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**Written statement* submitted by the Asian Legal Resource Centre (ALRC),
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.

[1 October 2007]

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

Myanmar: Human Rights Council urged to take meaningful action in its Special Session on Burma

The Asian Legal Resource Centre (ALRC) welcomes the holding of a special session of the Human Rights Council on the human rights situation in Burma. This initiative is both timely and vital and represents a significant precedent in terms of the Council's ability to respond to urgent human rights crises. However, the upcoming special session must deliver tangible and constructive outcomes if it is to be considered a success. In fact, this session represents an important test of the Council's ability to protect human rights in practice.

The situation in Burma remains critical and constructive intervention by the international community is urgently required to avoid further bloody repression that risks isolating the country even further and sending it into deep political and economic crisis that will undoubtedly result in significant loss of life. The demonstrations that have been held over the last two weeks represent the first clear chance in a generation to bring positive change to a country that has amongst the very worst human rights records in Asia and the world. There can be no turning back now. Widespread discontent with the country's anachronistic and brutal military regime will only deepen as the crisis continues. Those advocating stability in Burma and the region must understand that the status quo will only lead to instability and mass rights abuses, and that inertia must be replaced by change if real stability is to be achieved. International actors that fail to act should be considered as being complicit in ongoing abuses.

It is evaluated that as many as 40% of children in Burma suffer from malnutrition. The current crisis and curfews are worsening the economic situation in the country and citizens' access to necessary basic amenities. Under such precarious circumstances, price hikes can have devastating effects, potentially including widespread starvation.

Food and basic commodities prices are rising rapidly and stocks in some towns are greatly reduced, due both to the 60-day curfew and the August 15 fuel price increase that started the protests. In and around Rangoon, roads have been closed or are being tightly regulated, making it difficult for food and other supplies to be moved in. On September 28, the World Food Programme, which operates in a number of areas and feeds around half a million people, said that the authorities has increasingly restricted its work since the start of the protests.

In addition, there is now a heightened risk that the country's military leaders will make large financial transfers out of the country, which could further aggravate the economic situation. All States must take the required steps to block such plunder. The family of Senior General Than Shwe, the head of state, have all reportedly already fled the country.

Arrests and disappearances: As of September 28, 2007, at least 700 monks and 500 other citizens had been taken away by security forces in every part of the country, in addition to 150 persons arrested in the first wave of protests in August. They include prominent persons, such as comedian Par Par Lay in Mandalay, and human rights defenders such as lawyer U Aye Myint in Pegu. They also include many members of the National League for Democracy, such as U Aye Ko and Daw Khin Whaing, who were arrested by police and council officials in Pegu at 9:30pm on September 27 and reportedly sent to the prison in Pyi. National League for Democracy (NLD) members are being systematically arrested.

Their whereabouts and conditions typically remain unknown. In Mandalay, for example, virtually the entire NLD leadership has been taken away. At least 85 party members around the country have been removed from their houses in the last few days. However, the vast majority of those taken consist of ordinary persons who had joined the protests out of frustration at the unbearable conditions prevailing in their country.

Many that left their houses in the morning have simply not come home at night. For instance, ten persons from the south side of New Dagon in greater Rangoon allegedly did not return home on September 28: Ko Htun Myaing (male, ward 26); Ma Khin Win Kyi (female, ward 17); Ko Tin Htoo (male, ward 17); Ma Yuyu Htay (female, ward 17); U Tin Ohn (male, ward 55); Ma Cho (female, ward 70); Hmat Kyi (male, ward 70); Ma Aye Mya Mya Htun (a.k.a. Ma Aye Mun, female, ward 20); Ma May Thezin (female, ward 20); Ma Hla Kyi Htay (female, ward 20). Their families don't know if they are alive or dead, or where they may be. As with hundreds of others, they have simply disappeared.

Large-scale detentions of monks continue to be reported from all over the country. A senior monk that visited Insein Prison witnessed that arrested monks had been disrobed and that some had already been sentenced to six years' imprisonment, presumably by a special tribunal that is routinely convened inside the prison to handle such cases. Numerous others are reportedly injured and require medical attention.

Ma Hpyu Hpyu, an HIV/AIDS health worker and her staff members have been arrested, leading to appeals for their release by the persons whom they treat. One of the monasteries raided on September 26 also was serving as an AIDS hospice.

