

# **Myanmar's Muslims**

## **The Oppressed of the Oppressed**

**Rianne ten Veen**  
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**IHRC**  
**PO Box 598**  
**Wembley**  
**UK**  
**HA9 7XH**  
**T (+44) 20 8904 4222**  
**F (+44) 20 8904 5183**  
**E [info@ihrc.org](mailto:info@ihrc.org)**  
**W [www.ihrc.org.uk](http://www.ihrc.org.uk)**

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COVER PHOTO: Rohingya refugees in a  
camp in Bangladesh.  
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## Foreword

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Although this report was mostly compiled in 2004, recent events in Myanmar have been acknowledged throughout courtesy of the reporting of the Kaladan Press Network list ([www.kaladanpress.org](http://www.kaladanpress.org)). As we go to press, their latest report outlines the gang rape of a pregnant Muslim woman returning from a UNHCR feeding programme who was gang raped in Rathedaung Township of Arakan State by soldiers and as a result gave birth to a still-born child at the scene.

With so many places in upheaval and so many causes to support, even the cause and culture of human rights is affected by the cause celebre and some crises get far more attention than others. Where Myanmar is well-known, it relates to the long and painful pro-democracy struggle led by Aung San Suu Kyi, the persecution of activists and the forced labour of the masses. Religious discrimination against various minorities has been less well-understood and in a post 9/11 world, predictably the Myanmar military junta has further cracked down on Muslims.

This report seeks to bring the plight of Myanmarese Muslims to light and guide activists to relevant campaign groups, literature, news and organisations as well as encourage original, new and participatory campaigns. At a time when religion is being demonised and those professing faith – usually Islam – deemed fanatical and by extension worthy of ill-treatment, it is imperative that the cruelty and horror of religious hatred is acknowledged and its victims given due consideration.

Islamic Human Rights Commission

# **Myanmar's Muslims: The Oppressed of the Oppressed**

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## **Introduction**

Formerly known as the Union of Burma, the Union of Myanmar (as it was renamed in 1989) is the largest country (in geographical area) in mainland Southeast Asia. Its peoples are ethnically very diverse, the majority BaMA (Burman) adhering to Theravada Buddhism, with significant minorities of Hindu, Muslim and Christian populations.

Myanmar is bordered by the People's Republic of China on the north, Laos on the east, Thailand on the south east, Bangladesh on the west, and India on the north west, with the Andaman Sea to the south, and the Bay of Bengal to the south west (for a total of over 2,000 kilometers of coast line).

The country has been ruled by a military junta led by General Ne Win from 1962 to 1988, and its political system today remains under the tight control of its military government, since 1992, led by Senior General Than Shwe. The military junta, formerly known as the State Law and Order Restoration Council (SLORC) and now known as the State Peace and Development Council (SPDC), has become infamous for its brutal repression of Myanmar's inhabitants. Forced labour, including that of the very young, in state run or sponsored projects, land confiscations, restrictive citizenship laws, underage soldiers and the enforcement of the junta's will by militarised organisations and security apparatus in the most brutal fashion have made Myanmar a well-known and much campaigned against human rights violator in the world.

## Chapter One

### Muslims in Myanmar

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Lack of reliable census makes it impossible to more than roughly estimate the composition of Burma's ethnic mosaic or its total population. Some experts suggest existing population data is skewed to exaggerate the number of Burman, which forms the largest single ethnic group and are ethnically related to the Tibetans and the Chinese. They comprise of about two-thirds of Myanmar's 47 million people and dominate the army and government.

The state claims that 3% of Myanmar's population comprises of Muslims, but other studies suggest the population could be as high as 13%<sup>1</sup>, Muslims are believed to number around seven million in Myanmar. The majority are Indian Muslims who settled in Myanmar when the country was under British rule. Most of Myanmar's ethnic minorities inhabit areas along the country's mountainous frontiers.

Islam is practiced widely in Arakan/ Rakhine State in the west of Myanmar, where it is the dominant religion of the 1 million Rohingya minority, as well as some Indians and Bengalis. There are also a few BaMa (Burman) converts to Islam as well as Muslims of mixed Indian Burmese ethno-cultural heritage, known (these days pejoratively) as Zerbadees<sup>2</sup>.

The Rohingya (or Rohai) are believed to be the Muslims with the longest history in Myanmar. The first Muslims who settled in this region were believed to be Arab mariners and traders that arrived on the Rakhine coast in the 8th and 9th centuries. Other Muslims who came to the area in later centuries include Persians, Moguls, Turks, Pathans and Bengalis. During the British colonial period from 1824-5 until 1948 there was also massive migration from Chittagong to what is now the Rakhine State.

There is a sizeable but mostly ignored Muslim population outside of Rakhine (Arakan) State.<sup>3</sup> Some 2,000 of the 90,000 inhabitants of the town of Taungoo, in the Bago Division between Yangon and Mandalay, are Muslim.<sup>4</sup>

Contrary to popular stereotypes about Muslims per se in the region, it is interesting to note that Muslims and Hindus, whilst often living in Muslim and Hindu dominated areas in both the cities and countryside, nevertheless live and work among other Myanmar ethnicities. Likewise, sizeable ethnic minority populations are found amongst the majority, sometimes as migrant labourers, often as a long-settled people (e.g., Karens in Ayeyarwady Division)<sup>5</sup>. Whilst belying the idea that Muslims tend to marginalise themselves in societies where they form minorities, this also explains how violence against Muslims is now so endemic that neighbour has turned on neighbour (see examples below).

Some important dates in the Islamic year are recognised as official public holidays. The government sometimes expedites its burdensome passport issuance procedures for Muslims making the Hajj.

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<sup>1</sup> Matthews, Bruce, *Ethnic and Religious Diversity: Myanmar's Unfolding Nemesis*, 2001 [www.iseas.edu.sg/vr32001.pdf](http://www.iseas.edu.sg/vr32001.pdf), Institute of South East Asian Studies

<sup>2</sup> *ibid.*

<sup>3</sup> Easy Targets, *The Persecution of Muslims in Burma*, Karen Human Rights Group, May 2002, <http://www.ibiblio.org/freeburma/humanrights/khrg/archive/khrg2002/khrg0202.html>

<sup>4</sup> International Religious Freedom Report 2003, US Dept of State

<sup>5</sup> *op. cit.* Matthews, Bruce

## **Chapter Two**

### **The Human Rights Situation in Myanmar**

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A warning is necessary at this stage as humanitarian agencies are forbidden access to areas of conflict where the greatest needs exist, so a full picture of what abuses are taking place is difficult to assemble. Nonetheless, Myanmar has experienced a long history of migration and conflict among various ethnic groups along fluid frontiers. Under British rule, diverse peoples far from then Rangoon (now Yangon) were brought under at least nominal central administration, though in practice many areas remained effectively self-ruled. During the Second World War, many Burman joined the Japanese forces, whilst many minority ethnic groups remained loyal to Britain. This actually reflected a genuine desire for independence on the part of both groups: Burmans struggling to get rid of the British colonial rule, and ethnic minorities wishing to escape Burman domination.

The Union of Myanmar became independent in 1948. The Panglong Agreement of 1947<sup>6</sup>, negotiated in the run up to independence to convince most ethnic minority groups to join the new union, outlined minority rights and specifically gave the Shan and Karenni peoples the option to secede from the union a decade after independence. Yet these constitutional guarantees were never fully respected. Almost immediately upon independence, Myanmar was thrown into a series of brutal ethnic wars that have continued with varying intensity to this day.

