

February 15, 1991

BURMA: TIME FOR SANCTIONS

Introduction

Two months into the new year, repression in Burma has intensified with widespread arrests and the torture of dissidents in Rangoon and other cities, and severe abuses, including torture and summary executions, committed by government forces in the course of counterinsurgency operations along Thai and Chinese borders. Despite these abuses, the international community has failed to take effective measures against Burma's military rulers.

China reportedly concluded a \$1 billion arms deal with Burma in mid-1990 which will almost certainly fuel the offensive against ethnic insurgencies in the east of the country. (Perhaps in gratitude, Burmese authorities on January 2, 1991 arrested Wang Fu Wei, a Chinese pro-democracy activist who left the US embassy in Rangoon after having taken refuge there for six months. His arrest was only made public on January 26.) The Burmese military government is also continuing to develop its chemical weapons capability. According to both press and diplomatic sources, military authorities in Burma are already in possession of a significant number of chemical weapons, though there are no confirmed reports that they have yet been used in counterinsurgency operations.¹

Thai security forces continue to provide direct or indirect support to Burma's State Law and Order Restoration Council (SLORC) even as Thailand's new Foreign Minister is calling for a re-evaluation of that support in light of continuing human rights violations. The Thai military continues to forcibly repatriate Burmese refugees and physically abuse students fleeing Burma who are accused of illegal entry. In the most recent case of such mistreatment, six Burmese students were reportedly beaten by the Thai police in Bangkok on January 29, 1991, two until they were unconscious. The Thai military's involvement in the purchase of logging concessions has given SLORC badly needed foreign exchange over the past two years.

In the United States, the Bush administration continues to criticize SLORC's abuses without making any effort to act on legislation, passed in August 1990, requiring the President to "impose such economic sanctions on Burma as he determines appropriate" if, by October 1, SLORC had not released political prisoners, lifted martial law and transferred power to a civilian government.²

There has been no shortage of harsh words and exhortations to Burma's military rulers, but words alone appear to be having little effect. In its 1990 Human Rights Report, the State Department condemns Burma's "deplorable human rights situation", citing report of "torture, disappearances, arbitrary arrests and detentions, unfair trials and compulsory labor." In the same report, the State Department concluded that the Burmese government's "treatment of the population remained capricious and apparently unrestrained by legal, institutional, or moral considerations."

On September 13, the European Parliament called on SLORC to hand over power to civilian rule. The resolution condemned continuing human rights abuse and called for a temporary ban on the importation of Burmese hardwoods

¹James Adams, "Arms and the Salesman," *Washington Post*, January 27, 1991.

² Section 138 of the Customs and Trade Act of 1990

into Europe. That ban has not been put into effect.

At the 1990 session of the U.N. General Assembly, Sweden introduced a resolution "expressing concern" over SLORC's unwillingness to hand over power to the elected representatives and calling on SLORC to release political prisoners and restore the right of the Burmese people to participate fully in their own government. The resolution also asked the Secretary General to report back on the situation in Burma to the General Assembly. Voting on the resolution was deferred until next year.

Mrs. Sadako Ogata, the U.N. independent expert on Burma appointed by the U.N Human Rights Commission who visited Burma in November 1990, will submit a report on human rights conditions in Burma during the confidential procedures discussion at the annual meeting of the Commission in Geneva (January 28 - March 8, 1991). While the report is expected to be highly critical, it is not clear that any concrete actions will result from it.

A more forceful response by the international community could be critical in helping to bring about an end to the abuses of fundamental human rights outlined below.

Recent Developments

Though general elections were held in May 1990 for the National Assembly, resulting in an overwhelming victory for the National League for Democracy (NLD), the ruling State Law and Order Restoration Council (SLORC) has consistently refused to hand over power and instead increased its suppression of political dissent. On August 8 and 9, 1990, security forces reacted violently to renewed anti-government demonstrations in Mandalay and other towns, killing at least four unarmed demonstrators, including two Buddhist monks, and wounding several more. In response, on August 27, Buddhist monks in Sagaing and Mandalay initiated a nationwide campaign refusing to perform religious ceremonies for military personnel or their families.

