

HUMAN RIGHTS IN BURMA (Myanmar) in 1991¹

Refusing to respect the results of the 1990 general elections, Burma's military leaders intensified their crackdown on political dissent throughout the country in 1991. Repression was worse than any other time in recent years, marked by a complete lack of basic freedoms and the continuing imprisonment of thousands of suspected opponents of the ruling State Law and Order Restoration Council (SLORC). By the middle of the year, the crackdown extended beyond members of the main opposition parties to include a massive purge of those employed in the civil service, schools and universities. In late 1990 and early 1991, SLORC also heightened its offensive against ethnic minority insurgent groups, resulting in widespread civilian casualties and the displacement of tens of thousands of people along Burma's borders. The award of the Nobel Peace Prize to opposition leader Aung San Suu Kyi helped to focus attention on SLORC's disastrous human rights record.

CRACKDOWN ON DISSENT

The crackdown on members and supporters of Aung San Suu Kyi's party, the National League for Democracy (NLD), was especially severe. The NLD had won an overwhelming victory in the May 1990 elections, capturing over eighty percent of the popular vote. Rather than transfer power to an NLD-dominated People's Assembly (*Pyithu Hluttaw*), SLORC instead mounted a campaign aimed at destroying the NLD and, later, all potential sources of political opposition to the regime. Hundreds of NLD officials, including over fifty of the newly elected People's Assembly representatives, were arrested in a sweep that began in July 1991. Earlier in the year, arrested NLD People's Assembly representatives were sentenced to between ten and twenty-five years in prison by military tribunals.

Severe mistreatment is believed to have led to the death in detention of at least three senior NLD officials. Tin Maung Win, an NLD People's Assembly representative, died in early January in Insein Prison, only a few weeks after his arrest. Maung Thawka, a prominent writer and senior NLD official, died of a heart attack in June at the Rangoon General Hospital, three days after having been moved from Insein Jail, where he was believed to have been badly tortured. Maung Ko, a leading NLD labor organizer, died in Insein Jail after being tortured in November 1990.

NLD President Tin U and other senior officials originally sentenced in 1989 and 1990 had their sentences extended in 1991. For example, Tin U's sentence was extended from three to seventeen years. At the beginning of 1991, five of the NLD's original Central Executive Committee members were in prison, and party leader Aung San Suu Kyi remained under house arrest. NLD offices were closed in many towns, party activities were banned, publications were stopped, and the party was prohibited from making public

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statements. Anyone involved with the NLD became suspect in the eyes of the military authorities and subject to harassment and the threat of arrest. By mid-1991, the NLD had largely collapsed as a working political organization.

The SLORC also began in 1991 to target smaller political parties and political figures generally considered more "moderate" in their opposition to the regime than the NLD leadership. In January, Cho Cho Kyaw Nyein, leader of the Anti-Fascist People's Freedom League (AFPFL), was arrested on charges of being in contact with insurgent and "underground" groups. He was later sentenced to nine years in prison, and the AFPFL was deregistered. By May, a total of nine political parties had been deregistered. These included the League for Democracy and Peace, founded by former Prime Minister U Nu, who is under house arrest; and the National Democratic Party, founded by Sein Win, head of the government-in-exile on the Thai border.

In July, several senior members of the United Nationalities Development Party (UNDP) were arrested on a series of charges including contact with the insurgent Karen National Union. Although UNDP leader Aung Gyi, a former army vice chief of staff, was not arrested, he was implicated in the charges and criticized in the official press.

Dismissals of Civil Servants and Teachers

Throughout 1991, SLORC carried out a huge purge of the civil service, schools and universities. By October, as many as fifteen thousand civil servants were reported to have been fired on suspicion of being opposed to the regime. Beginning in January, civil servants were required to answer a series of questions about their role in the 1988 uprising and their views of the military, political parties and SLORC policy. On October 4, Khin Nyunt, SLORC first secretary, warned public servants that a series of directives had already been issued prohibiting them from political activities. Public servants were also obliged to see that their families refrain from anti-government activities.

Similarly, hundred of teachers and university lecturers are reported to have been fired. Although schools and universities were gradually reopened during 1991 after nearly three years of closure, all educational institutions remain under strict military supervision, and the activities of students are closely monitored.

