

State of Fear: Censorship in Burma (Myanmar)

An ARTICLE 19 Country Report

December 1991

©ARTICLE 19

ISBN 1 870798 71 6

Article 19 of the Universal Declaration of Human Rights

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

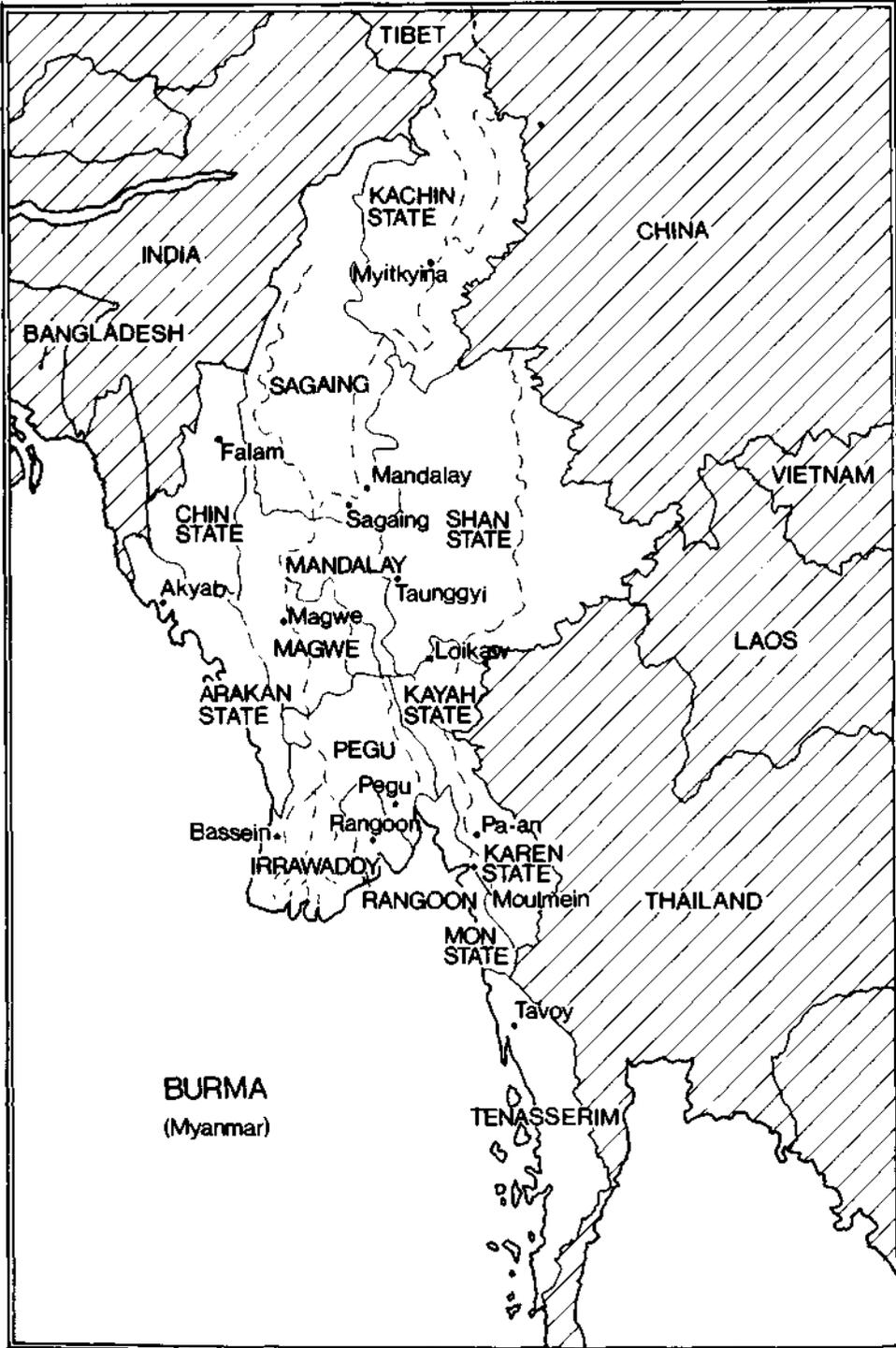
Acknowledgements

This report was written by **Martin Smith**, a journalist, documentary-maker and writer on South East Asia and a specialist on Burma. The report was edited and desk-top published by ARTICLE 19 staff.

ARTICLE 19

Frances D'Souza (Director), Carmel Bedford (Editor), Sandra Coliver (Legal Officer), Said Essoulami, (Middle East and North Africa Research Co-ordinator), Ann Naughton (Programme Co-ordinator), Helen Darbishire (Campaigns and Publicity Officer), Susan Hay (Membership Co-ordinator), Liz Schofield (Administrative Officer), Robert Salmon, (Finance Officer), Sue York (Information Officer), Emma Hook (Administration), Silvester Edwine (Volunteer).

ARTICLE 19 thanks Zunetta Liddell of Burma Action Group-UK for assistance in providing information and fact checking, Sally Scholes for additional case research, Elizabeth Lloyd-Owen for assistance with desk-top publishing, Christopher Hay for the map of Burma, and Tony Hall for cover design.



Contents

Preface	iii
Abbreviations	vi
Overview	1
2 Country Profile	5
3 The Background to Crisis	8
3.1 Economic and Social Collapse	9
3.2 Ethnic Strife and Civil War	10
3.3 Narcotics and AIDS	12
3.4 Ecology	12
3.5 Refugees	13
3.6 The Issue of Human Rights	15
4 Development of the Press in Burma	17
4.1 The Colonial Era	17
4.2 The Parliamentary Era	18
5 The Legacy of the Burma Socialist Programme Party (BSPP)	19
5.1 The Ne Win Period	19
5.2 The Media Under Ne Win	20
5.3 The 1974 Constitution	21
5.4 The Publishing Registration Law	22
5.5 Alternative Expression	22
5.6 Ethnic Minorities and Burmanization	24
5.7 Religious Minorities	25
5.8 Literacy	27
6 The Press in the 1988 Democracy Summer	28
7 The State Law and Order Restoration Council (SLORC)	29
7.1 SLORC Claims of Legitimacy	29
7.2 SLORC's Use of the Law	31
7.3 SLORC Actions in the pre-Election Period	33
7.4 Restrictions on Movement and Forced Relocations of Civilians	38

8 The 1990 General Election	40
8.1 Arrests and Retrospective Laws in the post-Election Period	43
8.2 Continuing Use of Press Laws to Stifle Freedom of Expression	47
8.3 III-Treatment and Death in Custody of Political Prisoners	50
9 Cultural and Political Expression Under the SLORC	53
9.1 Newspapers	53
9.2 SLORC's Cultural Revolution	54
9.3 Music and Films	55
9.4 Journals, Books and Magazines	57
9.5 Education	58
9.6 Restrictions on Public Servants and Political Parties	60
9.7 Religious Freedom	62
9.8 Ethnic Minorities	67
9.9 The Insurgent Press	69
10 The SLORC and the International Community	71
10.1 The Foreign Press	71
10.2 The International Response	74
10.3 The Reply from the SLORC	76
10.4 The Role of the United Nations	77
11 Summary of the SLORC Period and Prospects for the Future	81
12 Conclusions and Recommendations	83
Appendix 1: Journalists, Writers and Intellectuals in Detention	87
Appendix 2: Country Statistics	96
Appendix 3: Extracts from "What has become of us?" by Min Lu	97
Appendix 4: SLORC Questionnaire to Public Servants, 1 April 1991	99
Appendix 5: SLORC Questionnaire to Political Parties, 5 August 1991	101
Appendix 6: Multilateral and Bilateral Aid to Burma	102
Appendix 7: Foreign Company Investments and Trade in Burma	103
Select Bibliography	104

Preface

Nowhere is ARTICLE 19's message that censorship kills more brutally illustrated than in Burma today. *State of Fear* records the mechanisms by which a cloak of secrecy has increasingly enveloped Burma, and documents the history, traditions, laws and practice of censorship since 1962, when a military coup brought General Ne Win to power and ended the Parliamentary era. This event foreshadowed Burma's transformation into one of the most secretive countries in the world, and virtually obliterated any hope of democracy.

There remain only a few countries in the world today which so effectively and systematically suppress the right to freedom of expression that the international community is largely ignorant of the perpetration of gross violation of human rights. Until three years ago, Burma was one of those countries.

Conditions today in Burma are qualitatively different from many other countries in which strict censorship prevails. The State Law and Order Restoration Council (SLORC), which clings to power, is an illegal government. Despite the government's sustained attempts to manipulate the election in May 1990, the National League for Democracy (NLD) won a landslide victory of 392 seats out of the available 425. By September 1991, however, over 100 NLD members of Parliament were either in jail, exiled or had disappeared.

Since the Constitution was suspended in 1988, thousands of people have simply been detained without charge. Precise conditions in prisons are unknown, but reliable reports suggest that they are inhuman and that torture is reportedly systematic and often fatal. United Nations delegates have been refused access to Burma's prisons and the International Committee of the Red Cross and Amnesty International have been denied entry to the

country. The rapid enactment of seemingly arbitrary laws to further control any possibility of dissent continues unchallenged. If those perceived as enemies of the government cannot be prosecuted under the 1923 Official Secrets Act, the 1950 Emergency Provisions Act, the 1957 Unlawful Associations Act, the 1962 Printers and Publishers Registration Law or the 1975 State Protection Law, then a new law may be retrospectively applied. The SLORC has, since the election, issued a bewildering number of decrees designed to further limit any nascent freedom. Since the coup, 15,000 public servants have been either sacked or disciplined for crimes of thought and expression. The latest law against "moral turpitude" effectively ensures that those who cannot be charged under existing laws will be ensnared by this catch-all legislation.

There are further appalling consequences of this draconian censorship. Tropical rain forests, Burma's major source of wealth, are being decimated at an awesome rate; teak is sold for foreign currency, which is in turn used to purchase arms for further suppression of ethnic minorities and in order to maintain the SLORC's control. The narcotics trade (admittedly never a topic for open discussion anywhere in the world) is protected through secrecy. The absolute embargo on any semblance of a free press precludes discussion and action on even non-political aspects of daily life. The spread of life-threatening diseases, including AIDS, is exacerbated by denial of information both within and outside the country. The refusal to allow any foreign journalists access to Burma further limits sustained campaigning by the international community, which necessarily relies upon the availability of accurate information.

On one level Burma shows a degree of normality. Expatriate Burmese can telephone direct to their relatives in Burma, but few dare to discuss political events, or ask for news of detainees. Travel agencies promote the country as a tourist respite, and oil, mining and logging companies continue to invest in the country, hedging their bets for a future which may make it possible to

extract Burma's resources to great profit. But underlying this spurious calm is a country in turmoil, a government which has been at war with its ethnic minorities for over 30 years, and which more recently has imposed even greater bureaucratic machinery to suppress the smallest voice of dissent. Despite these circumstances, and due to persistent research by human rights' groups around the world, some information has filtered through. What little is known about the gross violation of human rights in Burma is sufficient to appal the world.

The award of the Nobel Peace Prize to NLD leader Aung San Suu Kyi has further highlighted world attention on Burma's regime of terror. The time has come to focus that attention on those who, together, can dispel the state of fear. These include the United Nations, neighbouring states and regional groupings, donors and, in particular, multi-national companies which invest speculatively in Burma, the suppliers of arms, and other trading partners.

The purpose of campaigning by international human rights' groups must be to continue to document and publicise the crimes committed by Burma's illegal government, so that it becomes a question of conscience rather than commercial profit whether or not to continue to support such brutality (see Appendix 7). Ideally, Burma's economic relationships with the outside world should be conditional upon credible steps being taken towards democracy. The first step must be for the SLORC to honour the voice of the people which so convincingly elected a democratic party to power in 1990. Until this fact is recognised and implemented, a state of fear will prevail, and censorship will allow many thousands more to be imprisoned, tortured and killed.

Frances D'Souza

Director ARTICLE 19

10 December 1991

Abbreviations

ABSDF	All Burma Students Democratic Front
BSPP	Burma Socialist Programme Party
CPB	Communist Party of Burma
DAB	Democratic Alliance of Burma
KIO	Kachin Independence Organization
KNU	Karen National Union
LDC	Least Developed Country
LDP	League for Democracy and Peace
MIS	Military Intelligence Service
NLD	National League for Democracy
NMSP	New Mon State Party
NUP	National Unity Party
RHS	Rangoon Home Service
SLORC	State Law and Order Restoration Council
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNDP	United Nations Development Programme
WPD	Working People's Daily

1. Overview

"It is not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it."

Daw Aung San Suu Kyi

Burma (Myanmar*) has remained in a state of acute political and economic crisis since July 1988 when popular, student-led protests brought down the ruling Burma Socialist Programme Party (BSPP) government of the country's ageing military strongman, General Ne Win. Over 3,000 demonstrators were reportedly killed by the security forces during the brief "democracy summer" which abruptly ended on 18 September with a bloody military coup by Ne Win loyalists, headed by General Saw Maung. In the aftermath of the coup, a further 10,000 students and civilian activists fled into the sanctuary of borderlands controlled by various ethnic and communist insurgent movements which have been at war with the central government, virtually since independence in 1948.

The military State Law and Order Restoration Council (SLORC), brought to power by the coup, promised multi-party democracy would be restored, formally ending 26 years of one-party rule by the BSPP, once law and order had been established. The SLORC generals also announced an "open door" trade policy to restore the country's failing economy. The political

1 *Times Literary Supplement*, 12 July 1991.

* The renaming of Burma as "Myanmar Naing-Ngan" (Union of Burma) by the SLORC in June 1989, although recognised by the United Nations, has yet to become widely accepted colloquial usage and is not used hereafter. The complex rewriting of names would be confusing in a country report of this kind. The title is also rejected by many ethnic minority parties as the historic ethnic Burman name for their country.

repression, however, continued and in the following months thousands of political activists were arrested. Meanwhile, despite a series of ceasefires between the SLORC and insurgent forces in the Shan State, fierce fighting continued in many ethnic minority districts along the Thailand and China borders.

Prominent among those arrested during 1989 were many student activists and the first-line leadership of the National League for Democracy (NLD) which, with over two million members, was the clear favourite to win the promised elections. According to the League's youth leader, Nyo Aung Myint, who escaped to Thailand, the NLD was far more a "mass movement for democracy" than a simple political party.² Built around the popular personalities of Aung San Suu Kyi (the daughter of independence hero Aung San) and former Defence Minister U Tin Oo, the NLD leadership included many prominent journalists, writers, film directors and artists, among them U Ba Thaw (also known as Maung Thawka), U Win Tin, U Aung Lwin, Maung Moe Thu and Ma Theingi, all of whom were now detained.

Nonetheless, on 27 May 1990, more than 200 new political parties participated in elections to a new People's Assembly which, Saw Maung pledged, would have sole responsibility for forming a new government and drafting a new constitution.³ The election result, despite continuing arrests and severe restrictions on freedom of assembly and speech, was a landslide victory for the NLD, and a crushing defeat for the National Unity Party (NUP), the former BSPP, which the SLORC had openly backed.

Immediately following the polls, however, the army leaders declared a protracted transitional period, a National Convention and a new set of political conditions before any hand-over of power. In September 1990 the NLD's acting leader, ex-Colonel

² Interview, 1 December 1989.

³ See e.g., *Working People's Daily*, 10 January 1990.

Kyi Maung, was arrested on treason charges and a new round of political arrests began.

The democracy protests were briefly taken up by Buddhist monks in Mandalay, and in late October hundreds of monasteries were raided and dozens of monks arrested. Amidst widespread reports of torture and a massive security clampdown, a dozen MPs, headed by Dr Sein Win, escaped into insurgent-held territory along the Thai border where, in December 1990, they announced the formation of a parallel "National Coalition Government Union of Burma". Their first act was to declare a cease-fire with the country's largest insurgent front, the Democratic Alliance of Burma (DAB). By early 1991, over 80 MPs had been arrested and many were subsequently sentenced to 10-25 year jail terms.

As a sign of deepening international concern, the United Nations (UN) Economic and Social Council appointed an Independent Expert to investigate "a consistent pattern of gross violations of human rights" and, following a condemnatory report in February 1991, decided to keep Burma under review.⁴ The SLORC generals, however, citing the uniqueness of "Myanmar", insisted it was the historic duty of the *Tatmadaw* (Defence Services) to oversee any political changes and, in September 1991, warned that the SLORC might be in power for another ten years. The following month Aung San Suu Kyi, who was then (and as of December 1991 remains) under house arrest in Rangoon, was declared the recipient of the 1991 Nobel Peace Prize.

4 United Nations Economic and Social Council, Commission on Human Rights, *Study of Situations Which Appear to Reveal a Consistent Pattern of Gross Violations of Human Rights* (Geneva, 15 February 1991).

5 Rangoon Home Service (henceforth RHS), 8 September 1991, in BBC, *Summary of World Broadcasts* (henceforth SWB), 11 September 1991.

State of Fear

Multi-party democracy was still promised. Nonetheless, after three years of upheaval, bloodshed and expectation, the military still holds power, the country remains under martial law, and the same group of Ne Win loyalists remains in control of all institutions as well as all aspects of civil society.

2. Country Profile

Located between the borders of Bangladesh, India, Tibet, China, Laos and Thailand, Burma is a country of great ethnic diversity. Over 100 different languages and dialects have been identified in Burma. The rugged horseshoe of mountains surrounding the central Irrawaddy plain plays host to an extraordinary variety of different ethnic sub-groups and cultures. These range from the once head-hunting Was and "giraffe-necked" Kayans in the eastern mountains to the Salums or sea-gypsies of sub-tropical Tenasserim.

Ethnic statistics are contentious and there has been no attempt to take a proper population count since the last British census of 1931.⁶ Today ethnic Burmans are generally adjudged to make up some two-thirds of Burma's estimated 42 million population, but there are many Burmese-speakers, such as the Tavoyans, who also claim a separate nationality.**

At present, under the 1974 Constitution, the political map marks seven divisions, largely inhabited by the Burman majority, and seven ethnic minority states - the Chin, Kachin, Karen, Kayah (Karenni), Mon, Rakhine (Arakan) and Shan. There are, however, large minorities, such as the Lahus, Nagas and Was, without any geographic representation at all and, intermingled in many communities, there are an estimated 1.5 million Chinese, Tamils, Bengalis and other minorities of Indian origin. Since 1988 the SLORC has promised to make adjustments to the internal

6 For a discussion see, Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London, Zed Books, 1991) pp. 29-38.

** The terms Burman and Burmese are confusing and often used interchangeably. But generally "Burman" is used to describe the majority ethnic group and "Burmese" for language or citizenship, i.e. somebody can be ethnic Mon but a Burmese citizen.

boundaries within Burma but has taken no concrete steps to do so.

Over 80 per cent of the population practise *Theravada* Buddhism. Burma is also home to over two million Muslims, with large concentrations in Arakan, and there are substantial Christian communities across the country, mostly amongst the ethnic minority Chins, Kachins and Karens.

Burma's turbulent history reflects this complex ethnic balance. Annexed into the British Empire in three wars between 1824 and 1886, until 1937 Burma was governed as a province of India. Administration, however, was divided between two divisions - Ministerial Burma and the ethnic minority Frontier Areas. The country then suffered enormous death and destruction during the Second World War when Aung San, Ne Win and the heroes of the national liberation movement at first fought on the Japanese side, while the Karens, Kachins and other hill peoples largely stayed loyal to the British. It was thus only at Independence in 1948 that the two halves were brought together and Burma was fully incorporated into its present form.⁷

In many ways Burma's economy has never recovered from the devastation and traumas of the Second World War. The Communist Party of Burma (CPB) went underground in March 1948, the Karen National Union (KNU) in January 1949, and they were followed by a host of other ethnic and political movements around the country. Vast areas of the country remained off-limits in the parliamentary era of the 1950s, and during a quarter century of one-party rule by Gen. Ne Win's BSPP no proper infrastructure ever developed.

Nonetheless, despite an average per capita income of just US\$240 per annum, Burma remains a country of enormous potential. At 50 people per square kilometre, population density

⁷ Ibid., pp.40-87.

is low by Asian standards. Over 80 per cent of the population lives in rural areas, but less than 20 per cent of the land area is cultivated. Though exports have collapsed in recent years, rice remains the main agricultural crop, farmers practising wet-rice cultivation on the plains and slash-and-burn dry-rice cultivation in the hills. Other important crops include oilseeds, groundnut, jute and cotton.

The country is richly endowed with other natural resources including extensive oil and gas deposits as well as wolfram, antimony, jade and precious stones, and there are large marine and forest reserves. All of these were relatively unexploited until the upheavals of 1988.

3. The Background to Crisis

When Burma was accorded Least Developed Country (LDC) status at the UN in December 1987, it was the first, if much belated, international recognition of the country's alarming decline. Undoubtedly one of the most fertile and mineral-rich countries in Asia, Burma was now classified alongside Ethiopia, Chad and Nepal as one of the world's ten poorest nations. Indeed, so embarrassing was this move that the BSPP government waited four months to announce the news to its own people.

