

# Human Rights Watch

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

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The human rights situation in Burma remains appalling. Burma is the textbook example of a police state. Government informants and spies are omnipresent. Average Burmese people are afraid to speak to foreigners except in most superficial of manners for fear of being hauled in later for questioning or worse. There is no freedom of speech, assembly or association. State TV and radio are merely a crude propaganda tool of the regime, merely recounting what the top Generals did on any given day. To read the the English language New Light of Myanmar is to understand what George Orwell feared when he wrote 1984.

But this is the soft side of Burmese repression. Burma is a true military dictatorship. We all know that thousands of student demonstrators were killed in 1988; that in 1990 Aung San Suu Kyis National League for Democracy (NLD) won 82% of the vote in a national election, after which the generals, repudiated by their own people, summarily threw Suu Kyi recipient of the EUs prestigious Sakharov Prize and a Nobel laureate and thousands of others in jail; and that since then Suu Kyi and the NLD have been in a revolving door of house arrest, prison, and limited freedom of movement.

When Suu Kyi had the temerity to travel around the countryside in 2003 and large numbers of average Burmese defied threats and pressure from local military commanders to attend her rallies, the regime snapped. On May 2003 it mounted a crude attack at Depayin. This is now known in Burma as the Depayin massacre. At least four of Suu Kyis bodyguards were killed, as well as many, perhaps dozens, in the crowd. Suu Kyi was hustled off to the notorious and aptly named Insein prison, as were other senior NLD leaders. More than 1,000 political prisoners remain in jail and there is no sign of any political liberalization. The response of the EU and much of the rest of the world was sadly weak.

While the world focuses on Suu Kyi and the possibility of political negotiations in Rangoon, many of the worst abuses continue to take place in remote areas of the country where the army continues to run wild. As the ILO makes clear, forced labor continues to be a policy and practice of the military, with thousands forced to participate in money making schemes for the army. Even an independent report prepared for Total, which has a huge and controversial gas pipeline in Burma, concluded that forced labor continues just outside the perimeter of the narrow pipeline corridor.

Torture continues to be routine in Burma. Disgustingly, rape has been documented as a political weapon in Shan state, with thousands of reported cases. In 2002 HRW published the report, My Gun Was As Tall As Me, which documents the crisis of child soldiers in Burma. An estimated 70,000 of the countrys 350,000-400,000 soldiers are children. Recruiting and kidnapping of children continues to feed the militarys insatiable appetite for more and more soldiers.

Human rights abuses in the countryside are so rampant, and life is so hard the army continues to burn down villages it considers hostile and hunts down its enemies that as many as 4 million of the countrys 50 million people may be internally displaced. As many as 2 million Burmese may be living in Thailand, where they are exploited as cheap labor and live in constant fear of arrest and deportation, yet prefer a hard life in a foreign land to the abuses they left behind.

Burma once was a leading post-colonial state, with a highly educated and literate population, excellent universities and abundant natural resources. All of this has vanished under military rule. One in ten children does not live past his or her first birthday. HIV/AIDS is mushrooming. Malaria and tuberculosis are rampant. Demonstrating its indifference to the welfare of its people, more than 50% of the national budget goes to the military. It is estimated that less than 5% is spent on health and welfare.

While most Burmese live in abject poverty, the generals are wealthy. The number of Mercedes and BMWs in Rangoon is astonishing. Sumptuous meals are served to thousands in the elite at fancy hotels. The money to support this lifestyle comes from legal foreign direct investment, much of it from EU countries, and illicit businesses, such as those documented by Global Witness in its most recent report about the devouring of Burmas forests, particularly in northern Kachin state.

In short, the Generals are fiddling, while the country is burning. What should the EU and the international community do about this?

One thing it should not do is to send mixed signals. It should strengthen the kind of measures, outlined in the excellent reports of the Burma Campaign UK, that have the best chance of impacting the Generals. Only actions that are targeted at the self interest of men who seem indifferent to the plight of their people will have any chance of success.

In addition to the important bans on arms and weapons sales, defense attaches, non-humanitarian aid, visas for SPDC, and high level visits, and a freeze on personal assets of those connected to the regime (which has reportedly amounted to 86 Euros in Germany and 3,500 pounds in the UK), it is crucial to target the formal economic sector, which is largely controlled by the military, and avoid hurting those in the informal sector, such as agriculture, in which most Burmese eke out a living. Measures to consider include:

Just as important, EU member states need to come to a strong and genuinely common position and not just formally as in the official 26 April Common Position on its policy towards Burma. Every crack between EU member states will be exploited by Rangoon.

The sentiment, expressed by some, that sanctions are not working, misses a key point: the kind of sanctions that would get the attention of the Generals have never really been tried. And just for a minute imagine how much worse the situation would be if the Generals did not know that the EU, its member states, the US, Japan, and others were ready to respond as the situation deteriorates.

It is particularly important that the internal debate on EU participation in ASEM with Burma as a member should end. Burma has shown no good faith in meeting the three conditions laid down by the EU in Dublin in April: 1) the release of ASSK, 2) the ability of the NLD to operate freely, and 3) a genuine dialogue with pro-democracy and ethnic groups over the countrys future. It not only has ignored the EUs entreaties, it has spurned its regional supporters, such as Thailand, Indonesia and Malaysia, all of which have expressed concern over the continued detention of Suu Kyi and the lack of content in the regimes much publicized road map to a political settlement. It is clear that the Generals have decided to wait out the pressure and to see who will give in first. This should not be the EU.

