

including programs for rebuilding civil society and civil infrastructure, among them rule of law mechanisms and educational, health, and banking systems.

Relevant Human Rights Watch Reports:

Humanity Denied: Systematic Violations of Women's Rights in Afghanistan, 10/01
The Crisis of Impunity: The Role of Pakistan, Russia, and Iran in Fueling the Civil War, 7/01
Massacres of Hazaras in Afghanistan, 2/01

BURMA

There were signs of a political thaw early in the year and, for the first time in years, hopes that the government might lift some of its stifling controls on civil and political rights. By November, however, the only progress had been limited political prisoner releases and easing of pressures on some opposition politicians in Rangoon. There was no sign of fundamental changes in law or policy, and grave human rights violations remained unaddressed.

HUMAN RIGHTS DEVELOPMENTS

Upon his return from a January visit to Rangoon, new United Nations Special Representative for Myanmar Razali Ismail revealed that Lieutenant General Khin Nyunt, one of the top three leaders of the ruling State Peace and Development Council (SPDC), and Aung San Suu Kyi, the head of the opposition National League for Democracy (NLD), had been engaged in talks about a political settlement since October 2000. The talks, the first since 1994, were largely attributed to the efforts of Ismail, who had worked behind the scenes to promote dialogue. The talks continued throughout much of 2001, though representatives of minority groups were not invited to participate.

In an apparent goodwill gesture connected to the talks, the SPDC periodically released small groups of political prisoners, 182 of whom had been freed by November. They included NLD chairman Aung Shwe and vice-chairman Tin Oo; fifty-four NLD members who had been elected to parliament in the aborted 1990 elections; journalist San San Nweh; and members of a comedy troupe, The Moustache Brothers, who had been held since January 1996 for political satire.

Even with these releases, over 1,000 prisoners remained in prison for their political beliefs, including 1988 student leader Min Ko Naing and NLD political strategist Win Tin. More than fifty had completed their sentences but continued to be detained by the SPDC using article 10a of the penal code, which gives authorities broad discretion to extend incarceration. Four political prisoners—Mya Shwe,

Maung Maung Aye, Sithu, and Khin Maung Myint—died in prison during the year, and the Emergency Provisions Act, the security law most frequently used to charge and imprison political prisoners, remained in use.

The SPDC continued to stringently restrict freedom of association and assembly nationwide, but initiated some limited confidence-building measures in conjunction with the political talks that eased conditions slightly. In June, authorities permitted the NLD to reopen its headquarters and eighteen of forty-two Rangoon ward-level offices; another three ward-level offices were allowed to reopen later in the year. On June 19, some four hundred supporters of Aung San Suu Kyi were permitted to gather to celebrate her birthday and on September 27 around five hundred NLD sympathizers were able to gather to celebrate the anniversary of its founding, though on both occasions NLD Secretary General Aung San Sui Kyi remained confined to her home. Burmese intelligence continued to monitor NLD leaders, however, and to attend many NLD meetings in Rangoon.

Outside Rangoon, there was no relaxation and hundreds of NLD local offices remained closed by the authorities, as were those of other political parties that had secured seats in the 1990 election, such as the Shan Nationalities League for Democracy, the National Democratic Party for Human Rights, and the Mon National Democratic Front, which were effectively unable to function.

The press was largely state run and strictly censored. The government did not renew the license of the Burmese language magazine *Thintbawa* in December 2000 after one of its editors, Tin Maung Than, was accused of copying and circulating a speech by Deputy Minister for National Planning and Development Brigadier General Zaw Tun. The speech was sharply critical of the SPDC's economic policy. Detained on August 13, 2000, Tin Maung Than was held for four days, questioned, and forced to sign a document acknowledging that he would be prosecuted if circulation of the speech turned out to be "a political plot." Fearing that he could be imprisoned, he fled to Thailand in December 2000.

Some 140,000 Burmese displaced by decades of conflict and ongoing political repression continued to live in refugee camps in Bangladesh and Thailand, and hundreds of thousands more lived as internally displaced people within Burma or outside camps in Bangladesh, India, and Thailand.