Demonstrations Crushed In Rangoon

On December 10 and 11, heavily armed soldiers and police crushed demonstrations at Rangoon University coinciding with the Nobel Prize ceremony in Oslo, putting an end to the largest protests to take place in Burma since the September 1988 uprising. There were unconfirmed reports of hundreds of arrests. Burma's universities were shut down and thousands of troops were deployed throughout Rangoon. There were also protests and arrests in Mandalay, and the state-run radio blamed "unscrupulous subversive elements" for a bombing at a railway station on December 11.²

Martial law remained strictly enforced, as local military tribunals and township-level Law and Order Restoration Councils worked to ensure an end to independent political activity. In May, General Khin Nyunt, head of SLORC's Directorate of Defense Services Intelligence (DDSI) and a SLORC member, quoted the Duke of Wellington on the nature of Burma's martial law: "Martial law is neither more nor less than the will of the General who commands the army. In fact, Martial Law means no law at all." In a similar vein, the

² Kevin Cooney, Reuters, December 12, 1991.

SLORC chairman, General Saw Maung, said in May: "Martial law means the will of the ruler. He can do anything he wishes to do." Such statements reveal that Burma's military authorities feel unconstrained in crushing political dissent.

A large military presence is clearly visible in Rangoon and most other towns. Troops and armored personnel carriers patrol major streets and are deployed outside all public buildings. Gatherings of more than four people are banned, movement out of one's township must be reported to local military authorities, and all media remain under tight state control.

Prison Conditions

Burma's jails remain inaccessible not only to international human rights and humanitarian organizations, U.N. agencies and foreign diplomatic personnel, but also, in many cases, to families of detainees. Torture and other forms of severe mistreatment continue to be a routine part of interrogation, both in the main jails such as Insein Jail in Rangoon and Tharrawaddy Jail in Pegu Division, and at Yay Kyi Aing, the DDSI headquarters, where political prisoners may be detained indefinitely without charge.

Political prisoners are reportedly used for forced labor. In early 1991, three hundred political prisoners who had been forced to work at a mining camp in northern Shan State, a few miles from Lashio, were reported to have died from mistreatment or malnutrition. Asia Watch could not independently confirm the report.

Forced Relocation

SLORC also continued its policy of forced relocation. Since late 1989, over 500,000 people are believed to have been forcibly moved from their homes to military-built resettlement towns. Although reasons for the relocations vary, they are generally believed to be politically motivated, with the intent of breaking up potential areas of opposition to the regime. Many people were moved to areas without proper sanitation or access to markets or places of work. The forced relocations are believed to be a major source of the new exodus of ethnic Burmese refugees to the Thai border, described below. In 1991, the forced relocations were particularly severe in northern Arakan, along the Bangladesh border. Several thousand Burmese Muslim refugees are known to have fled to Bangladesh since late 1990 to avoid the increasing military persecution accompanying the relocations. Mosques were reported to have been destroyed and entire communities forced to move to make way for military projects. Burmese Muslims are often denied citizenship rights, and many Muslims born in Burma have been detained for years on charges of "illegal immigration."

Ethnic Minority Areas and Refugees

In 1991, SLORC stepped up its military offensives against ethnic minority insurgent groups, particularly the two largest, the Karen National Union along the Thai border and the Kachin Independence Organization, along the Chinese and Indian borders. SLORC strategy has included targeting civilian populations suspected of assisting insurgents. Large numbers of civilians in Kachin State are believed to have been moved to strategic villages under military control in early 1991. Several thousand others were reported to have fled their homes to areas along the Chinese border.

The destruction of civilian property, rape, torture and summary execution of civilians during Burmese military offensives were widely reported in 1991, as in previous years. The Burmese army also

forcibly conscripted ethnic minorities to carry military supplies during military campaigns. Many of these porters die as a result of mistreatment, lack of adequate food and water, and use as "human mine sweepers." At least 100,000 people are thought to be internally displaced because of ongoing fighting in Karen and Kachin States alone.

Refugees from Burma continue to flee to neighboring countries in substantial numbers, with as many as 500,000 Burmese residing in Thailand, Bangladesh, India and China. The largest movement of refugees in 1991 involved between 15,000 and 25,000 who fled from Burma's Arakan State to Bangladesh. The refugees are primarily Rohingya Muslims who are culturally distinct from the Arakanese Buddhists whose culture is dominant in Burma. The campaign against this population began in late 1989, during the intensified Burmese military campaign against minority groups. By 1990, the Burmese military effectively controlled most of Arakan State. Among the military abuses reported from the area are forced labor, rape, arbitrary arrest and wanton destruction of property.

Also in 1991, approximately nine thousand Karen, four thousand Mon and one thousand Karenni fled to Thailand to escape military repression, bringing to nearly sixty thousand the number of refugees living in camps along the Thai border. To date, an estimated five thousand refugees from Burma's Kachin territory have fled to Tibet and four thousand to India. There are also several thousand Burmese dissidents who have fled since the 1988 uprisings and established camps along Burma's borders alongside minority refugee communities.

