PIERCING BURMA'S VEIL OF SECRECY: THE TRUTH BEHIND THE SHAM ELECTION AND THE DIFFICULT ROAD AHEAD

HEARING

BEFORE THE

SUBCOMMITTEE ON ASIA AND THE PACIFIC

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

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CONTENTS

Page

WITNESSES

Mr. Aung Din, executive director and co-founder, U.S. Campaign for Burma ... 7
Chris Beyrer, M.D., director, Johns Hopkins Center for Public Health and Human Rights ... 25

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

The Honorable Donald A. Manzullo, a Representative in Congress from the State of Illinois, and chairman, Subcommittee on Asia and the Pacific: Prepared statement ... 3
Mr. Aung Din: Prepared statement ... 9
Ms. Aung San Suu Kyi, General Secretary, National League for Democracy, Rangoon, Burma:
Prerecorded video message ... 20
Transcript of video message ... 23
Chris Beyrer, M.D.: Prepared statement ... 28

APPENDIX

Hearing notice ... 48
Hearing minutes ... 49
Mr. Aung Din: Material submitted for the record ... 50
The Honorable Eni F.H. Faleomavaega, a Representative in Congress from American Samoa: Article submitted for the record ... 55

PIERCING BURMA'S VEIL OF SECRECY: THE TRUTH BEHIND THE SHAM ELECTION AND THE DIFFICULT ROAD AHEAD

WEDNESDAY, JUNE 22, 2011

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ASIA AND THE PACIFIC,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 12:30 p.m., in room 2172 Rayburn House Office Building, Hon. Donald A. Manzullo (chairman of the subcommittee) presiding.

Mr. MANZULLO. The Subcommittee on Asia and the Pacific will now come to order. I am sorry I am late. We had a pretty tight vote on the floor involving patent reform.

I recognize myself for a brief opening statement. On November 7th of 2010, the military junta that ruled the country of Burma held an election that was universally labeled as a sham due to widespread irregularity and lack of participation by opposition parties. This exercise was nothing more than a well-choreographed maneuver by the ruling elites to transform themselves into a more internationally acceptable civilian dictatorship.

Despite this attempt at political gymnastics, the repression in Burma continues and thousands of political prisoners remain locked in jail. The only ray of hope to emerge from this engineered process was the release of Daw Aung San Suu Kyi, daughter of Burma's revolutionary hero Aung Sun, and Nobel Peace Prize winner. But even this concession can be revoked at a moment's notice by the regime.

Today we have the extraordinary opportunity to hear directly from the woman at the center of the decades-long struggle to bring freedom to her beloved homeland. This is the first time she has addressed the U.S. Congress in an official capacity, and I am extremely honored to be able to present it at this hearing.

I cannot disclose how we received this video, and I would instruct the press not to ask me that question if they are so inclined. We are certainly delighted to have this unprecedented opportunity.

The purpose of today's hearing is to peer behind Burma's veil of secrecy to fully comprehend the changes, if any, that are going on in that country. Since the election, we have witnessed a distinct point of view emerging from some Burma experts arguing that, no matter how fraudulent, the elections represent an important shift in domestic Burmese politics.

As the argument goes, this shift might lead to real changes in the future, even if nothing significant occurs immediately. Furthermore, the existing opposition party, the National League of Democracy, is incapable of grasping this opportunity because the group and its leader, Ms. Suu Kyi, have an all or nothing approach. This is what is characterized as the pragmatic engagement theory.

Since the Obama administration began its policy of pragmatic engagement in 2009, U.S. relations with Burma have not changed. Let us not forget that there are still 2,200 political prisoners languishing in Burmese gulags, including peaceful monks and citizens that took part in the Saffron Revolution 4 years ago.

The Burmese Government, as an effort of goodwill prior to a visit by U.S. officials in May, announced a despicably disappointing 1-year blanket reduction of jail sentences for all criminals, but it is not clear whether this includes political prisoners. The recent news of clashes in Burma's Kachin province between government troops and ethnic minorities, which has been the heaviest fighting in 17 years, adds further evidence to the argument that the situation in Burma has not changed.

If proponents of pragmatic engagement are correct, then Burmese leaders should recognize this unprecedented opportunity being offered by the Obama administration and seek to improve relations with the U.S. by demonstrating tangible change. Unfortunately, this is not the case. The State Department's visit to Burma in May is further proof that change in Burma is extremely difficult to achieve.

At a time when it seems Western influence is dwindling, Burma is actively engaging with its neighboring countries, constructing gas pipelines to Thailand and China, and accepting investments from China, its largest trading partner. Burma is a country that spends 1.8 percent of its GDP on health care, the second lowest in the world, while it spends 40 percent of its GDP on the military.

As the lead Republican sponsor of legislation to award Ms. Suu Kyi the Congressional Gold Medal in 2008, it is my sincere hope that we will have the opportunity to present her with this award in person. Ms. Suu Kyi and her countrymen have lived under the yoke of oppression for far too long. It is time that free nations stand together to help Burma finally realize the same freedoms that we all enjoy.

I now recognize Ranking Member Faleomavaega for his opening statement.

[The prepared statement of Mr. Manzullo follows:]

COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEE ON ASIA AND THE PACIFIC
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

Chairman Donald A. Manzullo
Opening Statement

June 22, 2011

On November 7, 2010, the military junta that ruled the country of Burma held an election that was universally labeled as a sham due to widespread irregularity and lack of participation by opposition parties. This exercise was nothing more than a well-choreographed maneuver by the ruling elites to transform themselves into a more internationally acceptable civilian dictatorship. Despite this attempt at political gymnastics, the repression in Burma continues and thousands of political prisoners remain locked in jail. The only ray of hope to emerge from this engineered process was the release of Daw Aung San Suu Kyi, daughter of Burma's revolutionary hero Aung San, and Nobel Peace Prize winner. But even this concession can be revoked at a moments notice by the regime.

Today, we have an extraordinary opportunity to hear directly from the woman at the center of the decades' long struggle to bring freedom to her beloved homeland. This is the first time she has addressed the U.S. Congress in an official capacity, and I am extremely honored to be able to present it at this hearing today. We cannot disclose how we received this video, but we are certainly delighted to have this unprecedented opportunity.

The purpose of today's hearing is to peer behind Burma's veil of secrecy to fully comprehend the changes, if any, that are going on in that country. Since the election, we have witnessed a distinct point of view emerging from some Burma experts arguing that no matter how fraudulent, the elections represent an important shift in domestic Burmese politics. As the argument goes, this shift might lead to real changes in the future even if nothing significant occurs immediately. Furthermore, the existing opposition party, the National League of Democracy, is incapable of grasping this opportunity, because the group and its leader, Ms. Suu Kyi, have an "all or nothing" approach. This is what is characterized as the pragmatic engagement theory.

Since the Obama Administration began its policy of pragmatic engagement in 2009, U.S. relations with Burma have not changed. Let us not forget that there are still 2,200 political prisoners languishing in Burmese gulags, including peaceful monks and citizens that took part in the Saffron Revolution four years ago. The Burmese government, as an effort of goodwill prior to a visit by U.S. officials in May, announced a despicably disappointing one-year blanket reduction of jail sentences for all criminals, but it is not clear whether this includes political prisoners. The recent news of clashes in Burma's Kachin province between government troops and ethnic minorities, which has been the

heaviest fighting in 17 years, adds further evidence to the argument that the situation in Burma has not changed.

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At a time when it seems Western influence is dwindling, Burma is actively engaging with its neighboring countries, constructing gas pipelines to Thailand and China, and accepting investments from China, its largest trading partner. Burma is a country that spends 1.8 percent of its GDP on healthcare, the second lowest in the world while it spends 40 percent of its GDP on the military.

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Mr. FALEOMAVAEGA. Thank you, Mr. Chairman, for calling this hearing. I think it is not only timely, but very important, and is part of the responsibilities of our subcommittee.

It is very unfortunate that no one from the administration is here to testify concerning the situation in Myanmar. I know that at the initiation taken by the Obama administration, supposedly to carry on some kind of an engagement process with Myanmar, but, unfortunately, this has not taken place. Secretary Campbell and Secretary Joseph Yun have both visited Myanmar, but apparently with no results. But, still, it would have been nice if someone from the administration should have been here to tell us exactly what the latest development in this dialogue or this process.

I do want to welcome today's testimony, Mr. Din and Dr. Beyrer and especially Aung San Suu Kyi, Nobel Peace Prize Laureate and Myanmar's pro-democracy leader. In 2008, she was also the recipient of the Congressional Medal of Honor, the highest civilian award in the United States.

Aung San Suu Kyi was born on Myanmar. Her father, General Aung Sun, was the national leader of Myanmar until he was assassinated in 1947, when Aung San Suu Kyi was only 2 years old. Her mother was Myanmar's Ambassador to India.

Raised in Myanmar, India, and the United Kingdom, Aung San Suu Kyi returned to Myanmar in 1988 and joined the National League for Democracy, or the NLD. She became the General Secretary and used her platform on the military regime to hold free and fair elections.

In November last year, Aung San Suu Kyi was finally released, but, despite her efforts and sacrifices, Myanmar's military regime has not held an election that has been considered fair or free. In November last year, the State Peace and Development Council held the first election since 1990. And the results, which gave the military party a super majority in all houses of Parliament, were marred in controversy.

While many nations, including the United States, continued to impose sanctions on Myanmar's military leaders in an effort to bring about democracy reforms, apparently the strategy is not working. I believe this is, in part, because we do have a double standard when it comes to sanctions. When it is convenient for us, we apply section 508 sanctions law against Thailand, Myanmar, Fiji, for example; but in 1999, when General Pervez Musharraf overthrew the democratically elected government of then Prime Minister Sharif, the U.S. waived section 508 sanction law, despite the fact that for nearly 10 years, General Musharraf never made good on his promise to resign his military commission and hold free, fair, and transparent elections in Pakistan.

From my perspective, Mr. Chairman, I believe we should find new ways to approach Myanmar, including high-level engagement with the new regime. And I hope today's testimony will help us advance the relations between our people and the people in the Government of Myanmar.

I do ask unanimous consent, Mr. Chairman, that—part of the article that I have here was written by Professor Michael Aung-Thwin, who is with the Political Science Department of the University of Hawai'i, in February. That was written February of this

year, interesting observations in terms of the elections that took place in November least year.

Unfortunately, too, even CRF was not comprehensive enough. What British colonial rule was like in Myanmar, if it was as brutal as the French colonial rule over Vietnam, Cambodia, and Laos, I would be very interested to know more about it.

Myanmar was in a state of civil war for decades. The seven city states constantly were fighting amongst themselves. And it seems that the only organization that was finally trying to put some sense of order in Myanmar, it was the military. But I do look forward to hearing from our witnesses and especially from Ms. San Suu Kyi.

Thank you, Mr. Chairman.

Mr. MANZULLO. The document will be admitted into the record without objection.

Congressman Cardoza, do you have an opening statement?

Mr. CARDOZA. Thank you, Mr. Chairman. I would like to thank both my friends, Chairman Manzullo and my friend Ranking Member Faleomavaega, for organizing today's hearing.

Burma held its first election in 20 years last November. This sham of an election was rightly condemned around the world. Looking at the long history of brutal oppression in Burma, the road ahead for the citizens who are suffering does not seem to hold a lot of promise.

But I believe that the Arab spring of this year is a reminder that we should never discount about how quickly the spark of freedom can turn into a wildfire. The uprisings across the Middle East are serving as a reminder to dictators around the world that tyranny will not be tolerated.

The people of Burma do not need to look to the Middle East, however, to see what the pursuit of freedom looks like. Instead, they need only look at the work of leaders like Nobel Laureate Aung San Suu Kyi or Aung Din, who both represent the true spirit of democracy in their country.

I am looking forward to hearing from all of our distinguished witnesses today. And I thank them for joining us. And I yield back.

Thank you, Mr. Chairman.

Mr. MANZULLO. Without objection, all witnesses' statements will be entered into the record.

Our first witness today is Aung Din, executive director and co-founder of the U.S. Campaign for Burma. He served over 4 years behind bars as a political prisoner in Burma after organizing the country's nationwide pro-democracy uprising in 1988 as vice chair of the All Burma Federation of Student Unions, the largest national student organization in Burma and outlawed by the regime.

He also served as vice chair of Burma's Youth Liberation Front and Cabinet Secretary of the Parallel Government founded by Prime Minister U Nu during the peak of the 1988 pro-democracy uprising in September.

Amnesty International adopted him as a prisoner of conscience in 1989, as chapters worldwide campaigned for his release. He is also country representative of Thai-Burma border-based "Assistance Association for Political Prisoners—Burma."

He has been quoted in hundreds of articles. He is an authority on the subject who knows more than anyone about being a prisoner for the purpose of freedom.

Mr. Aung Din, we look forward to your testimony.

STATEMENT OF MR. AUNG DIN, EXECUTIVE DIRECTOR AND CO-FOUNDER, U.S. CAMPAIGN FOR BURMA

Mr. DIN. Mr. Chairman, Ranking Member Faleomavaega, and Congressman Cardoza, thank you very much for holding this hearing today.

Mr. MANZULLO. Could you bring that microphone real close? You have a very soft voice.

Mr. DIN. Thank you very much for holding this hearing today. I have submitted my prepared testimony for the record.

And I also would like to submit the resolution on Burma adopted by the U.N. Human Rights Council in April 2011, which Aung San Suu Kyi made reference to in her message, for the record.

And my testimony is too long. And it is not possible for me to summarize it in 5 minutes. So, therefore, I would like to raise only one important issue that is bothering me too much.

For many years, the international community has tried to stop human rights violations in Burma. The United States, European Union, Australia, and Canada have employed economic sanctions on the regime as forms of pressure for positive change. Many years have passed. And then they began to doubt that imposing sanctions alone is not enough. And, therefore, they started to engage with the regime directly.

I supported the United States' policy of engaging with the regime while making the sanctions, but as I have reminded from the beginning, engagement should have a time frame, clear benchmarks, and it should involve an appropriate measure to respond for any kind of development.

However, as of today the existing sanctions are still not fully implemented yet. And the engagement remains open-ended. And I don't see any effort by the U.S. Government to exercise the pressure in a more effective and well-coordinated way.

But the regime knows very well how to manipulate the current form of engagement. From the beginning the regime took the upper hand by withholding the issuance of visas. They were not reject applications for visa, flatly. They will make some excuses, such as "their leaders are now very busy and they will not be able to host you appropriately. Please try again later."

And those diplomats who are eager to visit Burma have no choice but to wait for an indefinite period or find someone who is close to the regime for help. While waiting for their visa, they will try to refrain from criticizing the regime publicly. This can be called "visa blackmail."

After delaying weeks or months, the regime issues visas for the diplomats. Then the regime will try to control their schedule. The visas will only allow for a 2- or 3-day stay in the country. And the regime will make them to spend most of their time at the capital, Naypyidaw, for meetings with the regime officials. The diplomats will not have much time left to see the opposition leaders. This can be called "schedule control."

The next steps of the regime are making hollow promises and selling a story of "the reformers versus hardliners." In most of the meetings with the regional leaders, the diplomats will not have much chance to raise their concerns.

