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**HUMAN RIGHTS SITUATIONS THAT REQUIRED THE COUNCIL'S
ATTENTION**

**Written statement* submitted by Amnesty International, 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.

[4 December 2007]

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

The Situation of human rights in Myanmar

Amnesty International takes the opportunity of the Resumed Sixth Session of the Human Rights Council to reflect on the state of implementation of Resolution S-5/1, adopted by the Council at its Fifth Special Session on 2 October 2007. In this resolution, the Council strongly deplored the violent repression of peaceful demonstrations in Myanmar and urged the government of Myanmar to exercise utmost restraint and desist from further violence against peaceful demonstrators. The Council further called on the government to ensure full respect for human rights and fundamental freedoms and to investigate and bring to justice perpetrators of human rights violations; to release without delay those arrested and detained as a result of the repression of peaceful protests as well as other political detainees; and to lift all restraints on peaceful activity of all persons by guaranteeing freedom of peaceful assembly and association and freedom of opinion and expression.

Despite the assertion on the government-controlled *New Light of Myanmar* website on 7 November, that “peace and stability is prevailing in the whole nation ... [and the] situation has returned to normal”,¹ Amnesty International continues to document serious human rights violations indicating that the crackdown continues against the backdrop of the long-standing, widespread and systematic human rights violations that have been perpetrated by the Myanmar authorities for decades.

Beatings, killings and deaths in custody

During the violent suppression of the demonstrations in September 2007, Myanmar state security personnel and groups supported by them beat with sticks monks, as well as men, women, and children participating in the protests; bystanders were also beaten. In some cases beatings were administered indiscriminately, in others individuals were deliberately targeted. At least one demonstrator, Ko Ko Win, a 22-year-old National League for Democracy (NLD) member, died as a result of injuries sustained when he was beaten near Sule Pagoda in Yangon on 27 September. Amnesty International has confirmed that both rubber bullets and live rounds were fired into the crowds of peaceful demonstrators.

Shortly after the crackdown the Myanmar authorities admitted that at least 10 protesters died. While Amnesty International has not been able to confirm the total number of deaths, the organization strongly believes that the real figure is higher. For example, the Assistance Association for Political Prisoners, Burma (AAPPB) has so far recorded details of 18 deaths during the crackdown.²

Amnesty International urges the Human Rights Council to demand that the Myanmar authorities:

- *provide the names of those killed and the cause of their deaths;*
- *ensure that independent, impartial and prompt investigations are carried out into all deaths during demonstrations and in custody;*
- *ensure that those responsible for unlawful killings are brought to justice in accordance with international standards for fair trial.*

¹ UN Envoy holds talks with Spokes Authoritative Team of SPDC, meets NPED Minister, Foreign Minister, Religious Affairs Minister, Labour Minister, members of social organizations, representatives of national races, *New Light of Myanmar*, 7 November <http://www.myanmar.com/newspaper/nlm/>

² See http://www.aappb.org/died_sept_07.html

Detention of protesters

According to the *New Light of Myanmar*, 2,927 persons were detained during the crackdown in September 2007. Of these, 2,836 were subsequently released, and 91 remain in detention.³ Amnesty International believes that these totals are not the full picture. The organization is particularly concerned about numerous accounts of large-scale informal detention centres, unacknowledged by state authorities. Amnesty International estimates that the number of prisoners of conscience arrested during the current crackdown and presently detained is about 700. This is in addition to the approximately 1,150 political prisoners already in detention from before the pre-crackdown. Detainees have included children and at least two pregnant women. At least 20 individuals arrested in connection with the protests have been sentenced to prison terms of up to nine and a half years. At least five of them are reported to have been tried in closed and flawed proceedings in a court inside Thayet prison, Magway division, on 24 and 26 September.⁴

Amnesty International is gravely concerned that many of those arrested are held solely for their participation in peaceful demonstrations. The organisation considers such persons prisoners of conscience, detained solely for exercising their right to freedom of expression or assembly.

The organization is also concerned at reports that the authorities have arbitrarily and unlawfully detained family members, friends and suspected sympathisers of protesters currently in hiding.

Amnesty International urges the Human Rights Council to demand that the Myanmar authorities:

- *immediately and unconditionally release those arrested for peacefully exercising their right to freedom of expression or assembly during the crackdown, as well as all prisoners of conscience held since before the recent events;*
- *make public the names of those detained in connection with the demonstrations, as well as their place of detention, the legal basis for their arrest and detention and their current status;*
- *ensure that the detainees are held only in official places of detention, and are given immediate access to lawyers, their families and any medical treatment they may require, as well as to independent, impartial, civilian courts in front of which they can challenge their detention; and*
- *immediately cease the systematic and arbitrary detention of suspected sympathizers or family members of protesters.*

Enforced disappearances

Amnesty International is aware of at least 72 cases of enforced disappearance in connection with the recent events.⁵

- *Amnesty International calls on the Human Rights Council to demand that the Myanmar authorities immediately investigate and account for all those subjected to enforced disappearance.*

³ UN Envoy holds talks with Spokes Authoritative Team of SPDC, meets NPED Minister, Foreign Minister, Religious Affairs Minister, Labour Minister, members of social organizations, representatives of national races, *New Light of Myanmar*, 7 November 2007.