The refugees from Burma living just inside Thailand have been allowed to negotiate safe haven agreements with local authorities. In 1991, however, this arrangement became increasingly tenuous. *The Bangkok Post*, in an August 29 article, reported, "Military officers of the 9th Infantry Division and district officials in Sangklaburi District have told the Mon National Relief Committee to plan for the repatriation of all Mon refugees — more than 10,000 — to Burma by April 1992." No international agency such as the U.N. High Commissioner for Refugees (UNHCR) or the International Committee of the Red Cross is allowed to operated along any of Burma's borders, making the refugees living there more vulnerable to such threats of *refoulement*.

A smaller number of refugees, mostly Burmese students, made their way to Bangkok to try to register as refugees with the UNHCR office. There are now some three thousand such Burmese in the Thai capital. Only half have been accepted as refugees; one thousand have been rejected, and approximately five hundred cases are pending. Thailand has not allowed the UNHCR to assist this or any other group of asylum-seekers from Burma. For its part, the UNHCR continues to evaluate Burmese refugee claims using unusually narrow criteria so as to deter an influx of refugees to Bangkok, prevent a confrontation with Thai authorities, and avoid an expensive urban relief program.

The UNHCR and other concerned parties have been negotiating with the Thai government for a "safe area" where those seeking political asylum can reside. However, in September 1991, the Thai government approved the establishment of a "holding center" for all asylum-seekers from Burma who were registered with the UNHCR. The Ministry of Interior proposed to open this center in April 1992 at a site along the Burmese border in Ratchaburi province. To date, Thai officials maintain that the UNHCR will not be granted any presence in the center, raising serious questions about whether it will be a workable alternative to repatriation or, with no access by outside agencies, a kind of prison. By the end of 1991, Thai authorities were holding over one hundred asylum-seekers from Burma in immigration jails pending the establishment of the "holding center." Those detained had gone on hunger strikes and inflicted injuries on themselves to draw international attention to their fears about the "holding center." Many suffered

physical abuse and extortion in prison.

An increasing number of Burmese refugees fled to Thailand during 1991 from the Tennasserim Division, an administrative unit deep in the Burmese delta. These refugees claim fear of being conscripted for forced labor, extortion by local military authorities, and threats of arrest against those thought sympathetic to opposition groups, as well as general economic hardship.

Overall, dissatisfaction with the Burmese regime remains extremely high, and only the severity of ongoing repression prevents significant public protest. SLORC's increasingly hard-line position may be seen as reflecting increased desperation on the part of a regime lacking any popular support or clear direction.

The Right to Monitor

The severity of repression made open human rights monitoring impossible inside Burma, although Burmese students and representatives of minority groups living in Thailand developed an increasingly effective human rights documentation network in 1991.

U.S. POLICY

With peaceful political dissent in Burma all but silenced, international pressure against SLORC became increasingly important. Aung San Suu Kyi's winning of both the 1991 Nobel Peace Prize and the European Parliament's Sakharov Prize clearly marked increased international concern for Burma's worsening human rights situation.

On November 29, at the United Nations, a resolution on the human rights situation in Burma passed the General Assembly's Third Committee by a unanimous vote. This was the first critical human rights resolution naming an offending nation ever to receive unanimous endorsement by the General Assembly. The mildly worded consensus resolution, sponsored by Sweden and co-sponsored by India, urges Burma to "allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights."

On several occasions, U.N. Secretary General Javier Perez de Cuellar called on SLORC to release Aung San Suu Kyi from house arrest. On November 4, Perez de Cuellar's spokesperson indicated deep disappointment over SLORC's decision to prevent a U.N. special rapporteur appointed by the Commission on Human Rights, Professor Yozo Yakota, from seeing the opposition leader when he visited Burma in October. Yakota was given access to Insein Prison in Rangoon but was reportedly not allowed to speak with any political prisoners.

In July, the European Community (EC) formalized a *de facto* arms embargo against Burma, and in May, the annual meeting between the EC and representatives of the Association of Southeast Asian Nations (ASEAN) in Luxembourg produced the first public, if mild, criticism of Burma by ASEAN. The statement expressed hope that the situation in Burma would improve so that Burma could take its place "among the dynamic Asian economies."

