

outside of Kabul, and requires the president to deliver a report to Congress every six months describing, among other things, what the administration has done to improve security, human rights protections, and rule of law.

#### **RELEVANT HUMAN RIGHTS WATCH REPORTS:**

*All Our Hopes are Crushed: Violence and Repression in Western Afghanistan*, 10/02

*Afghanistan: Return of the Warlords: A Human Rights Watch Briefing Paper*, 6/02

*Taking Cover: Women in Post-Taliban Afghanistan: A Human Rights Watch Briefing Paper*, 5/02

*Paying for the Taliban's Crimes: Abuses Against Ethnic Pashtuns in Northern Afghanistan*, 4/02

## **BURMA**

**W**ith the release of opposition leader Daw Aung San Suu Kyi in May after nineteen months of de facto house arrest, hope arose that the military junta might take steps to improve its human rights record. However, by late 2002, talks between Suu Kyi and the government had ground to a halt and systemic restrictions on basic civil and political liberties continued unabated. Ethnic minority regions continued to report particularly grave abuses, including forced labor and the rape of Shan minority women by military forces. Government military forces continued to forcibly recruit and use child soldiers.

#### **HUMAN RIGHTS DEVELOPMENTS**

Burma faced serious economic problems in 2002, but internal political struggles prevented a unitary response to the economic crisis. A reshuffle of top generals in November 2001 was followed by the March 2002 arrests of four relatives of former top general Ne Win, amidst allegations of coup plots. In September 2002, the four were sentenced to death for treason.

In the midst of this political and economic instability, Suu Kyi's release in May seemed to augur a new readiness on the part of the ruling military party, the State Peace and Development Council (SPDC), to negotiate with opposition groups in hopes of gaining much-needed international investment and aid. Suu Kyi traveled outside of Rangoon to Mandalay and elsewhere, meeting with thousands of supporters without interference or arrest.

These negotiations were held chiefly with the National League for Democracy (NLD), which is led by Suu Kyi. The NLD had been elected to a majority of seats in parliament in 1990, but was blocked from taking power by the then-ruling State

Law and Order Restoration Council (SLORC). SLORC changed its name to the State Peace and Development Council and shuffled some top leaders. In 2002, local NLD township offices reopened around the country. In September 2002, the NLD called on the SPDC to fulfill its pledge to begin negotiations to hand over power to the elected representatives. Ethnic minority opposition groups called for their inclusion in negotiations between the government and the NLD, but the SPDC and Suu Kyi have yet to agree to this.

During the negotiations, the government released more than three hundred political prisoners. In August, Burmese opposition groups jointly called on the SPDC to release hundreds of political prisoners still in prison, including eighteen elected members of parliament from opposition political parties. The U.N. urged the SPDC to declare a general amnesty for all political prisoners, but the SPDC ignored these demands.

In the meantime, more political dissidents were arrested, and prominent political prisoner U Aung Mye Thu passed away. In December 2001, seventy-four-year-old former university rector Dr. Salai Tun Than was arrested for his one-man protest in front of Rangoon City Hall. The Yezin University professor of agronomy from Pinyinmana had distributed copies of his letter calling for political reform and multiparty elections. He is serving a seven-year sentence in a Rangoon prison.

In mid-August, during a visit by Malaysian Prime Minister Mahathir Mohamad, the state detained fifteen Rangoon university students in the first major crackdown after Suu Kyi's release. Thirteen were subsequently released, but two law students were sentenced to long prison terms for distributing pro-democracy pamphlets. In September, dozens of dissidents were detained in Rangoon.

Burma's other continuing human rights problems include the widespread use of forced labor, forced relocations, censorship, use of child soldiers, violations of religious freedom, and atrocities committed against ethnic minorities, whose regions make up most of the country's territory. Burmese Muslims were especially targeted for persecution.

Although a law banning forced labor was passed in October 2000, authorities continued to use forced labor, especially in rural ethnic regions. The Burmese military compelled villagers to work on infrastructure and agricultural projects, as porters in army camps, and on the construction of Buddhist temples. In November in Shan State, villagers were compelled to build railroads and to farm; one laborer who resisted was reportedly beaten to death. Children as young as seven were used as forced labor in many parts of the country to carry army supplies or work on construction sites.

The military continued to forcibly relocate minority villages, especially in areas where ethnic activists and rebels were active, and in areas targeted for the development of international tourism. The U.S. State Department's 2002 country report on human rights in Burma estimated that forced relocations had produced hundreds of thousands of refugees, with as many as one million internally displaced persons within the country.

