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**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,
POLITICAL ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
INCLUDING THE RIGHT TO DEVELOPMENT**

**Written statement* submitted by the Asian Legal Resource Centre,
a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 August 2007]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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International Community is failing the people of Myanmar again

1. On 15 August 2007, the Government of Myanmar increased the cost of all vehicle and generator fuels, over which it holds a monopoly, without prior announcement. As has been widely reported internationally, the diesel fuel prices doubled; compressed natural gas prices, used for some vehicles and cookers, increased five-fold. The increased prices had a quick knock-on effect to other basic services and commodities: buses increased fares in line with the new rates immediately. Within a week the prices of food in the former capital Yangon, including rice, salt, beans and cooking oil, had increased by four to 18 per cent. As millions of people in the country are already at subsistence level, and given that the inflation rate had been running at some 40 per cent even prior to the increase, it is set to cause serious hardship to vast numbers of people and will likely exacerbate undernourishment and mortality rates among the most vulnerable groups.

2. Despite the heavy control that the military government continues to exert over all areas of public life in Myanmar, within days protests began against the price increases. Starting from August 19, throughout the following week there were marches in Yangon on nearly every day. These and similar actions spread to other parts of the country, including Mandalay, Ayeyarwaddy, Magwe and Bago Divisions, and Rakhine State. The protestors on each occasion have walked peacefully, initially not even making any demands; rather, just going from one side of town to the other to point out that they no longer have the money with which to pay for bus fares. Later they made calls for the price increase to be reversed.

3. However, for the Government of Myanmar even this much proved intolerable. It quickly organised a plainclothes operation to quash the demonstrations. Unlike in earlier years, when it simply deployed soldiers on to the streets, it has now devised strategies that instead use a combination of out of uniform Special Branch police and army intelligence officers together with township and ward council officials and quasi-government Union Solidarity and Development Association (USDA) executives coordinating the operations, and with USDA members, plainclothes soldiers and police, firefighters and municipal security personnel, and gangs of thugs acting as muscle. The last, loosely referred to as Swan-arshin, consist in part of persons recruited through the township councils from local merchants and others who must obtain permits for their livelihoods and are thus obliged to comply with official demands, and in part at times unemployed youth and others rounded up from teashops and other public areas with the offer of a day's wages and a meal. They are entirely mobilised and controlled by the military regime and are not simply "pro-government" gangs, as described in some reports. An army officer identified as Colonel Than Han together with USDA secretary U Aung Thaung have allegedly run the entire operation. Col. Than Han is said to have been behind the lethal attack on a convoy carrying Nobel Peace Prize laureate Daw Aung San Suu Kyi and her supporters at Depayin in 2003.

4. From the night of August 21, the members of this operation began taking into custody and interrogating the leaders of the protests, and searching houses and other premises. At time of writing, over 100 persons are reportedly being held. The manner in which

persons have been taken and detained has been entirely outside of not only international legal standards but also domestic law. Indeed, the state-run media has not referred to the making of arrests but to the “taking, holding, interrogating and investigating” of these persons.

5. The arrest of Ko Htin Kyaw and Ko Zaw Nyunt on August 25, which was captured on video, is illustrative. The two, who went to protest outside the Theingyi Market in downtown Yangon, were literally dragged away to a waiting vehicle by a gang of unidentifiable abductors. They were also reportedly assaulted, as was Ko Thein Myint, who was publicly punched while being brought in by a Special Branch officer. Others have been taken from public transport, as in the case of Ko Nyunt Win and Ko Saw Lwin on August 24, or nearby their houses, as in the case of the leader of the Human Rights Defenders and Promoters group, U Myint Aye, who was also picked up that day while taking food cooked in celebration of his wife’s birthday to his in-laws. Since July seven other members of his group, which educates local people on the Universal Declaration of Human Rights and only those international laws to which Myanmar is a state party—notably the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women—have also been given lengthy jail terms by virtue of these activities.

6. In view of the dramatic effects that the fuel price increase will necessarily have on the living standards of already impoverished people throughout Myanmar, as well as the exceptional nature of the recent protests under extraordinarily pressing conditions, and given the patently lawless manner in which the subsequent crackdown and sweeping detentions have been conducted, the Asian Legal Resource Centre (ALRC) had confidently expected a strong and concerted response from the international community, not least of all key United Nations mechanisms and agencies, including the High Commissioner for Human Rights.

