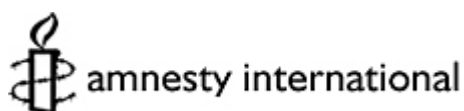


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## Amnesty International Annual Report 2012 - Myanmar

Head of state and government: **Thein Sein (replaced Senior General Than Shwe, former head of state, in March)**

Death penalty: **abolitionist in practice**

Population: **48.3 million**

Life expectancy: **65.2 years**

Under-5 mortality: **71.2 per 1,000**

Adult literacy: **92 per cent**

The government enacted limited political and economic reforms, but human rights violations and violations of international humanitarian law in ethnic minority areas increased during the year. Some of these amounted to crimes against humanity or war crimes. Forced displacement reached its highest level in a decade, and reports of forced labour their highest level in several years. Authorities maintained restrictions on freedom of religion and belief, and perpetrators of human rights violations went unpunished. Despite releasing at least 313 political prisoners during the year, authorities continued to arrest such people, further violating their rights by subjecting them to ill-treatment and poor prison conditions.

### Background

Myanmar's Parliament, elected in November 2010, convened on 31 January and voted in Thein Sein as President of a government formed on 30 March. It was the first civilian government in decades. In July and August, opposition leader Daw Aung San Suu Kyi travelled outside Yangon for the first time since 2003. She met with Labour Minister Aung Gyi four times during the year and with President Thein Sein in August. Beginning that month, the government carried out a series of limited political and economic reforms. It released at least 313 political prisoners; slightly relaxed media censorship; passed an improved labour law; and established the National Human Rights Commission. In September, the government suspended construction of the controversial, China-backed Myitsone Dam in Kachin state, citing domestic opposition to the project. It also reportedly ceased demanding that ethnic minority armed groups become official Border Guard Forces. In November, the National League for Democracy re-registered as a political party, and its leader Aung San Suu Kyi announced her intention to run for Parliament in the 2012 by-elections. Parliament also passed a law that month allowing peaceful protests under certain conditions.

### Internal armed conflict

The armed conflict in Kayin (Karen) state and Tanintharyi region that began in late 2010 escalated during the year. In March, conflict between the Myanmar army and various ethnic minority armed groups intensified in Shan state. In June, the army broke a 17-year ceasefire with the Kachin Independence Army (KIA) in Kachin state. Smaller conflicts continued or resumed in Kayah (Karenni) and Mon states.

In all of these conflicts, the Myanmar army launched indiscriminate attacks causing civilian casualties, at times directly attacking ethnic minority civilians. Credible accounts of the army using prison convicts as porters, human shields and mine sweepers emerged from Kayin state and adjacent areas of Bago and Tanintharyi divisions. In Kachin state, sources reported extrajudicial executions, children killed by indiscriminate shelling, forced labour, and unlawful confiscation or destruction of food and property. Shan civilians were tortured, arbitrarily detained and forcibly relocated. Soldiers reportedly sexually assaulted Kachin and Shan civilians. In August, ethnic armed groups, including some that had committed abuses, rejected the government's offer of talks between individual armed groups and the relevant regional administration rather than talks between an alliance of such groups and the federal government. However, several groups agreed to ceasefires with the army during the year. In September, the army intensified fighting in Kachin and Shan states, violating human rights law and international humanitarian law. Some of these acts amounted to crimes against humanity or war crimes.

- On 7 June, a seven-year-old child was killed in Mae T'lar village in Kayin state's Kawkaik township, when the army shelled the village with mortars.
- On 16 June, soldiers in Hsipaw township, Shan state, shot and killed a 35-year-old man, a 70-year-old woman and one girl, aged 13; all were civilians.
- On 18 September, soldiers in Shan state's Kyethi township forced at least 10 local monks to act as human shields during an operation to deliver supplies to other troops in the area.
- On 12 October, soldiers killed a 16-month-old baby in Mansi township, Bhamo district in Kachin state, while storming a village and shooting indiscriminately.
- Beginning on 28 October and lasting several days, soldiers detained and reportedly gang-raped a 28-year-old Kachin woman in Hkai Bang village in Bhamo district, Sub-Loije township, Kachin state.
- On 12 November, Myanmar army soldiers extrajudicially executed four captured KIA fighters and tortured four others in Nam Sang Yang village, Waingmaw township, Kachin state.

