

Intimidation, imprisonment and repression: The road to military victory in the 2010 Elections





Intimidation, imprisonment and repression:

Copyright © 2010 Network for Human Rights Documentation - Burma All rights reserved.

Published by : Network for Human Rights Documentation - Burma

Date of publication : November, 2010

Photos : HURFOM

Address P.O BOX 67 CMU Post Office, Chiang Mai 50202 Thailand.

E-mail : office@nd-burma.org

<http://www.nd-burma.org>

Funded by:

National Endowment for Democracy and Open Society Institute

No.	Arcital	Pages
1.	Introduction	11
2.	The lead up to the 2010 Elections	14
3.	Methodology	15
4.	Threat of violence, intimidation, or other forms of coercion	18
	The Unlawful Collection of Money	18
	Canvassing with Threats	18
	Organizing with incentives	19
	Forced membership in the USDP	20
	Forced Membership in the USDP for Government employees	21
	Threats of arrest if not vote for USDP	22
	Village authorities and chairpersons pressured to get USDP votes	22
	USDP's use of regional militia units to organize voters	22
	Intimidation to divide the opposition	22
5.	DENIAL of the Right to FREEDOM OF MOVEMENT	24
	ARBITRARY/ILLEGAL ARRESTS/DETENTION	24
	5 PEOPLE ARRESTED IN NORTH OKKALAPA TOWNSHIP ON 14 SEPTEMBER	24
	3 PEOPLE ARRESTED IN RANGOON ON 17 SEPTEMBER	25
	3 PEOPLE ARRESTED IN RANGOON ON 18 SEPTEMBER ²⁴	25
	Arrest of 2 young people who posted “no national unity party” posters	26
	TORTURE	26
6.	FORCED LABOR	27
	DENYING THE RIGHT TO EXPRESSION, ASSEMBLY AND ASSOCIATION	28
	Lack of education on the elections and people's electoral rights	29



Intimidation, imprisonment and repression:

7.	PREVENTED FROM PARTICIPATING In the elections	30
	The exclusion of ethnic areas from voting	30
	PREVENTED FROM VOTING	31
	RAKHINE PROGRESSIVE PARTY PREVENTED FROM CAMPAINGING	33
8.	CONFISCATION AND THE DESTRUCTION OF LAND AND PROPERTY	34
9.	CONCLUSION	35



Acronyms and Burmese Terms

AAPPB	Assistance Association for Political Prisoners - Burma
AASYC	All Arakan Students' and Youths' Congress
HRDU	Human Rights Documentation Unit
HREIB	Human Rights Education Institute of Burma
HURFOM	Human Rights Foundation of Monland
IMNA	Independent Mon News Agency
KIO	Kachin Independence Organisation
KNG	Kachin News Group
KSWDC	Karenni Social Welfare and Development Committee
KWAT	Kachin Women's Association Thailand
LWO	Lahu Women's Organisation
PWO	Palaung Women's Organisation
PYNG	Palung Youth Network Group
TSYO	Ta'ang Students and Youth Organization
USDP	Union Solidarity and Development Association
Ya Ya Ka / VPDC	Village Peace and Development Council



Intimidation, imprisonment and repression:

Forward

In August of this year, the military regime announced they would hold elections on the 7 November 2010. Prior to this announcement, the regime had mentioned to the international community, as well as the people inside Burma, that they would hold elections this year. The possibility of elections, the first in 20 years, led to rigorous debate: would elections pave the way for genuine democratic reform or would it be business as usual in Burma.

ND-Burma is not hopeful that there will be any improvement in the human rights situation for the people of Burma after the 2010 elections. The people of Burma have suffered under military rule for fifty years, facing numerous human rights violations on a daily basis throughout this period. With the military regime ensuring its victory through the 2008 Constitution, its political party the USDP and ongoing intimidation, imprisonment and repression, the future is set to be just as bleak, unless an inclusive dialogue for national reconciliation begins, ending the pervasive culture of impunity.

After the 1988 peaceful pro-democracy demonstrations and the brutal crackdown that followed, civil society groups began to systematically collect and document human rights violations, using the information gathered to inform the public, the international community and the media about these violations. The activities: collecting, documenting and informing not only raise awareness on human rights issues, but through the development of an accurate historical record this information can be used in seeking accountability and justice in the future, ultimately preventing future violations and paving the way for reconciliation.

The Network for Human Rights Documentation - Burma (ND-Burma) has played an important role as one of the key organizations documenting human rights violations. ND-Burma is a 13 member organization collectively using the truth of what communities in Burma have endured to challenge the regime's impunity for human rights violations (HRVs) through documentation and advocacy to prepare for a peaceful democratic transition.

Since 2003 ND-Burma has documented 2000 cases of human rights violations, which are recorded in ND Burma's database system. ND-Burma also trains those who collect and document HRVs to ensure the information is collected systematically and accurately.

Despite, both, the efforts to document violations, and increased awareness of the regime's abusive practices, there has been no improvement in the human rights situation in Burma. Instead, mounting evidence attests that violations are both widespread and systematic. Human rights violations are perpetrated directly by the military regime, as well as by military backed organizations such Union Solidarity and Development Association/Party, People's Power Organization (Swan Arr Shin) and Myanmar Women's Affairs Federation with the regime's acquiescence. Those who abuse do so in a culture of impunity and there are no repercussions for those who commit these crimes.



Intimidation, imprisonment and repression:

Since January 2010, ND Burma has focused its information gathering on election related human rights violations. This report reveals the regime, including its political party the USDP committed an array of HRVs against the people of Burma in a deliberate attempt to ensure their victory at the polls.

Management Board

6 November 2010

ND-Burma

Introduction

On 7 November 2010 the people of Burma will vote in their first election in 20 years. The first elections in 20 years should be a cause to celebrate, however, the polls will take place against a backdrop of systematic violence, repression and ongoing rights violations. Rather than advancing a democratic transition, the elections will cement military rule indefinitely. At every step of the pre-election process, democratic bench marks for free, fair and credible elections were not met. Without the realization of these standards for free, fair and credible elections, the elections are a façade and will not reflect the genuine will of the people of Burma. The intimidation and imprisonment facing those who speak out against the current regime, as well as ordinary voters, does not bode well for the credibility of the elections, when a cornerstone of any election is the right to vote for the party of your choice.

