a thousand unarmed demonstrators were shot dead by the army in the days after the SLORC took control of the government.

General Ne Win had come to power in a military coup in 1962, establishing a single-party state ruled by the BSPP. In July 1988, General Ne Win resigned as head of government in the face of massive civil unrest. Student-led protesters were calling for the introduction of a multi-party democratic system of government and the restoration of long-restricted civil and political rights, including the rights to freedom of expression and association. Several thousand demonstrators are believed to have been killed by troops as the pro-democracy movement gathered strength between March and September 1988. On 8 August 1988 alone, commemorated as the "8-8-88", hundreds of demonstrators were shot dead in Yangon (Rangoon) by security forces. General Ne Win's successor, U Sein Lwin, was rapidly replaced by a civilian leader, Dr Maung Maung, whose appointment also failed to end the unrest, and the military reasserted direct control on 18 September 1988 with the establishment of the SLORC. The BSPP was officially dissolved, but was reconstituted under SLORC rule as the National Unity Party (NUP) in preparation for the national elections in May 1990.

Although often described as a "military coup", the establishment of the SLORC marked a reassertion of military control rather than any break with the past. The 19-member SLORC chaired by General Saw Maung (the former BSPP Minister of Defence), contained all of the BSPP's senior military commanders, including the head of the Directorate of Defence Service Intelligence, Brigadier General Khin Nyunt; the deputy Commander-in-Chief of the armed forces, Lieutenant General Than Shwe; and the head of the navy. Across the country the SLORC set up local Law and Order Restoration Councils (LORCs) which were virtually identical to the earlier regional Security and Administration Councils of the BSPP. In many areas the LORCs are still headed by either serving army officers or former officials of the defunct BSPP.

The SLORC has imposed new martial law decrees to supplement the existing system of military control inherited from the BSPP administration. These decrees are enforced by a military that has expanded from a force of about 180,000 soldiers in 1988 to one of between 250,000 and 300,000 by mid-1992, according to a recent report in the *Bangkok Post*. Since 1988 Amnesty International has identified and documented a gross and consistent pattern of human rights violations by the *tatmadaw* in every one of Myanmar's seven political divisions and seven ethnic minority states⁵. New forms of repression have also appeared as the SLORC has sought to quell continuing civilian political opposition and gain greater control over the economy. Ethnic minority Muslims in Rakhine State have suffered gross human rights

violations at the hands of the *tatmadaw* even though they have virtually never engaged in armed opposition. Christians in the Ayeyarwady (Irrawaddy) Division and Kayah and Kayin (Karen) States also began to be targeted in 1991. Members of each of Myanmar's ethnic and religious groups, including minority Muslims, Christians and Hindus as well as majority Buddhists, have become victims of severe human rights violations.

Martial law and the suppression of opposition politics

On taking power, the SLORC declared itself to be an interim government dedicated to protecting national security, national sovereignty and national unity. It promised to hold multi-party elections and to create a new constitution guaranteeing a multi-party, parliamentary democracy. SLORC officials have repeatedly stressed that they are fulfilling their "patriotic duty" to ensure "peace and tranquillity" while safeguarding the transition of Myanmar to its third constitution since independence.

However, by the time of the general election in May 1990, Myanmar's first in three decades, the SLORC had consistently demonstrated that it was unwilling to tolerate dissent and unlikely to transfer power promptly to an elected government. It had announced at a press conference on 9 June 1989 that it would retain power after the May 1990 elections until the new parliament had agreed on a constitution, the constitution had received the assent of the people, and a new government had been formed in accordance with its provisions. Thousands of people were detained in 1989 as new martial law restrictions on freedom of expression and peaceful assembly were enforced in an attempt to stem the groundswell of support for the new opposition political parties. The senior leadership of the opposition National League for Democracy (NLD), including its General Secretary Aung San Suu Kyi, and its Chairman, Tin Oo, were among those detained and barred from standing for election. Despite the crackdown, the May 1990 elections resulted in a conclusive victory for the NLD, who won 392 seats while the government-backed NUP obtained only 10. However, the election results were ignored by the SLORC, which retained power, refused to permit the National Assembly to convene, and arrested scores of the 485 newly-elected members of parliament.

Since the election, opposition political activity has been severely curtailed by continuing widespread arrests of perceived dissidents and the progressive banning of more and more political parties. Any moves by opposition parties towards drafting a new constitution have been strongly resisted by the SLORC. Some 233 political parties registered to contest the May 1990 elections, 27 of which won seats, but two years later, only seven of

them remained as legal political parties.⁶ The SLORC had declared the others illegal. The "members of parliament" who represented these seven parties were still only members of parliament-elect, as the SLORC had never permitted the parliament to sit. In December 1991, NLD leader Aung San Suu Kyi was awarded the Nobel Peace Prize for her "non-violent struggle for democracy and human rights". She has been held without charge or trial since July 1989.

SLORC officials have repeatedly made clear their view that martial law frees them from restraints on the exercise of state power. On 14 May 1991 Major General Khin Nyunt, the head of military intelligence and SLORC Secretary-1, explained that "martial law means no law at all," being "neither more nor less than the will of the General who commands the army" (that is, the SLORC Chairman). Ten days later Senior General Saw Maung, then SLORC Chairman, explained, "*Martial law means the will of the ruler. He can do anything he wishes to do.*"⁷

Human rights violations under the SLORC

Human rights violations under the SLORC fall into two broad categories: those committed while suppressing political dissent in the towns and areas under strict government control, and those committed during military operations in ethnic minority regions where there has been long-standing civil conflict. The SLORC has both continued and escalated a pattern of abuses initiated by the BSPP government, using martial law to effect a more systematic and thorough suppression of dissent than was practised by its predecessors. Under the SLORC, violations of the rights of minority groups have extended to include groups such as the Muslims of Rakhine State and ethnic minority Christians in the Ayeyarwady Division and Kayah State.

In ethnic minority regions, human rights violations have frequently been committed during counter-insurgency campaigns. Myanmar's numerous minority peoples, comprising at least a third of the country's estimated total population of 42 million, live primarily in the mountainous regions which arc around the central lowlands. Since independence in 1948, there has been a complex pattern of armed conflict between government troops and ethnic minority, communist and other armed opposition groups in different regions of the country. By 1970, armed groups had been formed among virtually every ethnic group in Myanmar, including the Karen, the Mon, the Shan, and the Kachin.

The SLORC has continued to use a BSPP counter-insurgency strategy known as "the four cuts", aimed at cutting links of intelligence, food, money and recruits between armed opposition groups and local civilians. Entire communities have been forcibly relocated to "strategic hamlets" under strict curfews and rigid controls; crops and

villages have been destroyed; and expulsion orders warn that any villagers remaining in their homes will be shot on sight. During these operations, the army has arrested and ill-treated thousands of people; villagers have been raped or otherwise tortured during interrogation, and many have been arbitrarily executed.

SLORC statements on human rights

The SLORC has consistently denied responsibility for human rights violations. Despite numerous and detailed reports based on the testimonies of thousands of victims and eye-witnesses, and despite persistent expressions of international concern, the government recently insisted to the UN General Assembly that: "*Humanitarian moral values and respect for human rights are ingrained in the Myanmar culture, hallmarks of which are compassion, tolerance and gentleness. Cruel, inhumane and degrading treatment of fellow citizens such as torture are totally alien to our culture and nature and strictly forbidden by legislation.*"

The SLORC simply refuses to acknowledge the existence of copious evidence of widespread and systematic violations of human rights in Myanmar. It has attempted to justify its use of martial law as "protecting the state from disintegration", and has claimed that this task has "nothing to do with human rights" [*Working People's Daily*, 2 May 1991]. In a radio broadcast on 24 December 1991, SLORC Secretary-1 and head of the Directorate of Defence Services Intelligence, Major General Khin Nyunt, said of Amnesty International and other human rights organizations: "*Although they say their objectives are to bring human rights abuses to light, their actual behaviour amounts to interference in the respective countries.*"

Amnesty International knows of very few instances in which the authorities have taken remedial action in response to reported human rights violations, and of no cases in which military or police personnel responsible for human rights violations have been brought to justice. In July 1988, for example, mounting public pressure forced the government to admit that 41 detainees had suffocated to death in a police van in Yangon on 18 March 1988. The Minister for Home and Religious Affairs, U Min Gaung, took responsibility for these deaths and resigned, and the Director General of Police, Thein Aung, and his deputy, Pe Kyi, were dismissed. In Rakhine State, members of the SLORC investigated allegations that 20 Muslims had been killed by the security forces as they attempted to leave Myanmar by boat to seek refuge in Bangladesh in early February 1992. The Local Peoples' Police Force Commander, Major Than Lwin, simply denied the reports, there was no known independent inquiry, and no known action was taken against any member of the security forces.

The new constitution and human rights safeguards

SLORC Declaration No. 11/92 apparently marked a new stage in the long-promised development of a new constitution for Myanmar. It indicated that a National Convention would be convened, possibly towards the end of 1992, "in order to lay down basic principles to draft a firm constitution". No time limit was specified for the basic principles to be agreed, nor was any indication given of when the new constitution might be drafted. Before the National Convention was convened, the declaration said, there would be consultation with members of parliament from legal political parties as well as with independent members of parliament. This consultation, called a "coordination meeting for the calling of the National Convention", was held between 23 June and 10 July. It was attended by a 15-member "leading committee" formed by the SLORC and 28 representatives nominated by the remaining seven legal political parties, each of whom had to be approved by the leading committee beforehand. The agenda was determined by the SLORC's leading committee.

The SLORC has consistently promised that it would create a new constitution guaranteeing multi-party democracy in Myanmar. However, its imposition of martial law and the severe restrictions it has imposed on freedom of expression and association have ensured that any dialogue promised on the issue could be little more than a charade. Shortly before the first coordination meeting, an editorial in the government-backed *Working People's Daily* indicated that the SLORC would not permit free discussion on the new constitution and the process by which it is to be created, and that it is unlikely to permit guarantees of freedom of expression and association to be incorporated into the constitution. The editorial said that delegates attending the meeting on behalf of political organizations "will, by the time they appear at the meeting, have been properly briefed on what they might put forward".

During the coordination meeting, U Hkun Tun Oo, leader of the Shan Nationalities League for Democracy Party delegation, asked the Chairman whether "freedom of discussion and freedom of reporting" would be guaranteed at the National Convention, and whether a declaration would be issued "that no prosecutions, no legal actions and no interrogations will be made in connection with the discussions and reports at the national convention". No such assurances were given. Indeed, shortly before the coordination meeting, some seven students were reportedly arrested for distributing leaflets protesting about the process, and five students were apparently arrested at a Yangon High School, also for distributing leaflets. Amnesty International understands these students are awaiting trial.



Above: Aung San Suu Kyi, General Secretary of the opposition National League for Democracy, was detained in 1989 and barred from standing in the 1990 elections. In December 1991, still detained without charge or trial, she was awarded the Nobel Peace Prize for her "non-violent struggle for democracy and human rights". ©Popperfoto

Below: Students march behind a portrait of General Aung San, a national hero widely regarded as the father of the country's independence. The most far-reaching wave of arrests in 1989 began on Martyr's Day, the anniversary of his assassination in 1947.

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This report summarizes Amnesty International's new and continuing human rights concerns in Myanmar during the four years of SLORC rule. It focuses particularly on political imprisonment and human rights violations against minority groups. Neither Amnesty International nor other human rights organizations have been officially permitted to visit Myanmar to conduct free and independent investigations. However, under a confidential procedure, Independent Experts appointed by the United Nations Commission on Human Rights visited the country in 1990 and 1991. The Independent Experts' findings have not been published. During 1992, Amnesty International conducted research among refugees from Myanmar in southern Bangladesh and Thailand. This report includes findings from this research, as well as from other sources, and covers several new areas of concern. These include violations against the ethnic minority Karen in the Ayeyarwady Delta and Kayin State, and against the Karenni in the northwest of Kayah State. The report also identifies new forms of abuse, including the forced use of criminal prisoners as porters or labourers for the army, and their routine and severe ill-treatment. Over 30 former prisoners who had fled to Thailand also described to Amnesty International the cruel, inhuman or degrading conditions in many of Myanmar's jails. The report's concluding chapter lists the issues of concern which Amnesty International believes need immediate remedial action, and also contains recommendations for human rights safeguards to be incorporated into the new constitution.

2 POLITICAL IMPRISONMENT

The number of political prisoners held in Myanmar is believed to be in the thousands. Many of them may be prisoners of conscience — people detained because of their political, religious or other conscientiously-held beliefs or because of their ethnic origin, sex, colour or language, who have neither used nor advocated violence. Some people have been held since 1988 without charge or tried; others have been convicted under new laws which criminalize peaceful political activity and provide for trials which fall far short of internationally-accepted standards for fair trial.

First-hand testimony gathered by Amnesty International since 1987 indicates that political prisoners in Myanmar are routinely tortured during interrogation and are held in inhuman and degrading conditions. Several prisoners are believed to have died under torture. In 1990, Amnesty International reported that arrest and torture were widely regarded as the price to be paid for engaging in public criticism of the government.⁸ This remains true today.

In April and May 1992 Amnesty International interviewed former prisoners who had fled to Thailand, and who had suffered or witnessed torture during interrogation. They also described the harsh conditions in which political prisoners are held in Myanmar, conditions which violate basic international standards for the humane treatment of prisoners. Some of these prisoners had been transported from jail and forced to work under harsh conditions as porters for the military in areas of armed conflict.

Although the International Committee of the Red Cross (ICRC) runs an orthopaedic program in Myanmar, it has not been granted access to prisons or other places of detention to perform its humanitarian role for the protection of prisoners.

The scale of political imprisonment

It is difficult to estimate the scale of political arrest and imprisonment in Myanmar. A number of detainees are never charged or tried, and false criminal charges are sometimes brought against political prisoners as a means of discrediting them. Neither military tribunals nor civilian courts in Myanmar guarantee a fair trial to anyone accused of a political offence, so trial verdicts offer no reliable indication of whether a prisoner is guilty of a recognizably criminal offence or simply of non-violent opposition to the State Law and Order Restoration Council (SLORC).

On 27 October 1989 the SLORC acknowledged that 1,087 people, including students and members of legal political parties, had been arrested between September 1988 and October 1989 for "undermining law and order", and said that this figure did not include "common criminals". Between October

1989 and April 1992, the SLORC denied holding any political prisoners at all. Declaration No. 11/92 of April 1992, which announced the release of "persons held for political reasons who are not a threat to the state", contains the SLORC'S only explicit official reference to political prisoners.

Unofficial sources claimed that more than 3,000 people were imprisoned for political reasons in the second half of 1989 alone. Since then, hundreds more political prisoners have been detained in SLORC attempts to silence opposition. Amnesty International has documented the cases of over 1,500 named political prisoners, most of whom are apparently still being held on political grounds.⁹ However, this figure evidently represents only a small proportion of the total number of political prisoners in Myanmar. Between April and 20 September 1992, for instance, 427 political prisoners were released as a result of Declaration No. 11/92; only 65 of them were previously known to Amnesty International.

Fear of arrest and other forms of intimidation have dissuaded many people in Myanmar from engaging in peaceful political activity. Between 1990 and 1992, for instance, the authorities sent a series of questionnaires concerning political beliefs to politicians and civil servants. One of the questions asked: "Was the military biased in the last elections?" Many people told Amnesty International that they feared they would have been arrested if they had refused to answer, or had answered "incorrectly".

The SLORC has also published books accusing hundreds of named individuals of acting against state interests.¹⁰ Many of those named had already been arrested at the time the books were published in 1989 and 1991; the others are at risk of arrest.