There have, for a very long time, been social tensions between the Buddhist majority and the Christian and Muslim minorities. Preferential treatment, both in hiring and in other areas – for non-Buddhists during British colonial rule, and for Buddhists since independence – is a key source of these tensions.<sup>7</sup> A 1988 pro-democracy uprising and the victory of National League for Democracy (NLD) in the 1990 elections led the military to launch an intense crack down on the pro-democracy movements and warfare against ethnic minority armies. There are ongoing and systematic violations of human rights, including civil, political, economic, social and cultural rights<sup>8</sup>:

- extra-judicial killings, rape and other forms of sexual violence carried out by members of the armed forces;
- the continuing use of torture;
- renewed instances of political arrests and continuing detentions, including of prisoners whose sentences have expired;
- prisoners held incommunicado while awaiting trial;
- forced relocation;
- destruction of livelihoods and confiscations of land by the armed forces;
- forced labour, including child labour;
- human trafficking;
- denial of freedom of assembly, association, expression and movement;
- discrimination and persecution on the basis of religious or ethnic background;
- wide disrespect for the rule of law and lack of independence of the judiciary;
- unsatisfactory conditions of detention;
- systematic use of child soldiers;
- violations of the right to an adequate standard of living, such as the rights to food, medical care and education.

The above-mentioned violations of human rights are suffered in particular by persons belonging to any ethnic minorities, non-Buddhists, women and children, especially in non-ceasefire areas.

A recent major outburst of violence occurred on 30 May 2003 in Depeyin.

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<sup>6</sup> Panglong Agreement of 1947

<sup>7</sup> International Religious Freedom Report 2003, US Dept of State

<sup>8</sup> Source: UN ECOSOC, Commission on human rights, 60<sup>th</sup> session, agenda item 9

Successive governments have tended to view religious freedom in the context of threats to national unity. Although there is no official state religion, in practice the government has a strong preference for Theravada Buddhism. Virtually all organisations, religious or otherwise, must be registered with the government. A directive exempts “genuine” religious organisations from registration. In practice, however, they cannot buy or sell property without so doing, or open bank accounts, which forces most religious organisations to register. Since the 1960s Islamic (and Christian) groups have had difficulty importing religious literature into the country.

The government announced a restructuring and seven-step ‘Roadmap’ for constitutional and political reform in August 2003 in response to international outrage at the events of 30 May 2003 (when Aung San Suu Kyi<sup>9</sup>s motorcade was attacked and a major new crackdown on the NLD began). However, the realities of the situation are that the military government retains all the levers of power, is as firmly in control as ever, and is showing no more signs of enthusiasm for a rapid transition to a full and genuine democratic system than it has ever done.

For a recent overview of the human rights situation in Myanmar, refer to Amnesty International USA’s recent overview in ‘Myanmar: Justice on Trial’.<sup>10</sup>

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<sup>9</sup> Aung San Suu Kyi is the key figure of the pro-democracy movement, who has been held under house arrest for almost 10 years with a brief period of release in 2003.

<sup>10</sup> Myanmar: Justice on trial, 29 July 2004, Amnesty International USA; <http://web.amnesty.org/library/index/engasa160192003>



## **CHAPTER THREE**

### **Muslim Specific Abuses**

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The history of human rights abuses against Muslims is believed to have started in 1784 when Burman Buddhists invaded Arakan. And although all religious and ethnic minorities have suffered, it seems to be the Muslims of Arakan who have borne the brunt of the resentment.

The Muslim Rohingya people in south eastern Myanmar (Arakan state) were targeted in 1991 – the government reportedly contributed to or instigated this anti-Muslim violence, and over 250,000 fled to neighbouring Bangladesh. At least 110,000 Karen and Mon people from eastern Myanmar are refugees in Thailand following intense offensives by the Myanmar army since 1994.<sup>11</sup> The government reportedly also contributed to or instigated anti-Muslim violence in Shan state and Yangon in 1996.

There have been riots and anti-Muslim riots initiated by SLORC in Mandalay and other cities in February and March 1997.

Members of the Muslim Rohingya minority in Arakan (Rakhine) State continue to experience severe legal, economic and social discrimination. The government denies citizenship status to most Rohingyans on the grounds that their ancestors allegedly did not reside in the country at the start of the British colonial rule, as required by the country's highly restrictive citizenship law. Muslim Rohingya minority returnees from Bangladesh complained of severe government restrictions on their ability to travel and engage in economic activity. Unlike the practice for other foreign persons in the country, these Muslims are not issued a Foreign Registration Card. They are required to obtain permission from the township authorities whenever they wish to leave their village area. Authorities generally do not grant permission to the Muslim Rohingya, or other native non-Muslim Arakanese, to travel to Yangon (though permission can sometimes be obtained through bribery). The government reserves secondary education for citizens only, which means Rohingyans do not have access to state-run schools beyond primary education and are unable to obtain most civil service positions. Restrictions on Muslim travel and worship in particular reportedly continued to increase countrywide. Muslims have reported that they are essentially banned from constructing any new mosques, or expanding existing ones anywhere in the country.<sup>12</sup>

According to a report by Amnesty International<sup>13</sup>, the majority of the one million Rohingya Muslims are not considered citizens under Myanmar law, and thus effectively stateless. As non-citizens, if they wish to travel outside their village or township, they are required to seek and pay for official permission. These restrictions have tightened in recent years. Many people are therefore virtually confined to their villages and townships and unable to access medical services, employment and higher education. Their ability to earn a livelihood is further compromised by the fact that the security forces regularly engage Rohingya in forced labour, including on roads and in military camps. The Rohingya are also subjected to arbitrary taxation and land confiscation.

There are credible reports that the SPDC<sup>14</sup> authorities have systematically repressed and relocated Muslims to isolate them in certain areas. For example, Muslims in Arakan State have been forced to donate time, money and materials toward buildings for the Buddhist community, and certain townships were declared "Muslim-free zones" by a government decree in 1983. In Thandwe township in Arakan state, for example, there are still some original-resident Muslims, but new Muslims are not allowed to buy plots or houses, or move in. In Gwa and Taung-gut Muslims are no longer allowed to live in the areas, mosques have

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<sup>11</sup> The Burma Project; <http://www.burmaproject.org>

<sup>12</sup> International Religious Freedom Report 2003, US Dept of State; <http://www.state.gov/g/drl/rls/irf/2003/23823.htm>

<sup>13</sup> Myanmar, The Rohingya Minority: Fundamental Rights Denied, AI index: ASA 16/005/2004, 19 May 2004, Amnesty International; <http://web.amnesty.org/library/Index/ENGASA160052004>

<sup>14</sup> State Peace and Development Council (SPDC) is the new name for SLORC

been destroyed and lands confiscated. To ensure that these are not rebuilt, they have been replaced with government owned buildings, monasteries and Buddhist temples.

In 2000 and 2001, in the north of Arakan state, the government systematically destroyed mosques which were built or expanded without permission (which are typically little more than huts) in some small villages, and there are credible reports that this also happened in Sittwe, the capital of the state. There have been reports that similar events took place in the Yangon division. There are also credible reports that Muslims in Arakan state have been compelled to build Buddhist pagodas as part of the country's forced labour programme, often on confiscated Muslim land.<sup>15</sup>

In 2001 there was a sharp increase in anti-Muslim violence in the country. In February 2001 riots broke out in Sittwe. There are various and often conflicting accounts of how the riots began, but reports consistently stated that government security and fire fighting forces did little to prevent attacks on mosques, Muslim businesses and residencies. There were also credible reports that at least some of the monks that led the attacks on Muslims were military or USDA<sup>16</sup> instigators dressed as monks. After four days of rioting, security forces moved in and prevented any additional violence. An estimated 50 Muslim homes were burned and both Muslims and Buddhists were killed and injured. Since that time, the government has tightened already strict travel restrictions on Muslims in the area, especially preventing any Muslims from travelling between Sittwe and other towns in the area. Seven Arakanese politicians were later sentenced to 7-12 years in prison for inciting the riots.

