

INTIMIDATION, IMPRISONMENT AND REPRESSION: THE ROAD TO MILITARY VICTORY IN THE 2010 ELECTION



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Front cover photo: © HURFOM, "Villagers checking the eligible voters list, Mon State"

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Executive Summary

In August of this year, the military regime announced they would hold elections on 7 November 2010. 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. Network for Human Rights Documentation - 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. Rather than advancing a democratic transition, the elections will cement military rule indefinitely.

Since January 2010, ND Burma, a cross ethnic 13 member human rights documentation organization, has focused its information gathering on election-related human rights violations. This report reveals that the regime, including its political party the Union Solidarity and Development Party (USDP), committed an array of human rights violations against the people of Burma in a deliberate attempt to ensure their victory at the polls. From January to October 2010, ND-Burma documented 247 election-related human rights violations, including intimidation and coercion; the denial of the right to make an informed decision; prevention from freely participating in or standing for election; and the denial of the right to freedom of expression, assembly and movement. The research shows that at every step of the pre-election process, democratic benchmarks for free, fair and credible elections were not met.

Throughout the election process, there has been no improvement in the human rights situation in Burma. Instead, mounting evidence attests that violations are widespread and systematic. Human rights violations occur throughout the country and 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. There is no accountability for those who commit these crimes and no justice for the victims.

With the military regime ensuring its victory at the polls through the 2008 Constitution; its proxy political party the Union Solidarity and Development Party (USDP); and ongoing intimidation, imprisonment and repression, the future is set to be just as bleak, unless an inclusive tripartite dialogue for national reconciliation begins. For Burma to begin the process of genuine democratization, the prevailing culture of impunity must end.

ND-Burma Management Board

November, 2010

Methodology

ND-Burma has been systematically documenting human rights violations committed by the regime and its supporters since 2003. During this period, ND-Burma has documented 2000 cases of human rights violations, which are recorded in ND Burma's database system. 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. By documenting human rights violations and informing others of the human rights situation, ND-Burma not only raises awareness about human rights issues, but develops 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.

ND-Burma provides training to field workers, who collect information and document violations inside the country. Our election-related documentation has been supported by the 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.

Recently, ND-Burma has focused on documenting election-related violations by the regime and its proxy organizations, such as the mass-based social welfare organization, the Union Solidarity Development Association (USDA), which in April 2010 transformed into the regime-backed political party, the Union Solidarity and Development Party (USDP).

As the monitoring cannot 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

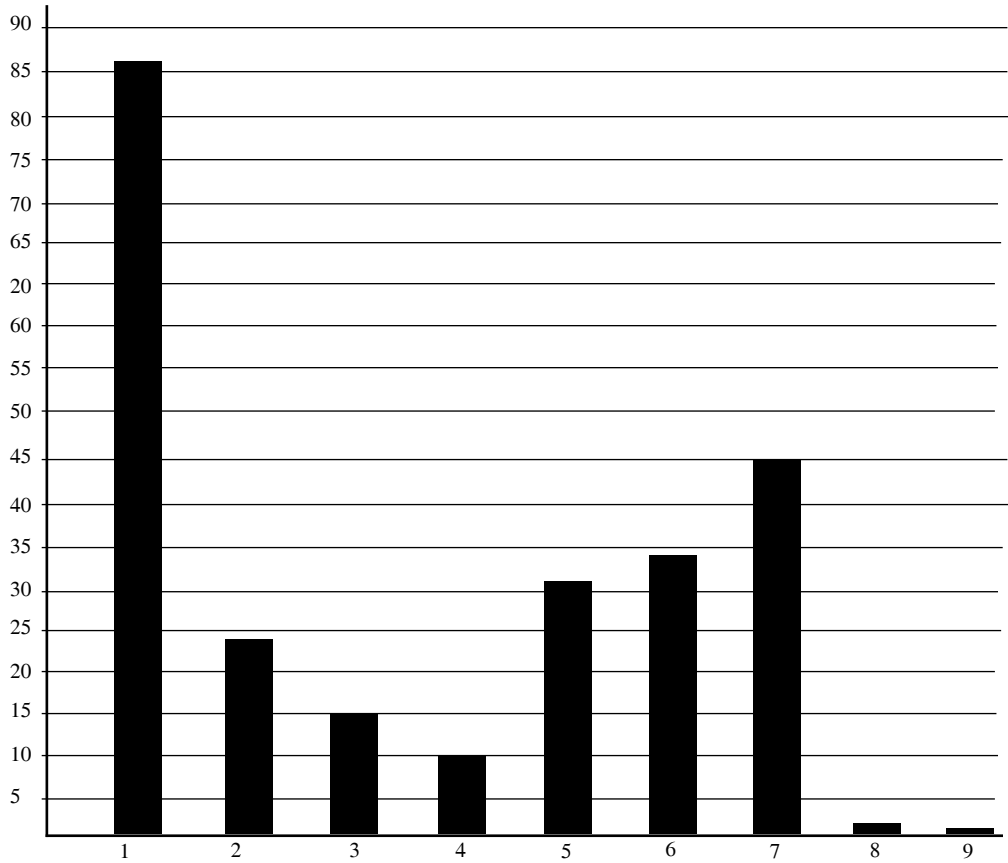
From January to October 2010, ND-Burma documented 247 election-related human rights violations in the pre-election period as follows:

1. Threat of violence, intimidation, or other forms of coercion (86 cases)
2. Denial of the right of freedom of movement (23 cases)
3. Arbitrary/illegal arrest/detention (15 cases)
4. Forced labor (10 cases)
5. Denial of the right to freedom of expression/assembly/association (31 cases)
6. Prevented from making an informed decision (34 cases)
7. Prevented from participating or standing for election (45 cases)

8. Physical Violence (2 cases)

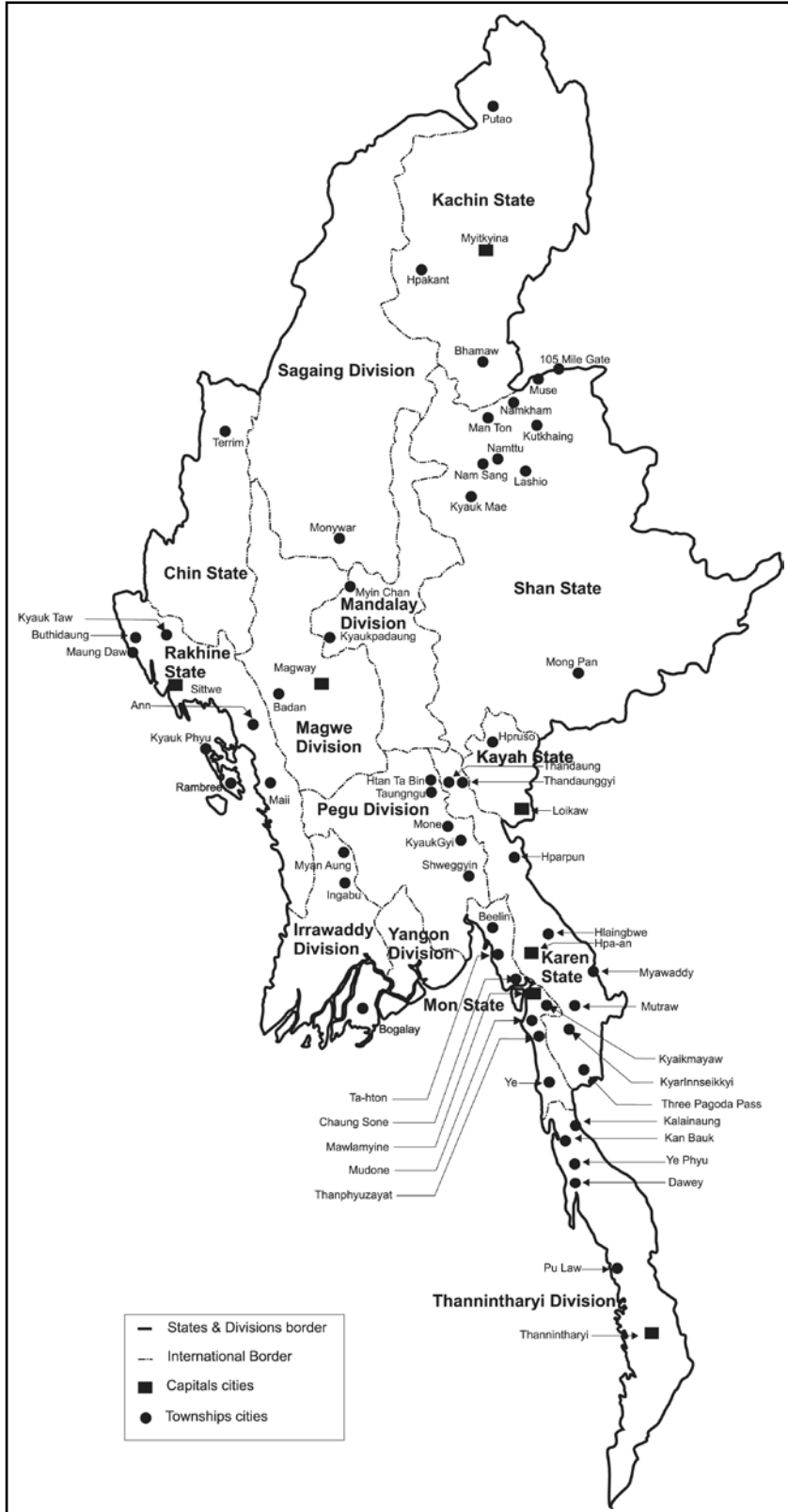
9. Confiscation/destruction of property (1 case)