Such secrecy had long been one of the hallmarks of the Ne Win regime which, in a quarter century of disastrous economic mismanagement and ruthless political repression, had presided over this precipitous decline. However, the call for international help came too late to save the BSPP. Although anger at the brutality of the army's tactics was undoubtedly a powerful factor behind the speed with which the democracy protests escalated, fuelling many citizens' concern was alarm at the speed with which their country had plummeted to the bottom of the world economic league table. By the month new and virtually unreported crises were arising which were evidence of a country which could no longer cope.

Tragically, none of these issues has been resolved in the hard years since. For, while it is the continuing political and constitutional crisis in the cities which has received the few international headlines there have been, Burma's grave problems have only continued to mount. A news black-out has once again been imposed, preventing any investigation or discussion of the real issues that lie behind the current malaise. All of these, without solution, are likely to threaten instability to Burma and its neighbours for many years to come.

There are presently five major areas of concern that are evidence of a country which has come perilously close to the brink of collapse.

3.1 Economic and Social Collapse

The economic crisis underpins Burma's decline and has become closely tied to the question of international recognition. Following two demonetizations of the Burmese currency in the mid-1980s, Burma was bankrupt at the time of its acceptance to LDC status in December 1987. Average per capita income was just US\$200 per annum, and foreign exchange holdings were less than US\$20 million against an external debt approaching US\$5 billion. Once the world's largest exporter of rice, Burma was now forced to import supplies.

Normally the admission to LDC status would entitle a country to automatic financial privileges, including the write-off of all debts, but virtually all Western aid was cut off in 1988 in protest at the shooting of hundreds of unarmed demonstrators. Most countries have subsequently made any resumption of aid conditional on political reform, the freeing of all political prisoners and recognition of the election result. This stand has been supported by the NLD.

As part of its "open door" economic policy, the SLORC has raised some funds, including "signature money" for exploration contracts from Western oil companies. Virtually all new foreign revenue (an estimated \$750 million in 1989-90), however, has been spent on the military, which has increased in size from some 190,000 to 250,000 men under arms since the coup.⁸

An impasse thus exists, while all the time social conditions, unwitnessed by the outside world, continue to deteriorate.

8 Martin Smith, "The Burmese Way to Rack and Ruin", *Index on Censorship*, November 1991, pp. 43-45.

Inflation is rampant; although prices of many goods, including eggs, cooking oil and everyday foodstuffs, have increased by as much as 800% since 1988, the wages of most workers remain little changed. Infant mortality is rising, maternal mortality rates are now amongst the highest in Asia, and severe cases of malnutrition have been reported in Rangoon hospitals.

A stark warning of how a disaster could strike Burma unnoticed came in the 1991 monsoon season when massive floods hit the country. The full extent of the damage can never be counted. But in the Irrawaddy Delta alone, State radio reported over 200,000 people were made homeless, while in insurgent-controlled territory in the Kachin State at least 83 people were killed when floods washed away 22 villages and a hospital.⁹ News slowly emerged of dozens more deaths in the Karen State and the destruction of many villages in the Chin Hills, but the peoples of Burma had to overcome these tragedies without any real international relief. (Small emergency funds were belatedly made available by UN agencies and the European Community. These were controlled entirely by the SLORC which later attacked or bombed villages in several of the flood-damaged areas where insurgent forces were operating.)

3.2 Ethnic Strife and Civil War

Another important cause of social collapse is the continuing state of ethnic and civil armed conflict which is taking a heavy toll of human life. In a country with no external enemies over 40 per cent of the national budget is today spent on defence. Burma undoubtedly has a greater variety of insurgent armies and ethnic militia forces than any other place on earth. Much of the fighting occurs in remote ethnic minority regions of the country and there are no accurate casualty figures. Opposition leaders estimate

⁹ RHS, 6 August, in BBC, *SWB*, 9 August 1991; *Kachinland News and Information*, 20 July 1991.

there are at least 10,000 fatalities a year, a figure confirmed by the SLORC chairman Gen. Saw Maung in a rare moment of *glasnost* in January 1990 when he put the death toll since Independence as "... high as millions, I think. Indeed, it really is no good".¹⁰

Insurgent politics have reflected the turmoil of the national political scene since 1988. Following the collapse in 1989 of the 15,000-strong People's Army of the CPB due to ethnic mutinies, the DAB has become the main armed opposition force confronting the SLORC, which quickly agreed ceasefires with the CPB mutineers. Consisting of the National Democratic Front, an alliance of up to a dozen ethnic minority armies set up in 1976, and ten opposition forces from the cities formed in 1988, the DAB's goal is the creation of a federal Union of Burma.

Although these wars are virtually unwitnessed by the outside world, government forces have been accused of atrocities and human rights' abuses against civilian villagers in a brutal but systematic counter-insurgency campaign known as the *Four Cuts*. (This is a military offensive, similar to the Strategic Hamlet policy used by the United States in Vietnam, designed to cut all links - financial, food, intelligence and recruits - between local villagers and insurgent forces.) Heavy fighting has continued since the September 1988 Saw Maung coup and hundreds of villages have been destroyed in efforts to force villagers to relocate closer to government-controlled towns.¹¹

10 Smith, *Burma*, pp.100-101.

11 Asia Watch, *Human Rights in Burma (Myanmar)* (New York, 1990), pp.47-68; Amnesty International, *Myanmar (Burma): Continuing Killings and Ill-treatment of Minority Peoples* (London, 1991); Smith, *Burma*, pp. 258-62, 408.

3.3 Narcotics and AIDS

Narcotics is a twin problem to insurgency and remains equally unreported. Corruption follows every step of the trail and death threats have been issued against journalists who have tried to investigate the trade. Burma today is the source of an estimated 90 per cent of the raw opium cultivated in South-east Asia's Golden Triangle region and is the main refining centre for illicit heroin and morphine. As Burma's poverty worsens, so opium production continues to soar. Since the Saw Maung coup, the annual opium harvest is estimated by the US Drug Enforcement Agency to have more than doubled to anywhere between 1,500 and 2,500 tons, making Burma (along with Pakistan) the world's largest producer of illicit heroin. This is causing increasing problems for all of Burma's neighbours, especially Thailand and China which lie on the traffickers' main routes.¹²

Concern has also been expressed over the SLORC's public ceasefires with several former CPB militia heavily involved in the narcotics trade in the Shan State. A particular source of alarm has been the spread of AIDS which is endemic amongst intravenous drug-users in the region. Vast areas of the country are inaccessible and no field studies are permitted, but local health workers believe the rate of HIV infection is spreading rapidly, unpublicized and unresearched, into the rest of the community through blood transfusions, sexual intercourse, prostitution and other means.

3.4 Ecology

Desperate for foreign exchange, the SLORC has sought to bail itself out of its financial crisis by embarking on a rush policy of selling the country's natural resources abroad at bargain prices.

¹² United States General Accounting Office, *Drug Control: Enforcement Efforts in Burma Are Not Effective* (USGAO), Washington, 1989); *Far East Economic Review* (henceforth *FEERj*, 22 March 1991).

Appalling environmental consequences are already apparent. Fish stocks in the Andaman Sea have been seriously depleted since 1988, at the hands of large-scale foreign (largely Thai) fishing fleets, putting many local Burmese fishermen out of business. In the same period, great swathes of virgin forest inhabited by minority peoples along the Thai and Chinese borders have disappeared. By some estimates, within ten years Burma's teak forests, once the largest in Asia, will have been destroyed.

Again, most of these developments have gone unreported. Many of the logging companies are owned by powerful business interests closely connected to senior military officers in neighbouring Thailand. There, years of uncontrolled felling led in late 1988 to a total logging ban after a series of natural disasters in which over 350 people died. Local journalists, such as Chatcharin Chaiwat of the Bangkok weekly, *Khao Pises*, who have tried to write about this new trade, have been threatened and attacked.¹³ As with narcotics, the obsessive secrecy of Burma affects its neighbours. In September 1991 Professor Sulak Sivaraksa, a prominent Buddhist scholar, was forced to go into hiding and leave Thailand altogether after he made a speech at Thammasat University criticising the logging trade and the close relationship between the SLORC and Thailand's new "National Peace Keeping Council" government, headed by General Suchinda Kra-prayoon, which seized power in a military coup in February 1991.

3.5 Refugees

In the wake of the fighting in the countryside and the continuing clampdown in the cities, there has been a growing exodus of refugees and political exiles from Burma. This is bringing problems for all its neighbours. There are over 50,000 ethnic Kachin refugees along the China border and, according to official figures,

¹³ *FEER*, 22 February 1990

over 55,000 refugees (mostly ethnic Karens and Mons) in camps in Thailand. In March 1991 over 25,000 Muslims were also reported to have fled into Bangladesh amidst allegations of rape, extrajudicial executions and the forcible relocation of villages by the *Tatmadaw* in the Buthidaung-Mayu River regions.¹⁴

These figures are just the tip of the iceberg. Hundreds of thousands of villagers have been displaced inside Burma by the fighting, and thousands more have secretly left the country to begin new lives abroad. In May 1991 the Thai Army announced its intention to expel 30,000 Burmese refugees working illegally in the Mae Sot area alone, while the UN High Commissioner for Refugees (UNHCR) in October 1991 reported that 3,375 Burmese exiles (mostly students) had sought political asylum in Bangkok since 1988. Of these, 1,615 cases have so far been accepted by the UNHCR as "persons of concern". Their future, however, remains uncertain and the Thai authorities have announced plans to set up a large holding camp near the Burma border. In August 1991 there was an international outcry after one student was shot dead by a Thai policeman and over 40 others were forcibly deported back to Burma.¹⁵ Despite this concern, on 4 November another student, 18 year-old Ye Soe Aung, was reportedly killed by Thai policemen near Nat Ein Daung in what many refugees fear is the beginning of a campaign of harassment prior to mass repatriations.

A particularly disturbing trend since 1988 has been the growing number of Burmese and hill-tribe women and girls lured or sold into prostitution and semi-slavery in Thailand. The same veil of secrecy hides this traffic. In a July 1991 submission to the UN Working Group on Contemporary Forms of Slavery, however, the Anti-Slavery Society reported over 1,500 Burmese women and

¹⁴ *Newsletter of the Rohingya Solidarity Organisation*, July-August 1991.

¹⁵ Amnesty International, *Thailand: Concerns About Treatment of Burmese Refugees* (London, 1991).

girls, many brutally treated and held in a form of debt bondage, were working in the southern Thai town of Ranong alone.¹⁶

Despite promises by the SLORC of amnesties for "misguided" political refugees who return home, many have subsequently been arrested, tortured or disappeared.¹⁷ Prison sentences have also been introduced by the SLORC for citizens who illegally leave the country for economic reasons. In a public warning in July 1991, State radio reported that over 200 migrants caught returning from Thailand had been sentenced to six months' imprisonment or 1,500 kyat fines, after interrogation by the security forces had established that they were not insurgent supporters.¹⁸

The similar large-scale movement of refugees and migrants along the Bangladesh, India and China borders remains largely undocumented, although in late November 1991 the SLORC and Bangladesh governments agreed the repatriation to Burma of up to 40,000 Muslim refugees who had recently fled the country.

3.6 The Issue of Human Rights

For many Burmese citizens, if there is one key to all the above crises, it is the single issue of human rights. This is the issue which Aung San Suu Kyi has restored to the political vocabulary of Burma, and it was on this issue that the NLD fought and won the 1990 election. In Burma today the expression of every basic human right - to freedom of speech, association, assembly and movement, and to a fair trial - is being denied. As Aung San Suu Kyi repeatedly stated before she was arrested in July 1989, until

16 United Nations Economic and Social Council, Commission on Human Rights (Geneva), *Statement by Anti-Slavery International, July 1991*.

17 E.g., interview (21 November 1990) with Maung Maung Lwin, Rangoon University history major, who was arrested and tortured in July 1989 after being repatriated from Thailand in December 1988.

18 RHS, 2 July, in BBC, *SWB*, 5 July 1991.

State of Fear

these rights are restored, none of the great crises facing the country will ever be resolved. There can be no serious debate, she said, while the country lives in a state of constant fear: "With so close a relationship between fear and corruption, it is little wonder that in any society where fear is rife, corruption in all forms becomes deeply entrenched".¹⁹

The world-wide significance of Aung San Suu Kyi's struggle, always pursued through non-violent means, has been honoured with a series of international human rights' awards, including the 1990 Sakharov Prize for Freedom of Thought and the 1991 Nobel Peace Prize. The Nobel Committee described her as "one of the most extraordinary examples of civil courage in Asia in recent decades. She has become an important symbol in the struggle against oppression."

¹⁹ *Times Literary Supplement*, 12 July 1991.

4. Development of the Press in Burma

4.1 The Colonial Era

Burma is a highly literate country with proud educational traditions that reflect the ethnic diversity of the country. Western-style newspapers, such as the English-language *Rangoon Gazette* and *New Times of Burma*, were introduced to Burma by the British in the 19th century and were followed by a host of locally-produced magazines and journals. A Karen newspaper, *The Morning Star*, established in Tavoy in 1841, was, until closed down by Gen. Ne Win shortly after he seized power in 1962, the country's longest-running vernacular newspaper. The first Rakhine newspaper was produced in Arakan in 1873 and was soon followed by Burmese-language publications in Rangoon and Mandalay.

As resistance to British rule grew, publishers, artists and writers increasingly reflected the nationalist cause. In 1914 the famous novel, *Shwei-pyi-zo* by U Lat, was published which expressed the concern many Burmese citizens felt at the threat posed to their culture and traditions by Western ideas and rule. The same year the newspaper *Myanmar Alin* (*New Light of Burma*) began circulation and was for many years managed by U Tin, who became a minister in Burma's first government at independence in 1948. Another popular publication was the *Deedok* journal, edited by U Ba Choe who was assassinated with Aung San in July 1947. But it was the near legendary student magazine, *Oway*, of the 1930s, set up by Aung San himself, which came to symbolize the freedom struggle for many Burmese citizens.

4.2 The Parliamentary Era

This diversity of the press continued after independence under the country's first prime minister, U Nu, who was himself a prolific writer and author. In the parliamentary era of the 1950s Burma's press was one of the most free in Asia, with more than 30 daily papers, including six in Chinese, three in English and several in Indian languages. They reflected a broad spectrum of political opinion and, though usually sympathetic to a particular party or faction, many remained quite independent of the government. The one attempt to impose severe restrictions on the press in August 1954 was repulsed when the Burma Journalists' Association organized a united protest.²⁰

There were, however, frequent confrontations over press coverage of the insurgencies, and it was over this issue that press freedom was for the first time strictly curtailed under the "Military Caretaker" administration of Gen. Ne Win of 1958-60 when the *Botahtaung*, *Kyemon* and *Rangoon Daily* newspapers were all closed down and their editors jailed for suspected communist sympathies or alleged anti-army reporting.²¹

This administration was to prove a trial run. Just two years later, in March 1962, tanks rolled into the streets and Ne Win seized power in a military coup. U Nu and his Cabinet were arrested and the parliamentary era was brought to an abrupt end.²²

20 Hugh Tinker, *The Union of Burma* (Oxford University Press, 1967) p.78.

21 Smith, *Burma*, pp 179-80

22 In his last period of office (1960-62) U Nu also took punitive action against the press, expelling the prominent Anglo-Burman journalist Max McGrath who had warned (correctly) of the dangers of a military coup, and temporarily closing the *Htoon Daily* and detaining its editor, U Htun Pe.

5. The Legacy of the Burma Socialist Programme Party (BSPP)

5.1 The Ne Win Period

Under Ne Win, Burma became one of the most secretive and hermetically sealed countries in the world. Foreign journalists and publications were banned and the few international visitors were restricted to Rangoon, Mandalay and a handful of other government-controlled towns. As the one-party rule of the BSPP was imposed, thousands of politicians, ethnic minority leaders and trade unionists from the 1950s were imprisoned without trial.

The vague rhetoric of the *Burmese Way to Socialism* never disguised the military character of Ne Win's rule. From the township and divisional levels right through to the BSPP Cabinet, all key positions were filled by active or retired military officers, and only one civilian of any note, the lawyer Dr Maung Maung, ever served in the higher ranks of the BSPP.²³

No section of the community was to escape Ne Win's attempt to fundamentally restructure Burmese society on monolithic lines. Agents of the Military Intelligence Service (MIS) infiltrated into every area of national life and all opposition was ruthlessly crushed. As Ne Win graphically reminded the Burmese people in his 1988 resignation speech, "When the army shoots, it shoots to hit".²⁴ Dozens of students were killed when troops opened fire on demonstrators at Rangoon University in 1962, and when fresh

²³ Smith, *Burma*, pp 198-206.

²⁴ The Guardian (London), 26 July 1988.

protests erupted (notably during disturbances over former UN Secretary-General U Thant's funeral in 1974), the army did not hesitate to use live ammunition.

All trade unions (which had flourished during the 1940s and 1950s) were forcibly disbanded and replaced by mass BSPP-controlled worker and peasant organizations. In 1962 the Buddhist clergy were also ordered to join a national register; many refused on religious grounds, and dozens were arrested in mass protests in 1965 after Ne Win created a central All Buddha *Sasana Sangha* Organization. It was not until the late 1970s that the clergy was fully brought under the control of the Ministry of Home and Religious Affairs.

Meanwhile, in the countryside, following the breakdown of peace talks in 1964, the army mounted all-out offensives to try, once and for all, to end the insurgencies, and in 1968 the notorious *Four Cuts* campaign was formally unveiled.²⁵

5.2 The Media Under Ne Win

From the beginning of his rule, the press was one of the main targets of Ne Win's campaign. One month after the army seized power in March 1962, journalists formed the Burma Press Council to try and preserve press freedom through a voluntary code of ethics. However in 1963 several newspaper editors, including U Law Yone, the internationally respected editor of the *Nation*, were arrested, and the Ministry of Information began publication of *Forward Weekly* and *Working People's Daily (WPD)* (*Loktha Pyeithu Neiziri*) as the official mouthpieces of the BSPP.

Dissent was quickly quashed. For example, when a monk, Shin Ottama, placed an advert in the Mandalay paper, *Baho-si*, objecting to the BSPP's Buddhist *Sangha* (Order) registration campaign, he was arrested, together with the editor and the

²⁵ Smith, *Burma*, pp. 202-12, 258-62.

owner, and the paper was closed. Finally, in September 1964, all the remaining newspapers, including the left-wing *Kyemon* and *Botahtaung*, were shut down. Those that reopened were nationalized and allowed "freedom of expression only within the accepted limits of the *Burmese Way to Socialism*"²⁶

By 1988 only six papers were left (of more than 30 when Ne Win came to power): the *Loktha Pyeithu Neizin*, *Kyemon*, *Myanmar Alin* and *Botahtaung*, and two English papers - the *WPD* and *Guardian*. All were printed in Rangoon and were virtually indistinguishable in news reporting. They largely republished army or BSPP directives issued through the official News Agency of Burma and only feature articles varied. (Burma's last provincial daily, the *Hanthawaddy*, edited by U Win Tin in Mandalay, was closed down by Ne Win in 1978, suspected of communist sympathies, when it printed an article to which he objected.)

5.3 The 1974 Constitution

Totalitarian safeguards permeate the 1974 Constitution, which was suspended in 1988. The federal principles of the 1947 Constitution were completely abandoned. Instead, the principle that Burma become a one-party state was enshrined as the BSPP's main article of faith (Art.11), and all forms of expression were subject to broad limitations. For example, although there are clear guarantees for the basic rights of all citizens before the law "regardless of race, religion, status and sex" (Art.22), the exercise of such rights must not be "to the detriment of national solidarity and the socialist social order" (Art. 153b).

Similarly, Article 158 guarantees citizens "freedom of association, assembly and procession" and the right to "freely take part

26 Anna Allott, "Prose Writing and Publishing in Burma: Government Policy and Popular Practice", in Tham Seong Chee (ed.), *Essays on Literature and Society in Southeast Asia* (Singapore University Press, 1981) p.19.

in political, social, class and mass organizations", but these must be "permitted by law". Article 157 declares:

"Every citizen shall have the freedom of speech, expression and publication to the extent that such freedom is not contrary to the interests of the working people and socialism."

5.4 The Publishing Registration Law

The main instrument of BSPP control of the media was the 1962 Printers and Publishers Registration Law, still in force today, under which "Publications" or "Press Scrutiny Boards" were established to monitor every aspect of the written word, including song lyrics, film and, later, video scripts. These boards govern not only the text, language and subject of all books and publications, but even the numbers printed. Another 1977 press directive, from which periodicals are exempt, requires manuscripts to be submitted for inspection.

