

Human Rights Watch

Discrimination, Detention, and Deportation: Immigration & Refugees

https://www.hrw.org/legacy/worldreport/Asia-01.htm#P127_40364

Annual reports

--	--	--

□

Human Rights Watch World Report 1998

BURMA

Respect for human rights in Burma continued to deteriorate relentlessly in 1997. The opposition National League for Democracy (NLD) continued to be a target of government repression. NLD leaders were prevented from making any public speeches during the year, and over 300 members were detained in May when they attempted to hold a party congress. There were no meetings during the year of the government's constitutional forum, the National Convention, which last met in March 1996; the convention was one of the only fora where Rangoon-based politicians and members of Burma's various ethnic movements could meet. The government tightened restrictions on freedom of expression, refusing visas to foreign journalists, deporting others and handing down long prison terms to anyone who attempted to collect information or contact groups abroad. Persecution of Muslims increased. Armed conflict continued between government troops and ethnic opposition forces in a number of areas, accompanied by human rights abuses such as forced portering, summary executions, rape, and torture. The ruling State Law and Order Restoration Council (SLORC) continued to deny access to U.N. Special Representative to Burma Rajsoomer Lallah. Despite its human rights practices, however, Burma was admitted as a full member of the Association of Southeast Asian Nations (ASEAN) in July.

Human Rights Developments

In late January, the SLORC announced the sentencing of thirty-four people in connection with large-scale protests during the closing months of 1996. All were accused of being members of the defunct Communist Party of Burma and received a minimum of seven years' imprisonment. Eleven of those sentenced were NLD members. The end of 1996 had been marked by a series of student demonstrations, the first in five years, in Rangoon, Mandalay and other major cities. The demonstrations began in October as a protest over police beatings of three students from the Rangoon Institute of Technology and by early December had spread to the main Rangoon University campus where they grew to include 2,000 students and at least as many members of the public. Armed riot police and soldiers eventually stormed the crowd, arresting hundreds. On December 4, the government released a statement announcing that 609 people had been detained, of whom 487 were students and 122 were "agitators." The statement claimed that the students had all been released, but there was no information regarding the fate of those classified as agitators, nearly one hundred of whom were believed to remain in detention by the end of 1997.

During the December 1996 demonstrations the government had closed all educational institutions, from universities to primary schools, in Rangoon and in many other cities including Mandalay, Prome, Taunggyi, Moulmein and Sittwe, forcing the students to return to their homes. The dispersal of university students made it impossible to collect accurate information about arrests. The primary schools finally reopened seven months later, after the ASEAN meeting in July. As of November, most high schools, colleges and universities remained closed.

Military barricades set up in late 1996 on the road leading to the house of opposition leader Aung San Suu Kyi were maintained until May. After that, army checkpoints remained in place near the house, which was also the unofficial headquarters of the NLD, and at times of high tension the barricades themselves reappeared. For most of the year, Aung San Suu Kyi remained under virtual house arrest, having to ask for permission to leave her home in order to meet local and international media. Her phone line was frequently cut. Despite this, the NLD was allowed to hold three celebratory gatherings during the year in Daw Suu's home. On January 4, some 1,000 party members and guests marked the forty-ninth anniversary of Burma's independence. On February 12, the NLD held Union Day celebrations at the house, although a military barricade prevented at least half the guests from attending. In the days that followed, thirteen NLD members who had played a prominent role on the celebrations were reported to have been arrested, including Dr. Than Nyein, an NLD organizer and coincidentally the brother-in-law of the SLORC's top official, Secretary-1 Khin Nyunt. Than Nyein was later released, but his medical license was revoked. In April the NLD held New Year celebrations attended by some 600 supporters, all of whom had to register at the army checkpoint. The event raised funds for the families of NLD members in jail.

For the second year running, the NLD attempted to hold a party congress on the anniversary of the May 1990 election which it had won. Some 316 NLD members were prevented from attending the gathering, though few were actually detained. Those few were held in government guest houses for up to two weeks, while others were placed under temporary house arrest or otherwise warned not to go to Rangoon. Shortly thereafter, U Aye Win, Daw Suu's close adviser, was arrested. By November he remained without charge in unlawful detention in Insein jail in Rangoon and was in poor health, having spent long periods in the prison hospital after an operation in July.