The victims

The leaders and organizers of most major political opposition parties, especially the National League for Democracy (NLD), were targeted for arrest by the SLORC both before and after the May 1990 elections. Eighty-two members of parliament-elect were detained, only 33 of whom had been released by September 1992. Other parties whose members were imprisoned include the Democratic Party for New Society (DPNS), the People's Progressive Party (PPP), the League for Democracy and Peace (LDP), the National Politics Front (NPF), the Graduates and Old Students' Democratic Organization (GOSDA), the Anti-Fascist People's Freedom League (AFPFL) and parties representing ethnic minority groups, such as the Mon National Democratic Front (MNDF).

Men and women, people of all age groups and from almost every economic and social group have been detained on political grounds, often solely for their non-violent opposition to government policy. Buddhist, Christian and Muslim clerics, other community leaders, university and high school



The Venerable U Kaweinda, Chairman of the All-Mandalay Strike Front, was arrested in June 1989 and sentenced on unknown charges to seven years' imprisonment, to which an additional 10 years was added in August 1990. He is still held.

students, writers, civil servants, doctors, lawyers, and workers' leaders have all been imprisoned.

Some people have been accused of political crimes as a method of settling private vendettas against local "enemies". One former prisoner explained: *"In Burma today there are many people accused of political crimes — even in the villages. In every area there is a Law and Order Restoration Council office and if the officials don't like the villagers or the monks then they are accused of some political misdemeanour and sent to jail for three years."*

Members of political parties

After the SLORC was established in September 1988, it permitted the formation of political parties for the first time since the military coup of 1962. By February 1989, 233 political parties had registered, including the main opposition party, the NLD led by ex-General Tin Oo and Aung San Suu Kyi, and the military-backed National Unity Party (NUP), successor to the Burma Socialist Programme Party (BSPP). Arrests of members of political parties began as soon as the parties were allowed to register. Among the first arrests were those of prisoners of conscience Nang Zing La and his nephew Baw La, both lawyers and NLD members from Myitkyina in Kachin State, in October 1988. They were both sentenced to five years' imprisonment under a martial law order which was applied retroactively.

Throughout 1989 the parties campaigned under the strictures of a vigorously imposed martial law. Existing restrictions on political activity, especially freedom of speech and association, were augmented by a series of martial law decrees which enabled suspects to be sentenced by military tribunals or held without trial (see Appendix I). By July 1989, Aung San Suu Kyi, Tin Oo and many other NLD leaders, were in detention and banned from participating in the election, along with hundreds of students.

Members of some political parties, including the NPF and the PPP were arrested for alleged contact with the banned Communist Party of Burma (CPB). Three PPP leaders, U Khin Maung Nyunt, U Nyo Win, and U Hla Shwe, were arrested in March 1989 and sentenced on unknown charges to long prison terms. They were among a number of alleged CPB supporters named by SLORC Secretary-1, Major General Khin Nyunt, in his "Red Book". U Nyo Win died in custody in March 1991, allegedly as the result of ill-treatment (see below). By the end of 1989 the NPF and the PPP were among 50 political parties formally deregistered by the SLORC.

Another wave of arrests followed SLORC Declaration No. 1/90 of July 1990, issued on the eve of an NLD meeting at the Gandhi Hall in Yangon, at which the NLD drafted a "1990 Provisional Constitution". The SLORC had refused to transfer power after the May 1990 election and had continued to insist that Myanmar's national salvation required a

long term military tutelage over any process of political change. According to the "Gandhi Hall Declaration" of 28 July 1990, the NLD's "provisional constitution" was intended to bring about a transfer of power to the National Assembly.

SLORC Declaration No. 1/90 declared that although the NLD had won the election, it would "not automatically obtain the three sovereign powers of legislative, administrative and judiciary powers" even after the convening of a national assembly. Declaration No. 1/90 further stated that the SLORC was not bound by any constitution and would continue ruling the country with martial law until the emergence of what the SLORC believed to be a sufficiently strong constitution. Until that time, according to Declaration No. 1/90, "only the SLORC has the right to legislative power".

Elected representatives and party workers who refused to sign papers indicating their acceptance of Declaration No. 1/90 were arrested. On 25 October 1990, for example, 14 prominent members of the NLD were arrested in a raid on the NLD head office in Yangon, including three of the seven remaining executive committee members, U Khin Maung Swe, U Chan Aye and U Soe Thein. All three were released in June 1992.

Despite the threat of arrest, some members of parliament-elect from the NLD and allied parties continued to discuss ways to achieve the transfer of power. Many of them advocated the formation of a parallel government. Fifty-two members of parliament-elect and an unknown number of party workers who had been involved in these discussions were arrested in Mandalay and Yangon between November 1990 and January 1991 and were sentenced to either 10 or 25 years' imprisonment under the treason laws.¹¹ In December 1990, 12 elected representatives fled to areas controlled by ethnic minority armed groups, and declared themselves the "National Coalition Government of the Union of Burma". They claimed to have the support of over 250 members of parliament-elect.

Shortly afterwards, the SLORC initiated measures to control the activities and opinions of members of political parties. On 4 February 1991, the Chairman of the SLORC, Senior General Saw Maung, announced on state radio: *"We made political parties sign Order 1/90...because they had been doing the wrong things. They signed it in our presence, and they may say that they were afraid. But when out of sight, they do things quite contrary to the order...We have kept on record the activities of parties; of people active in the parties; of people and what they had done before, and how they lied to the country by concealing facts about themselves when they submitted their biographies for election candidacies...we have...decided to have all people who are essentially vital put down in writing what they have done. And I wish to say beforehand that these persons had better write the truth."*

In some cases, the measures imposed by the SLORC to compel members of political parties to express "correct" views have included arbitrary detention. Members of the MNDF, for example, told Amnesty International that five central executive committee members had been detained in December 1991 at the LORC office in Mawlamyine (Moulmein) and asked to give their "opinion" on the award of the Nobel Peace Prize to Aung San Suu Kyi. After being held overnight with no food or water, they agreed to sign the papers required, and all but two — Nai Tun Thein and Nai Ngwe Thein — were released. Three months later, on Mon National Day, the party was deregistered. Nai Tun Thein, a member of parliament-elect for Thanbuzayat-2 constituency, and Nai Ngwe Thein, whom Amnesty International believes to be prisoners of conscience, are still in detention.

By mid-1991 it had become impossible for opposition parties to operate. Many members were in prison; others who left the country after their offices had been closed down complained that publishing laws introduced in 1990 had made it impossible for them to print notices, and that martial law banned public meetings of more than five people. One elected member of parliament for the NLD, David Hla Myint, was arrested in January 1991 under the State Flag Law for flying the NLD flag at the same height as the Myanmar flag. He served a one-year prison sentence.

In November 1991 the remaining leadership of the second largest opposition party, the DPNS, fled to Thailand. In a statement released by the party, they said: *"There are no human rights and democracy in Burma. All the non-violent political methods have been thwarted by the military pressure. No political parties in towns can make any statements or hold any meetings... The status of all political parties has been undermined."*

Students and young people

Students were in the forefront of the pro-democracy demonstrations in 1988 and have continued their active opposition to the government. The All-Burma Federation of Student Unions (ABFSU) was formed during the 1988 demonstrations. The Chairman, Paw U Tun alias Min Ko Naing, and General Secretary, Aung Din, were arrested in early 1989, along with many other ABFSU members. Paw U Tun was sentenced by military tribunal to 20 years' imprisonment, reportedly for breaking SLORC Order No. 2/88 (concerning the imposition of martial law) and Aung Din was sentenced by military tribunal to 15 years' imprisonment. A further 14 ABFSU members were arrested in July 1989 when the military placed NLD leader Aung San Suu Kyi under house arrest.

Members of the ABFSU, along with other students' organizations, formed the DPNS in 1989. DPNS members often escorted Aung San Suu Kyi around the country. One of its election candidates, U Hla

Wai, now a prisoner of conscience, was arrested on the eve of the election and was sentenced to three years' imprisonment by military tribunal for allegedly insulting the SLORC and the armed forces.

Amnesty International has documented a further 200 cases of members or supporters of the DPNS who were arrested after September 1988, and believes the true figure to be higher. On 19 October 1991 all seven central executive committee members of the DPNS were detained and interrogated for two weeks, shortly after they had denounced Declaration No. 1/90 at their second anniversary meeting. They were only released after they had signed their agreement to Declaration No. 1/90. The next month the Chairman and General Secretary fled to Thailand. Four of the others, Kyaw Win Thein, Win Myint Naing, Zeya and Nyein Chan, have reportedly been rearrested.

Many other students, some of them children, have also been imprisoned. Fourteen-year-old Win Thein was arrested in February 1990 and sentenced to 13 years' imprisonment for putting up "anti-government" posters in his school in North Okkalapa, Yangon. In Rakhine State, Kyaw Soe Aung, the 24-year-old leader of the predominantly Muslim Mayu Student Development Party, was arrested in May 1990 and reportedly sentenced to 14 years' imprisonment for criticizing the government.

Many students and monks were arrested as they attempted to commemorate important political events, in particular the killings by security forces of student activists in 1962, 1974, 1976 and 1988. According to opposition sources, in July 1991 nine students from Monywa State High School in northern Myanmar were arrested for attempting to organize a public demonstration to mark Martyrs' Day on 19 July, commemorating the assassination of Aung San and other nationalist heroes who had led the country to independence. They included Than Zin Hlaing, Soe Win Maung, Kyaw Moe, Htun Ohn, Kyaw Kyaw Min Lwin, Aung Aung and Aung Naing and are believed to have been charged under Section 5 (J) of the 1950 Emergency Provisions Act. In the same month eight more high school students, aged between 14 and 18, were arrested in Mandalay. They were Myo Win Thant, 17; Soe Soe Oo, 18; Kyaw Soe, 14; Lin Lin Zaw, 18; Win Thein, 16; Win Tin, 16 and were from Mandalay State High Schools numbers 4, 11 and 14. The other two, Htun Ohn and Aye Ko, were arrested in a separate incident and accused of having contact with the CPB.

It is not known if any of them have been tried.

Protests in the Yangon and Mandalay Universities in December 1991 led to the arrest of about 900 students, many of whom may be prisoners of conscience. Six of these students were sentenced on unknown charges by military tribunals to prison terms ranging from six to 20 years in July 1992. They are: Thein Than Htun (ABFSU; seven years' imprisonment); Than Win (ABFSU; six years); Zaw



The body of a porter, hands tied behind his back, was found floating in the Thanlwin (Salween) river, 1992.

© Ben Bohane

Min (ABFSU; 20 years); That Htun (DPNS; 20 years); Ko Ko Gyi (ABFSU; 20 years); Zaw Min Khaing (ABFSU; 15 years). Amnesty International does not know whether the others have been charged or tried. A lecturer in geography was reportedly detained because she had asked security forces not to arrest her students. The demonstrations — which called for the release of Nobel Peace Prize winner Aung San Suu Kyi — broke pledges made by students, their parents and teachers, not to engage in political activities. The pledges had been required by the SLORC as a condition for the reopening of the universities after three years' closure. One student described the day's events to Amnesty International:

"At 9am we put up the All-Burma Students' flag (fighting peacock). We were students from different groups; some, like me, were not part of any group at all. Two girls got up and spoke without masks. They were calling for true democracy, the release of Aung San Suu Kyi, an end to military government, the release of all monks and students and so on... The speeches and singing lasted until 3.30. By then the soldiers had surrounded the campus and were ready with their guns pointed at us, and all the gates were closed. The students asked the teachers for help and protection, many teachers were angry with the army...some teachers even told the soldiers to kill them rather than the students and to let the students go.

"Finally they opened just one gate and allowed some students out. There was a big rush towards the open gate, and then the soldiers closed it again and opened another one in a different part of the campus... After a short time they closed that one and opened another somewhere else, so all the students were running around in a panic, trying to get out through which ever gate was open." After the incident, all universities and colleges of higher education were again closed and lecturers were sent on four-week "retraining" courses. They opened in August 1992 under tight security.

Buddhist monks and other religious leaders

The SLORC has also tried to control the Buddhist *Sangha* (clergy) in Myanmar which, like the students, has played a prominent role in national opposition movements. Dozens of monks were arrested for their involvement in the 1988 protests, and a number were reportedly shot or killed by the security forces during protests in Yangon, Sagaing, Mawlamyine and several other towns. A leading monk in Mandalay, the Venerable U Kaweinda, Chairman of the All-Mandalay Strike Front, was arrested in June 1989 and sentenced on unknown charges to seven years' imprisonment, to which an additional 10 years was added in August 1990. Amnesty International believes he is a prisoner of conscience.

Hundreds of monks were arrested after they began a boycott of military personnel and their families, refusing to perform religious ceremonies for them. The boycott started in August 1990 after

troops opened fire on a peaceful march in Mandalay commemorating the hundreds killed during the pro-democracy demonstrations on 8 August 1988. Two monks and two students were reportedly killed and others were allegedly wounded by gunfire, 13 monks were kicked, beaten or otherwise injured by soldiers and four monks were arrested. The boycott spread across the country until October, when the military announced that troops had "raided and swept" numerous monasteries in Mandalay. Unofficial sources said that at least 350 monks were arrested at this time, over 200 of them in Mandalay. They included the Venerable U Yewata, Chairman of the All-Burma Monks Union. His name and those of 76 other monks detained in Mandalay were among those published by the SLORC in "Red Book 2".

On 31 October, in an attempt to prevent any further protests by the monks, the SLORC issued Law No. 20/90, which provides a penalty of up to three years' imprisonment for monks who are members of unofficial monastic organizations or who "organize, incite or speak or write" critically about officially-recognized monastic organizations. Subsequently, many well-known and highly venerated monks were arrested, including Yangon Tipitaka Sayadaw U Thumingala Linkaryar, who has achieved the highest scholastic qualification for a Buddhist monk. He was arrested in October or November 1990 and was moved to Myitkyina Jail in Kachin State shortly afterwards, far from his supporters and fellow monks. In December 1990, he was sentenced to 10 years' imprisonment for treason, after he refused to admit that the monks' boycott of the military had been wrong. It is reported that all monks are forcibly disrobed after their arrest and are not permitted to continue their monastic discipline, which requires them to fast after midday. Many are reportedly forced to work with criminal prisoners in prison labour camps.

Christian and Muslim community leaders thought to be potential organizers of dissent have also been arrested, especially in ethnic minority areas of the country (see Chapter 3). However, Christians have also been arrested or harassed in the central lowland areas. In April 1990, for example, the official news media reported that seven Catholic lay workers had been arrested in Yangon for protesting against the resettlement of squatters living on church land, in an area where the NLD had strong support. Five of the seven, Tin Kyi, U Mi Raw, Saya Tin Tun, Saya James and Saya Johnny Myo were released on 3 May 1990. The others, U Tin Nyo and Mahn Michael Tin, were each sentenced to 25 days' imprisonment.

Artists

The SLORC has imprisoned several writers, performers and satirists for exercising their right to freedom of expression, as illustrated in the following cases.

The comedian and satirist Zargana (Thu Ra) was arrested on 2 October 1988 after he had ridiculed the BSPP government in performances in Yangon during the pro-democracy demonstrations. He was detained without charge until April 1989, when he was released. On 19 May 1990 he was again arrested, reportedly only hours after he had impersonated the SLORC Chairman General Saw Maung during a performance in Rangoon. He is believed to have been sentenced to five years' imprisonment. U Nay Min, a lawyer and correspondent for the British Broadcasting Corporation (BBC), was also arrested in October 1988. He was sentenced to 14 years' hard labour on 5 October 1989 for allegedly having sent "false news and rumours" to the BBC.