Regardless, of the results, the most salient feature of the 2010 elections is not the months but years of repression preceding it.

Background: history of military dictatorship

After a military coup in 1988 the State Law and Order Restoration Council (which later became the State Peace and Development Council (SPDC) in 1997) was established and seized total control of the country. The regime held multi-party elections in 1990 believing that they would win the elections. The elections were held, despite reports of vote rigging, vote buying, intimidation and restrictions on free media, the National League for Democracy won in a landslide victory with 82% of the seats in Parliament. However, the military regime refused, and still refuses, to recognize the results. The regime violated their own election law 1/88 Article 3, which states “Parliament must be formed with representatives elected from constituencies.” Not only did the military regime refuse to hand over power, throughout the entire election period, but before, during and after the election the military regime vigorously clamped down on peaceful dissent, imprisoning over 2000 democracy and human rights activists, including over 100 elected Members of Parliament. 12 of these MPs remain in prison today.

The SLORC, rather than handing over power, declared that the elected representatives would form a National Convention rather than a parliament. The military regime held the National Convention from January 1993 – March 1996. Through this, the process of drafting Burma's third constitution, began, which eventually became known as the “Seven Step Road Map to Disciplined Democracy.” By 1996 the NLD had boycotted the process.

SPDC finally concluded the drafting process in 2007 but by this time, the opposition and ethnic nationality representatives were excluded from the process. It was from this discriminatory and exclusive process that the 2008 Draft Constitution was written. It is of no surprise, then, that the Constitution undermines rights, guarantees continued military rule and does nothing to progress aspirations of the ethnic groups. Furthermore, the Constitution, under the article 445, grants total immunity to military and government officials for past, current and future violations:



“All policy guidelines, laws, rules, regulations, notifications and declarations of the State Law and Order Restoration Council and the State Peace and Development Council or actions, rights and responsibilities of the State Law and Order Restoration Council and the State Peace and Development Council shall devolve on the Republic of the Union of Myanmar. No proceeding shall be instituted against the said Councils or any member thereof or any member of the Government, in respect of any act done in the execution of their respective duties.”

Rights Violations and the Constitutional Referendum

On 10 May the military regime held a referendum for the 2008 Constitution, just one week after Cyclone Nargis had ravaged the country. The referendum process was also plagued by human rights violations. The regime forcefully collected early votes, and there are documents showing that government employees and military personnel were forced to vote in advance and in favor of the Constitution. During the aftermath of the cyclone the authorities forced cyclone victims to vote in favor of the Constitution. A particularly low point was the regimes’ use of the names of those who had died in the Cyclone. Included on the list of those voting in favour of the Constitution were the names of many who had died during the cyclone, days before the actual vote.

Over 100 people were unlawfully arrested and detained during this period for encouraging a ‘No Vote’. During 2008 Water Festival, Ko Tin Win was arrested on the 15 April, for wearing a T-shirt with “NO” on it. There were also arrests in Sittwe, in Arakan State, of individuals wearing T-Shirts with “NO.” Six young people from Sittwe were unlawfully detained for a long period and many more went into hiding to evade arrest.



Polling station in the rice field

There were a number of incidents where democracy and human rights activists were viciously attacked by members of the USDA or Swan Arr Shin. At about 9pm on 26 March 2008, U Myint Aye from Human Rights Defenders and Promoters Network was beaten by an anonymous person at the corner of Padomma and Bargayar Roads in Sanchaung Township. U Myint Aye received serious wounds to the head. Early in the morning of 31 March, U Myint Hline, aged 72, the Chairperson of Hlaingtharyar National League for Democracy branch, was attacked from behind by an anonymous person, leaving him with a wound to the head requiring stitches.

At about 2am on 3 April, U Tin Yu, a member of Hlaingtharyar NLD, was attacked from behind by a group of people while he was at the bus station. U Tin Yu received 15 stitches on the back of his head. During the Water Festival, a stage in South Dagon Township had the words "NO" sprayed across it. At about 7pm on the evening of 17 April, Ko Thi Han and Ko Win Thein, who were involved in painting "NO" on the stage were attacked near Myothit 4th Street by a group of people with a car.



U Tin Yu with injured



The lead up to the 2010 Elections

In March the SPDC established the Union Election Commission to oversee the elections. The 18 members of the Commission were appointed by the military and have shown clear bias towards the regime. Part of their role is to report back to the military generals anything related to the elections. They discriminate between the military regime's backed political parties and other opposition parties. ND-Burma has documented human rights violations committed by the Union Election Commission.

Throughout the pre-election period United Nations agencies, international human rights organizations and other international bodies requested to be allowed to observe the impartiality, fairness and credibility of the elections on the 7 November 2010. Their requests to enter the country and establish independent international monitoring teams were completely rejected. At a meeting with Deputy Secretary of State of the United States of America, on 9 May 2010, U Thein Soe, the Chairperson of the Union Election Commission officially stated that no international observation team would be allowed to monitor the elections. This same message was relayed in the state owned newspapers on the 12 May.

The regime also announced that foreign and domestic media would not be able to observe and report on the elections from inside the country. The Union Election Commission held a briefing on how to vote at their office in Naypyitaw on 18 October. Delegations from embassies, foreign and local media and invited representatives from NGOs were present at the event. After the briefing, the Chairperson informed media that no media would be allowed to take photos or video clips near and at the voting stations on the Election Day, reasoning the restrictions was in place to ensure people were be able to vote freely and in privacy.

Methodology

ND-Burma has been systematically documenting human rights violations committed by the regime and its supporters since 2003. Recently, ND-Burma has focused on documenting election related violations by the regime and its organizations like the USDA and the USDP against the people of Burma, in the lead up to the 7 November elections.

ND-Burma provided training to field workers, who collect information and document violations inside the country, with help from National Democratic Institute (NDI). ND Burma fieldworkers put themselves at great risk to document human rights abuses. Human rights workers are routinely targeted by the regime and face surveillance, intimidation, arrest and imprisonment. As the monitoring can not take place openly, the list of violations is in no way exhaustive but reflective of the human rights situation in Burma. ND-Burma's report includes cases from all over the country and covers 16 categories of human rights violations.

It is the research collected by these fieldworkers that forms the basis of this report.

