

### Climate of fear surrounds Referendum

With the regime's announcement that the constitutional referendum will be held on 10 May, pro-democracy groups and ethnic organisations stepped up their campaign for a "No" vote. (see NLD's statement below). The regime intensified its crackdown on pro-democracy activists with a campaign of harassment, intimidation and arrest. At least 48 activists were arrested in April. More than 20 activists were arrested as they walked through the northwestern city of Sittwe in a peaceful rally against the constitution. The regime also stepped up its propaganda campaign while its censors banned the media from publishing the views of supporters of a "No" vote.

In addition to the ongoing arrest and harassment of the "No" vote activists, the regime has been using intimidation and threats against voters if they failed to vote "Yes", including prosecution, fines and imprisonment, dismissal for civil servants and school teachers, land confiscation for farmers and barring students from continuing their studies. There were also reports of incentives, such as mobile phones and rice, being offered in order to get people to vote in favour of the constitution.



Illustration: Harn Lay / The Irrawaddy

Most Burmese have not even seen the draft constitution, which is only available for purchase in some bookshops, and has not been published in any of the ethnic languages. The constitution enshrines military rule, giving 25 percent of the seats to the military, and also gives the military effective veto power over decisions made by Parliament. It also bans Aung San Suu Kyi from standing as a candidate.

The National League for Democracy called on the military regime to allow international observers to the May 10 constitutional referendum. Their call was supported by Prime Minister Gordon Brown and President George Bush but the regime has ruled out any international monitors.

### Leading activist and political prisoner denied medical treatment



Fears have been growing for the safety of leading democracy activist Min Ko Naing, who is being held in Rangoon's notorious Insein Prison. He is suffering from a serious eye infection and may go blind because he is being denied medical treatment. It

is reported that his eye condition has deteriorated to the point that he is unable to sleep or eat because of the pain the infection has caused.

Min Ko Naing has been in prison since August last year. He was arrested for leading protests in Rangoon. The protests triggered the biggest demonstrations in Burma since the 1988 uprising, but were brutally crushed by the dictatorship. Political prisoners are singled out for brutal treatment, including the denial of medical treatment.

Min Ko Naing is a leading democracy activist and one of the most famous student leaders from the 1988 uprising. He was arrested in 1989 and spent more than 16 years in prison. He was severely tortured and held in solitary confinement for most of his sentence. He was released in 2004 and despite constant threats and harassment by the regime, he has continued to campaign for freedom and democracy in Burma.

## **EU Calls for Global Arms Embargo against Burma**

On April 29th the European Union issued a statement calling on the international community to join it in its ban on the sales of arms and military equipment to Burma. EU Foreign Ministers also agreed to renew existing sanctions against Burma for a further year.

“The EU’s call for a global arms embargo is very welcome,” said Mark Farmaner, Director of Burma Campaign UK. “Now we need to see European governments actively working to make this happen. The EU must make sure this is on the agenda for the Asia-Europe Meeting (ASEM) heads of state summit meeting that will be held in Beijing on 24th October.”

The EU has a longstanding arms embargo against Burma, but China, Russia, India, North Korea and other countries continue to arm the regime, despite its war of ethnic cleansing in Eastern Burma.

The EU statement follows a European Parliament resolution calling for the European Union to support a global arms embargo against Burma. Burma Campaign groups in Europe have been lobbying members of the European Parliament asking them to put pressure on EU governments to support an embargo. The resolution also called for more targeted economic sanctions by the EU. The Burma Campaign UK also expressed disappointment that the EU had not agreed any further economic sanctions against Burma, despite previously stating that they would consider new sanctions if the regime did not respond to international calls for reform. In fact, repression has been increasing in the country.

## **UN expert slams constitution plans as ‘surreal’**

Burma’s plans for a constitutional referendum were dismissed as “surreal” by former UN Human Rights envoy to Burma, Paulo Sergio Pinheiro. He stated that “The government continues detaining people and repressing people who are trying to do some campaigning for a ‘no’ in the referendum”. Addressing the increasing reports of violence against ‘no’ campaigners Pinheiro stated “How can you have a referendum when you make repression against those that are intending to say ‘no’? This is completely surreal.” He concluded that his parting assessment of the situation in Burma is ‘gloomy’, stating “You don’t have freedom of association, freedom of expression, freedom of organisation, or functioning of parties... You cannot have a political transition if you keep almost 2,000 political prisoners and you continue the crackdown after the repression of the end of last year.”