The state continued to censor media. The Committee to Protect Journalists reported that eighteen journalists were held on charges ranging from "illegal possession of a fax machine" to smuggling poetry out of prison. One Burmese national

was arrested in February and accused of sending information to foreign radio stations, and the SPDC alleged that many more "informers" who were sending information to foreign media would be arrested soon. Two Burmese magazines, *Living Color* and *Mhyar Nat Maung Mingalar*, were each shut down for one month for minor infractions.

Burma continued to use child soldiers. Thousands of boys, some as young as eleven, have been forced into Burma's national army. Recruiters typically staked out railway, bus, and ferry stations; the street; marketplaces and festivals; and threatened boys who could not produce identity cards with long prison terms or military enlistment. Boys who resisted recruitment were often beaten or detained. Once deployed, they were forced to fight against Burma's ethnic minorities and other opposition forces; and to participate in human rights abuses against civilians, including rounding up villagers for forced labor, burning villages, and extrajudicial executions. Child soldiers who deserted had few options, and typically either joined armed opposition forces or fled to neighboring countries. After an October 2002 Human Rights Watch report on the use of child soldiers in Burma attracted international attention, the government denied any recruitment or use of child soldiers.

Children were also present in many armed opposition groups, though the numbers of child soldiers in these smaller armies were fewer. Both the Kachin Independence Army and the United Wa State Army, which have historically been the largest opposition groups, but which now sometimes align with the Burmese military, forcibly recruited children. Others, such as the Karen National Liberation Army, Karenni Army, and Shan State Army-South accepted boys who expressed a desire to join, despite the armies' official minimum recruitment age of eighteen.

Lack of access to education exacerbated human rights abuses against children in Burma. Some schools in ethnic areas were closed because of fighting, and even when schools were open, families were often unable to pay the school fees. Children who left school often took jobs selling food or goods in the streets. Many traveled to larger cities seeking work. These children became easy targets for military recruitment or forced labor.

Many of the worst violations in the country were reported against civilians living in minority regions, especially in Karen and Shan States. In March, fighting flared up along the Thai-Burmese borders, when Karen rebels reportedly attacked army outposts. In May, the Burmese military and Buddhist Karen allies attacked Christian Karen villages, hospitals and schools. Burmese soldiers executed villagers suspected of sympathy with the rebels, and in several instances also executed Karen families caught while attempting to flee forced relocation. Townships in Shan State, such as Loi Kha and Loi Kawwan, were closed off by the Burmese military to outside visitors, amidst reports of forced relocation, forced labor, torture, rape, and extrajudicial killings. Refugees reported massacres in Shan State in September. Thousands of Karen and Shan refugees fled across the borders to Thailand.

In July, the Shan Women's Action Network (SWAN) and the Shan Human Rights Foundation (SHRF), based in Thailand, published a report on the systematic rape of women and girls in Shan State by the Burmese military. The report, based on interviews with refugees along the Thai-Burmese border, documented the rapes of 173 women and girls by Burmese military forces. According to the report,

officers committed 83 percent of the rapes, often in front of their troops; 25 percent of the rapes resulted in death; and over half were gang-rapes. In some cases, women were held in sexual slavery. The report attracted international attention. Subsequently, the Burmese government claimed to have launched an investigation which concluded the allegations were unfounded. In one of the ensuing series of press conferences, the government said the report's authors were "narco-terrorists" sponsored by foreign governments. Some researchers reported harassment and threats in Thailand after the report's publication. In September, some refugees fleeing Shan State reported that villagers were being forced to sign statements denying the rapes.

In the wake of international press reports alleging ties between al-Qaeda and the Burmese government, the government launched a broad crackdown on Rohingya Muslims.

Tensions between the Buddhist majority and Muslim minority were still apparent in 2002, and restrictions were tightened in late 2001. Restrictions on travel by Muslims were far more rigidly enforced, especially in Arakan State, and the government limited the number of Muslims allowed to travel to Mecca for the Hajj pilgrimage. Muslims claimed they continued to have difficulties getting passports to travel abroad and in building mosques. News accounts reported extortion and abuse of Muslim crew members on fishing boats by the Burmese Navy off the Maungdaw coast.

