

## Current Situation

Aung San Suu Kyi, Burma's pro-democracy leader and Nobel Peace laureate, has come to symbolise the struggle of Burma's people to be free.

She has spent more than 15 years in detention, most of it under house arrest. According to Burmese law, she must be released from her current third period of detention on Saturday 13th November.

There is much speculation about whether or not Aung San Suu Kyi will be released. The recent hard-line taken by Burma's generals towards human rights, and blatant rigging of the 7th November election, could indicate that it is unlikely they will release her. Conversely, they could be calculating that by releasing Aung San Suu Kyi they will receive so much positive publicity it will counter the negative attention on the election.

British Foreign Office Minister Jeremy Browne MP has been firm in stating this should not be the case, telling Parliament on 9th November that: "Releasing Aung San Suu Kyi does not wipe the slate clean."

The dictatorship has other options available to try to detain or silence Aung San Suu Kyi. One could be to apply conditions on Aung San Suu Kyi, such as not engaging in political activities, which she would not be able to accept. They could then try to claim they wanted to release her but she refused. Another could be not to count the period she spent in detention before her trial as part of her sentence, although this would not be consistent with Burmese law. Or they could simply re-arrest her shortly after being released, claiming she had broken a law.

None of the repressive laws allowing the dictatorship to detain people without trial and restrict other freedoms have been repealed because of the

## FACTBOX:

- Leader of Burma's democracy movement
- Under Burmese law must be released on Saturday 13th November
- On 13th November will have spent total of 15 years and 20 days in detention
- Her party, the National League for Democracy, has been banned.
- Low turnout on 7th November election, following NLD support for a boycott, demonstrating NLD still has strong support among the people.

election or under the new constitution. In any case, the dictatorship does not even follow its own laws. Prior to her conviction in August 2008, the United Nations had ruled that Aung San Suu Kyi's detention was illegal under international law and Burmese law. They have also ruled that her current period of detention breaks international law.

*"My release should not be looked at as a major breakthrough for democracy. For all people in Burma to enjoy basic freedom - that would be the major breakthrough."*

**Aung San Suu Kyi speaking after her release in 2002.**

## If Aung San Suu Kyi is released...

As experience has shown us through two previous times that Aung San Suu Kyi has been released, if she is released, it would be wrong to assume that it is a portent of possible democratic change in Burma. Aung San Suu Kyi has herself said that

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her own release by itself does not mean significant change while thousands of political prisoners remain in jail, and the people of Burma are not free.

The recent elections and the new constitution drafted by the dictatorship, which legalises military rule, as well as continuing large scale human rights abuses, are all clear indicators that the dictatorship has no interest in genuine democratic change.

If Aung San Suu Kyi is released, the international community must not make the same mistake it has made in the past, hoping that this is a sign of change. On previous occasions when a seemingly positive step has been taken, Governments and the UN have either sat back and adopted a wait and see approach, waiting for more positive steps which never materialise. Or they relax pressure and soften their approach fearing if they maintain pressure it will antagonise the generals and they will take no further steps, or reverse steps they have taken. This approach also fails, as the generals are simply trying to get the maximum return in terms of avoiding pressure, for the minimum concessions. Once the international community relaxes diplomatic pressure the generals of course feel less pressure, and take no further positive steps.

Instead the international community should use the release of Aung San Suu Kyi as an opportunity to apply pressure on the dictatorship to enter into genuine dialogue.

For many years the United Nations Security Council, United Nations General Assembly, United Nations Human Rights Council, United Nations Secretary General, European Union, ASEAN, USA and even China has stated that the way to bring genuine change in Burma is for dialogue between the democracy movement, including the NLD, genuine ethnic representatives, and the dictatorship. The jargon used to describe this dialogue is tri-partite dialogue. This dialogue should lead to national reconciliation and a transition to democracy.

A revived UN-led effort to secure such dialogue, with strong backing from world leaders and the United Nations Security Council, must be the top priority. This must not be delegated to a new low-level UN envoy. The UN must learn from the failures of previous UN envoys.

The most recent UN Envoy, Ibrahim Gambari, seemed to believe that adopting a very soft, even friendly and supportive dialogue with the dictatorship, would build trust and win influence. This approach failed spectacularly. The dictatorship lied to and humiliated Gambari, and during his period as envoy there was a significant increase in human rights abuses, and a deterioration in the political situation.