The Bush Administration continued its hard-line policy against the Burmese government, restricting high-level contacts and refusing to resume any bilateral assistance. In June, at the ASEAN foreign ministers' conference in Kuala Lumpur, Secretary of State James Baker condemned the human

rights situation in Burma, saying, "We view with dismay the situation in Burma where a self-appointed military leadership regularly violated basic human rights."³ Secretary Baker's statement followed high-level consultations among U.S., British and Australian officials. The ASEAN ministers, particularly the Thai foreign minister, argued that pressure on SLORC would be counterproductive, but ultimately decided to send Raul Manglapus, the Philippines foreign minister, to Rangoon for talks in pursuit of a policy of "constructive engagement." However, Manglapus's public announcement of his mission apparently angered SLORC and, by year's end, the mission had not taken place.

Also at the Kuala Lumpur meeting, and in accordance with the Moynihan Amendment to the 1990 Customs and Trade Act mandating U.S. economic sanctions against Burma, the United States decided not to renew a bilateral textile agreement with Burma which had lapsed on December 31, 1990. In 1990, textiles accounted for approximately nine million of the twenty-two million dollars of Burmese exports to the United States each year. However, while the United States consulted with other industrialized countries regarding the possibility of imposing multilateral economic sanctions, as the amendment required, the Administration maintained that "there was no significant support for [such sanctions] generally, because of the paucity of economic relations of any country with Burma."⁴

The State Department in 1991 continued efforts to develop some coordination between the United States and other industrial democracies in their policy toward SLORC. The State Department is believed to have pushed informally for all major donors, especially Japan, to maintain their aid cutoff and for the World Bank and other multilateral institutions to refrain from future lending. At its annual meeting in Bangkok in mid-October, the World Bank reaffirmed its decision not to loan to Burma, and a bank official in charge of Asia publicly denounced human rights violations by SLORC. However, international action against the military regime remains largely uncoordinated.

Despite the Administration's overall hard-line policy, the U.S. Drug Enforcement Agency (DEA) retained a significant presence in Rangoon. Its representatives met regularly with Burmese officials and were shown in the Burmese press attending SLORC-organized functions in northeastern Shan State. The DEA was known to be lobbying within the Administration for a resumption of the anti-narcotics assistance terminated in 1988, but was believed to have been successfully opposed by the State Department and others.

Although the Administration's general stand on Burma has been firm in maintaining pressure on SLORC, U.S. law suggests that more be done. The Administration should, at a higher level than has been the case so far, formulate and carry out a program of sustained international economic sanctions against the regime. The Administration and other Western governments have long argued that economic sanctions would be ineffective given the small size of Western trading with Burma in comparison with that of China or Thailand, which presumably would not join an embargo. What this argument overlooks is the difference in the nature of the trade. Whereas China and Thailand export mainly basic consumer goods for Burma's private markets, Western countries, Japan and South Korea are still important sources of spare parts and other goods that are critical for Burma's state-run industry. In addition, although U.S. and other western oil

³ Bernama (Malaysia) News Service, as reported in Foreign Broadcast Information Service, June 24, 1991.

⁴ Testimony of Kenneth Quinn, deputy assistant secretary for East Asian and Pacific affairs, before the House Subcommittee on Asian and Pacific Affairs, October 18, 1991.

companies are not yet producing oil in Burma, their continuing presence provides an important reassurance to SLORC that large oil revenues may not be far off.

U.S. policy toward Burmese refugees involved continuing humanitarian assistance to displaced Burmese (including "students" and ethnic minorities) along the Thai border and to asylum-seekers in Thailand itself; resettling a very small number of refugees in the United States; providing scholarships for selected Burmese refugees to study in the United States for two years; and privately encouraging the Thai government not to repatriate Burmese "students" and dissidents clearly facing a danger of persecution if returned to Burma.

The U.S. Congress continued to advocated increased U.S. and multilateral pressure on behalf of human rights and democratization in Burma. Members of Congress addressed letters to SLORC about individual prisoners subject to arbitrary arrest and torture, and two resolutions were unanimously adopted in 1991. The Senate in May urged the imposition of additional U.S. economic sanctions and called for increased Thai protection for Burmese refugees. In November, the House passed a strongly worded measure which also called for further sanctions as well as U.S. pressure on China to cease its arms shipments and economic aid to SLORC.

At the end of 1991, the Administration's nomination of an ambassador to Burma was pending before the Senate Foreign Relations Committee, and Congressional opinion was divided on whether the United States should post an ambassador to Rangoon under current political circumstances.

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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 Chair is Jack Greenberg, the Vice Chairs are Harriet Rabb and Orville Schell, and the Executive Director is Sidney Jones.

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