



Australian Government

Refugee Review Tribunal

Country Advice

Myanmar

Myanmar – MMR37399 – Indians – Anglo-Burmese – Forced labour – Freedom of movement – Christians – Catholics – Citizenship – Returnees

27 September 2010

1. Please comment on the treatment of ethnic Indians. Are ethnic Indians or Anglo-Indians targeted in Burma?

While Indians have not been violently oppressed by the Burmese authorities like other ethnic groups, reporting indicates that they do suffer prejudice and discrimination from the government, and society at large, on grounds of their ethnicity and origin. A 2006 article on the Burma Issues NGO website provides a background to the attitudes toward Indians:

Kala Lumyo is the word the Burmese call the Indian (sic) who live in Burma. The word Kala is, in general, for those who have dark skin...The word kala literally means degrading, disgusting and to look down upon. The word "alien" is also used by Burmese people to describe the Indians.

...Approximately 2 per cent of the Burmese population is (sic) Burmese Indians. However this number is not dependable as there is no reliable information.

During colonial times, Indians had been accorded generally higher status by the British and as such were often resented by the Burmese population and were frequently the targets of Burmese anti-colonialist actions.¹ However, the problems for the Indian population really began with the introduction of Nationalist policies in 1962 by General Ne Win. Some Indians were forced out of the country and had their business seized without compensation. All Indians were said to have been offered 175 Kyat to return to India. The Burma Issues NGO adds that "[i]f Burmese people's rights are limited, the Burmese Indians' rights will be doubly limited". Indians are forbidden from using their native languages, and literature in these languages is banned. Even some Bollywood movies are banned. With regard to healthcare, the situation of Burmese Indians seems to be on par with the rest of the population with the level of care determined by how much one can afford.²

One of the non-violent forms of oppression that Indians' reportedly "continuously" face occurs as a result of their religion. Muslim and Hindu Indians are not allowed to "grandly"

¹ 'Suffering in Burma: By known but undisclosed' 2001, *Victory News Magazine*, 6 June <http://www.victorynewsmagazine.com/SufferinginBurma.htm> - Accessed 23 September 2010 – Attachment 1

² 'Burmese Indians: The Forgotten Lives' 2006, *Burma Issues*, <http://www.burmaissues.org/En/Newsletter/BINews2006-02-01.html> - Accessed 23 September 2010 – Attachment 2

celebrate their religious ceremonies and cannot run religious parades.² The US Department of State (US DOS) adds in a 2009 report that widespread prejudice against ethnic South Asians was a key source of social tensions between the Buddhist majority and Christian and Muslim minorities.³ No information was found on the treatment of Catholic or Christian Indians in particular.

The Burma Issues NGO article argues that Burmese society's attitude toward Indians is worse than Government targeting. Indians are said to be looked down upon and mistreated because of their religion, dress, and the way they act. It suggests that the Burmese people fear that the Indian "kala lumyo" will take over the country.⁴ A 2007 US DOS report describes violent clashes between Muslims and ethnic Burmese Buddhists during which ethnic Burmese attacked and burned Indian homes, shops, and mosques. Unofficial sources claimed that three persons died and another 10 were injured in the riots with three mosques burned down. Most of those arrested by authorities were Muslims.⁵

2. Are ethnic Indians or Anglo-Indians denied full citizenship rights in Burma? Do they face restrictions on their travel within Burma and on their career opportunities?