In May 2001 anti-Muslim riots broke out in the town of Taungoo in the Bago Division between Yangon and Mandalay. The riots followed the same pattern as those in Sittwe: there were varying accounts of what preceded the fighting, security and fire fighting services did not intervene, and mosques, Muslim businesses and residencies were targeted. Again, there were credible reports that the monks that appeared to be inciting at least some of the violence were USDA or military personnel dressed as monks. After two days of violence, the military stepped in and the violence immediately ended, but not before there was widespread destruction of Muslim homes and businesses and, reportedly, of several mosques. An estimated ten Muslims and two Buddhists were killed in this incident, though an investigation into the incident never took place. While there is no direct evidence linking the government to these violent acts against Muslims, there were reports that the instigators were military or USDA personnel. Local government authorities reportedly also alerted Muslim elders in advance of the attacks and warned them not to retaliate to avoid escalating the violence. While the specifics of how these attacks began and who carried them out may never be documented fully, it appears that the government was, at best, very slow to protect the Muslims and their property from destruction. The violence significantly heightened tensions between the Buddhist and Muslim communities. In June 2003, there were unverified reports of incitement of anti-Muslim violence by USDA members in Irrawaddy Division.<sup>17</sup>

International NGO Human Rights Watch has stated that various factors sparked the 2001 confrontations between Buddhists and Muslims. In some cities outside Yangon, there were credible reports of military intelligence officers stirring up anti-Muslim violence. The worst violence in eastern Burma took place in May and September 2001, when the country's economic crisis was particularly severe. In Taungoo, north of Rangoon, more than a thousand people led by robed Buddhist monks attacked Muslim shops, homes and mosques. There were beatings and at least nine deaths, but the ruling State Peace and Development Council (SPDC) reportedly did little or nothing to intervene to stop or prevent the attacks. There were also outbreaks of violence in Prome in early October and Pegu.

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<sup>15</sup> International Religious Freedom Report 2003, US Dept of State; <http://www.state.gov/g/drl/rls/irf/2003/23823.htm>

<sup>16</sup> Union Solidarity and Development Association, a pro-regime political organisation whose members have been accused of perpetrating violence at the behest of the military regime e.g. the attack on Aung San Suu Kyi's motorcade in May 2003 that left 70 of her supporters dead.

<sup>17</sup> International Religious Freedom Report 2003, US Dept of State; <http://www.state.gov/g/drl/rls/irf/2003/23823.htm>

While reported incidents of anti-Muslim violence were fewer in 2003, restrictions on Muslims countrywide apparently have increased, especially since the autumn of 2001 – indicating against the use of the 9/11 atrocities by an oppressive government to clampdown on its (often Muslim) minorities. Muslims reportedly have not been allowed to build any new mosques in the country, or to replace those destroyed in the rioting in 2001. Authorities also have refused to approve requests for gatherings to celebrate traditional Muslim holidays, and have restricted the number of Muslims that can gather in one place. Restrictions on Muslim travel reportedly have increased throughout the country. In March 2002, six Muslims were reportedly arrested in connection with the unauthorised addition to a madrassa in Arakan state. They were released following the demolition of the unauthorised construction. There was also an unverified report of the burning of Muslim homes in a village in Karen state in late April 2003.

Another incident related to Amnesty International by a Muslim Karen woman (now living in Thailand) from Hpa'an township Kayin State , discusses how her family's home was amongst 20 others in her village that was destroyed in April 2004. The Muslim community had also built a new mosque, and local Muslim leaders asked the local SPDC if they could invite other Muslim leaders to visit the mosque, but were denied permission. The mosque was also destroyed after soldiers destroyed everything in it.<sup>18</sup>

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<sup>18</sup> Myanmar: Leaving Home, Amnesty International, 8 September 2005  
<http://web.amnesty.org/library/Index/ENGASA160232005?open&of=ENG-MMR>

## **Chapter Four**

### **The Nature of Anti-Muslim Abuse**

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Abuses against Muslims are clearly both ethnical and religious in nature, as all non-ethnic Burmese and non-Buddhists are those clearly most at risk. All Muslims fall into these groups, so are vulnerable.

The most recent constitution, dating from 1974, permits both legislative and administrative restrictions on religious freedom: “the national races shall enjoy the freedom to profess their religion, provided that the enjoyment of such freedom does not offend the laws or the public interest”. This is a fairly broad and vague statement, leaving much room for arbitrary action.

In 1992, 270,000 Muslims fled abroad, mainly to Bangladesh and Thailand, from army brutality. Most have now been repatriated, but have to live in overcrowded townships close to the Bangladesh border. Muslim land and property in Arakan has been handed over to Myanmar Buddhists, often to the families of the Army.<sup>19</sup>

A book entitled, ‘In fear of our race disappearing’, which first appeared in print in 1997 or 1998 by an unknown author, has contributed to anti-Muslim sentiments among Burmese Buddhists. The book describes how Muslims will displace Buddhists in the country unless actions are taken against them. Distribution of the book appeared to increase during 2001 and 2002, although it was not clear who published it. The book was cited as one factor that contributed to the rioting in early 2001 in Sittwe and Taungoo.<sup>20</sup>

During the 15<sup>th</sup> Myanmar Islamic Conference on 24 April 2004, the Prime Minister, General Khin Nyunt, called on the nation’s Muslims to cooperate with the government in its efforts to maintain peace and tranquillity. This was echoed by the President of the Islamic Council, U Ba Htay, who stated that “the style of dress used by some Muslims was causing concern because it threatened the unity and friendship between those who followed Islam and believers of other faiths.”<sup>21</sup>

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<sup>19</sup> Human rights violations by the Burmese army; <http://pilger.carlton.com/burma/human>

<sup>20</sup> Chin Human Rights Organisation (CHRO); [http://www.chro.org/index.php/religious\\_persecution\\_reports/101](http://www.chro.org/index.php/religious_persecution_reports/101)

<sup>21</sup> PM’s message read at Islamic Conference, by Thet Hlaing, volume 11, No 215, Myanmar Times 10-16 May 2004. Note: this is a government publication so coverage of the event may have been censored; <http://www.myanmar.gov.mm/myanmartimes/ no215/MyanmarTimes11-215/14.htm>

## **Chapter Five**

### **What Use is International Law and Order?**

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#### **Status of these abuses under international law and covenants**

Myanmar is not a state party to most international human rights treaties. However, the fact that the country is not a member does not release it from its obligations to respect fundamental human rights which, being provided for under customary international law, are binding on all states.

Relevant provisions of international law may be found, amongst others in the Universal Declaration of Human Rights<sup>22</sup>, the United Nations (UN) Basic Principles for the Treatment of Prisoners, the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the UN Standard Minimum Rules for the Treatment of Prisoners, the UN Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the UN Basic Principles on the Role of Lawyers, the UN Basic Principles on the Independence of the Judiciary; and the UN Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Myanmar is a party to the Convention on the Rights of the Child<sup>23</sup>, the Convention on the Elimination of all Forms of Discrimination against Women<sup>24</sup>, the Convention on the Prevention and Punishment of the Crime of Genocide<sup>25</sup>, the Geneva Conventions of 12 August 1949 on the protection of the victims of war<sup>26</sup>, as well as the Convention concerning Forced or Compulsory Labour 1930 (Nr 29)<sup>27</sup> and the Convention concerning Freedom of Association and Protection of the Rights to Organise 1948 (Nr 87)<sup>28</sup> of the International Labour Organisation.