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 |

Map: Data was gathered from the following areas



About ND-Burma

The 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.

ND-Burma Member Organizations (2010):

- All Arakan Students' and Youths' Congress
- Assistance Association for Political Prisoners - Burma
- Burma Issues
- Chin Human Rights Organization
- EarthRights International
- Human Rights Documentation Unit
- Human Rights Education Institute of Burma
- Human Rights Foundation of Monland
- Kachin Women's Association - Thailand
- Lahu Women's Organization
- Palaung Women's Organization
- Ta'ang Students and Youth Organization
- Yoma-3 News Service

Introduction

On 7 November 2010 the people of Burma voted in their first elections in 20 years. The first elections in 20 years should be a cause to celebrate, however, the polls took place against a backdrop of systematic violence, repression and ongoing rights violations. Rather than advancing a democratic transition, the elections cement military rule indefinitely. In the absence of an independent Election Commission, there was no impartial body to oversee the elections ensuring a free and fair process for all parties, candidates and voters. This report reveals that the military-aligned Union Solidarity and Development Party (USDP) had an unfair advantage in canvassing and campaigning for votes. It had the military regime's resources and repressive state apparatus to draw on.

Most of the USDP leaders are former military generals or senior members of the Union Solidarity and Development Association (USDA). In the lead-up to the elections, the SPDC granted permission for its mass organization, the USDA to dissolve and transfer all its assets to the USDP, in an effort to ensure a USDP election victory. The USDA had a membership 24.5 million and the USDP now has a membership of about 18 million. This move guaranteed military victory at the polls. This victory, along with the constitutional provision that reserves 25 percent of seats for the military in the new parliament, guarantees that the military will have nearly total control of the new parliament.

The regime banned independent foreign and domestic election monitors, as well as foreign and local media from observing the elections. However, reports from inside the country, collected by ND-Burma's fieldworkers, indicate that the regime, the Election Commission and the USDP committed election-related human rights violations in the lead up to the elections. From January to October 2010, ND-Burma documented 247 election-related human rights violations. Widespread electoral fraud occurred through vote buying; forced advanced voting for soldiers, civil servants, and ordinary villagers; the disenfranchisement of entire ethnic constituencies, and intimidation and arrests.

The intimidation and imprisonment facing those who spoke 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. Burma has a number of draconian laws that criminalize peaceful political dissent and imprison pro-democracy activists. These laws were used in the pre-election period to punish those who spoke out against the elections.

The holding of 'free and fair' elections is step five in the military regime's so called 'Roadmap to Democracy', designed to hide ongoing military rule behind a façade of democratic reform. The road to 'democratic reform' has been plagued with human rights violations. At every step of the pre-election process, democratic benchmarks for free, fair and credible elections were not met. Without the realization of these standards for free, fair and credible elections, the elections do not reflect the genuine will of the people of Burma and must be exposed as a sham. Regardless, of the results, the most salient feature of the 2010 elections is not the months, but years, of repression preceding it.

