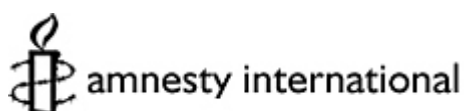


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## Amnesty International Report 2010 - Myanmar

### UNION OF MYANMAR

**Head of state:** Senior General Than Shwe  
**Head of government:** General Thein Sein  
**Death penalty:** abolitionist in practice  
**Population:** 50 million  
**Life expectancy:** 61.2 years  
**Under-5 mortality (m/f):** 120/102 per 1,000  
**Adult literacy:** 89.9 per cent

Almost 2,200 political prisoners remained behind bars. Most were held in abysmal conditions and many suffered from poor physical and psychological health. The authorities arrested Daw Aung San Suu Kyi, General Secretary of the National League for Democracy (NLD), the main opposition party, and sentenced her to 18 months' further house arrest. Fighting intensified between the army and an aligned ethnic minority Karen armed group, and armed opposition group the Karen National Liberation Army (KNLA). This was accompanied by serious human rights violations and led to thousands seeking refuge in neighbouring Thailand. The authorities continued to target ethnic minority activists involved in various forms of resistance to government policies, practices, and projects.

### Background

In August, Daw Aung San Suu Kyi was permitted to meet a US Senator, and in October met with her government liaison officer for the first time since January 2008. In November, she met a high-level mission from the US.

In April, the State Peace and Development Council (SPDC, the military government) proposed that the ethnic minority armed groups that had agreed ceasefires with the government become border guard forces under SPDC command. This was in preparation for national elections in 2010 – the first since 1990 – but negotiations and fighting with such armed groups followed throughout the year. By the end of the year only nine groups agreed to the proposal, most citing a feared loss of territory or control as reasons for their refusal.

Relief, rehabilitation, and reconstruction in the wake of the 2008 Cyclone Nargis continued, while serious food shortages struck Chin and Rakhine States. Myanmar began building a fence on the border with Bangladesh, which increased tensions between the two countries. The international community raised concerns that the Myanmar government may be seeking nuclear capability.

### Political prisoners

Although in February and September the government released more than 13,000 prisoners, there were only 158 known political prisoners among them, including five prisoners of conscience, Ma Khin Khin Leh, U Saw Naing Naing, U Soe Han, Ko Aung Tun, and Khaing Kaung San. These individuals had all been imprisoned for approximately 10 years. At least 50 people were arrested between the September releases and the end of the year and almost 2,200 political prisoners remained.

- In January, a court sentenced Bo Min Yu Ko (Phyo Gyi), a member of the All Burma Federation of Students Union, to 104 years in prison under various charges including six counts under the Immigration Act.
- In May, after an unidentified American man entered the property of Daw Aung San Suu Kyi, the authorities arrested her for violating the conditions of the house arrest she had been under since 2003. After a partly closed trial in Yangon's Insein prison, she was sentenced to three years of hard labour, immediately reduced to an additional 18 months of house arrest.
- In September, the authorities detained Kyaw Zaw Lwin (Nyi Nyi Aung), a man from Myanmar with US citizenship, when he arrived in Myanmar to visit his family – four members of which are prisoners of conscience. While in custody, security officers tortured Kyaw Zaw Lwin and denied him medical treatment. In October, he was tried on charges of fraud and forgery. The authorities publicly stated that Kyaw Zaw Lwin could be sentenced to death if convicted.

### Prison conditions

The authorities continued to send and hold political prisoners in prisons far away from their families and friends, despite telling the UN Human Rights Council in March that prisoners receive visits and necessary health treatments. At least 220 political prisoners had been moved to remote prisons since November 2008, making it extremely difficult for families to provide essential assistance. Conditions in prisons continued to be extremely poor, including inadequate food, water and medical care. Authorities frequently kept political prisoners in solitary confinement.

- In March, Hla Myo Naung, an activist imprisoned nearly 1,500km from his home, was in danger of completely losing his eyesight. He had already gone blind in one eye after being denied specialist medical treatment.
- Beginning in March, Ko Htay Kywe, a student leader held more than 1,100km from his family, was held incommunicado and in solitary confinement. Prison authorities threatened other prisoners with severe punishment if they spoke to him.
- In March, Su Su Nway, an NLD campaigner, was hospitalized in a prison over 1,000km from her home. Prison authorities gave her mental health medication which caused her condition to worsen. She was kept in solitary confinement on an intermittent basis as punishment for various offences and denied family visits.
- In May, Zarganar, a comedian and activist held over 1,400km from his home, was in urgent need of medical attention for various health problems, including an enlarged heart. He lost consciousness in April and was only taken to the hospital 10 days later. Following a visit to Myitkyina prison on 7 December, Zarganar's

sister-in-law confirmed that he was suffering from the skin disease pruritus.

### **Targeting ethnic minorities**

The government continued to target ethnic minority activists for their work on political, environmental, and/or religious issues, and for their real or imputed support of ethnic political and armed groups.

- In January, the authorities arrested, beat, and imprisoned at least 19 Rakhine men and women for possessing documents on human rights and democracy and for forming a political organization. They were sentenced to prison terms of between five and seven years.
- In January, soldiers beat a Shan woman several times after accusing her of giving rice to Shan insurgents and acting as a guide for them.
- In February, police arrested two local Kachin youths for surfing banned websites on Myanmar.
- In March and early April, authorities increased their surveillance of the ceasefire group the New Mon State Party (NMSP), throughout Mon State, questioning them regularly about contacting the media.
- In June, authorities in Rakhine State arrested Soe Soe on charges of contacting opposition groups in exile, and sentenced her to six years' imprisonment.

