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Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

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

[15 February 2010]

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

Urgent matters of great concern: Myanmar

In 2009, 264 political prisoners were arrested, 129 activists were sentenced and 266 detainees were released. Dozens of prominent political activists, journalists, artists, Buddhist monks and labour activists were arrested and sentenced to draconian prison terms after unfair trials. An estimated 2,177 political prisoners remain incarcerated for their peaceful activities – more than twice as many in early 2007. Some 129 of these political prisoners are reportedly suffering from illnesses due to deplorable prison conditions. At least 251 Buddhist monks involved in the 2007 protests still were held in prison. There are 43 prisons holding dissidents in Myanmar, and over 50 labour camps where prisoners are forced into hard labour.

In January 2010 eight activists were charged for their role in the September 2007 uprising, more than two years after police in Myanmar launched a brutal crackdown on peaceful protests. All eight persons were charged under the Unlawful Associations Act and the Immigration Act, which together carry a maximum seven-year sentence. In February 2010 three monks and two civilians were sentenced for their participation in the 2007 uprising to five to nine years of imprisonment. The government of Myanmar in August 2009 launched a crackdown on people suspected of involvement in fomenting the 2007 uprising.

Starting in late 2008, secret courts and courts inside prisons sentenced more than 300 activists including human rights defenders, artists, internet bloggers, labour activists, politicians, monks and nuns to prison terms of up to 104 years. The only crime that Zaw Naing Htwe committed was to receive a letter from his imprisoned brother Kyaw Kyaw, a leading democracy activist, which was smuggled out of detention. He has to serve nine years in prison for opening the letter. For her leading role in the 2007 uprising the 35-year old Ma Thin Thin Aye was sentenced in November 2008 to 65 years of imprisonment. Several other members of the student movement of 1988 were sentenced to 65 years in jail. On 30 December 2009, fifteen activists from the Mandalay area were given prison sentences ranging from two years to 71 years. Among them was Myo Han from Myingyan who was charged in ten cases and sentenced to 51 years in prison. The human rights defender U Nandawuntha will have to stay in prison for 71 years.

At least eleven lawyers were sentenced to prison terms for representing democracy activists in court. Some attorneys have fled to Thailand to avoid imprisonment. In January 2009 arrest warrants for six lawyers were issued. Some 207 lawyers from Myanmar, representing political activists, have faced temporary or permanent suspension and warnings or dismissal of their license without a proper hearing process. Lawyer Khin Maung Shein, who has represented political dissidents, was dismissed from practising law and sentenced to four months in prison.

On June 9, 2009, Khin Khin Aye, a senior manager in the Central Cooperative Society under the Ministry of Cooperative, was dismissed from her job because her husband, attorney Hla Myo Myint, had represented Aung San Suu Kyi.

The military rulers released 6,313 prisoners from jail in February 2009, one day after the UN human rights envoy began a visit to Myanmar. Only 31 of them were political prisoners, including a few monks and members of the opposition party, the National League for Democracy (NLD). Most of the prisoners were released because the jails were overcrowded. The amnesty is part of a diplomatic offensive of the military government to calm international criticism of the disastrous human rights record, especially before an ASEAN conference discussing the plight of Rohingya refugees from Myanmar. Another amnesty was announced in September 2009. Some 7,114 prisoners were released in autumn, but only 130 inmates had been sentenced for political reasons.

Aung San Suu Kyi's flawed trial dragged on for three months in 2009. The judicial procedure didn't respect international standards of fair trials and was marked by frequent delays. The intrusion of the US-citizen John Yettaw in her estate was used by the military government to charge the opposition leader for breaching terms of her house arrest order, allegedly violating the 1975 State Protection Act.

At the end of December 2009 at least 41 journalists and bloggers were incarcerated.