Under the BSPP, all books were additionally expected to foster "socialism" and "Burmese culture" and were adjudged for literary awards. Until 1988 an average 1,800 titles passed the censors each year, but with print and paper always in short supply, only print-runs of 2,000-3,000 copies were usually permitted.

5.5 Alternative Expression

To circumvent these tight restrictions, writers and artistes in Burma have had to become adept at trying to beat the censors (for the insurgent press - see 9.9). Since no news reporting has been permitted, literary periodicals and magazines became extremely popular. Several monthly fiction magazines, such as *Myawaddy* and *Ngwetayi*, were State-owned under the BSPP, but the rest (some 20-30 titles) were privately-owned. Their titles, however, have changed frequently. Censorship is normally conducted only after a manuscript is complete, ensuring extra caution by editors who face financial ruin if any part of their material

is banned. A popular style in short stories has thus developed since these are easier to remove and replace.

Musicians have shown similar ingenuity. For example, in the 1960s after Ne Win banned all Western music as "decadent", a popular underground culture known as "stereo" music sprang up to compete with the stylized "mono" music played on State radio. Despite frequent bans on their material, one group which broke through to popular acclaim was the *Thabawa Yinthwenge* ("Wild Ones"), a band of Mandalay University students formed in 1973 by a young Shan, Sai Hti Hseng. Their songs with a discreet social message became countrywide hits. One of the most famous was a song named after the band:

*"If you believe in tomorrow more than today
Then you can come to where
Hope is the thing If you're the one who seeks to live a
better way
Then you can hear the Wild Ones sing."²⁷*

Those who have sought to circumvent the press laws have faced considerable risks. Allegations of the torture and ill-treatment of writers were commonplace in the days of the BSPP. According to U Win Khet, whose popular bi-monthly journal, *Shu Daunt*, was closed down in 1971 after he printed a poem which the BSPP objected to:

*"And what did the Ne Win regime do to me? They tortured me
in the easiest way. They hit me hard on the head with a wooden stick.
Since that time I have suffered from nervous illnesses ... They have
tortured in the past, and they are torturing still."²⁸*

27 B. Lintner, "Politics of Pop", *FEER*, 22 June 1989, p.40.

28 U Win Khet, *The Eastern Yoma Bulletin*, March 1991, p.5.

5.6 Ethnic Minorities and Burmanization

One section of the community particularly hard hit by the BSPP's draconian publishing laws was the country's restive ethnic minorities. In the face of such obvious ethnic diversity, Ne Win embarked on what minority leaders allege was a straightforward policy of "Burmanization". Although Article 153b of the 1974 Constitution guarantees the right of every citizen to "freely use one's language and literature", and Article 152b allows for minority languages to be taught in schools, under the BSPP the status of ethnic minority languages was so downgraded as to put minority citizens at a great disadvantage. The Chin and Kayah States, for example, have always scored at the bottom of Burma's educational league table with few indigenous Zomi or Karenni students completing 10th grade.

Licenses to publish Indian and Chinese-language papers were discontinued in January 1966 and, following the nationalisation of all schools, minority languages are today rarely taught or used beyond 4th grade in school. Minority writers, in particular, struggling to increase production of their own little-published languages, have repeatedly run foul of the Press Scrutiny Boards. Until today minority literature (except for the thriving underground press - see 9.9) has largely been restricted to folksy or domestic magazines, such as the Karen *Our Home* and *Go Forward*.

Another casualty of the BSPP's promotion of Burmese has been the English language whose continued usage was guaranteed - after Burmese - in the 1947 Constitution, partly to placate minority fears of Burman cultural domination. In 1966 the Chair of English at Rangoon University was abolished and English was reduced to the status of a minority subject in schools. Following a dramatic collapse in standards which adversely affected Burmese students (including members of Ne Win's family) going to study abroad, in the early 1980s English was restored in all primary schools but levels of competence remain extremely low.

In general, any discussion of ethnic minority issues was overshadowed by the various internal ethnic wars. While the BSPP claimed, despite much evidence to the contrary, to be championing the rights of minorities to the free expression of their languages and cultures, little attempt was made to conceal a long-term campaign to reduce ethnic Indian and Chinese influence in Burma. An estimated 300,000 Indians and 100,000 Chinese left Burma during the nationalization programmes of 1963-67, and dozens, possibly hundreds, of Chinese were killed or injured in officially-inspired riots which broke out across the country in mid-1967. This led to a complete breakdown in relations between Beijing and Rangoon and to China's full military backing of the CPB.²⁹

5.7 Religious Minorities

Though freedom of religion was technically permitted under the 1974 Constitution, like the Buddhist clergy, religious minorities found their movements curtailed. The publication and distribution of Christian literature, including the Bible, continues to be restricted. The Press Scrutiny Boards have complained to pastors, for example, over the militant language of the Old Testament which, they claim, is an incitement to rebellion by ethnic groups such as the Chin, Kachin and Karen.

Following the Ne Win coup, a number of elderly foreign missionaries were permitted to remain in Burma, but new arrivals were halted, Church schools were nationalized, and all other foreign church workers and their families were deported. Tight restrictions were also put on the freedom of travel for Christian leaders inside Burma and few were officially allowed to leave the country for international meetings. Church workers in the war-zones, in particular, faced considerable dangers and were warned not to visit or contact communities suspected of

²⁹ Smith, *Burma*, pp.219, 224-7

supporting insurgent forces. In the past 30 years many have died in the cross-fire. As a result, in areas controlled by the KNU, Kachin Independence Organization (KIO) and Karenni National Progressive Party, a number of self-supporting churches, mostly Baptist-aligned, have developed and established their own mission schools.

Buddhist monks have complained of similar harassment and, amongst minorities such as the Karens, Mons, Shans and Rakhines, have tried to maintain monasteries on both sides of the battle-lines, including in areas run by the CPB.

The Muslim community has made the most serious allegations of official persecution. In 1978 Arakan was the scene of one of the greatest refugee exoduses of modern times when over 200,000 Arakanese Muslims (sometimes also known as Rohingyas) fled into Bangladesh during the government's *Nagamin* census operation amidst widespread reports of army rape, torture and killing and the desecration of mosques. Though most were later allowed to return, a continuing stream of refugees have alleged that the army has a hidden agenda to clear north Arakan of its Muslim majority. In 1983 several hundred Muslim refugees also fled to the Thai border after an outbreak of anti-Muslim riots in Martaban, Moulmein and several towns in southern Burma in which a number of mosques were reportedly destroyed.³⁰

Another grievance of Muslims has been the strict conditions and limits put on the number of Burmese citizens allowed to perform Hajj each year. MIS agents have allegedly secretly followed those given permission to leave for Saudi Arabia and Hajjis have been arrested and interrogated on their return.

30 Ibid, pp.241, 400.

5.8 Literacy

Burma has long prided itself on its high literacy levels and under the BSPP twice won UNESCO prizes for special literacy campaigns. In 1987, however, in atypical manipulation of statistics for which the BSPP was notorious, the previously reported adult literacy rate of 78.6 per cent was dropped to just 18.7 per cent. This was apparently to comply with the strict condition of less than 20 percent literacy in order to be admitted to LDC status at the UN. To explain the drop, BSPP officials argued (unconvincingly) that earlier figures were based on citizens who completed monastic education and could not be regarded as functional literacy for development purposes. In fact, literacy rates vary greatly from one part of the country to another and there are many remote ethnic minority regions where villagers do not speak Burmese at all.

6. The Press in the 1988 Democracy Summer

In a brief cultural renaissance during the democracy uprising of 1988 an extraordinary array of new papers and publications blossomed across the country, demonstrating that Burma's free press traditions were far from dead. More than 40 new newspapers were produced in Mandalay alone. These ranged from *The Call*, published by the Mandalay Strike Committee, to the *Ain Daw Ya* of the monks Sangha Union. In Rangoon over 50 new news-sheets were produced. Most were news-sheets representing the views of the fledgling political fronts, but others were more sophisticated. The *Ahyoung Thit* (*New Colour*), for example, published by the Artists' and Cartoonists' Union of Burma, contained biting satires on the BSPP and the tumultuous political scene. Even the State-run *Guardian* and *WPD* began to report the news more accurately.

With the Saw Maung coup of 18 September 1988, all were forced to cease publication and many writers, including the veteran *Myawaddy* magazine writer U Ye Gaung and popular cartoonist Ko Ko Maung, fled into insurgent-held territory to avoid arrest. With them they brought copies of the new democracy papers, some of which have been stored in archives to await political change at home.³¹

31 The British Library in London has collected issues of 99 different magazines and newspapers from the democracy summer and 100 other documents in various formats; see Anna Allott, "The Media in Burma and the pro-Democracy Movement of July-September 1988", *South-East Asia Library Group Newsletter*, December 1990, pp. 17-38.

7. The State Law and Order Restoration Council (SLORC)

"In political tactics, there are such things as dialogue and so forth, but in our military science there is no such thing as dialogue. Someone might say, "Look friend, please do not shoot." Well that is not the way it works."

Gen. Saw Maung, SLORC Chairman.³²

7.1 SLORC Claims of Legitimacy

Since seizing power, the SLORC generals have consistently described themselves as an interim, military body with no political self-interest or ambition - only the historic duty to oversee the transition of "Myanmar" to its third constitution since independence. At the same time they have designated three major areas - "national security", "national sovereignty" and the "unity of races" - as the army's exclusive preserve and continue to warn that they will interfere in the political process whenever and wherever they feel these interests are threatened.³³

They claim their legitimacy from the armed forces or *Tatmadaw*, which they say is "born of the people" and its founder Aung San. Speaking three years after the coup, Major General Tin Oo (the SLORC Secretary 2) explained:

³² *Bangkok Post*, 13 November 1990.

³³ See e.g. the speech of Saw Maung, 30 May 1990, reported in *WPD*, 31 May 1990, hundreds of copies of which were distributed by Burmese embassies abroad.

"I will take this opportunity to say once again that SLORC, the Defence Service, does not back nor accept the guidance or leadership of any party or organization. It must be clearly seen and understood that the SLORC government is a military or public service government that stays clear of party politics."³⁴

While all references to socialism have been dropped and economic change is slowly underway, the style and manner of the SLORC is little different from the BSPP. The SLORC leaders are all Ne Win loyalists and BSPP veterans, and Ne Win himself, who publicly advocated economic reform at his resignation in July 1988, is widely believed to be pulling all the strings from behind the scenes. Indeed Gen. Saw Maung was the BSPP's last Minister of Defence.

This explains the contradiction, often confusing to foreign observers, between the SLORC's public promises of "multi-party" democratic reform and the severity with which opposition has been crushed. Leaked documents on the eve of the Saw Maung coup have shown that the main object of the present *Tatmadaw* leadership is to remain in control of the political process at this crucial transition period, which is likely to shape Burma's history well into the 21st century.³⁵ Fear of revenge from the people is undoubtedly a powerful, motivating force; in 1988 several dozen police and MIS agents were killed and there were many calls to put army leaders on public trial.

Lacking any constitutional basis, the SLORC describes itself as a *de facto* government, recognized by the UN. As a further justification to its hold on power, the SLORC has frequently warned of both left-wing and right-wing plots, involving various insurgent forces, which continue to threaten the sovereignty of Burma. The basis of these allegations is set out in two contradictory books produced in August and September 1989 by the MIS

34 RHS, 8 September, in BBC, *SWB*, 11 September 1991.

35 Smith, *Burma*, p12.

chief, Brigadier General Khin Nyunt. Playing down the ethnic mutinies which had caused the CPB's People's Army to collapse earlier that year, the first book, *Burma Communist Party's Conspiracy to Take Over State Power* (commonly known as the "Red Book"), blamed all the upheavals and protests of 1988 on the underground CPB which, Khin Nyunt claimed, had now also infiltrated the senior ranks of the NLD.³⁶ Five weeks later, however, this version of events was confused by the publication of *The Conspiracy of Treasonous Minions Within the Myanmar Naing-Ngan and Traitorous Cohorts Abroad* (or "Green Book"), which instead placed the blame on a complex web of rightist, expatriate and foreign organizations, including the BBC. (In December 1990 a second Red Book was published, once again putting the blame back on the CPB.)

Both NLD and insurgent leaders have denied these charges, but they have frequently been repeated by the SLORC and hundreds of citizens have been arrested for their alleged involvement in one or the other of these twin conspiracies.

7.2 SLORC's Use of the Law

The SLORC has been assiduous in its invocation of the law as the basis for all its actions and has used the rationale of "law and order" to employ an intricate labyrinth of laws, both past and present, to restrict freedom of speech and assembly. Where these laws fail, it has declared catch-all martial law decrees. Sentencing has also been increased under many existing laws.

While the SLORC has promised far-reaching reforms and has sought to disassociate itself from its BSPP past, it nonetheless has largely maintained the laws and edicts of the BSPP era. On the day of the coup the SLORC abolished all existing legal institutions. But on 26 September 1988 a Judicial Law

³⁶ Ibid., pp.365-73.

re-established courts at various levels and a number of legal principles, including the rights of appeal, public trial and defence. Under the SLORC, the most commonly employed laws have been the 1923 Official Secrets Act, the 1950 Emergency Provisions (or Measures) Act, the 1957 Unlawful Associations Act, the 1962 Printers' and Publishers' Registration Law and the 1975 State Protection Law (also known as the "Law to Safeguard the State From the Dangers of Destructive Elements"). Under the 1950 Emergency Provisions Act, anyone judged guilty of spreading news or stories "disloyal to the state" can be imprisoned for up to seven years, while under the 1975 State Protection Law the authorities can order the detention for up to three years without trial (extended to five years in August 1991) of anyone who they believe has, does or will "endanger the security and sovereignty of the State". It is under this last law that Aung San Suu Kyi and former prime minister U Nu are being detained and its main purpose appears to be to avoid the embarrassment of having to bring charges in a public trial.

These laws have been backed up by a series of sweeping martial law decrees. Order 2/88, issued on the day of the coup, enforces a night-time curfew and a ban on public gatherings of more than five people whether "the act is with the intention of creating disturbances or committing a crime or not". This was followed by Order 8/88 which bans any activity, literature or speeches "aimed at dividing the Defence Forces". From time to time the lifting or reimposition of martial law orders in different parts of the country has been announced, but the details have consistently been unclear and more than three years later both decrees are still widely in force.

There has also been grave concern expressed about trials conducted under the SLORC, both in the criminal courts and in military tribunals under martial law decrees. According to Amnesty International, Burma's military tribunals restrict the defendant's rights of defence and appeal and are not conducted according to international standards for fairness; trials of political

prisoners are often completed in a single half-day hearing held within the prison in which the accused is held (often incommunicado, without access to family members or legal counsel); proceedings are held *in camera*. The accused is thus denied the opportunity to prepare any defence and to exercise the right of defence in court. These procedures are contrary to the international fair trial standards set forth in Article 14 of the ICCPR.³⁷

7.3 SLORC Actions in the pre-Election Period

Under these basic laws and decrees hundreds of civilians and students were killed, wounded or imprisoned in the months immediately following the coup. Thousands of others fled into insurgent-held territory along the Thai border, where an estimated 2,500 still remain. Another 1,000 escaped to territory controlled by the KIO in northeast Burma. An estimated 800 crossed into India and over 3,000 exiles reached Bangkok where they registered with the UN High Commissioner for Refugees.

Even the most prominent social critics who stayed behind risked summary arrest and imprisonment. On 2 October, for example, Burma's most popular comedian, Thu Ra, was arrested. Better known by his stage name, Zargana, he had delighted the crowds with satirical skits about Ne Win and the BSPP during the brief democracy summer. Blindfolded, handcuffed and beaten for a week, he was held for seven months in solitary confinement, his guards forbidden to speak to him; a cynical punishment for the power of his words. "The soldiers have guns. The people have only mouths," he once said (see Appendix 1).³⁸ The SLORC has consistently refused any investigation into the countrywide military clampdown during these months of 1988 and has issued few figures. In April 1989 a SLORC spokesman

37 Amnesty International, *Myanmar (Burma): Unfair Political Trials* (London, 1991).

38 *Christian Science Monitor*, 22 June 1989; M. Smith, "Confronting Fear With Laughter", *Index on Censorship*, January 1992.

reported that 721 people, including 183 students who had been arrested after the coup, remained in custody.³⁹ Student, opposition and human rights' groups put the figures far higher. However, until real peace returns, it will be impossible to distinguish the number of deaths or arrests from those who have gone into exile or underground.

The most controversial figure remains the number of fatalities. Estimates range from anywhere between 3,000 and 10,000 deaths in the year's political violence. Eyewitnesses allege 327 civilians were killed by troops on 8 August in the sleepy town of Sagaing alone.⁴⁰ But in its report to the UN Independent Expert, concentrating its evidence on the second half of September, the SLORC claimed only 15 "demonstrators" had died following the coup, though it did add that 516 "looters" had also "lost their lives".⁴¹ (For August 1988 the SLORC put the death toll at 192, but did not specify the victims' backgrounds.)

Following the coup, insurgent parties continued to be outlawed and heavy fighting broke out with ethnic forces in the Kachin and Karen States and the CPB in the Shan State. Parties which obeyed the laws, however, were permitted to register, and by February 1989 a remarkable 233 new political parties had been formed, although many privately admitted they had registered simply for extra telephone and petrol allowances or to circumvent the strict ban on public gatherings.

Despite continued harassment, parties continued to campaign, but on 6 June 1989, Home and Religious Affairs Minister, Major General Phone Myint, initiated a month-long anti-press campaign which paved the way for another near total news blackout on Burma. Maj-Gen. Phone Myint issued a new SLORC

39 *The Nation* (Bangkok), 28 April 1989.

40 Smith, *Burma*, p.4

41 UN Economic and Social Council, *Study of Situations, Annexes*, p.17.

Directive, No.38, and warned citizens on State radio of the existing legal restrictions under the 1962 and 1977 publishing laws.⁴² Shortly afterwards, at a meeting of 883 publishers and printers on 14 June, police chief Colonel Thura Pe Aung complained of the number of organizations printing and distributing pamphlets and posters critical of the SLORC.⁴³ That night ten publishing houses in Rangoon were raided and a number of printers were arrested. Four days later on 18 June, SLORC chairman, Gen. Saw Maung, declared Martial Law 16/89 which increased maximum sentences under the 1962 Printers' and Publishers' Registration Law to seven years' imprisonment and/or 30,000 kyat (US\$5,000) fines.

Finally, on 27 June 1989, MIS chief, Brig-Gen. Khin Nyunt, issued Order 3/89 announcing martial law regulations would be used against political parties, publishers and organizations illegally publishing documents without proper registration. Political parties would be required to obtain "exemption certificates" from the Home and Religious Affairs Ministry for any materials they wanted to publish and, in a further tightening of the law, these would be judged on the basis of martial law restrictions once they hit the streets.

Against a backdrop of growing tension and student protests, Martial Law Orders 1/89 and 2/89 were announced on 17 and 18 July respectively, which established military tribunals across the country with only three possible penalties - death, life imprisonment or a minimum of three years' hard labour.

Many parties publicly objected to these draconian restrictions, and the NLD leadership called for a peaceful campaign of non-compliance with any martial law regulations which restricted civil liberties. A mass memorial rally was planned for Martyrs' Day, 19 July, Burma's most important national holiday, which

42 RHS, 7 June, in BBC, *SWB*, 17 June 1989.

43 RHS, 15 June, in BBC, *SWB*, 23 June 1989.

commemorates the death of Aung San. After thousands of heavily-armed troops were brought into the streets, the rally was called off by Aung San's daughter, Aung San Suu Kyi, the NLD's General-Secretary, because the League "had no intention of leading our people straight into a killing-field".⁴⁴ The next day she was placed under house arrest pursuant to the 1975 State Protection Law for allegedly "endangering the State" (see Appendix 1).

Suu Kyi's detention was followed by the arrest of most of the other senior NLD leaders (see Appendix 1). The League's intellectual heart was thus silenced. (Kyi Maung, Chit Khaing and several other ex-army veterans in the NLD leadership were left free at this stage in what many observers believed was an attempt to split the NLD along military and non-military lines.)

Despite repeated threats, Suu Kyi was not immediately brought to trial. Instead, citing her marriage to a foreigner (the British academic Dr Michael Aris) and alleged manipulations by various "rightist" and "leftist" groups, senior SLORC officials called on her to leave the country.⁴⁵ Most other NLD leaders arrested during this period were imprisoned on a variety of different charges. Again, details of arrests and trials were only rarely reported; in October 1989, however, the SLORC announced that 100 people had been sentenced to death by military tribunals since July.⁴⁶ (Subsequently, SLORC officials denied that any death sentences have actually been carried out since the coup.) Diplomats in Rangoon estimated that between 3,000 and 6,000 civilians were arrested.

In December 1989, for example, the League's 65 year-old Chairman, U Tin Oo, was sentenced by summary Military

44 Amnesty International, *Myanmar (Burma): Prisoners of Conscience: A Chronicled Developments Since September 1988* (London, 1989), p. 65.