In September 1990, members of the NLD together with members of other opposition parties, students and Buddhist monks, began to plan for the formation of a "Provisional Government of Burma," based on the results of the May elections, without the authorization of military authorities. According to independent sources in Burma, a provisional government was to have been set up in Mandalay, comprised of elected officials and with the backing of the majority of the National Assembly. The new government was to have been physically surrounded by an inner ring of thousands of Buddhist monks and an outer ring of thousands more university and high school students.

A group of as many as 100 students detained for political offenses at Insein Jail went on a hunger strike on September 18, 1990, in commemoration of the bloody crushing of a pro-democracy movement on September 18, 1988 in which an estimated 1,000 to 3,000 people were killed. Prison authorities are reported to have violently broken up the strike on September 25, beating 40 of the prisoners and killing at least three students. Relatives of inmates sent a letter to the *Bangkok Post* saying that one inmate, **Ko Tin See**, was thrown into the prison oven.³ The *Bangkok Post* also reported that NLD senior official **Thoin Han** was among those believed to have been beaten until unconscious and that parents of two inmates, **Myo Khine** and **Hkun Sal**, who visited Insein Jail afterwards but were not allowed to see their sons, had stated that they believed their sons had died. Independent sources also reported that dozens of students

³ "Burmese troops 'beat inmates on hunger strike'", *Bangkok Post*, November 2, 1990

had been severely beaten, that shots had been fired and that several people were killed, though the deaths of individual students could not be confirmed.

Large numbers of prisoners were transferred soon after the incident to Tharrawaddy Jail, making assessment of the total number of deaths more difficult. Two leading dissidents, **Maung Thawka**, a prominent writer and **Ko Yu**, a lawyer, both members of the NLD, had tried to intervene to help the students and were also beaten by prison security forces. Maung Thawka, who is over 60, is reported to be paralyzed from the beatings. Ko Yu's family has not been allowed to see him since the incident.

Beginning on October 22, SLORC, in part in an attempt to head off the planned challenge to form a provisional government, raided several monasteries in Mandalay as well as dozens of NLD offices throughout the country. Since then, as many as one hundred senior NLD officials, including at least fifty members of the National Assembly, have been arrested for involvement in plans to form the provisional government. Altogether, approximately 500 NLD officials are believed to be currently in detention.

Maung Ko, a labor organizer and a member of the Central Workers Body of the NLD was arrested in Rangoon on October 23, 1990. On November 9, family members, who had not been permitted to see him since his arrest, were told that he had committed suicide earlier in the day. They reportedly to believe that he was tortured to death.⁴ Independent sources have reported that forensic reports, not made public, did not show any indication of death by hanging. According to independent sources who saw those initial forensic reports, Maung Ko's body showed marks of severe torture, including injuries on the left side of his face, his neck and his ears, a suture on his neck and from his neck to his abdomen, large bruises on his back and a needle still embedded in one of his toes. Both his legs were broken. Brig. General Khin Nyunt, head of the Directorate of Defense Services Intelligence or DDSI and Secretary of SLORC, said at a press conference on December 7 that Maung Ko had hanged himself after admitting to participation in plans by members of the NLD to form a "provisional government" without SLORC permission.

Tin Maung Win, NLD representative from Kayan constituency, died in Insein Jail on January 18. Military authorities on February 1 stated only that he had died of leukemia and that he had "been removed from the list of National Assembly representatives." The Associated Press on February 7 reported that relatives of Tin Maung Win and family members doubted that he had died from illness, since he had no apparent health problems when arrested.