Citizenship

Ethnic Indians and Anglo-Indians are usually denied full citizenship rights in Burma even if they have been residents since birth. The US DOS stated in 2010 that native born, but so called 'non-indigenous' ethnic populations, including Indians and Eurasians, are "denied the full benefits of citizenship based on their nonindigenous ancestry".⁶

In 1982 the military government had tightened citizenship restrictions, requiring applicants for citizenship from non-indigenous ethnic groups to provide evidence that their ancestors settled in Burma before 1823. This particularly affected the Chinese and Indians, many of whose ancestors had moved to Burma after 1823. The 1982 citizenship law stipulates three types of citizens: full, associate and naturalised. Indians who are not considered full citizens can be identified by authorities by the identity cards which everyone is required to carry. The cards come in different colours which denote one's citizenship status: pink cards are granted to full citizens, blue cards for associate citizens and green cards for naturalized citizens. FRC (Foreign Resident Card) holders receive white cards.⁷ More recently, while the Government has been persuading ethnic minority groups to enter the "legal fold" and participate in the drafting of a new constitution which includes sections on religion and political rights, Burmese Indians were excluded. The Burma Issues NGO argued that this was because Indians "are not seen as important in the eyes of the military dictatorship".⁴

³ US Department of State 2009, *International Religious Freedom Report – Burma*, 15 November – Attachment 3

⁴ 'Burmese Indians: The Forgotten Lives' 2006, *Burma Issues*, <http://www.burmaissues.org/En/Newsletter/BINews2006-02-01.html> - Accessed 23 September 2010 – Attachment 2

⁵ US Department of State 2007, *Country Reports on Human Rights Practices – Burma*, 6 March – Attachment 4

⁶ US Department of State 2010, *Country Reports on Human Rights Practices – Burma*, 11 March – Attachment 5

⁷ 'Aliens in a Bind' 2004, *Irrawaddy Online Edition*, June <http://www.irrawaddy.org/aviewer.asp?a=3795&print=yes&c=e> - Accessed 23 September 2010 – Attachment 6

Religion has also been used as a pretext for denying Indians citizenship, with Muslims in Karen State (some of whom are ethnic Indians) told they must convert to Buddhism or they cannot be citizens.⁸ The US DOS, however, mentioned that in 2009 it found no new reports of forced conversions.⁹ Many have been ordered to leave Karen State and to return to India.¹⁰

According to the UNHCR, there are approximately 730,000 legally stateless persons in Burma, although most of these are from the Rohingya ethnic group. It is worth noting that the Rohingyas, who have Bangladeshi ancestry and therefore Indian appearance, suffer some of the worst legal, economic, and social discrimination of any group in Burma.⁹ Some of this discrimination may also flow to Indians as they are similar in appearance.

Travel within Burma and Career Opportunities

While there are some general restrictions on freedom of movement, most Burmese citizens are able to travel within the country. Indians, however, face restrictions to travel within Burma. The US DOS reported in 2010 that some ethnic minority groups such as Chinese and Indians were often required to obtain permission in advance from the township authorities to leave their hometowns.¹¹ They also faced restrictions on travelling overseas for religious ceremonies.

Sources suggest Indians face restrictions on their careers. The Government prohibits Indians from becoming government employees or working in any companies run by the Government.¹²

3. Are Anglo-Burmese targeted?

It is likely that Anglo-Burmese suffer discrimination similar to Indians and other minorities within Burma. Little specific information was found, however, on their targeting or state sanctioned discrimination at the present time except for an article suggesting that those Anglo-Burmese who remained Christian and advertently Western “suffer for this from hounding and harassment by the military government”. They have to “abandon their former culture, traditions and way of life”. Despite this those who had managed to “Burmanize” adequately reportedly do not suffer from discriminatory practices.¹³

Much of the information found on the treatment of Anglo-Burmese focused on their drop in social, economic and political status during the rise of nationalism in the 1950s and 60s when foreigners came to be viewed with suspicion. While some aspects of the treatment of Anglo-Burmese can be seen as targeting, other aspects could be more adequately described as affirmative action aimed at removing past privileges. An Anglo-Indian website reports that around 1958, some Anglo-Burmese officers were removed from the military and replaced by

⁸ ‘Suffering in Burma: By known but undisclosed’ 2001, *Victory News Magazine*, 6 June

<http://www.victorynewsmagazine.com/SufferinginBurma.htm> - Accessed 23 September 2010 – Attachment 7