45 See e.g., *The Nation* (Bangkok), 12 December 1990; *Bangkok Post*, 17 May 1991.

46 RHS, 19 October, in BBC, *SWB*, 23 October 1989.

Tribunal to three years' hard labour for "sedition" and sending "false news to foreign organizations and leaders". Organizations the MIS specified included the United States and Thai governments and the Co-ordinator for Human Rights Questions of the International Labour Organization in Geneva. Subsequently, in May 1991 it was reported by Agence France Presse that 14 years had been added to his sentence.

For many Burmese citizens, the most vindictive sentence was reserved for the popular speaker and chairman of the Writers' Association, 61 year-old U Ba Thaw (pen name, Maung Thawka). A former naval officer, in October 1989 he was sentenced to 20 years' hard labour by a Military Tribunal under section 5A/B of the 1950 Emergency Provisions Act for allegedly trying to cause a mutiny in the Defence Services on the basis of a letter he had written.

In December 1989 the SLORC also moved against the country's second largest political party, the League for Democracy and Peace (LDP), headed by Burma's last democratically-elected prime minister, U Nu, who had previously been imprisoned by Ne Win in 1962. Since his return from exile in 1980, the 82 year-old U Nu had largely been engaged in translating and producing Buddhist scriptures at the World Peace Pagoda in Rangoon. When he refused an order from the SLORC to renounce a "parallel" government he had declared during the 1988 uprising, he and other senior members of the LDP leadership were arrested on 29 December 1989. In a personal letter to Ne Win before his arrest, U Nu announced he was "ready to die". In a farewell note to followers he urged that they strive for liberation through *Brahmacariyavada* (the practice of noble and lofty thought).⁴⁷

⁴⁷ Smith, *Burma*, p. 404

7.4 Restrictions on Movement and Forced Relocations of Civilians

A further major disruption in many constituencies during 1989-90 was the forced relocation by the SLORC of up to 500,000 citizens across the country into satellite new towns. Officially, the moves were part of government development schemes, but local leaders alleged they were an act of revenge by the SLORC: many of the families were from working-class communities which had supported the democracy movement in 1988. Such moves contradict Article 12 of the Universal Declaration of Human Rights which declares, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence".⁴⁸ Nearly 100,000 people, for example, were moved to the new town of Hlaing Thayar near Rangoon. Conditions varied, but local health workers privately reported high fatality levels at many of the new sites due to malaria and poor sanitation. In April 1990 an estimated 20,000 civilians were also removed from the historic town of Pagan and their houses, some of which were centuries old, were bulldozed - apparently to prevent the inhabitants talking to foreign tourists.

A rare glimpse of the extraordinary way press censorship was working was revealed to the outside world in April 1989 when one of the few foreign press teams allowed to visit Burma, an Australian SBS Television crew, managed to slip into Waybagi new town to investigate reports of the deaths of ten elderly people during the forced move of 3,000 people from a workers' quarter, next to the Defence Office in Rangoon, which had been active in the 1988 protests. The journalists were ordered by soldiers to stop filming and their translator was detained. The next day the country's only daily paper, the *WPD*, carried a front-page story from Waybagi warning of "irresponsible persons spreading rumours" with the headline "The Government to Continue to Carry

⁴⁸ Asia Watch, *Human Rights in Burma*, pp.20-21.

Out Righteous Work"; at the bottom of the page was a slogan: "Oppose those who disturb peace and tranquility. Crush those who mar the rule of law."⁴⁹

Heavy fighting continued in several parts of the country throughout the election period and a number of terrorist bombs were exploded in Rangoon and other towns in Lower Burma. Most of the battles, however, were concentrated in the ethnic minority Kachin, Karen, Mon, Kayah and Shan states. In these areas too, many communities were moved or forced to flee during the army's ongoing *Four Cuts* campaign. A particular complaint was the continuing, enforced conscription of thousands of civilians into front-line porter duties for the *Tatmadaw*.⁵⁰ Nevertheless, although the polls were very low in many of the war-zones, in only six constituencies was voting officially suspended due to the insurgencies.

Two additional martial law decrees prior to the election placed additional and severe restrictions on freedom of movement and association. A directive, dated 18 July 1989, ordered all inhabitants in Rangoon to report any guests or people missing from their houses to the local Law and Order Restoration Councils. On 22 May 1990 this regulation was toughened by Order 1 /90 which set jail terms of up to seven years for people who do not "report people illegally residing in their houses".⁵¹

49 WPD, 14 April 1989.

50 See e.g., Asia Watch, *Human Rights in Burma*, pp.20-62.

51 Amnesty International, *Myanmar: "In the National Interest"* (London, 1990), p.17.

8. The 1990 General Election

It was against this extraordinary background, with the leaders of 'the main political parties under arrest and the country under martial law, that the May 1990 election went ahead, Burma's first election in three decades. A five-man civilian General Election Commission, headed by U Ba Htay and U Saw Kyadoe, was ostensibly responsible for monitoring the polls but privately admitted that they had little choice but to obey SLORC orders, including those which required the disqualification of many candidates. The SLORC generals continued to warn of "insurgent organizations" hiding behind political leaders and parties, and in January 1990, after a series of objections, Aung San Suu Kyi's candidacy was banned by the Election Commission on the ground of alleged "unlawful associations with insurgent organizations".⁵²

A number of other legally-registered parties were also decimated by arrests during 1989, including the student-backed Democratic Party for New Society, whose leader, Moe Thee Zun, went underground in April 1989 to join the insurgent All Burma Students Democratic Front (ABSDF). His successor, Moe Hein, was arrested on 17 July 1989 and is still believed to be in custody. Another three parties, the National Politics Front, the Evergreen Youth Association and the People's Progressive Party, were accused of pro-communist sympathies and several well-known leaders, including U Hla Shwe, U Nyo Win and Khin Maung Myint, were imprisoned. All three parties were prominently featured in

⁵² AsiaWalch, *Burma: Worsening Repression*, 11 March 1990.

Khin Nyunt's "Red Book" and in September 1989 were banned from standing in the 1990 election altogether.

Eventually, 93 mostly small parties were left to put up 2,311 candidates for 485 seats. The election procedure was set out in a People's Assembly Law of 31 May 1989, which was later amended retrospectively. All political campaigning had to be conducted under Martial Law 3/90 of 23 February 1990 which decreed that all speeches, writings and publications had to be approved by the local township authorities. Those deemed derogatory to the SLORC, Defence Services or "solidarity of national races" were punishable by prison terms of up to three years or fines of 5,000 kyats.

Each party was restricted to one pre-approved ten minute statement on State-controlled television and fifteen minutes on State radio. Parties complained that all references to Ne Win, the *Tatmadaw* and the economy were removed .making most broadcasts indistinguishable. All existing party emblems were banned and parties were forced to choose their insignia from a prescribed list of new items; these included beach balls, combs, tennis rackets and umbrellas. (The NLD chose the *kamauk* or peasant's hat which, as a silent protest, became a popular fashion accessory around the country.)

Prior to the polls at least 60 candidates from different parties were detained under martial law regulations, including U Thein Han, an NLD lawyer from Pabedan who was sentenced to three years in jail. Thirty-three of these candidates were arrested between 28 April and 8 May 1990 on charges varying from "delivering speeches without permission" to "holding party meetings and singing party songs for donations at a traditional ceremony".⁵³ Also arrested in the same period was the respected Rakhine historian, 82 year-old U Oo Tha Tun, standing for the Arakan League for Democracy in Kyauktaw constituency;

53 Asia Watch, *Human Rights in Burma*, pp.16-17.

sentenced to three years' imprisonment, he reportedly later died in jail. Dozens of junior party activists were also arrested. On 24 April 1990, for example, 13 members of the Democratic Party for New Society were imprisoned under Order 3/90 for giving campaign speeches without proper permission from the authorities.

The SLORC's strategy appeared clear - to pave the way for a victory for candidates of its own chosen party, the NUP which had inherited all the property, membership lists and assets of the BSPP. Campaigning on the slogan "Prevent the Re-enslavement of Myanmar", the NUP proudly admitted its BSPP past.⁵⁴

Despite this backdrop of coercion, media manipulation and disproportionate funding, the result of the elections was a decisive victory for the NLD, which won 392 of the 425 seats it contested while the NUP, which stood in most seats in the country, won only ten. Of the other 25 parties which won seats, 19 represented local ethnic minority parties, most of which were allied to the NLD. Against all SLORC expectations, the breakdown of voting figures made it clear that tens of thousands of former BSPP members and many soldiers and their families had voted for the NLD.⁵⁵ If people had taken to the streets in 1988 to demand democracy on their feet, in 1990 they had earned it through the ballot box.

54 RHS, 8 April, in BBC, *SWB*, 11 April 1990.

55 There remain discrepancies in the figures later released, but it is generally estimated that the NLD received nearly 60 per cent of the vote for its 392 seats or 82 per cent of the seats available. The SLORC has claimed the NLD won only 38 per cent of the votes, but this must be based on the total eligible electorate. Nonetheless, the NUP's 10 seats for 25 per cent of the vote would appear to be a poor return for the second largest vote nationally.

8.1 Arrests and Retrospective Laws in the post-Election Period

Immediately following the polls, the SLORC embarked on another series of delaying tactics and once again unveiled a new set of complicated laws and decrees. Despite their victory, no NLD leaders were released and, having taken six weeks to announce the results, the SLORC declared an indefinite moratorium during which defeated candidates could lodge appeals and election expense claims could be investigated. (Over one year later in September 1991, the Election Commission reported that it had still not completed its task, making the administration of Burma's 1990 election one of the longest on record.⁵⁶)

In an attempt to force the political pace, on 28-29 July 1990 victorious candidates from the NLD held a mass meeting at the Gandhi Hall in Rangoon to demand an immediate transfer of power. "It is against political nature that the League, which has overwhelmingly won enough seats in the parliament to form a government, has been prohibited from minimum democratic rights," an NLD statement said.⁵⁷

However, on the eve of the meeting the SLORC issued Martial Law Declaration No. 1/90, which established a new tier of obstacles and a mandate for the SLORC to hold on to power indefinitely. A previously unknown "National Convention", consisting of one or two representatives from each of the 27 victorious parties, would draw up the "principles" for the new constitution with the guidance of unnamed advisers. Only after this Convention had met could the elected People's Assembly begin work on its own draft, which would then have to be returned to the military authorities and the people for a possible further referendum or election.

⁵⁶ RHS, 16 September, in BBC, *SWB*, 24 September 1991.

⁵⁷ Smith, *Burma*, p 415.

To a growing groundswell of political anger, a new round of arrests was begun. In early August 1990 protests broke out in Mandalay in which four people, including two monks, were allegedly killed and 500 people arrested. Then on 6 September the NLD's acting leaders, ex-Col. Kyi Maung and ex-Col. Chit Khaing, were arrested and subsequently sentenced to ten years (later doubled to 20 years) and seven years' jail respectively on treason charges under the 1923 Official Secrets Act and section 5 J of the 1950 Emergency Provisions Act. Both were elderly men in their late-60s/early-70s and former comrades of Gen. Ne Win. Three days later Brig-Gen. Myo Nyunt accused the NLD of "plotting to destabilize the country".⁵⁸

As the arrests continued, NLD MPs made several attempts to convene mass meetings in Mandalay and Rangoon to declare a government. Each attempt was foiled by MIS agents and followed by further arrests. As a test of their views, NLD MPs were allegedly ordered to sign copies of the 1/90 Order, effectively renouncing any right to establish a government. By the end of the year over 80 MPs had been arrested and interrogated.

For a brief interval the protests were taken up by Buddhist monks in Mandalay, who organized a boycott of religious services for military personnel and their families until all political prisoners were released and the election result honoured. After 350 monasteries were raided and dozens of monks arrested in late October, their protest was quickly quelled (see 9.7).

The situation then became even more complicated in mid-December. A party of 12 MPs, led by Aung San Suu Kyi's cousin, Dr Sein Win, the MP for Paukkaung, escaped to the KNU GHQ of the insurgent DAB at Mannerplaw and declared the formation of what they described as a "*de jure* National Coalition Government Union of Burma". Claiming to have received signed

58 BBC, *World Service News*, 9 September 1990.

authorizations from over 250 MPs before their flight to the mountains, they called for international recognition.

Consequently, SLORC sentencing appeared to toughen and many of the MPs implicated in the plan to form a government were given long jail terms. Details remain unclear and the number of MPs detained was never reported, but over 30 NLD MPs are known to have been tried and sentenced to 10-25 years' imprisonment during April 1991. Some, such as Dr Soe Lin (Mandalay SW1) and Dr Zaw Myint Maung (Amarapura 1), were reportedly given 25 year sentences, under Penal Code section 122/1, for high treason for conspiracy to "form a parallel government". Others, such as Ex-Col. Myo Aung (Tavoy 2), were given 10 years for withholding information "relating to high treason".⁵⁹

The SLORC also used this clampdown to attack parties that had been unsuccessful in the elections. On 25 January 1991, for example, Daw Cho Cho Kyaw Nyein, who had tried to revive Burma's main political party of the 1950s, the Anti-Fascist People's Freedom League (of which her late father had been a key founder), was arrested for alleged contacts with illegal student organizations and reportedly sentenced to seven years' imprisonment. Several parties, including U Nu's LDP, were also forcibly deregistered.

The growing pressures on the regime forced the SLORC into some unusual accommodations. In an unexpected twist in early 1991, the SLORC declared ceasefires with a number of insurgent groups from the DAB which had previously been accused in the State press of terrorism. Leaders of the KIO 4th Brigade, the Pao National Organization, Shan State Progress Party and Palaung State Liberation Party were openly invited to take part in the National Convention and were feted in meetings, extensively reported in the *WPD*, with MIS chief, Maj-Gen. Khin Nyunt.⁶⁰

59 *Dawn News Bulletin*, May 1991, p.7; Amnesty International Report to the Inter-Parliamentary Union, September 1991.

Armed opposition groups once belonging to the insurgent CPB, which had declared ceasefires in 1989, were now similarly legalized and invited to the Convention.

Meanwhile the SLORC continued to arrest and disqualify many of the MPs who had won seats in the 1990 election and issued new decrees. Under Law No. 10/91 of 10 July 1991 the 1989 People's Assembly Law was amended retrospectively to ban from office, for up to ten years, candidates judged guilty of any of an array of crimes, including treason, misuse of election expenses and a new catch-all offence - "moral turpitude as determined and declared from time to time by the SLORC". One week later Khin Nyunt signed into existence under Order 33/91 another non-elected body, the Law Scrutiny Central Body, to review the application of all laws, past and present.

The situation was unbelievably confused. Many MPs were imprisoned or disqualified on the basis of alleged contacts with insurgent parties or involvement in the formation of the National Coalition Government of Dr Sein Win, but others were barred from office under regulations as varied as the Public Property Protection Law, the 1962 Printers' and Publishers' Registration Law and the new "Moral Turpitude" law. U Khin Maung Win, for example, the NLD MP for Oktwin was arrested on 22nd July 1991 for holding an illegal party meeting on Martyrs' Day (19 July) but was later charged under the Gambling Act for illegal fund-raising.⁶¹ U David Hla Myint, NLD MP for Ngapudaw, was similarly arrested and in August 1991 was banned from politics for 10 years under Article 6 of the State Flag Law, reportedly for flying the NLD flag at the same height as the Burmese national flag.

A number of other prominent parties also came under attack. In July 1991, for example, the Union Nationals Democracy Party, headed by Ne Win's former deputy, ex-Brig. Aung Gyi, who had

60 See e.g., *WPD*, 14 April 1991.

61 RHS, 8 August, in BBC, *SWB*, 9 August 1991.

briefly been imprisoned in 1988 for criticising the BSPP, was charged with involvement in a complex corruption case involving illegal bird-nesting and the possession of arms. The moral message from these attacks, loudly trumpeted in the government-controlled media, was that democracy parties could not be trusted.

Following this blitz, in September 1991 State radio reported 244 NLD MPs had signed statements renouncing any support for Dr Sein Win.⁶² With well over a hundred MPs known to be in jail, hiding or exile, the election result had effectively been quashed. Under the 1/90 Order, SLORC officials promised to proceed along the road towards multi-party democracy by holding the National Convention at some future stage, but continued to warn of "political parties deceiving the nation".⁶³

Ne Win's supporters remained firmly in power and the SLORC's intention to remain in office for "up to ten years" was signalled in a press conference by the *Tatmadaw* generals on State radio on 8 September 1991.⁶⁴

8.2 Continuing Use of Press Laws to Stifle Freedom of Expression

In the election aftermath, there was a second, major clamp-down on political parties during which press laws were again used to stifle freedom of speech and prevent the distribution of party news or literature. For example, three NLD officials, Hla Min, Htay Win and Thida Aye, and Khin Maung Than of the Thein Than printing works were detained in the first week of September 1990 under section 20 of the 1962 Printers' and Publishers' Registration Law for "illegally" attempting to publish, without

62 RHS, 25 September, in BBC, *SWB*, 2 October 1991.

63 RHS, 28 September, in *Ibid*.

64 See *n.5*.

permission, details of the NLD's historic Gandhi Hall meeting in July.

Then on 17 October 1990 the former *Botahtaung* journalist and NLD MP for Mandalay Southeast, U Ohn Kyaing, and three senior colleagues, U Thein Than, U Ye Myint Aung and U Sein Hla Aung, were sentenced by Military Tribunals under the 1950 Emergency Provisions Act (5J) to jail terms varying from three to seven years' hard labour for writing and distributing "false" publications. They had accused the *Tatmadaw* of brutality in breaking up the demonstrations by students and monks in Mandalay the previous August. In November 1990 their case was unsuccessfully raised with the SLORC by the delegation of the UN Independent Expert.⁶⁵

Members of other parties were similarly hit. U Kyi Win, U Ye Naing and U Lwin Oo, for example, organizers of the Democratic Party for New Society for Kayan township, were imprisoned on 12 September 1990 under the 1950 Emergency Provisions Act for publishing "agitative pamphlets with the intent to discredit the government".⁶⁶

Another case involved the writer Nyan Paw (pen name, Min Lu) who wrote a series of highly popular, satirical poems, critical of the BSPP and the SLORC, published in pamphlets under the title *Bar Dway Hpyit Kon Byi Lai* ("What has become of us?"). In one verse he foresaw his own arrest when he attacked the cruel intellectual paradox in Burma today; while the SLORC officer receives "State money for his sentences", writers "get sentences for their statements". Arrested with two colleagues, Sein Hlaing and Myo Myint Nyein, on 24 September 1990, he was later sentenced to seven years' imprisonment under the 1950 Emergency Provisions Act (5J). (See Appendix 3.)

65 United Nations Economic and Social Council, *Study of Situations*, Annex 7, pp.30-31.

66 *Ibid*, and p.21.

Other journalists and writers known to have been imprisoned during this period include U Soe Thein (pen name, Maung Wuntha), a former BSPP member who had worked on the WPD, *Myanmar Alin* and *Botahtaung*, and another former *Botahtaung* editor, U Sein Hla Oo (pen name, Maung Nwe Oo), who had previously been arrested in February 1990. NLD MPs for Waw township and Insein (2) respectively, they were sentenced in late April or early May 1991 to 10 years' hard labour under Section 124 of the Penal Code for allegedly "withholding information relating to High Treason". Also sentenced to ten years' imprisonment was the author and NLD MP for Moulmein (2), U Chan Aye.

Not all those arrested, however, were so well-known. For example, the security forces also detained Daw Win May, a 51 year-old member of the Radio Workers' Union, who had earlier been sacked - after 22 years' employment at State radio - for her participation in the 1988 protests.

The extraordinary constraints now imposed by the SLORC on any expression or dissemination of political views were revealed by visiting Thai journalists in an interview with the NLD's two surviving leaders in Rangoon, U Aung Shwe and U Lwin, both ex-military men, in January 1991. Permission for the interview was only granted at the last minute and it was the only legal public statement made by the NLD until July 1991. The two men explained that they had ordered NLD members to cut all contact with foreigners and newsmen and not to publish anything without their knowledge. Since October 1990, they said, the League had been forbidden by the SLORC from issuing newsletters or public statements and was prohibited from using any duplication process or machine. Thus, according to Aung Shwe, "when we want to issue an instruction, we have to type every sheet of paper". Though still at liberty, U Lwin then revealed to his Thai interviewers that he had himself been "interrogated" more than seven times, but was quickly interrupted by Aung Shwe who warned him, "It's not interrogation but confidential talks that we cannot

divulge to anybody because we signed a document stating that we would not do so".⁶⁷

8.3 Ill-Treatment and Death in Custody of Political Prisoners

In May 1990 Amnesty International described the beating, ill-treatment and torture of political prisoners in Burma as "rife" and identified six different State security forces responsible and at least 19 different prisons or detention centres where torture is used.⁶⁸ Such methods have long been commonplace in the Tatmadaw's war against armed opposition forces in the countryside, but since 1988 intellectuals, students, writers, monks and workers' leaders also appear to have been singled out for particularly harsh treatment. Documented methods include electric shocks, sleep deprivation and various forms of water torture.