At the end of the meeting, the regime will make some promises, such as, "Oh, we are planning to release some prisoners," or, "We are considering to allow ACRC to visit prisons," et cetera.

And then diplomats will meet some officials, who will actually listen to them. The diplomats will be amazed by good command of the English language these official process. And then they will be amazed more as the regime officials hardly argue or deny the complaints they made about the human rights situation. And they will be told by the officials, "We know there is something wrong in our country. We want to fix it. And we want to make changes, too, but there are hardliners within and above our ranks." Then they will tell the diplomats to give them time.

It might sound like this: "Oh. You need to understand us and give us some time. Don't put so much pressure on us. If you continue to do so, we cannot convince the hardliners to make the change. And don't forget. Aung San Suu Kyi is also very stubborn."

So many diplomats have bought such a story right away. They heard from the regime leaders who made some promise. And they found some reform-minded persons within the murderous regime. They were very much encouraged.

That is why when they came back from Burma and reported to the respective government and organization, their message is, "Oh, we need to give them some time to implement what they have promised and for the reformer to be able to convince the hardliners to do the positive things." And they will also claim that this is not the right time to impose more pressure.

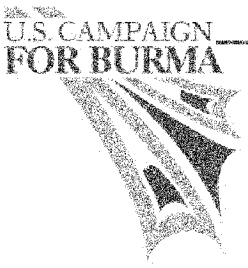
So these four steps, visa blackmail, schedule control, making hollow promises, and selling a story of reformers versus hardliners, have worked very well for the regime over the years. And they have been successful in diluting and confusing the international diplomats by responding to their engagement with such a tactic.

Unfortunately, and unintentionally, the international community has made the regime stronger and the democratic opposition weaker by legitimizing the regime, patiently waiting for hollow promises, and doing nothing while waiting. And now expectations are high again among diplomats that some elements in the so-called new government are reform-minded and that they deserve to be given more time and that putting more pressure on the regime now is not a good idea. For these diplomats, there will never be a right time to impose more pressure on the regime.

Mr. Chairman, please help us to end the "open-ended engagement policy and this is not a right time attitude" of the U.S. Government. The world has given the regime plenty of time, and so many opportunities to survive to this day. Now is the time to support and strengthen the democracy movement by weakening the regime stronger and harsher.

Thank you very much.

[The prepared statement of Mr. Din follows:]



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U.S. House of Representatives
Committee on Foreign Affairs
Subcommittee on Asia and the Pacific
Hearing on Burma:
"Piercing Burma's Veil of Secrecy: The Truth Behind the Sham Election and the Difficult Road Ahead"
June 22, 2011
12:30 PM, Rayburn House Office Building Room 2172

Testimony of Aung Din
Executive Director, U.S. Campaign for Burma

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UNCHANGED BURMA

Mr. Chairman, Ranking Member Faleomavaega and Members of the Subcommittee,

Thank you very much for holding this hearing. Today, the world is paying great attention to the events unfolding in the Middle East and North Africa. Courageous peoples in Egypt, Libya, Bahrain, Syria, Yemen, and Tunisia, are writing their own history as they challenge their respective authoritative regimes to demand freedom and justice. However the struggle for freedom does not come without a high price. We see the killing, torture, and arbitrary arrests of many of these innocent protesters. Yet hope remains. Egyptians and Tunisians have successfully toppled their decades-old dictatorships. While I am very much inspired and encouraged by the scenes of people in Egypt and Tunisia rejoicing and celebrating their newfound freedom, I cannot help but feel disheartened for the people of my country, Burma.

For decades, the people of Burma have been living under successive brutal military dictatorships that only change hands and now their fashion but not their mindset or action. For decades, my people have been trying to bring about change through peaceful means, only to be brutalized and terrorized by the dictatorial regime that places zero value on the life of a human being. Nonetheless, they never shy away from the beatings or threats of life-long incarcerations. They do not fear bullets or batons. The regime's ruthless killing is not able to destroy their freedom loving spirit. However we continue to see ongoing oppression and the possibilities of a future for our country mired in corruption and state-sponsored

violence.

One thing the regime in Burma has perfected over the years is the ability to be ever more cunning, brutal and exploitative to defuse and divert international pressure against them. It has made friends with other like-minded countries including China, Russia, North Korea and Cuba and even democracies like India. The Burmese regime knows well how to buy friends, how to use them to shield itself from international pressure, and how to manipulate the already-divided international community. The latest trick made by the regime, convening elections in November 2010, and forming a new government and the Parliament in early 2011, is again misleading the international community to holdout false hope that genuine change might be coming to Burma.

The hearing today cannot be held at a better time. In my testimony, I will expose the truth behind the sham elections of November 2010, the true colors of the so-called civilian government in Burma and the unabated humanitarian crisis within our ethnic minority populations. I also hope that today's hearing will be able to convey a sense of urgency to President Obama and Secretary Clinton that they must renew their efforts and take the lead on helping the people of Burma reclaim their freedom.

THINGS THAT CHANGED

There have been some changes in Burma recently. The military regime, previously known as the State Peace and Development Council (SPDC), was officially dissolved. The paramount leaders of the regime, Senior General Than Shwe and Deputy-Senior General Maung Aye did not take any official positions within the new government structures. The so-called civilian government and bicameral parliaments were formed at the national level. 14 regional governments and parliaments were also formed in 7 States and 7 Regions. Over 30 political parties now stand and operate legally. One of the two Vice Presidents is of the Shan ethnic nationality. Several ethnic parties won a few seats in the National and Regional Parliaments. In November of last year, Burma's democracy leader Daw Aung San Suu Kyi was released from her house arrest after being detained for the last 7 ½ years. Meanwhile her political party, the National League for Democracy (NLD), that won a landslide victory in the 1990 election, found that it has been stripped of its legal status for its refusal to participate in the regime's sham election, as did several ethnic political parties who also won seats in the 1990 election.

THINGS LEFT UNCHANGED

Let me start with the Parliament. Before the election in November 2010, Senior General Than Shwe transformed his mass organization, the Union Solidarity and Development Association (USDA), into a political party. The USDA was the regime-back militant group, similar to Hitler's brown shirts, and used by Than Shwe to carry out attacks on democracy activists. In May 30, 2003, they made an assassination attempt against Daw Aung San Suu Kyi in Depayin in Middle Burma during her organizational trip, in which scores of NLD members were brutally killed and tortured. Prime Minister General Thein Sein and other military generals retired from their military posts in exchange for civilian dress, and became heads of the Union Solidarity and Development Party (USDP), and contested in the election. Then the USDP claimed that it won about 60% of the 75% of the contested seats, meaning only a small number of seats went to minority parties. The 2008 Constitution grants the Commander-in-Chief the authority to appoint military officials to 25% of the seats in the Parliaments uncontested. Now, the military and USDP together effectively control 85% of seats in the Parliaments at national and regional levels. The minority

MPs stand no chance to raise their voice, let alone make legislation or amend the Constitution.

Let's look at the Government. USDP leader and former SPDC Prime Minister, Thein Sein is now the President of Burma. Among the 31 members of his cabinet, there are 3 active duty generals appointed by the Commander-in-Chief, 23 former military officials who are from the USDP party, 2 crony businessmen with close ties to the generals, and only 2 pure civilians. The three generals appointed by the Commander-in-Chief hold key security and administrative positions, the Ministry of Defense, Ministry of Border Areas Affairs, and Ministry of Home Affairs. Although a division of power does exist in theory between the regional governments in States and Regions, the Ministry of Home Affairs is the one that effectively run all levels of domestic administration through the Village and Block Administrators, Township Administrators, District Administrators, and State and Region Administrators, which are all staff members of the General Service Administration (GSA) under the Ministry of Home Affairs.

Let me touch on the judiciary system, the Supreme Court and other Courts. All the justices and judges are appointed by the President, and the President can terminate them at anytime. Therefore they all serve at the pleasure of the President. Furthermore, military personnel cannot be tried in civilian courts, but only in military courts, which must be convened by the Commander-in-Chief whose decision will be the final word. The Constitution also already granted amnesty to all members of the SPDC and the military for all prior acts they committed.

There is a body more powerful than the Parliament, the Government and the Courts. It is called the National Defense and Security Council (NDSC). Similar to the Central Military Commission in China, it stands above and controls all branches of the government. The NDSC is chaired by the President and includes ten members, the two Vice Presidents, the two Chairmen of the Lower House and Upper House, the Commander-in-Chief and his Deputy, and the Ministers for Foreign Affairs, Defense, Border Areas Affairs and Home Affairs. The NDSC manages all the country's affairs and it can authorize the Commander-in-Chief to declare state of emergency. During the state of emergency, the Commander-in-Chief holds all the powers to run the country under martial law. Because at least 6 of the 11 members of the NDSC are the Commander-in-Chief and his appointees, he holds the supreme power and can legally stage a coup at anytime he deems fit under the constitution.

Given these perspectives, I do not see any changes to civilian rule in my country. The military still holds the power to run the country but under a different guise. Over the last 20 years, the military ruled Burma under successive decrees, laws and orders to control the population. Now, the country is ruled by two kinds of boots – one belonging to the military led by active duty generals, and the other led by its proxy party, USDP, led by retired generals. The 2008 Constitution, which was tailored to the needs of the generals to legalize their consolidation of power in the hands of the Commander-in-Chief and the military, is their platform to claim legitimacy, to pretend that they are a constitutional government, and to rule the country for generations to come. This is what they called, "Disciplined-Flourishing Democracy" looks like, and I believe it is not in accordance with the desires and the needs of the people of Burma.

On May 11, 2011, Daw Aung San Suu Kyi said in her interview with a German media outlet (DW-TV) that, I quote, "I know there have been elections but the government that has taken over since the elections are the same as those who were in place before the elections', unquote. She also said that "until

political prisoners have been released, and until we are all allowed to take part in the political process in the country, I do not think we can call it real change."[1]

UNCHANGED NUMBERS

There are many things left unchanged in Burma today. Almost all of the generals who have held power over the last twenty years are still doing so under the veneer of civilian rule. There are still more than 2,000 political prisoners, who are being incarcerated in prisons for many years for their belief in democracy. There are still more than two million refugees and illegal immigrants in neighboring countries who are forced to flee Burma to avoid political, ethnic and religious persecutions as well as economic hardship. There are still about a half million ethnic people who are hiding in jungles and mountains to avoid being killing by Burmese soldiers. More than 3,700 villages have been destroyed or burned down by the regime between 1995 and 2010 in its decades-old military campaign against ethnic minorities. There are still tens of thousands of child soldiers within the Burmese Army. Basic freedoms such as the freedom of press, freedom of associations, freedom of religion and Internet freedom are still restricted. People are not allowed to express their opinion without the risk of arrest, torture and imprisonment. The gap in the country between the powerful and the powerless, the rich and the poor, the privileged and the disenfranchised continues wider, unattended, and unabated. Burma has not changed at all.

THINGS THAT ARE GETTING WORSE

Now, let me turn into the things that are getting worse. I would like to highlight two major issues that are now making Burma more dangerous, unstable, unmanageable, and a serious threat to the security of the international community. The first one is the widespread and egregious human rights abuses perpetrated by the authorities and crony businesspersons against ordinary citizens of Burma. The second is the escalation of civil war, one of the worlds longest, between the regime and ethnic resistance forces.

CRONY DICTATORS NEW CLASS

In Foreign Policy Magazine, Graeme Robertson wrote that "dictatorships don't just run themselves". He said "performing the basic tasks expected of even a despotic government -- establishing order, levying taxes, controlling borders, and overseeing the economy -- requires the cooperation of a whole range of players: businessmen, bureaucrats, leaders of labor unions and political parties, and, of course, specialists in coercion like the military and security forces. And keeping them all happy and working together isn't any easier for a dictator than it is for a democrat."[2] As he correctly puts it, the dictators in Burma, the military and its proxy party, USDP, do not run the country themselves alone. They are fully supported by business cronies who are allowed to control over entire sectors of the country's economy, trade, and natural resources in exchange for allegiance and wealth-sharing with the generals. They are like Ruhr industrialist Fritz Thyssen, who supported and funded Hitler and his Nazi party in Germany

[1] No "Meaningful Change" in Myanmar: Suu Kyi: AFP, May 12, 2011, http://news.yahoo.com/s/afp/20110511/wl_asia_afp/myanmarpolitics_20110511223232
[2] Think Again: Dictators, by Graeme Robertson, Foreign Policy May/June 2011, Page 36 http://www.foreignpolicy.com/articles/2011/04/25/think_again_dictators

before the Second World War.[3]

While millions of people in Burma are struggling hard to make ends meet on a daily basis, fighting to keep above the bare minimum, there has been an emergence of a new class in Burma comprised of a group of super millionaires who are all family members and business associates of the generals in power. They control the country's domestic and international trade. They are allowed to run banks, financial institutions and business corporations, from construction to mining, from garment factories to plantations, from shopping centers to media outlets. They are allowed to exploit natural resources. They receive government contracts for lucrative projects without bidding. Family members of the generals serve on their boards with huge salaries and attractive remuneration. They also act as arms dealers to help the regime acquire modern weapons, such as fighter jets, bombers, tanks, helicopters, missiles, from foreign countries to strengthen its oppressive machine. They are also major suppliers of luxury items, such as expensive cars, gold bars, upscale condominiums, diamonds, hard currencies, and overseas vacations to the generals. In August 2010, a prominent Burmese economist Dr. Maung Myint said that "as long as the government and its cronies are controlling the country's economy we will face the same economic situation even in the year 3010".[4]

Some crony businesspersons are recruited to become leaders of USDP and Members of Parliament. Although the United States has rightfully imposed targeted financial sanctions on some cronies since 2007, they are now ever wealthier. They have become more powerful than local authorities and some of them even own private militias, soccer fields, and professional soccer clubs with foreign professional soccer players. They were allowed to purchase state-owned enterprises and buildings in Rangoon with discounted prices under the regime's privatization scheme just before the election.[5] Dr. Maung Myint said that such a transfer can lead to "pocketization" instead of "privatization".[6]

Backed by the authorities, these cronies have confiscated land belonging to farmers throughout the country. Let me state a few examples. The Yuzana Company, owned by one of the regime's cronies U Htay Myint, has been forcibly seizing over 200,000 acres of land from local farmers in the Hukawng Valley, Tanai Township in Kachin State since 2006. Local authorities aided him to seize these lands without compensation for the farmers and the company-owned militias destroyed villages, which refused to relocate. Hundreds of thousands of acres of forest and farmland in the Valley were destroyed to accommodate his plan to construct sugar cane and cassava plantations. Not to mention, thousands of people lost their land, their villages and their livelihood. Hundreds of farmers tried to sue U Htay Myint in the District court, but their complaints were rejected by the judge.[7] U Htay Myint, who is listed on the targeted sanctions roster imposed by the United States, is now a leader of the USDP and a Member of Parliament in the Lower House.