Nyan Paw (Min Lu) was arrested with two colleagues in September 1990 after producing a satirical paper containing a serial poem entitled "What has become of us?" The cartoon on the cover showed the BSPP handing over power to the SLORC. Nyan Paw was charged under Section 5 (J) of the the 1950 Emergency Provisions Act for trying to "create misunderstanding" between the people and the security forces and was sentenced to seven years' imprisonment on 15 November 1991.

Tin Moe, a 58-year-old writer and editor at the time of his arrest in December 1991, is believed to have been sentenced in June 1992 to four years' imprisonment for alleged offences under the Publishing Act. Newly-appointed as editor-in-chief of the literary magazine *Pe-hpu-hlwa*, he had only published one issue before his arrest. He was a member of the NLD and had published several poems about the democracy movement, including "The years we did not see dawn" and "Damage to the pages of history".

Unfair political trials

An unknown number of prisoners of conscience and other political prisoners are held without charge or trial under administrative detention provisions. Prisoner of conscience Aung San Suu Kyi, for example, is held under the 1975 Law Safeguarding the State from Destructive Elements, which was amended in August 1991 to allow for administrative detention without trial for up to five years for persons considered to endanger "the peace of most citizens or the security of the state and the sovereignty of the state". Similarly, former Prime Minister U Nu was held under this law from 29 December 1989 until his release under Declaration No. 11/92 on 25 April 1992.

Those political prisoners who have been charged and brought before the courts have been denied the right to the most basic elements of legal protection. According to testimonies gathered by Amnesty International since 1988, neither military tribunals nor civilian courts guarantee a fair trial in

political cases in Myanmar. The SLORC's Judicial Law No. 2/88 of September 1988 based judicial procedures on international standards, but in practice the civilian judiciary cannot maintain its independence under pressure from the military authorities. The procedures followed by military tribunals fail to fulfil basic international standards for fair trial.

Military tribunals

In July 1989 SLORC Martial Law Order No. 2/89 established military tribunals with special summary procedures to try martial law offenders, in contravention of international standards for fair trial. These tribunals were given the authority to waive "unnecessary" witnesses, indict offenders without hearing prosecution witnesses and reject the recalling of witnesses who have already testified. Martial Law Order No. 2/89 added that there could be no right of appeal except to the Commander-in-Chief of the Armed Forces. There is thus no right of judicial appeal against the sentences of these tribunals.

Military tribunals hear their cases within prison compounds. The defendant has no access to lawyers or independent witnesses. Prisoners are sometimes tried en masse, as happened to ethnic Karen prisoners during December 1991 and January 1992 in Maubin, Pathein (Bassein) and Myaungmya prisons in the Ayeyarwady Delta. A former prisoner at Myaungmya prison described the process: *"I saw with my own eyes the Karen being put on trial. The trials were held by military tribunal... They divided the prisoners into groups and as I was going around my duties we heard the news that they were all getting three-year or five-year sentences under 5 (J). I don't know the names of any of the prisoners. We were not allowed any contact with them."*

Military tribunals are empowered to give three kinds of sentence: not less than three years' imprisonment with labour, life imprisonment, or the death penalty. To Amnesty International's knowledge, trials by military tribunal never result in acquittal.

In October 1989 the authorities said that 100 people had been sentenced to death in the three months since the establishment of military tribunals. Of these, 24 had been tried for "serious offences". Another 11 people were reportedly sentenced to death for acts of armed sabotage or political murder up to July 1991, but the total number of death sentences passed since October 1989 is not known. Amnesty International does not know whether any of these death sentences have been imposed. The last known executions took place before the SLORC took power in 1988.

Civilian courts

Despite the terms of Martial Law Order No. 2/89, not all political prisoners are tried by military tribunal. Some have been tried in civilian courts. Although the procedures stipulated for use in civil-

ian courts appear to conform to international standards for fairness, the civilian judiciary is in practice subject to intimidation from the military authorities sufficient to undermine its independence. Furthermore, the restrictions placed on political prisoners' access to legal counsel deny them any real opportunity to prepare a proper defence, whether they are tried by military tribunals or civilian courts.

The SLORC has threatened, and sometimes arrested, judges and lawyers who have acted independently. In January 1992, Major General Khin Nyunt told judicial and law officers in a speech which was broadcast on state radio: *"I instructed that in dealing with those who violate the law, sentences severe enough to deter further offences should be passed to ensure the prevalence of the law and order and local peace and tranquillity. Some judges are still not following this instruction and are passing lenient sentences and sentences that are not in proportion to the severity of the offence... Action has been taken against a total of 170 judicial officers for bribery, misconduct, and partiality since the SLORC assumed power."*

In the same month, the deputy Divisional Justice of the Ayeyarwady Division Criminal Justice Department in Pathein was arrested for his role in freeing up to 50 villagers who had been arrested during a "mopping up" operation in the Ayeyarwady Delta (see Chapter 3). He was reportedly arrested by Military Intelligence officers while hearing a case in his own court and sentenced by military tribunal the same day on an unknown charge to six years' imprisonment. Several lawyers from Pathein were also arrested, including U Htun Htun, U Tin Ngwe and U Tin Oo, apparently for having acted on behalf of prisoners. They are reportedly still imprisoned, but it is not known if they have been charged and tried.

Torture and ill-treatment

Opposition activists routinely face torture or ill-treatment in detention. In almost all cases of torture documented by Amnesty International, torture or ill-treatment took place during the often prolonged periods of incommunicado detention following arrest, while the prisoners were isolated from the outside world and under the complete control of their interrogators.

Former prisoners and visitors to jails have testified to Amnesty International about the torture and ill-treatment they experienced or witnessed, although they were invariably frightened of government reprisals against relatives who remained in Myanmar, especially those still in custody, or against themselves if they return. Almost all of them requested that their names and other identifying details be withheld.

At least six sections of the state security forces

have been implicated by former victims in the torture and ill-treatment of political and other detainees in their custody. These are the regular army [*Pyithu Tatmadaw*, or People's Defence Forces); the People's Police Force; the Directorate of Defense Services Intelligence (DDSI); the Special Investigations Department (SID); the Criminal Investigation Department (cm) and Bureau of Special Investigations (BSI. The activities of the DDSI, SID, CID and BSI are coordinated by the National Intelligence Bureau (NIB) under the direct control of the SLORC. The DDSI is commonly known by the acronym MIS (Military Intelligence Service) and is the agency most frequently identified as inflicting torture during interrogations. Since 1988 the units under its control (MI-1, MI-2, MI-7 etc.) have nearly doubled from 14 in 1989 to 23 in 1991. Major General Khin Nyunt, SLORC Secretary-1, is the head of the DDSI.

Amnesty International has identified 20 detention centres across the country where brutal interrogation has taken place. These include prisons, the secret DDSI interrogation centre at Ye Kyi Aing camp just outside Yangon, and over a dozen other military intelligence centres located in Yangon and seven other divisions and states. Other than the Ye Kyi Aing, these are: the DDSI and BSI headquarters; Insein prison and its annex; Yankin township military registration camp; Sanchaung police station; Mingaladon DDSI interrogation centre (all in Yangon Division); Patheingyi township MIS office (Ayeyarwady Division); Special Branch II office, Police station No.8 and Mandalay prison (Mandalay Division); Tharawaddy and Bago township prisons (Bago Division); Regiment 31 Headquarters, Thanbuzayat township and Mawlamyine MIS office (Mon State); Hpa-an (Pa-an) township MI-5 office (Kayah State); Regiment 59 Headquarters, Mawchi township (Kayah State); Myitkyina central prison, No.8 (Northern Command) army headquarters, and Special Branch II office (Kachin State).

In April and May 1992, Amnesty International interviewed former prisoners who had been forced to work as porters for the army on the Thai border, where the security forces were conducting counter-insurgency operations against an armed ethnic opposition group, the Karen National Union (KNU). They had been held in prisons at Insein (Yangon Division), Mandalay (Mandalay Division), Maubin (Ayeyarwady Division), Mawlamyine (Mon State), Meiktila (Mandalay Division), Monywa (Sagaing Division), Myaungmya (Ayeyarwady Division), Myitkyina (Kachin State), Patheingyi (Ayeyarwady Division), Pyin O Lwin (Mandalay Division) and Thabeikkyin (Magway Division). They gave a consistent picture of poor conditions in jail across the country, which Amnesty International believes amount to cruel, inhuman or degrading treatment, and of the ill-treatment of political prisoners in particular.



Prisoner of conscience U Ba Thaw was arrested in July 1989 and died in custody in June 1991. Before his arrest he was suffering from a spinal disease. A severe beating during a hunger-strike at Insein Prison in September 1990 apparently left him paralysed.

Torture during interrogation

Victims have said that torture was used both to punish them and to compel them to cooperate with their interrogators. Many of them were forced to sign "confessions" admitting to anti-government activities or implicating colleagues or friends in such activities.

Methods of torture in Myanmar have been consistently reported for many years: sleep, food and water deprivation; the application of electric shocks to finger tips, toes, ear lobes, penis or testicles; beatings with fists, combat boots, or rifle butts; being forced to "ride the motorcycle" (standing with arms outstretched and legs bent for prolonged periods); the "helicopter" (suspension by the wrists or feet from a ceiling fixture and then being spun around); and the "iron road" (having iron or bamboo rods rolled up and down the shins until the skin is lacerated). The same prisoner often suffers several different methods of torture, as one man who had been arrested for demonstrating in Mandalay in January 1990 described. Pointing to scars on his chest and SIDE, the former prisoner told Amnesty International: *"I was tortured in the MIS [Military Intelligence Service] interrogation room. They beat me with barbed wire. I was blindfolded and they dripped cold water on my head. I was also made to ride the motorcycle on tip-toe and they put pins under my feet so I could not step down. This kind of torture went on for two months. They would question me for three or four days, then I would be taken to court and they would charge me. But the charge did not stick, so I was taken back for more interrogation. This went on for two months."*

The worst reports of torture of political prisoners in the cities took place during the pro-democracy demonstrations in 1988. A former worker in Insein Prison's clinic described the case of a 15-year-old boy who was apparently tortured to death: *"On 17 March, a 15-year-old Muslim, son of U Khin Maung Oo, a famous history teacher in Rangoon, got severely burned on the abdomen and upper legs in an incident during which a Hilux Toyota car was set on fire by demonstrating students... He was taken to Rangoon General Hospital for treatment. After a few hours, security personnel, possibly from the Special Branch, came in and took him away. The next day he was handed over to the doctor in Insein Prison's hospital. When the doctor examined him he discovered that both his upper limbs, from fingers up to the elbows, and lower limbs, from toes to knees, had been fractured many times. His bones had been systematically fractured several times, broken into pieces. The security people suspected him of being involved in the bombing incident and interrogated him despite his severe burns."* The boy reportedly died in the prison hospital 17 days later.

Some victims were forced to sign documents confirming that they had been well-treated during

interrogation or in jail, and others said that they had been held in incommunicado detention following torture to allow time for the physical signs of torture to heal before anyone could see them. One prisoner, held at a detention centre in Yangon for 10 days in 1988, said: *"Another torture they did was to stick a nail on the floor and order us to squat over it. We weren't allowed to let it fall flat so we had to squat for a long time. There were many different people interrogating me, I could tell from their voices. They kept asking me questions all night long. It wasn't possible to sleep. After five days I was let out at 6pm. I was made to sign a document saying that I hadn't been ill-treated during the interrogation. They said they were taking me home, but they didn't. They took me to another MI-7 and I was held there for another five days in solitary confinement."*

Deaths in custody

Amnesty International knows of 10 people who have died in the custody of the Myanmar Government since 1988; at least four died as a direct result of torture, the remainder from poor jail conditions and denial of access to proper medical care. The true number of deaths in custody may be much higher. No independent inquiry is known to have been made into any of these deaths.

In July 1989 Kyaw Myo Thant, a 25-year-old student and DPNS activist, was arrested in Bogale, Ayeyarwady Division, shortly after sending a letter to the local LORC chairman inquiring about DPNS colleagues who had been arrested. He was tried under SLORC Order No. 2/88 for breaking martial law and sentenced to 18 months' imprisonment. According to a friend, Kyaw Myo Thant died as a result of the treatment he then received: *"When they were taken to the jail, Kyaw Myo Thant was complaining that he shouldn't be arrested because he was not guilty of anything and should at least be treated as well as a common political prisoner. He was therefore severely beaten, and as a result he was unable to digest his food properly. Because he wasn't getting proper nourishment, he went downhill and eventually became unconscious. Only then was he taken to the hospital, and the doctors said his internal injuries were such that he could not properly digest food. Although they put him on a drip, he died in about May 1990. I heard about all this from my brother. They had been sent to Maubin jail in December 1989, and he was in the hospital for only a week before he died. It was the prison warders in Maubin jail who had beaten him."*

U Maung Ko, a 52-year-old member of the NLD's Central Executive Committee, was arrested on 20 October 1990 and died a few weeks later on 9 November. He had not been tried. He is said to have been among those in the NLD who planned to form a "parallel" government. Witnesses at his funeral said his body was bruised and burned, and

appeared to have several broken bones. Responding to allegations that Maung Ko had been tortured to death, SLORC Chairman Senior General Saw Maung told officials in Mandalay: *"We do not interrogate by torture... The man, after confessing what [the opposition] did and what their plans were, made use of the blanket and hanged himself. He did not die because of our doing."*

U Sein Win, an English language tutor, was arrested in late 1988 but was never sentenced. He had been active in the pro-democracy demonstrations in his township, Thonkwa, and was still on trial for hiding weapons when he died in January 1991. Hospital doctors reportedly told his family that his death was caused by numerous small punctures in his intestines, the result of being forced to swallow small pieces of glass.

U Nyo Win was arrested in July 1989 and accused of being in contact with members of the CPB. At the time of his arrest he was the Secretary General of the legally-registered PPP (deregistered in September 1989). Between 1959 and 1961 he had been a leading member of the Yangon University Students' Union and had then been imprisoned for political activities in 1963 and 1968, for two years each time. Since his release in 1970 he had worked as a farmer in the Yangon area. In March 1991 he was sent, unconscious, from Insein Prison to hospital, where he died three days later, allegedly from torture. He was known to be fit and healthy before his arrest.

Other cases of death in custody apparently resulted from torture or ill-treatment and the denial of proper medical treatment. U Ba Thaw, alias Maung Thawka, was arrested in July 1989 and died in June 1991. The 65-year-old ex-navy commander, author and cartoonist had become a close associate of Aung San Suu Kyi during the 1988 demonstrations. In October 1989 he was sentenced by military tribunal to 20 years' imprisonment under the 1950 Emergency Provisions Act. He was adopted as a prisoner of conscience by Amnesty International. Before his arrest he was suffering from chronic spondylitis, a spinal disease. A severe beating during a hunger-strike at Insein Prison in September 1990 apparently left him paralysed. An ex-prisoner said he had been detailed to help U Ba Thaw walk to the shower room, wash and at times feed him, and also said that U Ba Thaw received only a minimum of medical care from the prison doctors and was denied access to specialists. Following a heart attack, he was sent to Yangon Central Hospital in June 1991, where he died three days later.

Eighty-two-year-old U Tha Htun, arrested just before the May 1990 elections, was a distinguished historian of his native Rakhine State and was to have been an election candidate for the Arakan League for Democracy in Kyauktaw constituency. He was sentenced to three years' imprisonment with hard labour under Section 5 (J) of the 1950 Emergency Provisions Act. Opposition sources say

that he was ill-treated in jail. He died in August 1990.

U Tin Maung Win was arrested on 23 October 1990 in connection with the attempt to form a parallel government in Mandalay, and died in January 1991. He had been elected as a National Assembly representative for Kayan-2 constituency in Yangon Division for the NLD. It is not known if he was charged or tried. He had been a close friend of U Maung Ko and had been imprisoned for seven years in 1963 for his activities as a member of the Yangon University Students' Union. The SLORC claimed that he died of leukaemia, but unofficial sources suggested that he probably died from ill-treatment or harsh conditions in detention, since there had been no indication of leukaemia before he was arrested.