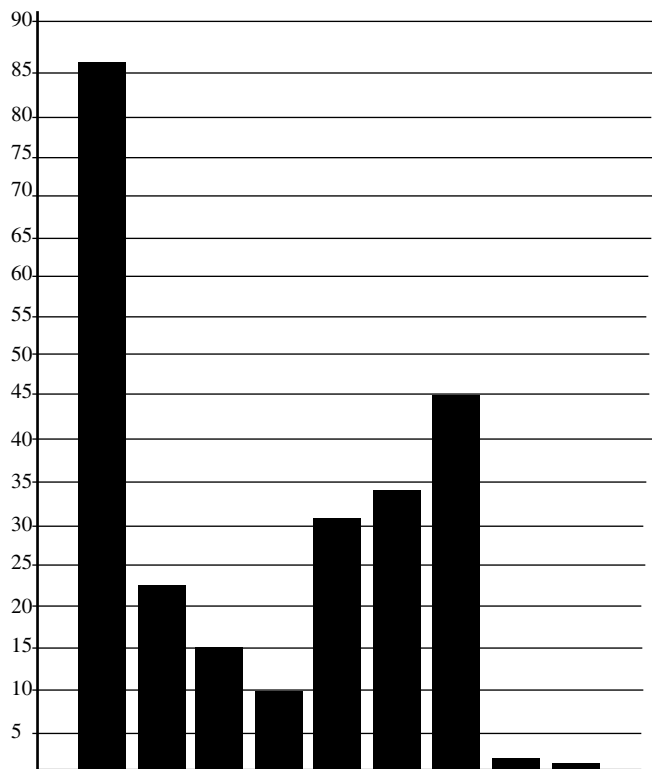
Research Findings

From January to October 2010, ND-Burma documented 247 election related human rights as follows:

- Threat of violence, intimidation, or other forms of coercion	(86 cases)
- Denial of the right of freedom of movement	(23 cases)
- Arbitrary/illegal arrest/detention	(15 cases)
- Forced labor	(10 cases)
- Denial of the right to freedom of expression/assembly/association	(31 cases)
- Prevented from making an informed decision	(34 cases)
- Prevented from participating or standing for election	(45 cases)
- Physical Violence	(2 cases)
- Confiscation/destruction of property	(1 case)



The research shows that threats of violence, intimidation, unlawful collecting of money and other forms of coercion, as well as the denial of the right to freedom of expression, assembly and movement occurred frequently in the reporting period.



1. Threat of violence, intimidation, or other forms of coercion
2. Denial of the right of freedom of movement
3. Arbitrary/ illegal arrest/ detention
4. Forced labour
5. Denial of the right to freedom of expression/ Assembly/ Association
6. Prevented from making an informed decision
7. Prevented from participating or standing for election
8. Physical Violence
9. Confiscation/ destruction of property



Threat of violence, intimidation, or other forms of coercion

The Unlawful Collection of Money

During the pre-election period, militia units forcefully collected 15,000 kyat from each household in Mangset, Mangpu and Namseit villages in Namhkam Township, reasoning that it was for security purposes. In Mangset village, U Aung Sah was responsible for collecting money from the villagers. Villagers were never how the money would be used for. A resident stated: “they collected money reasoning as militia security expenses but we’ve seen nothing about by the militia.”¹

In July 2010, the U Kyaw Hla and Maung Yan Naung Win from Parlin Village Peace and Development Council in Northern Shan State, collected 1000 kyat from each person over the age of 18 years, claiming the money would be used to build voting stations. Furthermore, U Kyaw Hla and Maung Yan Naung Win collected money from Kyaukphyu, Panlau, Panglon and Tunsan villages in Kyaukme Township but the amount was different from one village to another. In some villages people had to hand over 600 kyats to the authorities and in others 800 kyat.²

On 20 August 2010, authorities over charged residents for motorcycle licenses in Myoma Ward, Phaakant, Kachin State. People had to pay a costly 250,000 kyat per motorcycle. This money was then used for USDP fundraising. Residents from the area stated:

“The expensive license for motorcycles is equivalent to taking money from people by force. People were afraid for their motorbikes to be taken away if they refused that amount of money. And the license expense was so high so residents were unhappy. The worse thing is in this kind of area, it’s hard to get a legal license, so people were under pressure to pay.”³

There were also reports of people being forced to pay extra taxes for ID cards. From the first week of July, the Immigration Department in Gwa Township, Arakan State collected 1,000 kyat per person over the age of 18 years, in order for them to receive their National ID cards,⁴

Canvassing with Threats

In Mrauk-U Township, Arakan State, USDP representatives U Aung Htay Oo and U San Shwe Maung canvassed over 100 villages during the first week of September. They delivered speeches where they told people they had to vote for USDP and that even if their village did not vote for USDP, the USDP would win in the rest of the country. Chairpersons and members of Village Peace Development Councils were threatened that they would be fired and transferred away if the USDP would not win in their villages.⁵

-
1. PWO Interview
 2. PWO Interview
 3. KWAT Interview
 4. AASYC Interview
 5. AASYC Interview



In Hsi Hseng Township in Southern Shan State people, in October 2010, villagers were forced to attend meetings by local authorities. At the meetings, residents were pressured to vote for the USDP and Pa-O National Party, by party organizers who told them they would be in trouble if they did not.⁶ (HRDU)

Residents from Thaphyan, Gayandai and Thazingon areas in Bogale Township were told they would lose their jobs if they did not vote for the USDP.⁷ (YOMA3)

A father promised to vote for the USDP following threats to his son's safety. On 18 September, a man from Kyaikmayaw Township, who had recently attended a speech by the All Mon Regions Party, was forced to promise a township police commander that he would vote for USDP. The commander informed him that if he chose not to his son could find himself in trouble. The man recalled his conversation with the police commander;

“The police commander asked me why I had attended the All Mon Regions Party political speech during the canvassing period. I explained to him that I wanted to learn more about the party and their policies. Without knowing party policies, how could I decide who to vote for? Then the police officer informed me that he was aware that my son was a medical student and suggested I vote for USDP if I didn't want to see him in trouble. He told me that I just needed to think about voting for the good, wise USDP party. Then he made me promise that I would vote for USDP.”⁸

The Mon Forum Issue No. 9/2010, September 30, 2010.

