

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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World Report 2009 Introduction By Kenneth Roth

Burmas already dismal human rights record worsened following the devastation of cyclone Nargis in early May 2008. The ruling State Peace and Development Council (SPDC) blocked international assistance while pushing through a constitutional referendum in which basic freedoms were denied. The ruling junta systematically denies citizens basic freedoms, including freedom of expression, association, and assembly. It regularly imprisons political activists and human rights defenders; in 2008 the number of political prisoners nearly doubled to more than 2,150. The Burmese military continues to violate the rights of civilians in ethnic conflict areas and extrajudicial killings, forced labor, land confiscation without due process and other violations continued in 2008. **Cyclone Nargis** Cyclone Nargis struck the Irrawaddy Delta and Burmas largest city Rangoon on the night of May 2-3, 2008. The storm rendered 2.4 million people across 37 townships homeless or in need of food or medical assistance with an estimated 84,000 dead and 53,000 missing. The SPDC tightly controlled emergency international assistance and in some cases blocked aid in the crucial early stages following the cyclone. The government denied visas to disaster relief experts and aid workers and prevented them from travel inside Burma. More than 2 million people waited for weeks for relief operations to reach them. United Nations Secretary-General Ban Ki-moon visited Burma in late May, and the UN, the Association of Southeast Asian Nations (ASEAN), and the SPDC created a Tripartite Core Group (TCG) as a multilateral mechanism to coordinate delivery and distribution of emergency relief aid. The SPDC subsequently relaxed restrictions on some agencies and enabled helicopters and boats to operate more freely. But two months after the cyclone an estimated 700,000 people had received no aid whatsoever because of SPDC obstruction. While some UN agencies and international NGOs have reported continuing travel restrictions and obstructions, others say they have been permitted free travel and unfettered operational space. Pro-government organizations such as the Myanmar Red Cross and the Union Solidarity and Development Association operate extensively in the Irrawaddy Delta, but some private civil society efforts have been either discouraged or co-opted by the authorities. In cyclone-affected areas, there have been reports of land confiscations, forced labor, and forced evictions of displaced people by Burmese authorities. **Constitutional Referendum** The SPDC announced in February 2008 that its long awaited constitutional referendum would take place on May 10. The constitution itself was publicly released only in April, and then under limited distribution. A new law made any disruption of the referendum process potentially punishable by three years imprisonment. The new constitution entrenches military rule and limits the role of independent political parties. It empowers the commander-in-chief to appoint military officers to a quarter of all seats in both houses of parliament, and gives the military even broader representation in the selection of the president and two vice-presidents. Despite the devastation of the cyclone, the referendum took place throughout Burma on May 10, with a delayed vote on May 24, for 47 townships affected by the storm. The referendum was carried out in an environment of severe restrictions on access to information, repressive media laws, an almost total ban on freedom of expression, assembly, and association, and the continuing widespread detention of political activists. There were no independent international observers and Burmese and foreign media could only clandestinely cover it. The referendum was marred by voter registration irregularities, coercion and intimidation in communities and at polling stations, and widespread government corruption including ballot stuffing. In late May the SPDC announced a national voter turnout of 98.12 percent, of which 92.48 voted in favor of the constitution. Widespread international condemnation denounced the referendum as a sham. The referendum completed the fourth step of the SPDCs Seven Step Road Map to Democracy, with the SPDC announcing multi-party elections for 2010. **Human Rights Defenders** Intimidation of political activists and human rights defenders increased in 2008. The number of political prisoners rose from 1,100 in mid 2007 to over 2,150 in late 2008. On September 23, the SPDC