Cruel, inhuman and degrading treatment or punishment

Cruel, inhuman and degrading treatment or punishment is absolutely prohibited in international law. In Myanmar such treatment is reportedly widespread and is known to include the use of ankle chains and shackles in cells and in work camps; deprivation of light; denial of medicines, food, exercise and water for washing; solitary confinement in small cells for prolonged periods; the threat and use of torture; and overcrowding in cells.

A particularly severe form of ill-treatment was reported to Amnesty International in April and May 1992 by former criminal prisoners who had escaped to Thailand. The prisoners had been forced to work as porters for the army, carrying ammunition and other supplies in front-line areas. Those interviewed gave consistent accounts of extrajudicial executions, beatings, lack of food and medicines, and poor conditions. Although the Myanmar army has abducted and forcibly recruited villagers for service as porters for years, the use of criminal prisoners for portering is apparently a new phenomenon.

Most of these prisoners had only a few days left to serve of their sentences when they were taken to the front. One man taken from Pinyinman Prison in Mandalay Division on 6 February 1992 was told that he was going to be released, but found himself and 250 other prisoners being taken some 200 miles to Shanywathit army camp outside Hlaingbwe town in Kayin (Karen) State. From there he was forced to carry equipment for the 11th Battalion of the 44th Light Infantry Division. *"We were poorly fed,"* he told Amnesty International. *"If you complain that you cannot carry your load, you get kicked in the side and beaten. I saw the bodies of eight dead porters on the way. Five had been thrown into a stream. Some were in white uniform and some were in blue, so I think they must have come from different prisons. These five bodies were floating on the water, but the three others I saw*

killed with my own eyes. These three porters had complained that they could not carry the loads, so the soldiers told them to just move on ahead. But when they walked forward they were shot dead."

Shackles are used on both political and criminal prisoners not only during transport, which is permitted by international standards, but also in cells and in work camps. One prisoner who had been released from Mawlamyine Jail in Mon State told Amnesty International that prisoners sent to Ye work camp were made to break up rocks with metal shackles round their ankles, linked by a chain attached to a leather belt. *"Many prisoners there injured themselves deliberately, like putting a shovel through their own foot, so that they could get out from having to work there. One of the reasons why it is so bad is that when some prisoners pay a bribe to the wardens so that they don't have to work, the burden on the rest of the prisoners is increased, since there is a quota of work which has to be finished each day. The rest are made to work really hard. They have to break up rocks under the hot sun. Many die there."*

Within prisons, deprivation of light and other basic needs is usually suffered only by political prisoners. Ex-detainees from Insein, Mandalay, Monywa, Patheingyi, Pyin Odon, Maubin, Meiktila, and Myaungmya Prisons have all said that political prisoners were housed in special blocks, called *Thi Thant*, usually separated by a brick wall from other parts of the prison. In these blocks, the cells measure only about eight by 10 feet. They are most often used to keep prisoners in solitary confinement, but it is not unusual for up to five prisoners to be held in one small cell. A former inmate in Mandalay Jail said: *"Generally political prisoners in Mandalay jail are kept in poor conditions. There is not enough food or water. Every three days you are allowed a wash with just eight cups of water. You have to do it very skilfully to make the water last. We wash in our own cells. If you pay, however, you can get more water. For a toilet we have a sort of bowl. Someone comes to collect it every morning, but it means we have to live in stinking, appalling conditions. If you bribe the warden you can get a little exercise and go out and see the sun. But there is no regular exercise. Otherwise we are kept locked up all the time."*

Political prisoners have been singled out for especially harsh treatment. In September 1990, political prisoners at Insein Prison, Yangon — the largest prison in Myanmar—went on hunger-strike to protest against the second anniversary of SLORC's seizure of power. A woman who visited her husband after the incident said he had told her: *"It was terrible, there was torture in the jail. Then there was a hunger-strike... They only drank water... The big boss was very annoyed. Then the authorities broke the water jars, saying if you don't want to eat, you shouldn't drink either."*

"The people in Insein market could hear the

students shouting and screaming during beatings. The prison authorities then play music over loud-speakers to drown out the noise. Those who beat the students were hooded, so that they cannot be recognized. The events went on for about a week. The authorities seemed to be very angry with the students.

"The students had asked for water the day after the jars had been broken. The authorities used fire hoses on them, saying 'drink this'. Students in a weak condition were knocked down."

An ex-inmate of Insein Prison, who was not a political prisoner himself but had access to their cells, confirmed this account: *"After the hunger-strike in September 1990, I was there and the prisoners who had been involved had their heads shaved, and still now they keep them shaved. These people with shaved heads are kept under special scrutiny. During the strike those who chanted and shouted for democracy, and those who refused to eat were beaten until they accepted food."*

According to other sources, as many as six prisoners were beaten to death, over 40 required hospitalization, and up to 70 prisoners were transferred to Tharawady Prison, where conditions are reportedly extremely harsh. In response to reports that excessive force had been used to quell the hunger-strike, SLORC officials stated that "internationally-recognized batons" had been used to control the hunger-strikers and that only three prisoners had been "slightly injured".

3 HUMAN RIGHTS VIOLATIONS IN ETHNIC MINORITY AREAS

Since 1987 Amnesty International has documented a gross and consistent pattern of human rights violations by the government security forces against members of the Kachin, Karen, Karenni, Mon and Shan ethnic minorities, as well as Muslims in Rakhine (Arakan) and Kayin (Karen) States and a number of smaller ethnic groups in Shan State.¹² Since early 1991 reports of massive human rights violations have emerged in three additional areas of Myanmar: the northern part of Rakhine State, the Delta region of lower Myanmar and the northwest of Kayah State.

These abuses have included extrajudicial executions, arbitrary arrest, torture, beatings and other forms of ill-treatment committed during counter-insurgency operations. Ill-treatment, rape and extrajudicial executions have also been extensively documented in the context of the forcible conscription of ethnic minority civilians and, more recently, majority ethnic Bamar (Burmans) into front-line porter service and other labour duties for the Myanmar army, the *tatmadaw*.

Evidence gathered by Amnesty International during the first half of 1992 confirmed that these violations continued in all minority areas of the country where there are military operations. Between February and May 1992 Amnesty International interviewed several hundred refugees from Rakhine, Kachin, Kayin, Kayah and Mon States, and the Ayeyarwady and Tanintharyi (Tenasserim) Divisions. In some areas human rights violations against civilians have been committed during armed encounters between the military and insurgent forces. In other areas, particularly Rakhine State, armed opposition to the central government appears to be minimal, yet the local minority Muslim population suffers extensive and apparently systematic violations of their rights.

Human rights violations during enforced portering

Hundreds of thousands of villagers in minority areas have been forcibly conscripted or seized by the military to work as porters carrying arms, ammunition and other supplies, or as unpaid labourers building roads and army camps or working on commercial projects such as prawn cultivation and bamboo cutting. Porters and labourers are frequently detained at their workplaces or at army camps, and are severely ill-treated, even killed. Many have died from exhaustion and neglect, others have been beaten to death, still others have been extrajudicially executed for disobeying orders or for trying to escape.

Since 1988 Amnesty International has documented gross violations of the rights of conscripted



Top: Former porters who escaped to Thailand, showing wounds resulting from beatings by the military, 1992. © Ben Bohane

Above: Christian Karenni refugees from Myanmar at a camp in Thailand, 1992

porters from the Karen, Mon, Pao, Kachin, Karenni, Shan and Muslim minorities. Interviews with refugees in 1992 revealed that the scale of enforced portering had increased during the previous year. In addition to forcible conscription in ethnic minority areas, porters had recently been seized from cities in central Myanmar, which are Bamar majority areas, and transported to the border areas to work for the *tatmadaw*. In addition, criminal prisoners had been transported long distances from jails all over Myanmar and forced to work as porters or to labour on other projects for the military (see Chapter 2). The seizure of people to work as porters demonstrates that the *tatmadaw* continues to exercise, with impunity, the power to detain arbitrarily, ill-treat and even kill people in its custody, particularly when the victims come from politically weak sectors of Myanmar society.

The former porters among the refugees interviewed by Amnesty International had been forced to work in Rakhine, Kayin, Kachin, Mon and Kayah States and in the Tanintharyi Division. Many had been taken from their homes by government soldiers. Many rural communities are constantly "on call", expected to provide porters at short notice for the army. Men and women of all ages, including schoolchildren and even pregnant women, have been forcibly conscripted as porters.

In the towns and surrounding villages of the border regions, the military authorities have required the heads of the ward, the village-level LORC or other government officials to recruit specified quotas of porters from the local community. People are then taken in rotation for porter duty. In other rural areas, however, porters appear to have been seized at random. On 17 August 1992, for example, Reuters news agency reported that over 300 porters, including 100 women from a village in Kayin State who had been rounded up a week earlier, had been forcibly detained and sent to army camps near Kawmoora, apparently in preparation for a renewal of military action against the KNU.

As the army has grown and its areas of operation extended, its demand for porters has increased. In many areas the system of rotating porter duty among the local population appeared to have broken down by late 1991, and more and more porters were seized at random. Those seized now come from almost any area of the country and from any ethnic or religious community, including the majority Buddhist Bamar. When the military demand for porters has been particularly high, such as during the major military offensive against the Karen National Union (KNU) at Manerplaw from January 1992 to April 1992¹³, people have been abducted from trains, ferries, buses and cinemas, and even off the streets of cities in central Myanmar.

Amnesty International interviewed scores of former porters who had been forced to work during the offensive against the KNU headquarters at Manerplaw in early 1992. Thousands of porters had

been conscripted to support the army during this operation, and many were apparently seized in districts in central and lower Myanmar, far from the war zone. A 33-year-old Muslim worker from Yangon, for example, was one of over 150 civilians seized from a train near Mawlamyine (Moulmein) on 19 December 1991. Arrested by troops from the 80th Regiment under the 66th Light Infantry Division (LID), he was forced to carry ammunition for 16 days at the front line before he escaped. A 22-year-old tea-shop worker from Mawlamyine was among 30 civilians seized at Thaton railway station. He served for a month with the 66th LID on the front line before he escaped. Other porters who had worked during this operation came from ethnic Karen, Bamar, Kachin, Pao and Palaung backgrounds and included Buddhists, Christians and Muslims.

Many men try to evade conscription for portering by fleeing when the army approaches their village, but those who are caught risk death. A 30-year-old woman from Buthidaung township, Rakhine State, described the death of her husband in an army raid: *"He ran out and tried to escape. We heard them [soldiers] catch him and beat him. I ran to help, but was kicked into the river. Three days later the army brought the body back to me and we buried him."*

A 35-year-old mother of five children from Pruso township in Kayah State told Amnesty International that her 60-year-old husband had been killed in February 1992. Like other men in the village, he had tried to hide at news of the soldiers' approach: *"He went to hide in the small hut we had built to watch the fields in the growing-season. I don't know what happened, but I guess the army found him there and shot him. We found his body; he had been shot in the stomach. He was just a simple farmer."*

In Christian areas, church leaders were said by witnesses to be particularly vulnerable to abuse because they remained in their villages to protect women and children when government troops approached. A 23-year-old woman from Pruso township, Kayah State, described the death of her husband, a Catholic lay-preacher: *"At the time my husband was in another village, Pwe Do Tha, not too far away, giving religious instruction. The Burmese army came to the village so all the men ran away, but my husband — as a church worker — stayed behind. The soldiers arrested him, took him away and shot him. At first we thought he had been taken as a porter, but after a week or so other people who had been taken by the army [as porters] came back. So we went to look in the forest and found his body. He had been shot twice in the back. There were two bullet holes in the back of his shirt. This happened on 12 November 1991, just before my second child was born."*

Village leaders who fail to supply the required number of porters to the army are liable to be

tortured and killed themselves. A mother of six children from Buthidaung township, Rakhine State, described how her husband was killed and mutilated: *"My husband was taken by about 15 soldiers in the middle of the night. After 21 days some people found his body in the mountains not far from the village... I went to see it. His eyes had been gouged out and his body was cut in two up the front."*

Former porters and relatives of porters from Rakhine State, as well as those who had served in the Manerplaw offensive, witnessed the deaths of hundreds of porters as a result of ill-treatment or deliberate killing by the army. Those from Rakhine State also said that at least 17 porters had failed to return from their portering duties, and their fate was unknown.

Many porters who became too exhausted to carry their loads were simply killed by soldiers, according to witnesses. One former porter from Buthidaung, Rakhine State, described the killing of an old man who had fallen down: *"We were on a steep hill, and he fell down onto a lower ridge. We were told to keep moving, not to look. We heard him screaming though, so then a soldier went to the edge and we heard a gunshot. He was shot dead. His name was Zuri Ahmed."*

Another described the death of two porters on the march towards Manerplaw: *"On the march, porters and soldiers were placed alternately in our column. So if the porter in front did not walk and keep up the soldier behind would hit him. I saw two porters killed. One porter was carrying 81mm shells. He was very tired so he sat down, but a soldier shot him dead. Another porter was very tired so he tried to run away, but the soldiers just shot him... He had dumped his load. We had all been warned not to try to escape but we were desperate."*

Other porters have been beaten and kicked to death, according to witnesses. One man said that scores of porters were killed during one three-month period in Rakhine State: *"I was in a group of 300 people as porters, taken 50 to 60 miles northeast from Taungbazar to military bases... In the last three months more than 50 men died. I saw 20 men who were kicked and died like this. It was impossible to help them because I was carrying my heavy load too."*

Many porters were reportedly killed by mines or in cross-fire during the Manerplaw offensive; the wounded or exhausted were simply left to die: *"My friend, Win Oo, tried to run away during this time, but he was shot in his thigh and stomach as he ran. He wasn't given any treatment, but was left propped against a tree on the edge of a temporary camp. After six hours he died. I also saw at least four old men from the Paukkaung area who died because they couldn't carry their packs any longer and fell down. This happened on really steep inclines and the soldiers kicked them where they fell,*



Novice monk holding the remains of a mortar shell which the Myanmar army shot through the roof of his monastery in the Kyeikdon area, Kayin State, 1992.

© Ben Bohane

and two were kicked over the SIDE... There were so many porters who died that the army kept having to take more people."

Several former porters showed Amnesty International scars from bayonet wounds and cigarette burns inflicted on them during porter service by government soldiers.

Ill-treatment during other forced labour duties

Increasing numbers of ethnic minority villagers have been forcibly conscripted for unpaid work on projects for the local military authorities. Labourers are often detained at army camps or other places of work in harsh conditions, and are ill-treated by the soldiers. Forced labour duties can sometimes be avoided by the payment of bribes or "compensation" fees to local military commanders. Most civilians, however, have little choice but to comply or face imprisonment.

Refugees from Mon, Kayin, Kachin, Kayah and Rakhine States described harsh conditions during periods of enforced labour. According to other sources, similar conditions prevail in the Shan State and Tanintharyi Division. The refugees said that food and medicine are inadequate and beatings are commonplace. Some women conscripts have been raped by soldiers, and many conscripted workers have died. A Karen Christian woman told Amnesty International that she had been raped by the officer-in-charge of an army camp in Kayin State where she had been forced to work for three days digging trenches and latrines. She was ordered to the officer's room for interrogation and had her arms bound behind her back: *"He took out a knife and held it against my skin on my throat and threatened to kill me — I said I'd rather he did, and kept on praying. He cut me on my arm and drew blood, then he drew the knife down my chest and stomach, leaving a thin line of blood. Then he got his penis out. I was still struggling, and I managed to hit him in the testicles, but that just got him madder and finally he raped me. He was very rough; he is a big man. He raped me three times, though I was bleeding. I just kept on praying and hoping he would stop. I was so ashamed."*

Workers are ordinarily conscripted from villages near project sites, but some have been transported long distances to work on large projects, where they have been kept for up to three months at a time. One refugee described conditions at a labour camp in Rakhine State: *"I was taken many times for forced labour over the last two years. I was working on a project to create dams for prawn cultivation. The last time I was taken I was arrested at night...from my house. I was [at the camp] for one month and three days. It took two days' journey by boat to get there. ...2,500 people were working on the project. Of these I saw four people die, and I am sure that many others died as well. They died from*

beatings after they couldn't manage the work — we had to carry heavy loads of wood through the mud and it was very difficult work. The bodies of the four men I saw die were thrown into the sea."