The EU should not agree to participate in ASEM with Burma. This would make a mockery of the EU statement in Dublin and the Common Position. It would undermine all efforts to pressure the regime to work towards a genuine political solution that includes respect for human rights. It would be a disastrous message to Suu Kyi and all the Burmese who have risked and lost so much fighting for basic rights. And what then will Burma do when it faces the decision whether to attend the ASEAN meetings in 2006, which Burma will be hosting? Can the EU allow Burma to join ASEM and then refuse to send its diplomats to Rangoon in 2006?

It is important for the EU and its member states to use every form of political pressure at their disposal to achieve change in Burma. The road to any political solution will run through Beijing, New Delhi, Bangkok and perhaps Kuala Lumpur and Jakarta. The EU should urge each of these states to reconsider the economic and political relationships that feed the military machine in Rangoon.

The EU also has a particularly special role in working with the Thai government to ensure that political space for the democratic opposition remains open in Thailand. Every opposition movement needs a physical base and oxygen to carry out its work. The Thai government of Thaksin Shinawatra has appeared all too willing to sell the opposition out for business opportunities, and to crackdown on the two million Burmese who have taken refuge on Thai soil. Human Rights Watch recently published a report on the treatment of Burmese refugees in Thailand. Constant vigilance by EU and other governments, as well as UNHCR, will be necessary. We urge the EU to increase funding for humanitarian organizations working with Burmese in Thailand.

The EU should listen to Javier Solana, who said, "I'd prefer to see action (rather) than words. I don't expect a statement saying they (SPDC) are going to be good. Its much better that they take steps". And to Chris Patten, who has said that the struggle for democracy in Burma is an issue "on which EU passions run high. The spread and entrenchment of democracy and human rights is fundamental to the EU's thinking and its relations with others." He also warned that "what we may be seeing (in Burma) is the explosive creation of another failed state".

The impact of such sentiments will no longer be taken seriously in Asia if the EU rewards Burmas dictatorship by agreeing to allow Burma to participate in ASEM.

And on the contentious issue of sanctions, please listen to Suu Kyi and the many others in Burma who, understanding the costs, ask for targeted sanctions to be put into place to support their cause. They are acutely aware that without outside support there is no chance of moving towards a democratic state.

The democratic opposition has never fought violence with violence. They have maintained their dignity and their principles, at great personal sacrifice. Their only weapon is their ideas and aspirations to build a modern and democratic country. They need your help to do this.

In closing, perhaps a few words from Desmond Tutu, who was at the center of one of the worlds greatest human rights struggles, would be helpful:

Burmas military regime has tested the will of the people of Burma; despite intimidation and violence, the peoples desire for freedom and democracy remains strong. Our brothers and sisters in Burma realise that non-violent resistance does not mean passive resistance. Sadly, tyrants choose not to understand the language of diplomacy or constructive engagement, but rather respond only to the action of intense pressure and sanctions.

As in South Africa, the people and legitimate leaders of Burma have called for sanctions.

In South Africa when we called for international action, we were often scorned, disregarded, or disappointed. To dismantle apartheid took not only commitment faith and hard work, but also intense international pressure and sanctions.

In Burma, the regime has ravaged the country, and the people, to fund its illegal rule. Governments and international institutions must move past symbolic gestures and cut the lifelines to Burmas military regime through well-implemented sanctions.

I maintain my belief that no one or no government should wait to take action; the journey begins with one step. Businesses and

governments have a choice if they want to do business with the oppressive regime in Burma, or not. Business with the regime puts weapons in the hands of those who massacred thousands in 1988; are responsible for creating more than a million Internally Displaced People who cannot find shelter and security in their own country; those who systematically rape women. It funds the vast intelligence system, the disgraceful incarceration and torture of Burmas freedom heroes, and the egregious human rights violations perpetrated against Burmas ethnic nationalities. Individuals and governments must take a stand against tyranny and those who protect and fund it.

Apathy in the face of systematic human rights abuses is amoral. One either supports justice and freedom or one supports injustice and bondage. Let us not forget that our responsibility is not complete until the people of Burma are free.

At a time when the military is professing promises of freedom, one should bear in mind that actions speak louder than words. Freedom cannot be obtained through a process embedded in discrimination and persecution. I am deeply concerned for my courageous sister, Aung San Suu Kyi, and the more than 1,000 political prisoners, who have remained steadfast and true to non-violent principles, but are being kept isolated from the people of Burma and the international community. Their silenced voices are the most eloquent persuasion that the time to stand for their freedom is now.

If the people of South Africa had compromised the struggle against apartheid, we may never have gained our freedom. In Burma, to settle for anything less than freedom and justice, for the democratic participation of all people, would be to accept the presence of oppression and to dishonour our brave brothers and sisters who have dedicated themselves to the future of a democratic Burma.

I believe that truth and justice will prevail. Let a deep sense of faith and commitment to our principles guide our actions and sustain our hope. Sowing the seeds of justice may not be easy, but the harvest will be abundant.

The people of Burma will be free.

*Archbishop Desmond Tutu*

Archbishop Tutus statement was written for "Ready, Aim, Sanction, a Special Report," published by Altsean-Burma in November 2003.

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