## **54 Burmese migrants suffocate in lorry, survivors jailed**

On 10 April 54 Burmese migrants, most of them women, suffocated as they were smuggled into Thailand in a cramped container. More than 100 people were packed into a container measuring 6m by 2m. They were sealed inside the truck and suffocated after the ventilation system failed.

“The survivors said they tried to bang on the walls of the container to tell the driver they were dying, but he told them to shut up as police would hear them when they crossed through checkpoints inside Thailand,” local police chief Col Kraithong Chanthongbai told the French news agency AFP.

The day after the tragedy, a Thai court jailed 50 of the survivors. They were given a two-month suspended sentence and a 1,000-baht (\$31) fine for illegal entry. As the survivors had no money to pay the fine, they were sentenced to three days in jail.

There are thought to be up to two million Burmese workers in Thailand, more than half are working in the country illegally in low-paid, often dangerous jobs. The UN’s International Labour Office says many of the workers suffer abuses at the hands of their Thai employers, and called on the government to take action to protect them.

## **Monks, democracy activists face arrest & secret tribunals**

The Association for Assistance to Political Prisoners in Burma (AAPP) says that over 70 activists have been arrested in 3 days of repression preceding the May constitutional referendum. Activists were arrested at their homes after launching a “Vote No” poster campaign across Rangoon. The regime has stepped up its harassment and repression of democracy activists in recent weeks, physically assaulting and arresting those campaigning against the constitution. Amnesty International has warned that people arrested during the September uprising are facing secret trials. The human rights group states that following the protests 700 prisoners remain behind bars and at least 40 people, including monks, have been convicted in secret, some simply for giving water to protesting monks.

## **Thai prosecutors examine state loan to Burmese junta**

The Thai Assets Scrutiny Committee (ASC) has brought charges against former Thai Prime Minister Thaksin Shinawatra for alleged abuse of his authority. The charges relate to a four-billion-baht (US \$120 million) soft loan that was granted to the Burmese regime through the Export-Import Bank. It is alleged that the loan included a deal

to buy equipment from Thaksin's Shin Satellite telecommunications company.

The loan was suspended after Thaksin was ousted in a military coup in September 2006 for other alleged corruption charges. It's unclear how much of the money had already been paid to the Burmese junta but in March, Thai Foreign Minister Noppadon Pattama said the Thai Export-Import Bank was free to pay the remaining loan to Burma.

### **Thailand says Suu Kyi's detention 'OK'**

Burma's Prime Minister Lieutenant-General Thein Sein made a 3 day official visit to Thailand at the end of April. After a meeting with Thein Sein, Thai Prime Minister Samak told reporters that he saw no problem with the on-going detention of Aung San Suu Kyi. "They are not releasing her, but they will not interfere with her. They will put her on the shelf and not bother with her, which is unacceptable to foreigners. We think it's OK if she is put on the shelf." he said.

### **Corrupt regime worsens famine**

The Chin Human Rights Organisation (CHRO) called on the international community to intervene in a famine that has spread across Chin state since the beginning of the year. In a new report, CHRO reports that corruption and the seizure of aid by the regime has significantly worsened the situation. In January alone authorities seized over 300 bags of rice donated as famine relief by a Roman Catholic Church. Residents were then issued with mandatory purchase orders, forcing them to buy the rice at inflated prices.

### **Children victims of military offensive against Karen**



A new report by the Karen Human Rights Group (KHRG), 'Growing up under Militarisation', documents the abuse of children in the regime's ongoing military offensive by the Burmese army against ethnic Karen in Eastern Burma. Karen children spend much of their childhoods living in

fear, hiding in the jungle, vulnerable to disease and malnutrition, and suffering from a lack of education. The Burmese Army also uses children in forced labour projects and forced portering. An estimated 15,000 Karen children are among the Internally Displaced Persons (IDPs) living in the jungles of Eastern Burma.

### **Indonesia rejects new Burma ambassador**

The House of Representatives in Indonesia has rejected Burma's new ambassador to Indonesia. House speaker Agung Laksono was quoted as saying the House recommended the government postpone accepting I Nyan Lin as Burma's new ambassador to Indonesia until democracy was established in the country.