Victims of forced labour said they had worked on projects including road building; construction of barracks and trenches in army camps; railway lines; an airfield in Kachin State; hydro-electric plants in Kachin and Rakhine States and commercial ventures such as prawn cultivation and bamboo cutting in Rakhine State. The SLORC refers to most of these projects as part of its development program. *The Working People's Daily* on 8 May 1992 reported that on the Aungban-Loikaw railroad alone, over 300,000 people had "contributed voluntary labour" by 8 December 1991. Many prisoners working in Loikaw are reported to be dying from the cold and lack of food.

Particularly harsh labour conditions were reported on construction projects in Kachin State, where many workers died. In the Putao area whole families were kept in camps for up to three weeks and ordered to break and move rocks or gravel by hand for the construction of a new road and airfield. A Christian farmer told Amnesty International: *"Many people died doing this. They get over-exhausted, and become weakened and susceptible to other diseases, like malaria and diarrhoea. At that stage even a minor sickness can kill them, especially the older ones. They have to do this in all weather, rain or sun. Some get heat-stroke, some get fever from colds."*

On some work projects, convicted prisoners, including political prisoners, work alongside the civilian labour gangs. Witnesses claim casualties have been especially high on the new Myitkyina-Sumprabum-Putao highway, where both prisoner and civilian labour has been used. A Christian pastor who travelled along the road said: *"There are many prisoners that are dying... When the prisoners cannot work or try to escape they are shot by the soldiers."*

Rakhine (Arakan) State

Since early 1991 extensive and gross human rights violations have been widely reported from Rakhine State, where the victims have mostly been members of the Muslim minority, sometimes known as Rohingya¹⁴, who live primarily in the north of the state. By July 1992 over 260,000 Muslims, and some Hindus, had fled the country to seek refuge in Bangladesh. Amnesty International interviewed over one hundred refugees from Rakhine State in Bangladesh during February and March 1992. The interviewees said they had fled from their homes in the Buthidaung and Maungdaw townships of Rakhine State to escape a wide range of human rights violations at the hands of the Myanmar security forces, including ill-treatment, deliberate killings, rape, and arrests on religious and political

grounds. They gave accounts of the unlawful killings by the military of over 100 Muslims living in Buthidaung and Maungdaw townships¹⁵.

Ill-treatment, deliberate killings and rape usually occurred during forced portering or forced labour for the military. Muslim and Hindu villagers said that a military build-up in their area began in September 1991, which increased the demand for porters and other labourers. Many also believed that the frequency of portering and the brutality of the treatment they received was part of a deliberate attempt to push Muslims out of northern Rakhine State. Several Muslim refugees told Amnesty International that they and their families had been stopped as they tried to leave Myanmar by the *Lone Htein*¹⁶ (security police) who confiscated all of their belongings and threatened to shoot them if they returned. Refugees also said that the military had attempted to drive them out by destroying villages and mosques, and arresting community leaders and members of political parties — especially the National League for Democracy (NLD). In some villages, the military reportedly evicted Muslims so that members of the majority Buddhist Rakhine ethnic group could move in.¹⁷

Unlawful killings of Muslims were most often committed when the victim had become too weak to continue portering or labouring. Arbitrary killings also occurred when Muslims tried to resist military demands. The former Chairman of a village LORC in Maungdaw township was interviewed by Amnesty International in a Bangladesh hospital, where he was recovering from serious head injuries and broken fingers. He had been forced to translate, he explained, for a group of about 25 Myanmar soldiers who were demanding that a farmer give them his cows: *"The cows were very young and his sole means of livelihood, so he didn't want to give them to the soldiers. He complained, but I tried to persuade him he should give them over quietly. We were standing next to each other and as we talked a soldier shot him dead... The soldiers said I had encouraged the man not to give his cows...and hit me with a bayonet across my head. I lost consciousness... I don't know how my hands were broken."*

Other Muslims were killed because they were alleged members or supporters of insurgent groups. In a village in Buthidaung township, for instance, Military Intelligence (MI) agents shot dead 30-year-old Abdul Rahman. A witness told Amnesty International: *"One day he was sitting outside his house when the MI-18 came and shot him. They just shot him there, in the street. They said that he was an RSO [Rohingya Solidarity Organization] insurgent, but he was just an ordinary farmer."*

The Myanmar Government has claimed that the military build-up in Rakhine State was a response to insurgent activity in the area. On 23 December 1991 the Myanmar authorities claimed that soldiers had chased Muslim insurgents across the border into Bangladesh, where they mistakenly

attacked a Bangladesh border patrol post, killing one soldier and injuring three others. In March 1992, Myanmar's Foreign Minister Ohn Gyaw, speaking at a press conference about the increasing number of refugees fleeing from Rakhine State to Bangladesh, said: *"May I take this opportunity to stress that there exists an inter-relationship between the insurgency in the country and the so-called cross-border human traffic."*

However, although two Muslim opposition groups (the RSO and the Arakan Rohingya Independence Front) claim to have armed wings operating in the northern Rakhine State, the extent of military conflict between these groups and the Myanmar armed forces appears to be extremely limited.

In May 1992 the Foreign Minister continued to deny that Muslims were persecuted. In an interview with the British Broadcasting Corporation he said: *"The Rohingyas had left Myanmar for their own reasons, possibly being incited to do so by rebel insurgents. They had tried to win sympathy by telling stories and their allegations may have been MIStranslated. Those alleging rape ... had probably said only that they had been roughly treated and there was no record that the army had done even that."*

Human rights violations during counter-insurgency operations and in war zones

Many serious human rights violations are committed in the course of counter-insurgency operations in government-controlled areas, or when troops confront armed opposition groups which themselves hold territory. Since early 1991, Amnesty International has gathered testimony on human rights violations committed during counter-insurgency operations in the Ayeyarwady region of lower Myanmar; the northwest of Kayah State; Mon State; Tanintharyi Division; Kayin State; and against the Palaung population in northern Shan State. The amount of insurgent activity ranges from little or none in northwest Kayah State and the Delta region, to actual control of territory by armed opposition groups in Kayin State.

Using a strategy known as "the four cuts", originally introduced under the Burma Socialist Programme Party (BSPP), the military attempts to "cut" links of intelligence, food, money and recruits between armed opposition groups and local civilians: large areas are declared "free-fire" zones; ethnic minority communities are forced to move to "strategic hamlets" under strict curfews and rigid controls; crops and villages are destroyed; and expulsion orders warn that any villagers remaining in their homes will be shot on sight. During these operations, the army arbitrarily kills civilians, rapes or otherwise tortures villagers during interrogation and arrests thousands of people, many of



Above: Over 260,000 people, mostly members of Myanmar's Muslim minority population, fled Rakhine State to seek refuge in camps in Bangladesh.

© Ben Bohane

Left: Village and monastery burned out by Myanmar government troops at Azin, Kayin State, 1992

whom are subject to ill-treatment in custody. Anyone suspected of having contact with insurgents is at risk of gross abuse; whole villages believed to be sympathetic to the opposition, or villages which have simply been visited by insurgents, are vulnerable to attack by the military. In some areas, all the villages have been designated "black" by the authorities, meaning that anyone found there can be shot on sight.

Human rights and armed conflict

Killings by members of the armed opposition can never be used to justify human rights violations by government forces. International human rights law insists that governments must uphold the right to life and the right not to be subjected to torture at all times and in all circumstances. The Government of Myanmar is obliged, in all cases, to ensure that these fundamental human rights are respected by the security forces.

In situations of armed conflict, fundamental human rights must be protected with extra vigilance. Under Article 4 of the International Covenant on Civil and Political Rights (ICCPR) there can be no derogations from the duty to uphold the right to life and the right to freedom from torture in any circumstances, even "in time of public emergency which threatens the life of the nation". Article 6 of the ICCPR guarantees the right to life. The United Nations (UN) Human Rights Committee¹⁸ has described protection against arbitrary deprivation of life as being "of paramount importance". It has stressed the need for governments to "take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces".

These principles do not prevent governments from using force — so long as it is regulated and proportionate to the demands of the situation. An armed confrontation between the military and an armed opposition group may lead to killings which are not human rights violations. Amnesty International does not address in a general way the issue of military tactics, nor does it regard deaths caused accidentally through cross-fire as human rights violations. The killings which Amnesty International raises with governments are those which appear to be deliberate killings of defenceless people, whether they are non-combatant civilians or combatants incapacitated by injuries or who have surrendered and offer no resistance.

The Delta region

A large-scale military operation led by the head of the South West Command, Major General Myint Aung, was launched in the Delta region of the Ayeyarwady Division in October and November 1991. A small armed force from the KNU had apparently entered the Bogale area in early October 1991 to recruit local villagers, reportedly in preparation for an attack on government positions. The

area had been classified by the government as a "white" area — that is, free from insurgents — for nearly 20 years. The rural population is predominantly ethnic Karen, an estimated one-third of whom are Christian, while most of the rest are Buddhist.

Throughout October government forces sought to run the KNU fighters to ground. During this operation, the military claimed to have recovered the bodies of 317 "terrorist insurgents", and to have captured 25 more. Government spokespersons stated at a press conference on 1 November 1991 that all civilians had been led to "safe places" and that "there were no civilian casualties as a result of military clashes. The bodies recovered from the clashes were those of insurgents and their sympathizers [emphasis added]."

Eye-witnesses from Bogale, Myaungmya, Ngaputaw and Pantanaw townships in the Delta region gave Amnesty International a very different account of this operation. The witnesses, now refugees in Thailand, said that many of those who died were non-combatant civilians, arbitrarily killed by the military, which assumed that whole communities had been in contact with the KNU and so were responsible for KNU actions. The military executed certain villagers, especially local leaders or church elders, to frighten the others into cooperating with the military and shunning the KNU. One NLD leader told Amnesty International: *"During the fighting many people fled from their villages. But when, after the fighting died down, they tried to return home, the government troops accused them of helping the KNU guerrillas. Two men I know were killed at this time. Ta Tay Lay, who was aged around 40...and another man aged around 20, Sa May Taw...were arrested at Taung Kyaung village. Both were farmers, and Sa May Taw was a member of the NLD. They were both beaten repeatedly with clubs and interrogated. All the bones in their arms and legs were broken. The troops then cut their stomachs with knives and put salt in the wounds. The troops then called out to the villagers: 'Look what happens to people who help the Karen rebels'."*

A lawyer said he had been forced to participate in an army search operation called "hand chain", in which state employees, including doctors, lawyers and clerks, were ordered to join army columns and surround Karen villages where the KNU had been. In Bogale township alone he saw nine Christian Karen villages destroyed by helicopter and gunship fire, and at least 60 wounded civilians extrajudicially executed in the clearing-up operation afterwards: *"The army forced civil servants to go in front of their military columns after the fighting had ended and walk into each village and search the village. I was one of those who had to do this, and was witness to them rounding up any villagers still alive and taking them to jails and prisons. I also saw them shoot wounded*

villagers, rather than having to give them medical aid."

Thousands of Karen villagers are believed to have been arrested and detained for varying periods of time during these operations, including a disproportionate number of Christians and Christian elders. There were reportedly so many arrests that local prisons were filled and other detainees were held in open-air camps surrounded by high barbed wire fences.

Several Christian elders arrested at this time were reportedly killed. Witnesses reported that 14 local pastors and Christian elders were arrested on or after 17 October in the Ngaputaw area alone. The military allegedly blamed them for the support given to KNU soldiers by the villagers. At least four were subsequently extrajudicially executed in their villages. Witnesses said three of those killed were Baptists — Saw Tun Set, Hlar Bar and Saw Harry — and the fourth was a Seventh Day Adventist, Sa Ngwe Hla. The fate of the other 10 remains unknown. According to other sources, six pastors from Bogale township and a Baptist pastor from Kawlylu village in Labutta township were also extrajudicially executed.

Others arrested were taken to Maubin, Pathein (Bassein) and Myaungmya Jails. Those arrested in the Pantanaw area included Christian pastors; local members of the NLD, including Da Bee and Saw Htoo Po, Chairman and Secretary, respectively, of Wa Noo village; and KNU veterans who had surrendered many years ago, including San Min, Saw Columbus and Mahn Thaung Khan. Many of those arrested were elderly and in poor health. Former inmates of the three jails described the conditions in which those who had been arrested in the "mopping up" operations were held. At Pathein Jail, the prisoners were locked in a two-storey wooden building which had previously been used as a chicken coop. A former inmate said; *"In the 10 days I was there two or three people died each day. Relatives were not allowed to visit and they were not allowed to come to the funerals. They were buried in the Tantabin cemetery. They were old Karen people — people who had been involved in the Karen nationalist movement in the past. Twice I got the duty to bury Karen prisoners at night. Five of us were taken to bury them. Both times we buried one body, but I only knew the name of one — U Gaung Pya. He looked about 45 years' old. I think he had died from fever. He was one of the younger ones who died. Some of the prisoners were so old that they could not even walk."*

A prisoner who had been held at Myaungmya Jail said that about 200 Karen prisoners had been kept in a special block in the prison. *"Some were in very bad shape and in poor health. About 15 died in the two to three months we had Karen prisoners. Some we could see were very old. I guess they died from fever, malnutrition, poor food and bad health."*

During December 1991 and January 1992, hundreds of Karen detainees were sentenced by military tribunals (see Chapter 2). One lawyer who witnessed some of the hearings said the prisoners were "just ordinary villagers. They just arrested everyone from those villages where the KNU had been." A number of lawyers and judges who tried to get the prisoners released have themselves reportedly been arrested.

Kayah State

Villagers in Pruso township in northwest Kayah State have been subject to torture, ill-treatment and extrajudicial execution. On 6 March 1992, reSIDents of 57 villages received final orders from the SLORC to leave their homes and farms within two weeks and move into Pruso, a small town of some 300 houses in a narrow valley with one small stream. The order made clear that those who failed to obey would be regarded as insurgents, who "will be wiped out in the army's counter-insurgency operations."¹⁹ Although two armed opposition groups — the Karenni National Progressive Party (KNPP) and the Karenni State Nationalities Liberation Front — operate in Kayah State, there appears to have been little insurgent activity in Pruso township itself.

Within three months, more than 8,000 of the estimated 12,000 civilians covered by the SLORC relocation order had reportedly moved out of their villages. Many of these villages, as well as confiscated church property, were then destroyed. Some villagers went to Pruso town but thousands of others were confined in poor conditions in camps at Dorawkhu, Hoya and Delaco villages. More than 40 people — particularly children and the elderly — had reportedly died from malnutrition in these camps by the end of July. Others, who were forced to do construction work for the army, were reportedly beaten and shot by soldiers. During March and April 1992 over 1,200 Karenni refugees from Kayah State fled into Thailand, mostly from Pruso township.