⁴ Democratic Voice of Burma, 10 October 2007. The five included U Pike Ko, a member of the National League for Democracy, and four other residents of Pakokku. See <http://english.dvb.no/news.php?id=537>

⁵ The AAPPB has compiled a list of such individuals. Amnesty International considers this information has been verified and can be considered reliable. See http://www.aappb.org/disap_sept_07.htm.

Torture and other cruel, inhuman or degrading treatment in detention

Amnesty International has confirmed reports of appalling conditions of detention constituting cruel, inhuman or degrading treatment prohibited under international law. Since the crackdown there has been an increasing number of reports of deaths in custody as well as a lack of food, water and medical treatment in overcrowded unsanitary detention facilities across the country. Amnesty International is particularly disturbed by reports from recently released detainees that they were held in buildings designed for holding dogs (commonly known as 'dog cells').

Individuals have reported incidents of torture and other cruel, inhuman or degrading treatment. One recently released detainee testified that he was made to kneel for long periods of time on broken bricks and also made to stand on tiptoes in an uncomfortable position for long periods (this is known as the bicycle-riding position). There are also confirmed reports of beatings, as well as of monks held in detention being stripped of their robes and purposely fed in the afternoon, a time of the day when their religion forbids them eating.

- *Amnesty International calls on the Human Rights Council to demand that the Myanmar authorities ensure -+ detainees and prisoners are treated humanely and held in conditions that respect their dignity, and ensure their security and healthcare.*

Bringing perpetrators to justice

In addition to government soldiers and riot police, members of the government-backed Union Solidarity and Development Association (USDA) are reported to have used violence against the September 2007 protesters under government instructions or with government acquiescence or approval in violation of international law and standards. Amnesty International has received information that members of a group known as *Swan-Ar-Shin*, or 'People Power', also participated in the violent suppression of protesters with government acquiescence or backing. There is evidence that the Myanmar authorities were complicit in the abuses perpetrated by these groups, or negligent in failing to intervene to prevent and punish them.

The culture of impunity that has pervaded Myanmar for decades is well-documented by Amnesty International. As a necessary first step toward ending human rights abuses perpetrated by state and non-state actors:

- *Amnesty International urges the Human Rights Council to demand that the Myanmar authorities ensure that all reports of killings, torture and other ill-treatment of detainees, unlawful arrests, and enforced disappearances are promptly, independently and efficiently investigated. The authorities must bring perpetrators to justice and ensure reparation for victims and survivors in accordance with international standards.*

Restraints on political activity and access to information

A large contingent of riot police took to the streets in Yangon and elsewhere in Myanmar on the weekend of 26-28 October in anticipation of demonstrations to mark the one-month anniversary of the September crackdown. Similarly, on 1 November, it is believed that access to the internet, which was cut on 28 September, was again blocked. Amnesty International has also received credible reports that despite the lifting of the curfew, the night raids and harassment continue to occur, as do intermittent arrests.

- *Amnesty International urges the Human Rights Council to demand that the Myanmar authorities lift all restraints on peaceful political activity, and guarantee freedom of*

peaceful assembly and association and freedom of opinion and expression, including by allowing unhindered access to media and other forms of information.

Ongoing human rights violations

Amnesty International has for decades documented human rights violations by the military authorities in Myanmar. People are frequently arrested without warrant and held incommunicado. Torture and other cruel, inhuman and degrading treatment are common in pre-trial detention. Laws criminalise peaceful expression of political dissent. Proceedings against political and other detainees have failed to meet international standards of fairness. Defendants are often denied the right to legal counsel or to legal counsel of their own choice. Prosecutors have relied on confessions extracted through torture. The use of forced labour is frequent and children are recruited as soldiers.

The organization has concluded that the widespread and systematic attacks on civilians in some minority areas, including the demolition of homes and whole villages, the destruction or confiscation of crops and food stocks, forced labour, unlawful killing and torture, and other forms of collective punishment, constitute crimes against humanity.

- *Amnesty International urges the Human Rights Council to demand that the Myanmar authorities put an end to the culture of human rights violations which has pervaded the country, including by bringing laws into line with international human rights standards; similarly reforming the judicial system, the armed forces and law enforcement agencies; and putting an end to impunity.*