An estimated two million people of Burmese origin currently live outside of Myanmar, having fled political repression, violence, and forced displacement by the military government. There are more than 140,000 Karen, Shan and other ethnic minority people living in nine temporary refugee camps along the Thailand border. Although 50,000 refugees have been resettled to third countries, more refugees keep arriving. Some 451,000 Internally Displaced Persons currently live under harshest conditions within Myanmar's borders. Most of them are ethnic minority people of Karen, Shan, Kachin, Mon, Rohingya and Chin origin.

Between July 2008 and December 2009 operations by the army of Myanmar displaced at least 118,800 people in eastern Myanmar (43,800 refugees and 75,000 IDPs). During the same period some 120 villages were destroyed or forcibly relocated. Much of the displacement was the result of the military government's programme to secure military and political control over ethnic areas ahead the planned national elections.

As a result of a military offensive an estimated 6,800 Karen fled into Thailand between June and August 2009. In August 2009 attacks by the army of Myanmar against ethnic Shan civilians in northeastern Myanmar displaced more than 37,000 people. Between July 27 and August 1, troops of Myanmar attacked 39 villages and destroyed more than 500 houses. More than 5,000 IDPs were living on the run in the jungles of Arakan State and southern Chin State in August 2009. After attacks of the army of Myanmar, burning homes and destroying rice fields, more than 1,500 Karen villagers in the Nyaunglebin District (Karen State) went into hiding in October 2009. Between January 17 and January 23, 2010, some 2,000 Karen villagers fled into the jungles in the Pegu District (Karen State) after two Karen civilians had been shot dead by soldiers and thirteen houses had been burned down.

Despite the construction of a fence on the border to Bangladesh by the army of Myanmar, thousands of Muslim Rohingya choose to flee their homes and to seek protection in neighbouring Bangladesh. Others searched for shelter overseas, taking the risk to flee by small boats to Thailand and Indonesia. The Rohingya are the most persecuted ethnic group in Myanmar, not even having the legal right to own land and being forbidden from marrying or travelling without permission. They are not recognized as citizens of Myanmar by the military government.

Exploiting displaced and relocated people, the military government has used and continues to use forced labour for its "state-sponsored" infrastructure and building projects. Every month during the past year ethnic minority groups have been reporting about new cases of forced labour. Villagers were forced by soldiers for the reconstruction of military barracks, for porter services or the construction of roads or fences. Between May and November 2009 circa 71 cases of forced labour were presented by villagers to ILO staff despite massive threats by soldiers and the authorities.

The army of Myanmar and nine other armed groups currently abuse as many as 70,000 children under the age of 18 as soldiers (sometimes as young as 11), many of them forcibly recruited. Myanmar is the country with the highest number of child soldiers in the world.

In August 2009 an army commander in Toungoo District (Karen State) forced a local teacher to strip and raped her. Later he raped another woman after forcing her to drink. In June 2009 two teenaged Karen women, one eight months pregnant and the other a young

mother, were raped and killed near the Ler Per Her IDP camp (Karen State). On May 14, 2009, a 15-year old girl was gang-raped by soldiers in Shan State. On December 27, 2008 a soldier abducted and raped a seven year old girl in Nyaunglebin District (Karen State). After the parents of the young girl called on the army to bring the rapist to justice, the commander of the rapist's army unit forced ten local businessmen to provide money to bribe the family.

The "Assistance Association of Parents of Political Prisoners of Burma" has documented 127 known murders of political prisoners since 1988. The use of torture in interrogation centres and prisons in Myanmar has been extensively documented, including beatings, "motorcycling" (where prisoners are forced to assume unnatural positions, as if riding a motorcycle, for hours), forced kneeling on broken glass, and hanging by the arms or feet.

The Society for Threatened Peoples calls on the UN Human Rights Council:

- to urge the Government of Myanmar:
 - to immediately stop military persecution, forced relocations, rapes and extra-judicial executions in ethnic minority areas,
 - to end human rights violations against the Rohingya minority,
 - to ensure press freedom, freedom of association and expression,
 - to free all political prisoners,
 - to end forced labour, torture and impunity.
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