A farmer from a village near Pruso said that soldiers removed women and children from their village after the men had fled. The soldiers killed his 35-year-old cousin, a farmer with three children: *"On 5 March 1992 the army came into our village. All the men had run away and just the women stayed behind. But the men became very thirsty and needed some water, so my cousin, Camilla, went down to get some. He did not think the Burmese army had arrived yet. When he went down into the village the soldiers just arrested him and took him away and shot him... The men in the forest heard the gunshots and ran further away. It took over a week to find his body. It was decomposing badly... After the shooting all the women and children were taken by force in cars to Pruso. Some of the men have now gone to Pruso to try and get their families back. Others have come here."*

Another refugee said that soldiers shot dead

Pastor Eh Tu, Secretary of the Kayah State Baptist Convention, in May 1991: *"None of his friends or family know the reason why. It often happens like that. It's possible they did not know he was a pastor; perhaps he ran away. They always shoot people who run away. If you don't run you get taken as a porter or a guide and then you get sent to the front. It seems the Burmese soldiers will shoot you whatever you do."*

Other refugees believed soldiers had severely ill-treated people simply because they could not speak the Burmese language well enough to answer their questions. One refugee from Pruso township described how soldiers attacked his 60-year-old brother-in-law: *"They beat him so badly he can't walk anymore... He was punched in the face and then stabbed with a bayonet in his left arm three times and then once in the right hand SIDE of his neck. They were deep wounds so his arm became very swollen. Then they kicked him in the ribs with their boots and broke several ribs. He wasn't being interrogated at the time. He didn't even speak Burmese. It just seemed to make the Burmese officers mad."*

Refugees said that local people used as guides by the military were likely to be killed in reprisal if troops were attacked by insurgents. Local people — particularly church leaders, teachers and village elders — were forced to guide soldiers from one village to the next and to check that the area was free from insurgents. Three churchmen were said to have been killed after being taken by government soldiers, ostensibly to act as guides.

In early 1991, for instance, 40-year-old Baptist pastor Saw U Moo was murdered after he unwittingly led troops into an attack. A witness from Pruso township, who had himself been forced to guide an army unit to Wewa village, said: *"Saw U Moo was sent ahead to see if there were any rebel soldiers there. He did not see anybody so came back and said the village was clear, but later fighting started in the village so the soldiers killed him. They beat him around the head, then shot him."*

Villagers who provide food or shelter to the insurgents are particularly vulnerable to extrajudicial execution by the military. A schoolteacher from Pruso township told Amnesty International: *"At Tidiku village near Pruso one family allowed Karenni insurgents to stay in their house, but when the Burmese army found out they came and shot the whole family. But they often kill innocent people who are not involved. They just arrest people and take them away. It's impossible to know why they are killed or arrested."*

Those suspected of contact with insurgents also risk torture. A refugee from Mawchi township, where there has been long-standing KNPP activity, described the torture inflicted on his nephew during a month of interrogation about his suspected contact with the armed opposition: *"My nephew is very poor so he had gone into Kayin State*

and then to Mawchi to buy things to sell back home. He was travelling around the villages, but the Burmese army was holding an operation in the area and arrested him. They put him in stocks for a month and interrogated him. They put candles between his toes and asked him about the KNPP. Because he travelled around they assumed he knew things about the KNPP. He could not move his feet because of the stocks and his hands were tied very tight with a rope. He was beaten very badly and the soldiers broke his nose. When his father heard he had been arrested he managed to get him released with a bribe of 7,000 kyats.²⁰ He wants to come out [to Thailand] but he can't walk properly because of the torture he suffered."

Kayin (Karen) State

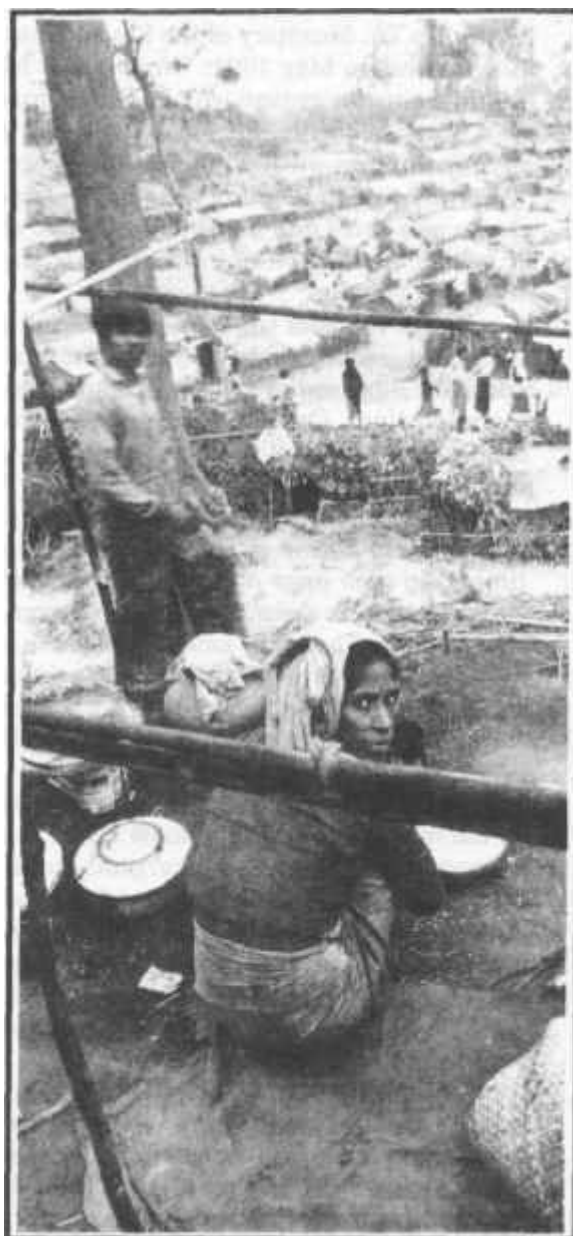
Refugees from Kayin State told Amnesty International that the Myanmar army committed extrajudicial executions and other gross violations during and after military operations at Azin in December 1991, and during the major military operation of early 1992 against KNU headquarters at Manerplaw. The Myanmar military failed to capture Manerplaw, and the campaign was halted in April. Azin, which is also held by the KNU, was briefly taken by government troops, but returned to KNU control.

Four refugees from Azin told Amnesty International that they had seen government forces kill at least eight of their relatives or friends. Others, including elderly people, were extrajudicially executed for failing to vacate their villages as government troops advanced towards Manerplaw. Refugees who had fled to Thailand²¹ said that during the Manerplaw offensive, the whole area had been declared a "free-fire" zone and the civilian population forced to move. After air raids on several villages, government ground troops advanced, reportedly killing those who had stayed behind. For example, a middle-aged couple in Butho township were killed by soldiers from the 88th Light Infantry Division, according to one refugee: *"Everyone else in the village had already run away. They were the last family still staying there. The Burmese army had warned they would kill anybody who stayed. If you stay you are automatically assumed to be a rebel ...All the villages in the area have been declared black and anyone who stays will be killed. When they entered the village the troops just shot Pa Kalei immediately and his wife and their youngest son, aged 10, jumped down from the house and ran away. The troops opened fire on them and she was hit in the upper arm and fell down. Then the soldiers went up to her and stabbed her in the legs and in the SIDE. The boy, however, managed to escape."*

Refugees said that civilians were particularly vulnerable after military confrontations, as soldiers moved through villages in "mopping-up" operations. According to one man describing events near

Azin: "On 29 December 1991 there had been fighting in the morning, after which the KNU withdrew. In the evening the SLORC troops were clearing the area — making a search through all the villages for suspected KNU men. They saw my father-in-law coming out of his house and shot him. He was shot in the calf and then in the chest. He died instantly... There was another old man at Yawt Tar Rae, near Kyeikdon. He was in his hut in the paddy fields when the soldiers came through. They dragged him out of the hut in a mopping-up operation after the battle, but he was so old he could not walk, so they shot him there."

In some cases, soldiers made no attempt to establish the identities or status of their victims before killing them. A refugee from a village near Kyeikdon said that in February 1992, a group of about 10 soldiers entered her village and murdered two of her relatives without warning: "The soldiers were patrolling in the area all the time, trying to flush out any KNU troops still around... When we heard that they were coming everyone ran away. My mother and sister and a local boy ran to hide in one of the huts in the fields... The Burmese soldiers surrounded the small hut when they realised that there were people hiding there. They didn't give them a chance to come out though — they just started shooting. I found my sister's body later. She had been shot from underneath through the bamboo floor, and the bullet had gone right through her chest. Her body was slumped over a sack of rice. The boy leapt down and started to run, but he was hit in the ankle. After he fell, the soldiers went up to him and stabbed him in the chest with a bayonet. My mother wasn't hurt; she was still cowering in the hut when we found her."



Refugees from Rakhine State in Bangladesh

© Ben Bohane

4 HUMAN RIGHTS ABUSES BY ARMED OPPOSITION GROUPS

Amnesty International condemns as a matter of principle the torture and killing of prisoners by anyone, including armed opposition groups. Amnesty International promotes minimum international standards of humane behaviour, such as the principles contained in humanitarian law, by which any opposition group should abide, and it urges them to endorse and uphold these standards.

Both international humanitarian law dealing with armed conflict and international human rights law absolutely prohibit all forms of torture, and the killing of defenceless people. Common Article 3 of the Geneva Conventions of 1949, which applies to all parties to an internal armed conflict, specifies the following minimum standards:

"(1) Persons taking no active part in the hostilities, including members of the armed forces who have laid down their arms and those placed *hors de combat* by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely..."

With respect to these categories of people, Common Article 3 prohibits, among other things:

"(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;

(b) taking of hostages;

(c) outrages upon personal dignity, in particular humiliating and degrading treatment..."

Armed opposition groups in Myanmar

Since 1988 the activities of armed opposition groups have reflected both the turbulence of the national political scene and the ethnic diversity of Myanmar. The principal insurgencies have been based in territories controlled by the Karen National Union (KNU), Kachin Independence Organisation (KIO), New Mon State Party (NMSP) and other allied members of the National Democratic Front (NDF). The NDF is an 11-member organization of ethnic minority forces, established in 1976, which seeks greater autonomy for minorities within a federal system.

The large-scale insurgency of the Communist Party of Burma (CPB), which was based largely in the Shan State, virtually collapsed in early 1989 due to mutinies by ethnic minority members of the CPB's 20,000-strong People's Army. Five new ethnic armed groups were subsequently formed from former CPB ranks which agreed cease-fires with the SLORC and which have been permitted to keep their weapons and police their own territories. Three members of the NDF have also agreed similar military accords with the SLORC.

A number of new armed opposition organizations were formed after the SLORC took power in

September 1988, when as many as 10,000 students, monks and other political activists from the cities fled into NDF-controlled territory. The largest of these forces, the All Burma Students' Democratic Front (ABSDF, was formed in November 1988 and the same month allied itself with the NDF and a number of smaller opposition groups in forming the Democratic Alliance of Burma (DAB). In December 1990 the DAB made a political alliance with the National Coalition Government Union of Burma (NCGUB), the provisional government declared by 12 members of parliament-elect who had escaped arrest by the SLORC and fled to the Thai border. By 1992 the DAB had 23 members.

Reports of torture, ill-treatment and summary execution

Amnesty International has not been able to research fully into abuses of human rights committed by armed opposition groups in Myanmar. The ruling State Law and Order Restoration Council (SLORC) has attributed many bombings and shootings to opposition groups, but Amnesty International is not able to determine the accuracy of these reports.²² Amnesty International has, however, documented a number of recent incidents in which armed opposition groups tortured, ill-treated or summarily executed prisoners held by them.

In addition, there have been reports that the KIO executed over two dozen drug traffickers during 1990. Indeed, the Kachin Independence Council's Laws and Regulations on Eradicating Opium Cultivation, Use and Trade within Kachin State, of 15 April 1991, stipulates that second-time offenders, as well as "extraordinary" offenders, can be punished by death. The KNU has also admitted executing prisoners of war when KNU "military tribunals" have declared them "war criminals" after summary proceedings.

Execution by the Karen National Liberation Army (KNLA)

A member of the KNLA, the KNU's front-line force, was photographed hacking to death a suspected government informer on 5 May 1990 at 1.30pm. The execution took place near Hpaw Htaw village, southwest of Papun. The photographs were published in *The Sunday Times Magazine*, London, 28 June 1992. The name of the victim is not known. He is believed to have been a former porter with the Myanmar army who escaped, and was then detained by the KNU.

Executions of 30 August 1991 by the Democratic Alliance of Burma (DAB)

On 30 August 1991, Mai Pan Sein and Thein Myint were executed on the authority of the DAB. Mai Pan Sein had been the former representative of the Palaung State Liberation Party (PSLP) to the

insurgent National Democratic Front. After negotiations with the SLORC, most of the PSLP leadership had agreed in April 1991 to give up armed opposition, and the SLORC had legalized their political organization. On 17 July 1991, Mai Pan Sein flew from Thailand to Myanmar to surrender to the SLORC. According to foreign news reports, he had said he would tell the authorities all he knew about other opposition groups. He reportedly returned to Thailand in early August 1991 in the company of Thein Myint and visited a number of towns in which Burmese opposition groups have offices. On 21 August 1991, KNU military intelligence agents seized Mai Pan Sein and Thein Myint at the market in Mae Sot, Thailand, a town near the border with Myanmar. They were then reportedly sent to Manerplaw, where they were apparently put on trial, although it is not clear by what kind of court or according to what body of law. Mai Pan Sein was apparently accused of cooperating with the SLORC, and Thein Myint is believed to have been accused of being a corporal in the SLORC's Military Intelligence Service Number 9.

After the verdicts and sentences against Mai Pan Sein and Thein Myint were passed, the Executive Committee of the DAB reportedly called a public meeting at Manerplaw at which these decisions were discussed and declared "just". The two men were executed the same day. According to one source, they were shot to death. Another report, however, says they may have been stabbed to death, a form of execution said to be used against traitors.

In response to Amnesty International's appeal to spare the men's lives, Nai Shwe Kyin, President of the NDF and Vice-Chairman of the DAB, said in a letter dated 31 October: "*I appreciate the deep regret and disappointment shown from friends of human rights over the demise of two informers of SLORC... Thank you very much for reminding us about the merits of human rights.*"

Torture, ill-treatment and execution of prisoners by the ABSDF

Fifteen alleged spies were executed on 12 February 1992 by the ABSDF (North), based in Pa Jau, Kachin State. The 15—14 men and one woman—were members of the ABSDF who had fled from Mandalay and other towns in Upper Myanmar shortly after the military re-established their control of the state in September 1988. One of the alleged spies was Tun Aung Kyaw, the former Chairman of the ABSDF (North).

The 15 were among 80 students detained by the ABSDF between August and October 1991 on suspicion of having infiltrated the ABSDF (North) on behalf of the SLORC. The prisoners are said to have confessed to spying — but at least some of them were beaten and given electric shocks in order to extract the confessions. Others were detained on the basis of information obtained from these forced

confessions, according to two local ABSDF leaders quoted in the *Nation*, Bangkok, on 1 March 1992: "*All confessed to being spies. There was some torture used during the interrogation because they lied. But most confessed without torture and also revealed the names of other accomplices.*"

The executions were reportedly carried out in view of all members of the ABSDF (North), including the other 65 prisoners. It is reported that seven were beheaded before the remaining eight were shot. Fifty-five of the surviving prisoners escaped from the camp on 21 May 1992; three reportedly died in captivity; seven are believed to remain in ABSDF custody but their present status is not certain²³.

Following the executions, the Central Committee of the ABSDF announced on 8 March 1992 that the executions had been committed without its knowledge, and that it had instructed the ABSDF (North) to discontinue the proceedings against the remaining 65. On 31 May 1992 the Central Committee announced that no further prisoners would be executed. It said that "those who change the attitude and stance towards our movements are to be accepted as ordinary members", and that the others would "be transferred to the international organizations" for safekeeping. If no place outside Myanmar could be found for the prisoners, they would be released to their relatives after one year's detention.