In 2007, at least 15,000 villagers were forced to move out from their villages by the authorities for the Myitsone Dam Construction Project and Myitsone Hydropower Project, about 27 miles away from Myitkyina, Kachin State. These projects were constructed by the Asia World Company, owned by a

[3] Book Review: German Big Business and the Rise of Hitler. by Henry Ashby Turner, Jr, reviewed by John M. Ries. http://www.ihr.org/jhr/v08/v08p369_Ries.html
[4] "Burma's Economy Stalled under Junta, Cronies"; by Myo Maung, The Irrawaddy, August 20, 2010
[5] "Corporate Junta" by Jerry Guo, Newsweek, November 15, 2010
[6] "Burma's Economy Stalled under Junta, Cronies", by Myo Maung, The Irrawaddy, August 20, 2010
[7] "Kachin Court Clears Yuzana Tycoon", Democratic Voice of Burma, October 13, 2010, http://www.dvb.no/news/kachin-court-clears-yuzana-tycoon/12212

known drug-trafficker Steven Law, another crony under U.S. financial sanctions, jointly with the China Power Investment Corporation (CPI).[8]

Meanwhile, farmers in Kyaikmayaw Township in Mon State are worried about further land confiscations in the area after nearly 600 acres of land were confiscated by the Zay Gabar Company, owned by a business tycoon Khin Shwe, who is also enlisted under the U.S. targeted financial sanctions. He is building the largest cement factory in Burma on these lands. In a phone interview with The Irrawaddy on February 21, 2011, he indicated that about 200 acres, which bordered the roads in and out of the projected cement factory, will need to be listed for seizure.[9]

These are just a few examples of forced land seizure, abuse of power, cronyism and nepotism in Burma. In short, millions of people of Burma are being abused not only by the authorities, but also by the business cronies who now constitute the second most powerful class in Burma just under the ruling regime.

INTENSIFYING CIVIL WARS

Burma is one of the countries with the oldest and longest ongoing civil war, since 1948.
There are eight major ethnic nationalities, and several dozens of races in Burma. In the past centuries, all major ethnic groups were independent with their own territory, culture, language, history, and significant population size. After the Second World War, as organized by our national leader U Aung San, who promised them that an independent Burma would be built on the idea of a Federal Republic, in which all ethnic nationalities would share equal rights and opportunities; they joined hands with the Burman majority to gain independence from the British in 1948. However, U Aung San was assassinated a few months before Burma gained independence and the leaders who succeeded him afterwards did not keep his promises. As the ethnic groups began to receive discriminatory treatment by the Burman leaders and their rights restricted under the unitary system, they took up arms and ever since have been fighting against the Burman leaders. Instead of giving them the rights they deserve or resolving the disputes peacefully through political discussion, the Burmese regime is now using the 2008 Constitution to permanently make ethnic minorities subordinates of the Burman majority. On paper, all ethnic nationalities are superficially granted their own states, own governments, own parliaments, and even their own power. On the ground, the reality could not be more different.

The Constitution established State Parliaments and State Governments in seven ethnic states. However, the constitution grants the President the power to appoint the State Prime Ministers and their cabinet members. All the President-appointed State Prime Ministers are from the USDP. The Commander-in-Chief appoints military officials to hold key positions of the Security and Border Affairs in the State Governments in addition to the 25% of seats in the State Parliaments. The regime's proxy party, the USDP controls the majority seats in all State Parliaments. The President appoints judges to run the judiciary system at the State level. This has resulted in a situation where the ethnic nationalities have no chance to choose their leaders, to run their own judiciary system, or to legislate any law without the

[8] "Yarza Company to Seize Land for Liquor Factory", Kachin News Group, March 3, 2011, http://www.kachinnews.com/news/1898-yazar-company-to-seize-land-for-liquor-factory.html
[9] "Farmers Fear More Land Seizures", by Ko Htwe, The Irrawaddy, February 22, 2011, http://irrawaddy.org/article.php?art_id=20802

approval of the military officials and USDP MPs. In fact they cannot rule their states. The Burmese military continues to assert its control over the ethnic states and administer over every aspect of their daily lives.

This poses multiple threats to regional stability in Burma. Since 1989, more than a dozen ethnic armed groups have entered into ceasefire agreements with the regime, expecting political discussion to be the next step. However, no such discussions materialized. Instead the regime allowed them to attend the national convention and submit their demands, all of which the regime rejected. Now, the regime is forcing them to disarm almost all of their troops and transform the rest into border guard forces, which will be placed solely under the command of the Burmese Army. Most major ethnic armed forces refused these terms, thereby breaching their existing ceasefire agreement. Since the elections on November 7, 2010, major fighting between the regime's troops and ethnic armed groups has repeatedly occurred in several ethnic states, including Karen, Karenni, Shan, and Kachin. The Karen National Union (KNU), one of the largest ethnic armed groups, said that between January and April this year, a total of 359 clashes have taken place in Southern Karen State between the Burmese army and a combined force of the KNU and Democratic Karen Buddhist Army (DKBA). In these battles, the KNU reported that six Karen rebels were killed, seven injured while 611 soldiers from the Burma army were killed and 848 injured.[10]

On March 13, 2011, Burma's army launched attacks against the Shan State Army (North) in Central Shan State. The regime deployed over 3,500 troops with heavy artilleries, including 120 MM Motors and Tanks, in the area controlled by SSA (North), and launched attacks on SSA (North) forces. Fierce fighting between the two groups has spread in many townships in Shan State, with 65 battles taking place in only three weeks in March. The Burma army's indiscriminate shelling of heavy artillery destroyed several villages, belonging to ordinary ethnic peoples. One Buddhist Monastery was destroyed by the shelling of the regime's troops at Wan Nam Lao village; four novices were killed and two villagers injured. Often times, the regime's troops would torture villagers who are accused of supporting the Shan resistance forces. For example, three Shan women were gang-raped by soldiers in a separate incident in Wan Nam Lao, including a 30-year old woman who had given birth only one month earlier, and died after being raped by the regime's soldiers.[11]

On June 9, 2011, the regime troops have launched military offensives against the ethnic Kachin group, known as the Kachin Independent Army (KIA), which had been in a ceasefire agreement with the regime since 16 years ago. The regime's reason of attack is to secure and protect the constructions of dams and hydropower projects, the joint venture businesses of the regime and Chinese government, in the area controlled by the KIA. The KIA troops, stationed nearby Taping River where these hydropower projects are constructing, were asked by the regime to withdraw from the area. When the KIA refused to do so, the regime launched attacks, including indiscriminate shelling of thousands of motors and missiles, without distinguishing civilian villages and military targets. To avoid the damages of lives of ordinary citizens and Chinese technicians, the KIA troops abandoned their post in the area, but KIA Headquarters issued an order to all of its troops to launch a full scale defensive war against the regime troops. Battles continue to this day in many parts of Kachin State, and about twenty thousand ethnic people are now taking refuge at Laiza, Headquarters of KIA, jungles along the China-Burma border, and inside the Chinese territory. Thousands of people are forcibly recruited by the regime troops to carry

[10] "Karen State Conflict Intensifies", The Irrawaddy, May 18, 2011, http://www.irrawaddy.org/article.php?art_id=21316
[11] "Press Release by Shan Community Based Organization", April 12, 2011

their military equipments, ammunitions, food supply and to be used as human minesweepers. Hundreds of private-owned vehicles are also forced to transport the regime troops. The Burmese regime has imposed a curfew order in some Townships in Kachin State, and some Kachin people, whom the regime thought as supporters of KIA, are arrested, tortured, and killed.

All ethnic armed groups want to resolve any political differences with the regime peacefully through a meaningful dialogue. However, the Burmese military has offered them only two options (1) to be subjugated, or (2) to be destroyed. For those who choose the former, they will be allowed to play a minor role in the State Governments and Parliaments and will enjoy economic incentives in exchange for their subordination. For those who choose the later, they will face total destruction by the Burmese military. The general populations in the ethnic states have become targets of the regime in its military campaign to destroy the ethnic forces through a notorious strategy known as "The Four Cuts".

The regime considers the general population in the ethnic states as major providers of four sources of basic subsistence for the ethnic rebellions - news, funds, food and recruits. By cutting these four sources, the ethnic resistance groups will not be able to survive. The first step of the Four Cuts strategy is deploying tens of thousands of troops into the ethnic minority areas; the second step is isolating ethnic populations from the ethnic troops, and the third step is launching military offensives. These steps are employed ensuing some of worst forms of human rights abuses, amounting to crimes against humanity. When the regime deploys tens of thousands of troops in ethnic areas, they need new buildings and headquarters to station their troops, new roads to drive tanks, armored vehicles and military trucks, food to feed their troops, and porters to carry their equipment and ammunition. The local villagers become their free laborers. Lands are confiscated from the public to build military headquarters. Villagers are forced to build shelters and fences, roads and bridges, and carry the troops' equipment and supplies. The International Labor Organization called it "Modern Day Slave Labor". Those who are suspected of supporting the ethnic troops are brutally tortured and killed. The soldiers rape ethnic women and go on pillaging and looting village after village.

The second step involves relocation of the ethnic villagers away from ethnic forces. For these relocations, no compensation is made to the villagers who are forced to move to areas where they cannot make a living due to land structure or location. When the villagers are reluctant to leave their villages and plantations, the regime's troops destroy or burn down villages and plant landmines around the already destroyed villages to prevent the villagers from returning. In Eastern Burma alone between 1995 and 2010, over 3,700 villages were destroyed. This is the simplest way for the regime to cut food, funds, news and recruits to the ethnic armed groups. But, it is done in the most brutal and inhumane way, cutting off the lifelines of hundreds of thousands of innocent lives and destroying not just their homes but also their homelands. Meanwhile, the use of forced labor worsens when the regime troops launch major offensives against the ethnic forces or when attacked by them. They force villagers to carry their equipment and supplies, walk in front of the troops to act as human minesweepers, and kill those who try to flee. Some academics estimate that over 130,000 people could die from both sides during the ongoing-armed conflicts in Burma.[12] However, I believe civilian casualties in this ongoing armed conflict are higher than that figure.

[12] "Death Tolls for the Major Wars and Atrocities in Twentieth Century", Matthew White, http://necrometrics.com/20c100k.htm#Bur48

As the armed conflict between the regime and ethnic troops have intensified, more people will be abused, tortured and killed, more villages will be destroyed, more women and girls will be raped, more people will be used as forced laborers and human minesweepers, and more people will be forced to flee to refugee camps on the Thai-Burma border or hide in the jungles as internal displaced persons. These abuses amount to crimes against humanity".

WHAT SHOULD THE UNITED STATES DO?

I have stated the things that changed, the things that not changed, and the situation on the ground that is exacerbating day by day. The United States must act now to help the people of Burma effectively.
I support the current policy of the United States on Burma, using both carrot and stick through existing sanctions and direct engagement with the regime. However, we need a clear timeline and benchmarks placed within our policy to see any tangible improvements within Burma. We must also build our readiness and strength to respond to matters arising from Burma positively or negatively. Without such conditions, we will be giving the regime in Burma free reign to do whatever they wish and encourage them even more to ignore the calls from the international community.

I welcome the President Obama's nomination of Derek Mitchell as the U.S. Special Representative and Policy Coordinator for Burma. Although this nomination is long overdue, it is the first step in the right direction. The next step should be about establishing a clear time frame and benchmarks. The U.S. engagement with the regime should not be open-ended. Benchmarks should be set, such as an immediate and unconditional release of all political prisoners, a peaceful ending of armed conflict with ethnic minorities, allowing all stakeholders in Burma, especially democracy leader Daw Aung San Suu Kyi, leaders of the 88 Generation Students group, and ethnic leaders, to participate in the country's political process freely, and establishment of a meaningful political dialogue for national reconciliation and democratization. The U.S. Special Policy Coordinator should go to Burma and communicate such conditions and our plan of response.

Engagement with dictators can only be effective if we proffer to follow through on serious threats in the immediate future if the dictator is non-compliant. Dictators today are smarter and more cunning. They are the Machiavellis of the 21st century. They will listen to you only when they perceive you will follow through on tangible threats that can hurt them. Currently, the United States has placed a set of comprehensive sanctions on the regime. But the United States should be ready to increase these measures if there is no progress within the designated time frame. These actions include tightening and expanding targeted financial sanctions against the regime and its cronies, implementing banking sanctions, and an international investigation into war crimes and crimes against humanity in Burma.

The United States Congress imposed targeted financial and banking sanctions against the regime and its cronies in 2008 with the Tom Lantos Block Burmese JADE Act. However, a crucial part of the Law, additional banking sanctions that authorizes the Department of Treasury to "prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution if the Secretary determines that the account might be used— (A) by a foreign banking institution that holds property or an interest in property belonging to the SPDC or a person described in subsection (a)(1); or

(B) to conduct a transaction on behalf of the SPDC or a person described in subsection (a)(1).",[13] has not been implemented yet. If implemented, this would be an effective threat to the regime and its cronies and foreign banks that manage their money.

UN Special Rapporteur on the situation of Human Rights in Burma, Mr. Tomas Ojea Quinta has recommended the United Nations since March 2010 to consider setting up a Commission of Inquiry to investigate possible war crimes and crimes against humanity in Burma. His recommendation is so far supported by 16 nations including the United States. Although there are some members of the United Nations that oppose such a measure, we believe that the United States' leadership will make this Commission possible. This Commission will serve two purposes as (1) a preventive mechanism to stop further killings and abuses in Burma, and (2) a pressure mechanism to make the regime accept the idea of national dialogue for a peaceful national reconciliation. The United States should take a lead to create such a Commission.

MYTHS AND REALITIES

There are some factors that make policy makers reluctant to take decisive action on Burma. Let me address them.

Some argue that taking more drastic measures will push the regime toward reliance on China more than ever. They suggest that the United States should try to get influence on the regime by lifting sanctions. They want to make Burma one of U.S. allies in Asia, like Egypt under President Mubarak and Yemen under President Ali Abdullah Saleh.

I do not agree. The Soft approach and timeless engagement will not bring the regime back from China. They are mutually dependent on each other. The Burmese regime needs China for protection, financial assistance and supplies of weapons. The Chinese regime needs Burma for economic exploitation, natural resources, energy supplies, and its access to the Indian Ocean. Only when Burma is a democratic country, such an equation will change.

Some advocate that there is a regime change. Than Shwe is not technically in power anymore, and President Thein Sein is now talking about "good governance" and "clean government". Some say Thein Sein deserves to have some times to implement the things he has promised. It looks like they easily forget about the lies he has told in the past.

Let me give you some examples of incidents that happened not too long ago. In 2008, then Prime Minister Thein Sein promised to the people of Burma and the world that the Constitutional Referendum would be conducted in a free and fair manner. The international community expected that the people of Burma would have a chance to express their opinion freely. However, the Referendum was a sham, held during the time of crisis when over 140,000 people were killed and millions more were devastated by Cyclone Nargis. In addition to vote rigging, buying, threatening, and cheating, as well as blocking international assistance to the cyclone victims, votes were counted by the Central Commission away from the public's eyes. Then Thein Sein shamelessly declared that the 2008 Constitution was approved

[13] Tom Lantos Block Burmese Jade Act of 2008, H.R. 3890, Section 5. Sanctions, (c) Authority for Additional Banking Sanctions

by over 92% of the votes. The international community expressed disappointment, but did nothing more.

