

Burma (Myanmar)

Political Rights: 7
Civil Liberties: 7
Status: Not Free

Overview:

Following the crackdown on the opposition National League for Democracy (NLD) party in mid-2003, the collapse of a halting process of national reconciliation, and a leadership purge within the military junta, Burma remained under the firm grip of the hardliners in the military junta during 2004. Although the National Convention, tasked with drafting a new constitution, was reconvened by the regime in May 2004, it was boycotted by the main opposition parties; it thus failed to provide a veneer of legitimacy for the junta's strategy of positioning it as a first step on a planned "road map to democracy." Meanwhile, the regime maintained its hold on virtually all levers of power and showed few signs of being willing to consider meaningful positive reform. NLD leader Aung San Suu Kyi remained under house arrest, and the activities of the NLD were severely curtailed, while a wide range of human rights violations against NLD members and other political opponents, as well as members of ethnic and religious minority groups, continued unabated throughout the year. With the ouster of prime minister and head of military intelligence Khin Nyunt in October, followed by a purge of his allies, hardliners within the junta had firmly reasserted their control by year's end and prospects of reform seemed dimmer than ever.

After being occupied by the Japanese during World War II, Burma achieved independence from Great Britain in 1948. The military has ruled since 1962, when the army overthrew an elected government buffeted by an economic crisis and a raft of ethnic-based insurgencies. During the next 26 years, General Ne Win's military rule helped impoverish what had been one of Southeast Asia's wealthiest countries.

The present junta, currently led by General Than Shwe, dramatically asserted its power in 1988, when the army opened fire on peaceful, student-led, pro-democracy protesters, killing an estimated 3,000 people. In the aftermath, a younger generation of army commanders created the State Law and Order Restoration Council (SLORC) to rule the country. The SLORC refused to cede power after it was defeated in a landslide election by the NLD in 1990. The junta jailed dozens of members of the NLD, which won 392 of the 485 parliamentary seats in Burma's first free elections in three decades.

Than Shwe and several other generals who headed the junta refashioned the SLORC as the State Peace and Development Council (SPDC) in 1997. The generals appeared to be trying to improve the junta's international image, attract foreign investment, and encourage an end to U.S.-led sanctions linked to the regime's grim human rights record. In late 2000, encouraged by the efforts of UN special envoy Razali Ismail, the regime began holding talks with Suu Kyi, which led to an easing of restrictions on the NLD by mid-2002. Suu Kyi was released from house arrest and was allowed to make several political trips outside the capital, and the NLD was permitted to reopen a number of its branch offices.

Suu Kyi's growing popularity and her revitalization of the NLD during the first half of 2003, especially in the sensitive ethnic minority areas, apparently rattled hardliners within the regime. On May 30, a deadly ambush on an NLD convoy in northern Burma by SPDC

supporters, in which an unknown number of people were killed or injured, illustrated the lengths to which hardliners within the SPDC would go to limit an NLD challenge. Suu Kyi and dozens of other NLD officials and supporters were detained, many in undisclosed locations, following the attack; NLD offices were once again shut down; and universities and schools were temporarily closed in a bid to suppress wider unrest. Her detention and the junta's subsequent crackdown evoked outrage: Japan, the country's largest aid donor, temporarily suspended its aid programs, while the U.S. government tightened sanctions by imposing a ban on all Burmese imports into the United States.

A cabinet reshuffle in August 2003 left hard-liner Than Shwe as head of state, while the more pragmatic intelligence chief, Khin Nyunt, was promoted to prime minister. Around the same time, the junta announced that the National Convention (NC), which has the responsibility for drafting principles for a new constitution but which had not met since 1996 after being boycotted by the opposition, would be reconvened in May 2004 as part of its new "road map to democracy" announced in 2003. However, heavy restrictions on its format and operations—authorities hand-picked most of the delegates and limited the scope of permissible debate from the outset—led to a boycott of the proceedings by both the NLD and some of the ethnic parties, who remain wary that the NC is being used as a means of legitimizing the junta's rule and enshrining the military's role in government. The National Convention was adjourned indefinitely in July 2004 and had not been reconvened by year's end, although the leadership had reaffirmed its commitment to do so.