announced the release of 9,002 prisoners, of which only seven were political activists, including 78 year old U Win Tin who had been incarcerated since 1989. Days later, the SPDC arrested five members of the National League for Democracy (NLD). On May 27, NLD leader Aung San Suu Kyi had her house arrest order extended for another year, her sixth straight year of confinement. Reports indicate her health is deteriorating, and the SPDC denies her visitors or contact with the outside world. In October and November, more than 70 political activists, monks, nuns, labor activists, and journalists were tried in secret proceedings in prison or closed sessions in court. Many received harsh sentences for offenses related to the 2007 demonstrations; 14 of them were sentenced to 65 years each. Members of the 88 Generation Students faced 22 charges, including contact with exiled political groups and unlawfully publishing documents, and faced sentences of 150 years. Four lawyers representing activists were also jailed for contempt of court after they attempted to withdraw from legal representation to protest the unfair proceedings. Journalists continued to be harassed and arrested in 2008, including Thet Zin and Sein Wun Aung in February for their investigation into the SPDCs brutal crackdown against peaceful protestors. Prominent blogger Nay Phone Latt received a 20-year prison sentence in November. Authorities arrested several prominent former political prisoners for their role in cyclone relief activities including, on June 4, 2008, prominent comedian and dissident Zargana, who distributed aid through his activist networks to Nargis victims. Zargana had criticized the SPDCs relief efforts in interviews with the foreign media. **Child Soldiers** Burma continues widespread and systematic forced recruitment of child soldiers. Non-state armed groups also recruit and deploy children in conflict areas. The UN Security Council working group on children and armed conflict reviewed Burmas record for the first time in 2008. Despite the SPDCs ongoing failure to curtail use of child soldiers, it did not recommend concrete measures to spur the SPDC to act. The Security Councils failure in large part due to efforts by China to block a more principled response was particularly glaring given its previous pledges to seriously consider arms embargoes and other targeted measures against parties that repeatedly recruit and use child soldiers. **Continuing Violence against Ethnic Groups** The Burmese military continues to attack civilians in ethnic conflict areas, particularly in Karen State and Shan State. Abuses such as forced labor, sexual violence against women and girls, extrajudicial killings, torture and beatings, and confiscation of land and property are widespread. In 2008 army counterinsurgency tactics and security operations for infrastructure developments displaced more than 40,000 civilians in these two areas. There are an estimated 450,000 to half a million internally displaced people in eastern Burma. The Burmese army and non-state armed groups extensively use landmines, including near civilian settlements and food production sites a clear violation of international humanitarian law. In Arakan State in western Burma, the Rohingya Muslim minority faces widespread rights violations including religious persecution, forced relocation, land seizures, and denial of citizenship and identity papers. Ethnic Chin people in Chin State and Sagaing Division continue to face forced labor, beatings, sexual violence, and land confiscation by the Burmese military; a famine in the region affected over 100,000 civilians, with reports that relief efforts were hampered by the Burmese army. **Refugees and Migrant Workers** Thousands of Burmese refugees and migrant workers continue to travel to Bangladesh, India, Thailand, Malaysia, and Singapore where they face abuses and harassment. Some 140,000 refugees remain in nine camps along the Thai-Burma border. Over 50,000 refugees have been resettled in third countries such as the United States, Canada, Australia, and Norway since 2004. In July 2008, Thai military officials forcibly returned 52 ethnic Karen people, including children, back to Burma, clearly violating the principle of non-refoulement, and threatened further returns from other camps. In December 2007, Thai security forces shot dead a man in Karenni Site 1 camp, and have since obstructed the official Thai investigation into the killing. Sexual violence by Thai camp guards against female refugees remains prevalent. **Key International Actors** The UN secretary-generals special advisor on Burma, Ibrahim Gambari, visited Burma twice in 2008 but made no progress in engaging the SPDC on political reform. In his March visit, Burmese officials lectured Gambari and criticized his attempts at impartial mediation. The UN Security Council expressed its frustration with the slow pace of dialogue with Burma and called on Gambari to show tangible progress. In August, Aung San Suu Kyi and senior generals refused to meet with Gambari. The UN special rapporteur on human rights in Burma, Tomas Oje Quintana conducted a five-day official visit to Burma in August 2008. Quintanas visit was tightly managed by the SPDC; including a tour of the cyclone-affected Irrawaddy delta, and meetings with government-screened political prisoners, Burmese officials, pro-SPDC political parties, and civil society organizations. Quintana expressed cautious optimism about engaging the SPDC on improving the human rights situation. ASEAN was a key diplomatic focal point after Cyclone Nargis, with ASEAN Secretary General Surin Pitsuwan making frequent visits to Burma to organize relief efforts. ASEANS early criticism of Burma following the 2007 crackdown was muted as it focused on aid efforts. Indonesia lifted its ban on granting credentials to Burmese ambassadors, and Singapore continued to voice support for Burma in international forums. After Cyclone Nargis, the international community reacted with shock and anger at the SPDCs reluctance to allow international aid and aid workers into affected areas, with the French government raising the Responsibility to Protect principle and arguing for international intervention to assist victims. A European Parliament resolution strongly condemned the disruption of cyclone aid, referred to the referendum as implausible, and directly warned that further blockades by the SPDC should result in a charge of crimes against humanity and Burmas referral to the International Criminal Court. China, Russia, India, and Thailand continue to provide diplomatic support for the SPDC and are major trade and investment partners. Foreign investment in Burmas oil and natural gas sector increased in 2008, particularly in connection with a major offshore gas project led by a Korean consortium and a planned overland pipeline to the Burma-China border. Sales of natural gas account for the largest share of the SPDCs revenue. Countries including Australia, Canada, the European Union, Switzerland, and the US continue to impose targeted sanctions on Burma. In July 2008, the US updated its sanctions on Burmese leaders and close business allies by adding Burmese military conglomerates and related companies. It also tightened its gem embargo, making imports of Burmese rubies and jade illegal even if processed in other countries. In August, President George Bush met with exiled Burmese dissidents in Thailand.

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