### Forced displacement and refugees

Fighting in ethnic minority areas displaced approximately 30,000 people in Shan state and a similar number in or near Kachin state. The majority of them were forced out of their homes and land by the Myanmar army. Most individuals and families were unable or unwilling to leave Myanmar, and so became internally displaced. In addition, approximately 36,000 people had already been displaced in Kayin state. In a one-year period ending in July, 112,000 people were reportedly forced from their homes in Myanmar, the highest such figure in 10 years.

- In March, the army forced approximately 200 households in Nansang township, Shan state, to move in preparation for the construction of a new regional command base.
- In April, soldiers burned down around 70 homes in seven villages in Mong Pieng township, Shan state, accusing the residents of supporting an armed group.
- In May, 1,200 refugees from Kyain Seikgyi township in Kayin state fled to Thailand.

In many cases, authorities prevented humanitarian agencies from entering conflict-affected areas so that they were unable to reach tens of thousands of people displaced by the fighting or the army, especially those in camps on the Myanmar-China border. In Chin state and other ethnic minority areas, the government maintained lengthy and complex administrative procedures for obtaining travel permits both for humanitarian agencies that already have a presence and for new ones seeking permission to work in the country.

Ethnic minority Rohingyas continued to face discrimination and repression primarily in Rakhine state and remained unrecognized as citizens. As a result, many continued to leave Myanmar on their own or were smuggled out, either overland to Bangladesh or on boats during the "sailing season", in the first and final months of the year.

### **Forced labour**

In June, the ILO noted that there had been "no substantive progress" towards compliance with the 1998 ILO Commission of Inquiry's recommendations on forced labour. On 12 August, Information Minister Kyaw Hsan stated that Myanmar was "almost free from forced labour". In November, the ILO said that forced labour complaints in Myanmar had increased to an average of 30 per month since March compared with 21 per month for the same period in 2010, 10 per month in 2009, and five per month in both 2008 and 2007. Approximately 75 per cent of these complaints related to under-age recruitment into the army, with the remainder pertaining to trafficking for forced labour and military forced labour. Labour activists and political prisoners U Thurein Aung, U Wai Lin, U Nyi Nyi Zaw, U Kyaw Kyaw, U Kyaw Win and U Myo Min remained in prison, as reportedly did 16 others.

- In October, Myanmar border security forces in Rakhine state's Maungdaw township forced villagers to carry out construction work at a military camp.
- In August and early September, a government official in Chin State reportedly ordered civil servants to carry out manual forced labour in the capital Hakha.

### **Freedom of religion or belief**

Violations of the right to religious freedom affected every religious group in Myanmar. Buddhist monks who participated in the 2007 anti-government demonstrations continued to be arrested, ill-treated and harassed. Muslim Rohingyas were suppressed and forced to relocate on religious as well as ethnic grounds. Christian religious sites were relocated or destroyed.

- On 9 August, soldiers set fire to the Mong Khawn monastery in Mansi township, Kachin state, apparently because they suspected that the monks had provided support to the KIA.
- On 10 September, authorities in Htantlang village in Htantlang township, Chin state, ordered a Chin Christian preacher not to speak at a local church and to leave the area.
- On 14 October, authorities in Hpakant township, Kachin state, ordered local Christian churches to request permission at least 15 days in advance to carry out many religious activities.
- On 6 November, soldiers opened fire on a Christian church in Muk Chyik village, Waingmaw township in Kachin state, injuring several worshippers.