On November 19, two senior officers of the NLD, **Kyi Maung**, aged 73, acting Chairman and **Chit Khaling**, aged 69, acting General Secretary, were sentenced to ten years imprisonment for allegedly making public a confidential letter to them from military authorities in violation of the 1923 Official Secrets Act. Both had led the NLD since the arrest of Aung San Suu Kyi and Tin U in July 1989, and their arrest signalled the beginning of the post-election crackdown against the opposition. Both are believed held in Insein Jail where they have been since their arrest on September 6.

In December, Dr. Sein Win, Chairman of the National Party for Democracy, an NLD affiliate and an elected member of the National Assembly, together with NLD elected representatives, escaped to insurgent-controlled areas along the Thai border. On December 18, he and seven other elected representatives formed the "Coalition Government of the Union of Burma" in alliance with ethnic insurgent organizations and the All Burma Students Democratic Front. The emergence of that coalition has been the pretext for still more arrests by government security forces in Rangoon.

⁴ See *Agence France Presse* report "Family of dissident doubt suicide claim" in the *Bangkok Nation*, November 13, 1990.

Junior high school students have also been detained. **Thohn Tun U, Win Thohn and Kyaw Soo Lwin** were arrested in February 1990 after putting up anti-government posters on their school wall. All three are 8th grade students at State High School 4, North Okkalapa Township, Rangoon, and are only 13 years old. They were charged by a Rangoon military tribunal under Section 10(a) of the 1975 State Protection Law and sentenced in April 1990 to 13 years imprisonment. They were reported to have been beaten during interrogation by DDSI officers before being taken to Insein Jail. Following their participation in a July 19 commemoration of Martyrs' Day⁵, the three boys were placed in small cells at Insein Prison formerly used to house prison dogs. They were kept there for three months. Their parents are allowed to visit them once every two weeks.

Dissent in the cities and ethnic rebellions along Burma's borders are linked, not only in the fact that activists from both groups have found common ground in the establishment of a "coalition government" but also through the government's use of political prisoners in its counterinsurgency efforts. Several hundred prisoners may have died by late 1990 as the result of one particularly brutal incident. On July 2, 1989, as the Burmese army was preparing to launch a major assault against Kachin insurgent forces along the Chinese border, approximately 500 political prisoners, many of them university students, were brought from Insein Jail and other prisons to Mandalay. On July 5, they were transported blindfolded in army trucks to Lashio and Namtu where they were tied together by ropes around their waists and ankles and were made to carry arms and ammunition for the Burmese troops. Many were only wearing a single piece of clothing. An average of two to three prisoners a day were reported to have died from exhaustion, beatings and starvation. One hundred are reported to have died during the first few weeks, their bodies thrown into the Shweli River. The survivors of the death march, numbering perhaps 300, were then taken to work at a state-owned ruby mine near Lashio.⁶ They were seen by independent sources in early 1990 still chained together and guarded by units of the 99th Light Infantry Division. Several sources in the Shan State as well sources along the Burmese-Chinese border have reported that by the end of 1990, all remaining prisoners had died.

Recommendations

The cycle of repression, dissent and increased repression has led to the arrests, torture and sometimes death of opponents of SLORC, some of whom are listed in the appendices. Asia Watch and other organizations have repeatedly called on SLORC to release all those arrested for the peaceful expression of their political views, investigate all reports of torture, disappearance and extrajudicial executions, and prosecute those responsible; abolish the practice of incommunicado detention, and establish safeguards against torture, including the right of habeas corpus and access to prisoners for family members and lawyers. It has also called on the government to suspend the use of military tribunals to try civilians and permit civilian courts to conduct trials in accordance with internationally recognized standards of due process.

None of these recommendations has been heeded, and stronger measures are needed. Asia Watch believes that in light of these severity of the human rights abuses in Burma, a package of economic and diplomatic sanctions is warranted, including the following:

⁵ Martyrs' Day commemorates the 1947 assassination of Burmese independence hero General Aung San and much of his cabinet.