On June 13, five NLD activists were arrested: U Ohn Myint an eighty-year-old party adviser; Khin Maung Win (known as Sonny), a photographer; Cho Aung Than, a cousin of Daw Suu; his sister Daw Khin Ma Than, and her husband U Myint Swe. U Ohn Myint was released after questioning, but on the same day trade unionists U Myo Aung Thant, U Khin Kyaw and his wife, all members of the exiled Free Trade Union of Burma (FTUB), were also arrested at Rangoon airport on arrival from Thailand. In a press conference on June 27, Lt. Gen. Khin Nyunt accused the group of having collaborated with "overseas anti-government activists and advocates of destruction within the country" to bring in money for the NLD from overseas and to transmit information from Burma. He described them as puppets of the U.S. government. Myo Aung Thant and Khin Kyaw were also accused of smuggling in explosives in a rice cooker. On August 15 a court inside Insein prison sentenced Cho Aung Than, Daw Khin Ma Than, and U Myint Swe to ten years under the Unlawful Associations Act and the 1950 Emergency Provisions Act (EPA), section 5(e), which allows for seven years of imprisonment for anyone who "causes or intends to spread false news, knowing beforehand it is untrue." Myo Aung Thant was sentenced to life imprisonment for treason. The fates of Khin Maung Win and U Khin Kyaw were not known.

Other NLD members, elected members of parliament and supporters faced harassment and arrest from late 1996 through 1997. Over twenty NLD parliamentarians were forced to resign their seats. All had reportedly received threats that if they did not resign, members of their families would suffer reprisals ranging from arrest to permanent dismissal from public sector jobs. Seven members of parliament were arrested: U Hla Min, Saw Oo Reh, U Hla Myint, U Min Swe, U San Myint, U Tin Aung, U Saw Lwin, Dr. Hla Win, and Dr. Than Aung, bringing the number of elected parliamentarians in prison to thirty-three. At least fourteen NLD party organizers

and activists, the majority from Irrawaddy division, were also arrested. Most were charged under the EPA; others were charged with criminal offenses, a tactic frequently used by the SLORC to discredit the opposition.

In July, in the only formal meeting during the year between the government and the opposition, Secretary-1 Khin Nyunt met with U Aung Shwe, NLD chairman. There were no other moves towards political reconciliation. On September 17, the NLD refused a further offer of talks because they did not include Aung San Suu Kyi.

On September 28, the NLD was permitted to hold a ceremony marking the ninth anniversary of the founding of the party. While the government gave express permission to allow 300 members to attend, some 700 were reported to have arrived at Daw Suu's house. All those attending had to give their personal details to military intelligence officers at the house, and some thirty NLD activists were denied permission to attend and were removed from the area.

Prison conditions remained poor and, in Myitkyina, Thayet, Myingyan and Tharrawaddy jails, reportedly deteriorated. U Tin Shwe, sixty-seven, a NLD central committee member, died on June 8 after nearly six years in Insein jail. The official report said he had died of heart disease in Rangoon General Hospital. During the year at least five political prisoners had to receive emergency medical treatment. Many of the most prominent political prisoners were transferred to jails far from their families, making visits difficult and the provision of extra food and medicines almost impossible.

On April 7, Cho Lay Oo, the daughter of Secretary-2 of the SLORC and Commander in Chief of the Army Lt. Gen. Tin Oo, was killed when she opened a parcel bomb sent to their home. It was the second bomb attack in four months; the first, on December 25, 1996, had killed five people and injured seventeen at the World Peace Pagoda in Rangoon, shortly before Lt. Gen. Tin Oo arrived to pay his respects. The SLORC blamed both attacks on armed opposition groups, the exiled All Burma Students Democratic Front (ABSDF) and the Karen Nation Union (KNU), and implicated the NLD as an "above-ground destructive element" with whom these groups were alleged to have contact. In May the government published an editorial in the official newspapers denying rumors that the bombs were a result of internal discord among military officers. By the end of the year, no arrests had been made in relation to either attack.

Muslims continued to be the target of discrimination throughout the country. On March 16, a group of monks in Mandalay provoked a confrontation at a mosque over the attempted rape of a Buddhist girl by a local Muslim, apparently in an attempt to whip up anti-Muslim sentiment. In the three days of riots that followed, four mosques and nearly 400 Muslim-owned shops and houses were destroyed. The violence spread to Rangoon, Sittwe, Moulmein and Prome, and in most areas eyewitnesses reported that security forces made no attempt to stop the rioters or to protect Muslims and their property. In Rangoon, seven mosques were attacked.

A disproportionately high number of Muslims joined ethnic Karen refugees fleeing Papun and Duplaya township during the year. Muslim refugees reported that soldiers had destroyed their mosques and schools and had ordered them to convert to Buddhism or leave the country. In Arakan state, refugees of the Rohingya Muslim minority returning from Bangladesh reported continued persecution by the Burmese military because of their race and religion. Some 270,000 Rohingyas had sought refuge in Bangladesh in 1991 and 1992. Of those who returned home, some 20,000 fled once again to Bangladesh in 1997.