Again, before the 2010 election, Thein Sein promised to the world that the elections would be free, fair and inclusive. But, a set of unfair electoral laws imposed by the regime effectively banned the National League for Democracy and other ethnic parties from participating in the elections. He changed his military uniform, led the USDP party with other recently-retired generals, and launched a dirty political campaign using state resources. The election was severely rigged, flawed, and not inclusive, and international observers and media were not allowed to monitor. Millions of advanced votes were printed before the elections and put in the ballot boxes of the USDP candidates after the Election Day, just before vote tallies were announced. Then he proclaimed the victory of the USDP and now became the President. Again, the international community expressed disappointment, denounced the flawed elections, and continued to wait for future lies.

Now he's talking about good governance and clean government. I am surprised that the international community is still encouraged by what he said and is being hopeful. I am not going to blame Thein Sein for making lies, because it is what he usually does. I am just amazed to those who still want to be fooled again and again. Expecting Thein Sein to be someone who will keep his promise is the same as believing President Assad of Syria is a reformer.

NO TIME TO WAIT AND SEE

Over the years, we have seen a systematic pattern from the international community in responding to the situation in Burma. The regime makes some promises, the international community backs off the pressure, expects some positive changes to take place, explaining that they need to give the regime some times to implement what it had promised. When they realize that the regime failed to keep its promises, they just simply make statements or create sound bites of disappointment, and then prepare to hear another hollow promise. Instead of applying collective and effective pressure on the regime, the international community has wasted many years by waiting, hoping, dividing, debating, and doing nothing meaningful. Such an attitude needs to change.

International pressure alone will not help Burma achieve freedom. The people of Burma are the ones who will have to write their own history and free their country from dictatorship. The stronger they are, the weaker the regime is, the nearer the victory. All we are asking is to help strengthen Burma's democracy movement by providing moral and material assistance as much as possible, and to weaken the regime by applying collective and effective pressure as strong as possible. Time is running out. We cannot wait and see.

The struggle for democracy and human rights by the people of Burma is still going on with countless sacrifices, painful memories, scar-filled bodies, and never-ending dreams of a peaceful and prosperous country. The changes they want, the dream they long for, the country they love, are not very far away. I believe they surely will achieve it one day. Thank you. ###

Mr. MANZULLO. Thank you.

Our next witness is coming to us through a prerecorded videotape. Aung San Suu Kyi was born on June 19, 1945, in Rangoon. Her father, General Aung San, was the national leader of Burma until his assassination on July 17, 1947. She was only 2 years old at the time of her father's assassination. His death would be one of the main contributors to her fight for peace and independence for Burma.

An extremely popular figure, the military junta targeted her, eventually placing her under house arrest on July 20, 1989. She spent over 15 of the last 21 years under house arrest, forbidden to meet her family in England.

One of the world's most renowned leaders, Aung San Suu Kyi is a symbol of hope, defiance, and moral strength for the 55 million people of Burma who call her "Mother," indicative of an important and endearing note that she plays in her country.

She has won numerous international awards. In 1991, she was awarded the Nobel Peace Prize for being one of the extraordinary examples of civil courage in Asia in recent decades. In 2008, the Senate honored her with a Congressional Gold Medal award, the highest civilian award in the continental United States. Her other awards include the Sakharov Prize from the European Parliament, the U.S. Presidential Medal of Freedom, and the Jawaharlal Nehru Award from India.

Now we will play the prerecorded video from Aung San Suu Kyi.

Ms. AUNG SAN SUU KYI [via video]. Any statement made before a committee of the United States Congress must start with a few words, however brief, of appreciation for all that you and your colleagues have done for the cause of democracy in Burma over the last two decades. We are very appreciative, and we believe that you will continue to do whatever you can to help us in the future as well.

I understand that the purpose of this committee is to find out what has really been happening in Burma since the elections of November 2010. To, as I understand it, pierce the veil of secrecy and to find out the truth of the situation in Burma.

I am sure you will be receiving a lot of information from very many different sources that will enable you to assess the situation correctly. What I would like to urge is that you look at what is happening in Burma in the light of the United Nations Human Rights Council Resolution, the recent one, which came out in March. This resolution covers all the needs of Burma today, all the political needs, let me say, of Burma today. The requests, the urgings, the demands of this resolution are very much in line with what we in Burma think is needed to start Burma along the genuine process of democratization.

So, if you were to consider this resolution very, very closely and then if you were to look at the present situation in Burma, you would have a very good idea of how far we are along the path to democracy, if we have started on that path at all.

The resolution includes such very important issues as political prisoners, freedom of association and information, independence of the judiciary, and the right of Professor Quintana, the United Nations Human Rights Rapporteur, to visit Burma whenever he

thinks it is necessary. It also includes the need for an inclusive political process in Burma, that we may have the kind of situation where there can be a negotiated settlement leading to national reconciliation. All these that the United Nations Human Rights Council Resolution has called for are essential if Burma is to enjoy constitutional liberalism and democratic institutions.

It is going to be a long road. It has already been a long road and a difficult one, and no doubt the road ahead will have its difficulties as well. But, we are confident that with the help and support of those who share our values, those like you who are true friends because true friends are those who share your values and understand why you hold onto these values in spite of all the difficulties that you have to face. With the help and support of true friends, I am sure we will be able to tread the path of democracy, not easily and perhaps not as quickly as we would like, but surely and steadily.

This is why I would like to request you to do whatever you can to ensure that the requests and demands of the United Nations Human Rights Council Resolution are met as broadly, as sincerely, and as quickly as possible by the present Government of Burma.

The resolution, among other things, calls for the independence of the judiciary. I mentioned this earlier. This is one of the most important needs in our country today because without an independent judiciary we cannot have the rule of law; without the rule of law none of our people can be secure and there can be no true progress toward democracy.

Then, the case of political prisoners. Why are they still in prison if this government is really intent on making good progress toward democracy? If it is sincere in its claims that it wishes to bring democracy to Burma, there is no need for any prisoners of conscience to exist in this country.

Surely, democracy means that we all have the right to our own beliefs, that we all have the right to try to live in accordance with our conscience. Because of that, the case of prisoners of conscience is crucial in deciding whether or not the present government is sincere about its democratic aspirations.

Professor Quintana has spoken of the need for a commission of inquiry into human rights violations in Burma. I support his call for such a commission, making it quite clear that a commission of inquiry is not a tribunal. It is simply a commission of inquiry to find out what human rights violations have taken place and what we can do to ensure that such violations do not take place in the future.

I would appreciate everything that is done to help Professor Quintana in his work because unless we respect the work of the Human Rights Rapporteur, I do not think we will be able to make much progress toward the implementation of the resolution of the United Nations Human Rights Council.

I have never made a statement before a committee of the United States Congress, so I am not quite sure how to go about it. I would simply like to use this occasion to request that you do whatever you can to help us implement the United Nations Human Rights Council Resolution because that will open up the real road to democracy for all of us.

I would also like to take the opportunity to repeat once again how much we appreciate all that you have done and that what you have done for us has meant a great deal. I know that you will continue to study the situation and to review what has been done in the past and to inquire into what should be done in the future.

Sometimes we all have to guess at what is necessary because Burma is not an open society. But, I think because we truly believe in democratic values and we are all sincere in our respect for human rights and constitutional liberalism, our guesses will not be far wrong.

So, I would like to ask you to continue with your work with confidence in what you are doing and with confidence in the fact that your work is much appreciated. Thank you.

[The transcript of the video message follows:]

U.S. House of Representatives
Committee on Foreign Affairs
Subcommittee on Asia and the Pacific

Hearing on Burma:
"Piercing Burma's Veil of Secrecy: The Truth Behind the Sham Election and the Difficult Road Ahead"
June 22, 2011
12:30 PM, Rayburn House Office Building Room 2172

Transcript of Video Message from Daw Aung San Suu Kyi
General Secretary, National League for Democracy, Rangoon, Burma

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I understand that the purpose of this committee is to find out what has really been happening in Burma since the elections of November 2010. To, as I understand it, pierce the veil of secrecy and to find out the truth of the situation in Burma. I'm sure you will be receiving a lot of information from very many different sources that will enable you to assess the situation correctly.

What I would like to urge is that you look at what is happening in Burma in the light of the UN Human Rights Council Resolution—the recent one, which came out in March. This resolution covers all the needs of Burma today, all the political needs, let me say, of Burma today.

The requests, the urgings, the demands of this resolution are very much in line with what we in Burma think is needed to start Burma along the genuine process of democratization. So, if you were to consider the resolution very very closely, and then if you were to look at the present situation in Burma, you would have a very good idea of how far we are along the path to democracy, if we have started on that path at all.

The resolution includes such very important issues as political prisoners, freedom of association and information, independence of the judiciary, and the right of Professor Quintana, the United Nations Human Rights Rapporteur, to visit Burma whenever he thinks it is necessary. It also includes the need for an inclusive political process in Burma, that we may have the kind of situation where there can be a negotiated settlement leading to national reconciliation.

All these that the United Nations Human Rights Council Resolution has called for are essential if Burma is to enjoy constitutional liberalism and democratic institutions.

It is going to be a long road; it already has been a long road and a difficult one, and no doubt the road ahead will have its difficulties as well. But, we are confident that with the help and support of those who share our values, those like you who are true friends because true friends are those who share your values and understand why you hold on to these values in spite of all the difficulties that you have to

face. With the help and support of true friends, I'm sure we will be able to tread the path of democracy, not easily and perhaps not as quickly as we would like, but surely and steadily. This is why I would like to request you to do whatever you can to ensure that the requests and demands of the United Nations Human Rights Council Resolution are met as broadly, as sincerely, and as quickly as possible by the present government of Burma.

The resolution among other things calls for the independence of the judiciary, I mentioned this earlier. This is one of the most important needs in our country today, because without an independent judiciary we cannot have the rule of law, and without the rule of law none of our people can be secure and there can be no true progress towards democracy.

Then, the case of political prisoners - why are they still in prison if this government is really intent on making good progress towards democracy? If it is sincere in its claims that it wishes to bring democracy into Burma, there is no need for any prisoners of conscious to exist in this country.

Surely, democracy means that we all have the right to our own beliefs, that we all have the right to try to live in accordance with our conscious. Because of that, the case of prisoners of conscious is crucial in deciding whether or not the present government is sincere about its democratic aspirations.

Professor Quintana has spoken of the need for a commission of inquiry into human rights violations in Burma. I support his call for such a commission, making it quite clear that a commission of inquiry is not tribunal. It is simply a commission of inquiry to find out what human rights violations have taken place and what we can do to ensure that such violations do not take place in the future. I would appreciate everything that is done to help Professor Quintana in his work. Because, unless we respect the work of the Human Rights Rapporteur, I do not think we will be able to make much progress towards the implementation of the resolution of the United Nations Human Rights Council.

I've never made a statement before a committee of the United States Congress, so I'm not quite sure how to go about it. I would simply like to use this occasion to request that you do whatever you can to help us implement the United Nations Human Rights Council Resolution, because that will open up the real road to democracy for all of us.

And I would also like to take the opportunity to repeat once again how much we appreciate all that you have done, and that what you have done for us has meant a great deal. And I know that you will continue to study the situation and to review what has been done in the past and to inquire into what should be done in the future. Sometimes we all have to guess at what is necessary because Burma is not an open society.

But, I think because we truly believe in democratic values and we are all sincere in our respect for human rights and constitutional liberalism, our guesses will not be far wrong. So, I would like to ask you to continue with your work with confidence in what you are doing, and with confidence and the fact that your work is much appreciated.

Thank you.

Aung San Suu Kyi

Mr. MANZULLO. Well, that was extraordinary.

Dr. Beyrer, this is a tough act to follow, isn't it? We appreciate you coming here.

Doctor Beyrer serves as professor of Epidemiology, International Health, and Health Behavior and Society at the Johns Hopkins Bloomberg School of Public Health in Baltimore, Maryland.

He directs the Fogarty AIDS International Training and Research Program, which provides research training in HIV/AIDS for providers from Africa, Asia, and the CIS. He is the founder and director of the Center for Public Health and Human Rights at Hopkins, which is engaged in research, teaching, and policy work on public health and human rights issues.

He has been engaged in public health research in Burma since 1993. He completed his M.D. at State University of New York, Downstate Medical Center in Brooklyn, New York, and did his public health and infectious disease training at Johns Hopkins. In 2008, he was elected to the Governing Council of the International AIDS Society as a representative for North America.

He currently has research and/or training activities underway in Thailand, Burma, China, India, Vietnam, Russia, Kazakhstan, Uganda, Ethiopia, Malawi, and South Africa. In 2010, he was appointed to the Scientific Advisory Board of the U.S. PEPFAR program.

We look forward to your testimony, Dr. Beyrer.

STATEMENT OF CHRIS BEYRER, M.D., DIRECTOR, JOHNS HOPKINS CENTER FOR PUBLIC HEALTH AND HUMAN RIGHTS

Dr. BEYRER. Well, thank you very much. Chairman Manzullo, Ranking Member Faleomavaega, members, first of all, I want to thank you for the extraordinary opportunity to appear with my colleague and friend Aung Din and with Aung San Suu Kyi.

She is, of course, not only beloved by the people of Burma but I think has really emerged as a leading voice for nonviolence, democracy, and human rights worldwide. And we all look forward to the day when she can address this body in person.

I currently serve as a professor of epidemiology at Johns Hopkins. I have been involved in Burma since 1993. And this year we published a report with Physicians for Human Rights on the health and human rights situation in Chin State in western Burma, "Life Under the Junta: Evidence of Crimes Against Humanity in Chin State."

What I thought I would talk to you about today is the evidence we have from some of the ethnic areas and from some of the health and human rights domains that really suggest where we are in the post-election Burma and, unfortunately, how far this country has to go.

From the perspective of basic freedom and the rights of the Burmese people, particularly of the ethnic nationalities and their hopes for real national reconciliation, it is clear that very little, too little, has changed since the elections.

And many would argue that that goes back to the nature of the election itself. As President Obama said in New Delhi, "The November 7th elections in Burma were neither free nor fair, failed to meet any of the internationally accepted standards associated with

legitimate elections, based on a fundamentally flawed process, and demonstrated the regime's continued preference for repression and restriction over inclusion and transparency." And I think that he really got that right.

U.N. Special Rapporteur that Aung San Suu Kyi referred to, Tomμs Quintana, last month listed several areas in particular in which this new government has failed to make any progress. These included land confiscation, forced labor, internal displacement of civilians, extrajudicial exit killings, and sexual violence against women. And I want to highlight some of the recent information about several of these domains.

First of all, as many know, after 17 years of cease-fire, fighting has broken out in Burma's Kachin State. That fighting started on June 9th. Some 10,000 civilians are reported to have fled. And, again, Burmese military forces are reported to be using rape as a weapon of war.

The Kachin Women's Association in Thailand has reported at least 18 Kachin women and girls have been raped by soldiers since June 9th. Four were killed after being raped.

Our Chin-based survey, as another example, found that 91 percent of households had had at least one family member forced to labor for the military in the past 12 months. Religious persecution was reported by 14 percent of households, a disappearance by 4.8 percent, and rape by 2.8 percent. And we were able to look at who actually committed these abuses. And government soldiers committed 98.3 percent of those abuses.