#### **What can be done through international law?**

##### *Convention Concerning Forced or Compulsory Labour*

Given Myanmar's excesses in forced labour - described by the UN as a 'crime against humanity' - and its ratification in 1955 of the Convention, it should be bound to undertake that which the Convention expects of it in this regard. This means it should undertake "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period". To give effect to the provisions of this Convention, the competent authority ("an authority of the metropolitan country or the highest central authority in the territory concerned") shall "issue complete and precise regulations governing the use of forced or

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<sup>22</sup> Universal Declaration on Human Rights, Adopted and proclaimed by General Assembly resolution 217 A (III) of 10 December 1948; <http://www.un.org/Overview/rights.html>

<sup>23</sup> Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990; <http://www.unhchr.ch/html/menu3/b/k2crc.htm>

<sup>24</sup> Convention on the elimination of all Forms of Discrimination against Women, adopted in 1979 by the UN General Assembly; <http://www.un.org/womenwatch/daw/cedaw>

<sup>25</sup> Convention on the Prevention and Punishment of the Crime of Genocide

<sup>26</sup> Geneva Conventions of 12 August 1949 on the protection of the victims of war. Myanmar acceded to these Conventions on 25 August 1992.

<sup>27</sup> Convention concerning Forced or Compulsory Labour 1930 (Nr 29). Date of coming into force: 1 May 1932; <http://www.ilo.org/ilolex/cgi-lex/convde.pl?C029>. Myanmar ratified this convention in 1955.

<sup>28</sup> Freedom of Association and Protection of the Right to Organise Convention, Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise, adopted on 9 July 1948 by the General Conference of the International Labour Organisation at its thirty-first session, entry into force 4 July 1950; [http://www.unhchr.ch/html/menu3/b/j\\_ilo87.htm](http://www.unhchr.ch/html/menu3/b/j_ilo87.htm)

compulsory labour. These regulations shall contain, inter alia, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration”.

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour, or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

The Convention mentions that the illegal exaction of forced or compulsory labour “shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced”. But what happens if it is the competent authority – the authority that has to guard implementation of the Convention – that is behind the use of forced or compulsory labour, as is the case in Myanmar?

### *International Criminal Court (ICC)*

The International Criminal Court (ICC) was established by the Rome Statute of the International Criminal Court on 17 July 1998, when 120 States participating in the "United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court" adopted the Statute. As such it is the first ever permanent, treaty based, international criminal court established to promote the rule of law and ensure that the gravest international crimes do not go unpunished.<sup>29</sup> For the Court to exercise its jurisdiction, the territorial State (the State on whose territory the situation which is being investigated has taken or is taking place), or the State of nationality (the State whose nationality is possessed by the person who is being investigated) must be a party to the Statute.<sup>30</sup> Unfortunately, Myanmar is not a party to the Statute.<sup>31</sup> The ICC therefore has no jurisdiction over what happens in Myanmar.

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<sup>29</sup> ICC historical introduction; <http://www.icc-cpi.int/ataglance/whatistheicc/history.html>

<sup>30</sup> ICC jurisdiction; <http://www.icc-cpi.int/ataglance/whatistheicc/jurisdiction.html>

<sup>31</sup> ICC state parties; <http://www.icc-cpi.int/statesparties.html>

## CHAPTER SIX

### The International Response

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#### *The International Community*

Since 1990, at least four UN reports have documented the systematic violation of human rights by the Burman army.<sup>32</sup> On 17 May 2004, Mr Kofi Annan, the UN Secretary-General "noted with concern" that Myanmar's national convention was reconvened without the involvement of the National League for Democracy (NLD) and other political parties that won the majority of seats in the elections of 1990.<sup>33</sup> He subsequently indicated that there could be a world boycott of Myanmar if this process did not include the NLD<sup>34</sup>.

#### *UN Commission on Human Rights*

In March 1992 the UN Commission on Human Rights initiated the position of a Special Rapporteur on the situation of human rights in Myanmar.<sup>35</sup> The UN Secretary-General's Special Envoy to Myanmar is former Malaysian Representative at the UN and ex-President of the General Assembly, Razali Ismail.

#### *UN ECOSOC*

The UN ECOSOC has passed several resolutions on the human rights situation in Myanmar, the most recent of which are resolution 2003/12 of 16 April 2003<sup>36</sup> and 2004/... of 21 April 2004<sup>37</sup>, as has the UN General Assembly, the most recent of which is resolution 58/247 of 23 December 2003.<sup>38</sup> The International Labour Organisation has adopted a resolution concerning the practice of forced or compulsory labour in Myanmar at its 88<sup>th</sup> session on 14 June 2000.<sup>39</sup>

#### *UNHCR*

In its 2003 year report for South Asia, the UNHCR stated that one of its main challenges in the region "remains the protracted refugee situations", amongst others the 19.700 Myanmar Muslims in Bangladesh. In its 2003 year report, UNHCR also mentions that its presence in Myanmar's northern Rakhine State "continued to play a crucial protection role, facilitating the sustainable reintegration of a large number of Muslim returnees". The UNHCR also mentions that "special attention was given to vulnerable groups" among the 235.000 returnees "in order to preclude the potential risk of renewed population movement".<sup>40</sup>

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<sup>32</sup> Human rights violations by the Burmese army; <http://pilger.carlton.com/burma/human>

<sup>33</sup> Annan: Constitutional talks in Burma not credible without full participation, 17 May 2004; <http://www.ncgub.net/News/NC%20in%20Burma%20not%20credible%20without%20full%20p%20articipation%2017%20May%202004.htm>

<sup>34</sup> February 2005

<sup>35</sup> Resolution 1992/58 of 3 March 1992; [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.RES.1992.58.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.RES.1992.58.En?Opendocument)

<sup>36</sup> Resolution 2003/12 of 16 April 2003; [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.RES.2003.12.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.RES.2003.12.En?Opendocument)

<sup>37</sup> Resolution 2004/... of 21 April 2004; <http://www.ibiblio.org/obl/docs/L34-amended.htm>

<sup>38</sup> Resolution 58/247 of 23 December 2003; <http://www.karen.org/news/messages/2902.html>

<sup>39</sup> International Labour Conference adopts Resolution targeting forced labour in Myanmar (Burma), Wednesday 14 June 2000 (ILO/00/27); <http://www.ilo.org/public/english/bureau/inf/pr/2000/27.htm>

<sup>40</sup> UNHCR 2003 year report South Asia; <http://www.unhcr.int>

According to a Médecins Sans Frontières (MSF) March 2002 report, many Muslims returned landless and without documentation. Denied citizenship, they were uniquely subjected to institutional discrimination and other abuses, including limitations on access to education, employment, and public services, and restrictions on the freedom of movement.<sup>41</sup> Refugees International (RI) and the US Committee for Refugees (USCR) have written a joint letter to the High Commissioner for Refugees expressing concern about UNHCR's recently announced agreement with the Myanmar government to begin preparations for repatriation of Myanmar's ethnic minority refugees from Thailand. RI and USCR urged the High Commissioner to initiate no activities in eastern Myanmar until UNHCR is able to verify directly and report publicly that conditions are conducive to return, particularly in remote areas and to base any work in eastern Myanmar on agreements with the Myanmar government to respect human rights.<sup>42</sup>

### *Regionally*

#### *Association of Southeast Asian Nations (ASEAN)*

Myanmar joined ASEAN on 23 July 1997. ASEAN made the decision to expand in the hope that size would eventually equal strength. In the admission treaty and accompanying protocols, no reference is made to the situation in Myanmar<sup>43</sup>, though ASEAN has made it clear to the Myanmar authorities that discussion of trans-national issues is part of the terms of the relationship. Admitting Myanmar to ASEAN is probably a decision "the association has grown to regret the most"<sup>44</sup>. The threat of expulsion, however, is unlikely to become a reality, unless Thailand, the frontline ASEAN state, changes its policy toward Myanmar. ASEAN's policy on Myanmar was originally derived from the policy of 'constructive engagement' initiated in 1991 by the Thai Government. This policy was later regionalised as ASEAN policy. ASEAN's Myanmar policy can thus be seen as a policy of Thailand.