### **Solo protester sentenced to life imprisonment**

Ohn Than, who held a solo protest in front of the US embassy in August 2007, has been sentenced to life imprisonment. After his first solo protest in front of the United Nations Development Program (UNDP) office in 2004, he was sentenced to 2 years imprisonment. He was subsequently arrested for protesting against high commodity prices. The Assistance Association for Political Prisoners (AAPP) has submitted Ohn Than's case to the UN.

### **New military trucks arrive from China**



China has delivered 80 new FAW transport trucks to a police compound in Rangoon. It was also reported that another 100 trucks are soon to be delivered to the regime. Some commentators have speculated that the trucks are part of regime preparations to step up security in case of further demonstrations in the run up to the referendum in May.

### **N Korea exporting rockets to Burma**

According to a Japanese television report, North Korea has started exporting multiple-launch rockets to Burma. The rockets have a range of 65 kilometers. According to the reports, the weapons exports are in violation of economic sanctions imposed on N Korea after it conducted a nuclear test in October 2006. Burma and North Korea agreed to restore their diplomatic ties last year.

### **India to build Burma port**

India has signed an agreement with the Burmese regime to build a \$120 million seaport and transportation system in the northwest of the country. This will give India greater access to the waterways of the country's northwest and greater access to Burma's gas reserves. India has been

moving increasingly close to the regime in Burma, supplying arms, loans, and making significant investments in the country.

### **Chevron & Total linked to human rights abuses in Burma**

A new report by EarthRights International links oil giants Chevron and Total to ongoing human rights violations perpetrated by the Burmese military responsible for guarding the Yadana gas pipeline. Chevron and Total have a joint venture agreement for the Yadana project with the Burmese junta-owned Myanmar Oil and Gas Enterprises (MOGE). EarthRights accuses Burma's military of raping, extra-judicial killings and terrorizing villagers living along the pipeline area and calls on Chevron and Total to withdraw from Burma.

The Yadana gas field has earned billions of dollars for Burma's brutal dictators, who spend half the government's annual income on the military. The generals used the first downpayment from the gas field to purchase ten MIG jets from Russia, despite 90 percent of the population living in poverty.

### **25% of Karenni are internally displaced**

A new report by Burma Issues reveals that in Karenni State, Eastern Burma, 81,000 villagers are currently internally displaced, more than a quarter of the state's population. They are facing severe food shortages, inadequate shelter and cannot access health and education services. Around 80% of them are women and children. The percentage of the population displaced in Karenni State is twice as high as the level in Sudan, which has the world's largest internally displaced population. However, the Karenni receive little assistance or international attention.

### **Refugees face food shortages due to rice price crisis**

The Thailand Burma Border Consortium (TBBC) is being forced to consider drastically cutting food rations in the refugee camps on the Thai Burma border because of soaring rice prices unless additional funding can be found. Cuts in ration levels would be disastrous for the refugees as they are extremely vulnerable and almost entirely dependent on TBBC for food. The ration cuts could result in high levels of severe malnutrition within a matter of weeks, particularly among vulnerable groups such as children and the elderly.

### **Protestor who set himself on fire dies**

Kyaw Zin Naing died in hospital in Rangoon after he suffered 60% burns. He set himself on fire on March 21st at the Shwedagon Pagoda in Rangoon. Before setting himself on fire, he shouted "down the military

regime". His case was the first known case of self-immolation in Burma.

### **US envoy to ASEAN makes Burma top priority**

The new US envoy to The Association of Southeast Asian Nations (ASEAN), Scot Marciel, stated in April that one of his highest priorities would be to encourage the South East Asian group "to convince Burma's rulers to end their brutal repression and begin a genuine dialogue leading to a democratic transition". He continued, "The problem of Burma represents one of ASEAN's biggest challenges". He also encouraged ASEAN to give their new-formed human rights mechanism sufficient power to promote human rights across the region.

### **Japan continues to invest in Burma's regime**

After the Burmese junta's brutal repression of the September 2007 uprising, Japan's government pledged to cut the amount of assistance given to the Burmese regime. However, new research has revealed that the country has resumed development aid payments after a three-month suspension, and signed 17 new grants by the end of the financial year. In addition to these contracts, Japan continues to invest in the Yetagun gas field, through its investment in Nippon Oil Exploration, helping to support the regime's most lucrative source of income, the oil and gas sector.