The highest levels occurred in southern Chin State in areas under the control of a man named Colonel Zaw Min Oo, who was then head of the Tactical Operations Command in Matupi Township.

Now, of course, all of those occurred before the election. So you ask yourself how relevant are they to the Burma that we now are looking at? Well, Colonel Zaw Min Oo was one of the junta's appointments to the new Parliament. And he is not the Border Area and Security Affairs Minister of Chin State. So that has now changed. That is impunity for human rights abuses.

And in Shan State, again after the elections, we have had reports of a 16-year-old girl who was raped by soldiers after having been forced to watch while the military shot and killed her parents. Fighting there has recently broken out and has affected 100,000 civilians with at least 3,000 people being forced to flea into jungle areas or into Thailand.

These are not isolated incidents. Secretary of State Clinton noted in her remarks in April at the Vital Voices event here in Washington which honored Aung San Suu Kyi, Secretary said, "We hold up the ethnic women of Burma who are fighting against the systematic use of rape by the Burmese military."

In the area of humanitarian assistance and public health, the need for expanded health and humanitarian resources and assistance is agreed upon by all parties. But access, transparency, and accountability of assistance continue to be challenges.

As an example, many were heartened by the return of the Global Fund to fights AIDS, malaria, and TB, which recently returned to Burma as a donor. Now, malaria is the leading cause of death in

eastern Burma's Karen State, but much of that state is explicitly excluded from the Global Fund agreement. And the reason for that is—and I quote directly—"to avoid further accusations of lack-of-access problems."

The latest government budget, approved without the new Parliament, allocates less than two dollars per person per year for health. And that continues, really, the gross underfunding that has long been the biggest problem in health allocations in this country.

You have already heard from Aung Din about political prisoners. That was in his written testimony. As a physician, I feel a particular connection to one political prisoner I would like to name in person. That is U Indaka, the abbot of Maggin Monastery.

The Maggin Monastery was a hospice and treatment center for AIDS patients in Rangoon. And during the Saffron Revolution of 2008, Maggin Monastery, a number of the monks from there, from the hospice, were involved in the Saffron Revolution.

The monastery was raided. AIDS patients were driven onto the streets. And U Indaka, also NLD member, was sentenced to 20 years in prison. He is still in prison. And he is precisely the kind of provider that if the U.S. were going to increase its assistance to, that we would really want to be working with were he free.

So what can the U.S. do to support democracy, freedom, and development in Burma in this post-election scenario? I think there are three things certainly that we could suggest. One is to echo Aung San Suu Kyi's call for the commission of inquiry. The U.N. Special Rapporteur Quintana has called for that. So has the U.S. Ambassador to the U.N. Human Rights Commission, Eileen Donahoe. And so has Secretary of State Clinton.

But the U.S. really needs to exercise vigorous leadership on this effort. And State Department I think really needs to carry the water on this. And this effort could be led by recently appointed Special Representative and Policy Coordinator for Burma, Derek Mitchell. And we really look forward to his confirmation and leadership in this effort.

I would just add that the treatment of political prisoners in detention in Burma should be part of this commission of inquiry for that, too, may represent crimes against humanity.

Secondly, full implementation of targeted sanctions legislation already in place for the junta and some of their cronies could continue to put pressure on this new regime. As everybody here knows, many of the people who previously were in the military leadership are now in the civilian leadership.

And, finally, support for democracy. Aung San Suu Kyi and the National League for Democracy, despite being outlawed, remain critical players in any future democratic transition.

The U.S. should increase engagement in active and sustained dialogue with the NLD and should continue to consult with her and her party on all U.S.-funded activities, including humanitarian assistance programs. Programs which exclude the NLD, however well-meaning, undermine this transition and won't I would argue in the long run help alleviate the root cause of the suffering of Burma's people, which is military misrule, essentially under a new guise.

The U.S. needs to be on the right side of history in Burma. And that side will always be the will of the people. And the will of the people is really best expressed by Aung San Suu Kyi herself.

Thank you for your attention.

[The prepared statement Dr. Beyrer follows:]

Written Testimony, House Committee on Foreign Affairs, Subcommittee on Asia and the Pacific

"Piercing Burma's Veil of Secrecy: The Truth Behind the Sham Election and the Difficult Road Ahead."

Wednesday, June 22nd, 12:30 pm, Room 2172, Rayburn House Office Building

Submitted by
Chris Beyrer MD, MPH
Director, the Center for Public Health and Human Rights, Johns Hopkins Bloomberg School of Public Health, Baltimore, MD.

Introduction

Committee Chairman Ros-Lehtinen, Ranking Member Berman, Sub-Committee Chairman Manzullo, and Ranking Member Faleomavaega, Members, good afternoon and thank you for invitation to testify today. The United States Congress has long been a true friend to the people of Burma in their struggle for freedom and democracy and all of us working on Burma appreciate your leadership and engagement.

I currently serve as Professor of Epidemiology and International Health at the Johns Hopkins Bloomberg School of Public, where I direct the JHU Fogarty International AIDS Training and Research Program and the Center for Public Health and Human Rights. I have been involved in health and human rights issues in Burma since 1993, and over the last 18 years have worked on a number of issues including general public health in Burma, HIV/AIDS, narcotics, health and rights in Burma's ethnic conflict zones, and maternal-child health. Most recently our Center collaborated with Physicians for Human Rights and five Chin groups including the Chin Human Rights Organization on the first population-based survey of health and human rights in Chin State, Western Burma. This work was recently published both in the scientific literature[1] and in a January 2011, PHR report entitled "Life Under the Junta: Evidence of Crimes Against Humanity in Burma's Chin State." Related work is ongoing in other ethnic areas in Burma.

From the perspective of basic freedoms and rights for the Burmese people, of ethnic nationalities' rights and their hopes for real national reconciliation, and of political freedom and participation, it is all too clear that nothing fundamental has changed since the 2010 electoral exercise of the military regime. The electoral process, as President Obama said in New Delhi at the time of the elections, was profoundly flawed:

> "The November 7 elections in Burma were neither free nor fair, and failed to meet any of the internationally accepted standards associated with legitimate elections. The elections

[1] Sollom R, Richards AK, Parmar P, Mullany LC, Lian SB, Iacopino V, Beyrer C. Health and human rights in Chin State, Western Burma: a population-based assessment using multi-staged household cluster sampling. PLoS Med. 2011 Feb 8;8(2):e1001007.

were based on a fundamentally flawed process and demonstrated the regime's continued preference for repression and restriction over inclusion and transparency."

While the regime has altered its structure, the same men are in charge, the same authoritarian controls prevail in all sectors of public life, rights abuses continue, both in ethnic areas and in the Burman heartland, and the well-being and security of the Burmese people and of their neighbors continues to be under-mined by corruption, incompetence, and the denial of basic rights and freedoms.

UN Special Rapporteur for human rights in Burma, Tomás Ojea Quintana, speaking to the International Herald Tribune on May, 31, 2011, listed several areas in which the new government has failed to make any significant progress. Mr. Quintana pointed to **land confiscation**, **forced labor**, **internal displacement of people**, **extrajudicial killings** and **sexual violence against women**. I will address several of these areas. Since the regime has broken several long-standing cease fires just this month, and fighting is now underway and affecting ethnic nationality civilians in Kachin and Shan States, let me begin with the current situation in those conflict zones.

The Situation of Burma's Ethnic Nationalities

Kachin State

After a 17 year cease fire, armed conflict has begun again this month in Kachin State. Fighting broke out on June 9th, 2011, when Government soldiers attacked a base of the Kachin Independence Army (KIO). The intent in this attack appears to have been to drive the Kachin people off traditional lands in an area important to hydropower dams[2] currently under construction.[3] Some 10,000 civilians are reported to have fled the area, many due to a well-founded fear of being taken for forced porterage by the Burmese military—standard operating procedure for this army when moving through civilian areas.[4]

The use of military force to seize land and other assets, and brutal campaigns to forcibly displace civilian populations off those lands, have been consistent approaches for this regime for decades. And as in Shan, Karen, and Chin areas, Burmese military forces are again reported to be using rape as a tool of ethnic terror against women and girls. The Kachin Women's Association in Thailand, which monitors rights abuses and supports victims of sexual violence, reported on June 17th that at least 6 Kachin women and girls have been raped by Burmese soldiers since June 9th.

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[2] Two dams are in this area, both Myanmar-China joint ventures. According to a recent Reuters report "China has interests in resource-rich Myanmar, particularly in energy. Bilateral trade rose by more than half last year to $4.4 billion, and China's investment in Myanmar reached $12.3 billion in 2010, according to Chinese figures, with a strong focus on natural resources and energy projects." Reuters: Q+A-What is behind clashes in Myanmar's Kachin hills? June 16, 2011

[3] By A WALL STREET JOURNAL REPORTER. **Wall Street Journal: China Urges End to Myanmar Strife.** June 16, 2011

[4] **BBC: Burma blames ethnic Kachin rebels for deadly clashes.** June 18, 2011

Three of these women were killed after being raped.[5] It is abusive practices like these which have led Special Rapporteur Quintana to call for a Commission of Inquiry into crimes against humanity in Burma. Since these crimes are alleged to have occurred just in the past weeks, they are further evidence of the lack of change in regime policies toward ethnic nationalities, and they underscore the need, affirmed by Secretary Clinton last year, for a Commission of Inquiry.

The June 16th State Department call on "…the Burmese authorities to cease any such hostilities and begin a dialogue with opposition and ethnic minority groups toward national reconciliation," was timely and welcome.[6] The call for tripartite dialogue has been repeatedly made by Daw Aung San Suu Kyi, the NLD, and the leaders of Burma's Ethnic Nationalities. It remains arguably the best way forward to national reconciliation in Burma. But the regime has again chosen brute force as its principal tactic against an ethnic group.

The Kachin Women have made several requests in response to this violence. These include:

- Urge the Burmese military to immediately stop offensive against Kachin and other ethnic groups and to withdraw from the ethnic areas.
- Urge the Burmese military to stop atrocities, including rape of Kachin women.
- Call on the Chinese Government to accept refugees and provide the humanitarian assistance and support to civilians.
- Call the ASEAN countries and neighborhood countries, in particular, China to mediate the conflict.
- Urge the international community to condemn the Burma's army offensive and to provide emergency support and humanitarian assistance to the affected civilians. [7]

Chin State

Our recent joint Physicians for Human Rights and Johns Hopkins study, a population-based survey in western Burma's Chin State, "Life Under the Junta," found that 91.7% of households had at least one family member forced to labor for the military in the preceding 12 months (March 2009-March 2010). That is the highest rate we have ever identified in Burma. Religious persecution was reported by 14% of households, disappearance of a family member by 4.8%, torture by 3.8%, and rape by 2.8%. Government soldiers committed 98.3% of abuses. The highest levels of abuses occurred in Southern Chin State.

These abuses occurred before the elections. How relevant are these past violations of Chin families to the post-election scenario? The military commander of Tactical II Command in charge of three southern townships during the period measured by the study was Col. Zaw Min Oo. He was one of the junta's military appointments to the new Parliament, and is also now serving as Border Area and Security Affairs Minister of Chin State. The tables below compare forced labor (Table 1) and food security related violations (Table 2) in the areas under Col. Zaw

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[5] Kachin Women's Association of Thailand, June 17th, 2011, **Kachin women denouncing offensive by the Burmese Army and atrocities against Kachin people**

[6] AFP: US urges Myanmar to end hostilities. June 16, 2011.

[7] KWAT, June 16th, 2011.

Min Oo's command with those areas not under his command during the period covered by our PHR-JHU-CHRO assessment, March 2009-March 2010.

Table 1: Forced labor frequencies in areas under Col. Zaw Min Oo compared to other areas of Chin State, 2009-2010.

Description	Areas under ZMO			Other Areas of Chin State			Prevalence Rate Ratio (95% CI)
	HH	Cases	%	HH	Cases	%	
Any forced labor in the previous 12 months	130	117	90.0	488	451	92.4	0.97 (0.91, 1.04)
- Forced to build roads, bridges, buildings	113	99	87.6	484	369	76.2	1.15 (1.02, 1.30)
- Forced to porter	120	83	69.2	482	276	57.3	1.21 (0.99, 1.47)
- Forced to carry weapons	97	14	14.4	470	70	14.9	0.97 (0.28, 3.32)
- Forced to cook or be a servant	78	20	20.4	469	86	18.3	1.11 (0.47, 2.61)
- Forced to sweep for landmines	98	0	0.0	469	8	1.7	n/a
- Forced to grow jatropha or other crop	119	101	84.9	473	361	76.3	1.11 (0.96, 1.29)
- Forced to do other* tasks	65	40	38.1	402	50	11.1	3.44 (1.72, 6.86)

Table 2: Food security related and other human rights violations in areas under Col. Zaw Min Oo compared to other areas of Chin State

Description	Areas under ZMO			Other Areas of Chin State			Prevalence Rate Ratio (95% CI)
	HH	Cases	%	HH	Cases	%	
Food Security Related Violations/Events							
Forced to give food out of fear of violence	122	76	62.3	479	285	59.5	1.05 (0.84, 1.31)
Forced to provide money	129	82	63.6	476	281	59.0	1.08 (0.82, 1.41)
Household's crops/food stores stolen or destroyed	121	14	11.6	475	14	3.0	3.93 (0.81, 18.93)
Home attacked or destroyed	127	10	7.9	478	8	1.7	4.70 (0.88, 25.09)
Communal property attacked or destroyed	124	20	16.1	471	57	12.1	1.33 (0.48, 3.68)
Household's livestock stolen or killed	113	69	61.1	474	253	53.4	1.14 (0.84, 1.55)
Household forced to grow jatropha or other crop	130	102	78.5	488	386	79.1	0.99 (0.83, 1.19)
Forced Movement							
Household forced to move	127	28	22.1	475	46	9.7	2.28 (1.18, 4.39)
Household forced to move to seek food	127	25	19.7	481	36	7.5	2.63 (1.17, 5.93)
Physical Violence							
Household member(s) wounded/killed from gunshot, explosion or other	128	12	9.4	478	24	5.0	1.87 (0.45, 7.81)
Household member(s) beaten or tortured	129	32	24.8	480	71	14.8	1.68 (0.89, 3.16)
Household member(s) sexually assaulted or other inhumane act	129	14	10.9	474	14	3.0	3.67 (1.02, 13.23)
Other Violations/Events							
Child(ren) <15 years forced to serve in armed forces	128	35	27.3	487	33	6.8	4.04 (1.57, 10.36)
Person(s) in household detained or imprisoned	127	18	14.2	482	20	4.2	3.42 (1.02, 11.4)
Person(s) in household kidnapped or disappeared	111	4	3.6	482	16	3.3	1.09 (0.18, 6.58)
Household experienced religious/ethnic persecution	130	40	3.8	481	99	20.6	1.49 (0.83, 2.70)

These are extraordinarily high rates of rights abuses against civilian populations. Most notable are the much higher rates of Child conscription (4 times higher); detention (3.4 times higher) and sexual assaults (3.6 times) higher, in areas under this commander's control.