Meanwhile, authorities also maintained their focus on containing the popularity of the NLD party. Aung San Suu Kyi was released from prison in September 2003 but remained under house arrest, as did other senior NLD leaders. Periodic arrest and detention of political activists and other perceived threats to the regime, including journalists and students, remained the norm in 2004. Talks between the SPDC and several rebel groups still at war with the junta continued for most of the year. However, although the SPDC had verbally agreed to an informal ceasefire with the Karen National Union (KNU) in late 2003, skirmishes between the two sides have continued, as have human rights violations in the Karen and other ethnic-minority states.

On October 19, Khin Nyunt, the prime minister and head of military intelligence (MI), was removed from office and placed under house arrest amid conflicting reports that he was retiring for health reasons or had been "involved in corruption." However, his dismissal was followed by a widespread purge of his key allies, the dismantlement of the MI ministry itself, and takeovers of Khin Nyunt's extensive business interests, thus confirming that hardliners in the regime intended to reassert their control over government policy-making. A relative moderate, Nyunt had advocated limited dialogue with both the NLD and Burma's armed ethnic factions. His replacement by hardliner Lieutenant-General Soe Win—who has been accused by the U.S. government and others of masterminding the May 2003 attack on Suu Kyi's motorcade—suggests that the junta will continue to resist all pressure to reform, although it publicly reaffirmed its commitment to continuing with its road map in November.

Political Rights and Civil Liberties:

Burma continues to be ruled by one of the world's most repressive regimes. The SPDC rules by decree; controls all executive, legislative, and judicial powers; suppresses nearly all basic rights; and commits human rights abuses with impunity. Military officers hold most cabinet

positions, and active or retired officers hold most top posts in all ministries, as well as key positions in both the administration and the private sector.

Since rejecting the results of the 1990 elections and preventing the elected parliament from convening, the junta has all but paralyzed the victorious NLD party. Authorities have jailed many NLD leaders, pressured thousands of party members and officials to resign, closed party offices, harassed members' families, and periodically detained hundreds of NLD supporters at a time to block planned party meetings. After being allowed somewhat greater freedom during 2002, the NLD was subjected to another crackdown in 2003 that largely continued throughout 2004. Although the party's main office was allowed to reopen in April, its branch offices remained closed and several key party leaders, including Aung San Suu Kyi, remain under house arrest. In the run-up to the National Convention held in May, opposition party leaders and members faced heightened surveillance, intimidation, and arrest as they attempted to engage in peaceful political activities, according to an Amnesty International report. An NLD campaign calling for the release of political prisoners begun in July was countered with increased harassment of party members; in September, four were jailed for seven years following a secret trial after being charged with sending information to overseas groups.

Besides the NLD, there are more than 20 ethnic political parties that remain suppressed by the junta. An International Crisis Group report published in 2003 notes that ethnic-minority groups feel that they are denied a role in national political life and do not have a chance to influence policy decisions that affect their lives.

In a system that lacks both transparency and accountability, official corruption is reportedly rampant at both the high and local levels. Burma was ranked 142 out of 146 countries surveyed in the 2004 Transparency International Corruption Perceptions Index.

The junta sharply restricts press freedom, owning or tightly controlling all daily newspapers and radio and television stations. It also subjects private periodicals to prepublication censorship and restricts the importation of foreign news periodicals. After the purge, the new hardline leadership took control of the censorship bureau (which previously had been controlled by associates of Khin Nyunt in the MI ministry) and suspended seventeen publications, most of them indefinitely. Although some people have access to international shortwave radio or satellite television, those caught accessing foreign broadcasts can be arrested, according to the Committee to Protect Journalists. In May, authorities moved to limit coverage of the National Convention, refusing to grant visas to foreign correspondents and imposing advance censorship on the dissemination of the proceedings. Although several journalists and writers were released from jail throughout the year, a number remained imprisoned as a result of expressing dissident views. The sentence of journalist Zaw Thet Htwe, editor of a sports magazine, who was detained in June 2003, accused of involvement in a "conspiracy" against the government, and sentenced to death in November for treason, was reduced in May 2004 to three years' imprisonment. The Internet, which operates in a limited fashion in the cities, is tightly regulated and censored.