Since 5 September 2010, USDP members from Mudon Township, Mon State, were canvassing in 19 villages in the township. Residents were forced by authorities to send one person per household to attend meetings held at schools and monasteries. At the meetings, villagers were told they could only vote for USDP.⁹

Organizing with incentives

The USDP also used incentives to recruit members and supporters. In April 2010, in villages in Namsan Township, Northern Shan State, USDP members promised to provide financial and material supports to youth leaders and teachers in the area if they could convince residents to vote for USDP.

USDP members, led by U Khun Pwin, offered 1.5 million kyat per village and computers, cell phones and fuel expenses during the election time if the villagers voted for the USDP.¹⁰ (TSYO)

On 12 May 2010, the Putao District Union Solidarity and Development Party canvassed

6. HRDU Interview
7. YOMA3 Interview
8. HURFOM Interview
9. HURFOM Interview
10. TSYO Interview





in Nbu Baw village, Machanbaw Township, Putao District from 6am to 4pm pressuring residents to vote for USDP. When they canvassed they gave residents 5000 kyats each and took their names as early voters for USDP. Even though villagers were not interested in voting for USDP they were bullied into it. Advanced voting lists for USDP were taken from 84 villagers in Nbu Baw Village. At the same time they told villagers the Kachin State Progressive Party would not be allowed to contest in the elections and even if villagers did not want to vote for USDP, the USDP had already won the elections.

The same USDP members forcefully collected names from more villagers in Nwai Baw Village, Putao District, Kachin State, the following day on 13 May 2010.¹¹

The Kyaukpyu Township Peace and Development Council and USDP, Kyaukpyu, Arakan State, in May 2010, offered to promote schools in Wamyang village in Kyaukpyauk village group, from elementary to middle school. In return, villagers had to vote for USDP. When villagers and the Chairperson agreed on the offer, the school was recognized as middle school and can now host up to 8th grade.¹²

Forced membership in the USDP

In Bassein Township, a witness stated: “When they canvassed, they provided people with USDP party membership cards. Those cards are useful for travelling, almost equivalent to national IDs. They told people to vote for USDP ‘if you want to tear the cards, you can do it but vote for us.’ People have limited political knowledge so they allowed their names to be collected as early voters for USDP.”

U Hla Kyaw, a member of USDP Mangton Township, Northern Shan State forced villagers from 12 villages to fill in USDP membership forms and also collected household member lists. A resident stated: “USDP members arrived to Sailain village group and forced villagers to fill in the party membership forms to join the party. People were confused and didn’t understand why they needed to join the party.”

Similarly, it was found out that people from Namhkam Township were also forced to join USDP. A resident from Namhkam said, “in the party membership form it says that I applied to be recognized as a party member since I believe in USDP objectives and policies.”¹³

Incentives were also used to recruit members. In Kamamo Village, Chaungzon Township, Mon State, U Tin Shwe, former Chairperson of USDP held a party membership recruitment meeting at a monastery and villagers were forced to attend the meeting. At the meeting people were told they should join the USDP because USDP members will receive benefits and do not face problems travelling or with security threats. Attendees at the meeting then had their photos taken and their names automatically added to the party membership list.¹⁴

11. KWAT Interview
12. AASYC Interview
13. PWO Interview
14. HREIB Interview



In Namphatka Village in Northern Shan State, a resident stated that USDP members led by U Yaimon and U Luoja from Namphatka forced villagers to join USDP party, in the second week of August. The resident said, “USDP members and U Yaimon and U Luoja came to the village. House by house, they took passport photos of all adult household members and collected names and national ID numbers from everyone.” He added, “Kachin, Palaung and Chinese people without national IDs were offered IDs, and names of anyone who held national IDs were taken”. Even though villagers had their photos taken and ID numbers recorded, they were not told why. In other villages around Namphatka Village, names, ID numbers and photos were taken were taken and residents were then told: “Now you are members of USDP so you have to vote for USDP.”¹⁵

On 27 July 2010, women from Kamamo village, Chaungzon Township, Mon State were forced, by the Peace and Development Council village chairperson, to join the Myanmar Maternal and Child Welfare Association and Myanmar Women’s Affairs Federation. At a later date these women were forced to join USDP as party members. One woman said,

*“We were forced to join. The Chairperson has noted down our family members names and national ID numbers so we feel that we will not be able to vote for our chosen party. Everybody in the village has the same concern.”*¹⁶

Forced Membership in the USDP for Government employees

Government employees were forced to become members of the USDP. On 18 June 2010, in Kamamo village, Chaungzon Township, Mon State, college graduates and government employees were forced to give their ID numbers and other census information to authorities. When some asked for what, U Sha, an authority of the village replied:

*“By orders from above, we have to make lists of all government employees as USDP members and to vote in the elections, from every village. You don’t need to worry for you are government employees and you need to follow the instructions. Lists were submitted to Township Peace and Development Council.”*¹⁷

In October 2010, USDP members including U Chit Tin, a member of USDP Organizing Committee in Namhkam Township, Northern Shan State instructed government employees from the township to vote for the Lion (USDP logo) in the elections. They emphasised the importance of this, in a threatening manner, by collecting national ID numbers and addresses of all government employees. They informed staff that being a government employee meant that they were automatically members of USDP and must therefore vote for the party. Adding, when the USDP wins all would be entitled to benefits.

15. TSYO Interview

16. HREIB Interview

17. HREIB Interview





Threats of arrest if not vote for USDP

People were threatened with arrest if they did not vote for the USDP. U Htay Oo, a USDP leader in Khitsan village, Bogale Township, Irrawaddy Division, in October 2010, threatened parents of people working in Rangoon, to vote for USDP, or their children would face arrest.

Village authorities and chairpersons pressured to get USDP votes

Residents from Mawkani village stated that the commander of Light Infantry Battalion 106 based in Mawkani held an emergency meeting for Mawkani, Lamai and Kawdau village groups. At the meeting, about 40 village chiefs from 40 villages and security forces were at present. Lt. Col. Khin Maung Cho briefed village chiefs about the upcoming elections. A resident said,

“Villages chiefs were ordered to organize villagers to vote. Then chiefs were ordered to make sure villagers vote for USDP. Village chiefs were also instructed to take charge of security to ensure no problems before and during the elections.”¹⁸

USDP’s use of regional militia units to organize voters

Residents from Northern Shan State stated that Commander of Kutkai Strategic Command instructed Kachin militia units in northern Shan State to organize people in their areas to join USDP and vote for USDP by whatever means necessary.

