

**AMNESTY
INTERNATIONAL**



Myanmar

Head of state	Senior General Than Shwe
Head of government	General Thein Sein
Death penalty	abolitionist in practice
Population	49.2 million
Life expectancy	60.8 years
Under-5 mortality (m/f)	105/87 per 1,000
Adult literacy	89.9 per cent

In February, the government announced that a referendum would be held later in the year on a draft constitution, followed by elections in 2010. In May – only a week before the scheduled day for the referendum – Cyclone Nargis devastated parts of southern Myanmar, affecting approximately 2.4 million people. More than 84,500 people died and more than 19,000 were injured, while nearly 54,000 remained unaccounted for. In its aftermath the government delayed or placed conditions on aid delivery, and refused international donors permission to provide humanitarian assistance. Following a visit by the UN Secretary-General in late May access improved, but the government continued to obstruct aid and forcibly evict survivors from shelters.

Also in May the government extended the house arrest of Daw Aung San Suu Kyi, General Secretary of the National League for Democracy (NLD), the main opposition party. By the end of the year there were more than 2,100 other political prisoners. Many were given sentences relating to the 2007 mass demonstrations after unfair trials. In eastern Myanmar, a military offensive targeting ethnic Karen civilians, amounting to crimes against humanity, continued into its fourth year. The government's development of oil, natural gas and hydropower projects in partnership with private and state-owned firms led to a range of human rights abuses.

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Background

The commission established at the end of 2007 to draft a new constitution – the guidelines for which were 14 years in the making – completed its work in February. This marked the fourth step in the government's seven-step "Roadmap to Democracy", to be followed by the referendum, elections, and the formation of a new government. The NLD had not participated in the process since 1995. In January, Daw Aung San Suu Kyi met with the government liaison official for the second time since the 2007 crackdown and with her own party leaders in November.

At year's end, there were more long-standing political prisoners behind bars in Myanmar than at any other time since the mass pro-democracy uprising in 1988, and nearly double the number in 2007. More than 2,100 political prisoners – many of them prisoners of conscience – remained behind bars.

Forced evictions

Within days of Cyclone Nargis, the government began to forcibly evict cyclone survivors from government and unofficial resettlement sites where they had fled after their homes were destroyed and their villages flooded. Amnesty International confirmed over 30 instances of forcible eviction by the government in the month following the cyclone alone. In many cases, assistance was either entirely lacking or inadequate. In addition, authorities evicted survivors taking emergency shelter in schools and monasteries in order to hold the constitutional referendum.

- On 19 May in Bogale and Labutta in Ayeyarwady Division, local authorities forced large numbers of people onto boats in an effort to return them to their villages in Myaungmya and Maubin townships and elsewhere. By 25 May, only an estimated 10 per cent of the people originally displaced to Bogale remained there.
- On 23 May, authorities in Yangon forcibly removed more than 3,000 cyclone survivors from an official camp in Shwebaukan township and from an unofficial camp in a State High School in Dala, both in Yangon Division.
- On or just before 25 May, the authorities forcibly relocated around 600 people from an unofficial site at a State High School in Myaungmya to Labutta.

Forced evictions by local authorities were also linked to natural gas development and the South Korean-led Shwe Gas Project in western Rakhine State, and local authorities arrested and detained local residents who expressed opposition to the project. Other local residents fled into hiding. Elsewhere in Rakhine State, local authorities confiscated land from residents living near a Chinese-led onshore oil project to make way for the project.

Lack of humanitarian access

For three weeks after Cyclone Nargis struck Myanmar on 2-3 May, the government rejected offers

of international assistance and blocked access to the Ayeyarwady delta at the time when survivors most needed food, shelter and access to medicine. Government officials also blocked private domestic donors from distributing aid in the delta. Some authorities conditioned aid and assistance on survivors' voting in favour of the government's draft constitution on 24 May, and on their willingness to work or join the army. Some soldiers and local government officials confiscated, diverted or otherwise misused aid intended for cyclone survivors.

Political prisoners

The government detained people for campaigning against the constitution, assisting cyclone survivors, and carrying out human rights and pro-democracy work. Ethnic minority leaders and activists were also detained for expressing concern about the status and role of their states and interests under the new constitution. In September, the government released 10 political prisoners. However, one of the released, prominent journalist and senior NLD official, U Win Htein, was rearrested a day later.

- The government arrested at least 16 members of the protest group Generation Wave, mainly for their opposition to the constitutional referendum. In November, 10 of those arrested, including hip-hop star Zayar Thaw, were sentenced to up to seven and a half years' imprisonment for their peaceful political activities.
- Elderly prisoner of conscience U Khun Htun Oo, the most senior political representative of the Shan ethnic minority, was in poor health. He was sentenced to 93 years' imprisonment in 2005 for taking part in a private discussion of official plans for political transition.
- Comedian and director Zarganar was arrested on 4 June for criticizing the government's handling of Cyclone Nargis. In the aftermath of the cyclone, he led the private donor movement for humanitarian assistance and provided information about the crisis. In October he was sentenced to 45 years' imprisonment under vaguely worded provisions of laws that criminalize peaceful dissent.