Prior to Gambari, former envoy Ismail Razali had been more successful. He managed to secure the release of Aung San Suu Kyi in 2002, and get agreement for dialogue, but once talks went beyond the confidence building stage he did not have the authority and high level international support to force the generals to enter into more substantive dialogue. This is why it is important that Ban Ki-moon be personally engaged in leading any new dialogue effort. At the time of Razali's initiative, Burma was much lower down the international agenda. Today the situation is very different, with world leaders engaged on the issue, and the United Nations Security Council regularly discussing the situation in the country. Ban Ki-moon has the opportunity to mobilise high level international support for a new dialogue initiative.

Those countries willing to apply targeted economic pressure in support of such UN dialogue should do so. (See Burma Briefing No 4)

Unlike previous attempts at dialogue, ethnic groups must be properly involved in the dialogue process.

Top priorities for this dialogue process must be to secure the release of all political prisoners, and a nationwide ceasefire to end military attacks against ethnic groups.

### **If Aung San Suu Kyi is not released...**

If Aung San Suu Kyi is not released, combined with how elections have been held, and a new constitution designed to maintain dictatorship, it is hard to see how the dictatorship could send a clearer signal that they will not change.

The international community should not be fooled by any so-called carrot dangled by the dictatorship that it is just a temporary extension of her detention. This is a game they have played for decades.

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The extension of her detention should not be greeted by outrage followed by inaction, as happened following the trial and conviction of Aung San Suu Kyi in 2009.

Top priority must still be a revived UN-led effort for dialogue. All possible pressure, diplomatic, economic and legal, by those countries willing, should be applied to support such dialogue.

Those countries willing to apply targeted economic sanctions to reinforce UN efforts must do so. The USA, EU and Australia have plenty of scope to increase targeted financial sanctions which could have enough impact, if strategically coordinated and done in support of dialogue efforts, to have a supportive impact. It is vital that such sanctions are applied in such a way, not, as on previous occasions, in an uncoordinated approach and in a way which is equivalent to a slap on the wrist for bad behaviour. (See Burma Briefing No 4)

The establishment of a UN Commission of Inquiry into war crimes and crimes against humanity in Burma should not be connected in any way to Burma's fake election and the release, or not, of Aung San Suu Kyi. It is a separate issue and a matter of international law and justice. (See Burma Briefing No 2). It is ridiculous to suggest that Burma's generals should continue to be allowed to get away with rape, torture, executions, use of slave labour and many other international crimes, just as long as they release Aung San Suu Kyi. However, some governments, such as Germany, have linked support for a UN Inquiry to the elections and Aung San Suu Kyi. The EU should now support a UN Inquiry, and the establishment of an Inquiry must be included in the draft UN General Assembly Resolution on Burma.

World leaders regularly express support for Aung San Suu Kyi and the struggle for human rights and democracy in Burma. However, when it comes to acting on requests from Aung San Suu Kyi for practical international support, they have been less forthcoming. Whether or not Aung San Suu Kyi is released on 13th November, this has to change if we are ever to see real progress towards human rights and democracy in Burma.

## **Early Life**

Aung San Suu Kyi was born on June 19th, 1945, daughter of Burma's independence hero, Aung San, who was assassinated when she was only two years old.

Aung San Suu Kyi was educated in Burma, India, and the United Kingdom. While studying at Oxford University, she met Michael Aris, a Tibet scholar who she married in 1972. They had two sons, Alexander and Kim.

## **Return to Burma**

Aung San Suu Kyi returned to Burma in 1988 to nurse her dying mother, and soon became engaged in the country's nationwide democracy uprising. The military regime responded to the uprising with brute force, killing up to 5,000 demonstrators on 8th August 1988.

Following a military coup on 18th September 1988, on 24th September 1988 a new pro-democracy party, the National League for Democracy, was formed. Aung San Suu Kyi was appointed General Secretary. Aung San Suu Kyi gave numerous speeches calling for freedom and democracy, and political activities continued across the country.

## **1990 Elections**

Facing increasing domestic and international pressure, the dictatorship was forced to call a general election, held in 1990.

As Aung San Suu Kyi began to campaign for the NLD, she and many others were detained by the regime. Aung San Suu Kyi was banned from personally standing in the election. Despite conditions around the elections being far from free and fair with Aung San Suu Kyi and other democracy activists being detained, biased media, and intimidation of politicians, the voting on the day was relatively free and fair. The NLD won a staggering 82% of the seats in Parliament. The dictatorship never recognised the results of the election, and refused to hand over power.