The reasoning for Thailand favouring this policy was based upon both realities and aspirations. Myanmar and Thailand share a 2,400 kilometre long border. Most of this border has not been demarcated and passes through difficult mountainous and jungle terrain. This border area is inhabited by common ethnic groups which both governments have historically not found easy to rule. This means events in Myanmar often have repercussions on Thailand.

In June 2001, the ASEAN foreign ministers' meeting took the unprecedented step of criticizing the government in Yangon, a departure from or perhaps even abandonment of the principle of non-interference in internal affairs of ASEAN members. During their July 2003 Ministerial Meeting in Phnom Penh, a statement was issued expressing concern about the human rights situation.

ASEAN's threat of expulsion, even with Japan's decision to suspend its development aid to Myanmar, will not be enough to force the country into making sweeping and systematic changes as long as China maintains its current trade policies. Myanmar's bilateral trade with China improved by ten times in the past decade to reach USD 500 million by 1999, a figure some believe to be a low estimate.

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<sup>41</sup> Ten Years for the Rohingya Refugees: Past, Present and Future, Doctors Without Borders/Médecins Sans Frontières (MSF) 2002 International Activity Report, March 2002; [http://www.doctorswithoutborders.org/publications/reports/2002/rohingya\\_report.pdf](http://www.doctorswithoutborders.org/publications/reports/2002/rohingya_report.pdf)

<sup>42</sup> UNHCR preparations for Burmese refugee returns prompt joint letter of concern from RI and the USCR, 11 March 2004; <http://www.refintl.org/content/article/detail/1016/?PHPSESSID=47b354edd89b7f30e958998c68fd77fb>

<sup>43</sup> Declaration on the Admission of the Union of Myanmar into the Association of Southeast Asian Nations, First and Second Protocol for the Accession of the Union of Myanmar to ASEAN agreements, 23 July 1997; <http://www.aseansec.org/1829.htm>

<sup>44</sup> Myanmar: ASEAN's thorn in the flesh, Asian Times, July 2003, <http://www.atimes.com>



Myanmar refugees to Thailand, Bangladesh or India do not have access to refugee status as these countries have not signed the 1951 Refugee Convention or its 1967 Protocol<sup>45, 46</sup>

### *Thailand*

At the annual meeting of the International Labour Organisation on 14 June 2000, Thailand abstained from supporting Burma – the only ASEAN member to do so. However, when the government under Prime Minister Thaksin Sinawatra came to power in early 2001, he turned the Burmese policy upside down. With strong support from his coalition partner, Defense Minister Gen Chavalit Yongchaiyudh, he has followed a policy of appeasement to further economic ties and, in particular, gain cooperation in narcotics suppression.<sup>47</sup>

Human Rights Watch (HRW) states that the Thai government is “arresting and intimidating Burmese political activists living in Bangkok and along the Thai-Burmese border, harassing Burmese human rights and humanitarian groups, and deporting Burmese refugees, asylum seekers and others with a genuine fear of persecution in Burma”.<sup>48</sup>

Thailand, also, has a long history of persecuting its Muslim minorities and 2004 saw the massacre in police detention of 84 in Southern Thailand<sup>49</sup>. In September 2005, hundreds of Muslims fled Thailand to Malaysia after an Imam, Satopa Yusof, from a Thai border village was assassinated by unknown gunmen. Likewise around 10,000 Rohingya refugees took shelter in Malaysia and were subject to a crackdown on illegal immigrants by the Malaysian government which faced an influx of refugees also from Aceh after the 2004 tsunami.

### *Other Countries and Intergovernmental Organisations*

#### *United States*

The US has discontinued bilateral aid to the government, suspended issuance of licenses to export arms to Myanmar, and suspended the generalised system of preferences and Export Import Bank financial services in support of US exports to the country. The US government has also; suspended all Overseas Private Investment Corporation financial services in support of US investment in the country; ended active promotion of trade with the country, and halted issuance of visas to high government officials and their immediate family members. It has also opposed all assistance to the government by international financial institutions and urged the governments of other countries to take similar actions. New investment in the country by US citizens has been illegal since 1997.

In November 2000, the US government actively supported the decision of the ILO to implement sanctions against the regime based on the government’s continued systematic use of forced labour for a wide range of civilian and military purposes. In March 2003, the US Secretary of State designated Myanmar as a “country of particular concern” under the International Religious Freedom Act for particularly severe violations of religious freedom. The US Secretary of State had also designated Myanmar a country of particular concern in 1999, 2000, and 2001.<sup>50</sup>

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<sup>45</sup> Convention and Protocol relating to the status of refugees; [http://www.unhcr.ch/cgi-bin/texis/vtx/basics/%2BSwwBmeJAIS\\_www3wwwwwwwhFqA72ZR0gRfZNFqtxw5oq5zFqtFEIfglAFqA72ZR0gRfZNDzmxwwwwww1FqtFEIfgl/opendoc.pdf](http://www.unhcr.ch/cgi-bin/texis/vtx/basics/%2BSwwBmeJAIS_www3wwwwwwwhFqA72ZR0gRfZNFqtxw5oq5zFqtFEIfglAFqA72ZR0gRfZNDzmxwwwwww1FqtFEIfgl/opendoc.pdf)

<sup>46</sup> UNHCR 2003 Year Report South Asia

<sup>47</sup> [http://www.idea.int/documents/Burma/BURMA\\_beyond\\_2000\\_exec\\_summary.pdf](http://www.idea.int/documents/Burma/BURMA_beyond_2000_exec_summary.pdf)

<sup>48</sup> Out of Sight, Out of Mind, Thai Policy Towards Burmese Refugees and Migrants, 25 February 2004; <http://hrw.org/reports/2004/thailand0204/thailand0204.pdf>

<sup>49</sup> See IHRC report A brief introduction to the Malay Kingdom of Patani, 2004 [www.ihrc.org.uk](http://www.ihrc.org.uk)

<sup>50</sup> International Religious Freedom Report 2003, US Dept of State; Human Rights and US strategy in Burma, Human Rights Watch, <http://hrw.org/english/docs/2004/03/25/usint8228.htm>

As we go to press, the USA is making another attempt to get Myanmar included on the agenda of the United Nations Security Council in its October 2005 sessions with a view to debating its ongoing human rights abuses. A similar attempt in June 2005 was blocked by China and Russia, both permanent members of the Security Council.<sup>51</sup> As the Asian Human Rights Commission notes in its report of September 2005:

“In 2005, the Security Council, among others, discussed the following country situations: Middle East situation, including the Palestinian question, Sudan, Burundi, Iraq, Liberia, Afghanistan, Eritrea-Ethiopia, Democratic Republic of the Congo, Sierra Leone, Cote d’Ivoire, Burundi, Timor-Leste, Guinea-Bissau, Georgia, Zimbabwe, Central African Republic, Somalia, Bougainville, Cyprus, Haiti, Kosovo (Serbia and Montenegro), Western Sahara, Iraq-Kuwait, Middle East—Lebanon.

“If the Security Council can discuss the above countries, Burma is a fit case by any yardstick given the overthrow of democratically-elected government, conflict between central government and ethnic groups, widespread violations of human rights and humanitarian laws, internal displacement and outflow of refugees, drug production and trafficking.”<sup>52</sup>

Whilst welcoming these moves, ACHR is however also cynical about what it calls the USA’s infamy “for half-hearted measures – sponsoring resolutions or adding specific country situations in the agenda item – without adequate homework with other members of the relevant UN bodies.”

#### *European Union (EU)*

There is no bilateral cooperation programme between the EU and Myanmar. The European Commission funding is currently limited to the repatriation and reintegration of Rohingya refugees from Bangladesh and a number of small NGO projects working primarily in ethnic minority areas and focusing on water, sanitation, medical care, reproductive health and HIV/AIDS. EU countries cut off aid to Burma in 1988, agreed on an arms embargo in 1990, and in 1991, suspended defense cooperation. The EU Common Position on Myanmar, first adopted in October 1996, confirmed existing sanctions, and introduced a visa ban on high-level members of the military regime and their families, as well as suspending high-level governmental visits to Burma. This Common Position<sup>53</sup> has been maintained since 1996.