Ordinary Burmese generally can worship relatively freely. However, the junta shows preference for Theravada Buddhism, discriminating against non-Buddhists in the upper levels of the public sector and coercively promoting Buddhism in some ethnic-minority areas. The regime has also tried to control the Buddhist clergy by placing monastic orders under a state-run committee, monitoring monasteries, and subjecting clergy to special restrictions on speech and association. A number of monks remain imprisoned for their pro-democracy and human rights work. Burma was once again designated a "country of particular concern" in the 2004 report by the U.S. Commission on International Religious Freedom, which noted severe and systematic

official discrimination against members of minority religious groups. A 2002 Human Rights Watch report alleged that the government had failed to protect Muslims from a significant increase in anti-Muslim violence and that it had imposed restrictions on Muslim religious activities and travel. Violence against the Muslim minority continues to be a problem, with deadly flare-ups in Yangon and Mandalay divisions being reported in late 2003. According to a 2004 report by the Chin Human Rights Organization, the regime has targeted the predominantly Christian Chin ethnic minority, destroying churches, intimidating and assaulting members of the clergy, and supporting coerced conversions to Buddhism.

Academic freedom is severely limited. Teachers are subject to restrictions on freedom of expression and publication and are held accountable for the political activities of their students. Since the 1988 student pro-democracy demonstrations, the junta has sporadically closed universities, limiting higher education opportunities for a generation of young Burmese. Most campuses were relocated to relatively isolated areas as a measure to disperse the student population. Following the May 2003 clashes, the junta, fearing student unrest, once again temporarily closed some schools and universities, but two students were killed when the military violently suppressed a student demonstration held to protest the attack on Suu Kyi, according to Amnesty International.

Authorities continued to infringe on citizens' privacy rights by arbitrarily searching homes, intercepting mail, and monitoring telephone conversations. Laws and decrees criminalize the possession and use of unregistered electronic devices, including telephones, fax machines, computers, modems, and software.

Freedom of association and assembly is restricted. An ordinance prohibits unauthorized outdoor gatherings of more than five people, and authorities regularly use force to break up peaceful demonstrations and prevent pro-democracy activists from organizing events or meetings. Since the May 2003 crackdown, an increasing number of people have been detained for attempting to exercise their rights to freedom of association and expression. However, nearly all public sector employees, as well as other ordinary citizens, are induced to join the pro-junta mass mobilization organization, the Union Solidarity and Development Association. Domestic human rights organizations are unable to function independently, and the regime generally dismisses critical scrutiny of its human rights record from international nongovernmental organizations and journalists. Although Amnesty International was given permission to make two trips to Burma in January and December 2003, it was not allowed back into the country during 2004.

Independent trade unions, collective bargaining, and strikes are illegal, and several labor activists are serving long prison terms for their political and labor activities. The regime continues to use forced labor despite formally banning the practice in October 2000. The International Labor Organization (ILO) and other sources report that soldiers routinely force civilians, including women and children, to work without pay under harsh conditions. Laborers are commandeered to construct roads, clear minefields, porter for the army, or work on military-backed commercial ventures. Forced labor appears to be most widespread in states dominated by ethnic minorities. Although the ILO's plans to work with the junta to eradicate the practice were put on hold after the attack on the NLD in May 2003, it continues to monitor the situation on the ground.

The judiciary is not independent. Justices are appointed or approved by the junta and adjudicate cases according to the junta's decrees. Administrative detention laws allow people to be held without charge, trial, or access to legal counsel for up to five years if the SPDC feels that

they have threatened the state's security or sovereignty. Some basic due process rights are reportedly observed in ordinary criminal cases, but not in political cases, according to the U.S. State Department's 2003 human rights report. Corruption, the misuse of overly broad laws, and the manipulation of the courts for political ends continue to deprive citizens of their legal rights.

Detailed reports issued recently by Amnesty International have raised a number of concerns regarding the administration of justice, including laws and practices regarding detention, torture, trial, and conditions of imprisonment. Political prisoners are frequently held incommunicado in pretrial detention, which facilitates the use of torture and other forms of ill treatment, and are denied access to family members, legal counsel, and medical care. In addition, political trials are conducted summarily and do not meet international standards of fairness. Prisons and labor camps are overcrowded, although conditions in some facilities have reportedly improved gradually since the regime began allowing the International Committee of the Red Cross access to prisons in 1999.