### **Burmese community protests as Olympic torch comes to London**



On April 6th as the Olympic torch came to London the Burma Campaign UK, Burmese community and pro-democracy activists gathered outside Downing Street to protest at China's support for the Burmese junta. The protests received coverage in a number of international newspapers, including the Washington Post. China arms the regime in Burma, supplying weapons, ammunition and military vehicles, and finances the regime by signing deals in the oil, gas, hydro-electric and mining. China vetoed a UN Security Council resolution that called on the regime to begin transition to democracy.

## **International lawyers denounce regime's attempt to claim immunity**

A coalition of international lawyers, the Burma Lawyers' Council, the Global Justice Center and the Burma Justice Committee, revealed that the regime is seeking to avoid accountability and give itself immunity from prosecution in their new Constitution. Article No. 445, Chapter XIV of the recently distributed final version of the Constitution, due to be put to a "referendum" on May 10th 2008, states "No legal action shall be taken against those (either individuals or groups who are members of SLORC and SPDC) who officially carried out their duties according to their responsibilities."

However, this immunity would be invalid under international law. Aung Htoo, Secretary General of the Burma Lawyers' Council, said "Rule of law must replace military might. This Constitution and its illegal amnesty provision cannot bring sustainable peace to Burma."

## **Bombs explode in Rangoon**

Two bombs exploded in different locations in Rangoon on 20 April, damaging property but causing no major injuries. According to Democratic Voice of Burma, the first bomb went off near a restaurant and the second was hidden under a car near the Traders Hotel. No one has so far claimed responsibility for the explosions.

## **Aung San Suu Kyi awarded US Congressional Gold Medal**



The US Senate unanimously agreed to confer the Congressional Gold Medal to Aung San Suu Kyi, following a similar decision by the House of Representatives. The medal is the highest civilian honour the legislature can award. "This Congressional Gold Medal is a tribute to Suu Kyi's courage and conviction, and a symbol of solidarity with the oppressed people of Burma." said Democratic Senator Dianne Feinstein, who proposed the legislation with Republican Mitch McConnell.

## **Pro-democracy leaders from September's uprising honoured**

Freedom of expression advocacy group Index on Censorship honoured imprisoned Buddhist monk leader U Gambira for his leading role in last September's peaceful demonstrations with an award on 21 April. The event was held in central London, where Burmese monk U Ottaya and Burmese blogger Ko Htike received the prize on behalf of U Gambira.

Three Burmese women activists were also honoured last month in Czech Republic. The Homo Homini award was given to Su Su Nway, Phyu Phyu Thin, and Nilar Thein, who were heavily involved in the organisation of last year's pro-democracy protests. The award was presented by Vaclav Havel, who said: "I know from my own experience how important international solidarity is for those who are unjustly persecuted for their political belief." Burmese political prisoner Lae Lae Nwe, who spent four years in jail, accepted the award on their behalf.

## **Janek Kuczkiewicz: 23 June 1956 - 7 April 2008**

We were deeply saddened by the sudden and untimely death of Janek Kuczkiewicz, Human and Trade Union Rights Director of International Trade Union Confederation (ITUC), on 7 April. He was a tireless campaigner for democracy and workers' rights in Burma, and is widely acknowledged as having been a leading force in building and sustaining international pressure against Burma's military junta and its systematic use of forced labour. He will be greatly missed.

## **National League for Democracy April 24, 2008 Special Statement No 7/14/ 08 (Unofficial Translation)**

The people will vote the "The Draft Constitution of the Republic of the Union of Myanmar" in the upcoming referendum on May 10, 2008. From studying it, the referendum law and related procedures, we found there is no freedom and justice from the beginning.

1. Chapter XIV, Transitory Provision of the Draft Constitution of the Republic of the Union of Myanmar 2008 states as follow;

"(441) This Constitution, which is adopted in a referendum by the assenting votes of a majority of more than half of all the people who have the right to vote, shall come into force throughout the Union from the first day of the convening of the

Pyihtaungsu Hluttaw (Union Parliament).”

According to this provision, the draft Constitution can be approved easily. This provision is created to approve the draft Constitution comfortably with the supporting votes of just more than 25% of all the people who have the right to vote. However, to amend provisions from some chapters of the Constitution, OVER 75 % of supporting votes in the Parliament and over 50% of support of all the people who have the right to vote in a referendum are required. This is purposely designed to make any amendment difficult. While only over 25% support of all the people who have the right to vote is required to adopt the draft Constitution, any amendment can only be done with over 75% of the vote in the Parliament and over 50% of the vote in a national referendum.