⁹ US Department of State 2010, *Country Reports on Human Rights Practices – Burma*, 11 March – Attachment 5

¹⁰ ‘Suffering in Burma: By known but undisclosed’ 2001, *Victory News Magazine*, 6 June

<http://www.victorynewsmagazine.com/SufferinginBurma.htm> - Accessed 23 September 2010 – Attachment 7

¹¹ US Department of State 2009, *International Religious Freedom Report – Burma*, 15 November – Attachment 3

¹² ‘Burmese Indians: The Forgotten Lives’ 2006, *Burmese Issues*,

<http://www.burmaissues.org/En/Newsletter/BINews2006-02-01.html> - Accessed 23 September 2010 – Attachment 2

¹³ Burnett, D. (undated) ‘A HISTORY OF THE ANGLO-BURMESE COMMUNITY’, Anglo-Indian website <http://home.alphalink.com.au/~agilbert/burmese1.html> - Accessed 23 September 2010 – Attachment 8

ethnic Burmese officers. Seats in parliament which had previously been reserved for Anglo-Burmese were taken away and jobs previously allocated for them were removed.¹³

Discrimination against Anglo-Burmese is strong at societal level. The Anglo-Indian website argues that over time “discrimination against Anglo-Burmans began to surface as resentment grew”. Ethnic Burmese fear domination by Anglo-Burmans and are suspicious of them as a legacy of British rule. Many Burmese express their desire for the Anglo-Burmese to “Burmanize or leave”. Much of this hostility is a result of the preferential treatment received by the Anglo-Burmese during British rule. Part of a Westernized, educated, Christian and English-speaking elite, Anglo-Burmans were seen as a vestige and reminder of colonial rule and regarded as nothing but “British lackeys”.¹⁴ General information on the Anglo-Burmese can be found at the Anglo-Burmese Society Australia’s website.¹⁵

4. Are Anglo-Burmese denied full citizenship rights in Burma? Do they face restrictions to travel within Burma or career opportunities?

Around 1958, the Government introduced a law which made it necessary for Anglo-Burmese to make a formal declaration of citizenship and renounce their British Nationality in order to keep their rights as Burmese citizens. This included turning in their British Passports. Failure to do so would make them subject to all the rules and regulations applicable to resident aliens.¹⁴ It is unclear whether the descendents of those who had made the declaration are also required to make it in order to keep their citizenship.

Anglo-Burmese are also subject to the aforementioned citizenship laws which make it necessary to prove that neither of their parents is foreign and that both sides of their family were resident in Burma prior to 1823.¹⁶ Those who cannot prove this, or who are of mixed descent are denied the economic and political rights afforded to full citizens. They are classed as “associate nationals” or “naturalized citizens” as described in the aforementioned classification system. It is reported that as a result of these laws, some Anglo-Burmese had lost their full citizenship rights. Most Indians, Anglo-Indians and Anglo-Burmese reportedly left Burma during the 1960s due to these laws, although no figures were found on their population levels before and after.¹⁴

Anglo-Burmese suffer restrictions on their careers as a result of being associate nationals or naturalised citizens. In addition to the aforementioned loss of their reserved positions in parliament and in other jobs, they are barred from professions such as medicine, engineering, law and politics, areas in which they had “previously dominated and excelled”.¹⁴

Despite this, the Anglo-Indian website article states that Anglo-Burmese still form an “indirect elite” in the country. Many have entered the armed forces and hold high-ranking positions in the army, navy and air-force. Anglo-Burmese are said to be found in all areas of business including their traditional fields such as the Myanmar Railways. Anglo-Burmese predominate in occupational fields where overseas dealings are involved, such as among

¹⁴ Burnett, D. (undated) ‘A HISTORY OF THE ANGLO-BURMESE COMMUNITY’, Anglo-Indian website <http://home.alphalink.com.au/~agilbert/burmese1.html> - Accessed 23 September 2010 – Attachment 8