In April 2000, the Council further strengthened the Common Position, by adding a ban on the export from the EU of any equipment that might be used for internal repression or terrorism, publishing the list of persons affected by the visa ban, and imposing a freeze on the funds held abroad by the persons named in the list. The Common Position was renewed regularly and most recently on 26 April 2004, but recent developments (i.e., the on-going talks) were highlighted in Council Conclusions. An EU Troika Mission that visited Yangon from 29 to 31 January 2001 confirmed that Aung San Suu Kyi had met with senior officials of the SPDC on a number of occasions since October 2000. The Troika Mission concluded that the contacts were promising, but still at a delicate stage and not yet irreversible.<sup>54</sup>

On 29 June 2004, the European Commission adopted two humanitarian aid decisions worth a total of EUR 8.1 million to assist victims of the “ongoing and largely forgotten crisis in Myanmar”. The decisions will provide much needed assistance to vulnerable people facing extreme hardship. Support will include access to primary health care and clean water and sanitation, assistance to mine victims and child protection. The humanitarian aid will be

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<sup>51</sup> Asian Human Rights Commission, Burma: The case for UNSC intervention, 28 September 2005, [www.achrweb.org](http://www.achrweb.org)

<sup>52</sup> *ibid*

<sup>53</sup> EU Common Position on Myanmar; [http://europa.eu.int/comm/external\\_relations/myanmar/intro/gac.htm](http://europa.eu.int/comm/external_relations/myanmar/intro/gac.htm)

<sup>54</sup> Challenges to democratization in Burma, Perspectives on multilateral and bilateral responses, International IDEA; [http://www.idea.int/documents/Burma/BURMA\\_beyond\\_2000\\_exec\\_summary.pdf](http://www.idea.int/documents/Burma/BURMA_beyond_2000_exec_summary.pdf)

targeting refugees from Myanmar in Thailand as well as vulnerable populations inside Myanmar.<sup>55</sup>

### *Other Countries*

According to the Asian Commission for Human Rights (ACHR):

“China, India, Japan and Thailand have played key roles to off-set sanctions by the United States and European Union and kept the oppressive military regime alive.

“Legitimate questions have been raised as to the effectiveness of the sanctions. However, the neighbouring countries which advocate and practice “constructive engagement” have even refused to raise the issue of the release of Daw Aung San Suu Kyi from solitary confinement. If the release of Daw Aung San Suu Kyi from solitary confinement cannot figure in the "constructive engagement" with the SPDC, there is no alternative to the sanctions against Burma, despite its limited effectiveness.”<sup>56</sup>

It notes with some cynicism the red carpet treatment afforded to SPDC’s Chief General Than Shwe when he was welcomed with the gun salute reserved for Heads of State by the government of India during his visit to India from 24 to 29 October 2004

### *Muslim Majority Countries*

#### *Bangladesh*

The Foreign Minister of Bangladesh, Mr M. Morshed Khan, has said that the ongoing violence in Myanmar will have no impact on relations between the two countries.<sup>57</sup> It seems part of the reason for this reaction is twofold. The first reason seems to be that there still remain 19,700 refugees from Myanmar in Bangladesh (this represents 7 per cent of the original camp population)<sup>58</sup> and Bangladesh might not want to antagonise the government of Myanmar too much so as to jeopardise the further return of refugees. The other reason could very well be that Bangladesh could be involved in a lucrative gas pipeline project with Myanmar and India.<sup>59</sup>

#### *Malaysia*

On 22 July 2003, the Malaysian Foreign Minister Syed Hamid Albar stated that “there is a need for it [the issue of Myanmar] to be discussed and for ASEAN countries to arrive at a consensus” in an attempt to downplay then Prime Minister Mahathir Mohamad's remarks earlier that week to the media, saying Myanmar faces expulsion from ASEAN, as a last resort, if it continues to detain Suu Kyi. Mr Albar added “we are not trying to interfere in the internal affairs of Myanmar”.<sup>60</sup>

According to an internet news report dated June 2001, Malaysia and Myanmar are considering expanding military ties, including holding joint exercises, according to Malaysian

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<sup>55</sup> Commission provides additional € 8.1 million in humanitarian assistance for victims of the crisis in Burma/Myanmar, IP/04/822 - Brussels, 29 June 2004;

[http://europa.eu.int/comm/external\\_relations/myanmar/intro/ip04\\_822.htm](http://europa.eu.int/comm/external_relations/myanmar/intro/ip04_822.htm)

<sup>56</sup> Burma: The case for UNSC intervention, 28 September 2005, [www.achrweb.org](http://www.achrweb.org)

<sup>57</sup> Myanmar's Muslims, The Independent (internet edition), Bengali newspaper, 2 November 2003; <http://www.independent-bangladesh.com/news/nov/02/02112003ed.htm>

<sup>58</sup> UNHCR 2003 Year report South Asia

<sup>59</sup> Dhaka clears passage for Myanmar gas pipeline, Sanjay Dutta, Times News Network, 2 June 2004; <http://timesofindia.indiatimes.com/articleshow/713764.cms>

<sup>60</sup> ASEAN consensus needed on Myanmar, Malaysia says, Asian Economic News, 28 July 2003; [http://www.findarticles.com/p/articles/mi\\_m0WDP/is\\_2003\\_July\\_28/ai\\_105896934](http://www.findarticles.com/p/articles/mi_m0WDP/is_2003_July_28/ai_105896934)

Chief of Defence Forces Gen Tan Sri Zahidi Zainuddin. He made the remarks following an official visit to Kuala Lumpur by Myanmar Air Force Chief Lt Gen Kyaw Than.<sup>61</sup>

The Muslim Youth Movement of Malaysia (ABIM), which is said to have 60,000 members, regularly issues statements concerning the situation of Muslims in Myanmar. The group, amongst others, appealed to the United Nations and the Organisation of Islamic Conferences to press Myanmar to allow an independent investigation. It has also called on the junta to rebuild mosques destroyed in the clashes.<sup>62</sup>

### *Indonesia*

In May 2004, Indonesia joined a growing list of Myanmar's neighbours criticizing Yangon's decision to hold talks on a new constitution without the pro-democracy opposition. A statement issued by the Indonesian Foreign Ministry stated the process of national reconciliation in Myanmar is falling short "of what the international community expected". It called on Myanmar's military government to include all ethnic and political groups in the process of writing a new constitution. The Indonesian ministry also urged Yangon to free opposition leader Aung San Suu Kyi, who has been under military house arrest for the last year. Indonesia currently chairs ASEAN. It joined Thailand, Malaysia, Japan and others in urging that the constitutional convention under way in Yangon include representatives of all groups.<sup>63</sup>

### *Pakistan*

Pakistan's Chief Executive General Pervez Musharraf met with General Than Shwe on 2 May 2001 to discuss economic cooperation between Pakistan and Myanmar, marking the first meeting between the two countries in 16 years. During the talks, the two leaders signed a memorandum of understanding for cooperation in science and technology. Before leaving Myanmar for Vietnam, General Musharraf commented, "It is Pakistan's desire to get closer to [Myanmar]. The future looks bright." Pakistan has long been suspected of supplying weapons to the Myanmar military regime.<sup>64</sup>

### *Organisation of Islamic Conferences (OIC)*

In June 2000, the OIC adopted a resolution on the Muslim minority in Myanmar in which it deplored the "continuing oppression and displacement, suffered by some Muslims in the Union of Myanmar, in addition to their being deprived of the basic rights, which other citizens enjoy."<sup>65</sup> In June 2001, the OIC strongly condemned the "inhuman and aggressive" attacks by "extremist" Buddhists upon Muslims in Myanmar.<sup>66</sup>