Life in conflict affected areas, where the Burmese army sought to deny ethnic minority insurgents all sources of support, remained particularly grim. Villagers continued to be forcibly relocated, and those suspected of aiding guerrillas were tortured and sometimes killed. In January, government soldiers extrajudicially executed three ethnic minority Palaung men in Ho Ha village in Shan State after a search for weapons turned up an old carbine rifle that villagers used for hunting. In another case in early 2001, soldiers deployed in Shan State tortured and interrogated one man by setting light to his mustache and burning his mouth and another by holding a flame to his eye.

The army forbade villagers whom they forcibly relocated in Shan, Kayah (Karenni), and Karen State from returning to their fields. Villagers were required to obtain a pass to move between major towns under government control and curfews were enforced in many areas. The army continued to uproot villagers and consolidate them in larger, government-controlled towns, though on a reduced scale com-

pared to the mid-1990s. In January, the army reportedly displaced some 30,000 villagers in Karen State when it burned villages in its dry season offensive against the insurgent Karen National Union. In Shan State, hundreds of people were forced to move during Burmese army attacks on the Shan State Army-South in February and March. Many joined the estimated hundreds of thousands of internally displaced villagers in ethnic minority states while others fled to Thailand.

The SPDC continued to deny full citizenship rights to ethnic and religious minority Rohingya villagers, leaving many of them stateless and subject to severe restrictions on their freedom of movement, right to own land, and access to education. In February, violence between Buddhist and Muslim communities in the Arakan State capital Sittwe reportedly resulted in over a dozen deaths, and led to further regulation of movement by Rohingya and other Muslims within and out of Arakan, impeding their access to markets and health care. In Prome (Pyi), Pegu town, and Hanthada, night curfews were introduced following communal clashes in October.

The authorities continued to use forced labor. On October 27, 2000, following the visit of a technical mission from the International Labour Organization (ILO), the SPDC issued an order banning all government officers from requisitioning labor, and circulated it to local level authorities. Even so, refugees told Human Rights Watch that they had no knowledge of it, indicating that the policy was not being aggressively implemented. At its November 2000 meeting, the ILO's governing body, concluding that the new order was insufficient and that the SPDC had still not taken adequate steps to end forced labor, recommended penalties to force compliance. One called on other governments, United Nations agencies, and corporations to scrutinize their relationships with the SPDC to ensure that none of their activities contributed to the perpetuation of forced labor. In response, several member states submitted reports on this to the ILO in March 2001.

In February 2001, refugees from Shan State arriving in Thailand reported that they were continuing to face demands from the Burmese army to construct roads and military bases, clear and plant fields for local battalions, and porter for troops on patrol. Reports of forced labor were also received from other states and divisions throughout the year. In November, ILO experts submitted a report on their visit a month earlier, concluding that though the government had widely circulated its order banning forced labor, implementation and enforcement remained weak. The ILO governing body in its November meeting recommended an ILO presence in Burma to work with the SPDC to address those weaknesses.

As of mid-November, Human Rights Watch knew of no cases in which the government had prosecuted anyone for violating the ban on forced labor.

DEFENDING HUMAN RIGHTS

The SPDC did not permit local human rights groups to operate in Burma and those human rights and democracy organizations that did function had to do so from abroad.

THE ROLE OF THE INTERNATIONAL COMMUNITY

The talks between Aung San Suu Kyi and the government and release of political prisoners were welcomed by the international community. Some governments moved towards resuming or offering to provide aid to Burma in order to encourage further progress, while others maintained sanctions.

The United Nations was particularly active. Special Representative Razali Ismail visited the country in January, June, and August to facilitate the dialogue between the SPDC and the NLD, and for the first time since 1995, the government permitted a visit by the United Nations special rapporteur on Myanmar. The new rapporteur, Paulo Sergio Pinheiro, made a brief visit in April and met with SPDC representatives, Aung San Suu Kyi, and local aid workers. In a report to the U.N. in August, he welcomed the talks and prisoner releases but pointed to the need to address other important rights issues, including the need for a humanitarian space to relieve villagers affected by conflict. He made a second visit Burma in October and presented his conclusions to the U.N. General Assembly (Third Committee) in early November.

The United Nations High Commissioner for Refugees (UNHCR) maintained a presence in northern Arakan State to protect and reintegrate hundreds of thousands of Rohingya returnees. UNHCR requested access to eastern parts of Burma, but received no reply from the SPDC.