## **Released For Five Years**

Aung San Suu Kyi was held under house arrest until July 1995. When released she faced restrictions on travel.

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On March 27 1999, Aung San Suu Kyi's husband, Michael Aris, died of cancer in London. He had petitioned the Burmese authorities to allow him to visit Aung San Suu Kyi one last time, but they had rejected his request. He had not seen her since a Christmas visit in 1995. The government always urged Aung San Suu Kyi to join her family abroad, but she knew that she would not be allowed to return to Burma.

### **Detained Again**

In 2000 Aung San Suu Kyi was again placed under house arrest after repeated attempts to leave the capital, Rangoon, to hold political meetings in other parts of the country.

### **Released Again**

In 2002, Aung San Suu Kyi was released from house arrest and with freedom to travel around the country. The release was part of a deal negotiated by UN Envoy on Burma, Razali Ismail. He had facilitated secret meetings between Aung San Suu Kyi and the military. Confidence building steps had been agreed, including that the dictatorship would stop the vehement attacks on Aung San Suu Kyi in the media, and the NLD would stop publicly calling for sanctions, although its policy of still supporting targeted economic sanctions remained. However, when it came to move from confidence building meetings, and instead start dealing with matters of substance, the dictatorship refused to engage in any meaningful dialogue. As a low-level envoy without significant political backing from the UN itself or the international community, Razali was unable to persuade the Generals to move the dialogue forward.

After waiting patiently, Aung San Suu Kyi began to travel the country, holding meetings at which tens of thousands of people turned out to see her, dashing the hopes of the Generals that during her long period of detention the people would have forgotten her, and her support would have waned.

The dictatorship began using members of the Union Solidarity and Development Association to harass and attack NLD meetings. This political militia was set up and organised by the military, with Than Shwe, dictator of Burma, as its President. It later transformed as the Union Solidarity and

Development Party, the political party front for the military in the elections held on 7th November 2010.

On May 30th 2003 members of the USDA attacked a convoy of vehicles Aung San Suu Kyi was travelling in. It was an attempt by the dictatorship to assassinate Aung San Suu Kyi, using a civilian front so as not to take the blame. Aung San Suu Kyi's driver managed to drive her to safety, but more than 70 of Aung San Suu Kyi's supporters were beaten to death. The attack became known as the Depayin Massacre. The dictatorship claimed it was a riot between two political groups, incited by the NLD. The United Nations General Assembly called for the incident to be investigated, but it never was.

### **Detained Again**

Following the attack, Aung San Suu Kyi was held in detention, and then placed back under house arrest. She has been detained ever since.

During her current period of detention, conditions have been much stricter than in the past. Her phone line has been cut, her post is stopped and National League for Democracy volunteers providing security at her compound were removed in December 2004.

Diplomats are generally not allowed to meet her, although occasionally UN envoys and US government officials have been allowed to meet her. However, even UN Secretary General Ban Ki-moon was not allowed to meet her when he visited the country in 2009.

In May 2009, just days before her period of house arrest was due to expire, Aung San Suu Kyi was arrested and charged with breaking the terms of her house arrest, which forbids visitors, after John Yettaw, a United States citizen, swam across Inya lake and refused to leave her house.

In August 2009 she was convicted, and sentenced to three years imprisonment. In an apparent attempt to placate international outrage about the trial, the sentence was reduced to 18 months under house arrest. By coincidence, this meant her release date turned out to be just 6 days after elections held in Burma, thereby ensuring that once again she was in detention during elections.

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## International Support

Aung San Suu Kyi has won numerous international awards, including the Nobel Peace Prize, the Sakharov Prize from the European Parliament and the United States Presidential Medal of Freedom. She has called on people around the world to join the struggle for freedom in Burma, saying "Please use your liberty to promote ours."

## Chronology

### 1945:

Born in Rangoon on June 19th, the daughter of independence hero and national leader General Aung San and Daw Khin Kyi; General Aung San is assassinated July 19, 1947. Aung San Suu Kyi is educated in Rangoon until 15 years old

### 1960:

Accompanies mother to Delhi on her appointment as Burmese ambassador to India and Nepal and studies politics at Delhi University.

### 1964-67:

BA in philosophy, politics and economics, St. Hugh's College, Oxford University. She is elected Honorary Fellow in 1990.