⁶ See "Killing Its Own People," *News From Asia Watch*, September 15, 1989.

- 1. All countries should immediately ban the importation of all hardwood and marine products originating in Burma. Forestry and fishing are two industries from which the Burmese military derives considerable revenue and the government's sale of concessions to foreign firms has displaced tens of thousands of people who traditionally make a living from these industries.**
- 2. All of Burma's bilateral and multilateral donors should immediately suspend all aid, except for purely humanitarian assistance. Resumption of assistance should be directly tied to concrete steps taken by the Burmese authorities to improve the human rights situation.**
- 3. Governments represented on The United Nations Human Rights Commission should press the Commission to publicly condemn ongoing human rights abuses and appoint a Special Rapporteur on Burma to investigate those abuses.**
- 4. Thailand and other countries of first asylum should immediately halt the forced repatriation of all Burmese nationals and permit the United Nations High Commissioner for Refugees to fully exercise its full range of protection activities. The international community should collectively ensure that Burmese refugees will be protected from forced repatriation and abuses in accordance with international law.**
- 5. The United States and other countries should actively support recent initiatives by the Thai Foreign Ministry to reevaluate Thailand's support for the Burmese military government in light of ongoing human rights abuses.**
- 6. The United States should take every opportunity to raise with Chinese officials the issue of Chinese military assistance to the Burmese government.**
- 7. The international community should end the sale to Burma of all military hardware and of raw materials which may be used for the production of military goods. In particular, the international community should end the sale to Burma of any materials which could enhance Burma's chemical weapons capability.**

APPENDIX I

Arrest and Torture of NLD officials and other dissidents

Cho Kyaw Nyein, head of the Anti-Fascist People's Freedom League, a minor political party based in Rangoon. Cho Kyaw Nyein, the daughter of former Deputy Prime Minister and independence leader U Kyaw Nyein, was arrested on January 25 in Rangoon for allegedly assisting student organizations which had been declared unlawful. She is believed to have already been sentenced, but the details of her sentence are not known.

Paik Ko, a 43-year-old merchant and a member of the NLD's Central Executive Committee from Pakkoku township, was arrested during the first week of December 1990 in Pakkoku and taken to Yay Kyi Aing, the DDSI center in Rangoon. The state-owned *Working People's Daily* reported on December 10 that he had been arrested for involvement in the conspiracy to form a provisional government. Paik Ko is still in detention.

Tin Htut, a retired registrar from the Rangoon Institute of Medicine, was arrested at his home in Rangoon either at the end of November or the beginning of December 1990. Tin Htut, in his sixties, is reported to suffer from cerebral ischaemia (brain tissue anemia due to the obstruction of the inflow of arterial blood) and to require constant medical attention. His picture appeared in the *Working People's Daily* on December 9 as an NLD member arrested for anti-government activities. His son, **Si Thu Htut**, aged 19, had been arrested on March 12, 1990 for involvement with banned student organizations and was sentenced to three years hard labor. Both are believed to be held in Insein Jail.

Dr. Soo Lin, an elected representative from Mandalay's Southwest-1 electoral district was arrested at the end of November 1990 at his private clinic in Mandalay. He is believed to have been first taken to the Directorate of Defense Services Intelligence (DDSI) office in Mandalay Palace and later taken to Yay Kyi Aing, the DDSI center in Rangoon. The *Working People's Daily* mentioned his arrest in an article on December 10, 1990.

Kyaw Min, about 50 years old, an architect and a member of the NLD Central Executive Committee, was arrested at the end of November or beginning of December at his house in Rangoon. His picture was printed in the December 9, 1990 issue of *Working People's Daily* as having been arrested for anti-government activities. He is still in detention.

Dr. Kyi Min, a 33-year-old dentist from Pakkoku and an NLD official was arrested in Pakkoku on December 10, 1990. He is still in detention.