By October, the number of internally displaced in Burma was estimated to be over 300,000. Forced relocations and a major military offensive against the KNU during the year drove some 150,000 people from their homes. Shan state, where over 100,000 people had been forced to leave their villages in 1996, was particularly hard-hit. The relocation program, aimed at cutting off support for ethnic rebels, was extended to new areas, and many of those displaced in 1996 were forced to move again to sites on the outskirts of government-controlled towns. The relocations were accompanied by killings, rape, and other forms of torture, and scores are believed to have died from malnutrition and unrelated diseases due to poor conditions at the government-controlled sites. In other areas, relocated villagers were forced to work on road building projects. As many as 400 Shan villagers were reportedly killed by the Burmese army during May and June when they returned to collect food, or in reprisal attacks by the Burmese military after clashes with rebel soldiers. Others were killed by SLORC soldiers at the Thai border when they could not afford to bribe their way out of Burma.

Forced relocations also continued further south in Karenni state, where over one hundred villages had been removed during 1996. Conditions there remained dire, with the lack of sanitation, food and medical care leading to scores of deaths from malaria and other diseases. Villagers sent to the camps were forced to build fences around the periphery, turning the camps into virtual prisons. In July, eleven additional villages were forcibly relocated to Laikha district, bringing the total of displaced in Karenni state to over 25,000. Government efforts to block rice supplies coming into areas where rebels were active, combined with a sharp downturn in the Burmese economy and massive inflation, led to severe malnutrition in Shan, Karenni and Arakan states.

In Karen and Mon states and Tenasserim division, new fighting broke out in January after the failure of peace talks and the Karen National Union's continued support for Aung San Suu Kyi expressed in the Mae Tha Raw Hta statement of January 14, led to the major offensive against the KNU's last remaining strongholds. The offensive began on February 7, and by February 28 an estimated 80,000 Burmese troops had forced the KNU to abandon territory in these areas. Some 20,000 Karens fled to areas inside Burma or to Thailand in advance of the Burmese troops. In addition to displacement, Karen, Mon and Tavoyans living in these areas were subject to summary executions, arbitrary arrests, portering for the army and other forms of forced labor.

Even after fleeing to Thailand, Karenni and Karen refugees were not free from attack by Burmese government or government-backed groups. On January 3, a group of forty Burmese soldiers marched into a Karenni camp in Thailand's Mae Hong Son district and killed two people. Nine others were seriously injured. Four weeks later, members of the Democratic Karen Buddhist Army (DKBA), a militia group backed by the government, attacked three Karen refugee camps further south in Thailand's Mae Sot district. Three refugees were killed in the attacks, and 7,000 refugees were left without shelter as parts of camps were razed. On April 27, the DKBA attacked Ta Per Poo camp in Thailand's Umphang district.

The Right to Monitor

The press remained under tight government control. No indigenous human rights organizations were permitted to form, and no international human rights groups were permitted to visit during the year. On October 24, NLD organizer Kyow Din, who had been accused of passing on information to others that would cause "fear or alarm," died in a prison hospital. His death was attributed to natural causes, but his incarceration for his monitoring activities almost certainly contributed to his ill health. U.N. Special Rapporteur Rajsoomer Lallah was denied access to the country for the second straight year. Only NLD members were able to speak out against human rights abuses with some degree of freedom, but during the year it became increasingly difficult and dangerous for them and other Burmese to report on events in the country. Of the NLD members arrested during the year, many had appeared in international newspaper and television reports. Journalists themselves became the subject of attack, with photographer Myo Thant and his Japanese colleague, Shigefumi Takasuka, of the daily Yomiuri Shimbun, being badly beaten during the December 1996 demonstrations. Many other foreign journalists, especially those who had worked on Burma in the past, were denied visas during the year, and nine freelance journalists were deported.

Access to ethnic minority areas in particular remained very restricted. No U.N. agencies or international nongovernmental organizations were permitted to assist the displaced in the Shan, Karenni and Karen states, despite their requests to do so. Local church groups managed to provide some relief to the displaced, but did so without government permission.

In January, Burma's treatment of children came under scrutiny at the Committee on the Rights of the Child. The government sent a large delegation to Geneva in January to discuss with the committee its initial report on Burma's compliance with the Convention on the Rights of the Child. The leader of the delegation denied all allegations of human rights abuses against children. No nongovernmental organizations working in Burma, foreign or local, submitted reports to the committee for fear of government retaliation.

The Role of the International Community

The international community continued to be deeply divided between those countries advocating isolation of Burma and those calling for engagement. Limited economic sanctions imposed by the U.S. and Europe, and support within ASEAN for Burma's admission as a full member in the regional body, highlighted the difference in approach.