Several prisoners were seen in March 1992 by relatives who went to Pa Jau to appeal to the ABSDF (North) for their release. The ABSDF (North) refused to hand the prisoners over to their parents, saying that they would only release them to an organization such as the International Committee of the Red Cross or Amnesty International. The prisoners were apparently in poor health, suffering from malnutrition and with sores and other scars visible on their bodies. On 24 March, they were permitted to leave the camp lock-up and remain at large within the camp, but they continued to be restrained by handcuffs and ankle chains — as were the prisoners who later escaped.

Fifty-four of the 55 prisoners who escaped on 21 May surrendered to the Myanmar army in Kachin State. The 55th, Aung Kyaw Myint, had died on the way, allegedly from injuries sustained under torture. Twenty-six of the 54 who returned home appeared at a press conference organized by the SLORC on 4 June 1992, where three of them showed their scars to journalists.

Other prisoners at risk of ill-treatment by the ABSDF

Amnesty International knows of two other prisoners held as suspected "traitors" by the ABSDF: Soe Lin from Mandalay and Ne Win Aung from Yangon. Both are believed to have been held at Salween camp in Thailand, close to the Myanmar border, although in August 1992 an ABSDF representative told Amnesty International that the two were now

held on the Myanmar SIDE of the border. The ABSDF has assured Amnesty International that these prisoners are safe and will not face execution, but admitted that they have not been granted access to any visitors. The prisoners are said to have provided information on other alleged traitors.

Amnesty International is concerned that the prisoners are held in incommunicado detention, denied any visits from outSIDers. In these conditions their freedom from torture or ill-treatment cannot be ensured. The organization has urged the ABSDF to end incommunicado detention of prisoners, in order to safeguard against the abuse of these and any other prisoners the ABSDF may hold.

5 CONCLUSION AND RECOMMENDATIONS

Amnesty International has repeatedly urged the Government of Myanmar to ratify international human rights instruments and bring its legislation into line with those standards. The organization has called for the unconditional release of prisoners of conscience; for fair trials for all other political prisoners; and for an end to extrajudicial executions and torture. It has also urged that the death penalty be abolished in law and that all outstanding death sentences be commuted. The government has taken little significant action on any of these issues which, as this report demonstrates, remain in urgent need of remedy.

Myanmar is a party to two major human rights instruments: in 1956 it ratified the Convention on the Prevention and Punishment of the Crime of Genocide and in 1991 it acceded to the Convention on the Rights of the Child.²⁴ However, it is not party to the International Covenant on Civil and Political Rights (ICCPR) or its two optional protocols, the International Covenant on Economic, Social and Cultural Rights (ICESCR) or the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. On 24 August 1992 Myanmar acceded to the four Geneva Conventions of 12 August 1949, which set minimum humane standards of conduct in all situations of armed conflict. It did not accede to the Additional Protocols to the Geneva Conventions.

Myanmar has suffered four years of government by martial law. As this report shows, the people of Myanmar have been prevented from exercising their fundamental rights to freedom of expression and association. Government policy and military strategy have created a climate in which gross human rights violations are tolerated—perhaps even sanctioned. The government, while continuing to pay lip-service to the idea of protecting human rights, ignores its obligations under international law and continues to violate the rights of its people.

The UN ComMISSion on Human Rights has recently appointed a Special Rapporteur on Myanmar, whose mandate includes examination of the human rights situation in Myanmar, and who is required to report to the 47th session of the UN General Assembly in late 1992, and to the 49th session of the ComMISSion on Human Rights in February 1993. Amnesty International urges the Myanmar authorities to grant free access and full cooperation to the Special Rapporteur.

Recommendations for immediate human rights safeguards

Amnesty International is once again urging the SLORC to remedy the grave human rights situation in Myanmar. In particular, it recommends that the

following measures be promptly implemented:

Prisoners of conscience and other political prisoners

- the immediate and unconditional release of all prisoners of conscience, and the lifting of restrictions on prisoners of conscience released so far
- ensuring that all other political prisoners are promptly charged and tried by procedures which conform fully to internationally-accepted standards for fair trial
- review of the convictions of all prisoners tried by military tribunals which failed to satisfy internationally-accepted standards for fair trial
- review of the convictions of all prisoners tried by civilian courts which may have been subjected to undue pressure from the authorities
- withdrawal of retroactive legislation, and release of political prisoners convicted under retroactively-applied legislation
- creation of a central register of detentions, which is regularly updated and to which lawyers and relatives of prisoners have access, and which includes each prisoner's place of detention, the charges against them, and their sentences if convicted
- ensuring that all detainees have the right to test the legality of their detention before a court, and be released if it is illegal

Torture, deaths in custody and ill-treatment

- holding impartial and independent investigations into allegations of torture, deaths in custody and ill-treatment of prisoners, whether they are held in prisons or other official places of detention, or forcibly detained by the military to serve as porters or other labourers
- bringing perpetrators to justice where there is evidence of involvement in torture or ill-treatment
- granting redress and compensation to victims
- prohibiting incommunicado detention and ensuring that all prisoners have immediate and regular access to relatives, lawyers and doctors
- prohibiting the use as evidence in trials of statements extracted under torture, except as evidence against a person accused of using torture that the statement was made
- granting the International Committee of the Red Cross free and full access to all prisoners, wherever they are held, in order that it can fulfil its humanitarian role for the protection of prisoners

The death penalty

- commute all death sentences
- immediately suspend all executions

Ratification of international human rights instruments

- Amnesty International recommends that Myanmar ratify the ICCPR and its two optional

protocols; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention relating to the Status of Refugees and its 1967 protocol.

The new constitution and human rights protection

The State Law and Order Restoration Council (SLORC) has promised that it will hand over power to a democratically-elected government after a new constitution has been drafted. No timetable has been set for drafting the constitution, but it is expected that a National Convention will be held at the end of 1992 or early in 1993. The National Convention will not be given the task of drafting the constitution; it will only be required to decide upon the basic principles to be incorporated into the new constitution when it is drafted.

Amnesty International recommends that the protection of fundamental human rights be incorporated into the new constitution, which should enshrine comprehensive safeguards in accordance with international standards and require that the law and judicial practice in Myanmar be made consistent with these safeguards. Safeguards and procedures for those seeking remedies should also be provided. In order to ensure that human rights are adequately protected, Amnesty International recommends that Myanmar's new constitution should include:

- a provision clearly specifying that certain basic rights, such as the right to life, the right to be free from torture or other cruel, inhuman or degrading treatment or punishment, and the right to freedom of thought, conscience and religion may never be curtailed, even during a state of emergency, in keeping with Article 4 of the ICCPR;
- procedures for the systematic and independent review of the implementation of human rights safeguards. Individuals who believe their rights have been infringed should have the constitutional right to seek appropriate redress before an independent judicial organ or other independent authority;
- provision for the independence of the judiciary, and for the independent review by the judiciary of the implementation of constitutional and legal human rights safeguards. The constitution should establish the competence of the civilian judiciary to deal with allegations of human rights violations by agents of the state;
- provisions establishing the accountability of the armed forces to the constitutionally-elected authorities. In addition, the constitution should clearly delineate the role of the armed forces in preserving internal public order.

The right to life

The right to life, guaranteed by the UDHR and the ICCPR, is the most fundamental of all human rights.

Article 6(1) of the ICCPR reads: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

The UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions adopted by the Economic and Social Council and endorsed by the General Assembly in 1989 establishes the duties of states to take specific measures to prevent and punish such abuses and recommends that the Principles should be "taken into account and respected by Governments within the framework of their national legislation and practices..."

- Amnesty International recommends that the constitution contain clear and unequivocal guarantees to the right to life. The constitution and the law should provide for complaints of extrajudicial, arbitrary or summary executions to be promptly and impartially investigated by civilian judicial authorities and should specify that perpetrators will be brought to justice. The constitution should include safeguards against extrajudicial, arbitrary or summary execution as set forth in internationally-accepted standards.

The death penalty

The death penalty is a violation of the right to life, and the ultimate form of cruel, inhuman and degrading punishment. Although death sentences have been passed during the four years of SLORC rule, Amnesty International is not aware of any judicial executions having been carried out.

There is a trend towards abolition of the death penalty within the international community. Since 1989, Namibia, Mozambique, Sao Tome and Principe, the Czech and Slovak Federative Republic, Ireland, Hungary, Cambodia, New Zealand, Romania, Andorra and Paraguay have abolished the death penalty.

- Amnesty International recommends that all outstanding sentences of death be commuted and that abolition of the death penalty be included in the constitution.

Safeguards against arbitrary arrest or detention

Internationally-accepted standards prohibit arbitrary arrest or detention. Article 9 of the ICCPR requires that everyone must be informed at the time of their arrest of the reasons for the arrest and be promptly informed of any charges against them; that anyone arrested or detained on a criminal charge be brought promptly before a judicial authority and tried within a reasonable period of time or released; that anyone arrested or detained has the right, without delay, to a judicial review of the lawfulness of his or her arrest and detention; and that victims of unlawful arrest or detention should have an enforceable right to compensation. Principle 4 of the UN Body of Principles for the Protection of All Persons Under Any Form of

Detention or Imprisonment states that "Any form of detention or imprisonment and all measures affecting the human rights of a person under any form of detention or imprisonment shall be ordered by, or be subject to the effective control of a judicial or other authority."²⁵

- Amnesty International recommends that the constitution contain an explicit prohibition of arbitrary arrest and detention and that the safeguards against these abuses set out in the ICCPR and the UN Body of Principles and other internationally-accepted human rights instruments be incorporated into the constitution.

Administrative detention

Some political prisoners are detained in Myanmar under broadly-defined legal provisions regarding national security. The UN Special Rapporteur on Administrative Detention emphasized in his 1989 report that administrative detention should only be used as an exceptional measure and should not be used to bypass the safeguards of the judicial framework.

- Amnesty International recommends that the constitution should protect against the abuse of administrative detention, and provide for precise guidelines which ensure that an administrative procedure cannot be used to detain people who should be charged and tried according to normal criminal law, who do not pose an extreme and imminent threat to security, or who should not be arrested at all. Such provisions should explicitly prohibit administrative detention for the expression of non-violent political or other beliefs and for the peaceful exercise of the right to freedom of association.

Prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment

Torture and other cruel, inhuman or degrading treatment or punishment is universally condemned in international instruments. Torture often occurs when detainees are held in incommunicado or secret detention without access to relatives, lawyers or doctors, or without being brought before a judicial authority. It is therefore important that torture and other forms of ill-treatment be explicitly prohibited, and that safeguards be introduced to prevent detainees from being held in these circumstances.

As with all human rights violations, allegations of torture must be independently and impartially investigated, so that torturers can be prosecuted and victims offered adequate medical assistance and compensation. With regard to the prosecution of torturers, the UN Special Rapporteur on Torture stated in his December 1989 report that "[torture] is an offence against the public civil order and, consequently, should be tried by a civilian court."

- Amnesty International recommends that an unalterable provision prohibiting torture and

other cruel, inhuman or degrading treatment or punishment be included in the constitution. The constitution and law should specifically incorporate the safeguards contained in the UN Convention against Torture and other internationally-accepted standards to prevent torture and other cruel, inhuman or degrading treatment or punishment. The constitution and law should guarantee that complaints of torture and ill-treatment will be promptly and impartially examined by independent civilian judicial authorities, and specify that the perpetrators will be brought to justice before civilian courts. The use during trial of evidence obtained under torture should be specifically prohibited, except as evidence against a person accused of using torture that the statement was made. The constitution should also incorporate the rights of victims to redress and compensation. In addition, Amnesty International recommends that security and other custodial officials be bound to observe international standards pertaining to the treatment of prisoners, including the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the UN Standard Minimum Rules for the Treatment of Prisoners.

Fair trial

Article 10 of the UDHR states that everyone is entitled to a fair trial "before an independent and impartial tribunal". Articles 14 and 15 of the ICCPR specify the minimum standards for fair trial.

- The constitution should explicitly include the minimum standards for fair trial contained in Articles 14 and 15 of the ICCPR. These include the presumption of innocence; the right to be tried without undue delay; the right not to be compelled to testify against oneself or confess guilt; the right to legal assistance of the defendant's choosing; the right to appeal; and the non-retroactivity of laws.

The judiciary

The independence of the judiciary is vital to the protection of human rights. Legal provisions governing the selection, appointment, tenure and dismissal of judges are among the significant factors which determine their independence. The UN Basic Principles on the Independence of the Judiciary require that the judiciary's independence be enshrined in the constitution or law; that the judiciary be able to decide all matters impartially on the basis of facts "without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter" and that there should be no revision of judicial decisions. They also state that the term of office of judges, their independence, security, remunerations, conditions of service, pensions and age of retirement should be adequately secured by law, with tenure guaranteed until a mandatory retire-

ment age or expiry of their term of office. The Basic Principles also state that all courts or tribunals should use established legal procedures, and that tribunals which do not use these procedures should not be created to displace the jurisdiction of ordinary courts.

- Amnesty International urges that the independence and impartiality of the judiciary be enshrined in the constitution, which should reflect the specific principles set forth in the UN Basic Principles on the Independence of the Judiciary.

The police and defence forces and the prison service

As an additional safeguard, the new constitution should stipulate that police, security and custodial officials should be persons of recognized integrity and competence, who are bound to observe international human rights standards.

- Amnesty International urges that the constitution specify that police, defence force and custodial personnel are bound to observe relevant international standards, including: the UN Code of Conduct for Law Enforcement Officials adopted by the UN General Assembly in December 1979; the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted by consensus on 7 September 1990 by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders; the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; the UN Standard Minimum Rules for the Treatment of Prisoners.

Freedom of assembly, association, expression and conscience

Internationally-accepted standards agree that governments must respect the right to freedom of assembly and association and freedom of conscience, opinion and expression.

- Amnesty International recommends that the constitution safeguard the right to freedom of peaceful assembly and association in accordance with Article 20 of the UDHR and Articles 12 and 22 of the ICCPR. The fundamental right to freedom of expression, as guaranteed by Articles 19 of the UDHR and of the ICCPR, should also be explicitly included. In addition, the rights to freedom of thought, conscience and religion, guaranteed in Articles 18 of the UDHR and the ICCPR, should be explicitly included.

Emergency provisions

Amnesty International believes that the prolonged use of emergency provisions in Myanmar has encouraged widespread human rights violations, including violations of basic right which, under internationally-accepted standards, must be

protected at all times and in all circumstances.

- Amnesty International recommends that any constitutional provisions and other laws regulating states of emergency—including martial law—comply fully with international standards, particularly Article 4 of the ICCPR. These provisions should set out in detail the circumstances in which emergency powers can be declared, their duration, the extent to which the powers may affect existing rights, and procedures for effective executive, legislative or judicial supervision. The provisions should ensure that emergency measures cannot be introduced or maintained as a means to suppress legitimate rights, and the provisions must expressly prohibit the suspension of those rights which in international law cannot be derogated from under any circumstances.

A state of emergency which suspends existing rights can only be declared, in the words of Article 4(1) of the ICCPR, "in time of public emergency which threatens the life of the nation". This phrase is generally taken to refer to an exceptional and immediate threat to the organized life of the community.

