

### UN General Assembly calls for action on Burma crimes

On 24 December The United Nations General Assembly passed its 20th resolution on Burma, issuing what could be interpreted as a final warning regarding an investigation into possible war crimes and crimes against humanity in Burma.

The UN General Assembly first called on the dictatorship in Burma to respect the Geneva Conventions in 1992. In total, General Assembly Resolutions on Burma have referred to 15 possible war crimes and crimes against humanity.

The new 2010 Resolution; “Expresses grave concern at the continuing practice of arbitrary detentions, enforced disappearances, rape and other forms of sexual violence, torture and cruel, inhuman or degrading treatment or punishment, and urges the Government of Myanmar to undertake without further delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, and to bring to justice those responsible in order to end impunity for violations of human rights, and, regretting that previous calls to that effect have not been heeded, calls on the Government to do so as a matter of priority and, if necessary, drawing on the assistance of the United Nations.”



Villagers flee a mortar bomb attack in Karen State

This is the 18th time the General Assembly has called for an investigation into human rights abuses in Burma. However, the language has been strengthened, specifically referring to the fact that previous requests for investigations have been ignored, and also calling on the Burmese government to undertake investigations ‘without further delay’ and ‘as a matter of priority’.

In the context of the recommendation in March 2010 by the UN Special Rapporteur on Myanmar, that the UN establish a Commission of Inquiry into possible war crimes and crimes against humanity in Burma, this change of language is significant, and could be interpreted as a final warning to the dictatorship.

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### Burma Army build-up increases tension in ethnic states

The Burma Army has been increasing troop numbers in ethnic states, with more than 1,000 new Burma Army troops deployed in Kachin and Shan State since November, raising fears of military attacks.

In central Shan State, the troops have been conducting patrols and hunting out villagers suspected of supporting the Shan State Army-North (SSA-N) First Brigade, an ethnic armed group on ceasefire, which has refused to become a Border Guard Force under the Burma Army.

The increased military presence has also led to increased abuses. On November 6, a patrol searched the village of Wan Nawng New, about five miles north of Mong Nawng. One of the troops raped a 25-year-old disabled woman, who was alone in her house with her two-year-old niece. The soldier tied up the woman’s hands and feet, and then bound her hair to one of the house posts before raping her.

The Shan Women’s Action Network (SWAN), which has documented the systematic use of sexual violence by the Burma Army, said that “even just

before the election, when the eyes of the entire world were on Burma, troops dared openly commit rape. This is a clear sign that the impunity enjoyed by the Burma Army for sexual violence is set to continue.”

In December, the Kachin Independence Organisation (KIO) urged traders in Laiza, Kachin State, where it has its headquarters, to leave the town because of growing fears of military conflict. The Burmese Army has been reinforcing its battalions in Kachin State and increasing troop numbers. The regime also ordered the KIO to close its liaison offices, set up throughout Kachin State as lines of communication between the junta and the KIO. Further pressure was put on the KIO when the dictatorship closed a vital trade link with China.

The KIO signed a ceasefire agreement with the regime in 1994 but has also refused to join the Border Guard Force.

### **UN rights expert calls for release of political prisoners**

In December, Tomás Ojea Quintana, the Special Rapporteur on the situation of human rights in Myanmar, renewed his call for the immediate release of all political prisoners in Burma, adding that many of the prisoners are seriously ill as a result of harsh jail conditions.

“It is critical that prisoners of conscience be released immediately and unconditionally. These are individuals who were imprisoned for exercising their basic human rights, the freedom of expression and freedom of assembly,” he said.

His call came after the death on 8 December of 50-year-old U Naymeinda, a Buddhist monk and the 145th prisoner of conscience to die in prison in Burma since 1988. U Naymeinda had been arrested for distributing leaflets supporting a pro-democracy demonstration on 9 September 1999 and sentenced to 20 years in prison.

His health deteriorated when he was transferred to Moulmein Prison in Mon state far from his family, making it difficult for them to visit and provide essential food and medicine, a practice that is used frequently to further punish not only the prisoners but also their families.

According to the Assistance Association for Political Prisoners (AAPP), “the most high profile activists have been transferred to the most remote prisons, which is a new psychological strategy by the regime designed to cut them off from their family support system.”



Min Ko Naing

The Special Rapporteur also expressed deep concern about reports he received on several prisoners in Insein prison, who appear to be suffering from malnutrition-related diseases as well as tuberculosis.

Another prisoner, Min Ko Naing, who is a well-known activist and leader of the 88 Generation Student group serving a 65-year prison sentence, is also in poor health. He is suffering from osteoporosis, a disease weakening the bones that is exacerbated by poor diet, lack of exercise and the cold. He is in Kengtung prison, in a remote area in eastern Shan State that is one of the coldest places in the country during winter. In an interview with The Irrawaddy magazine, Min Ko Naing’s sister Kyi Kyi Nyunt said, “It is like living in a freezer there and he can’t do much physical exercise to warm himself up, so his legs and hands are painful.”

### **Suu Kyi meets with US official to discuss US policy towards Burma**

Aung San Suu Kyi met with US Deputy Assistant Secretary for East Asian and Pacific Affairs Joseph Yun on 10th December to discuss the current political situation in Burma and US policy toward the country.

“We have good relations with the United States. We discussed many issues related to US-Burma relations, including the US sanctions policy and engagement,” Suu Kyi told reporters after the meeting, without providing any further details. Yun, who arrived in Burma on 7th December for a four-day visit, is the first senior US official to travel to the country since May, when US Assistant Secretary of State Kurt Campbell met with Aung San Suu Kyi while she was still under house arrest.

On 9th December Yun met with Burmese Foreign Minister Nyan Win, police chief Khin Yi and officials from the Science and Technology Ministry in the capital, Naypyidaw, according to reports in the state-owned media.

In late November, UN Secretary-General Ban Ki-moon's chief of staff, Vijay Nambiar, made his first visit to Burma late last month. During his visit, Nambiar met with Aung San Suu Kyi and Burmese Foreign Minister Nyan Win, but was unable to meet with Than Shwe or any other senior regime leaders.

### **New laws restrict the freedom of speech of new parliament members**

Freedom of speech for members of the new parliament of Burma will be restricted under laws that dictate the functioning of the new government. The laws also set a two-year prison term for any protest staged within the parliament compound. Anyone other than lawmakers who enters the parliament hall when the body is in session faces a one-year prison term and a fine.

The laws, signed by junta chief Sr. Gen. Than Shwe, stipulate that parliamentarians will be allowed freedom of expression unless their speeches endanger national security, the unity of the country or violate the constitution.

However, under the constitution, MPs are not allowed to criticise the constitution, instead they must defend it. So if they call for democratic change, which requires constitutional change, they risk being jailed. All existing repressive laws also remain in place, including censorship. So even if an MP does speak out, it is unlikely to be reported in the media.

The elections on 7th November were widely condemned as a sham and the election results and the new constitution ensure the military retains power.

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