The junta has periodically released some of those people arrested in the aftermath of the May 2003 violence, and following Khin Nyunt's removal, thousands of prisoners were released in November, of which several dozen were being held on politicized charges. However, more than 1,350 political prisoners remained incarcerated in 2004, according to Amnesty International. Most prisoners are held under broadly drawn laws that criminalize a range of peaceful activities. These include distributing pro-democracy pamphlets and distributing, viewing, or smuggling out of Burma videotapes of Suu Kyi's public addresses. The frequently used Decree 5/96 of 1996 authorizes jail terms of up to 20 years for aiding activities "which adversely affect the national interest." After the October 2004 purge, jails were also filled with suspected allies of General Khin Nyunt within the MI ministry; several thousand were arrested, and in November, the BBC reported that three senior army intelligence officers had been sentenced to 22 years in prison.

The UN Commission on Human Rights in Geneva condemns the regime each year for committing grave human rights abuses. Annual resolutions commonly highlight a systematic pattern of extrajudicial, summary, or arbitrary executions; arrests, incommunicado detention, and "disappearances"; rape, torture, inhuman treatment, and forced labor, including the use of children; and forced relocation and the denial of freedom of assembly, association, expression, religion, and movement. Police and security forces that commit such abuses operate in a climate of impunity, as such incidents are not commonly investigated and prosecutions are rare.

Some of the worst human rights abuses take place in the seven states dominated by ethnic minorities. In these border states, the *tatmadaw*, or Burmese armed forces, reportedly kill, beat, rape, and arbitrarily detain civilians. For example, a report issued in April 2004 by the Karen Women's Organization documents numerous cases of rape committed against Karen women by members of the army as part of a strategy to intimidate, control, and shame ethnic-minority populations. Soldiers also routinely destroy property and seize livestock, cash, property, food, and other goods from villagers.

Tens of thousands of ethnic minorities in Shan, Karenni, Karen, and Mon states remain in squalid and ill-equipped relocation centers set up by the army. The army has forcibly moved the villagers to the sites since the mid-1990s as part of its counterinsurgency operations. Press reports suggest that the army continues to forcibly uproot villagers and that at least one million people have been internally displaced by these and other tactics. In addition, according to Refugees International, an estimated several million Burmese have fled to neighboring countries, including Thailand, India, and Bangladesh. Thailand continues to host at least 135,000 Karen,

Mon, and Karenni in refugee camps near the Burmese border, as well as hundreds of thousands more who have not been granted refugee status.

A number of ethnic-minority groups complain of systematic discrimination at the hands of the regime, including a lack of representation in the government and military, economic marginalization, and the suppression of their cultural and religious rights. The junta has committed particularly serious abuses against the Muslim Rohingya minority in northern Rakhine state. A report published by Amnesty International in May noted that the vast majority of Rohingyas are denied citizenship and face severe restrictions on their freedom of movement, their right to own land, and their ability to marry. In addition, they are regularly subjected to arbitrary taxation and other forms of extortion, as well as forced eviction and land confiscation, at the hands of Burmese security forces. More than 250,000 Rohingyas remain in neighboring Bangladesh, where they fled in the 1990s to escape extrajudicial execution, rape, forced labor, and other abuses.

The junta continues to face low-grade insurgencies waged by the KNU and at least five other ethnic-based rebel armies. The junta agreed to an informal ceasefire with the KNU in December 2003, but hostilities reportedly continue. A number of rebel groups, however, have reached ceasefire deals with the junta since 1989, under which they have been granted effective administrative authority of the areas under their control. While army abuses are the most widespread, some rebel groups forcibly conscript civilians, commit extrajudicial killing and rape, and use women and children as porters, according to the U.S. State Department's annual human rights report. A 2002 Human Rights Watch (HRW) report documented the widespread use of children as soldiers by 19 different armed opposition groups, as well as by the Burmese army, where at least 20 percent of active-duty soldiers are estimated to be under the age of 18. Although authorities announced the formation of a committee to prevent the recruitment of child soldiers in late 2003, the practice has continued unabated, according to HRW.

Burmese women have traditionally enjoyed high social and economic status, but domestic violence is a growing concern, and they remain underrepresented in the government and civil service. A September 2004 report by the Women's League of Burma detailed an ongoing nationwide pattern of sexual violence against women by SPDC military personnel and other authorities, including rape, sexual slavery, and forced marriage. Criminal gangs have in recent years trafficked thousands of women and girls, many from ethnic-minority groups, to Thailand and other destinations for prostitution, according to reports by HRW and other groups.