In post-election Burma, a military commander whose forces violently repressed the Chin people, now represents those same households and communities in the new parliament. That is not change, it is impunity.

Shan State

Since the election, conflict has intensified in Eastern Burma, including in Shan State. In March 2011, the Burmese military broke a 22 year long ceasefire and launched offensives against the Shan State Army – North (SSA-N). Within the first three weeks, some 65 skirmishes were estimated to have occurred, endangering 100,000 civilians and sending over 3,000 others fleeing, either to the jungles, nearby towns, or to the border with Thailand. The Shan Human Rights Foundation has documented indiscriminate shelling of civilians, forced labor, forced relocations, looting, arbitrary detention, torture, use of human shields, gang rape and arbitrary execution, all associated with the escalating violence in northern Shan State.[8] Again, this speaks not to change, but to a continuation of the scorched earth policies and ethnic attacks which have marked the regime's treatment of ethnic nationalities for decades.

Rape as a tool of war is a particular concern in Shan areas. Last November, after the election, a 16 year old girl in Langkhurh Township, Southern Shan State, was raped by a soldier after having been forced to watch while he shot and killed her parents. The private was from Light Infantry Battalion (LIB) # 578, one of the units of Military Operations Command (MOC) #17 based in Mongpan. The MOC commander Brig-Gen Tint Shwe was reported to have offered Nang Hla Kyat 200,000 (US$ 200) in compensation asking her not to spread the information.[9]

Several months later, another ethnic Palaung teenager in Shan State was gang raped by soldiers of LIB # 574.[10]

This was not an isolated incident. As Secretary of State Clinton noted in her remarks at the April 12th, 2011 Vital Voices event here in Washington, which honored Aung San Suu Kyi:

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[8] Shan Community-Based Organizations, Press Release. April 12, 2011. Available at: http://www.shanhumanrights.org/images/stories/Action_Update/Files/press%20release%20northern%20shan%20state%20atrocities.pdf; Sai Zom Hseng, Human Rights Abuses Reported in Shan State Clashes. *The Irrawaddy* April 12, 2011, available at: http://www.irrawaddy.org/article.php?art_id=21119; Ko Htwe, Burmese Troops Targeting Women in Shan Conflict, *The Irrawaddy* April 25, 2011, available at: http://www.irrawaddy.org/article.php?art_id=21173

[9] Hseng Khio Fah, 16 Year Old Girl raped, Parents Killed by Junta Soldier. *Shan Herald Agency for News* November 25, 2010. Available at: http://www.shanland.org/index.php?option=com_content&view=article&id=3335%3A16-year-old-girl-raped-parents-killed-by-junta-solider&Itemid=301

[10] DVB, Shan Villager 'Gang-Raped by Troops.' February 23, 2011, available at: http://www.dvb.no/news/shan-teenager-%E2%80%98gang-raped-by-troops%E2%80%99/14392

> I call again for the Burmese authorities to allow her and her party to participate in Burma's political process and that they be granted freedom of movement, expression, and assembly. ***And we hold up the ethnic women of Burma who are fighting against the systematic use of rape by the Burmese military,*** and we continue to urge the regime to release more than 2,100 political prisoners, including some very brave women.

In the Shan and other Eastern Burma areas food security for newly displaced families is a major concern. Cross-border food assistance programs supported by the European Union and other donors have been significantly cut, and a long-standing support group, the Thai Burma Border Consortium, has recently been forced to reduce food rations to populations which they serve.[11] Current resources are inadequate to meet the needs of these populations today, and may be quickly overwhelmed if fighting continues in Eastern Burma, and displaced populations continue to expand.

Karen State

Immediately following the November elections, conflict between the Burmese military and factions of a ceasefire group, the Democratic Karen Buddhist Army (DKBA) quickly escalated, particularly around Myawaddy town and the Three Pagodas Pass, sending over twenty thousand refugees fleeing into Thailand, the largest single influx in over a decade.[12] Although many of the arrivals have returned to Burma, ongoing conflict, militarization, and its attendant abuses on civilians, including movement restrictions, arbitrary arrest, and forced labor, including as army porters, minesweepers, and guides, have forced at least 10,000 civilians to continue living as displaced persons in hiding sites along the Thai-Burma border. These people are living without legal protections, and reliant on community organizations for basic services, including health and humanitarian assistance.[13]

The conflict continues to widen in Karen State, accompanied by abuses of civilians. Since the election The Karen Human Rights Group has reported multiple incidents of forced labor, including forced porterage of military supplies, forced production and supply of building materials and forced messenger duty; four incidents in which villagers were shot and/ or killed; two incidents of arbitrary arrest and detention; one incident of theft and looting; one incident of rape; and one report of travel restrictions in Army-controlled areas. In northern Karen State, ongoing conflict, abuses, and repeated rounds of displacement, coupled with environmental

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[11] Thailand Burma Border Consortium. "Adjustments to the Food Basket in 2011". E-Newsletter # 13, February, 2011.

[12] Karen Human Rights Group, Report from the Field: Protection Concerns Expressed by Civilians Amidst Conflict in Dooplaya and Pa'an Districts, November 17, 2010.

[13] Backpack Health Worker Team, Update on the Conflict and Displacement of Civilians along the Thai-Burma Border, February 15, 2011. Backpack Health Worker Team, Situation Report: Promoting the Protection of Newly Displaced Civilians Affected by Conflict and Increased Insecurities on the Thai-Burma Border, Mid-December 2010 to 11th January 2011. KHRG, News Bulletin: More arrests and movement restrictions: Conflict continues to impact civilians in Dooplaya District. November 30, 2010.

factors such as insufficient rainfall, have resulted in harvest failures and worsening food insecurity for almost 9,000 villagers.[14]

What can the newly elected or appointed Parliamentarians do to address these atrocities? In a June 16th interview Sai Hsaung Si, vice-chairman of the Shan Nationalities Democratic Party (SNDP) said: "Even though we are parliamentarians, we can do nothing without the cooperation of the government and the ethnic armed groups."[15] Another ethnic parliamentarian in Burma, speaking anonymously in response to the conflicts said,

> "We are unable to raise the issue of ethnic strife in parliament as there are so few opposition parties represented. **We are expected to attend parliamentary sessions just to listen**."[16]

Humanitarian Assistance and Public Health

The need for expanded humanitarian assistance and increased assistance in the health sector are agreed upon by all parties engaged in the effort to support the Burmese people. Aung San Suu Kyi and the NLD have spoken forcefully about the need expand efforts in health, agriculture, sustainable development, education and the social sector. But access, transparency, and accountability continue to challenge the assistance effort. The regime exercises its control of access through granting of visas to expat relief workers, through the granting (or withholding) of MOUs, and through the need for permission to visit some areas, and outright restrictions on others. As an example, the Global Fund to Fight AIDS TB and Malaria recently returned to Burma as a donor. Their agreement with the regime was signed in November 2010, around the time of the elections. Although malaria is the leading cause of death identified in surveys of IDP communities of eastern Burma, with a prevalence of almost 5% in some communities of Karen State,[17] the state is explicitly excluded from this agreement in order "to avoid further accusations of lack-of-access problems."[18]

The high burden of malaria in Eastern Burma, coupled with the ongoing lack of access to appropriate and timely diagnosis and treatment, not only results in excess morbidity and mortality; it now also threatens the effectiveness of artemisinins, the newest treatment mainstays for *Plasmodium falciparum* malaria, the most common and dangerous type of malaria in the region.[19] The official response plan for Burma (MARC = Myanmar artemisinin containment) plan does not include any mechanism to support malaria control services in Karen areas of

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[14] KHRG, Regional Report: Acute food shortages threatening 8,885 villagers in 118 villages across northern Papun district. May 11, 2011.
[15] June 16, 2011. Khin Oo Thar. Irrawaddy: Ethnic MPs Call for Peace.
[16] June 16, 2011. Khin Oo Thar. Irrawaddy: Ethnic MPs Call for Peace
[17] Diagnosis Critical: Health and Human Rights in Eastern Burma. October 2010.
[18] DPA. Global Fund returns to Myanmar to fight malaria, WHO says. November 10, 2010. Available at: http://www.monstersandcritics.com/news/health/news/article_1597950.php/Global-Fund-returns-to-Myanmar-to-fight-malaria-WHO-says
[19] Tim Johnston, South-east Asia: Activists worry about 'black hole' of Burma. *Financial Times* April 22, 2010. IRIN, Myanmar: Anti-malarial drug resistance 'hotspots' identified. April 19, 2011. http://www.irinnews.org/Report.aspx?ReportId=92516

Eastern Burma. Universal access to malaria diagnosis and treatment is critical to respond to the threat of artemisinin resistance. By excluding this conflict area, the malaria program is already compromised in its likely efficacy.

While civil society and pro-democracy organizations are committed to responding to the health and humanitarian challenges facing the people of Burma, they have been repeatedly constrained in their efforts by the regime. In the wake of cyclone Nargis in May of 2008, when the junta initially severely restricted international assistance, Professor Lawrence Gostin and colleagues asserted in *The Lancet* that such willful blocking of vital humanitarian aid violated international human rights law and could potentially be a crime against humanity.[20]

Those supporting truly non-governmental organizations were heartened by the recent visit of Sen. John McCain to the independent clinic run by NLD member Phyu Phyu Thin during his recent visit to Burma.[21] This clinic, one of 3, provides care, support, and housing to impoverished Burmese living with HIV infection. After Daw Suu Kyi's release last November, she first visited the NLD office—the next day she visited this AIDS center. The regime then threatened to expel all the residents—underscoring their continued concern about the love and respect the Burmese people have for their chosen leader. I'm happy to say that as North America representative for the International AIDS Society, we joined a successful international effort to pressure the regime to allow the patients to stay.

Official estimates cite 236,000 people living with HIV in Burma, figures that are likely to represent significant underestimates given problems of survey methodology. Nevertheless, about 76,000 of these individuals are thought to urgently need ARVs. Only about 30,000 receive them.[22] About 1-2,000 receive such treatment from the Burmese government; the overwhelming majority receive their life-saving medications from international humanitarian acencies. Many others, especially in heavily affected ethnic areas such as Kachin State, die needlessly from AIDS, particularly given the resumption of conflict and long-standing blockade of official international humanitarian assistance by the Burmese authorities in some conflict areas.[23]

Polio has recently re-emerged as health threat in Burma, after several years of being declared polio free.[24] This outbreak has been challenged by access issues and very poor immunization coverage rates in ethnic areas. In 2010, an infant was diagnosed with polio, the first case since the country was declared free of the disease in 2007, prompting a campaign to inoculate over 3 million children across the country.[25] The latest outbreak underscores the reality that access to even the most basic of health-related services remains problematic for most of the peoples of Burma, particularly her ethnic peoples, a situation unlikely to improve despite belated catch-up

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[20] Kraemer JD, Bhattacharya D, Gostin L. Blocking humanitarian assistance: a crime against humanity? The Lancet Vol 372;October 4, 2008, pp1203-1205.

[21] Ko Wild Mizzima: Sen. McCain visits NLD HIV/AIDS 'salvation centre.'June 2, 2011.

[22] Myanmar Launches New strategic plan for AIDS reponse aiming to reach Universal Access targets by 2015. Office of the UN Resident/Humanitarian Coordinator in Myanmar. June 1, 2011. http://unic.un.org/imucms/yangon/80/110/home.aspx

[23] Help Needed to Stem Spread of HIV in Northern Burma. Kachin News Group, December 1, 2010. http://www.kachinnews.com/news/1811-help-needed-to-stem-spread-of-hiv-in-northern-burma.html

[24] Polio Threatens Burma MARWAAN MACAN-MARKAR, Irrawaddy, Friday, April 22, 2011

[25] Polio Threatens Burma MARWAAN MACAN-MARKAR, Irrawaddy, Friday, April 22, 2011

vaccination campaigns. The latest official government budget, approved without oversight of the new parliament, allocated under $2 per person per year for health, around 1.3% of the total budget, in the continuation of a decades-long tradition of disinvestment by prior military administrations.[26] This neglect includes childhood immunizations, amongst the most cost-effective of public health interventions, which are completely excluded from the official health budget.[27] Not only does this threaten the health of the peoples of Burma, this lack of access has manifested as outbreaks of vaccine-preventable diseases, particularly measles, in and along the borders with Burma's immediate neighbors.[28]

Economic Reform

The Australian economist Professor Sean Turnell has pointed out that little progress has been made to address the widespread corruption that has long hampered the Burmese economy. The military still receives some 25% of the budget. This has led to budget distortions and deficits which according to Turnell "That is causing all sorts of distortion to the economy, and creating a very serious budget deficit…But the government's response to budget deficits has been to print more money, which has led to the highest rate of inflation in Southeast Asia." The gap between the official and market currency exchange rate remains the highest in the world; at 6 kyat to the USD official and 350 kyat on the black market. No action has been taken since the election on this issue.

A May 31, 2011 report of the low level of exchange of the US dollar found that "…the extensive influx of US dollars from the illegal drug trade at the Sino-Burmese border and the continuous decline in demand on the domestic US dollar market have lowered the value of the dollar."[29] Narcotics exports have reportedly been rising in Burma out of the need for Ethnic Nationalities to rearm to face renewed fighting with the regime.

Political Prisoners

There are currently **1992** political prisoners in Burma, including more than 150 women and over 200 monks. Some are serving sentences of 100 years or more. **77** were released in June, 2011, as were **59** in May, 2011, when the government commuted all prison sentences by one year around the visit of UN Special Advisor to the Secretary General, Mr. Vijay Nambiar. This extremely limited release on the part of the government does not change the fact that so many who have struggled for true democracy in Burma remain imprisoned.

A Mon Buddhist Monk, Ashin Uk Kong Sah, is in his late 20s. He was arrested in 2010 and sentenced to 15 years for possessing leaflets protesting the elections and for painting "no 2010 election" on a highway in Mon State. His family reports that he has been tortured and that he is

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[26] Joseph Allchin, Military Prioritised as Military Expands Airforce. *DVB* March 2, 2011. http://www.dvb.no/news/military-prioritised-as-burma-expands-airforce/14546

[27] World Health Organization (WHO) Vaccine Preventable Diseases Monitoring System, Immunization Profile: Myanmar. Available at: http://apps.who.int/immunization_monitoring/en/globalsummary/countryprofileselect.cfm

[28] Zhang Y, ding Z, Wang H et al. New Measles Virus genotype associated with Outbreak, China. *Emerging Infectious Diseases* June 2010, 16: 943-947. Lewis Jenning and Withaya Huanok, Measles Outbreak Highlights Regime's Irresonsibility. *The Irrawaddy* November 6, 2008. http://www.irrawaddy.org/article.php?art_id=14579

[29] US Dollar Hits Record Low in Burma. AUNG THET WINE. The Irrawaddy. Tuesday, May 31, 2011.

now suffering from stomach and kidney problems. He was held in Insein in Rangoon prison for a year, and then transferred to Bassein prison in the Irrawaddy delta. His family says this is much farther from their home and that they will have a much more difficult time visiting him.