Other religious groups reported restrictions as well. In the northwest, observers reported that the government was forcibly converting Naga Christians to Buddhism. The government continued its widespread building project with new Buddhist temples and statues erected around the country, including on ethnic minority sacred sites. Some monuments sacred to ethnic minorities were destroyed and replaced with new structures, such as hotels, against local objections.

## DEFENDING HUMAN RIGHTS

The SPDC did not permit local human rights groups to operate in Burma and those human rights and democracy organizations that did function had to do so from abroad.

## THE ROLE OF THE INTERNATIONAL COMMUNITY

The release of Suu Kyi from house arrest and the release of political prisoners were welcomed by the international community. Some governments and aid agencies made plans to increase humanitarian assistance, such as to HIV/AIDS programs. Western governments kept in place bans on investment or economic assistance to Burma. The United Nations was especially active and appeared to play a critical role in the negotiations that preceded Suu Kyi's release. The U.N. special rapporteur on human rights in Burma, Paulo Sergio Pinheiro, visited in February, April and October, meeting with top generals, Suu Kyi, and ethnic minority representatives. After the October visit, Pinheiro called for an inquiry into rights viola-

tions in ethnic minority regions, and proposed that the International Red Cross be allowed into all areas of conflict in Burma.

U.N. Secretary-General Kofi Annan's special envoy for Burma, Razali Ismail, visited the country in December and August. Razali was widely viewed as active in bringing about Suu Kyi's release, but was unable to convince the SPDC to resume the dialogue with Suu Kyi that began in October 2001, or to declare a general amnesty for political prisoners. After a visit in November 2002, Razali said he would quit the post if the government did not begin talks with Suu Kyi aimed at political reforms.

The International Labor Organization (ILO) sent a high-level mission to Burma in February, which was prevented from seeing Suu Kyi. This mission followed the unprecedented decision of the ILO in 2000 to recommend that ILO members review their economic ties with Burma and take appropriate action to ensure that they did not abet what it called "widespread and systemic" forced labor. In March, the ILO and the Burmese junta agreed that the ILO would appoint a liaison officer to monitor Burma's pledges to end forced labor. On September 9, 2002, Ms. Perret-Nguyen was appointed to assume this position beginning in October.

Australia dispatched Foreign Affairs Minister Alexander Downer to Burma in October 2002. Downer was the first Australian senior official to visit Burma in twenty years, and the first senior Western official to visit after Suu Kyi's release. He reported after his visit that Burma's generals had given him no timeframe for political reform, and that Suu Kyi was increasingly pessimistic about the prospects for genuine change.

China continued to build its massive economic and military investment in Burma. In December 2001, President Jiang Zemin visited Burma and promised U.S.\$100 million in new Chinese investment. That same month, authorities delivered a digital high-resolution satellite ground station to the Burmese government. In January and February 2002, the Chinese military delivered sizeable shipments of arms to Burmese naval bases.

The European Union maintained its sanctions on Burma, but explored possibilities for increased humanitarian assistance. The E.U. was again the sponsor of critical Burma resolutions in both the U.N. Commission on Human Rights, and in the U.N. General Assembly. A European Union troika delegation visited Burma in March to continue a dialogue on promoting political reconciliation with the opposition. In September, E.U. delegates met with Suu Kyi and called on Burma to make progress toward democratization. The Asia-Europe (ASEM) summit in Copenhagen in late September did not include Burma.

India initiated diplomatic talks with Burma in late 2001 aimed at joint action against ethnic militant groups on their shared border. Senior Indian officials said anonymously that the Indian government was trying to counter China's growing economic and military influence in Burma.

Japan, Burma's largest single aid donor, announced that it would give Burma debt relief of ¥1.8 billion (U.S.\$14.4 million). Following Suu Kyi's release, Japan disbursed U.S.\$4.9 million of a U.S.\$29 million Official Development Assistance (ODA) loan approved earlier for the renovation of a hydroelectric plant in eastern Burma. In August, the Japanese foreign minister met with Suu Kyi and SPDC gen-

erals. She urged progress on democratization and human rights, but made no further aid commitments.

Under the leadership of Prime Minister Mahathir Mohamad, the Malaysian government began a repressive crackdown on dissidents and other refugees fleeing the Burmese junta and seeking asylum in Malaysia. Rohingya Muslim refugees fled to Malaysia and Bangladesh. In June 2002, eight undocumented Rohingya migrants entered the grounds of the local office of the U.N. High Commissioner for Refugees in Malaysia and demanded asylum. In late July, Malaysian police arrested 135 mostly undocumented Rohingya migrants seeking asylum outside the same office. In August, after Suu Kyi called for Burma to move more quickly toward reform, Prime Minister Mahathir visited Burma and publicly declared that Burma should not be rushed prematurely into democracy.