Myo Myint Nyein, a writer, magazine editor and NLD member was arrested at his office in Rangoon on September 12, 1990. His family has not been allowed to contact him since his arrest, which was announced on state television on September 26.

Hla Myo Naung, a leading student activist, was arrested for the third time on August 30, 1990 in Sanchaung, outside of Rangoon. He had been arrested before in July and August 1988. He is believed to have been taken to Yay Kyi Aing Center No.7 and tortured during interrogation before being taken to Insein Jail.

Myat Thin, **Aung Kyaw U** and **Kyaw Htay U**, all Rangoon University students were arrested on July 7, 1990 after attempting to commemorate the July 7, 1988 massacre when government troops in Rangoon opened fire on

demonstrating students. They are reported to have been recently sentenced to three years hard labor for anti-government activities.

Arrest of Diplomatic Staff

Nita Yin May, a Burmese national employed as an information officer by the British Embassy in Rangoon was arrested on 16 November by the DDSI and sentenced to three years imprisonment on 19 November after a summary trial conducted by a military tribunal. She was convicted of violating the 1923 Official Secrets Act. Both British diplomats and her family have been denied access to her since her arrest.

List of other NLD National Assembly representatives arrested

The following are 34 elected members of the National Assembly and members of the NLD reported by the *Working People's Daily* as having been arrested for involvement in plans to form a provisional government:

Khin Maung Swe, NLD CEC(Central Executive Committee) member. Representative from Sangyaung. Arrested October 23, 1990.

Myo Aung, NLD CEC member. Representative from Tavoy-2.

Thakin Soe Myint, NLD CEC member. Representative from Okkalapa-1.

Maung Maung, NLD CEC member. Representative from Yegyi-2.

Chan Aye, NLD CEC member, Representative from Moulmein-2. Believed to have been arrested on October 23, 1990.

Soe Thein, NLD CEC member. Representative from Waw-2. Believed to have been arrested on October 23, 1990.

Kyaw Min, NLD CEC member. Representative from Bassein-2. Believed to have been arrested on October 23, 1990.

Chit Tin, representative from Minhla.

Hla Tun, representative from Kemmindine.

San San, representative from Seikan.

Tun Aung, representative from Yedashe-2.

Hla Than, representative from Cocos Islands.

Ba Htwe, representative from Amarapura-2.

Khin San Hlaing, representative from Wetlet-2.

Saw Hlaing, representative from Indaw.

Zaw Myint, representative from Henzada-2.

Khin Maung Thoin, representative from Khin-U-1.

Kyaw Thwin, representative from Khayan-1.

Thoin Tun, representative from Thegon.

Thaung Myint, representative from Khin-U-2.

Myint Kyl, representative from Katha.

Tin Aung, representative from Mandalay Northwest-1

Ohn Kyl, representative from Myittha-1.

Ye Htut, representative from Daik-1.

Thoin Pe, representative from Kanbalu-1.

Dr. Zaw Myint Maung, representative from Amarapura-1.

Tha Saing, representative from Twante-2.

San Win, representative from Alone.

Aung Hsan Myint, representative from Myaing-1.

Dr. Myint Naling, representative from Kanbalu-2.

Dr. Maung Latt, representative from Thaketa-1.

Myo Aung, representative from Tavoy-2.

Sohn Hla U, representative from Insein-2.

Other NLD officials arrested since September 1990 include:

Win May, NLD information staff.

Shwe Wa Soe, Tin Aye, Khin Maung Tun, Soe Nyunt, Min Wai, Ohn Maung, Si Pin Kyu, Win Hlaing.

Ohn Myaing and Thoin Tan from Mandalay Division NLD.

Tin Tun from Irrawaddy Division NLD.

Saw Chit Than from the Karen State NLD.

Ye Htut from the Mon State NLD.

Hla Pe from the Moulmeingyun township NLD.

Win Hlaing, Myint Soo, Moe Zaw U, Koko Gyi and **Yan Aung** from NLD Central Youth Committee.