Residents also stated that Chinese militia groups in the region were involved in the drug business with the help of military officials. Tamonyae Regional Militia, Shaohawlianhang Regional Militia and Pansae Regional Militia were instructed to organize people in their areas to join and vote for the USDP. Residents also stated that the Commander of Kutkai Strategic Command and the Commander of Northeastern Command were also involved in the drug business.¹⁹

In September 2010, Light Infantry Battalion 242 held a meeting and instructed authorities from four villages in Nyaunglebin Township, Pegu Division to attend. The battalion commander forced village authorities to promise that they would ensure villagers voted for the USDP in the elections.²⁰

Intimidation to divide the opposition

The military regime has not only intimidated and disturbed other political party campaigners, but also worked to divide them. On 26 February 2010, at around 7am, at Putao airport, Gen. Thein Sein briefed Rawan, Lisu, Shan leaders and government employees, leaders from

18. HURFOM Interview

19. HREIB Interview

20. HURFOM Interview

USDA and influential residents of Putao.

Then Gen. Thein Sein asked questions to U Ah Dan, leader of Rawan, “How many Rawan people were killed by Kachin Independence Army? And U Ah Dan answered that there were about 27. Gen. Thein Sein also asked the same question to Lisu leader and Lisu leader answered that there were about 10 Lisu people killed by KIA. Then Gen. Thein Sein told to these ethnic leaders that they should think twice before voting for Kachin political parties. A resident commented that the briefing by the Prime Minister highlighted that Rawan, Lisu and KIO were so close to each other that this is seen as dividing the unity. Due to this was more division among ethnic groups in Putao Township in Kachin State.²¹

21. KWAT Interview



DENIAL of the Right to FREEDOM OF MOVEMENT

An increase in restrictions on movement is evident in the pre-election period. For example, starting from September 2010, when members of the Kachin Independence Organization traveled, they faced more restrictions than usual. To travel, they were required to report to Military Security Affairs Unit and could only travel with the permission from the Northern Command.²²

In Northern Shan State, the Ta-aung Party, which claimed to represent Palaung ethnic people in Northern Shan State, was registered to contest the elections. The party is actually an ally of the USDP. ND-Burma has evidence of the Ta-aung party also violating human rights while canvassing, similar to the USDP. However, even the Ta-aung party faced restrictions in some cases.

A Palaung resident stated that U AungThaung, Minister of Heavy Industry and Maj. Gen. Kyaw San urged Palaung people, “For your Palaung region’s autonomous status, you need to vote for Ta-aung (Palaung) Party.” When Ta-aung Party was canvassing, Palaung people were urged not only to fill in party membership forms but also commit to six pledges, which were identical to the military regime’s pledges. The USDP made speeches in Zaetonhoun village and other villages briefing residents on how to vote in the elections, and also urged people to vote for the USDP and the Ta-aung Party. Furthermore, Namsan residents report being threatened if they did not vote for USDP.²³

ARBITRARY/ILLEGAL ARRESTS/DETENTION

In September 2010, at least 11 students were arrested for distributing anti-election leaflets.

5 PEOPLE ARRESTED IN NORTH OKKALAPA TOWNSHIP ON 14 SEPTEMBER

No.	Name	Father's Name	Age	Education	Address
1.	ThaHtooAung	U KhinMaungOo,	20	Final Year BE,	J Ward North OkkapalaTownship
2.	Chan MyaeAung	U AungSoe	22	4 th Law,	J Ward North Okkalapa Township
3.	Zin Min Htet	U OhnKhine		2 nd History	J Ward North Okkalapa
4.	KyawThiha (aka) KyawKyaw	U NyiNyiLwin	24	BA Geography	North Okkalapa Township
5.	Zarni Lin (aka)	U KhinZaw Lin Lin	21	Hmawbe Institute of Technology	North Okkalapa

22. HREIB Interview

23. PWO Interview



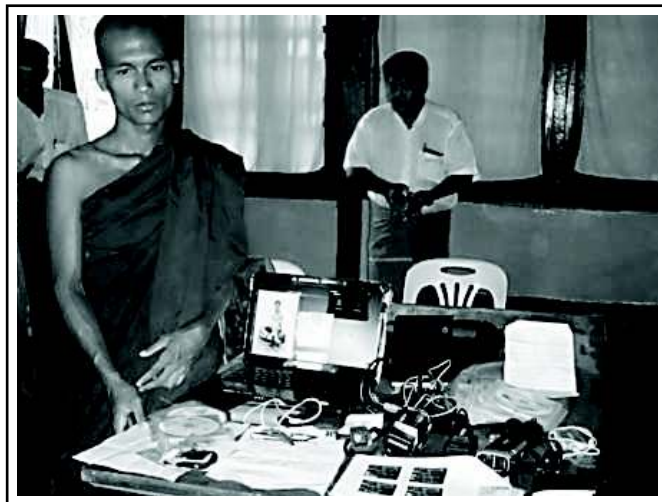
3 PEOPLE ARRESTED IN RANGOON ON 17 SEPTEMBER

No.	Name	Father's Name	Age	Education	Address
1.	Kyaw Thu Soe (aka) Arnold	U Aye Shwe	19	1 st Geography Dagon University	North Okkapala Township
2.	Ye Lin Phyo (aka) KoPhyo	U ThaugMyint	21	1 st Eco. Dagon University	JWard, NorthOkkalapa Township
3.	MyoMyintTun Technology	U Tun	24	BE Institute of	J Ward, North Okkalapa Township

3 PEOPLE ARRESTED IN RANGOON ON 18 SEPTEMBER²⁴

No.	Name	Father's Name	Age	Education	Address
1.	KaungPyaeson(aka) KoPyae	U Then Swe	19	1 st BTech, Institute of Technology	North Okkalapa Township
2.	TheinZaw (@) Bu Bu (@) Bu Gyi	U TunSeinAung	25	1 st Burmese, Dagon University	
3.	KhineZaw	U MyintKhine		1 st English Dagon University	Hlawka Village group, Tawkalay Village, Shwepyitha Township

U Okkantha a 28 year old monk from Aung Zayya Pariyatti Monastery, Mon State was arrested on the 7 January for anti-election campaigning. He spray-painted “No 2010 Elections” along Moulmein-Ye Highway. When he was arrested his a laptop, external hard drive, video camera and “No 2010 Election” leaflets were confiscated.²⁵



U Okkantha (28) was arrested at TPDC office , Than Phyu Zayat township
(Photo HURFOM)

24. AAPP Interview

25. AAPP Interview



A special court held in Rangoon's notorious Insein Prison on 27 September sentenced a monk to 15 years imprisonment with hard labor for anti-election campaigning.