Japan stepped up its policy of engagement with a decision to offer major new aid to Burma. Though officially justified on humanitarian grounds, the move was widely seen as a political gesture to reward the SPDC for the dialogue. In April, Japanese officials promised approximately U.S. \$29 million to upgrade Baluchaung no. 2 hydroelectric power plant in Kayah (Karenni state). A survey mission went to Burma in August; by November, the cabinet had not yet approved disbursement of the funds. The aid decision was widely criticized as premature in view of Burmese government failure to end forced labor and other major abuses.

In May, Japan's Federation of Economic Organizations (Keidanren) held two days of discussions with the SPDC on ways to improve trade and investment between the two countries, though most Japanese companies remained reluctant to invest.

Japanese officials publicly praised Burma's release of political prisoners at several points during the year. In July, Foreign Minister Makiko Tanaka, during an Association of Southeast Asian Nations (ASEAN) conference in Vietnam, said Burma "should develop as quickly as possible into a country with which we can cooperate," hinting that more aid might be forthcoming if the dialogue led to substantive progress. In October she said it was important that the SPDC "take steps to allow freedom of activities for political parties beginning with the NLD."

Australia welcomed the release of political prisoners and continued its engagement policy. On May 25, John Howard's government announced that it would renew its Human Rights Initiative, providing training for Burmese officials with the ultimate goal of establishing a national human rights commission. Australia planned to allocate approximately Au \$140,000 to hold four training sessions, one

of which was to be held in Mandalay. Former Australian human rights commissioner and director of the program, Chris Sidoti, stated that Aung San Suu Kyi had expressed support for the training.

The E.U. held to its basic sanctions policy on Burma, while offering the carrot of humanitarian aid. An E.U. "troika" mission visited Burma in January and described the dialogue between the SPDC and Aung San Sui Kyi as "the most interesting development since 1990." E.U. External Affairs Commissioner Chris Patten told the July ASEAN meeting in Hanoi that the SPDC would have to make more "significant progress" before the E.U. would consider lifting sanctions. In October, when reviewing its common position on Burma, the E.U. symbolically eased its sanctions by agreeing that Burma's foreign minister could attend an E.U.-ASEAN meeting in 2002, and stressed its "readiness to accompany the deepening of the reconciliation process with humanitarian assistance."

Speculation that the Bush administration would lift sanctions on Burma had not proved correct by November 2001. The U.S. welcomed the talks but renewed regulations that ban travel to the U.S. by top Burmese officials, prohibited new U.S. investment in Burma, and continued to block lending to Burma by the World Bank and other international financial institutions.

In December 2000, the U.S. Defense Department ordered an immediate halt to the import of clothing made in Burma after a news report disclosed that in October 2000 alone nearly \$140,000 of apparel was purchased from Burma for sale to U.S. military personnel, dependents, and U.S. government employees overseas. In May 2001, a bill was introduced in the U.S. Senate to ban private retailers from importing apparel from Burma, but the legislation was never voted on.

In February, Deputy Assistant Secretary of State Ralph Boyce visited Burma and met with Aung San Suu Kyi and Lt. Gen. Khin Nyunt to discuss the Razali-initiated dialogue, which he called a "welcome development." Secretary of State Colin Powell met with Razali in September and expressed his support for Razali's mission, while emphasizing the need for results.

Various ASEAN members expressed support for the talks between the SPDC and Aung San Suu Kyi. Malaysia deepened its political and economic. Prime Minister Mahathir Mohammed visited Burma in January and Malaysian economic delegations followed, while Senior General Than Shwe and Lt. Gen. Khin Nyunt paid a return visit to Malaysia in September to discuss bilateral trade and other issues.

The new Thai government of Thaksin Shinawatra also sought to improve relations. However Thai efforts to do this suffered a six-month setback when the Thai and Burmese armies engaged in skirmishes in February and March after a Burmese military unit entered Thai territory. The Thai government also blamed Burma for one of its main national security concerns, the flood of methamphetamines entering Thailand, an illegal trade involving both the Burmese military and its aligned militia, the United Wa State Army, allegedly the top narcotics producer in Burma's portion of the Golden Triangle. The armed confrontation led to high level official exchanges, including a visit to Burma in June by Prime Minister Thaksin, and in early September, a trip to Bangkok by Lt. Gen. Khin Nyunt. By October, relations had apparently improved, with talks shifting to trade and improving communication links between the two countries.