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 allegedly involved in painting “NO” on the stage were attacked near Myothit 4th Street by a group of people with a car.



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 November 7 elections to gauge their impartiality, fairness and credibility. 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 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, saying the restrictions were in place to ensure people were be able to vote freely and in privacy.

**Pre-Election
Human Rights Violations**

Threat of Violence, Intimidation, or Other Forms of Coercion

The Unlawful Collection of Money

During the pre-election period, militia units forcibly 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 told how the money would be used.

A resident stated, “they collected money reasoning as militia security expenses but we’ve seen nothing about by the militia.”¹

In July 2010, 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. U Kyaw Hla and Maung Yan Naung Win also 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 overcharged 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

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

1 PWO interview
2 PWO interview
3 KWAT interview
4 AASYC interview
5 AASYC interview

for the USDP and Pa-O National Party, by party organizers who told them they would be in trouble if they did not.⁶

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

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

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

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

6 HRDU interview

7 YOMA3 interview

8 HURFOM interview

9 HURFOM interview

10 TSYO interview

already won the elections.¹¹

The same USDP members forcefully collected names from more villagers in Nwai Baw Village, Putao District, Kachin State, the following day on 13 May 2010.¹²

The Kyaukpyu Township Peace and Development Council and USDP, Kyaukpyu, Arakan State, in May 2010, offered to promote schools in Wamyauung village in Kyaukpyauk village group, from elementary to middle school. In return, villagers had to vote for USDP. When villagers and the Chairperson agreed to the offer, the school was recognized as middle school and can now host up to 8th grade.¹³

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.”¹⁴

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.”¹⁵

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.”¹⁶

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.¹⁷

In Namphatka Village in Northern Shan State, a resident stated that USDP members led

11 KWAT interview
12 KWAT interview
13 AASYC interview
14 Yoma3 Interview
15 PWO Interview
16 PWO interview
17 HREIB interview

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 and residents were then told: “Now you are members of USDP so you have to vote for USDP.”¹⁸

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.”¹⁹

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.”²⁰

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. They added that when the USDP wins, all would be entitled to benefits.

18 TSYO interview

19 HREIB interview

20 HREIB interview

Threats of Arrest for not Voting 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 that if they did not vote for USDP, their children would face arrest.²¹

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 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.”²²

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, Shaohawlianthang 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.²³

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.²⁴

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 USDA and influential residents of Putao.

21 Yoma3 Interview

22 HURFOM interview

23 HREIB interview

24 HURFOM interview

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 said 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.²⁵

25 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.²⁶

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 Aung Thaung, 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 Zaetounhoun 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.²⁷

26 HREIB interview

27 PWO interview

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.	Thar Htoo Aung	U Knin Maung Oo	20	Final Year (BE)	J Ward, North Okkaapala Township
2.	Chan Myae Aung	U Aung Soe	22	4th Year (Law)	J Ward, North Okkaapala Township
3.	Zin Min Htet	U Ohn Khine		2nd Year (History)	J Ward, North Okkaapala Township
4.	Kyaw Thiha (a.k.a) Kyaw Kyaw	U Nyi Nyi Lwin	24	B.A (Geography)	North Okkaapala Township
5.	Zar Ni Lin (a.k.a) Lin Lin	U Khin Zaw	21	HmawbeInstitute of Technology	J Ward, North Okkaapala Township