### 1969-71:

Assistant Secretary, Advisory Committee on Administrative and Budgetary Questions, United Nations Secretariat, New York.

### 1972:

Research Officer, Ministry of Foreign Affairs, Bhutan; married Dr. Michael Aris, a British scholar.

### 1973-77:

Birth of sons Alexander in London (1973) and Kim (1977) in Oxford.

### 1985-86:

Visiting Scholar, Center for Southeast Asian Studies, Kyoto University.

### 1987:

Fellow, Indian Institute of Advanced Studies, Simla.

### 1988 March:

Student protests break out in Rangoon.

### 1988 Jul 23:

General Ne Win steps down as Chairman of the Burma Socialist Programme Party (BSPP) after 26 years, triggering prodemocracy movement.

### 1988 Aug 8:

The famous 8-8-88 mass uprising starts in Rangoon and spreads to the entire country, drawing millions of people to protest against the BSPP government. The following military crackdown killed thousands.

### 1988 Aug 26:

Aung San Suu Kyi addresses half-million mass rally in front of the famous Shwedagon Pagoda in Rangoon and calls for a democratic government.

### 1988 Sep 18:

The military re-establishes its power and the State Law and Order Restoration Council (SLORC) is formed. The military again crushes the prodemocracy movement, killing hundreds more.

### 1988 Sep 24:

The National League for Democracy (NLD) is formed, with Aung San Suu Kyi as general secretary.

### 1988 Dec 27:

Daw Khin Kyi, mother of Aung San Suu Kyi, dies. The funeral procession draws a huge crowd of supporters, which turns into a peaceful protest against military rule.

### 1989 Jul 20:

Aung San Suu Kyi is placed under house arrest in Rangoon under martial law that allows for detention without charge or trial for three years.

### 1990 May 27:

Despite her continuing detention, the National League for Democracy wins a landslide victory in the general elections by securing 82 percent of the seats; the military junta refuses to recognise the results of the election

### 1990 Oct 12:

Awarded, in absentia, the 1990 Rafto Human Rights Prize.

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**1991 Jul 10:**

Awarded, in absentia, the 1990 Sakharov Prize (human rights prize of the European Parliament)

**1991 Aug 10:**

The military regime retroactively amends the law under which Aung San Suu Kyi is held to allow for detention for up to five years without charge or trial.

**1991 Oct 14:**

Awarded the 1991 Nobel Peace Prize

**1991 Dec 10:**

Aung San Suu Kyi's 'Freedom from Fear' and other writings published in London.

**1992:**

The Nobel Committee reveals that Aung San Suu Kyi has established a health and education trust in support of the Burmese people to use the \$1.3 million prize money.

**1994 Sep 20:**

Gen. Than Shwe and Gen. Khin Nyunt of SLORC meet Aung San Suu Kyi for the first time since the house arrest.

**1995 Jul 10:**

The junta releases Aung San Suu Kyi from house arrest.

**1995 Oct 10:**

The NLD defied junta's ban on changes in party leadership positions and reappointed her as the party's General Secretary.

**1999 Mar 27:**

Aung San Suu Kyi's husband Michael Aris dies of prostate cancer in London. His last request to visit Aung San Suu Kyi, whom he had last seen in 1995, was rejected by the military junta which said if Aung San Suu Kyi wanted to leave the country she could do so. She refused the offer knowing that she would not be allowed to return to Burma.

**1996-2000:**

Aung San Suu Kyi defies travel bans imposed against her and continually tries to leave Rangoon. In March 1996, she boarded the train bound for Mandalay but citing a "last minute problem" the coach she was in was left behind at the station.

**2000 Sep 02:**

Around 200 riot police surrounded Daw Aung San Suu Kyi's motorcade near Dala and forced them to return to Rangoon after a nine-day standoff.

**2000 Sep 23:**

Aung San Suu Kyi is placed under house arrest.

**2000 Oct:**

Aung San Suu Kyi begins secret talks with the military junta. Substance of the talks remains secret, and UN Special Envoy Razali acts as a "facilitator."

**2000 Dec 07:**

US President Bill Clinton confers America's highest civilian honour on Aung San Suu Kyi. Her son Alexander Aris receives the award on her behalf.

**2002 May 6:**

Aung San Suu Kyi is freed after 19 months of house arrest.