The following four NLD members of the National Assembly were reported by the BBC⁷ as having been arrested on January 16, 1991:

Hla Pe, representative from a constituency in the Tennasserim Division.

Thiha Thura Col. Soo Thoin (retired), representative from a constituency in Sagaing Division and member of the Magwe Division Central Committee.

Tin Aye, representative from Mandalay Southeast and organizing officer of the Mandalay Division Central Committee.

Khin Maung Tun, representative from Hmawbi-2.

⁷ Pam O'Toole dispatch from the "Current World Affairs" program, January 31, 1991.

APPENDIX II

Continuing Detention of Opposition Leaders

Tin U, aged 64, Chairman of the National League for Democracy, was convicted for political offenses and imprisoned in December 1989 after being placed under house arrest on July 20, 1989.

Aung San Suni Kyi, aged 45, General Secretary of the National League for Democracy, has been under house arrest since 19 July 1990.

U Nu, aged 84, former Prime Minister of Burma (1948-58, 1960-62), under house arrest since December 1989.

Zagana, a prominent comic and satirist, arrested for the second time at the end of May 1990. He had been imprisoned before from October 2, 1988 to April 21, 1990. He was reportedly tortured during his previous imprisonment.

Nay Min, a Rangoon lawyer, was arrested on October 21, 1988 and sentenced to 14 years hard labor for allegedly passing on information to the British Broadcasting Service. Nay Min is believed to be suffering from heart ailments caused by repeated electric shock torture.

Min Ko Naing, Chairman of the All Burma Federation of Student Unions, **Moo Hohn**, member of the All Burma Federation of Student Unions Central Executive Committee, **Soo Myat Thu**, member of the All Burma Students Democratic Front Central Executive Committee and hundreds of other student leaders are in jail and believed to suffer from mistreatment and poor prison conditions.

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News From Asia Watch is a publication of Asia Watch, an independent organization created in 1985 to monitor and promote internationally recognized human rights in Asia. The Chairman is Jack Greenberg, the Vice Chairs are Nadine Strossen and Orville Schell, and the Executive Director is Sidney Jones.

Asia Watch is a component of Human Rights Watch, which includes Africa Watch, Americas Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is Robert L. Bernstein and the Vice Chair is Adrian DeWind. Aryeh Neier is Executive Director; Kenneth Roth, Deputy Director; Holly Burkhalter, Washington Director; Susan Osnos, Press Director.

*Senior General Saw Maung
Chairman
State Law and Order Restoration Council
Yangon, Myanmar Naingngan*

Dear General Saw Maung:

I would like to express my deep concern over the 2 January arrest of Mr. Wang Fu Wei. Mr. Wang Fu Wei, a Chinese national, fled China after having taken part in the 1989 pro-democracy movement and fearing persecution for his political beliefs. He entered Burma and sought political asylum at the United States embassy on 23 July 1990. Mr. Wang remained at the embassy residence for over five months but was not given permission to leave Burma for a third country. He was arrested after leaving the embassy residence compound on 2 January.

I believe that Mr. Wang should be accorded full protection under international law as a refugee and that UNHCR should be permitted to fully exercise their mandate and assist Mr. Wang in any way necessary. Major General Khin Nyunt, Secretary of the State Law and Order Restoration Council stated on 25 January that Mr. Wang would face action under Myanmar immigration law. I strongly feel that Mr. Wang, as a refugee entitled to protection from repatriation, should under no circumstance be forced back to China and that he should be immediately permitted to leave for a third country should he so desire.

Thank you for your kind attention. I am, etc.

(Sidney: State said yesterday that if Wang had waited another day he would have been allowed to leave right away. They think Wang will be locked up for a couple of months and then allowed to leave. There's apparently some fighting between the Foreign Office and the Home Office on this with the Home Office (which includes immigration, taking the harder line)