The OIC regularly calls on the international community and human rights organisations to intervene and force the Myanmar government to halt attacks on Muslims, and quit destroying mosques and Islamic historical places. It urges the international community to secure the safety of Muslims in Myanmar and enable them to exercise their political and social rights as accorded to other citizens, and safeguard their Islamic identity. "If today's world community is

<sup>61</sup> In Brief - Malaysia, Myanmar look to expand ties, Jane's Defence Weekly, 30 May 2001; <http://www.ibiblio.org/obl/reg.burma/archives/200105/msg00117.html>

<sup>62</sup> Suffering in Burma, by Zaynab El-Fatah, 6 June 2001; <http://www.victorynewsmagazine.com/SufferinginBurma.htm>

<sup>63</sup> Indonesia Joins in Criticizing Burma's Constitutional Convention, 19 May 2004; <http://www.ncgub.net/News/Indonesia%20Joins%20in%20Criticizing%20Burma's%20NC%2019%20May%202004.htm>

<sup>64</sup> <http://www.burmaproject.org/burmadebate/bdspring01.html>

<sup>65</sup> Resolution No. 58/27-P on the Muslim minority in Myanmar, 27-30 June 2000; [http://www.oic-oci.org/english/fm/27/27th-fm-political\(3\).htm#58](http://www.oic-oci.org/english/fm/27/27th-fm-political(3).htm#58)

<sup>66</sup> OIC Condemns Attacks On Muslims In Myanmar, 23 June 2001, IslamOnline; <http://www.islamonline.net/English/News/2001-06/23/article7.shtml>

all about coexistence and cultural exchanges, why is it silent about the persecution of Muslims".<sup>67</sup>

### *Human Rights NGOs*

#### *Amnesty International (AI)*

AI has documented human rights violations by the military against civilian members of ethnic minorities, most commonly in the context of counter-insurgency operations since 1988. These include forced labour; forcible relocation with no compensation; torture and ill-treatment; and extrajudicial executions. The organisation published reports on violations against the Rohingyas in 1992 shortly after their second mass exodus to Bangladesh; and again in 1997, as refugee flows to Bangladesh continued. It visited Myanmar for the first time in February 2003 and again in December 2003.

Following these visits, it launched a worldwide appeal in May 2004 under the name of 'Myanmar: Rohingya minority denied basic rights'. The Rohingyas are described as "a Muslim minority who live in the west of Myanmar" who "suffer severe discrimination in law and practice". A report by AI dated 1 April 2004 looks at the human rights problems with regards to the political process in Myanmar, especially with the current meeting of the National Convention. It does not mention religious or ethnic issues. Note that AI regularly reports on Myanmar but very seldom specifies the religious abuses against Muslims<sup>68</sup>.

#### *Human Rights Watch (HRW)*

HRW has regularly reported on human rights abuses in Myanmar. A 2002 investigation by HRW found widespread forced recruitment of children as young as 11 by government forces and concluded that Myanmar has the largest number of child soldiers in the world. According to accounts of former government soldiers interviewed by HRW, 20 percent or more of its active duty soldiers may be children under the age of 18. Myanmar is believed to have an estimated 350,000 soldiers in its national army. Unfortunately, it must be added that armed opposition groups in Myanmar also recruit child soldiers, although on a much smaller scale. HRW documented the use of child soldiers by 19 different armed opposition groups.<sup>69</sup>

HRW also regularly reports on Thailand's repression of refugees, asylum seekers, and migrant workers from Myanmar. HRW states that the Thai government is "arresting and intimidating Burmese political activists living in Bangkok and along the Thai-Burmese border, harassing Burmese human rights and humanitarian groups, and deporting Burmese refugees, asylum seekers and others with a genuine fear of persecution in Burma".<sup>70</sup>

On 18 July 2002, HRW released a document specifically focused on the situation of Muslims in Myanmar.<sup>71</sup> The paper, based on interviews with Muslims from Myanmar and religious leaders inside the country, eyewitnesses to the attacks, and other material, provides details not previously known outside the country. The report states the Myanmar government "must protect the rights of Muslims. Instead, it has imposed restrictions on Muslim religious

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<sup>67</sup> Muslim Persecution in Myanmar, Dr. Nora Ahmed; 27 December 2002;

<http://www.muslimworldleague.org/paper/1774/articles/p14-a3.htm>

<sup>68</sup> Its 2005 report 'MYANMAR LEAVING HOME' dated 8 September 2005 recounts mistreatment and abuse of Burmese refugees including Muslims of various ethnicities, as well as dealing with the mistreatment of Rohingyas as an ethnic group.

<sup>69</sup> Burma: Demobilize Child Soldiers, U.N. Committee Finds Burma in Violation of International Law, HRW, 4 June 2004; <http://hrw.org/english/docs/2004/06/04/burma8734.htm>

<sup>70</sup> Out of Sight, Out of Mind, Thai Policy Towards Burmese Refugees and Migrants, 25 February 2004; <http://hrw.org/reports/2004/thailand0204/thailand0204.pdf>

<sup>71</sup> Burma: Crackdown on Muslims, 18 July 2002, HRW; <http://hrw.org/backgrounder/asia/burma-bck.htm>

activities and taken no action to punish those responsible for destroying Muslim homes and mosques," said Mike Jendrzejczyk, Washington Director for Asia at Human Rights Watch.

Restrictions on travel by Muslims were far more rigidly enforced in 2001, and earlier this year the government tightly restricted the number of Muslims allowed to travel to Mecca for the Hajj pilgrimage. Muslims claimed they continue to have special difficulties getting passports to travel abroad.

HRW urged the Myanmar government to take immediate steps to end the persecution of Muslim communities, to prosecute those responsible for attacks on Muslim civilians and property, and to ensure that losses are properly compensated. The government should also allow Ambassador Razali and the U.N. Special Rapporteur for Myanmar, Paulo Sergio Pinheiro, unrestricted access to Muslim areas, including the sites of the 2001 violence, so that they can meet with local Muslim residents and community leaders.

#### *Christian Aid*

On 24 May 2004, Christian Aid launched a report on 'Burma's dirty war: the humanitarian crisis in eastern Burma'<sup>72</sup>. Although it highlights the appalling humanitarian situation in the country and that this terrible situation goes on "far from the glare of the international spotlight", the report does not specify that it is Muslims who are often the victims.

#### *International Committee of the Red Cross (ICRC)*

The ICRC established its presence in Myanmar in 1986 with physical rehabilitation programmes. In its year report for 2003, it states that the ICRC continued to build its relationship with the local authorities by keeping them constantly informed and updated about its activities. Consequently, the contacts of the regional authorities on state, district and township civilian level were consolidated, and the ICRC's mandate, principles and working procedures are gradually becoming better understood and accepted. For the first time, the ICRC was given the opportunity to hold a three-hour dissemination session for 21 superintendents in charge of detention facilities throughout the country. This event was organised in conjunction with a training course run by the Prison Department.<sup>73</sup>

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<sup>72</sup> Burma's dirty war, 17 May 2004; <http://www.christian-aid.org.uk/indepth/504burma>

<sup>73</sup> ICRC Annual Report 2003: Myanmar, 28 June 2004; [http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/622JFQ/\\$FILE/icrc\\_ar\\_03\\_Myanmar.pdf?OpenElement](http://www.icrc.org/Web/Eng/siteeng0.nsf/htmlall/622JFQ/$FILE/icrc_ar_03_Myanmar.pdf?OpenElement)

## **CHAPTER SEVEN**

### **The Burmese Opposition and Muslims**

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Considering the situation in Myanmar, there are many people and groups opposed to the current government. The Democratic Alliance of Burma (DAB) is an umbrella organisation formed in 1988 to unite Burmese ethnic fronts and other pro-democracy opposition groups who are fighting against the SLORC using military and political means. There is also the National Coalition of the Union of Burma (NCUB), an alliance formed between DAB members and elected Members of Parliament who fled Burma due to repression following the 1990 elections.