¹⁵ ‘The Society’s Purpose’ (undated), Anglo-Burmese website <http://angloburmese.com/id1.html> - Accessed 23 September 2010 – Attachment 9

¹⁶ ‘Aliens in a Bind’ 2004, *Irrawaddy Online Edition*, June <http://www.irrawaddy.org/aviewer.asp?a=3795&print=yes&c=e> - Accessed 23 September 2010 – Attachment 6

petroleum and gas companies, mining operations and port authorities. They also excel in the educational field, holding high positions in universities, colleges and schools.¹⁴

5. Are Christians, including Catholics, targeted in Burma?

Christians, including Catholics are sometimes targeted in Burma. This is largely in relation to Christian identity being associated with certain rebel groups. Official discrimination against Christianity as a religion is limited beyond the overall repression of all groups by the ruling regime. As such, while the level of targeting of Christians is high in conflict areas, it is less so in the major cities.

Targeting and Discrimination

While the Constitution provides freedom of religion, it also grants broad exceptions that allow the regime to restrict these rights “subject to public order, morality, health, and other provisions of the Constitution”. It also recognises Christianity, Islam, Hinduism, and animism as “existing” within the country but gives Buddhism a special position. Christians have difficulty publishing and importing religious literature due to censorship and it is illegal to import translations of the Bible in indigenous languages. There is a list of 100 prohibited words in Christian literature. Despite this, the US DOS found no reports of arrests or prosecutions for possession of any religious literature in recent years. Christians also face restrictions on their ability to celebrate holidays, despite some of these holidays being official public holidays. In some instances, authorities confiscated the National Registration Cards of new converts to Christianity. Authorities also often deny Christians permission to build and repair places of worship. Students and low-income youth were pressured to convert to Buddhism and conversion was generally a prerequisite for promotion to senior government and military ranks.¹⁷ It is also worth noting that the conflict between two armed groups – the pro-government Democratic Karen Buddhist Army (DKBA) and the anti-government Karen National Union (KNU) – has strong religious overtones. Unverified reports claimed that DKBA members had expelled villagers who converted to Christianity in areas under their control. It was reported that authorities in Kachin state had tried to coerce Christians into taking part in the construction of Buddhist shrines.¹⁸

There were incidents reported of Churches being closed down, and Christian leaders being arrested and killed for going against the Government. A 2007 Christian Solidarity Worldwide (CSW) report alleged that pastors in Chin state had been killed by authorities. The report further detailed the arrest of a Church member arrested in Karen state for writing to ruling General Than Shwe requesting him to “end the persecution of his church”. The report also mentioned the arrests of three pastors in separate incidents in Rangoon.¹⁹ Chin Christian students from the university in Kalaymyo had been arrested and then released with a warning for complaining to the authorities about the destruction of their church building by “extreme Buddhists”.²⁰ 80, mostly evangelical, ‘house churches’ in Rangoon – Churches run in

¹⁷ US Department of State 2009, *International Religious Freedom Report – Burma*, 15 November – Attachment 3

¹⁸ US Department of State 2006, *International Religious Freedom Report – Burma*, 15 September – Attachment 10

¹⁹ Rogers, B. 2007, *Carrying the Cross: The military regime’s campaign of restriction, discrimination and persecution against Christians in Burma*, Christian Solidarity Worldwide – UK website, January – Accessed 23 September 2010 <http://www.csw.org.uk/Countries/Burma/Resources/Carryingthecross.pdf> – Attachment 11