Russia became increasingly active in the ongoing Burmese military buildup, promising to help Burma to construct a center for nuclear studies and a research nuclear reactor. The plans were described as part of Russia's commitment to improving Burma's technology and education sectors, but these facilities could also provide a basis for future Burmese efforts to acquire the means to build nuclear weapons.

Thailand's relationship with Burma continued to be extremely tense, with occasional outbreaks of violence along the border. At times, Thailand, the main destination for minorities, political dissidents, rural people, and women and children fleeing violence in Burma, appeared to respond to Burma with efforts aimed at appeasing the military junta. In November, a group of undocumented migrants and workers in northern Thailand were repatriated to Burma, amidst allegations that some had been tricked into signing repatriation forms. Some Burmese child soldiers tried to escape forced conscription by deserting their armies and fleeing across the border to Thailand. Thai authorities should identify such children if arrested for illegal presence and pass them over to the U.N. High Commission for Refugees so that they may seek asylum, but many such children were unable to access such protection and continued to live in hiding, fearing deportation to Burma.

In late December 2001, the Thai government forcibly closed a major refugee camp housing political dissidents, and conducted talks with Burmese authorities about repatriation plans. The problem of illegal workers from Burma was gruesomely highlighted when the bodies of twenty ethnic Karen villagers were found in the river that divides Burma from Thailand. Investigators later concluded that the Karens were being smuggled in by a Thai couple, who discovered en route that the laborers had suffocated and simply dumped their bodies in the river. The border problems were highlighted again in June when Karen gunmen, in a debt squabble, fired on a school bus full of Thai children, killing two and injuring fourteen; this sparked a manhunt by Thai authorities on the borders and greater ill-feeling toward Burmese refugees living in Thailand.

In April, NGOs reported that about three thousand Burmese migrants deported from Mae Sot, Thailand were forced to undergo HIV testing in a holding center on the Burmese side of the border. Those who tested positive were reportedly segregated and sent to a hospital in Rangoon. Both mandatory testing and the segrega-

tion of HIV-positive persons violate international standards. The Burmese government has yet to take clear steps in mounting a serious response to the HIV/AIDS epidemic.

In May, the Burmese-aligned United Wa State Army and Thai troops traded artillery fire across the border. By July, Thailand and Burma were embroiled in a no-holds-barred media war, in which Burmese state press attacked the Thai monarchy; Burmese authorities also closed lucrative border crossings to Thai traders. In what was seen by many as an attempt to placate the Burmese junta and re-open the borders, Thai authorities in August raided pro-democracy groups and a church on the border, detaining dozens of Burmese refugee activists and repatriating them. The border was officially reopened in October 2002.

In April, forty-nine U.S. congressional representatives called on the Burmese government to release imprisoned student leader Min Ko Naing. Congressional representatives and the U.S. State Department issued statements condemning the Burmese military for raping girls and women in Shan State. While lauding the release of Suu Kyi in April, the Bush administration said in June that it would extend sanctions on Burma for another year. A U.S. Agency for International Development (USAID) team visited Burma to explore the possibility of giving HIV/AIDS assistance beyond the U.S.\$1 million currently given through NGOs and U.N. agencies.

In a groundbreaking ruling, a U.S. superior court judge in California ordered the Unocal corporation to stand trial for alleged human rights abuses related to its pipeline project in Burma. A jury trial was set for September 26, 2002 in Los Angeles, where Unocal is based. In a related development, over thirty U.S. clothing manufacturers announced that they would stop sourcing from Burma, and Marriott International announced plans to withdraw from the two hotels it manages in Rangoon.

Neither the World Bank nor the Asian Development Bank resumed any assistance to Burma. The SPDC failed to respond to the World Bank's recommendations for major economic reforms. A team from the International Monetary Fund visited Burma in July, and found continuing economic problems and deteriorating social conditions.

#### **RELEVANT HUMAN RIGHTS WATCH REPORTS:**

*Crackdown on Burmese Muslims (Briefing Paper), 7/02*

*"My Gun Was As Tall As Me": Child Soldiers in Burma, 10/02*