2. We also found that the Referendum Law and the detail procedures do not met with (international) standards. While there are provisions to prohibit the activities of the voters and penalties for those who violate any prohibition, we found no provision to punish members of the Commission and Sub-Commissions for Holding Referendum, if they violate their responsibilities, duties, powers and principles. It is totally one-sided.

3. After closing the polling booth, the polling booth team is to count votes-in-favor, votes-against and cancelled votes and then prepares the list in the presence of not less than ten persons eligible to vote. However, people are not allowed to be present at the Commission and Sub-Commissions at all administrative levels, Village-track, Ward, Township, District, State and Division, which were formed by the authorities with the persons they trust, when they count the total numbers of votes-in-favor, votes-against and cancelled votes from the lists submitted by polling booths. This lack of transparency may lead to the opportunity to cheat.

4. Furthermore, the Chairman of the National Convention Working Committee, the Commission to Draft the State Constitution, and the Commission for Holding Referendum for the Approval of the Draft Constitution of the Republic of the Union of Myanmar 2008 are the same person. This should not happen for freedom and justice. Because, when the Chairman of the National Convention Working Committee, which adopted the fundamental and detailed principles for the Constitution, became the Chairman of the Commission to Draft the State Constitution, he made the Draft Constitution almost identical to the fundamental and detailed principles that he helped adopt. Then when he became the Chairman of the Commission for

Holding Referendum for the Approval of the Draft Constitution of the Republic of the Union of Myanmar 2008, he will surely try to get approval for the Draft Constitution. And this Commission is not an independent one and serves for the pleasure of the State Peace and Development Council.

5. The contents of the Draft Constitution are not widely publicized through daily newspapers, radio and TV. People are not well aware of the contents, as the authorities have not tried to explain their meaning. As of today, the authorities have not widely distributed the Draft Constitution, so the people have not had enough time to study it.

6. We also know that civil servants and factory workers, who will not be away from their respective areas and who do not have plans to travel to another region on the referendum day, are forced to cast their vote in advance unnecessarily and in front of the authorities, so they can secure their votes-in-favor. This is violation of the Referendum Law.

7. Despite the fact that there are no democratic principles and democratic rights in the Draft Constitution, the authorities' mouthpiece newspapers are misleading the people, who are sincerely and actively demanding democracy, by placing slogans such as "For the Emergence of Democracy, Approve the Constitution", "Democracy Can Be Achieved through the Constitution", with big headlines.

8. The State Peace and Development Council (the ruling military junta) allows all of the state apparatuses from the top to the bottom and its subordinate organizations to campaign freely and openly for the approval of the Constitution. These organs apply pressure, and use intimidation, cheating, misuse of power and the providing bribe to the people to get their support. However, they act differently in regards to publications of statements, appeals and facts that promote awareness of the conducts of the referendum, issued by the National League for Democracy.

(A) The authorities from Daedaye Township, Irrawaddy Division, tried to confiscate these literatures from the members of the NLD and interrogated two NLD members.

(B) The authorities from Wakhema Township, Irrawaddy Division confiscated these literatures and later returned only some of them. Township NLD organizers were also summoned and interrogated.

(C) The authorities also confiscated NLD publications and statements in Taung Twin Gyi Township in Magwe Division, Dala Township in Rangoon Division, and Sittwe Township and Taung Gok Township in Arakan (Rakhine) State. NLD

members were also summoned, arrested and interrogated by the authorities.

9. Furthermore, the authorities are threatening the people, saying that they will know surely who votes against the Constitution, that those who vote against will be revenged by expelling students from schools, dismissing workers from work, confiscating lands from farmers, arresting villagers from their village, etc. The authorities are trying every way to make this referendum not free and fair.

Nevertheless, the referendum will be conducted by a secret ballot system, and the referendum procedure stipulates that a person should make his or her desire by making a (X) mark on the ballot paper if he or she does not approve the draft constitution. For the people who have the right to vote, we would like to encourage again all voters to go to polling booths and make a (X) mark without fear, in order to create their own destiny and use their rights effectively.

According to the decision made by the Central Executive Committee in the meetings on 21 April 2008

Central Executive Committee  
National League for Democracy  
Rangoon

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**CAMPAIGNING  
FOR HUMAN RIGHTS  
AND DEMOCRACY IN BURMA**