### **Impunity**

Government officials and military personnel who committed human rights violations, including some on a widespread or systematic basis, remained free from prosecution. Article 445 of the 2008 Constitution codifies total impunity for past violations. In September, the President appointed a National Human Rights Commission whose mandate included receiving and investigating human rights complaints, but Myanmar's justice system continued to demonstrate a lack of impartiality and independence from

the government. In January, the government stated that there was "no widespread occurrence of human rights violations with impunity" in Myanmar.

### Political prisoners

In May, the Myanmar government released at least 72 political prisoners under a one-year reduction of all prison sentences in the country. In October, it released 241 more political prisoners. However, few of those freed were from ethnic minorities. More than 1,000 political prisoners, including prisoners of conscience, remained behind bars, but exact figures were uncertain due to Myanmar's opaque prison system, differences in definitions of what constitutes a political prisoner, and ongoing arrests.

- In February, a court sentenced Maung Maung Zeya, a reporter with Democratic Voice of Burma – a media outlet based outside Myanmar – to 13 years in prison for peaceful activities.
- On 26 August, Nay Myo Zin, a former military officer and member of an NLD-supported blood donation group, was sentenced to 10 years in prison for peacefully exercising his rights to freedom of expression.
- On 14 September, Democratic Voice of Burma reporter Sithu Zeya, already serving an eight-year prison term, was sentenced to a further 10 years under the Electronic Transactions Act.

Political prisoners continued to be subjected to cruel, inhuman and degrading punishment and very poor prison conditions.

- In February, Htet Htet Oo Wei, who was suffering from a number of health problems, was placed in solitary confinement reportedly for making too much noise. She was denied family visits and parcels.
- In February, authorities in Yangon's Insein prison placed political prisoner Phyo Wei Aung in solitary confinement for a month, after he complained about fellow inmates bullying other prisoners.
- In May, at least 20 political prisoners in Insein prison went on hunger strike to protest the government's limited release of such prisoners that month and to demand better prison conditions. As punishment, seven were placed in cells designed to hold dogs.
- In July, the Monywa prison authorities in Sagaing division withdrew visitation rights to Nobel Aye (aka Hnin May Aung), after she urged high-ranking officials to withdraw recent public statements that claimed there were no political prisoners in Myanmar.
- In October, 15 political prisoners in Insein staged a hunger strike in protest against the denial of sentence reductions for political prisoners, in contrast to criminal convicts. Some were reportedly deprived of drinking water and were otherwise ill-treated. Eight of them were placed in "dog cells".
- In October, information emerged that U Gambira, a Buddhist monk and leader of the 2007 anti-government demonstrations, was seriously ill and being held in solitary confinement. He had been suffering from severe headaches, possibly due to torture he was subjected to in prison in 2009. Prison authorities were reported to be regularly injecting him with drugs to sedate him.

### International scrutiny

In January, Myanmar's human rights record was assessed under the UN Universal Periodic Review. In March, Latvia and Denmark added their support for the creation of a UN Commission of Inquiry into international crimes in Myanmar, bringing the total number of supporting countries to 16. Despite a January call by ASEAN to lift economic sanctions against Myanmar, the EU and the USA extended their sanctions. However, in April the EU eased travel restrictions on 24 officials. In May and October, the UN Secretary-General's Special Adviser on Myanmar visited the country.

President Thein Sein visited China in May and India in October. After being denied a visa in 2010 and earlier in the year, the UN Special Rapporteur on the situation of human rights in Myanmar visited in August. The US Special Representative and Policy Coordinator for Burma visited in September, October, and November. In September, the ICRC was authorized for the first time since 2005 to conduct an international staff-led engineering survey in three of Myanmar's prisons. After a year-long debate, Myanmar was named Chair of ASEAN for 2014 in November. In December, for the first time in over 50 years, the US Secretary of State visited Myanmar.

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