Arrest of 2 young people who posted “no national unity party” posters

Two young men were arrested for posting “No National Unity Party” posters on the wall near the pier of Buthitaung Township, Arakan State, around 9pm on 3 December 2009. They were arrested by police while putting up the posters. They were then taken by Military Security Affairs to Buthitaung based Regional Command and have not been released yet.

TORTURE

Journal editor, Nyi Nyi Htun, 47, son of U Tin Soe was arrested on 14 October 2009 and taken to the Rangoon divisional Police Headquarters, Rangoon. He was reportedly tortured continuously for six days by 16 officers working in pairs, throughout which time he was not fed and given only a small amount of water.

The police brutally tortured Nyi Nyi Htun by hitting him in the face with shoes, kicking and stomping on his head while his hands were tied with rope behind his back. He was forced to kneel on gravel for 30 minutes at a time. His fingers were squeezed together with ball point pens between them. He was sexually violated by the interrogators who shoved a police truncheon into his anus. Throughout this time they accused him of planning to bomb a number of prominent locations, although he denied the allegations against him.

After six days, Nyi Nyi Htun was sent to the Special Branch facility at the Aungthapyay Interrogation centre, where officials reportedly took an official record of his injuries, including photographs and a medical examination by a doctor. Therefore, evidence of the torture should be available to senior persons in government were they to request it. On October 13, the Seikkan Township court attached to Rangoon's Insein Prison sentenced him to 13 years imprisonment. He was convicted of violating the Unlawful Associations, Immigration Emergency Provisions Act and other laws. Min Lwin from Asia Human Rights Organization said "they tortured and inhumanely interrogated him. After they didn't get any information from him, they shifted him to Special Information Force and charged him under the Immigration Act 13/1, Unlawful Association Act 17/1 and Section 505/b."



Ko Nyi Nyi Tun

FORCED LABOR

Villagers were forced without pay to collect lists of eligible voters in Mawmau Bum village in Myitkyina Township, Kachin State on the 5 August 2010. Even though there are clerks at the Village Peace and Development Council office, youths from the village were assigned the job without any pay. Those who were made to collect voter lists, had their own jobs but they had to cancel their jobs and work without pay for the SPDC.²⁶

On 6 July 2010, U Ba Tun, the Chairperson of the Village Peace and Development Council of Zinkyike Village, Paung Township, Mon State, assigned youths who were high school graduates to collect household member lists and eligible voter lists. When some youths replied that they did not want to do, U Ba Tun threatened them: “If you don’t do that, we will not give you any official recommendation when you need. If you want our official recommendations, you need to do that for us. You also need to join the Union Solidarity and Development Association.” These youths were forced to work under pressure.²⁷

In September 2010, teachers from Thanbyuzayat Township, Mon State were instructed to take charge of voting stations. A female teacher said,

“We are government employed teachers and we do our duty as teachers but we are government employees, so we can’t refuse the instruction. We need to do that no matter what. We know and they know that the elections are not free and fair. We also know that if the same regime rules the country in the future, people will suffer more. But we need to follow the instructions for our families, for earnings and if we don’t do that we will be in trouble. We, teachers, have to do that due to the fear.”²⁸

Teacher



Teacher demonstrates as polling staff in Mon State
(Photo HURFOM)

26. KWAT Interview

27. HREIB Interview

28. HURFOM Interview



Teachers from villages from Thantlang Township, Chin State were instructed to work in voting stations and forced to attend trainings held by Township Election Commission and Township Peace and Development Council. The headmaster of the school from Thalanpi village, as well as four middle school teachers and four elementary teachers, did not attend the training and as a punishment, teachers from the school including the headmaster had one month's salary cut.²⁹

When the USDP canvassed in Munggu Township, Muse District in Northern Shan State in June 2010, they took resident's mules and horses without any pay, and residents of Munggu were also forced to work as guides. During a few days of canvassing, some of these people fell sick but the USDP did not provide any medical care for them, despite the fact that they were working without pay. Residents also had to cover the cost of returning home themselves.³⁰

Villagers were also forced to porter. On 7 and 8 October, 2 residents from two villages in Tantlang Township, Chin State were taken away for potering by four policemen collecting voter lists. A horse was also taken to carry their loads.³¹

In September 2010, Aung Kyaw Oo, Chairperson of Kyauktaw Township Peace and Development Council, collected 15,000 kyat from every government employee in Kyauktaw Township, Arakan State.³²

In the second week of October the village chairman of Ta Kone Track and Koe Ni Track, Kyauk Kye Township, Pegu Division forced two villagers to go and bring 3 polling boxes from Mone Townships to the Ta Kone Village by motorbike. The villagers had to cover costs of petrol and use their own motorbikes. These 3 boxes were then used by the USDP, NUP and KPP for the Ta Kone Track. The 3 boxes were kept at the Basic Education Middle School of Naung Bo Ta Lo village, which was the designated polling station for that area on election day.³³ (Burma Issues)

DENYING THE RIGHT TO EXPRESSION, ASSEMBLY AND ASSOCIATION

A mass protest against 2010 elections occurred in Duplaya District, Kya-In-Seik-Kyi Township, Karen State. The demonstrators were harassed and intimidated by the authorities. At about 9am on 1 November 2010, over 200 people from Duplaya District, Kya-In-Seik-Kyi Township, Karen State demonstrated against the 2010 elections. The demonstrators shouted slogans:

- No to the 2010 elections which are neither free nor fair
- We want elections to be genuine, free, fair and accountable
- We want all ethnic people to be able to freely vote

29. CHRO Interview

30. KWAT Interview

31. CHRO Interview

32. AASYC Interview

33. Burma Issues Interview



- We want a genuine union for all ethnic people

The demonstrators also held posters with these slogans and peacefully marched for just over one hour. At first, demonstrators had planned to march from Takhalo village from Seikkyi village, but the demonstrators were stopped by security troops from Light Infantry Battalion 32.