As an AIDS researcher I feel a particular connection with U Indaka. This brave man is the former abbot of Maggin Monastery in Rangoon, which provided hospice and treatment services for AIDS patients. U Indaka was a leader in the earlier 1990 democracy movement, a Buddhist Monk and a member of the NLD. He was in arrested, forcibly de-robed and imprisoned 5 years. Upon his release from prison in 1995 he became Abbott of Maggin and led the Monastery's efforts on behalf of patients with HIV. During the Saffron Revolution of 2007, Maggin Monastery was raided, AIDS patients literally driven on to the streets, and the monks brutally attacked by the junta. U Indaka was subsequently sentenced to 20 years in prison. He is currently serving his sentence in Lashio prison in northern Burma and is due for release in 2027. This man is a spiritual leader, a democracy leader, and a provider of services to those in need. That he remains incarcerated speaks to how little change the elections have brought.

The first political prisoner of the new regime is Nay Myo Zin, a former army captain who was arrested in April of this year. Nay Myo Zin had been volunteering at a blood donation center in Rangoon that was run by the NLD. The Burmese government sees many civilian charity groups as threats (17 relief workers from Cyclone Nargis and 8 physicians are also political prisoners). Nay Myo Zin was charged with having an email in his inbox that discussed national reconciliation. He was held at an unknown location for three weeks then transferred to Insein Prison. The arrest of Nay Myo Zin is further evidence that the new regime is as intolerant and threatened by the NLD as was the old.

Parliament

The internal power structure of Burma has not changed. As per the 2008 constitution, active-duty military officers are appointed to hold one quarter of the seats in parliament. Former Junta leaders "retired" and are now eligible to hold, and do hold, most of the leadership positions in the country, including President, Vice President, Lower House Speaker, and Union Election Chairman Commissioner. These former members of the Junta, including President Thein Sein, are responsible for numerous human rights abuses and are legitimate targets for a Commission of Inquiry into human rights violations in Burma.

Thein Sein is the former Prime Minister. He was in charge when the Junta refused to grant access to relief agencies in the wake of Cyclone Nargis, and since he was appointed Prime Minister in 2007, the number of political prisoners has doubled. He is now the President of the country.

Responses: What Can the US Do Better to Support Democracy, Freedom, and Development in Burma?

Commission of Inquiry

The rights abuses against Burma's citizens, including forced labor, torture, killings, and the rape of ethnic women must stop. The U.S. needs to exercise vigorous global leadership on pushing for a Commission of Inquiry (COI) to investigate these abuses. This effort could and should be led by the recently appointed Special Representative and Policy Coordinator for Burma, Derek Mitchell, and we eagerly await his confirmation and leadership on this effort. Special Rapporteur Quintana, Daw Aung San Suu Kyi, and US Ambassador to the UN Human Rights Council Eileen Chamberlain Donahoe[30], have all supported the call for a COI[31].

The U.S. has recently shown swift and effective leadership in diplomacy on calling for investigations into the killing of civilians by the Qaddafi regime in Libya. Why not Burma, where the evidence is overwhelming? The Congress has repeatedly called for a Commission of Inquiry.

Targeted Financial and Banking Sanctions

The U.S. should fully implement the targeted financial sanctions against Burma's rulers and their relatives. The speed with which assets have been identified and frozen in Egypt and in Libya make it clear that we could be doing much more to stop the free flow of resources into the junta's hands.

Support for Democracy

It should not be surprising that Aung San Suu Kyi marked the 8th year anniversary of the Depayin massacre, on May 30, 2003, by announcing on May 30, 2011, that she intends to travel in her country again. Scores of NLD members were killed in the Depayin attack on Suu Kyi's convoy, for which she, not the attackers, was then jailed. Suu Kyi and the NLD remain critical players in any future democratic transition. The U.S. should actively engage in a sustained dialogue with the NLD, and should continue to consult with her and her party on all U.S. funded activities, including humanitarian assistance programs. Programs which exclude the NLD, however well-meaning, undermine this transition and will not, in the long run, help alleviate the root cause of the suffering of the Burmese people—military misrule.

Emergency food aid and other forms of humanitarian assistance, including cross-border assistance to newly internally displaced populations (IDPs,) may be called for in the coming months if fighting expands and continues to affect civilian populations in ethnic areas.

Conclusion

I have talked about the condition of Burma's political prisoners, the lack of change in leadership of the country, and the renewed fighting and population displacements in the ethnic states. None of these suggest that any change has happened in Burma since the election. We need to hold the Burmese government accountable for what it is doing to its people. The US should vigorously support a UN Commission of Inquiry into human rights abuses in the country.

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[30] Htet Aung, Irrawaddy: US Vows to Continue Pressing for Burma CoI. June 17, 2011,

[31] To date16 countries have officially supported the establishment of the CoI on Burma. They are: The Czech Republic, Australia, the United Kingdom, Slovakia, Canada, the US, Hungary, New Zealand, the Netherlands, France, Ireland, Lithuania, Estonia, Latvia, Belgium and Denmark.

Aung San Suu Kyi recently said, "To maintain the good image of a country, the government has to respect the will of the people." The U.S. needs to be on the right side of history in Burma, and that side will always be the will of the people. The current civilian gloss on a profoundly unpopular junta is not an expression of their will or choosing.

Mr. MANZULLO. Well, thank you very much for your testimony.

Mr. Faleomavaega, we decided not to invite any government witnesses. We have worked very closely with Assistant Secretary Campbell and the State Department. We decided because of the very unique testimony of Aung San Suu Kyi, we would just have a panel from the private sector.

Dr. Beyrer, on your most recent visit to Burma, did you face any resistance to conducting your studies in HIV/AIDS training? You were doing it at the National League for Democracy. Give us an account of your personal experience during this trip, if you want.

Dr. BEYRER. Surely, sir. Well, I made a number of trips to Burma in the 1990s and then during that period before Aung San Suu Kyi's most recent house arrest. And at that time, she was very concerned that a large number of the NLD youth league had refused to swear allegiance to military rule. At the time the military was insisting that all students, university students, medical, nursing, everybody, sign the allegiance to perpetual military rule or be expelled. And so a number of them were expelled.

And as a person who greatly values education, she was very concerned about this and initiated the idea of something like an open university, where independent experts would come into the country and provide training, education, and the opportunity to really keep intellectual life alive.

So I agreed to do this and did HIV/AIDS training for the NLD youth. Suu Kyi herself at the time was not allowed to speak publicly, but she very skillfully suggested that I would need a translator and that she could translate, even though she couldn't speak. So I had the extraordinary opportunity. And let me tell you that when she is acting as your translator, you kind of speak well. You step up.

And it went very well, I think. We did it at the old NLD offices. They were completely packed. It was standing room only. There was a great deal of engagement. We learned a tremendous amount. People were very forthcoming about their situations, what was going on in the townships, urban areas around Rangoon.

When I tried to leave the country after that, I was, my hotel was basically taken over by military intelligence. All of the other guests were asked to leave. And, fortunately, the U.S. Embassy helped me get safely out of the country.

At my departure, all of the materials were taken. And I said at the time to the security forces, "Please distribute these to the young people in your offices because they need this information on

HIV as well. We have nothing to hide." We were doing an HIV training open to the public.

But on my most recent attempt to return to Burma and meet with Aung San Suu Kyi privately, I was given a visa here in Washington but then detained on arrival in Rangoon, interrogated, and then not allowed to enter the country. So I actually saw Burma from the air and I got very close, but I was not able to enter. And I look forward to the day that I can.

Mr. MANZULLO. Thank you.

Mr. Faleomavaega?

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. Din, I was going through your testimony. Very impressive. Of course, I would be the last person to ever question your expertise and understanding, appreciation of what has happened.

I don't know, Mr. Chairman. Should we say Burma or Myanmar? I think the connotation of Burma is a colonial perspective because that's what the British called this country, Burma, during its colonial rule of Burma, which is now known as Myanmar.

I would like to note that you have made a very good point here about the fact that Burma is one of the countries with the oldest and ongoing civil war since 1948, and composed of eight major ethnic nationalities with several dozens of ethnic nationalities. In other words, it is not a homogeneous society. You have eight separate ethnic groupings that are constantly fighting, or were constantly fighting, among each other where you could really never really unite as a country. And please correct me if I am wrong in reading your statement.

Was, in fact, Burma a united country before, during, or after the British colonial rule?

Mr. DIN. Today's Burma is actually made by the British colonial government that ruled the country. Previously all nationalities, they all have their own kingdom. They all have their own civilization. They have their own territory. They were actually——

Mr. FALEOMAVAEGA. There were eight independent city states or——

Mr. DIN. Yes. That is correct, not city states but you also have the——

Mr. FALEOMAVAEGA. Independent.

Mr. DIN. Well, the same as the Soviet Union. After the Second World War, the Soviet Union, many Eastern European countries became a part of Soviet Union, same thing like that.

So they all have their own territory. They all have their own civilization. They all have a right to stand by themselves without joining into the union of Burma, but they believe in our national leader Aung Sun who promised them that the country of Burma will be built on the federalism and all of the nationalities will be standing together for equal opportunity and the rights. Believing General Aung Sun, they tried to take the independence together from the British.

Mr. FALEOMAVAEGA. And I just want to understand a little more. General Aung Sun, was he a member of the largest ethnic group among——

Mr. DIN. Yes. He is from the Burman majority. He was——

Mr. FALEOMAVAEGA. He was assassinated by another?

Mr. DIN. Yes. That's correct.

Mr. FALEOMAVAEGA. So, I mean, this is how complex. It is not as simple as we make it to be. I mean, to suggest that we could make a democracy when the fact that it historically and all of this, it is a very difficult situation to try to put eight separate ethnic nationalities into a country, one country. Am I wrong in seeing this?

Mr. DIN. You are right. At the same time the situation is that all of the other nationalities, they don't want to secede. They would rather live within the Federal union. They are not demanding for secession from the country. They agreed to join within the country, federalism, if they all would have the equal opportunities and rights.

Only the military junta will not allow such a situation. They consider these minorities as secondary; they are subordinates and not citizens.

Mr. FALEOMAVAEGA. Just to demonstrate how spirited these 8 separate ethnic nationalities, they had 37 political parties that became part of the elections that took place last year in November.

Mr. DIN. Yes, that's correct.

Mr. FALEOMAVAEGA. And part of the constitutional requirement is that 25 percent had to be from the military?

Mr. DIN. Yes.

Mr. FALEOMAVAEGA. How is that being considered by the people of—I say Myanmar because it has a non-colonial classification to it.

Mr. DIN. One thing, they are usually—our leader, Aung San Suu Kyi, said that Burma-Myanmar is very not important. If there is a majority of people who want change to Myanmar, we can call it Myanmar, but it will be decided by the people of the country. The military leader has no power or no authority to make the change. They can't name the country with their own desire.

Mr. FALEOMAVAEGA. I know my time is up. I just want to say that when I was in high school, I never forgot that one of the great leaders that came out is the Secretary General of the United Nations, U Thant. But then ever since Mr. U Thant, things seem to have dissipated in terms of trying to get Burma or Myanmar to become as a united people.

I am sorry, Mr. Chairman. My time is up. Oh, I'm sorry. Dr. Beyrer?

Dr. BEYRER. Yes. Just one quick comment is I think it's true that it is an enormous challenge, the diversity of Burma, but it is also true that in the 1990 elections, which are the only elections we have that were free and fair, the NLD, Aung San Suu Kyi's party, won an overwhelming majority in the Parliament.

Mr. FALEOMAVAEGA. But my understanding, Dr. Beyrer, that election was really for constituencies. There was not a national election, my understanding of that election. It was not a national election to elect a President or Prime Minister. It was more a regional election.

Dr. BEYRER. Well, that is true, but it is also true that in terms of the seats in the Parliament, you know the NLD also affiliated, for example, in Shan State with the Shan nationality's leap for democracy. And they won overwhelmingly.

So I think the evidence there is that when the Burmese people had the opportunity to vote for what they thought was human rights and a democratic way forward, actually, the ethnic tensions were——

Mr. FALEOMAVAEGA. But then one of the problems at the NLD ended up splitting within its ranks. You have got the uncles and the nephews. And that was one of the challenges to Suu Kyi as well, trying to get her NLD part united, because when they boycotted the election, it left them out of the whole political process and that those who split from the NLD party went ahead and participated in the election process.

I am sorry, Mr. Chairman. My time is up. I will wait for the second round. Thank you, Dr. Beyrer.

Mr. MANZULLO. Thank you.

I would like to recognize Joe Crowley from New York. Congressman Crowley and I were the co-sponsors of the resolution to give the Congressional Gold Medal to Aung San Suu Kyi. Mr. Crowley?

Mr. CROWLEY. Thank you, Mr. Chairman. And we hope to some day have an opportunity to present the medal to Suu Kyi, who I believe is one of the world's great heroes, Aung San Suu Kyi.

And I am sorry that I was not here for the presentation of her video. I hope to see that in the near future. I did have an opportunity to speak to Aung San Suu Kyi soon after her release from house arrest. And I know that Secretary Clinton has also had conversations with her as have other world luminaries and dignitaries as well. She certainly is a remarkable woman.

I thought it was interesting just in terms of my good friend Eni Faleomavaega. He and I have traveled the world together and seen a great deal of it, as have Don Manzullo and I together.

And you brought up an interesting subject about the naming of the country. And I think being Irish American, we like to be subtly defiant and in many respects kind of catching ourselves every so often. Saying Myanmar-Burma is just kind of a way maybe for us to demonstrate our defiance of the junta and the military rule in that country.

But I am so pleased that both of you continue to bring light and attention on a subject matter that I don't believe we can see to garner enough sustained attention on. It is an issue that from time to time heats up and then quiets down again before it hits a boiling point again that heats up again, and it kind of dies down.

It is for that reason, you know, that I feel so strongly in what we as a Congress have done to move this regime to act to bring more democracy, more freedom to the people of Burma by using sanctions.

What I would suggest is that the Congress has acted, and I believe the administration has tools within its shed or arrows in its quiver to really act on the Burma JADE Act and to ask and to call upon the administration to use the tools and the tough sanctions against this oppressive regime. What is the sense of having these tools if the regime continues to rape and to murder and to dehumanize the people that they supposedly are leading? It is something that I think is intolerable and needs to change.

And just lastly, again, I want to thank both of your guests. I know it is not often that a nonmember of this committee—although

I served on this committee for 12 years and I miss it very much, it is my first year not serving on the Foreign Affairs Committee but that I do appreciate you giving me the opportunity to speak and to thank our guests for being here today and for presenting their testimony. I particularly want to thank Aung San Suu Kyi again for her testimony.

This is too important an issue to just let fade away. And I think the administration has the tools it needs to really bring a bit of a hammer to the table when dealing with this junta.

So thank you, Mr. Chairman. I will yield back the balance of my time.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Just a couple of follow-up questions in terms of our dialogue and discussion this afternoon.

I know you mentioned, Mr. Din, you made a very good question. What should the United States do? And for how many years have we been dealing with the problem of—I think the problem, as we have been discussing concerning sanctions, is that the country really doesn't need to be bothered because as long as they are able to train with their neighboring countries, the sanctions don't give that much substance to it. And that seems to be the problem that we have over the years dealing with Myanmar.