3 People Arrested in Rangoon on 17 September

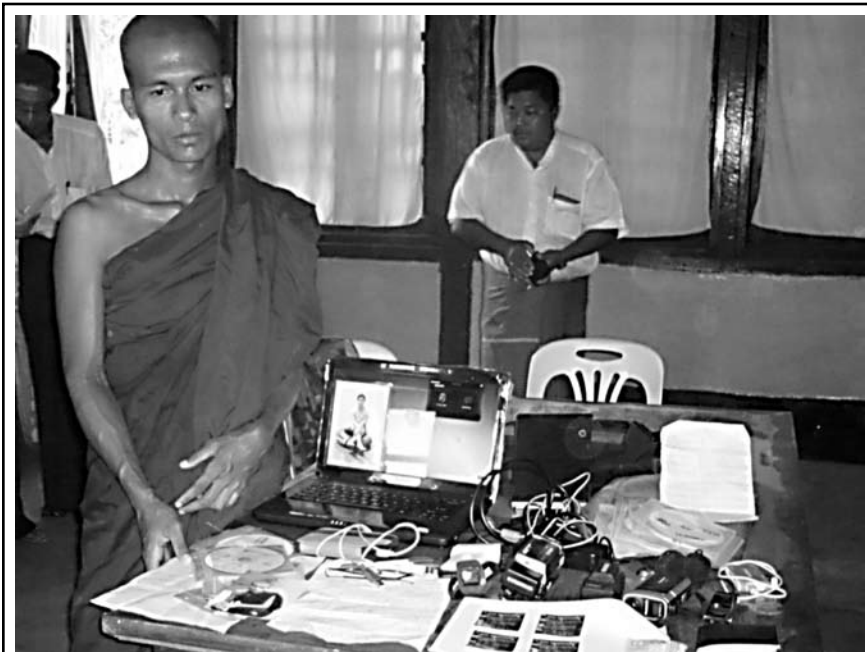
No.	Name	Father's Name	Age	Education	Address
1.	Kyaw Thu Soe (aka) Arnold	U Aye Shwe	19	1 st Year (Geography) Dagon University	North Okkapala Township
2.	Ye Lin Phyoo (aka) KoPhyo	U Thaung Myint	21	1 st Year (Eco) Dagon University	J Ward, North Okkalapa Township
3.	Myo Myint Tun	U Tun	24	Institute of Technology (B.E)	J Ward, North Okkalapa Township

3 People Arrested in Rangoon on 18 September²⁸

No.	Name	Father's Name	Age	Education	Address
1.	Kaung Pyaeson (a.k.a) Ko Pyae	U Then Swe	19	1 st Year (B.Tech), Institute of Technology	North Okkalapa Township
2.	Thein Zaw (a.k.a) Bu Bu (a.k.a) Bu Gyi	U Tun Sein Aung	25	1 st Year (Burmese)	
3.	Khine Zaw	U Myint Khine		1 st Year (English)	Hlawka Village group, Tawkalay Village, Shwepyithar Township

28 AAPP interview

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 Elections” leaflets were confiscated.²⁹



U Okkantha (28) was arrested at TPDC Office, Than Phyu Zayat Township (Photo acquired HURFOM)

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. Intelligence officers confiscated anti-election leaflets from his office. 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."³⁰



30 According to AAPP, Nyi Nyi Htun's family has sent a letter to Senior General Than Shwe about his case and released the information above to the media in order to raise awareness about his situation. To date, his family has received no reply from the government about his case.

Forced Labour

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.³¹

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, 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 Party.” These youths were forced to work under pressure.³²

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.”³³



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

Teachers from villages in 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,

31 KWAT interview

32 HREIB interview

33 HURFOM interview

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.³⁴

When the USDP canvassed in Munggu Township, Muse District in Northern Shan State in June 2010, they took residents' 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.³⁵

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.³⁶

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.³⁷

In the second week of October the village chairman of Ta Kone Track and Koe Ni Track, Kyauk Kyee Township, Pegu Division forced two villagers to go and bring three 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 three boxes were then used by the USDP, NUP and KPP for the Ta Kone Track. The three 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.³⁸

34 CHRO interview

35 KWAT interview

36 CHRO interview

37 AASYC interview

38 Burma Issues interview

Denying the Right to Expression, Assembly and Association

A protest against the 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
- 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 to 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 traveling in the vicinity of 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.³⁹

While the authorities supported people marching in public who wore “I Vote” T-Shirts, others who wore “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 Electoral 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 the 2008 referendum as well, we were not allowed to express our genuine desire.”⁴⁰

40 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 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 elections 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 340,000 to 700,000 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 State⁴¹

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

“The military regime’s exclusion of ethnic groups in the elections 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.”⁴²

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

41 HURFOM interview

42 HURFOM interview

elections. 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 on behalf of 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 it.”