On 21 October, in Seikkyi village, a group of people secretly posted anti-election posters urging people not to vote in the elections. The following day, anyone travelling in the village or near or to and from the village were stopped and thoroughly searched by the military. Then on 2 November, a curfew was announced and no one was allowed to leave their homes between 6pm and 6am.³⁴

While the authorities supported people marching in public who wore 'I Vote' T-Shirts, those with 'Everyone has the right to vote or not to vote' T-shirts, faced threats and intimidation. They had their photos taken, were threatened and the authorities blocked their paths while they walked.

PREVENTED FROM MAKING AN INFORMED DECISION

Lack of education on the elections and people's electoral rights

After years of military rule, the people of Burma have no experience with multi party elections. A vital role of the state in any election is to educate people on their civic rights. In the lead up to the elections in Burma there was almost no education regarding the elections. Even though state media aired a program regarding voting, it only reiterated that people must vote but did not raise other democratic election related rights, like the right not to vote, as stated under the electoral laws.

In a media interview, a woman from Pakan Township, Myitkyina District, Kachin State, said,

"I want to know details about the elections but I don't have any chance to learn about it. In my region, we are not allowed to do anything related to politics. If we talk about it, even just a little bit, we are warned. Right now, gathering more than 5 people is unlawful. In 2008 referendum as well, we were not allowed to express our genuine desire."³⁵

34. Burma Issues Interview

35. KWAT Interview





PREVENTED FROM PARTICIPATING In the elections

The exclusion of ethnic areas from voting

On 12 September, the Union Election Commission announced order number 8 (f) and declared the elections would not be held in certain parts of the country. Many ethnic people lost the right to vote. The regime announced that a number of areas in five ethnic-minority states would not participate in upcoming elections, seriously impacting on the free and fair nature of the elections. State radio and television listed around over 3,400 villages across Kachin, Karenni, Karen, Mon and Shan states that would be excluded participating in the 2010 elections. The announcement said: “The multiparty general election on 7th of November 2010 will not be held in the following places as there is no condition to hold a free and fair election”. In reality, the excluded areas were constituencies where the regime did not think they would win. This exclusion disenfranchised an estimated 1.5 million voters from ethnic areas and is a gross violation of their basic civil and political rights.

The Union Election Commission’s list revealed that 164 Karen villages; 155 villages from 7 townships in Karen State, and 9 village groups in 2 townships in Mon State fell into this category.

“From our point of view the announcement of order 8 (f) by the Union Election Commission, excluding villagers in ethnic areas from the elections is unfair and dishonest. The regime knows that the USDP would not win in these areas because people voted “No” in 2008 Constitutional Referendum. It was very important for us to be able to choose the right person to represent us at Pyithu Parliament, Amyotha Parliament and State Parliament. Now the people have lost that opportunity. The military regime’s move is not honest at all. I dare say that they excluded ethnic groups on purpose.” Saw Nyo Lwin, Waekhimi Village Group, Thanbyuzayat Township, Mon State³⁶

U Pan Ngwe from Kya-In-Seik-Kyi Township said,

“The military regime’s exclusion of ethnic groups in the election clearly shows that they are cunning. For Karen people, that exclusion is very painful. It is not reasonable to exclude those areas for security reasons. There are 166 village groups in Karen and Mon states and probably more than 300,000 Karen people and tens of thousands of Mon people living in those areas. You can imagine how they feel about losing their right to choose their ethnic representatives. It is very clear that those villages were excluded because the regime stands no chance of winning in those particular areas. For Karen people, it’s very painful.”³⁷

36. HURFOM Interview

37. HURFOM Interview



In Ta Kone and Koe Ni Track, Kyauk Kyee Township, Pegu Division area the USDP, Ta Sa Nya party (NUP) and KPP parties were allowed to campaign but the USDP could not come and campaign because this area is deemed a semi-insecure zone (brown zone) by the military regime. The NUP had already campaigned in the area but the villagers living in that area do not care and trust what they do because the old villagers had experienced the NUP in the 1990 election. But the KPP have some hope because they were standing for the Karen ethnic people. However, the SPDC and the Election Commission did not inform the villagers of the voter list in these village Tracks.

PREVENTED FROM VOTING

According to records collected by HURFOM, government employees in some parts of Mon and Karen States were disappointed to learn that they had to vote early and in front of their supervisors. The secret ballot is a fundamental tenet of free and fair elections. Where it does not exist people are deprived of their right to freely vote. In some remote areas, supervisors voted on behalf of their staff. They also highlighted similarities between the 2008 Constitutional Referendum and 2010 elections emphasizing that in both cases government supervisors voted for employees.

Human Rights field workers collected information from over 20 government employees in Ye, Yayphyu, Mudon and Kyaikmayaw townships in Mon State from 27 October till 31 October. Research collected from government employees at Ministry of Agriculture and Irrigation, Ministry of Education and Department of Land in Eastern part of Ye show that supervisors voted on behalf of all employees.

U Mya Swe (not his real name) aged 45, a Ministry of Agriculture and Irrigation employee, from Paung Township, currently working in Ye Township said, “Early voting cards, voters list and registrations forms for me and 12 colleagues arrived at our organization on 26 October. However, our District supervisor took everything and voted on our behalf. We had believed that we would be provided with voting cards and be able to tick our chosen representative. However, we never received the card and were informed by our District Supervisor that he would take care of the it.”

Ko Man Tin (not his real name) aged 38, a Ministry of Agriculture and Irrigation employee, originally from Karen State, currently working in Ye Township, said,

“I am from the same department as U Mya Swe, my District Supervisor also voted on my behalf. Our votes will definitely be for USDP. It is the only powerful party right now and military generals are party leaders. I am disappointed because I wanted to vote for my ethnic Karen party but I couldn’t. I am angry that my vote is not my own decision.”³⁸

(HURFOM)

38. HURFOM Interview



There are between 800 and 1000 government employees in Ye Township. It is believed that all government employees face the same fate; their vote will not be their own decision.

