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Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 February 2011]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Impunity and massive human rights violations in Myanmar

For the first time in twenty years Myanmar has been voting in a general election in November 2010. The elections were neither free nor fair. The Government of Myanmar declared that the election was part of their plan to move the country to democracy and civilian rule, but the legislature is hardly democratic. Not only did the military leadership guarantee itself a strong hand in Parliament with the large number of military appointees, it limited the ability of opposition candidates to campaign for the elected seats. Many, including democracy advocate Aung San Suu Kyi who remained under house arrest during the elections, were barred from running at all. Furthermore the voting has been cancelled in about 3.400 villages where restive ethnic minorities are dominant, excluding some 1.5 million people from the elections.

Flawed elections – No hope for democratic reforms

Voted in the context of the disputed 2008 constitution, which was drafted by Myanmar's military rulers without input from democratic opposition groups, government officials and supporters hold about 80 percent of the elected seats in the new elected national and regional parliaments. Tightening their grip on power further, regime leaders recently named the lawmakers who will serve as the designated military appointees, who will account for one fourth of the parliament's members. Only four civilians were on a list of 30 potential ministers for Myanmar's next cabinet which was presented to parliament on February 9, 2011. Twenty-six of the ministers were ex-military staff. Furthermore the leading Nation Defence and Security Council (NDSC) will include only one civilian, Vice-president Sai Mauk Kham, the other ten member will be military representatives or former military officers. There is no hope for good governance and democracy. The military has underlined its intention to control all key ministries and to prevent a democratic opening of the former military junta.

Escalation of war and human rights violations in ethnic areas

A day after the November 7, 2010 Burmese national election, fighting between a breakaway faction of the Democratic Karen Buddhist Army (DKBA) and the Myanmar junta's army started in the Myawaddy area of Karen State. Some 20.000 ethnic Karen have fled to neighbouring Thailand to seek for protection but most of them were deported once again a few days later. Scores of villagers who were displaced from Dooplaya and Pa'an districts in Karen State are now trapped in a narrow band of fields located on the Thai side of the international border. A long-running, low-intensity conflict that has plagued this area for years has dramatically shifted gears, bringing with it a much higher level of violence, deaths and large scale abuse of civilians—a clear sign that war has broken out in eastern Myanmar.

The outlook for the refugees is bleak, Thai authorities won't allow them to go further into Tak Province, and they have repeatedly forced the refugees to 'voluntarily' cross back into the war zone. Once in Myanmar, many of the returned refugees opt to immediately work their way back across the border, despite the threats of the Thais, because of the very real fear that the Myanmar army will forcibly recruit them to serve as porters or human mine sweepers.

Aid agencies seeking to deliver food and medical supplies have difficulty even locating the displaced villagers because of the repeated harassment by the Thai authorities, who have forced the refugees to abandon the large temporary camps and spread out in the bush,

hiding in small groups in farm huts or forested hill tops. The result is that many of the refugees are hungry, sick and terrified of being returned yet again to Myanmar.

Numerous refugees have reported that Myanmar army is using convict porters as human shields to march through minefields. According to one of the porters, in the 48 hours before his escape, he witnessed at least 30 porters and soldiers felled by landmines as Myanmar officers continued to press ahead with their reckless advance across heavily mined DKBA positions. A porter from Bago Division told how he been arrested at random by army recruiters in December 2010 while he was having dinner at a restaurant. He was quickly taken to the frontlines, forced to carry ammunition through heavily mined territory alongside dozens of starving prison convicts. His relatively brief period of detention meant that he was strong enough to escape one night when the soldiers guarding him were asleep.

Widespread human rights violations have been reported from Chin State too, home to the Chin ethnic minority. Forced labour, arbitrary arrests, torture, beatings and religious or ethnic persecutions have been documented by local human rights groups in Chin State. The massive human rights violations had a massive impact of the livelihood of the civilian population provoking widespread hunger among Chin communities in rural areas.

Crimes against humanity and war crimes

Rape still is used as a weapon of the Myanmar army in its fight against armed ethnic movements. Women are victimized in the frontier areas through seizure, abuse, and sexual violation by soldiers. Peasants are forced to grow crops and provide food to the army, and if they refuse or fail in their efforts, their crops and animals are seized, their houses are burnt down, and they are forced to serve the soldiers. In its fighting in ethnic nationality areas, the Myanmar army is isolating its enemies from civilian supporters by cutting off food, funds, intelligence and recruiting. Women, children and elderly people who are accused to assist insurgents or hide in contested areas are beaten, imprisoned, raped and murdered. In urban areas civilians are seized are forcefully recruited to work as porters and lead soldiers through minefields. There are no avenues of appeal against such demands.

Tens of thousands of civilians forcefully have been relocated from their villages to new settlements, controlled by the army. The army uses tactics of intimidation and violence to enforce compliance from the villagers with relocation orders. These tactics include attacks on non-combatants in villages, with widespread destruction of houses, fields and plantations. Furthermore food and livestock is confiscated by soldiers and civilians are targeted in a shoot-on-sight policy. The deployment of landmines in civilian areas and restrictions on movement for villagers have been creating an atmosphere of systematic intimidation and terror in ethnic nationality areas.

Society for Threatened Peoples calls on the Human Rights Council:

- to express its deep concern regarding the massive human rights violations;
- to appeal for the establishment of a United Nations Commission of Inquiry into possible crimes against humanity and war crimes;
- to urge special attention of the international community in regard to human rights violations in ethnic minority areas;
- to appeal to the international community to maintain sanctions against those responsible for the ongoing human rights violations.