None of these persons have been taken into custody through the use of arrest warrants or any other legal procedures, nor have they been produced in court. Their whereabouts have not been communicated to their relatives. Personnel from the International Committee of the Red Cross (ICRC) are reportedly attempting to get accurate information on casualties and other incidents around Rangoon; however, as they are denied access to detention centres there is no independent agency able to verify numbers, names and locations of detained persons, let alone establish how many may have been tortured or killed or remain at risk becoming victims of such abuses. Until the authorities reveal their whereabouts and current condition, and provide them with access to their families, lawyers and members of the ICRC, all such detainees must be treated as forcibly disappeared persons under the standards of international law.

It is essential for places where persons can report disappearances to be set up immediately, as it will likely be difficult for many to report to normal police stations, notably as the usual practice is for the police to refuse to record statements or take any other appropriate action when they are aware that the State is engaged in abuses. The United Nations, the ICRC and other humanitarian actors should be allowed to establish centers where people can make such complaints in safety and without reprisals.

Killings: The number of killings of civilians by the State is thought to be far higher than the nine dead that the military regime has recently admitted. It is thought that at least five monks and one civilian died on the first day of the crackdown and that many more have since followed. At least one person, a high school student, is known to have died outside High School No. 3 in Tamwe Township on September 27, when troops pursuing protestors

from Pansodan opened fire and drove a truck into a crowd before assaulting people with truncheons. According to further reports, five or more teenage students were killed; however, the bodies were immediately removed by security forces. In the evening of September 27, eight corpses were lying on the road after a crowd was shot at in South Okkalapa Township, between the Punnami and Post Office intersections. Some were known to local residents, who took them back to houses in the neighbourhood. However, after a short time, the security forces entered the area, located the bodies and took them away. There are reports that up to 200 corpses and persons who were seriously injured but not yet dead were burned at Ye Wei crematorium outside of Rangoon, although it has been impossible to confirm this as yet.

Attacks on monasteries: Troops raided Ngwekyaryan Monastery in Rangoon on the night of September 26 and, after fighting their way in, ransacked and looted the building as they have done in villages in civil war areas for years. A photograph has been circulated showing that the head of a Buddha that had been embedded with gemstones was smashed off and taken also. However, the monastery was quickly repaired on September 29, apparently by the Ministry of Religious Affairs, to have it appear as if nothing has happened there before UN Special Envoy Ibrahim Gambari arrived in Rangoon that evening. There are also reports that it has been populated with government personnel or thugs posing as monks. On the other hand, there are some reports of troops in Mandalay and Rangoon refusing to obey orders and fire upon or ill-treat monks. Among the troops that raided the monasteries on the night of September 26, eyewitnesses said that some soldiers that failed to treat the monks harshly were themselves hit and shouted at by their superiors.

No freedom of expression: According to reports from a number of sources, weekly news journals were ordered by the Ministry of Information to carry propaganda articles condemning the protests. Although the journals are required to carry propaganda pieces in every edition, at this time many of them, including the popular Eleven Media Group and Pyi Myanmar Group, have shut down on various pretexts, such as that conditions in Rangoon are not safe for their staff. Many households are being forced to provide members to join “pro-government” rallies designed to give the impression that the regime has widespread support.

Action required: It must be recalled that amongst the primary reasons cited for abandoning the Commission on Human Rights and creating the Human Rights Council was the system's inclusion of States with the worst human rights records, such as Myanmar, and its failure to adequately address these situations. The Council now has a golden opportunity to take credible action to improve the situation there. Failure to do so will have a serious negative impact on the body's credibility.

The Asian Legal Resource Centre urges the Human Rights Council to go beyond discussion and intervene in a concrete manner to ensure that further suffering and loss of life are averted in Burma. It must ensure that the Burmese authorities immediately:

- Reveal in full the whereabouts and other details of all detained persons and all those who have died;
- Enable the United Nations, the ICRC and other actors to establish centers where persons can report human rights violations, notably disappearances;

- Show evidence concerning which laws and legal procedures are being used to arrest and detain all persons in recent weeks;
- Bring all detained persons before courts of law within 24 hours, as required under section 61 of the Criminal Procedure Code, and guarantee their personal integrity at all times;
- Provide detainees with access to family members, lawyers and the ICRC, and halt any obstruction of the work of humanitarian actors, notably the World Food Programme;
- Conduct judicial inquests into the deaths of all persons fired upon or assaulted by security forces;
- Permit access to the country by key United Nations experts, including the Special Rapporteurs on Myanmar, extra-judicial killings and torture, and members of the Working Groups on arbitrary detention and enforced disappearances; and,
- Agree to the establishment of a UN observer mission, to be dispatched to the country within the shortest possible time, under the auspices of the Secretary General, to prevent further incidents of killing, torture, arbitrary detention and forced disappearance.