²⁰ ‘Spike in anti-Christian violence feared before Burma elections’ 2010, *Compass Direct*, 21 January – Attachment 12

people's homes without official sanction – had been forced to close in 2001 as well as a Christian orphanage and bible school.¹⁹ In January 2009 it was reported that authorities threatened some Christian house churches in Rangoon with closure if they did not halt regular services. Leaders of the house churches were allegedly forced to sign pledges that they would cease worship.²¹ Minority Rights Group International, in their 2010 report, said that Christians in Chin state were subjected to discrimination that had forced thousands to flee to Malaysia and India.²² 100,000 Christian Chin refugees are said to be in India. A 2010 article from Christian website Compass Direct cited a CSW report which claimed that when the Government attacks villages in conflict zones, churches and pastors are often among the first to be attacked. The article postulated that the upcoming elections may lead to intensified attacks on Christians.²³

Freedom to Practice

Christians do, however, depending on their location, have some freedom to practice. A 2005 report from CSW states that while “Christians among the ethnic groups along Burma’s borders face severe persecution, Christians in the cities have more freedom”. It quotes one Christian leader in Rangoon as saying “we cannot say we are persecuted for our faith – but there are a lot of restrictions”. The report states that religious targeting in Burma is closely tied in with ethnic and political conflicts, and as such churches in the cities which are firmly under the control of the regime, usually face less problems. Christians in Burma largely face targeting not for their faith, but because they often belong to ethnic groups opposed to the Government such as the Karen, Karenni, Chin and Kachin.²⁴ The US DOS mentioned that in 2009 it found no new reports of forced conversions. Some Christian theological seminaries and Bible schools continue to operate including unregistered institutions which still conduct their affairs without government interference. There was reported to be several Christians who had achieved the rank of Lieutenant Colonel in the armed forces.²⁵

6. Please provide information on the kidnapping of people by the army who then force them into slave labour, especially those who are Christian, or of Indian and Anglo-Burmese descent.

The army has a practice of kidnapping, detaining and forcing people to undertake labour. Though the law does not prohibit arbitrary arrest or detention, the US DOS alleged the Government “routinely employed both practices”.²⁶ The International Labour Organisation (ILO) called on the Government to amend a provision in Burma’s new constitution that “could be interpreted as justifying forced labour”. The ILO added in its 2010 report that the “policy of using forced labour is as prevalent today as when it was first addressed by the ILO in 1998”. It concluded in a special session that the steps taken by authorities toward

²¹ US Department of State 2006, *International Religious Freedom Report – Burma*, 15 September – Attachment 10

²² Minority Rights Group International 2010, *State of the world's minorities and indigenous peoples 2010*, 1 July – Attachment 13

²³ ‘Spike in anti-Christian violence feared before Burma elections’ 2010, *Compass Direct*, 21 January – Attachment 12

²⁴ Rogers, B. 2007, *Carrying the Cross: The military regime’s campaign of restriction, discrimination and persecution against Christians in Burma*, Christian Solidarity Worldwide – UK website, January – Accessed 23 September 2010 <http://www.csw.org.uk/Countries/Burma/Resources/Carryingthecross.pdf> – Attachment 11

²⁵ US Department of State 2009, *International Religious Freedom Report – Burma*, 15 November – Attachment 3

²⁶ US Department of State 2010, *Country Reports on Human Rights Practices – Burma*, 11 March – Attachment 5

eradicating forced labour were “totally inadequate”. There were 71 forced labour complaints filed from 16 May to 28 October 2009, a 129% increase from the same period in 2008.²⁷ The US DOS reported that there were more than 100 labour camps, though the proportions of the prisoners held in these camps who had been formally arrested versus those who had been kidnapped by the military was not stated.²⁸

Kidnapping for forced labour is usually conducted without notifying family members. Family members’ requests for information are usually ignored. Families often come to know about the fate of their relatives through speaking to other former detainees. The forms of labour which citizens are forced into usually include acting as porters, building fences, and digging ditches and pits for the army. The conditions are extremely difficult with beatings, rape, lack of food and clean water, and mistreatment that “at times resulted in death” according to the US DOS. No action was taken by the Government against army officers for the kidnappings.²⁸ Those who made complaints about forced labour were subjected to judicial retaliation, such as the filing of criminal charges. The ILO reported that the all the cases of retaliation by authorities were with regard to complaints filed by 328 farmers in Magwe Division. The complainants were forced to sign confessions, some were jailed for four years and those who came to their aid were also jailed.²⁷