*“We, the government employees believe that the government really wants USDP representatives to win in the elections which explain why they are doing this. I don’t know this for sure but feel confident that this is the case. Other than USDP, National Unity Party (NUP) is also supported by the government so it. I don’t know and I don’t want to say anything without exact knowledge. One thing for sure is we lost our right to vote for whom and what we want. Our township chief of education department did not give us voting cards. He just gave us a list to sign and instructed us to sign as voters. That was on the 27th of October. After that, he told us that we wouldn’t need to vote on the 7th since our votes were already there as early votes.”*³⁹(HURFOM)

said a middle school teacher from Ye Township, and currently teaching in a village north of Ye Township.

Speaking on the condition of anonymity, an official from Thanbyuzayat Township Election Commission said,

*“Collecting early votes from government employees’ means that they do not need to go to polling stations on Election Day and wait in lines like civilian. It is much more convenient for them.”*⁴⁰(HURFOM)

However, some government employees from Kyaung village and Ankhae village in Thanbyuzayat, Mon State stated that they believed not providing voting cards but just voters list was a form of fraud and vote rigging.

*“Not being allowed to cast our own vote is a violation under the electoral law. It’s fraud, voting fraud. It also happened in the 2008 referendum vote. Now it is happening again. Superiors know the natures of employees and understand that they would not dare to retort them. I have some friends from USDP and they are always boasting that they have already won.”*⁴¹ (HURFOM)

(An employee from Kyaung and Ankhae village, but did not mention his name)

An elderly resident from Kawkareik stated that when the advanced voting system was put into place he was 80% sure that voting fraud would occur. A distance voting system was also established in his area. Only members of Fire Department, village and ward authorities, and members from government civil organizations were allowed to vote on behalf of others.

“When the regime revealed laws sympathizing with individuals who would struggle to get to the voting stations stating that such individuals could nominate someone to vote on their behalf we expected the regime to be unfaithful to their words. It’s obvious that such votes will definitely be for USDP even though we don’t want them to be. Similar

39. HURFOM Interview

40. HURFOM Interview

41. HURFOM Interview



voting fraud is happening in Karen and Mon regions because they are afraid that they will not win. In our area, authorities are collected lists of eligible voters who will not be in Burma on Election Day. The whole world must know that the USDP came into power through lies, frauds and deceits.

(an interview on 26 October from a person in a village in Kawkaeik)

According to information from HURFOM, government employees from Payathonesu sub-Township were informed that they would not need to vote in the elections. Designated supervisors were instructed to vote on behalf of their employees, according to sources close to Kya-In-Seik-Kyi Election Commission.

A teacher from Payathonesu Township, in which there are other government employees, stated that the voting situation in the township was identical to the 2008 referendum voting.

“In 2008, the situation was the same. Our supervisor in Kya-In-Seik-Kyi voted on behalf of us. This time, I really think our votes will go for USDP,”⁴²(HURFOM)

said an anonymous employee.

The employee list is 120 military, over 50 police, about 50 education employees and over 20 government departments. According to collected information, there will be 10 voting stations for 9856 people in Payathonesu District.

In October 2010, school teachers from Ta Kone and Koe Ni Track, Kyaukkyi Township, Pegu Division were ordered, by SPDC government, to oversee the 7 November elections. The Kyaukkyi Township General Administration Department of Ministry Home Affair of Myanmar later added that individuals assigned to managing polling stations on Election Day would not be permitted to vote.

RAKHINE PROGRESSIVE PARTY PREVENTED FROM CAMPAINGING

When Rakhine Nationals Progressive Party (RNPP) canvassed in Myebon Township, Arakan State in September 2010, township authorities harassed the party campaigners and banned party rallies held at privately owned theatres. They also banned Ko Than Pe, RNPP representative from campaigning. Additionally, the owner of the theatre was threatened on two occasions with reference to his business being closed if he continued to allow RNPP to use the theatre for public meetings.⁴³

42. HURFOM Interview

43. AASYC Interview





CONFISCATION AND THE DESTRUCTION OF LAND AND PROPERTY

In October 2010, U Aung Shwe Zaw's 22 acres in Ngazaungbet Village, Kyauktaw Township, Arakan State, which had been seized by the Chairperson of Kyauktaw Township Peace and Development Council in 2008 was given to U Kyaw Sein Aung, a retired military personnel and USDP representative contesting in the elections.⁴⁴

44. AASYC Interview

CONCLUSION

The pre-election period in Burma's 2010 elections was characterized by intimidation, repression and ongoing human rights violations. As election day drew near, human rights violations occurred more frequently. These violations were committed with impunity by the military regime, the USDP and other military aligned organizations, such as police, Union Solidarity and Development Association, People's Power Organization (Swan Arr Shin) and Myanmar Women's Affairs Federation.

From January to October 2010, ND-Burma documented 847 human rights violations including 242 human rights violations directly related to the military regime's 2010 elections. From the research, it is evident that people were forced to join the USDP and forced to vote for them. They were threatened, coerced and pressured to support the USDP. A number of people were denied their right to vote freely, with their employers voting on their behalf or their vote watched.

The military regime transformed the USDA to USDP, to ensure a USDP election victory. Most of the USDP leadership is former military generals or military handpicked thugs. This, along with the 25 percent of seats in Parliament, reserved for Military, under the Constitution, guarantees military dominance in the new Parliament. Sadly, after the elections the human rights situation in Burma will not improve because the elections on 7 November are neither free nor fair, and will not bring any democratic change to Burma.



Network for Human Rights Documentation – Burma

Network for Human Rights Documentation – Burma (ND-Burma) formed in 2003 in order to provide a way for Burma human rights organizations to collaborate on the human rights documentation process. The 13 ND-Burma member organizations seek to collectively use the truth of what communities in Burma have endured to challenge the regime’s power through present-day advocacy as well as prepare for justice and accountability measures in a potential transition. ND-Burma conducts fieldwork trainings; coordinates members’ input into a common database using Martus, an open-source software developed by Benetech; and engages in joint-advocacy campaigns.

Vision:

Seeking truth and justice for a peaceful democratic transition in Burma

Mission:

Collaboration on a common human rights database

Short-term goal:

Make available high-quality and high-volume data for ND-Burma members and other advocacy groups

Long-term goal:

Develop an accurate historical record that can be drawn from for potential transitional justice mechanisms in a future democratic Burma.