In the past three years there have been persistent reports of prisoners dying under torture. In the most notorious case, U Maung Ko, a member of the Central Workers Body of the NLD, who was on the first UN Independent Expert's list of prisoners of concern, died during interrogation on 9 November 1990, while the UN delegation was actually in the country. SLORC officials claimed he had committed suicide, but this charge has been denied by members of his family and doctors who examined his body.⁶⁹

Another concern is the cramped and insanitary conditions in which prisoners are kept, both during and following interrogation. Requests by the two teams of the UN Independent Expert and various international human rights' organizations to visit

⁶⁷ *Bangkok Post*, 1 February 1991.

⁶⁸ Amnesty International, *Myanmar: Prisoners of Conscience and Torture* (London, 1990)

⁶⁹ See e.g., *Dawn News Bulletin*, December 1990, Vol. 2, p.2.

detainees have all been turned down, but the poor state of Burmese prisons has been confirmed by foreigners who have also been detained from time to time. The Malaysian journalist Kim Gooi, for example, described the conditions he experienced in Kengtung Jail as "appalling".⁷⁰

The fate of many prisoners remains unknown and the majority of arrests, sentences and injuries has never been officially reported. But since 1988 a number of well-known detainees have died in unexplained circumstances - either in prison or soon after their release. In June 1991, for example, the popular writer, poet and chairman of the Writer's Association, 63 year-old U Ba Thaw (*aka* Maung Thawka), whose case had previously been publicized by ARTICLE 19, was reported to have died after being moved to a Rangoon hospital. Serving a 20-year sentence (see 7.3), he was believed to have been suffering poor health following a beating for supporting a hunger strike by student inmates of Insein Prison the previous September. A number of students were reported to have been killed and another NLD Central Committee member, the lawyer and writer U Ko Yu (pen name, Maung Thit), allegedly was hurt.⁷¹

Another well-known writer, 60 year-old U Nay Win, local correspondent for the Japanese *Asahi Shimbun*, died from cirrhosis of the liver in January 1991 shortly after his release from custody. Friends say his condition had rapidly deteriorated after interrogation. Other prominent detainees who have reportedly died in suspicious circumstances include U Tin Maung Win, NLD MP for Rangoon's Kayan constituency, who died in Insein Prison on 18 January 1991, U Nyo Win of the People's Progressive Party, the ex-student union leader U Sein Win, and the popular war-hero and leader of the People's Comrades' Organization, Bo Set

⁷⁰ *Bangkok Post*, 6 February 1983; see also, Asia Watch, *Human Rights in Burma*, p.18 for the experience of a British prisoner; for a dissident from China see, *The Nation* (Bangkok), 31 July 1991.

⁷¹ *Bangkok Post*, 2 November 1990.

Yaung, whose death was covered up in late 1990 after he was allegedly left locked in a "standing cell" measuring just three feet by three feet.⁷²

For the moment, the condition of thousands of other detainees remains undocumented. Amnesty International has gathered a list of some 2,000 individuals known to have been arrested since the SLORC assumed power. The list, however, is far from complete and the sentences against many have never been properly confirmed nor is it always reported who has been released. In addition, sentences have also been extended against those, such as NLD Chairman Tin Oo, who were nearing release.

Those imprisoned as of December 1991, who are reportedly in poor health after beatings or torture, include the lawyer U Nay Min, serving a 14-year sentence for giving interviews to the BBC (see 10.1), Min Ko Naing (real name, Paw U Tun), chairman of the All Burma Federation of Students Unions, who is believed to be serving a 20-year sentence and crippled after repeated beatings (see 9.5), and the comedian Zargana, currently undergoing his second period of imprisonment (see Appendix 1).

72 *The Eastern Yoma Bulletin*, March 1991, p.5; statement by the Democratic Party for New Society, 14 November 1991.

9. Cultural and Political Expression Under the SLORC

"The time has now come to expose and exclude those who look up to other countries and want to rely on and regard foreigners as their teachers. Those who pine for an aunt instead of their own mother are national traitors... There is no other method but to take severe action against these persons who are found to be traitors."

MIS Chief, Maj-Gen. Khin Nyunt.⁷³

9.1 Newspapers

Under the SLORC censorship of every aspect of the written and spoken word has been tightened. Following the Saw Maung coup, the six State-run newspapers were closed down and only one, the *WPD* in Burmese and English-language editions, has been permitted to reopen. Printed in Rangoon, only limited numbers reach towns outside the capital. News reporting consists largely of military press releases and eulogies of the Defence Services and SLORC leaders. State-run radio and television echo these reports word for word. In November 1990 SLORC officials told the UN team of the Independent Expert that Myanmar had a "free press" and anybody could apply for a press licence under the 1962 Printers' and Publishers' Registration Law, but no one had done so - a "lack of interest" they attributed to "financial or material reasons".⁷⁴

⁷³ RHS, 4 October, in BBC, *SWB*, 8 October 1991.

⁷⁴ United Nations Social and Economic Council, *Study of Situations*, p.15.

A military newspaper, *Doye Duha (Our Affairs)*, is issued every two days for distribution amongst the armed forces. The slogan, "The army is your only true parent. Don't listen to outsiders, trust nobody but your own blood", is printed in bold letters on the front page of every issue.

9.2 SLORC's Cultural Revolution

Despite the SLORC's disavowal of any political self-ambitions or philosophy, since September 1988 *Tatmadaw* leaders have repeatedly used their control of the country's press and institutions to advance new interpretations of Burma's history and culture. The universities have for the most part remained closed, but the Historical Research Commission at Rangoon University, headed by Daw Ni Ni Myint, the wife of Gen. Ne Win, has continued work on a new series of books which, whitewashing over many critical details of the past, project Ne Win's *Tatmadaw* as the modern embodiment of all national aspirations.

Most of the SLORC propaganda, however, consists of militarist sloganeering and, based largely on Khin Nyunt's Green and Red Books, has taken on an increasingly racist and national socialist tinge. This campaign reached a crescendo in mid-1991 when SLORC officers began their own cultural revolution with a sustained attack on "decadent Western culture".

The SLORC offensive was publicly launched on State radio on 1 June 1991 by the Rangoon military commander, Maj-Gen. Myo Nyunt, in a speech to students which deplored Western influence amongst artistes as "contrary to Buddhist culture". Action, he warned, might be taken under martial law: "We cannot allow our national culture and religion, which we have safeguarded since time immemorial, to disappear during our time".

Cartoons have also frequently appeared in the *WPD* attacking Westerners and depicting AIDS, for example, as a foreign disease. A particularly racist cartoon on 19 May 1991 tried to discredit Aung San Suu Kyi for having a British husband by

mocking the "mixed blood" of their two children, a theme subsequently returned to by MIS chief Khin Nyunt and other SLORC officials.

The first reported victim of the SLORC's cultural revolution was the award-winning actress and singer Khine Khin Oo, who was banned for five years on 15 June 1991 from all public performances for appearing on stage in "alien and decadent attire". At the time she was one of several popular artistes performing at a State-sponsored charity show in aid of victims of the Meiktila fire disaster in April 1991 in which over 5,000 houses were destroyed and 25,000 people were made homeless.

9.3 Music and Films

Musicians have also come under attack. Printed or recorded songs still have to be approved by censors under the 1962 Printers' and Publishers' Registration Law. The short-lived Musicians Union of 1988 has been banned and many popular songs have been proscribed. Several young musicians and singers were arrested during the Thingyan water-festival in April 1989. Traditionally an occasion for political satire, 27 troupes performed plays and chants at the NLD headquarters in Rangoon alluding to human rights' abuses and government corruption. One of those subsequently arrested on 27 April was a 27 year-old car mechanic, Pa Du, who led the Sanchaung Chanting Team.

Under another directive, dated 18 June 1991, an additional censorship board has been set up under the Ministry of Home and Religious Affairs to scrutinize the "lyrics, rendition and musical arrangement of songs" and protect Burmese cassette tapes against foreign influences which, the SLORC alleged, were "undermining national spirit and patriotism and making Myanmar culture extinct".⁷⁵ The attack was then continued at a meeting at

⁷⁵ RHS, 18 June, in BBC, *SWB*, 20 June 1991

the Ministry of Defence on 4 July 1991, where musicians and artistes were warned by MIS chief Khin Nyunt to work, as their patriotic duty, with the State-controlled Myanmar Music Organization. Since "music is an effective public relations instrument", he claimed that "the public could be organized with the strength of music".⁷⁶

Another target of the SLORC campaign has been Burma's film and video industry. A number of prominent actors and film directors, including Maung Moe Thu and U Tin Soe, have been arrested. U Aung Lwin, for example, the chairman of Burma's Film Society, was sentenced by a Military Tribunal to five years' imprisonment in December 1989 on treason charges. In July 1991 Khin Nyunt launched a similar "cultural" campaign to try and force actors and directors to work with a patriotic Motion Picture Organization loyal to the SLORC. Ridiculing Western society, it was their duty, he said, "to keep the flame of nationalism alight".⁷⁷

However, the authorities still appear to have difficulties in controlling the distribution of films within Burma. Although all film-scripts are closely checked before permission to shoot is given, with the advent of colour television, a flourishing, black-market trade in pirated video tapes (largely from Thailand, Singapore and Malaysia) has mushroomed since the early 1980s. Private TV ownership is still low and in many remote communities villagers have clubbed together to buy video-machines.

Under a 1985 Video Law official registration is required for all aspects of the video business, including filming, copying, distributing and hiring. Failure to comply can lead to prison terms of up to five years and fines of 40,000 kyats. Following the suppression of the democracy uprising, however, Western news reports and home-produced videos of NLD or underground rallies

⁷⁶ *RHS*, 4 July, in BBC, SWB, 6 July 1991.

⁷⁷ *Bangkok Post*, 16 July 1991.

have become keenly sought after items. In response, in May 1989 the SLORC began regular raids on the estimated 400 private video-shops in Burma and many were forced to close. The *WPD* reported that those arrested faced three years' imprisonment.⁷⁸

In 1991 these raids were stepped up as part of the SLORC's cultural revolution. Nonetheless, in many regions of the country, illegal videos remain a major source of information and entertainment.

9.4 Journals, Books and Magazines

Publishing has been particularly hit by the clampdown of the past three years. The imprisonment of such leading writers as U Ba Thaw and U Win Tin, the chairman and vice-chairman of Burma's Writers' Association, has sent a chill warning to all would-be authors. Due to tightening censorship and escalating costs, the number of new book titles has slumped dramatically. Non-controversial comic-books and journals, produced by private publishers, continue to be popular, but prices have skyrocketed. Periodicals selling for 2 kyats in 1988 were selling for 20-25 kyats in mid-1991, and in many markets, towns and villages private libraries which lend magazines for a "deposit price" of 2 kyats are thriving .

Like much of the economy, the publishing market is in some confusion over the commercial rights of publishers and owners after the reforms introduced by the SLORC. In line with its pledges to liberalize trade, a number of State-owned magazines, such as *Myawaddy*, have reputedly been "deregulated", but still seem to be operated by State funding, making their exact ownership unclear.

Due to the risks they run, private publishing companies thus remain extremely cautious. One new phenomenon, only possible

⁷⁸ *WPD*, 16 May 1989.

after Ne Win's abandonment of socialism, has been the birth of a number of popular magazines, such as *Dhana (Wealth)*, which concentrate on business and technological affairs. In complete contradiction to the xenophobia of the SLORC, they include articles about Burmese citizens who have been successful working abroad. A recurring topic, for example, is advice on how to arrange passports and documents for foreign travel.

9.5 Education

Burma's education system has been devastated by the upheavals of the last three years and an entire generation of university students has now lost out. As the spearhead to the street protests which brought down the BSPP in 1988, hundreds of students are believed to have been killed or arrested during the democracy summer and the SLORC has exacted heavy revenge ever since. Primary schools reopened with troops in attendance in June 1989, and high schools reopened the following September. Universities did not reopen until May 1991, and then only for the final-year class from 1988. Thousands of students and many of their teachers were still missing and the situation had become desperate. Large gaps were beginning to appear in hospitals, government offices and laboratories where a new intake of graduates was long overdue.

While the Historical Research Commission at Rangoon University has been slowly rewriting Burma's history, all student movements which remain active have continued to be hunted down and ruthlessly quashed. Between March and July 1989 Min Ko Naing, Aung Din and most of the remaining members of the All Burma Federation of Students Union, who had stayed in the cities following the Saw Maung coup, were arrested under martial law regulations, and several are believed to have since been sentenced to long jail terms (see 8.3).

Students have been treated particularly harshly in prison and several, including Zaw Win Htun, a 21 year-old physics student, have died from their injuries.⁷⁹ Many students believe an anti-intellectual prejudice has deliberately been fostered in army units trained on the battlefield. In one notorious example, in July 1989, some 500 political prisoners and students were sent from Insein Prison on a "death march" to the war-front in the Kachin State to work as porters carrying supplies for the army. Eyewitnesses who later escaped reported many of their colleagues had died along the way.⁸⁰

High school students have been equally severely treated. In April 1990, for example, three 8th grade schoolboys, Thein Tun U, Win Thein and Kyaw Soe, were sentenced to 13 years' imprisonment by a Military Tribunal in Rangoon under the 1975 State Protection Law for putting up anti-government posters on the walls of their school. Students who escaped to India in July 1991 alleged more than 150 high school students under 18 years of age in the northern town of Monywa had also been sentenced to long jail terms.

In the war zones, students who have not been convicted of any crime have even been forced into the front line. In late February 1991, for example, a number of students from Papun High School in the Karen state, who were preparing to take their end of year exams, were press-ganged into porter service for the *Tatmadaw*. Two girls, Naw Aye Hla (17) and Ne Law Win (16), were later reportedly killed on their way to the battlefield when they stepped on mines.⁸¹

79 Amnesty International, *Myanmar: "In the National Interest"*, p.40; eyewitness allegations were also reported in the documentary, *Forty Million Hostages* (BBC 1, 10 February 1991).

80 See e.g., Asia Watch, *Burma: Time for Sanctions* (New York, 1991) p.4.

81 KNU Bulletin, August 1991, p 18.

The consequence of the tragic events of the past three years is a state of deep demoralisation throughout all Burma's educational institutions. An estimated 2,500 students still continue with the armed struggle in the mountains where they have set up their own "jungle schools". Thousands more, accompanied by many of their teachers, have joined Burma's brain-drain and found their way across the borders to try and start new lives abroad. Thailand is as far as most have been able to reach (see 3.5).

9.6 Restrictions on Public Servants and Political Parties

The SLORC has imposed intense pressures on soldiers, civil servants and the officials of political parties. Immediately following the suppression of the democracy uprising, thousands of civil servants and workers' leaders who had taken part in the democracy protests were dismissed. The fate of soldiers, however, who joined the protests remains unknown.

The SLORC appeared determined to prevent any repetition of the events of 1988. In a complete about-turn from the days of the BSPP, soldiers were barred from party politics under Notification No. 14/18 immediately after the SLORC assumed power. Technically, the same notification applied to other public servants and over the past three years this restriction has increasingly been enforced. Independent trade unions have been banned, although a quiescent "United Trade Union Congress, Union of Myanmar" has been quoted in the State press in defence of the SLORC. Finally, under SLORC Decree No. 1/91 of 30 April 1991, public service personnel were publicly barred from engaging in any political activity and have repeatedly been warned to stay away from party politics by SLORC officials. Spot-checks have been threatened in schools and offices, and public servants warned to report on the activities and movements of their relatives

including children⁸². According to the MIS chief Khin Nyunt, treachery by someone who is a Burmese citizen as well as a public servant amounts to a "double betrayal".⁸³

The exact reason for the severity of this campaign is unclear. There are rumours that many departments have been working a silent go-slow in support of the NLD ever since the democracy uprising was crushed. Prominent workers leaders, such as Daw San San, head of the Labour Directorate Workers Union who later became an NLD MP, were all sacked immediately following the coup. There also appears to be a determination by the military to bring all government departments under its control before any transfer of power to a civilian administration. It would seem that since the *Tatmadaw* no longer governs the country through a political party, the BSPP, it is having to find new ways to exert political control.

A particular innovation by Burma's security forces since 1988 has been form-filling for what have been dubbed as the SLORC's "Thought Police". Students and their parents have repeatedly been required to sign forms guaranteeing their good behaviour, for example, before being released from custody or entering school. If they misbehave, these forms can then be used as evidence against them. Public servants have also been ordered to fill in forms explaining their actions in the 1988 uprising and pledging their loyalty to the government, while MPs and party officials have been required to sign the 1/90 Order, legitimising the SLORC's continued hold on power.

This process reached its peak during the cultural revolution campaign when the SLORC, in line with the No. 1/91 decree, embarked on a massive form-filling exercise involving hundreds of thousands of public service personnel who were ordered to fill

82 See e.g., speeches of Major-general Myo Nyunt, RHS, 25 April, in BBC, *SWB*, 27 April 1991, and RHS, 29 September, in BBC, *SWB*, 3 October 1991

83 RHS, 4 October, in BBC, *SWB*, 8 October 1991.

in multiple copies of forms answering 33 detailed questions on their political views. These would then be kept on file and anyone giving unsatisfactory answers would be dismissed. Questions asked included: "Should a person married to a foreigner be chosen as head of State?"; "Are you in favour of CIA intervention in Myanmar?"; and "Do you support underground units of the CPB?" (see Appendix 4).

Subsequently in August 1991, another nine-question form was distributed for political parties to complete (see Appendix 5), which again required officials to sign their names on answers acceptable to the SLORC or face imprisonment. (Many officials complained that they were asked to fill in the forms several times to check if they made any changes in their answers.)

A "final warning" to public service personnel that continued "opposition in words, deeds, behaviour and thoughts" would no longer be tolerated was issued on 24 September 1991. Ten days later the MIS chief Khin Nyunt reported that over 15,000 civil servants had either been sacked or had disciplinary action taken against them since the coup.⁸⁴

By the end of the year, not one government servant or party official in Burma was supposed to have a private political thought. Everybody was on record - and all, it would appear, with the same set of acceptable answers.

9.7 Religious Freedom

Under the SLORC, a tightening up in the regulation and control of every religious organization in Burma has met with widespread opposition. In a country over 80 per cent Buddhist, monks have historically been in the forefront of political protest in Burma and the years 1988-91 have proven no exception.

84 Ibid.

In the brief democracy summer, monasteries were quick to break free of the administrative shackles that existed under the BSPP (see 5.1) and, as respected community figures, monks and abbots were elected to chair many of the Strike Committees that proliferated across the country. Eyewitnesses reported that a number of monks were killed when troops opened fire on crowds in Rangoon and Moulmein during August and September 1988, and hundreds of monks in southern Burma went into hiding following the Saw Maung coup. The Venerable Nai Kelasa, for example, an ethnic Mon who was leader of the Mudon Strike Committee, escaped with a number of followers into territory controlled by the New Mon State Party (NMSP) at Three Pagodas Pass which was subsequently attacked by the *Tatmadaw*. By mid-1990, as fighting continued, as many as 400 monks had arrived to take sanctuary in Thai monasteries in Bangkok.

Meanwhile in the cities of Burma, public ceremonies involving the clergy have continued to be closely watched. On 17 May 1990, for example, State radio reported the entire Pyitaingdaung Drum Band had been arrested for illegally playing songs supporting the NLD at an ordination ceremony for a monk. Then, on 28 July, seven civilians were reportedly sentenced to five years' hard labour by a Military Tribunal for breaking Order 2/88, which bans gatherings of more than five people, when they joined a peaceful protest by monks outside Rangoon's Shwedagon Pagoda, Burma's holiest shrine. (The monks were reportedly demonstrating because soldiers had refused some of them entry to a service commemorating the anniversary of the Buddha's first sermon.)

However it is in the northern city of Mandalay that the most serious confrontations have taken place. Two of the key leaders who controlled the city for several weeks during the democracy summer, the Venerable U Kaweinda, head of the All Mandalay Strike Committee, and the Venerable U Kawira, leader of the militant Golonni (Magic Bird) Strike Committee, were tracked down by MIS agents and imprisoned in early 1989. No charges have been publicly brought against either man, but U Kaweinda

was reported to have been tortured to try and make him confess that he supported the underground CPB. Since there have been no eyewitness reports on his health or whereabouts, fears have also been expressed as to whether he is still alive.

Following their arrest, another monk, the Venerable U Yewata from the Mani Yadana monastery became head of the Mandalay *Sangha Sammaggi* (Monks' Association), and continued holding meetings with different student groups and political parties. On 8 August 1990 two monks and two students were allegedly killed in protests (the SLORC has always denied these deaths) in the city commemorating the second anniversary of the democracy uprising. Then when it became clear that the SLORC was not going to recognize the election result, U Yewata took a leading role in organising the boycott of religious services for military personnel and their families. As the protest spread across the country, U Yewata travelled to Rangoon to meet with NLD officials and hold talks with foreign diplomats.