Incidents

Forced labour sometimes results in deaths due to work related injuries. This happened in the cases of three villagers in Kyauktada Township.²⁷ Instances of kidnappings for forced labour were reported in Shan, Karen and Chin states in 2009. The US DOS also cited the cases of several people who had been kidnapped for forced labour including those who had been involved in Cyclone Nargis relief efforts and National League for Democracy (NLD) activists.²⁸

Burmese who had been deported from Thailand to the Thai-Burma border were also often subject to forced labour by the DKBA forces who controlled the border crossings.²⁹

Minorities

Ethnic minorities are at particular risk of being subjected to forced labour. Minority Rights Group International stated that ethnic minority refugees had told IRIN, the UN-funded news service, that they were afraid of being forced to work as labourers and porters for the army. It mentions in particular the forced labour of Rohingya and Chin minorities.³⁰ Among those most affected were the Rohingyas. The ILO reported in October 2009 that the army ordered 200 Rohingya in Northern Arakan State to perform forced labour on border fence construction.²⁷ Media Monitors Network added that Rohingyas continued to be used as forced labourers despite the last decade’s decrease in the incidents of forced labour in their

²⁷ International Trade Union Confederation 2010, *Burma: 2010 Annual Survey of violations of trade union rights*, 9 June – Attachment 14

²⁸ US Department of State 2010, *Country Reports on Human Rights Practices – Burma*, 11 March – Attachment 5

²⁹ Ellgee, A. 2010 ‘Naypyidaw investigates allegations against DKBA’, *The Irrawaddy*, 15 July – Attachment 15

³⁰ Minority Rights Group International 2010, *State of the world's minorities and indigenous peoples 2010*, 1 July – Attachment 13

native Rakhine state.³¹ An Inter Press Service article also speaks of the threat of forced labour for the Shan minority.³²

7. Is Thanpyuzat located in an ‘insurgent area’ in Burma?

Thanbyuzayat is located in Mon State.³³ Mon State is home to the New Mon State Party (NMSP), a separatist group that can be described as insurgents as they have an armed wing which has engaged in past fighting with the Government.³⁴ The NMSP is currently involved in a ceasefire with the Government. Despite that ceasefire, in September 2010, the group rejected the Government’s proposal to transform it into a Border Guard Force (BGF). The proposal would have seen NMSP brought under Government control. The NMSP has stated that the ceasefire agreement would be revoked should the Government try to achieve its BGF goal by force. However, the depletion of the NMSP’s soldiers during the ceasefire, down from 3,500 in 1995 to 700 now, makes the resumption of serious conflict less likely.³⁵

8. Are those who return to Burma from Western countries targeted?

While everyone who travels abroad is questioned upon return, only some are targeted for punishment. A DFAT report from November 2006 stated that some returnees who had been engaged in anti-regime activities overseas appeared to have escaped close attention or retribution. It was not specified whether these returnees were from Western or non-Western countries. It is likely that those engaged in low-level activities are warned at their interview against continuing in that regard upon return to Burma.³⁶

What is of note, however, is that anyone “returning to Burma after a lengthy period overseas would come at least to the attention of their local township authorities and their movements may be monitored for an initial period”. There is a higher risk for those whose activities had been relatively high profile. Such returnees would be closely monitored by authorities both while overseas and upon their return.³⁶ The UNHCR, writing to DIAC in 2006 on behalf of three Burmese visa applicants, added that those with a political profile are “reasonably likely to be subject to disproportionate punishment, and so the question of whether or not an individual has such a profile must be carefully evaluated as part of the refugee status determination process”.³⁷ Strong critics of the regime have been punished “summarily” upon return to Burma. DFAT expected that anyone belonging to the following organisations would classify as “strong critics”: National Coalition Government of the Union of Burma (NCGUB), the Federation of Trade Unions of Burma (FTUB), the All Burma Students Democratic Front (ABSDF), the Shan State Army-South (SSA-S), the Network for Democracy and Development (NDD), and the Vigorous Burmese Student Warriors (VBSW).³⁷