United Nations

Demands for an improvement in human rights and democratic accountability remained strong in the United Nations. The General Assembly in December 1996 and the U.N. Commission on Human Rights in March 1997 passed consensus resolutions calling on the SLORC to cooperate more with the U.N. system, particularly with the special rapporteur. In May, the U.N. secretary-general's representative, Alvaro de Soto, was permitted a four-day mission to Burma, where he met with the leaders of the NLD and other political parties as well as with Lt. Gen. Khin Nyunt. He was not able to meet ethnic minority representatives, however, nor with other members of the SLORC.

In June, the International Labour Organisation (ILO) initiated a commission of inquiry into allegations of forced labor in Burma. Such a step had only been taken against nine countries in the ILO's seventy-eight-year history and, depending on the results of the inquiry, could lead to Burma's expulsion from the ILO. The commission was expected to investigate for one year and to hear testimony from victims of forced labor. The ILO was planning to seek access to Burma to verify allegations.

European Union

The European Union (E.U.) continued to maintain a ban on provision of arms and military equipment to Burma, kept military attaches out of its embassies in Burma, and continued its suspension of non-humanitarian aid. In late 1996, it added provisions which banned entry visas for senior members of the SLORC, their families, and others in the Burmese security forces who formulate, implement or benefit from policies "which impede Burma's transition to democracy." It also called for suspension of high-level bilateral governmental visits between officials of the E.U. and Burma.

In early November 1996, the European Commission tried to send a mission to Burma to investigate forced labor, but the Burmese government denied the mission entry, saying that since there was no forced labor in Burma, there would be nothing to investigate. In December, the commission approved a decision to cut Burma's low tariff access to the European Union market through the Generalized System of Preferences (GSP) program because of forced labor and said the cut, which affected industrial exports, would remain in force until forced labor was abolished. It was the first time the human rights clause of the European GSP program had been invoked. On March 25, following action in the European Parliament, the Council of Ministers suspended Burma's GSP benefits for agricultural products as well. On July 28, in his address before the E.U./ ASEAN Ministerial meeting, European Union Council President Jacques Poos announced that the E.U. had extended its common position on Burma that effectively prevented Burma from being included in the 1980 EC-ASEAN cooperation agreement.

In Britain, the newly elected Labour government, which had promised to put human rights at the heart of foreign policy, announced in June that it not only would continue the suspension of all government-sponsored trade tours to Burma but would actively discourage U.K. companies from investing there. In September, Foreign Minister Robin Cook also stated that despite having been accepted as a member of ASEAN, Burma would not be invited to attend the Asia-Europe meeting (ASEM) to take place in London in April 1998. In addition to these moves Western governments continued to give financial aid to Burmese refugees in camps in Thailand and Bangladesh, and European governments also gave aid to assist victims of severe flooding in Irrawaddy division in September.

United States and Canada

The U.S. also acted on human rights concerns. On October 2, 1996, the U.S. Senate passed the fiscal year 1998 Foreign Assistance Act, which included a provision giving the president authority to ban visas for all Burmese officials and to prohibit new investment by U.S. citizens or companies if the Burmese government physically harmed, rearrested or exiled Aung San Suu Kyi or committed large-scale repression against the political opposition. The visa restrictions were imposed the following day. Discussion continued on what constituted large-scale repression until April 22, when President Clinton announced his decision to impose the investment ban. As of October, however, the Treasury Department had yet to issue the implementing regulations.

Canada took similar action on August 7 when Foreign Minister Lloyd Axworthy announced the withdrawal of the General Preferential Tariff to Burma and a measure requiring all firms trading in Burma to apply for export permits. Axworthy also urged all Canadians to "refrain" from investing in Burma.

ASEAN

Western moves to pressure the SLORC for reform were offset by Burma's admission into ASEAN and by an increase in investment from ASEAN countries. In the run up to the ASEAN ministerial meeting in Kuala Lumpur in July, it was not clear whether Burma would be admitted, especially following the ASEAN decision to delay Cambodian membership. Regional nongovernmental organizations, members of parliament and other prominent groups, led by the Kim Dae Jung Foundation and the Alternative ASEAN network, protested Burma's imminent entry. But the sanctions enacted by the U.S. and E.U. prior to the meeting seemed only to harden ASEAN resolve to accept Burma as a full member and defy what was projected as an example of western imperialism. The Japanese government supported Burma's entry into ASEAN, while also warning that this should not provide "cover for oppression." Tokyo continued its ban on ODA (Official Development Assistance) to Rangoon and attempted to use the aid leverage as a carrot to promote improvements. (See Japan section for details.)

Relevant Human Rights Watch reports:

No Safety in Burma, No Sanctuary in Thailand, 7/97

Children's Rights and The Rule of Law, 1/97

[email Human Rights Watch](#)

--	--	--

This Web page was created using a Trial Version of [Transit Central Station 3.0](#).