In Rakhine State, systematic persecution of ethnic minority Rohingyas continued unabated, causing thousands to flee to Bangladesh, Thailand or Malaysia, often on boats. In January, the Myanmar navy intercepted one such boat that had recently left Myanmar, and held the 78 Rohingyas on board for six days and beat them severely, before sending them back out to sea. In April, at the regional meetings of the Bali Process, the government publicly refused to recognize Rohingyas either as an existing ethnic minority or as citizens of Myanmar.

### **Cyclone Nargis-related arrests and imprisonment**

At least 29 people who had assisted in private relief work after Cyclone Nargis struck Myanmar in May 2008 remained in prison for activity deemed political by the authorities. At least 18 of them were sentenced to between 10 and 35 years in prison.

- In October, the authorities arrested at least 10 people for accepting relief donations from abroad. At least seven were members of the local Lin Let Kye ("Shining Star") organization, devoted to relief and social activism.

### **Armed conflict and displacement**

The Myanmar army continued to attack various ethnic minority armed groups, often targeting civilians and causing large-scale displacement. In June, attacks by the army and the government-supported Democratic Karen Buddhist Army (DKBA) internally displaced thousands of ethnic minority Karen civilians and caused 4,800 refugees to flee to Thailand. The DKBA forcibly recruited people during the offensive for both portering and military service, destroyed abandoned villages, and planted land mines in the wake of the exodus.

In August, the most intensive attacks in 10 years against the armed opposition Shan State Army-South and Shan civilians forced more than 10,000 people to relocate; most were internally displaced. The attacks were characterized by extrajudicial executions and sexual abuse. Also in August, the army attacked the Myanmar National Democratic Alliance Army, causing more than 30,000 mostly ethnic minority Kokang to flee into

China, almost all of whom subsequently returned to Myanmar. Internal displacement increased to over 500,000 people.

### **Development-related violations**

The army committed human rights violations in connection with official development projects, including forced labour, killings, beatings, land confiscation, forced farming, restrictions on movement, and confiscation of property. Battalions providing security for the Yadana, Yetagun and Kanbauk-Myiang Kalay natural gas pipelines in Tanintharyi Division and Kayin State forced civilians to work on barracks, roads and sentry huts. Authorities also confiscated land without compensation in relation to the Shwe gas project in Rakhine State, and targeted villagers suspected of opposing or questioning the project. Authorities arrested, detained and interrogated local villagers, forcing some to flee the area.

### **Child soldiers**

The Burmese army and government-backed militias continued to systematically recruit, use and imprison child soldiers, both directly and through recruiting agents. Several ethnic minority armed groups also continued recruiting children. The government failed to align its action plan against the recruitment and use of child soldiers with international standards, despite a verbal commitment in September 2007 to do so in the "near future". The government took no steps towards developing a formal disarmament, demobilization and reintegration programme that would ensure that all child soldiers are released and returned to their families.

The ILO continued to receive and address reports of child soldier recruitment by officials. By the end of the year, the ILO had received 131 complaints concerning under-age recruitment since February 2007. Fifty-nine children had been discharged from the military. The authorities continued to maintain that children only join the military voluntarily, and typically punished perpetrators of under-age recruitment with only a reprimand. The authorities also released from prison and discharged three of four known child soldiers who had been sentenced and imprisoned for desertion.

### **International scrutiny**

In January and February, the UN Secretary-General's Special Adviser visited Myanmar and briefed the UN Security Council the following month. In February, the UN Special Rapporteur on the situation of human rights in Myanmar visited the country, and presented a report in March to the UN Human Rights Council. Also in February, the Thai Foreign Minister conducted informal talks with the Karen National Union (KNU) with the permission of the Myanmar government. The UN High Commissioner for Refugees visited Myanmar in March. In both April and June, meetings of the Bali process, aimed at deterring human trafficking and smuggling and preventing illegal migration in Asia and the Pacific, were held and the situation of the Rohingya in Myanmar was discussed.

Following the arrest of Daw Aung San Suu Kyi in May, the UN Security Council issued a press statement expressing concern and calling for the release of all political prisoners. ASEAN, the UN High Commissioner for Human Rights, and the UN Special Rapporteur on the situation of human rights in Myanmar also issued statements on her arrest. The EU tightened its economic sanctions against Myanmar.

In June, the UN Secretary-General visited Myanmar. The UN Representative for Children and Armed Conflict visited Myanmar in July. In August, the UN discussed with the government the development of a joint action plan to address children in armed conflict under Security Council Resolutions 1612 and 1882. In October, the UN Security Council Working Group issued its conclusions on Children and Armed Conflict in Myanmar in accordance with the resolutions. In December, the UN General Assembly adopted a resolution on the human rights situation in Myanmar.

After extending its list of individuals and business networks subjected to targeted financial sanctions in January, and announcing in February that it would conduct a review of its policy on Myanmar, in September the USA concluded that it would maintain its economic sanctions but begin dialogue with the Myanmar government. In August, a US Senator visited Myanmar. In November the US government sent a high-level mission.

### **Death penalty**

In October, a court in Laogai, Shan State, sentenced at least one child soldier to death for killing a person who may also have been a child soldier.

### **Amnesty International reports**

- Open letter to the governments of Bangladesh, India, Indonesia, Malaysia, Myanmar and Thailand on the plight of the Rohingyas (ASA 01/001/2009)
- Myanmar: Daw Aung San Suu Kyi's new sentence "shameful", 11 August 2009

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