³¹ Islam, N. 2010 ‘Rohingya refugees should not be treated with hostile attitude’, *Media Monitors Network*, 1 March – Attachment 16

³² Myat, M. 2010 ‘Youngsters, families evade recruitment into armies’, *Inter Press Service*, 17 July – Attachment 17

³³ Myo, M. 2010 ‘Mon State party targets 50 constituencies’, *The Myanmar Times* <http://www.mmtimes.com/2010/news/537/news06.html> - Accessed 23 September 2010 – Attachment 18

³⁴ NMSP History’ 2006, New Mon State Party website <http://www.nmsp.info/nmsphis.php> - Accessed 23 September 2010 – Attachment 19

³⁵ Weng, L. 2010 ‘Mon cease-fire anniversary passes without ceremony’, *The Irrawaddy*, 30 June – Attachment 20

³⁶ Department of Foreign Affairs and Trade 2006, *DFAT Report 564 – RRT Information Request: MMR30908*, 24 November – Attachment 21

³⁷ UN High Commissioner for Refugees 2006, Letter to DIMA: ‘Return of asylum seekers to Myanmar’, 15 June – Attachment 22

The UNHCR added that even if an individual does not have a political profile, it is reasonable to believe that anyone “deemed to have applied for refugee status abroad, and who has the profile of someone who *may* harbor a political opinion, risks being charged under the *1950 Emergency Provisions Act* upon his or her return to Myanmar, and subjected to disproportionate punishment”. If for instance, a manual labourer had been rejected for their asylum claims as they had been found to be an economic migrant, and they are unlikely to have been politically active, they would likely only be questioned by the government upon return and later released. However, if someone who has the profile of an individual who could have been active “such as an intellectual or a student”, is rejected for an asylum claim, they risk being charged and punished under the Act – even if they were not known to have been politically active.³⁸

Those judged to have engaged in dissent while overseas may face severe penalties. This includes life imprisonment which is routinely imposed in Burma. DFAT advised in 2006 that those accused are denied access to legal counsel and defence lawyers are not allowed to participate in proceedings.³⁹ Amnesty International, in a 2007 report, added that forcibly returned asylum-seekers from Burma face arrest and interrogation under torture.⁴⁰ The Government did not permit the Office of the UN High Commissioner for Refugees (UNHCR) to fully monitor the potential areas of return so as to allow them to assess conditions for the voluntary return of refugees. This led the UNHCR to determine conditions remained unsuitable for their return.⁴¹

Attachments

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³⁸ UN High Commissioner for Refugees 2006, Letter to DIMA: ‘Return of asylum seekers to Myanmar’, 15 June – Attachment 22

³⁹ Department of Foreign Affairs and Trade 2006, *DFAT Report 564 – RRT Information Request: MMR30908*, 24 November – Attachment 21

⁴⁰ Amnesty International 2010, Amnesty International - Urgent Action: UA 162/07, 17 March – Attachment 23

⁴¹ US Department of State 2010, *Country Reports on Human Rights Practices – Burma*, 11 March – Attachment 5

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17. Myat, M. 2010 'Youngsters, families evade recruitment into armies', *Inter Press Service*, 17 July. (CISNET – Burma: CX246511)
18. Myo, M. 2010 'Mon State party targets 50 constituencies', *The Myanmar Times*
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22. UN High Commissioner for Refugees 2006, Letter to DIMA: 'Return of asylum seekers to Myanmar', 15 June. (CISNET – Burma: CX2444298)
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