7. Thus, the ALRC was surprised by the meek and belated reactions from both the office of the Secretary General and the High Commissioner. For his part, the Secretary General on August 23 briefly remarked through a spokesperson that the events were of concern, and called for “all parties to avoid provocative action” and instead to engage in “constructive dialogue”. The High Commissioner on August 26 shared in his concern and with equal brevity called for the release of protest leaders and for the government to “engage in consultation and dialogue with the demonstrators”. To the knowledge of the ALRC, none of the relevant special mechanisms under the Human Rights Council formally said or did anything concerning any of these events, although the Special Rapporteur on the situation of human rights in Myanmar made some short comments via radio expressing his dissatisfaction with the turn of affairs and likewise calling for the release of the detainees.

8. Neither of the statements by either the Secretary General or the High Commissioner is of any use to the people of Myanmar, first because they deny reality and second because they do not hold any hope for meaningful and sustained international interest in the pressing conditions under which they are being forced to live. They deny reality by pretending that “constructive dialogue” is something that is realistically possible with

the Government of Myanmar on matters of human rights and democratisation, when it is painfully clear that the military regime has no interest in such dialogue other than for the purpose of extending its uncompromising grip on power. Indeed, contrary to how they are intended, such statements are a source of great succour to this government—rather than its long-suffering people—as it has heard them and used them for many years now to its advantage. It knows that in making such remarks, the international community has no serious intentions and that sustained international attention and serious intervention will not be forthcoming.

9. One of the reasons that neither the Secretary General nor High Commissioner—or any of the special procedures—has anything much to say or do about what has happened in Myanmar in recent weeks is that none of them actually know anything much about the country. The sad fact is that despite the presence of a Special Rapporteur under the Human Rights Council, a Special Envoy of the Secretary General, and in-country offices of a range of United Nations agencies, policymakers in the international system are uninformed about how the state operates, how its people deal with it, and how to approach it effectively for change. Thus, they are unable to do anything because they don't know anything. In part this is because the administration remains strongly resistant to outside scrutiny. But in part too it is due to a lack of effort. There are many persons in the United Nations and other multilateral agencies and related bodies with sufficient expertise and interest to be able to assist key persons in the organisation to build up a body of effective knowledge upon which concerted, directed strategies could be devised. There are also one or two international agencies, such as the International Labour Organisation (ILO), that have demonstrated how persistent work and determined international pressure can have some effect on the Government of Myanmar. But for the most part sustained, engaged and comprehensive work of this sort has not been done. As a consequence, some 17 years after the military last rejected election results, most international discussion on Myanmar remains rudimentary.

10. People throughout Myanmar are acutely aware of any sort of international interest in, and support for, their struggle for basic human rights. Yet time and again they have been let down by the global community. Whereas in the past it could be said that “we didn't know”, there is no such excuse today. In this age of multiplying new technology for fast communication, even news of an isolated event in Myanmar can be obtained relatively quickly and reported throughout the world. Footage and photographs of protestors on the streets have been available across the Internet within 24 hours of taking place. So it has not been for lack of awareness or efforts on their part that people in Myanmar have again been failed. Instead, what has this time caused the failure to make prompt and useful interventions is the paucity of serious thought about Myanmar at the top echelons of the United Nations structure, including in the Human Rights Council. It is this thinking failure, not infrastructure or information failure, that must be addressed if the council and other parts of the organisation are to effect any sort of change that may lead to enjoyment of human rights in Myanmar any time soon.

11. Accordingly, the Asian Legal Resource Centre calls for the Human Rights Council together with the High Commissioner to spearhead an initiative to establish a special

study and strategy group on Myanmar. The group could be set up without delay and as its first task explore the circumstances and consequences of the recent price increases and subsequent protests and detentions with a view to making a precise set of recommendations for short-term coordinated action among special mechanisms, in cooperation with other parts of the United Nations system, and present this to the council by its next session. In order to do this, the group should immediately meet with persons and agencies that have been working on the ground in Myanmar and are familiar with the operations of its government and living conditions of its people: including serving and former personnel of the ILO, United Nations Children's Fund, International Committee of the Red Cross, and development workers, academics and others with specialised local knowledge, not diplomatic credentials. While obtaining advice with which to recommend immediate measures, the group should simultaneously generate ideas on how to explore and prepare longer-term strategies to address the deep institutional obstacles to change in Myanmar through knowledgeable and considered planning that will demonstrate an unequivocal commitment to the well-being of people there, in marked contrast to the lacklustre and disinterested performance of these past few weeks. It is this sort of intervention that Myanmar must have, and which its people are literally dying for, if any intervention is to be had at all.