This was the cue for the SLORC to instigate a massive clampdown on the Buddhist clergy. Having watched the situation carefully for several months, the MIS appeared to know exactly who they wanted. On 19 October 1990, U Yewata was arrested and over 350 monasteries were raided in scenes filmed and shown on State TV. Hundreds of monks were detained. However, the names of only 71 were reported at the end of the year in Khin Nyunt's second Red Book.⁸⁵

A complex mix of regulations, including press laws, were used to justify their detention. Most were arrested for possessing anti-SLORC badges or literature, including the *U Ottama* journal and articles by the NLD. Three young monks, U Zawtika, U Ne Meinda and U Awtha Dathara, were arrested for the alleged contents of poems in their diaries and notebooks. In what appeared to be a crude attempt to smear the Sangha Sammagi

⁸⁵ For details of these allegations, see *WPD*, 8 December 1990.

movement, other monks were arrested on criminal charges as varied as gambling, illegal possession of jade or heroin, and rape. (Curiously, when Khin Nyunt explained these arrests on State radio, his principal accusation against the Mandalay monks was that they were working with the CPB.⁸⁶)

These mass arrests were swiftly followed on 31 October 1990 by another SLORC declaration, No 20/90, known as the Law Relating to the *Sangha* Organization, which decreed that there should be only one monks' organization in Burma with nine legally-approved sects. Transgressors of the law or anyone trying to set up new Buddhist orders would face up to three years in jail. Subsequently a number of leading clergy were replaced by monks believed to be more favourable to the SLORC, leading to the expression "SLORC monks" by their critics.

During the following months, in the State media, Gen. Saw Maung and other leading SLORC officials repeatedly referred to their own Buddhist beliefs and were often shown on State TV making offerings to monks, in an apparent bid to win back public favour after this devastating attack on the Buddhist clergy. For example, in a cartoon in the *WPD*, promoting the *Tatmadaw* as the true upholders of the Buddhist faith, unruly civilian politicians were depicted arguing over "this-ism" and "that-ism", while a soldier said, "I have only one "ism", and that's Buddhism".

In early 1991 the SLORC invited a number of leading international Buddhist dignitaries, including the Thai Supreme Patriarch, Bhaddanta Nanasamvara, to Rangoon to receive Burma's highest Buddhist awards, apparently to curry religious favour - and hence legitimacy from abroad. Most of these invitations were turned down and in September 1991, amid considerable diplomatic embarrassment, Lt-Gen. Phone Myint, the Home and Religious Affairs Minister, was rebuffed after he flew to Bangkok to try and personally confer the religious titles in Thailand.⁸⁷ In

86 Ibid.

Buddhist communities around the world deep unease has persisted over reports of the alleged ill-treatment of monks in jail, and these fears were confirmed by a number of monks who, on their release, complained that they had been forcibly disrobed in prison and prevented from performing their religious offices.

Leaders of the Christian and Muslim minorities in Burma have also complained of severe restrictions under the SLORC. Any activity that might be construed as proselytizing is banned and care has to be taken not to break the 2/88 Order which limits the size of public gatherings. A particular complaint since 1988 has been the SLORC's seizure, without compensation, of Church land for its development and resettlement programmes. On 19 April 1990, six Catholic lay workers were arrested in Rangoon and, according to Church leaders, as a peculiar act of discrimination many Church workers were not permitted to vote in the election on unexplained grounds. In October and November 1991 there were also reports of a crackdown on Christian communities in the Irrawaddy Delta after insurgent units of the KNU infiltrated the area. Several pastors, including the Rev. James and Rev. Daniel Htoo in the Bogale area, are known to have been arrested.

As during the period of BSPP rule, it has been the Muslim community which has made the most serious allegations of official persecution. Since November 1990, an estimated 40,000 Muslim refugees, including many students, have arrived in Bangladesh to join an earlier generation of exiles. Some have come to escape porter-duty for the *Tatmadaw*, but others have complained of robbery, murder, land confiscation and attempts by the SLORC to resettle their farms and villages with Buddhist Rakhines in what they believe is a deliberate attempt to force the Muslim population out of north Arakan.⁸⁸ Although many local Muslim families are residents in Burma of several generations

87 See BBC, *SWB*, 5 September 1991

88 See n.14

standing, the State media today routinely refers to Muslims of Indian extraction as "Kalas" or "foreigners" which continues to inflame ethnic tensions across the country (see 9.8 below).

On 31 July 1991 Reuters quoted opposition sources, reporting that 186 Muslims had been arrested in Maungdaw and 280 in Sittwe (Akyab), the Arakan capital. Subsequently, on 19 August State radio reported legal action would be taken against 106 men and five women, including 57 described as "Bengali nationals".

9.8 Ethnic Minorities

Despite repeated pledges by the SLORC to bring an end to the insurgencies by the drafting of a new constitution acceptable to Burma's ethnic minorities, many nationalist parties claim the BSPP's "Burmanization" policy has continued unabated. The SLORC has offered ceasefires to several ethnic insurgent organizations which are heavily involved in the heroin trade in the Shan State. At the same time, the SLORC has refused to engage in negotiations of any sort with the DAB and other armed opposition forces which have widespread popular support in southeast and northeast Burma. The SLORC's all-out offensives against these groups have resulted in thousands of civilian casualties since September 1988 and the displacement of many communities.⁸⁹ In October and November 1991 over 500 Karen people were reported to have been captured, tortured or killed in the Lower Irrawaddy area alone after government forces began bombing local villages in a major counter-insurgency offensive. The same pressures have been suffered by communities with no involvement in the fighting.

Even fewer books have been produced in minority languages under the SLORC than under the BSPP and many minority intellectuals have been arrested or gone underground. For

⁸⁹ See *n.* 11

example, U Zahle Tang, the Chin National League for Democracy MP for Falam (2), and U Liam Ok, an Independent MP for Haka, both escaped from the Chin State to India in early 1991 after they were charged under the 1962 Printers and Publishers Registration Law and the 1950 Emergency Provisions Act. Two ethnic Mons, the monk Nai Nawn Dho and the university lecturer Nai Manawchrod, were also reportedly arrested in Rangoon in January 1991, allegedly for trying to promote usage of the Mon language.

Other prominent minority leaders who have been imprisoned include two Kachin lawyers, 61 year-old Nan Zing La, and 41 year-old Bawk La, important figures in the Baptist Church in the Kachin State. Both were reportedly arrested in October 1988 and sentenced to three years' imprisonment after they made speeches supporting the democracy movement during the summer uprising.

Bawk La is alleged to have been tortured with electric shocks following his arrest and this has led to concern about prison conditions in Burma's remote ethnic minority states. The well-known Rakhine historian, U Oo Tha Tun, a candidate for the Arakan League for Democracy in Kyauktaw constituency, is believed to have died in prison shortly after his detention in May 1990. Grave concern has also been expressed over the welfare of an ethnic Kayan (Padaung), 85 year-old U Chit Thaug, leader of the NLD in the Kayah State, who has been detained since July 1989. A veteran activist frequently imprisoned under the BSPP, according to Amnesty International he was detained for two months in September 1988, during which time he was so severely beaten that on his release he required one month's hospital treatment.⁹⁰

Burma's substantial Indian and Chinese minorities have also been the target of a xenophobic campaign, orchestrated by the

90 Amnesty International Appeal Case No. 5, 1991.

SLORC, which has frequently led to physical violence. Articles accusing "foreigners" of greed, corruption and an alarming birth rate, have appeared in the State media in a series entitled "We Fear Our Race May Become Extinct". Calling for stricter police controls, one commentary warned: "Many Burmese girls have become wives of Indians and Chinese. They have given birth to impure Burmese nationals. Foreigners marrying Burmese girls and trying to swallow up the whole race will continue to be a problem in the era of democracy in future".⁹¹

9.9 The Insurgent Press

While the political struggle in the cities continues, the insurgent press in Burma, which has flourished virtually uninterrupted since Independence in 1948, has been little affected by the events of the past three years. Some publications are produced locally, mainly on Gestetner machines, but others, of better quality, are printed abroad (largely in Thailand). Circulation of these magazines and news-sheets is irregular and is usually dependent on the financial resources of the diverse insurgent fronts. On its 42nd anniversary in 1990, for example, the NMSP produced a special colour edition of the *New Mon State Journal*, in Mon, Burmese and English, including topical short stories, poems, photographs and cartoons as well as more familiar political tracts. Amongst the oldest and best-known minority publications are the Than Noo Htoo (in Karen), its English-language equivalent, the *Karen National Union Bulletin*, and the weekly *Baknoi BatShiga* of the KIO.

The most widely-distributed of the many publications launched since 1988 is the English-language *Dawn News Bulletin* of the ABSDF which, like the NMSP, KNU and KIO, is also a DAB member. In early 1991 the well-known writer, 55 year-old U Win

⁹¹ WPD, 20-27 February 1989; for the physical abuse of Indian Muslims, see Amnesty International, *Myanmar: Continuing Killings and Ill-Treatment of Minority Peoples*.

Khet, ex-editor of the *Shudaunt*, *Sarmawgun* and *Pan* magazines, escaped into DAB territory to join the National Coalition Government of Dr Sein Win and set up the Writers and Artists Club in the Liberated Area. Subsequently, they began production of the bilingual monthly *Democratic Forum* and, in conjunction with the DAB, the *Eastern Yoma Bulletin*. These magazines have provided an important outlet for talented artists and cartoonists, such as 45 year-old Ko Ko Maung and the anonymous "Mr Burma",⁹² who fled to the Thai border after the Saw Maung coup.

Dozens of expatriate magazines have been launched, but only the Burmese-language *Myanmar Hain Kaba Yay-Ya Democracy Thadinhlwa (Burma and World Affairs Democracy Magazine)*, produced by exiles in Bangkok, has been smuggled in sizeable quantities into Rangoon with any regularity.

Pamphlets and leaflets from different CPB regional units, which have been prominently featured at the SLORC press conferences, are still in circulation but have declined dramatically since ethnic mutinies caused the virtual collapse of the party in 1989. The once widely-available journal *Pyithu Ah Nar (People's Power)* now appears to be defunct. The CPB also ran an illegal radio station, the Voice of the People of Burma, which broadcast virtually uninterrupted in several indigenous languages from 1971 until the 1989 mutinies. Subsequently, a breakaway ethnic organization, the United Wa State Army, has broadcast occasional propaganda statements on the same frequency but now appears to have shut down.

In December 1989 the KNU also briefly resurrected its own radio station, which had been shut down during fighting in 1983, and opened a new "Democratic Alliance of Burma" programme, but transmissions have been intermittent and reception very poor.

92 See M. Smith, "Confronting Fear With Laughter", *Index on Censorship*, Jan. 1992.

10. The SLORC and the International Community

"Human rights' activities in Myanmar are undertaken openly and sincerely with the aim of bringing about development of all the fraternal national races, and enabling the people from all strata and classes to share the fruits equally. If one makes an in-depth study of the so-called 'human rights' in some Western nations, one will find that they are meant ultimately for the elite, the privileged and the ruling class. Myanmar ensures human rights in accordance with Myanmar's traditional values, customs and religion. The cultural values and way of life of Eastern nations are different from those of Western nations. In fact, they are totally different. It must be understood that 'East is East and West is West'."

Maj-Gen. Khin Nyunt, MIS Chief.⁹³

10.1 The Foreign Press

"The SLORC has largely continued the practice, established under the BSPP, of banning foreign journalists from Burma. The only exceptions have been the local Tass and Xinhua correspondents. Since January 1989, in occasional attempts to court international respectability, a small number of Western reporters have been briefly and selectively admitted. Although a few journalists were allowed in at the last moment to witness the casting of votes, all foreign journalists were again banned following the 1990 election.

⁹³ Maj-Gen. Khin Nyunt, press conference 5 November 1991, Rangoon Institute of Nursing.

Such news black-outs have several times been imposed. For example, David Storey of Reuters, the only foreign journalist in Burma at the time, was summarily deported in July 1989 prior to the arrest of Aung San Suu Kyi and the NLD's first-line leaders. International telephone and telex lines were then shut down for two weeks.

The foreign media has played a central part as a prime target of the SLORC's cultural revolution, and virulent attacks have been launched against foreign journalists and agencies which monitor events in Burma. In June 1991 the *WPD* described Bangkok, the main base for Western journalists covering Burma, as the "haunt of cheap mercenary correspondents".⁹⁴ The basis for SLORC accusations have been two books by MIS chief Khin Nyunt, *The Conspiracy of Treasonous Minions Within the Myanmar Naing-Ngan and Traitorous Cohorts* (the "Green Book") and *A Sky Full of Lies* which, contradicting his repeated allegations against the CPB, claim the 1988 uprising was inspired by right-wing groups and foreign supporters in the media.

Organizations which Khin Nyunt claimed "blatantly broke all norms of international moral conduct" included the BBC, Voice of America, All India Radio, *Bangkok Post*, *Far East Economic Review*, *The Times*, *Time* and *Newsweek*. These charges were backed up by photographs and potted biographies of a number of respected Western journalists, academics and politicians.

Although clearly inaccurate, this campaign conjured up the image of a network of foreigners secretly working together to seize control of Burma. Over 100 cartoons have appeared in the *WPD* attacking the BBC alone. Articles citing the execution in Iraq of the journalist Farzad Bazoft have also been run alongside scathing "warnings" against foreign correspondents, notably Bertil Lintner of the *Far East Economic Review*.⁹⁵

⁹⁴ *The Nation*, 20 June 1991.

⁹⁵ See e.g., *WPD*, 22 April, 4 and 8 May 1990.

The government's main object appears to be to prevent Burmese citizens from speaking openly to foreigners. In an obvious act of intimidation, the names of Burmese citizens working for foreign news agencies abroad have been prominently featured in the media along with their parents' names, and a number of charges have been brought. In the most-publicized case, in October 1989, U Nay Min, a 43 year-old lawyer detained in November 1988 under section 10(a) of the 1975 State Protection Law, was sentenced to 14 years' hard labour under sections C/J of the 1950 Emergency Provisions Act for sending "false news and rumours" to the BBC.

Aung San Suu Kyi's successor, U Kyi Maung, was arrested in September 1990, shortly after he gave an interview to *Asiaweek* highly critical of the SLORC. Invoking the Nuremberg trials, he joked, "In this country, if we didn't have any sense of humour, we would have been long dead. It has been so restrictive and repressive, so there's a lot of killjoys here".⁹⁶ His subsequent crime, for which he was sentenced to ten years in prison for treason, was to communicate the content of SLORC memoranda he received in his capacity as leader of the NLD to "unauthorized persons", i.e. foreign embassies.

Local Burmese journalists reporting government press conferences for international news agencies have also been harassed. In July 1988 U Sein Win, of Associated Press and a former *Guardian* editor, was held for one month without trial, and in January 1991 U Nay Win of the Japanese *Asahi Shimbun* died shortly after his release from interrogation (see 8.3). According to diplomats, his only offence was to have publicly asked SLORC officers embarrassing questions concerning the transfer of power to the NLD at a press conference.

Staff working for foreign embassies in Rangoon are not immune to SLORC harassment. On 16 November 1990 Daw Nita

⁹⁶ *Asiaweek*, 13 July 1990.

Yin Yin May, a Burmese national employed as information officer at the British Embassy, was arrested by MIS officers and charged under the 1923 Official Secrets Act with handling secret SLORC material. Although pregnant, she was sentenced to three years' imprisonment by a summary Military Tribunal. Despite official reminders by the British Embassy in Rangoon and official complaints lodged with the Burmese Ambassador in London by Lord Caithness, Minister of State at the Foreign Office, her appeal is still pending.

Nonetheless, despite the obvious risks in sending letters abroad, in the two years 1989-90 the BBC foreign language service received more letters (over 135,000) from Burmese listeners than from any other overseas country.

10.2 The International Response

With the exception of Iraq, since 1988 few world governments have been more internationally condemned than the SLORC. All Western aid, including that from Burma's two largest creditors and aid donors, Japan and West Germany, was cut off in 1988 and any resumption of aid has been made conditional on political reform (see 3.1). These conditions have been repeated many times since and several governments have been quite outspoken in their criticism of the SLORC. In May 1991, for example, the British Foreign Minister Douglas Hurd described the SLORC's spending on arms as "grotesque for such a poor country with no external enemies".⁹⁷ Linking the resumption of aid to Burma with progress on human rights and narcotics' eradication, the US Under-Secretary of State Robert Zoellick warned an ASEAN meeting in July 1991 that "undeveloped and undemocratic Burma" would "remain a cancer of instability" in the region.⁹⁸

97 Foreign and Commonwealth Office press release, 30 May 1991.

98 *Bangkok Post*, 23 July 1991

The award of the 1990 Sakharov Prize by the European Parliament and the 1991 Nobel Peace Prize to Aung San Suu Kyi also reflects outstanding recognition of the extraordinary hardships the Burmese peoples face and the perilous nature of the struggle for democracy and human rights in Burma today.

Despite these powerful statements and gestures, other than a textile boycott by the USA and the call for an international arms embargo by the European Community, few governments have followed through with any real actions or commitment. Western oil companies, including Amoco, Unocal, Idemitsu, Kirkland Resources, Croft Exploration, Premier Petroleum, Petro-Canada, BHP and Royal Dutch Shell, have invested in the SLORC economy, and strong economic support for the SLORC has come from its close neighbours, especially Thailand, Singapore and China, which have all been quick to take advantage of cheap prices to step up official trade (see Appendix 6).

Unlike Western governments and India, ASEAN countries have been reluctant to be drawn into any statements on human rights' abuses, and China, which is even more reluctant, has agreed a massive one billion dollar arms deal with Gen. Saw Maung. Other countries, including Pakistan and Yugoslavia, now stand in the wings anxious to make further arms sales in a steadily-declining world market.⁹⁹

Developing countries have also complained of hypocrisy in the position of Western governments which, while complaining of human rights' abuses, have done nothing to stem trade investment by companies from their own countries. For example, when Coca-Cola abandoned plans to enter Burma after lobbying by exile groups, Pepsi-Cola was quick to step in. Although relatively small-scale by international standards, the value of Western and Japanese investment still outweighs that of most of Burma's neighbours. Opposition groups in Burma have thus questioned

⁹⁹ See *n* 8.

the wisdom of any arms embargoes or human rights' pressure if they are not co-ordinated with effective economic action.

The irony is that, at a time when the SLORC has become increasingly isolated both at home and abroad, it has ever more funds to spend on the army's expansion to suppress all dissent.

10.3 The Reply from the SLORC

Gen. Saw Maung and the SLORC government, following in the footsteps of Gen. Ne Win, have continued to stress what they describe as the political and cultural uniqueness of Burma and have rejected all unsolicited international advice or pressure as "interference". "I tell you", Gen. Saw Maung once explained, "if anyone wants to enjoy the human rights they have in the USA, England or India, provided that country accepts [them], I will permit them to leave. But in Myanmar, I can only grant rights suitable for the Myanmar people."¹⁰⁰

Despite the overwhelming evidence of gross human rights' abuses in Burma today, every report has been rejected by the SLORC as "lies" by enemies of the Burmese State. In a formal reply to the UN Economic and Social Council in May 1991, the SLORC argued, "Human rights in Myanmar are adequately protected not only by an elaborate legal and judicial system founded on modern norms and principles of justice, but also by our own age-old and time-tested traditions and culture".¹⁰¹ In a further refinement, SLORC officials have also borrowed from recent human rights statements in China where the government has tried to put the discussion of human rights into a very different context. "In our country human rights mean security, food, clothing and shelter, non-disintegration of the country, and perpetuation of the country's sovereignty", explained SLORC Secretary

100 RHS, 2 November 1990.

101 Press release of the Myanmar government, New York, 23 May 1991.

2, Maj-Gen. Tin Oo. "There is nothing more important than these national interests."¹⁰²

Nonetheless, there are many indications that, as Burma's problems mount and the SLORC permits increasing numbers of international traders and businessmen into the country, the door is gradually opening. Although the SLORC rejects any identity for itself as a "political" government, its chosen route back into the international community is through the UN and, as it repeatedly reminds the Burmese peoples, great importance is placed on the fact that "Myanmar" and the SLORC generals are recognized as the *de facto* government at the UN General Assembly - not the NLD or the National Coalition Government of Dr Sein Win.

While many foreigners remain barred, UN officials are feted guests in Burma and prominently displayed on the front-page of Burma's only newspaper, the WPD, when they meet with SLORC officials. These pictures are often juxtaposed with military slogans, explanations of SLORC actions or reports of *Tatmadaw* victories on the battlefield.¹⁰³ (Since September 1990 the SLORC has also intimated it will allow selected non-governmental organizations, supervised by the United Nations Development Programme (UNDP), to enter Burma to begin aid programmes. To date, however, while Burma's crisis continues, few organizations have expressed any interest.)