**2003 May 30:**

During a tour of northern Burma, Aung San Suu Kyi and her supporters are attacked by the Union Solidarity Development Association (USDA), the regime's militia, in the town of Depayin. As many as 70 people were killed in the attack and over 100 people arrested, including Aung San Suu Kyi. Aung San Suu Kyi remained in secret detention for over three months.

**2004 March:**

Razali Ismail, UN special envoy to Burma, has his last meeting Aung San Suu Kyi.

**2006 May 20:**

Ibrahim Gambari, UN Undersecretary-General for Political Affairs, met Aung San Suu Kyi, the first visit by a foreign official since Razali's visit in 2004. Gambari met Aung San Suu Kyi again in November 2006 but his visit failed to secure any concessions from Burma's military regime.

**2007 May 25:**

Aung San Suu Kyi's term of house arrest was extended for another year.

**2007 Sep 22:**

Aung San Suu Kyi left her house to greet and pray

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with Buddhist monks outside her gate during the biggest demonstrations in Burma since the 1988 uprising. This is the first time she has been seen in public since 2003.

**2007 Sep 30:**

The UN special envoy Ibrahim Gambari meets Aung San Suu Kyi in Rangoon.

**2007 Oct 24:**

Aung San Suu Kyi reaches a total of 12 years in detention.

**2007 Oct 25:**

Aung San Suu Kyi meets the regime's newly appointed liaison officer, Aung Kyi, but no details of their discussion are made public.

**2007 Nov 6:**

Aung San Suu Kyi meets UN special envoy Ibrahim Gambari.

**2008 Jan 31:**

Aung San Suu Kyi meets NLD leadership. She asked that they convey to the public the message that "We should hope for the best and prepare for the worst."

"What I can say is Daw Suu is not satisfied with the current meetings with the junta, especially the fact that the process is not time-bound," NLD spokesperson Nyan Win said, referring to the lack of a time frame for the talks to achieve any results.

**2008 Mar 8:**

Aung San Suu Kyi meets UN special envoy Ibrahim Gambari.

**2009 Feb 20:**

Gambari meets jointly with Aung San Suu Kyi and members of the National League for Democracy.

**2009 Mar 24:**

The UN Working Group on Arbitrary Detention issues a judgment declaring that the ongoing detention of Aung San Suu Kyi is illegal and in violation of both Burmese and international law.

**2009 May 14:**

Aung San Suu Kyi is arrested and charged with

breaking the terms of her house arrest, which forbids visitors, after John Yettaw, a United States citizen, swam across Inya lake and refused to leave her house.

**2009 May 18:**

Aung San Suu Kyi's trial begins, held in closed-door hearings inside Insein prison. Aung San Suu Kyi's two companions and John Yettaw are also on trial.

**2009 Jun 26:**

Aung San Suu Kyi meets UN special envoy Ibrahim Gambari.

**2009 Jul 03:**

UN Secretary General Ban Ki-moon visits Burma but is not allowed to meet Aung San Suu Kyi.

**2009 Aug 11:**

Aung San Suu Kyi is found guilty and sentenced to 18 months under house arrest.

**2009 Oct 03:**

Aung San Suu Kyi meets SPDC Liaison Minister Major General Aung Kyi.

**2009 Oct 09:**

Aung San Suu Kyi meets the UK Ambassador and the deputy heads of the Australian and US missions in Burma.

**2009 Oct 24:**

Aung San Suu Kyi reaches a total of 14 years in detention, most of it under house arrest.

**2009 Nov 04:**

Aung San Suu Kyi meets a US delegation led by Assistant Secretary of State Kurt Campbell.

**2009 Dec 09:**

Aung San Suu Kyi meets SPDC Liaison Minister Major General Aung Kyi.

**2009 Dec 16:**

Aung San Suu Kyi meets NLD party leaders Aung Shwe, U Lwin and Lun Tin.

**2010 Jan 15:**

Aung San Suu Kyi meets SPDC Liaison Minister Major General Aung Kyi.

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**2010 Feb 01:**

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**2010 Mar 08:**

The country's state-run newspapers publish the election laws, which ban Aung San Suu Kyi from taking part in the fake election.

**2010 May 06:**

National League for Democracy Party in Burma is banned.

**2010 May 10:**

Aung San Suu Kyi meets a US delegation led by Assistant Secretary of State Kurt Campbell.

**2010 Oct 24:**

Aung San Suu Kyi reaches a total of 15 years in detention, most of it under house arrest.

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