Armed conflict

In eastern Myanmar, a military offensive by the tatmadaw (Myanmar army) continued against ethnic Karen civilians. Government forces engaged in widespread and systematic violations of international human rights and humanitarian law, amounting to crimes against humanity. Violations included extrajudicial executions, torture, forced labour, forced displacement and enforced disappearances.

Freedom of expression

In February, the government issued the Referendum Law for the Approval of the Draft Constitution which provided for a prison term of up to three years and/or a substantial fine for anyone caught campaigning against the referendum. The government used the law to detain many activists peacefully campaigning against the constitution or calling for a boycott. Over 70 were arrested in late April for trying to stage a peaceful demonstration. Journalists and human rights defenders were particularly targeted for their work throughout the year.

- Saw Wai, a poet, was arrested in January for inserting a concealed message in a Valentine Day poem. He was sentenced to two years in prison.
- Nay Phone Latt, a blogger, was detained in January for images and cartoons that appeared in his blogs. He was sentenced to 20 years and six months in prison.

Unfair trials

In November, there was a spate of summary and grossly unfair trials often held inside prisons, resulting in long prison sentences. The government consistently interfered with defendants' rights to mount a defence, including through harassing legal counsel, and other due process rights. The courts accepted blatantly non-credible evidence from the prosecution and forced confessions. So 215 sentences were handed down during the month. Most trials involved charges relating to the 2007 protests.

- In November, 23 people, including 88 Generation Student Group leaders Min Ko Naing, Ko Ko Gyi and Htay Kywe, received prison sentences of 65 years each.
- In September, U Thet Wai, an NLD chairperson in Yangon who helped supply the ILO with information on forced labour and the recruitment of child soldiers, was sentenced to two years' imprisonment with hard labour.
- In November, Aung Thein, a lawyer defending U Gambira, a monk who led the 2007 protests and U Khin Maung Shein, a fellow lawyer, were both sentenced to four months in prison for contempt of court. They had submitted a letter withdrawing their legal representation, stating that their clients had no confidence in the judicial process and no longer wanted to be represented.
- In November, Su Su Nway, an activist against forced labour, was sentenced to 12 years and six months in a trial in Insein Prison.

Internally displaced people

More than 500,000 people were internally displaced in Myanmar at the end of 2008, the majority in

Shan and Kayin States. Others were in Kayah and Mon States and Bago and Tanintharyi Divisor

Legal, constitutional or institutional developments

In February, the government agreed to extend a Supplementary Understanding with the ILO that allows for complaints of forced labour to be made without fear of official retribution, and requires the government to investigate the complaints. A number of cases of children allegedly forced to serve as soldiers were under investigation.

In May, the government claimed that 98.1 per cent of eligible voters had voted during the constitutional referendum and that 92.4 per cent of these were in favour of the draft constitution.

Earlier in the year, the government had refused the UN's recommendation and offer of international monitors.

The constitution ensured impunity for past human rights violations. It granted the army power to suspend all fundamental rights during an emergency, and reserved the army 25 per cent of both houses of parliament and significant parts of the executive and judiciary. There were no provisions for freedom from torture and other ill-treatment, and crucial fair trial safeguards were missing. Provisions on freedom of expression, association and assembly were severely restricted by vague provisos or were discriminatory. The constitution itself was published only in the majority Burmese language prior to the referendum.



13-year-old refugee Hasina spends up to three hours a day carrying heavy pitchers of water from wells, Bangladesh, November 200

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International scrutiny

In March and August, Ibrahim Gambari, the UN Secretary-General's Special Advisor, visited Myanmar. In March, Paulo Sérgio Pinheiro presented his final comprehensive report to the UN Human Rights Council before his term as Special Rapporteur on the situation of human rights in Myanmar expired. Tomás Ojea Quintana, appointed the new Special Rapporteur after the position mandate was renewed by the Human Rights Council, made his initial visit to the country in August and presented his first report to the General Assembly in September. The Human Rights Council also adopted a resolution on Myanmar in March.

In May, the UN Security Council issued its second Presidential Statement on Myanmar since the 2007 crackdown. In the wake of Cyclone Nargis in May, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator and the UN Secretary-General visited Myanmar. The latter presented a report to the UN General Assembly in September. In November the UN General Assembly adopted a resolution on Myanmar. The "Group of Friends", established by the UN Secretary-General to discuss Myanmar and comprising 14 nations and the EU, met five times during the year.

Dr Surin Pitsuwan, ASEAN Secretary-General, visited Myanmar in May and helped establish a Tripartite Core Group comprising the government, the UN, and ASEAN, to oversee the cyclone relief operation. International reactions to the constitutional referendum were mixed – some nations criticized the process and the constitution while others saw it as a potentially positive step. The USA, the EU and Australia further tightened economic sanctions against Myanmar.

Amnesty International reports

- **Myanmar: Crimes against humanity in eastern Myanmar** (5 June 2008)
 - **Myanmar: Human rights concerns a month after Cyclone Nargis** (5 June 2008)
 - **Myanmar: Constitutional referendum flouts human rights** (9 May 2008)
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