10.4 The Role of the United Nations

Opposition groups have objected that UN officials in Burma allow themselves to be used for blatant propaganda, but there is an overwhelming feeling among UN workers in Rangoon that Burma's problems are now so great that it is a small price to pay to begin development projects which are intended for the benefit

102 RHS, 8 September, in BBC, SWB, 11 September 1991.

103 See e.g., WPD, 26 March and 3 April 1991.

of all the Burmese peoples. It is now generally accepted that in the last decade of the 20th century the UN is likely to become an increasingly important influence in Burma.

Burma remains one of just four member countries of the UN which has not signed any of the four Geneva Conventions of 1949 concerning treatment of civilians and combatants during war, nor has it signed the International Covenant on Civil and Political Rights. Nevertheless, within the past year it broke its long isolation to ratify the UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the UN Convention on the Rights of the Child.

In these steps, some observers see hopeful signs of constructive dialogue and, out of its professed respect for the UN, the SLORC has agreed, under the confidential 1503 procedure, to allow the UN team of the Independent Expert to continue monitoring events in Burma during the country's uncertain political transition. The first team, headed by the Japanese professor, Sadako Ogata, visited Rangoon in November 1990 and a second team led by another Japanese professor, Yozo Yokota, visited in October 1991. Both, however, were prevented from meeting Aung San Suu Kyi or any other political detainees. Indeed two of the 19 political prisoners on Professor Ogata's original list, U Maung Ko and U Ba Thaw, subsequently died from ill-treatment in jail - the former while Professor Ogata was actually visiting the country.

Pressure has also built up at the UN General Assembly in New York to pass motions criticizing human rights' abuses by the SLORC and the regime's failure to acknowledge the 1990 election result. At first, these were held up by Cuba, ASEAN and other Third World parties who felt an unwelcome precedent could be set. But in November 1991 a resolution was passed by consensus, which took note of the assurances of the government of Myanmar to take firm steps towards the establishment of a democratic State and which looked forward to the early implementation of this commitment. The resolution also expressed

concern at the information on the grave human rights' situation and stressed the need for an early improvement of this situation.

The UN's general hopes for Burma were expressed in the first report of the UN Independent Expert to the UN Commission on Human Rights in Geneva:

*"The formation of a democratically elected government is of central importance to the promotion and protection of human rights, as it is only under such a government that personal freedoms including freedom of expression and assembly, and freedom from arbitrary arrest and detention can be assured."*¹⁰⁴

Under the confidential 1503 procedure, however, these conclusions have never been formally reported and many Burmese opposition groups have accused the different UN agencies of taking up self-interested and contradictory positions on the SLORC. While most governments and multi-lateral agencies have stopped or are still reducing aid to the SLORC, several UN agencies, notably the UNDP, proposed to increase their aid from 1991 (see Appendix 7). Technically, the UN cannot refuse to grant at least some aid to member countries which have been classified as LDCs and which otherwise meet the UN's criteria. But serious concern was expressed by opposition groups at a number of projects, co-ordinated by the UNDP, notably road-building schemes in the ethnic minority borderlands. Such projects, it was alleged, were counter-insurgency measures, hardly designed to help the local people. Questions were also raised over narcotics and environmental policies and Burma's right to LDC status at the UN when the SLORC continued to spend so much on arms.

104 United Nations Social and Economic Council, *Study of Situations*, p.25.

State of Fear

Amongst opposition groups there has been a general consensus that, though humanitarian help was welcome, all aid must be carefully monitored and be used only to the benefit of the local people and not for the political legitimization of the SLORC.

11. Summary of the SLORC Period and Prospects for the Future

Despite the promise of fundamental change in Burma since the great democracy uprising of 1988, the situation today is without doubt more repressive than at any time in the recent past. Hundreds and possibly thousands of civilians remain unaccounted for after the violence of the past three years; university classes have been kept closed for fear of letting young people meet; and unreported wars continue to take an ever greater toll of human life.

Many of Burma's brightest talents - writers, artists, lawyers and doctors - joined the democracy movement in 1988 and now languish in jail. A general election was promised by the SLORC, but even before the people went to the polls, Aung San Suu Kyi, U Nu and many of the country's most able politicians were already under arrest. Then, when the polls did not go the way the SLORC generals wanted, over 50 MPs, the elected representatives of the people, were jailed.

All these people have been branded as either traitors or criminals. The State media repeatedly attacks rightists, communists, imperialists and, more recently, "capitalists attempting to subvert the sovereignty of Myanmar". According to the SLORC, Burma has no political prisoners. The SLORC's only rationale is "law and order", a convenient, catch-all justification with which the *Tatmadaw* could well rule Burma indefinitely. Military terminology permeates every level of the SLORC government and its use of the law. According to Maj-Gen. Myo Nyunt, the law is simply a "good weapon" that may require "adjusting from time to time" but must always be fired, immediately and accurately, at

the "bulls-eye of the target" whenever the need arises.¹⁰⁵ Indeed, so successfully has the law been employed that 17 of the 19 original Central Executive Committee members of the NLD have now been detained.

Against this, as Burma's social and economic crisis grows, there are quiet voices within the military who call for discussion and believe, like Aung San Suu Kyi, that the only way forward is by reason and compromise. For the moment, however, that is not the way of Burmese politics. The timescale of reform is entirely in the hands of the Ne Win old-guard, and currently they are privately hoping to edge Burma along the road towards the model of Indonesia where real power, in an ostensibly democratic system, remains in the hands of the military.

Whether they can ever succeed without the support of the people remains impossible to say. At some stage, the consequences of the violence and long prison terms they have meted out to those who stood up for democracy will have to be redressed. "Our heads are bloody but unbowed", runs a popular student slogan. In Aung San Suu Kyi, at least, the country has found an inspirational leader who has taught the people not to be afraid. "Fear", she said, "is not the natural state of civilized man."

105 *Voice of Burma Television*, 6 September 1991.

12. Conclusions and Recommendations

This report documents the extent and mechanisms of censorship in Burma and the many restrictions on political, cultural, religious and academic freedoms, both under the former BSPP government and its successor, the SLORC, which assumed power in September 1988. Since then, writers and journalists have continued to be detained, harassed and dismissed from their posts. Publications have been banned and, using new martial law restrictions, press censorship has been further tightened. Foreign journalists have been banned and the SLORC has launched frequent attacks on foreign news organizations and journalists.

Under these extraordinary conditions, Burma's first general election in three decades was conducted in May 1990. Despite the background of intimidation, the National League for Democracy won 59.8 per cent of the popular vote which should have entitled them to 82 per cent of the seats in the People's Assembly. The SLORC, however, has repeatedly refused to accept the results. Thousands of political activists have been killed in the course of peaceful demonstrations since 1988 and as a result of torture in detention. Senior leaders of the new democracy parties, elected members of parliament and hundreds of political activists have been arrested. Many are serving long jail terms for having violated laws or martial law decrees restricting the freedom of assembly, publication and speech. Others, fearing arrest, have gone into exile.

Buddhist monks have also been imprisoned for expressing views critical of the SLORC and many have been forcibly disrobed, thus denying them their religious status. Muslim and Christian community leaders have complained of similar

harassment and restrictions in going about their everyday religious duties. Ethnic minority groups have complained that they have been prevented by Censorship Boards from publishing materials in their own languages.

There are many tragic consequences to the government's suppression of information. There has been no investigation into the deaths or disappearances of civilians during the 1988 democracy uprising, and the sentences given to many political prisoners and the conditions in which they are being kept have never been reported. Meanwhile, the country's economic, social, environmental, drug and refugee problems continue to worsen and, other than bland SLORC press releases, there is very little media coverage of any of these issues.

ARTICLE 19 recognizes that Burma's problems are severe and that both before and after the 1988 democracy uprising there have been groups in armed opposition to the central government. Nonetheless, the conflicts cannot justify the government's repressive measures. Accordingly, ARTICLE 19 calls on the Burmese authorities to take immediate steps to restore freedom of expression and in particular to:

- acknowledge the result of the 1990 election and permit the duly elected MPs to assume their posts;
- immediately cease torture and release unconditionally all those detained for the peaceful expression of their opposition to the BSPP and the SLORC, including politicians, journalists, writers and media workers, and allow them to pursue their professions without further threat of arrest or harassment;
- repeal all laws which restrict freedom of expression and, in particular, repeal the 1962 Printers' and Publishers' Registration Law, lift the bans on all publications and allow foreign publications to circulate freely in Burma;

- cease persecution of religious institutions, including those of the Buddhist, Christian and Muslim communities and, in particular, cease arrests and attacks on individuals, places of worship and religious observances;
- allow unrestricted publication of literature in ethnic minority languages and unrestricted distribution of religious publications;
- disclose information about the extent and severity of Burma's narcotics, health, environmental and refugee crises and allow local and foreign journalists unrestricted access to the affected regions;
- respect academic freedom and, in particular, reopen the universities for all academic years and reinstate academics who have been dismissed for expression of opinions critical of the government.

In addition, ARTICLE 19 calls on the United Nations to:

- ensure that all aid programmes introduced in Burma are undertaken with the advice, consent and participation of the local people and for their benefit;
- ensure that aid programmes, such as road building in border areas, do not have an ulterior military purpose;
- insist that, prior to the commencement of any aid programme, UN officials have full access to the people in the proposed region and not just individuals or communities selected by the SLORC;
- insist that, once programmes have been initiated, free and independent monitoring of all aid programmes be allowed;

State of Fear

- ensure that the presence of UN officials in Burma is not used for political propaganda by the SLORC and that, if this is attempted, the SLORC officials involved will be criticized;
- insist that, as a matter of urgency, the UN Independent Expert be allowed full access to Burmese prisons and political detainees.

Appendix 1

Journalists, Writers and Intellectuals in Detention

There are no reliable figures of the number of political prisoners currently held by the SLORC. Foreign diplomats have estimated the figure at anywhere between 2,000 and 6,000 detainees. Many cases are brought to court without any public reporting and prisoners are often denied visits from their family and friends. Much of the information about their present condition is thus anecdotal. Reliable information is especially missing about ethnic minority prisoners in the war zones where travel is strictly prohibited.

The list below concentrates on a selection of detainees whose histories are better-documented, largely because of their political prominence.

Daw Aung San Suu Kyi

Author and general-secretary of the NLD, Aung San Suu Kyi has been held under house arrest under section 10(b) of the 1975 State Protection Law since 20 July 1989. Under this law she can be held up to five years without trial. SLORC officials have hinted they might eventually bring legal charges against her, but have said they would prefer her to renounce politics and quietly leave the country.

For her commitment to non-violence, she has been awarded the 1990 Rafto Memorial Human Rights Prize in Norway, the 1990 Sakharov Prize for Freedom of Thought by the European

Parliament and the 1991 Nobel Peace Prize for which she was nominated by Vaclav Havel. She has described the NLD's campaign as "no more violent than is necessary in banging the keys of a typewriter". Enrique Baron Crespo, President of the European Parliament, described her as "a brave Asian - a woman whose name has become synonymous with the non-violent struggle for freedom and democracy".

A 46 year-old mother of two teenage boys, since her detention she has been allowed one three-week and one two-week visit from her husband, the British don, Dr. Michael Aris. Her writings include a biography of her father, Aung San, and a comparative study of colonial movements in Burma and India. Her public speeches on the need to combat fear after three decades of military rule have attracted many plaudits. "Fear is a habit," she once said. "I'm not afraid."

U Aung Lwin

Actor and chairman of Burma's Film Society, 56 year-old U Aung Lwin is also a Central Committee member of the NLD. He was detained on 28 June 1989 when he was reportedly surrounded in the street by plainclothes security officials who put a bag over his head and forced him to lie handcuffed, face down in a truck. Eyewitnesses say he was badly beaten after his arrest. SLORC officials confirmed to the UN Independent Expert that he was sentenced on 29 December 1989 by Military Tribunal to five years' imprisonment on treason charges.

Accused by the SLORC of supporting the CPB, Aung Lwin was close to Aung San Suu Kyi and is a political liberal believed to have been singled out by MIS agents because of his support for the student movement in the 1988 protests. A father of six, one of his sons (a university student) and his 15 year-old daughter were also briefly arrested in March 1988, and the family claims to have been deliberately victimized. Today several members are living in exile.

His most famous film is *Mayar Htaung Gyauk (Enticing Trap)*, an action thriller.

Ma Theingi

Ma Theingi (42) is a painter and teacher at the Rangoon International School. She has also written a book on traditional Burmese puppet theatre. She was the personal secretary to Aung San Suu Kyi and, like Suu Kyi, was arrested on 20 July 1989 under the 1975 State Protection Law. She is currently believed to be detained in Insein Prison.

Nyan Paw (Min Lu)

Nyan Paw is the 35 year-old son of the famous film director, Tha Du. Two of his brothers are also well-known actors and writers. A talented writer and poet, Nyan Paw served the democracy movement as a ghost-writer, producing leaflets and pamphlets, but is not thought to have joined any particular group.

He was involved in the production of a satirical newspaper/pamphlet containing a long-running poem, "*What has become of us?*" that became famous for its cover with a cartoon depicting the BSPP handing over power to the SLORC (see Appendix 2). After several copies appeared, the MIS went to great lengths to discover his identity and he was eventually arrested with two colleagues in September 1990. He was charged under the 1950 Emergency Provisions Act (5J) with trying to "create misunderstanding" between the people and the Defence Services and was sentenced on 15 November 1990 to seven years' imprisonment.

He is married with two children.

U Sein Hla Oo

U Sein Hla Oo is a graduate of Rangoon University, former film critic, and editor of the Botahtaung newspaper where he wrote under the pen name Maung Nwe Oo. In 1988 he won the D.J. Jefferson Award from the East-West Center in Honolulu. He played an active role in the 1988 democracy protests and was head of the Strike Committee of the Journals and Magazines Group. Sacked following the Saw Maung coup, he joined the NLD and became a member of the Central Information and Press Department. Briefly arrested in February 1990, he won the seat for Insein (2) in the May election but was subsequently arrested again on 23 October 1990 and sentenced to 10 years' hard labour under section 124 of the Penal Code for "withholding information relating to High Treason".

Now 53 years old, he is believed to be in poor health and was reported to have been in Insein Prison hospital suffering from dysentery in January 1991.

U Soe Thein

A graduate of the Workers' College in Rangoon, U Soe Thein (46) became a journalist at the WPD in the late 1960s writing under the pen name Maung Wuntha. After working for the *Hanthawaddy* and *Myanmar Alin*, he had reportedly been promoted to editor of *Botahtaungby* the time of the 1988 uprising. Sacked because of his role in the protests, he joined the NLD as a member of its Central Executive Committee. He won the seat for Waw township in the 1990 election, was arrested on 22 or 23 October 1990 and, like U Sein Hla Oo, was sentenced to 10 years in jail.

U Win Tin

U Win Tin is one of Burma's best-known writers and journalists. A Rangoon University graduate and former editor of the *Kyemon*

and *Hanthawaddy* dailies, he travelled widely in the 1950s and early 1960s, when he was personally selected by Ne Win as a writer of promise before the two men fell out. Like U Aung Lwin, he came to the fore in the 1988 democracy protests and was identified by the MIS as one of the key advisers among the writers and intellectuals who surrounded Aung San Suu Kyi on her return to Burma and encouraged her to enter politics. The MIS has alleged he was working secretly for the CPB, but reports of his speeches suggest his major influences were in fact Mahatma Gandhi, Martin Luther King and Henry David Thoreau.

Until his arrest the 61 year-old Win Tin, an NLD Central Committee member and vice-chairman of Burma's Writer's Association, was a prolific writer, working closely with Aung San Suu Kyi on the NLD's non-violent strategy. Arrested on 4 July 1989, he was jailed for three years with hard labour under section 216 of the Penal Code on what his colleagues say were crudely trumped up charges of harbouring an offender for whom a warrant had been issued.

The Venerable U Yewata

The Venerable U Yewata (44) is a radical Buddhist activist, very much in the traditional mould of the Young Monks' Union of Mandalay. Based at the Mani Yadana monastery, he became secretary of the All Mandalay Strike Committee United Front in the 1988 democracy uprising and played a leading role in persuading different factions and parties to work peacefully together. The city of Mandalay saw little of the violence and confrontation that marked the street protests in Rangoon.

After the democracy uprising was crushed, he took over the leadership of the Mandalay *Sangha Sammagi* and continued trying to liaise between different political groups around the country. He was a key organizer of the Buddhist boycott of military personnel after the SLORC refused to hand over power to the

NLD and travelled to Rangoon to try and persuade other monks to take up the protest.

At the time of his arrest on 19 October 1990 he was reportedly preparing a dossier on human rights' abuses to hand to the UN Independent Expert. He has been accused by the SLORC of working with the CPB and other insurgent organizations, but it is not known if he has been brought to trial.

Zargana (Thu Ra)

Zargana ("Pincers") is a 30 year-old dentistry graduate and humorist, regarded today as Burma's most popular comedian. In the early 1980s he revived an old Burmese tradition: an Asian version of the court jester, the only person able to make fun of the King. The Burmese monarchy had been abolished by the British in 1885, but after 20 years' iron rule by Gen. Ne Win, the time was ripe, he decided, for a revival of the royal clown.

Much of his comedy depends on subtle word-plays which are lost in translation. He performed to widespread acclaim at several mass rallies during the democracy protests in Rangoon in 1988 where he ridiculed the BSPP government. Arrested on 2 October 1988, he was roughly interrogated and released in April 1989 without ever having been charged. He remained at liberty until 19 May 1990 when he reportedly impersonated Gen. Saw Maung, the SLORC chairman, before several thousand spectators at a performance in Rangoon and was arrested several hours later. He is now believed to be serving a five year sentence in a small cell in Insein Prison.¹⁰⁶

In October 1991 Zargana was awarded the Lillian Hellman and Dashiell Hammett Award, given by the Fund for Free Expression, a committee of Human Rights Watch.

¹⁰⁶ For an account of comedy in Burmese political life, see M. Smith, "Confronting Fear With Laughter", *Index on Censorship*, January 1992.

Brief Descriptions of Other Illustrative Detention Cases

1. U Nay Min, lawyer and BBC correspondent, arrested October 1988 and sentenced to 14 years' hard labour, 5 October 1989.
2. Venerable U Kawira, Buddhist monk leader, arrested Shan State in early February 1989, sentence not known.
3. Min Ko Naing (Paw U Tun), student leader, arrested 24 March 1989, reportedly tortured and given a 20 year jail sentence.
4. Pa Du, car mechanic and leader of Sanchaung Chanting Team, arrested 27 April 1989, sentence unknown.
5. Venerable U Kaweinda, young monk leader, arrested 23 June 1989 in Mandalay; reported to have been tortured and at one time rumoured to be dead .
6. Ex-Gen. Tin Oo, chairman of the NLD, arrested 20 July 1989 and sentenced to three years' hard labour in December 1989; reportedly given another 14 years in May 1991; 65 years-old, he suffers from thrombophlebitis.
7. Maung Moe Thu, film director and novelist, arrested 20 July 1989, believed to be serving a three or five year prison sentence.
8. U Ko Yu, (in his 60s), defence attorney and writer known as Maung Thit (Mr "New") to satirize the SLORC's penchant for issuing new decrees, arrested 4 October 1989; sentence not known but reportedly ill-treated during protests at Insein Prison in September 1990.
9. U Win Myint, video cameraman, sentenced to death, 19 October 1989.

10. U Nu, ex-prime minister, Buddhist scholar and author, detained under house arrest 29 December 1989. 85 years-old, he is suffering from a heart condition.
11. Khin Maung Myint, Khin Maung Win, Myo Myint, Soe Naing, Moe Kyaw, Ye Win, Ye Zaw, musicians of the Pyit-aingdaung Drum Band, and their driver, Than Aye, arrested 5 May 1990.
12. Ex-Cols. Kyi Maung and Chit Khaing, acting leaders who led the NLD to victory in the 1990 election, arrested 6 September 1990 and sentenced to 10 and 7 year jail sentences respectively on treason charges. Subsequently, ten years have been added to their sentences.
13. Khin Maung Than, publisher at the Thein Than printing works, detained September 1990.
14. U Sein Hlaing and Myo Myint Nyein, publishers, arrested with Nyan Paw, 24 September 1990; received seven year sentences under the 1950 Emergency Provisions Act.
15. U Ohn Kyaing, journalist and NLD MP for Mandalay SE, sentenced to seven years' hard labour, 17 October 1990.
16. Daw Win May, member of the Radio Workers' Union, detained October 1990, sentence not known.
17. U Chan Aye, lawyer, economist, author and NLD MP for Moulmein (2), arrested on 23 October 1990, sentenced to 10 years' imprisonment.
18. Daw Nita Yin Yin May, Information Officer at the British embassy, sentenced to three years' imprisonment, 16 November 1990.
19. Venerable U Zawtika, U Ne Meinda and U Awtha Dathara, young Buddhist monks, arrested for poems in their diaries or notebooks, October 1990.