Ko Man Tin (not his real name) age 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.”⁴³

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

“We, the government employees believe that the government really wants USDP representatives to win in the elections which explains 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. 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

43 HURFOM interview

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.”⁴⁴

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.”⁴⁵

However, some government employees from Kyaung village and Ankhae village in Thanbyuzayat, Mon State stated that they believed not providing voting cards but just voter lists 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 talk back them. I have some friends from USDP and they are always boasting that they have already won.”⁴⁶

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 voting fraud is happening in Karen and Mon regions because they are afraid that they will not win. In our area, authorities collect 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, fraud and deceit." ⁴⁷

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

44 HURFOM interview

45 HURFOM interview

46 HURFOM interview (An employee from Kyaung and Ankhae village, accepted the phone interview on Friday, the 30th of October, but did not mention his name.)

47 HURFOM Interview, on 26 October from a person in a village in Kawkareik

on behalf of us. This time, I really think our votes will go for USDP,”⁴⁸ said an anonymous teacher.

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 government officials to oversee the 7 November elections. The Kyaukkyi Township General Administration Department of the Ministry of Home Affairs of Myanmar later added that individuals assigned to manage polling stations on Election Day would not be permitted to vote.

Rakhine Progress Party Prevented from Campaign

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.⁴⁹

48 HURFOM interview

49 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.⁵⁰

50 AASYC interview

Conclusion

Burma's 2010 pre-election period 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 USDA/USDP and other military-aligned organizations, such as the police, a militia made up mainly of released criminal prisoners called the People's Power Organization (Swan Arr Shin) and Myanmar Women's Affairs Federation.

From January to October 2010, ND-Burma documented over 800 human rights violations including 247 human rights violations directly related to the military regime's 2010 elections. It is evident that people were threatened, coerced and pressured to support and vote for the USDP. Ordinary villagers, as well as civil servants were forced to join the military regime's proxy political party, the USDP. In addition to threats of violence and intimidation, the USDP used financial incentives to recruit USDP members and voters.

The use of advanced voting posed a serious impediment to free elections, as the report reveals. Civil servants, as well as ordinary villagers were denied their right to a secret ballot, with their employers, local authorities or even local election commission members voting on their behalf, watching them vote, or pressuring them to vote for the USDP.

In September 2010 alone, 11 students were arrested for simply exercising their basic civil and political rights. They were distributing leaflets informing people of their right not to vote in the elections. The arrest and torture of individuals for peacefully voicing their opinion or for educating others about their democratic rights is at complete odds with a free and fair election.

Another significant barrier to free and fair elections is the exclusion of more than 340,000 to 700,000 ethnic voters. On 16 September, the Union Election Commission announced elections would not be held in certain parts of the country, largely ethnic areas where ethnic minorities are dominant. The excluded areas were constituencies where the regime had little chance of winning.

For decades, the people of Burma have been striving for democracy and the full realization of their human rights. Naturally, elections are seen as central to this process. For elections to be meaningful, they must be free and fair. The elections on 7 November will not be free or fair, and will not bring democratic change to Burma. If anything, they worsened the already fraught human rights situation. Ordinary people have faced human rights violations directly related to the elections. Rather than opening the political space in Burma, the elections legitimized and cemented military rule, further restricted the fundamental freedoms of the Burmese people, and ultimately inhibited the much needed process of national reconciliation.

Acronyms and Burmese Terms

AAPPB	Assistance Association for Political Prisoners - Burma
AASYC	All Arakan Students' and Youths' Congress
CHRO	Chin Human Rights Organization
HRDU	Human Rights Documentation Unit
HREIB	Human Rights Education Institute of Burma
HURFOM	Human Rights Foundation of Monland
KIO	Kachin Independence Organisation
KIA	Kachin Independence Army
KPP	Kayin (Karen) People's Party
KWAT	Kachin Women's Association Thailand
Kyat	Burmese Currency
LWO	Lahu Women's Organisation
NUP	National Unity Party
NLD	National League for Democracy
RNPP	Rakhine Nationals Progressive Party
PWO	Palaung Women's Organisation
TSYO	Ta'ang Students and Youth Organization
TPDC	Township Peace and Development Council
USDP	Union Solidarity and Development Party
USDA	Union Solidarity and Development Association
Ya Ya Ka / VPDC	Village Peace and Development Council
Yoma3	Yoma3 News Service