There are two Muslim organisations which were established in the early eighties and have worked with the KNU<sup>74</sup>: All Burma Muslim Union (ABMU) and Muslim Liberation Organisation of Burma (MLOB) Both the ABMU and MLOB are active members of the DAB (Democratic Alliance of Burma), an umbrella organisation formed in 1988 to unite Burmese ethnic fronts and other pro-democracy opposition groups who are fighting against the SLORC using military and political means. They are also both members of the National Coalition of the Union of Burma (NCUB), an alliance formed between DAB members and elected Members of Parliament who fled Burma due to repression following the 1990 elections.

#### *All Burma Muslim Union (ABMU)*

The All Burma Muslim Union (ABMU) maintains its own battalion of troops and has been fighting together with the Karen National Liberation Army (KNLA), the KNU's military wing, against the SLORC since 1983. After an outbreak of anti-Muslim riots in Martaban, Moulmein and other towns in lower Burma in the early eighties, a number of internally displaced Muslims joined the ABMU. On March 6, 1997, the ABMU issued a statement declaring that they would like the international community, and especially Muslim countries in ASEAN, to be more aware of the human rights abuses currently being perpetrated, particularly, against Muslims by the Myanmar military.

#### *Muslim Liberation Organisation of Burma (MLOB)*

The second organisation, the Muslim Liberation Organisation of Burma (MLOB) is comprised of Muslims from different areas in Myanmar. In their letter to the Muslim countries of ASEAN of 25 March 1997, they declared that: "the people are afraid that a SLORC led Burma would become a member of the ASEAN grouping, which would give legality and legitimacy to the SLORC to brutalise the people for longer."

The MLOB maintains that the military authorities cannot resolve Burma's long-running political problems by means of military might. It states the only way to retain a civilized solution is to enter into a dialogue with the opposition "that represents almost the entire population of Burma".<sup>75</sup>

#### *Rohingya groups*

Two Rohingya armed resistance movements have been set up in response to Burmese oppression. The *Rohingya Solidarity Organisation (RSO)* was formed in the early 1980s in reaction to the new discriminations affecting the Rohingyas and to the 1978 expulsions. It switched from political activism to armed struggle soon after the 1991–92 persecutions. The RSO essentially acts by infiltration and attacks in Northern Arakan from Bangladesh. The other, less important, armed group is the *Arakan Rohingya Islamic Front (ARIF)*, created in

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<sup>74</sup> Karen National Union (KNU) is Myanmar's largest armed ethnic group

<sup>75</sup> MLOB statement on the prevailing serious situation in Burma, 29 July 1998;  
<http://www.ibiblio.org/obl/reg.burma/archives/199807/msg00729.html>

1987. Its activity seems to have ceased over the past few years. Generally speaking, the armed Rohingya resistance is not very active and constitutes above all a pretext for the militarization of the region as well as a way for the Burmese junta to keep a close watch on the population.



## CONCLUSION

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The Muslim Liberation Organisation of Burma (MLOB) has regularly written letters to the supreme authorities of Brunei, Indonesia, Malaysia and other countries, inter alia on 28 April 1997 including the statement “Muslim organisations from Burma are demanding to know why [...] predominantly Muslim countries in ASEAN continue to support the junta”<sup>76</sup>

Caught between non-recognition as victims of religious hatred and violence by those countries who have brought sanction against Myanmar, and ignored by supposed co-religionist governments who have gone so far as to support the junta, even with arms, the Muslims of Myanmar hold the unenviable position of being oppressed even in some cases by the oppressed. This report sheds some light on their situation – it is a light that needs to be carried forward by all people of conscience.

Please take time to look at some of the suggested resources, find out more and get yourself, friends and family involved in the struggle to make others aware of the plight of Myanmar's Muslims and campaign for justice for all of Myanmar's peoples.

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<sup>76</sup> DAB: Open letter to the ASEAN dialogue partners, Democratic Alliance of Burma Foreign Affairs Committee, 7 August 1997;  
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- Muslim Liberation Organisation of Burma (MLOB)
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<sup>77</sup> <http://www.christian-aid.org.uk>

<sup>78</sup> Sitthipong <sitthi@cm.ksc.co.th>

**Clarifying jargon:**

SLORC	State Law and Order Restoration Council
SPDC	State Peace and Development Council
NLD	National League for Democracy, opposition party
USDA	Union Solidarity and Development Association
KNU	Karen National Union
IOC	Organisation of Islamic Conference
DAB	Democratic Alliance of Burma
NCUB	National Coalition of the Union of Burma
ABIM	Muslim Youth Movement of Malaysia
RI	Refugees International
USCR	US Committee for Refugees
RSO	Rohingya Solidarity Organisation
ARIF	Arakan Rohingya Islamic Front

**Relevant contacts:**

**UNITED KINGDOM** - the *Britain-Burma Society* meets seven times a year to focus on cultural and historical issues and facilitate academic exchange. For more information contact Derek Brooke-Wavell by phone: 44-118-947-6874 or by fax: 44-118-954-6201 or email: [d.wavell@ntlworld.com](mailto:d.wavell@ntlworld.com).

**BANGLADESH** - *Kaladan Press Network* up-to-date news on the situation in Myanmar, particularly Arakan <http://www.kaladanpress.org/kpn/>

**CANADA** - The *Toronto Burma Roundtable* meets monthly to discuss issues relating to Burma and plan educational and political events. For more information contact Elizabeth Shepherd by phone: +416) 465-3458 or email: [mandalay@sprint.ca](mailto:mandalay@sprint.ca) . *Canadian Friends of Burma*: <http://www.cfob.org>

**NETHERLANDS** - The *Netherlands Burma Roundtable* is held once every two months with the goal of updating organisations and individuals on current events and activities surrounding Burma. For more information contact the Burma Centrum Nederland by phone: +31-20-671-69-52 or by fax: +31-20-671 35 13.

**USA, Washington, DC** – there is a *National Coalition Government of the Union of Burma*, the Free Burma Coalition and Burma Roundtable. The Roundtable is co-sponsored by Human Rights Watch/Asia, Refugees International, Jesuit Refugee Service and U.S. Committee for Refugees. For more information contact Refugees International by phone: (202) 828-0110 or fax (202) 828-0819. Internet: <http://www.ncgub.net>

**USA, NEW YORK, NY** – There is the *Open Society Institute's Burma Project*. Contact: The Burma Project, tel. +1-212-548 0632. The *New York Roundtable* holds periodic meetings of organisations and individuals interested in Burma. For more information contact the Burma UN Service Officer by phone: +1-212-338 0048 or by fax: +1-212-338 0049.

**USA, NEW ENGLAND** - The *New England Burma Roundtable* is an informal group of individuals and organisations working to promote human rights and democracy in Burma. Meetings are held the second Monday of every month. For information contact Simon Billenness of Trillium Asset Management by phone: (617) 423-6655 Ext. 225 or email: [sbillenness@trilliuminvest.com](mailto:sbillenness@trilliuminvest.com) .

**USA, SEATTLE, WA** - The *Burma Interest Group* is a non-partisan forum attended by representatives of NGOs, business, academia, and other interested parties that meets monthly to discuss Burma-related topics. For more information contact Larry Dohrs by phone: (206) 784-5742 or fax: (206) 784-8150 or email: [burma@u.washington.edu](mailto:burma@u.washington.edu) .

**GERMANY** – There are the *Burma Bureau Germany*, and the *Burma Project Berlin*.

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PO Box 598  
Wembley  
HA9 7XH  
United Kingdom

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