20. Thakin Soe Myint, writer, peasants' leader and NLD MP for South Okkalapa, arrested between October 1990 and January 1991, sentence unconfirmed.
21. Daw San San, 61 years-old, ex-head of the Labour Directorate Workers' Union and NLD MP for Seikkan, arrested between October 1990 and January 1991, reportedly sentenced to 25 years' imprisonment.
22. Daw Ohn Kyi, 38 year-old lawyer, NLD MP for Myit Tha Township, arrested between October 1990 and January 1991. Sentenced to 25 years' imprisonment under the Treason Act, there is particular concern as to her welfare as at the time of her arrest she was pregnant.
23. Nai Nawn Dho (mid-30s), Buddhist monk of ethnic Mon origin, arrested January 1991, reportedly for insisting on answering exam questions in his Mon language; believed to have been given a seven-year sentence.

Appendix 2

COUNTRY STATISTICS

	Data	Year
Area	676,552	sq. kms
Population	42 million	1991 (estimate)
Life Expectancy (M/F)	58/62 yrs	1987
GNP (US\$ per capita)	US\$240	1989
Majority ethnic group	Burman	
Main minorities	Chin, Kachin, Karen, Mon, Rakhine, Shan	
Main religion	Buddhism	
Official language	Burmese	
Illiteracy*	19.4%	1990
(M/F)	10.9%/27.7%	1990
Daily newspapers	2	1991
Radio sets	3,100,000	1987
TV sets	50,000	1987
Press agencies	News Agency of Myanmar	

Sources: ARTICLE 19 World Report 1991, UNDP Rangoon.

* See Section 5 8

Appendix 3

Extracts from "What has become of us?" by Nyan Paw (Min Lu)¹

What has become of us?

There are so many rumours nowadays

I was told that no-one died on the steep bank of Inya Lake

"They were just beaten with rubber truncheons"

"They were merely shot with rubber bullets"

"They were only stabbed with rubber bayonets"

Oh ... Were we born into the Rubber Age

All of us?

What has become of us?

In the auction of prison sentences

Where three years is the starting price

The man² who said he would like to see a proud and decent
army Hit the jackpot and got twenty years

No big deal

Even the Shwedagon Pagoda has had to sign an undertaking
to behave.

What has become of us?

You say this SLORC loves literature

So why does the chairman wear glasses tinted green

And why is his deputy's name Uncle Tom

It's unbelievable!

While his fellow writers can't sleep because of the bugs on the
floor

He dreams pink dreams in his red chamber.

As he climbs his mountain of bones and wades through the

¹ *Pen International*, Vol. XLI, No.2, 1991.

² U Ba Thaw (Maung Thawka), died in prison, June 1991.

sea of blood
He'll get State money for his sentences
The others get sentences for their statements.

What has become of us?
Oh, and while I'm on the subject...
Do you believe them when they say that man³ has retired from
politics?
But it's true!
He's just keeping an eye on military and economic matters.

Even under the yoke of the colonialists we had permission to
march, to shout, to demonstrate
But nowadays...
"Ah ... but in those days, we were nothing but their slaves".
"And nowadays we're nothing but our own".

What has become of us?
These people...This is the SLORC era
Where the leaders try to wear hats
Although they have no heads

What has become of us?
What has become of us?

³ General Ne Win, former dictator and BSPP chairman

Appendix 4

SLORC Questionnaire to Public Servants, 1 April 1991

CONFIDENTIAL 1

1. Do you want the KIO, KNU, ABSDF, NMSP insurgent organizations to hold power?
2. Do you like or support underground units of the CPB?
3. Do you want Myanmar to be ruled by a certain foreign country?
4. Are you in favour of CIA intervention in Myanmar?
5. Do you support Sein Win and others governing Myanmar at this critical time?
6. Do you support the so-called U Nu parallel government?
7. Do you support the broadcasts by foreign radio stations, such as the BBC and VOA?
8. Do you want Myanmar to lose its independence?
9. Do you support the NLD leaders, U Tin Oo, Daw Suu Kyi, U Kyi Maung and U Chit Khaing?
10. Do you support absconders Sein Win, Peter Limbin, Maung Aung and U Sein Mya?

CONFIDENTIAL 2

11. Do you want the situation to return to 1988?
12. Do you want the Defence Services to safeguard the country prior to the existence of a concrete constitution?
13. Do you respect that each citizen has an individual responsibility for the constitution?

14. Can you accept that all civil servants must be free from party politics?
15. If not, explain why?
16. Were you a party member during the BSPP era?
17. If so, what was your party membership number?
18. What was your position?
19. As the government has already instructed civil servants to be free from party politics, do you know that disciplinary action will be taken against violators?
20. Do you know that breaking the rules and regulations for civil servants can lead to dismissal?

CONFIDENTIAL 3

21. What is your main job?
22. Did the Defence Services take sides in the last election?
23. For the lasting benefit of the country, how long should a proper transitional period last?
24. Which organization can bring peace and stability to the country?
25. What is the most suitable system for Myanmar?
26. How should the head of State be chosen?
27. Should a person married to a foreigner be chosen as head of State?
28. If so, what will happen to the country?
29. What kind of punishment should be given to a person who has beheaded others, destroyed State property and attempted to divide the Defence Services?
30. Which should be given preference - the country or an individual?
31. For whose benefit are the Defence Services executing State affairs today?
32. How should the Defence Services regard organizations which consider it as their enemy?
33. Is it right to confront the Defence Services?

Appendix 5

SLORC Questionnaire to Political Parties, 5 August 1991

1. Does your party know that the SLORC cannot accept several people, including Daw Aung San Suu Kyi, belonging to political parties for certain legal and historical reasons?
2. Does your party realize that the Defence Services have already fulfilled the promise of holding general elections?
3. Does your party know the path the Defence Services has adopted now?
4. Has your party adopted any proposal for the time-scale of elections for the People's Assembly to be held in accordance with the People's Assembly Election Law?
5. Has any member of your party violated any provision of the law and rules concerning the registration of political parties?
6. Does your party know about the existence of a gap in 1974 and 1947 constitutions?
7. U Nu's parallel government exists up to now. Do you support that government? Why don't you object to the existence of such a government?
8. Sein Win's group is now at Mannerplaw. Do you support that group? What does your party think ought to be done about them?
9. Is there anyone in your party who is not acceptable under the law and rules concerning People's Assembly elections and the registration of political parties?

State of Fear

Appendix 6

MULTILATERAL AND BILATERAL AID TO BURMA

(Grants and Loans, 1986-1990, US\$ millions)

	1986	1987	1988	1989	1990 ¹
UN Agencies					
UNDP ²	11.8	10.7	11.031	7.255	14.433
UNICEF	8.1	7.3	3.033	4.930	0.040
WHO	2.3	3.9	2.764	2.422	nil
UNFDC	n/a	n/a	0.129	0.141	0.163
FAO	1.0	0.8	0.246	0.547	nil
UNFPA	0.1	0.1	0.018	0.040	0.584
ILO	nil	0.2	nil	nil	nil
Other	0.3	0.3	nil	0.034	nil
Loans					
IBRD/IDA	43.8	64.6	54.930	51.400	nil
Banks	26.8	36.0	27.992	29.942	0.014
EEC	14.6	0.1	0.986	1.432	0.562
Countries					
Australia	7.9	8.3	6.274	3.455	nil
Austria	0.1	0.1	nil	nil	nil
Canada	1.1	1.0	0.459	0.750	0.317
Denmark	2.8	0.2	nil	0.001	nil
Egypt	nil	nil	nil	0.017	nil
Finland	4.1	1.3	nil	4.643	2.074
France	5.1	9.0	nil	16.536	nil
Germany	22.4	25.7	nil	0.068	nil
India	nil	nil	nil	0.005	nil
Israel	nil	nil	nil	0.062	nil
Italy	2.4	1.1	0.164	0.939	nil
Japan	244.1	172.0	0.019	71.968	0.056
Netherlands	2.4	1.6	nil	0.003	nil
Norway	0.5	0.1	2.503	1.981	1.424
New Zealand	nil	nil	nil	0.005	nil
Switzerland	1.6	1.6	0.298	0.443	0.603
UK	4.3	7.7	nil	0.150	nil
USA	9.0	11.0	nil	0.150	nil

Source: *Burma Alert*, Vol. 2 No. 7, July 1991 and No. 8, August 1991.

1 1990 Figures are amounts committed but not necessarily disbursed.

2 The Rangoon *WPD* on 12 July 1991 announced that the UNDP had signed an agreement for a Board of Development Project of US\$1.3 million. This was reported to be the first of many such projects.

Appendix 7

Foreign Company Investments and Trade in Burma, 1989-91 (US\$ millions)

Oil/Gas

Croft Explorations	UK	8.145
Premier Petroleum	UK	19.05
Kirkland Oil	UK	4.00
Shell Oil	NL	80.00
Petro-Can	CAN	22.00
BHP	AUS	25.20
Amoco	USA	51.00
Unocal	USA	29.00
Idemitsu	JAP	40.00
Yukong	ROK	38.70

Other Sectors (Mining, Logging, Industry, Fisheries, Tourism;

Bangladesh	2.96
Hong Kong (various)	9.90
Japan (MGC Corp)	60.00
Singapore (various)	3.0470
Thailand (various)	160.970
Thailand (timber)	180.00 (1988-92 est.)
ROK (various)	34.6375
UK (Strand Hotels)	12.50
USA (fisheries)	74.19

Total UK company investment = US\$ 43.695 million
 Total US, UK, Australia, Canada, Netherlands investment
 = US\$ 325.085 million
 Total foreign company investment = US\$ 855.2995 million

Source: *Burma Alert*, Vol. 2 No. 7, July 1991.

Note: These tables are incomplete. They do not include the trade across the borders with China (legal and illegal trade was estimated at US\$ 1.5 billion per annum in June 1989, *FEER*). and various other projects such as the sale of the Burmese Embassy in Tokyo for US\$ 236 million.

Select Bibliography

- Amnesty International, *Burma: Extrajudicial Execution and Torture of Members of Ethnic Minorities* (London, 1988).
- Amnesty International, *Myanmar: 'In the National Interest'* (London, 1990).
- Amnesty International, *Myanmar: Prisoners of Conscience - a Chronicle of Developments Since September 1988* (London, 1989).
- Asiawatch, *Human Rights in Burma (Myanmar)* (New York, 1990).
- Anna Allott, "Prose Writing and Publishing in Burma: Government Policy and Popular Practice", in Tham Seong Chee (ed.), *Essays on Literature and Society in Southeast Asia* (Singapore University Press, 1981) pp.1-35.
- Aung San Suu Kyi, *Freedom from Fear and Other Writings* (London, Penguin, 1991).
- International Human Rights Law Group, *Report on the Myanmar Election* (Washington, May 1990).
- Khin Nyunt, *The Conspiracy of Treasonous Minions Within the Myanmar Naing-Ngan and Traitorous Cohorts Abroad* (Rangoon, Guardian Press, 1989).
- Bertil Lintner, *Outrage: Burma's Struggle for Democracy* (London, White Lotus, 1990).
- Martin Smith, *Burma: Insurgency and the Politics of Ethnicity* (London, Zed Books, 1991).

ARTICLE 19

The International Centre Against Censorship

ARTICLE 19 takes its name and purpose from article 19 of the Universal Declaration of Human Rights which states:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 19, the International Centre Against Censorship, works impartially and systematically to identify and oppose censorship worldwide. We believe that freedom of expression and information is a fundamental human right without which all other rights, including the right to life, cannot be protected. ARTICLE 19 defends this right when it is threatened, opposes government practices which violate it and exposes censorship.

ARTICLE 19's programme of research, publication and campaigning addresses censorship in its many forms. We work on behalf of victims of censorship: individuals who are physically attacked, killed, unjustly imprisoned, banned, restricted in their movements or dismissed from their jobs; publications which are censored or banned; media outlets which are closed, suspended or threatened with closure; organizations, including political groups or trade unions, which are harassed, suppressed or silenced.

ARTICLE 19 monitors individual countries' compliance with international standards protecting freedom of expression, and prepares reports for, and represents individuals before, inter-governmental organisations such as the United Nations Human Rights Commission and Committee and the European Commission of Human Rights.

ARTICLE 19 has established a growing international network of concerned individuals and organizations who promote awareness of censorship issues and take action on individual cases. Members of ARTICLE 19 around the world help to protect and defend victims of censorship by mobilizing public opinion, by calling on governments to respect freedom of information and expression, and by promoting improved national and international standards to protect these freedoms.

ARTICLE 19 is a registered charity in the UK (Charity No. 327421) and is entirely dependent on donations.

If you would like more information about ARTICLE 19 or if you wish to join the campaign against censorship, please contact:

Susan Hay (Membership Coordinator)
Helen Darbshire (Campaigns Coordinator)

ARTICLE 19

90 Borough High Street
London SE1 1LL

Tel. 071 403 4822 Fax. 071 403 1943

Director: Frances D'Souza

The International Board of ARTICLE 19

William Shawcross (UK) Chairman. Writer and journalist whose books include: *Sideshow*, *The Quality of Mercy* and *The Shah's Last Ride: The Fate of an Ally*.

Aryeh Neier (USA) Vice Chairman. Executive Director of Human Rights Watch, formerly Executive Director of the American Civil Liberties Union.

Ben Hooberman (UK) Treasurer. Labour and human rights lawyer.

Ellen Dahrendorf (USA) Soviet specialist.

Gitobu Imanyara (Kenya) Human rights lawyer and editor of *The Nairobi Law Monthly*.

Haifaa Khalafallah (Egypt) Journalist and researcher.

Emily Lau (Hong Kong) Journalist and former Chairperson of the Hong Kong Journalists' Association.

Lance Lindblom (USA) Human rights lawyer and President of the J Roderick MacArthur Foundation.

Helenza Luczywo (Poland) Editor of *Gazeta Wyborcza*, formerly a leading member of the Solidarity movement.

Emilio Mignone (Argentina) Lawyer, writer and human rights leader whose books include *Witness to the Truth: Complicity of Church and Dictatorship in Argentina 1976-1983*.

Soli Sorabjee (India) Lawyer, former Attorney-General and author of a number of books on censorship in India.

Tarzie Vittachi (Sri Lanka) Veteran journalist and human rights advocate, former Deputy Executive Director of UNICEF.

ARTICLE 19 Publications List

INFORMATION FREEDOM AND CENSORSHIP: The ARTICLE 19 World Report 1991 (London: Library Association, April 1991, New York: American Library Association, May 1991) 471pp., £22.50

CENSORSHIP REPORT SERIES:

Truth from Below: The Emergent Press in Africa (October 1991) 91pp., £3.95

Starving in Silence: A Report on Famine and Censorship (April 1990) 146pp., £3.95

No Comment: Censorship, Secrecy and the Irish Troubles (October 1989) 110 pp., £3.95

The Year of the Lie: Censorship and Disinformation in the People's Republic of China 1989 (August 1989) 76pp., £3.95

COUNTRY REPORT SERIES:

Silent Kingdom: Freedom of Expression in Saudi Arabia (October 1991)- English and Arabic editions available 57pp., £3.00

Sudan: Press Freedom Under Siege (April 1991) 33pp., £3.00

Violations of Freedom of Expression and Information in Turkey (October 1990) 30pp., Free

Guatemala Briefing Paper: Violations of the Right to Freedom of Expression (October 1990) 10pp., Free

Threats to Freedom of Expression in the United Kingdom (October 1990) 6pp., Free

Violations of Freedom of Expression and Information in the Occupied Territories of the West Bank and Gaza Strip (December 1989) 8pp., Free

CENSORSHIP NEWS:

Issue 1: STOP PRESS: The Gulf War and Censorship (February 1991)
and **Issue 2: STOP PRESS: The Gulf War and Censorship (May 1991)** £3.00

**Issue 3: MOROCCO: Attacks on Freedom of Expression November 1990
-June 1991** (July 1991) Free

Issue 4: TUNISIA: Attacks on the Press and Government Critics (June
1991) Free

Issue 5: SRI LANKA: Censorship Prevails (October 1991) Free

Issue 6: THE BRITISH BROADCASTING BAN: An Update (October 1991)
Free

OTHER:

BULLETIN: The ARTICLE 19 Newsletter. Published 3 times per year. Free to
Members.

**Prior Restraint and National Security- *Spycatcher* Intervention before the
European Commission of Human Rights** (July 1991) 38pp., £3.00

Censorship in Sri Lanka Video: Three Women Speak Out (1990) 17 mins
VHS £12.50

Banned In Ireland: Censorship and the Irish Writer (University of Georgia
Press/Routledge, September 1990) 176pp., £7.99

In the Shadow of Buendia: Censorship and the Mass Media in Mexico (July
1989) 114pp., £3.00

**Journalism Under Occupation: Israel's Regulation of the Palestinian
Press** (Co-published with The Committee to Protect Journalists, New York October
1988) 224pp., £3.00

**INFORMATION, FREEDOM AND CENSORSHIP: The ARTICLE 19 World
Report 1988** (London: Longman, 1988; New York: Times Books, 1988)
340pp., £16.95

The Crime of Blasphemy - Why it Should be Abolished (International
Committee for the Defence of Salman Rushdie, London April 1989) 22pp.,
£3.95

World Statement: Writers and Readers in Support of Salman Rushdie
(International Committee for the Defence of Salman Rushdie, London July
1989) 83pp., £3.95

1,000 Days of Censorship: Fiction, Fact and the *Fatwa* (Prepared on behalf
of the International Committee for the Defence of Salman Rushdie, London,
November 1991) 63pp., £5.00

The ARTICLE 19 Commentary Series

Reports on the status of freedom of expression and information in countries prepared to coincide with consideration of the country by the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights. Approximately 12 reports are published annually in English, and those indicated are also available in French.

Individual Reports: £3.00

Austria	October 1991
Bolivia	July 1989
Cameroon	July 1989
Canada	October 1990
Chile	October 1989
Democratic Yemen	October 1989
German Democratic Republic	October 1989
India	October 1990
Jordan	July 1991
Mauritius	July 1989
Morocco (French edition available)	October 1990
New Zealand	March 1989
Nicaragua	March 1990
Panama	March 1991
Philippines	March 1989
Portugal	October 1989
Spain	October 1990
Sri Lanka	March 1991
Sudan	July 1991
Sweden	March 1991
Togo	March 1989
Tunisia (French edition available)	July 1990
United Kingdom	March 1991
Uruguay	March 1989
USSR	October 1989
Viet Nam (French edition available)	July 1990
Zaire	July 1990

1987/88 Commentaries Series: Australia (1988), Barbados (1988), Belgium (French edition available) (1988), Central African Republic (1988), Colombia (1988), Congo (1987), Ecuador (1988), France (1988), Guinea (1988), Hong Kong (1988), Iraq (1987), Italy (1987), Japan (1988), Mexico (1988), Norway (1988), Poland (1987), Romania (1987), Rwanda (1987), Senegal (1987), Trinidad and Tobago (1987), Zambia (1987).

Postscript to the Internet version

This Internet version of *State of Fear* was produced from a scan of the 1991 edition, with no revisions or updating, and includes the Article 19 profile, publications list and contact information of the time. The page below, from the organisation's website, has the current profile and contact information.
- David Arnott (Librarian, Online Burma/Myanmar Library) 10 June 2005.

ARTICLE 19, the Global Campaign for Free Expression, champions freedom of expression and the free flow of information as fundamental human rights that underpin all others. We take our name from Article 19 of the Universal Declaration of Human Rights. It states:

Everyone has the right to freedom of opinion and expression; the right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers

ARTICLE 19 believes that freedom of expression and access to information is central to the achievement of individual freedoms and the development of democracy. When people are denied freedom of speech, they are denied the right to make choices about their lives.

ARTICLE 19 strives to make freedom of expression a reality all over the world. We work - in partnership with 52 local organisations in more than thirty countries across Europe, Africa, Asia and Latin America - to lead institutional, cultural and legal change. We undertake authoritative and cutting edge research and monitoring, advocacy and training, standard-setting and legal analysis, capacity-building and global partnerships. We engage international, regional and State institutions, as well as the private sector, in critical dialogue, and hold them accountable for the implementation of international standards.

Founded in 1986, **ARTICLE 19** was the brainchild of Roderick MacArthur, a US philanthropist and journalist. Our International Board consists of eminent journalists, academics, lawyers and campaigners from all regions of the world. **ARTICLE 19** is a UK registered charity (UK Charity No. 327421) with international staff present in Africa, Latin America and Canada. We receive our funding from donors and supporters worldwide who share our commitment to freedom of expression.

ARTICLE 19
6-8 Amwell Street
London
EC1R1UQ
Tel: +44 20 7278 9292
Fax: +44 20 7278 7660
info@article19.org
www.article19.org