In light of the seriousness of imposing emergency measures which may remove fundamental rights and freedoms which citizens would otherwise enjoy, the Constitution should make reference to the extent to which the emergency powers may suspend such rights. The provisions should reflect the international law principle—reflected in Article 4(1) of the ICCPR—that governments may suspend certain rights only to the extent strictly required by the exigencies of the situation. Every emergency measure must be proportionate to the immediate danger being confronted. Furthermore, a right cannot be suspended unless other, ordinary measures are inadequate to deal with the crisis. A temporary suspension can only be justified if it will, in the words of the UN Special Rapporteur on states of emergency, "defuse the emergency and open the way to a return to normalcy"²⁶

- Amnesty International recommends that any constitutional provision for states of emergency comply fully with the relevant obligations and safeguards contained in international standards, including the ICCPR. In particular, emergency measures must not be introduced or maintained as a means of suppressing legitimate rights, and special care should be given to the protection of those rights which cannot be derogated from under any circumstances.

Non-derogation of fundamental rights

Some derogation from certain provisions protecting civil and political rights is permitted by internationally-accepted human rights standards in times of public emergency. Some rights, however, are so fundamental that they may never be ignored or violated. These include the right to life, the right not to be tortured or subjected to cruel, inhuman or

degrading treatment or punishment, and the right to freedom of thought, conscience and religion. The UN Commission on Human Rights, in Resolution 1992/35, recently called on states to introduce the safeguard of *habeas corpus*, *amparo* or similar mechanism, which enable detainees to test the legality of their detention before a court and be released if it is unlawful, and to ensure that this remedy may never be suspended.

- Amnesty International recommends that the constitution should explicitly state that certain fundamental rights, including those listed above, may never be suspended under any circumstance, including during public emergencies.

APPENDIX I

This appendix summarizes the principal laws employed by the SLORC to imprison and try prisoners of conscience and other political prisoners.

Laws in force before September 1988

1. **The 1950 Emergency Provisions Act** allows for the imprisonment for up to seven years of any person who either "infringes upon the integrity, health, conduct and respect of State military organizations and Government employees towards the ... government", or "spreads false news about the government", or "disrupts the morality or the behaviour of a group of people".
2. **The 1957 Unlawful Associations Act** allows for imprisonment for up to five years for anyone who has been a member of, or assisted any association "(a) which encourages or aids persons to commit acts of violence or intimidation or [whose] members habitually commit such acts, or (b) which has been declared unlawful by the PreSiDent of the Union".
3. **Sections 121, 122-1, and 124 of the 1957 Penal Code** define High Treason and MISprison of High Treason (knowing that high treason has been or will be committed, but not reporting it to the authorities) and allows for sentences of death, life or seven years' imprisonment. In late 1990, 35 people, including 25 members of parliament-elect, were accused of being party to discussions on the establishment of a "parallel government" and sentenced under these Sections to between seven and 25 years' imprisonment.
4. **The 1962 Printers' and Publishers' Registration Law** was amended in July 1989, increasing the maximum sentences under the law to five years' imprisonment. The amendment followed an announcement by SLORC Secretary-1 Khin Nyunt that "Legal organizations that have registered [and] that wish to print and publish documents, books, and printed material, will have to register with the Ministry of Home and Religious Affairs and apply for exemption in accordance with the 1962 Printers and Publication Law." After obtaining an exemption they could print and publish documents, books and printed materials on the condition that they do not contain material which "opposes the SLORC, the regional LORCs at different levels, or the government; insults, slanders or attempts to divide the Defence Forces; instigates actions that affect law and order and peace and tranquillity; or contradicts the orders that have been issued whenever necessary."
5. **The 1975 State Protection Law** (Law to Safeguard the State from the Danger of Destructive Elements) was amended in August 1991 to allow the state to detain without trial for up to five years any person "who will do, is doing, or has done, an act which endangers the peace of most citizens or the security

of the state, or the sovereignty of the state." Aung San Suu Kyi, who was awarded the Nobel Peace Prize in 1991, is detained under this law, as was U Nu prior to his release in April 1992.

Martial law restrictions from September 1988

6. **Order No. 2/88, September 1988** set the parameters of martial law. It included a curfew from 8pm to 4am and forbade gatherings of more than five people on the streets "regardless of whether the act is with the intention of creating a disturbance or of committing a crime". Although the curfew has been reduced in some areas and lifted entirely in others, other aspects of martial law, including severe restrictions on freedom of expression and assembly and unfair trials by military tribunals, remain in force across the country.
7. **SLORC Martial Law Order No. 2/89 in July 1989** established military tribunals to try martial law offenders in "cases concerning defiance of orders issued by the State Law and Order Restoration Council, by the Government or by the Commanders concerned" and are empowered to impose sentences of death, life imprisonment, or not less than three years' imprisonment with hard labour. The tribunals use summary procedures, including waiving "unnecessary witnesses". The decisions of the tribunals are final; there is no judicial appeal against their sentences.
8. **SLORC Order No. 3/90**, "relating to the right to assemble and campaign", was announced in February 1990, during the election campaign. All political speeches had to be given prior approval by the local township authorities. Criticism of the authorities was forbidden, and any statement deemed insulting to the SLORC, the regional LORCs, the defence forces and the "solidarity of the national races" was made punishable by up to three years' imprisonment and a fine.
9. **SLORC Declaration No. 1/90**, issued in July 1990, declared that "the SLORC, the Defence Forces, is not bound by any constitution. The SLORC is ruling the country with martial law. It is known to all that the SLORC is a military government and that it is a government recognised by the countries of the world and the United Nations." This declaration set out a program for the drafting of a new constitution before power could be transferred to the winners of the election. People were required to sign their agreement to Declaration No. 1/90 under threat of arrest.
10. **SLORC Order No. 6/90, October 1990** banned all "unlawful *Sangha* [Buddhist monk] organizations with the exception of the nine Sects of *Sanghas*" and warned political parties that "action shall be taken under existing laws" if they attempted to "MISuse" religion for political purposes.
11. **SLORC Order No. 1/91, April 1991**, issued warnings to civil servants. Under this Order, public

servants were not only barred from politics themselves, but were also required to "prohibit their dependents or persons under their guardianship from taking direct or indirect part in activities that are aimed at opposing the government". According to the Order, "effective legal action" would be taken against those who failed to fulfil this requirement, but the nature of the action and the punishment were not specified.

APPENDIX II: LIST OF ABBREVIATIONS

ABFSU	All-Burma Federation of Student Unions
ABSDF	All-Burma Students' Democratic Front
AFPFL	Anti-Fascist People's Freedom League
BSI	Bureau of Special Investigations
BSPP	Burma Socialist Programme Party
CID	Criminal Investigation Department
CPB	Communist Party of Burma
DAB	Democratic Alliance of Burma
DDSI	Directorate of Defense Services Intelligence
DPNS	Democratic Party for New Society
GOSDA	Graduates and Old Students' Democratic Organization
KIO	Kachin Independence Organisation
KNLA	Karen National Liberation Army
KNPP	Karenni National Progressive Party
KNU	Karen National Union
LDP	League for Democracy and Peace
LID	Light Infantry Division
LORC	Law and Order Restoration Council
MIS	Military Intelligence Service
MNDF	Mon National Democratic Front
NDF	National Democratic Front
NIB	National Intelligence Bureau
NLD	National League for Democracy
NMSP	New Mon State Party
NPF	National Politics Front
NUP	National Union Party
PPP	People's Progressive Party
PSLP	Palaung State Liberation Party
RSO	Rohingya Solidarity Organization
SID	Special Investigations Department
SLORC	State Law and Order Restoration Council

APPENDIX III: LIST OF NEW AND OLD PLACE NAMES

<i>New Name</i>	<i>Old Name</i>
Ayeyarwady	Irrawaddy
Hpa-an	Pa-an
Kayin	Karen
Mawlamyine	Moulmein
Myanmar	Burma
Patheingyi	Bassein
Rakhine	Arakan
Tanintharyi	Tenasserim
Yangon	Rangoon

ENDNOTES

- 1 The former Socialist Republic of the Union of Burma was renamed by the SLORC in June 1989. The new name is recognised by the United Nations, whose usage Amnesty International follows, but rejected by many ethnic minority groups as the historic ethnic Burman name for the country. Some ethnic Burmans also reject the name because it was imposed by the SLORC. A list of old and new place names is contained in Appendix III.
- 2 After the announcement of 24 April 1992, reference to "political" detainees was dropped in official statements on prisoners released under Declaration No. 11/92.
- 3 This happened, for example, in 1963, 1968, 1973-74, 1980 and 1990.
- 4 See e.g. Amnesty International report, *Burma: Extrajudicial Execution and Torture of Members of Ethnic Minorities*, May 1988, AI Index: ASA 16/05/88.
- 5 Amnesty International's reports include *Myanmar (Burma): Prisoners of Conscience, A Chronicle of Developments since September 1988*, November 1989, AI Index: ASA 16/23/89; *Myanmar: Prisoners of Conscience and Torture*, May 1990, AI Index: ASA 16/04/90; *Myanmar: 'In the National Interest: Prisoners of Conscience, Torture, Summary Trials under Martial Law*, November 1990, AI Index: ASA 16/10/90; *Myanmar (Burma): Continuing Killings and Ill-treatment of Minority Peoples*, August 1991, AI Index: ASA 16/05/91; *Myanmar (Burma): Unfair Political Trials*, September 1991, AI Index: ASA 16/06/91; *Union of Myanmar (Burma): Arrests and Trials of Political Prisoners, January-July 1991*, December 1991, AI Index: ASA 16/10/91; *Union of Myanmar (Burma): Human Rights Violations against Muslims in the Rakhine (Arakan) State*, May 1992, AI Index: ASA 16/06/92.
- 6 Three further political parties were created after the elections which represent armed ethnic minority groups which had come to agreements with the SLORC, and had not been banned. The total number of legal parties was therefore 10.
- 7 Senior General Saw Maung resigned from the SLORC on 24 April 1992. He was replaced as Chairman by his deputy, General Than Shwe.
- 8 See *Myanmar: 'In the National Interest: Prisoners of Conscience, Torture and Summary Trials under Martial Law*, December 1990, AI Index: ASA 16/10/90.
- 9 The names of political prisoners arrested between August 1988 and June 1992 have been compiled from Amnesty International's monitoring of the official Myanmar news media, from the organization's interviews with opposition political activists and others, including former prisoners, who have left the country and from other sources both within and outside Myanmar.
- 10 "Red Book 1" is the common name for the December 1989 SLORC publication *Communist Party of Burma's Conspiracy to take over State Power*. The book includes a long statement by Brigadier General Khin Nyunt describing the "CPU's underground elements' attempts to cause disturbances and civil unrest throughout the country in their effort to grab State power". It also includes the "Bio-data" of over 70 persons it accuses of being CPB underground operators. In early 1991 "Red Book 2" was published. It opens with the 107th Press Conference by Khin Nyunt describing further the role of the CPB in the democracy movement, including the attempt by some members of the NLD to form a parallel government, the role of monks, and ABSDF students. It includes the "Bio-data" of 175 people, most of whom had already been arrested.
- In December 1989, the SLORC also published a "Green Book", *The Conspiracy of Treasonous Minions Within the Myanmar Naing-Ngan and Traitorous Cohorts Abroad*, with the personal details of people in Myanmar, including diplomats, as well as Burmese living abroad and foreigners considered to be part of the "capitalist conspiracy". These include British Broadcasting Corporation correspondent Christopher Guinness and United States of America Senator, Daniel Patrick Moynihan. Altogether 81 individuals are mentioned in this book.
- 11 For further details on this period see *Union of Myanmar: Arrests and Trials of Political Prisoners, January-July 1991*, December 1991, AI Index: ASA 16/10/91.
- 12 See *Allegations of Extrajudicial Executions, Torture and Ill-treatment in the Socialist Republic of the Union of Burma*, September 1987, AI Index: ASA 16/03/87; *Burma: Extrajudicial Execution and Torture of Members of Ethnic Minorities*, May 1988, AI Index: ASA 16/05/88; *Burma: Extrajudicial Execution, Torture and Political Imprisonment of Members of the Shan and Other Ethnic Minorities*, October 1988, AI Index: ASA 16/10/88; *The Kayin State in the Union of Myanmar (formerly the Karen State in the Union of Burma): Allegations of Ill-treatment and Unlawful Killings of Suspected Political Opponents and Porters seized since 18 September 1988*, August 1989, AI Index ASA: 16/16/89; *Myanmar: 'In the National Interest'*, November 1990, AI Index ASA 16/10/90; *Myanmar (Burma): Continuing Killings and Ill-treatment of Minority Peoples*, August 1991, AI Index ASA 16/05/91; *Union of Myanmar (Burma): Human Rights Violations against Muslims in the Rakhine (Arakan) State*, May 1992, AI Index: ASA 16/06/92.
- 13 Manerplaw is held by the KNU, which has its headquarters there. The Myanmar army failed to take Manerplaw, and suspended military action in the area in April 1992. The headquarters also

serves other opposition fronts, including the Democratic Alliance of Burma, the National Democratic Front, the National Coalition Government of the Union of Burma and the All-Burma Students' Democratic Front.

14 The 1991-92 refugee exodus echoes a similar flight of Muslims from Myanmar in 1978 under the former BSPP government, when similar accusations of widespread rape, robbery and murder by the security forces were made.

15 See *Union of Myanmar (Burma): Human Rights Violations against Muslims in the Rakhine (Arakan) State*, May 1992, AI Index: ASA 16/06/92.

16 The *Lone Htein* are a special security force, usually employed for riot control, as in the urban disturbances of 1988. In Rakhine State, however, it appears that they are currently used to supplement the People's Police Force and Immigration Officers.

17 The Rakhines are an indigenous Buddhist ethnic minority in Myanmar, who form the majority of the population of Rakhine State.

18 The Human Rights Committee is the body set up under the ICCPR to monitor implementation of its provisions.

19 This order was entitled, Subject: The relocation of villages, Ref: 116/1-16/LORC (389). Amnesty International also has copies of similar relocation orders issued during March 1992 concerning villages in Toungoo, Thandaung and Tantabin Districts in the adjoining Kayin State. Refugees gave Amnesty International a total of 17 documents from local army units, including orders to provide porters, guides or other labour for the military, to provide money for Buddhist works, and to relocate or face attack.

20 The *kyat* is the official Myanmar currency. The unofficial rate of exchange is 60 *kyats* to one US dollar; the official rate is six *kyats* to the dollar.

21 This brought the estimated number of Karen refugees in official camps in Thailand to over 50,000.

22 In late 1990 or early 1991, 22 people were arrested for acts of armed sabotage or political murder, and at least 18 were tried and sentenced between January and April 1991, including seven who were sentenced to death, according to official sources. The authorities also named four people arrested in July 1991 for attempted acts of violent sabotage. See *Union of Myanmar (Burma): Arrests and Trials of Political Prisoners January - July 1991*, December 1991, AI Index: ASA 16/10/91.

23 The seven remaining prisoners are Nang Aung Htwe Kyi (f), 29 years old, from Yangon; Kyaw Naing Oo, age 26, from Bagu Division; Nyi Nyi,

age 32, from Mandalay; Ye Lin, from Yangon; Boh Boh alias Than Kyaw Thu, from Yangon; Wunna Zaw, from Yangon; Nyi Nyi Aung, from Bagu, ABSDF sources say that some of these people, including Nang Aung Htwe Kyi, have rejoined the ABSDF as ordinary members and are no longer held as prisoners but Amnesty International has no independent confirmation of their current status.

24 In 1955, Myanmar also ratified the International Labour Organisation Convention No. 87 of 1948 on Freedom of Association and Protection of the Right to Organise.

25 A judicial or other authority is defined in the Body of Principles as "a judicial or other authority under the law whose status and tenure should afford the strongest possible guarantees of competence, impartiality and independence".

26 Fourth Annual Report of Mr. Leandro Despouy, Special Rapporteur on states of emergency, UN Doc: E/CN.4/Sub.2/1991/28, Annex 1, section 6.