And you indicated here that you think that if Burma becomes a democracy, or Myanmar becomes a democracy, then all of these problems will clear themselves. But the reality of it is that as long as these countries are able to trade with Burma, especially in the Southeast Asia, as well as with China especially, how do you stop this from happening? You can't tell China not to trade with Burma, no more than China telling us that we can trade with any other country of the world if we feel like it.

Mr. DIN. Let me argue with you.

Mr. FALEOMAVAEGA. Please.

Mr. DIN. The first is that economic sanctions or engagement will not make the Burma free from the dictatorship. Burma, who will have made their country free from the dictatorship?

Now, they are working hard. They have been working for many, many years to be free from the dictatorship under the leadership of our leader Aung San Suu Kyi. What are we calling for? We are not trying to topple the military junta from the power? We are calling for the political dialogue. We would like to have the negotiated political settlement. But such can be realized only when the military junta is weaker and the power of democracy forces are stronger.

But as we see it, the regime seems to be stronger and our forces seem to be weaker. So as long as there is no balance of power between the democratic opposition and the military junta, we will never see such a political dialogue in our lifetime. That's why our request is to put so much pressure on the regime stronger and stronger. And then when the regime became weaker and weaker, then they will realize there is the only way that political dialogue with the democratic opposition and the minorities to solve the problem peacefully.

You know, I understand that sanctions and the trading relationship with the neighboring countries, but we have the very effective

tools in the United States sanctions system. The Congress adopted the resolution called the Burma JADE Act, which included a very powerful——

Mr. FALEOMAVAEGA. I just wanted to mention that you mentioned that if a regime becomes weaker——

Mr. DIN. Yes.

Mr. FALEOMAVAEGA [continuing]. In the process, don't you think it will go back again to the ethnic rivalry that existed prior to the military taking over the country? That was one of the biggest problems that you had over the years.

Mr. DIN. Yes.

Mr. FALEOMAVAEGA. It's a constant civil war, actually, among the eight biggest nationalities that make up the country. You are suggesting that if the regime becomes weaker, but are you going to go back again to the rivalries among the different major ethnic districts? They're going to fight among themselves again without the military.

Mr. DIN. It is the same excuse made by the military junta for many, many years. They claim that they are the only one institution in Burma which can prevent the country from disintegration, but it is not true. But that is all the military forces.

Yes, they are fighting for their rights. But they never ever tried to—they never have willingness to fight against the opponent in the civil war. They would like to solve the problem peacefully. So that's why we are talking about. There was a separation, they are not standard, Daw Aung San Suu Kyi has the capacity that her father belongs. So they are not separatists. They want to unite the country with the equal opportunity for all ethnic nationalities.

We have seen the situation of 400,000 soldiers against millions what could become millions of——

Mr. FALEOMAVAEGA. My time is running out, sir. I just want another question. Myanmar is a full-fledged member of the ASEAN association. And I think right now it is up for becoming the chairmanship for the east Asian countries membership. There are ten of them. What do you think should be Myanmar's position or membership? Should it continue to be a full-fledged member of the ASEAN Association?

Mr. DIN. I made the suggestion that I am talking about I supported the policy of engaging in the region plus while making sanctions, but we want the basic element to make the sanctions from this government coordinated. At the same time we need the United States Government to set a clear time frame for such engagement policy.

Now the regime is calling for the ASEAN chairmanship in the 2014, which is quite a good opportunity for the United States Government to set up the clear time frame. Within such a time frame with a clear benchmark, releasing all political prisoners, allowing all bodies concerned to participate in the political process freely, and stop the military offensive of ethnic minorities. We will solve the problem together with these such benchmarks within a limited time frame.

I think the United States can play a very important role to make positive change in my country.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Thank you, Mr. Din.

Mr. MANZULLO. We thank you for the opportunity to have you testify. This is the second opportunity I have had to present a videotape of a witness. The first one was Governor Bush of Florida testifying on an issue where the U.S. Government wanted to make the Canadian snowbirds show up at U.S. post every 60 days. The Governor was quite upset with that regulation. We actually resolved the issue during the course of it. Here today we had the rare opportunity to be able to have the testimony of Aung San Suu Kyi, which no less diminishes the testimony of the two live witnesses that came.

I think the empty chair really symbolizes who this woman is. She is there in spirit. She very graciously agreed to testify before Congress in the limited capacity, the only capacity available to her.

We know that the spirit of people like this, the woman whose father was literally the George Washington of Burma, as long as freedom has any hope of piercing the veil of darkness in the world, we will always think of Aung San Suu Kyi. She represents that shining example.

It is a real pleasure to have you here, Dr. Beyrer, and you, Mr. Aung Din. We look forward to your continuous work in your fields. This hearing is now adjourned.

Mr. FALEOMAVAEGA. Mr. Chairman?

Mr. MANZULLO. Oh, I will yield.

Mr. FALEOMAVAEGA. I am sorry. Yes. I just want to come in and thank you again for calling this hearing. It is my sincere hope that maybe in the near future, that both of us will have a chance to visit Myanmar and also again to congratulate and commend Ms. Suu Kyi for an excellent presentation before us. It is historical. It is probably the first testimony ever given before a congressional subcommittee. So I commend you, Mr. Chairman, for——

Mr. MANZULLO. But then we didn't swear the witnesses.

Mr. FALEOMAVAEGA. Let's have another hearing, get the administration people in here. Find out exactly what the heck they are doing so we will get a better idea of what we need to do on our part.

But, again, Mr. Chairman, thank you for calling——

Mr. MANZULLO. Thank you. This hearing is adjourned.

[Whereupon, at 1:57 p.m., the subcommittee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Subcommittee on Asia and the Pacific
Donald A. Manzullo (R-IL), Chairman

June 15, 2011

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, Subcommittee on Asia and the Pacific, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov):**

DATE: Wednesday, June 22, 2011

TIME: 12:30 p.m.

SUBJECT: Piercing Burma's Veil of Secrecy: The Truth Behind the Sham Election and the Difficult Road Ahead

WITNESSES: Mr. Aung Din
Executive Director and Co-Founder
U.S. Campaign for Burma

Dr. Chris Beyrer
Director
Johns Hopkins Center for Public Health and Human Rights

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Asia and the Pacific* HEARING

Day *Wednesday* **Date** *June 22, 2011* **Room** *2172 Rayburn*

Starting Time *12:56 p.m.* **Ending Time** *1:57 p.m.*

Recesses [0] (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Chairman Donald Manzullo

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [ ]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

"Piercing Burma's Veil of Secrecy: The Truth Behind the Sham Election and the Difficult Road Ahead"

SUBCOMMITTEE MEMBERS PRESENT:

Donald Manzullo, Eni Faleomavaega, Dennis Cardoza

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not members of full committee.)*

*Joseph Crowley**

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

1. *Chairman Manzullo - Opening Statement*
2. *Ranking Member Faleomavaega - Article from Honolulu Star Advertiser regarding Burma election*
3. *Daw Aung San Suu Kyi - Transcript of video message*
4. *Mr. Aung Din - United Nations Human Rights Council Resolution 16/24*
5. *Prepared testimony of Mr. Aung Din and Dr. Chris Beyrer*

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *1:57 p.m.*

Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY MR. AUNG DIN, EXECUTIVE DIRECTOR AND CO-FOUNDER, U.S. CAMPAIGN FOR BURMA

United Nations A/HRC/RES/16/24

General Assembly

Distr.: General
12 April 2011

Original: English

Human Rights Council
Sixteenth session
Agenda item 4
Human rights situations that require the Council's attention

Resolution adopted by the Human Rights Council*

16/24
Situation of human rights in Myanmar

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming also previous resolutions of the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in Myanmar, including Council resolutions 10/27 of 27 March 2009, 12/20 of 2 October 2009 and 13/25 of 26 March 2010, and General Assembly resolutions 64/238 of 24 December 2009 and 65/241 of 24 December 2010,

Welcoming the work of the Special Rapporteur on the situation of human rights in Myanmar, taking note of his latest report,[1] in which he urges the implementation of the recommendations contained therein and those within previous reports, concerned about the lack of implementation of previous recommendations and regretting that no visit of the Special Rapporteur has been allowed to the country since February 2010,

Increasingly concerned that the urgent calls contained in the above-mentioned resolutions and reports and in those of other United Nations bodies concerning the human rights situation in Myanmar have still not been met, and emphasizing the urgent need for significant progress towards meeting the calls of the international community,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

* The resolutions and decisions adopted by the Human Rights Council will be contained in the report of the Council on its sixteenth session (A/HRC/16/2), chap. I.

[1] A/HRC/16/59.

Please recycle

Reaffirming that it is the responsibility of the Government of Myanmar to ensure the full enjoyment of all human rights and fundamental freedoms of the entire population of the country, as stated in the Charter, the Universal Declaration of Human Rights and other applicable human rights instruments,

Particularly concerned by the restrictions imposed on the representatives of the National League for Democracy and other political parties and other relevant stakeholders, including a number of ethnic groups, thus preventing a genuine process of dialogue, national reconciliation and transition to democracy,

Noting the stated intention of the Government of Myanmar to implement a democratic transitional process and, desirous of seeing the full restoration of democracy and full enjoyment of human rights for all, underlining the importance of its prompt implementation,

Noting also that free, fair, transparent and inclusive elections must be the cornerstone of any democratic reform process, regretting that the 2010 general elections represent a missed opportunity in this regard, and noting in particular in this respect the restrictions imposed by the electoral laws as enacted and implemented by the Government and the lack of independence of the electoral commission, and also expressing concern at the failure of the electoral commission to follow up on complaints about the electoral process, including voting procedures,

Taking note of the participation by the Government of Myanmar in the universal periodic review in January 2011 as the State under review, acknowledging in this regard its support for certain recommendations, expressing hope for the due consideration and acceptance of as many pending recommendations as possible and for the implementation in practice of the many important recommendations that were rejected,

Noting with serious concern that the grave human rights situation in Myanmar forces thousands of people to seek refuge in neighbouring countries,

1. *Strongly condemns* the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar;

2. *Urges* the Government of Myanmar to begin an inclusive post-election process of national reconciliation for a credible transition to democracy, including through meaningful dialogue and the participation of representatives of all groups in the political life of the country, within the framework of a transition to a civilian, legitimate and accountable system of government, based on the rule of law and respect for human rights and fundamental freedoms, and to these ends to take immediate measures to engage in a meaningful and substantive dialogue through all channels with all opposition parties, political, ethnic and civil society groups and actors, including Daw Aung San Suu Kyi;

3. *Welcomes* the release of Daw Aung San Suu Kyi following the most recent period of her arbitrary house arrest, and noting that her release is unconditional, calls on the Government of Myanmar to guarantee the full enjoyment of all human rights, including civil and political rights, and fundamental freedoms, for all people in Myanmar, including Daw Aung San Suu Kyi, in particular with regard to unrestricted movement in and outside the country and unrestricted contact with all domestic stakeholders;

4. *Calls on* the Government of Myanmar to protect the physical safety of all people in Myanmar, including Daw Aung San Suu Kyi, in a manner that is consistent with respect for human rights and fundamental freedoms;

5. *Calls upon* the Government to recognize the pre-election registration status of all political parties, including the National League for Democracy, and to lift all restrictions

imposed on the representatives of political parties as well as on other political and civil society actors in the country;

6. *Strongly calls upon* the Government of Myanmar to cooperate with the international community in order to achieve concrete progress with regard to human rights and fundamental freedoms, and political processes;

7. *Strongly urges* the unconditional release of all prisoners of conscience without delay, while expressing concern over their continuing high number, and also strongly urges the Government of Myanmar to desist from carrying out further politically motivated arrests and to release, without delay and without conditions, all prisoners of conscience, whose number is estimated to be approximately two thousand two hundred, including the Chairman of the Shan Nationalities League for Democracy, U Khun Tun Oo, the leader of the 88 Generation Students' Group, U Min Ko Naing, and one of the founders of the 88 Generation Students' Group, Ko Ko Gyi, and to allow their full participation in the political process;

8. *Strongly calls upon* the Government of Myanmar to lift restrictions on the freedom of assembly, association, movement and expression, including for free and independent media, by ensuring the openly available and accessible use of Internet and mobile telephone services and ending the use of censorship, including the use of the Electronic Transactions Law to prevent the reporting of views critical of the Government;

9. *Calls upon* the Government of Myanmar to undertake a transparent, inclusive and comprehensive review of compliance of all national legislation with international human rights law while engaging fully with democratic opposition, political, ethnic and civil society groups and actors, and recalling once more that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

10. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary, the independence of lawyers, to guarantee due process of law and to fulfil previous assurances given by the authorities of Myanmar to the Special Rapporteur with respect to beginning a dialogue on judicial reform;

11. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to the continuing grave violations of international human rights and humanitarian law, including the targeting of persons based on their belonging to particular ethnic groups, the targeting of civilians as such in military operations, and rape and other forms of sexual violence, and to end impunity for such acts without delay;

12. *Expresses serious concern* that previous calls to end impunity have not been heeded, and therefore strongly renews its calls upon the Government of Myanmar to undertake, without delay, a full, transparent, effective, impartial and independent investigation into all reports of human rights violations, including enforced disappearances, forced displacements, forced labour, arbitrary detention, rape and other forms of sexual violence, and torture and other forms of ill-treatment, and to bring to justice those responsible in order to end impunity for violations of human rights, and also strongly calls on the Government of Myanmar to do so as a matter of priority and with appropriate attention from the United Nations;

13. *Calls upon* the Government of Myanmar to address, as a matter of urgency, consistent reports of torture and ill-treatment of prisoners of conscience, and to ensure that proper investigations are conducted on all deaths in prison, with family members duly informed of the findings, as well as to improve conditions in prisons and other detention facilities and to avoid the dispersal of prisoners of conscience to isolated prisons far from

their families where they cannot receive regular visits or deliveries of supplementary supplies, including food and medicine;

14. *Strongly recommends* that the Government of Myanmar resume cooperation with the International Committee of the Red Cross;

15. *Strongly urges* the Government of Myanmar to end all forms of discrimination and to protect civil, political, economic, social and cultural rights on the basis of the Universal Declaration of Human Rights and, in particular, to comply with its human rights obligations under the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child in this regard;

16. *Expresses its serious concern* at the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations and to recognize the right of members of the Rohingya ethnic minority to nationality and to protect all of their human rights;

17. *Welcomes* the prolongation in February 2011 of the Supplementary Understanding between the International Labour Organization and the Government of Myanmar, the Government's commitment to introduce new legislation making forced labour illegal and repealing the provisions of the Villages and Towns Acts 1907; and the joint Government-International Labour Organization awareness-raising activities, but strongly condemns the continued and serious harassment of complainants and facilitators and urgently calls for the release of those who remain in detention, and urges the Government to proactively intensify measures to end forced labour, including the agreement to produce information brochures in local languages and to facilitate the strengthening of cooperation of the International Labour Organization in Myanmar to further enhance the efficiency of the educative and complaints-management activities undertaken by the liaison officer of the International Labour Organization;

18. *Strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of people within their country and to neighbouring countries, and to end other causes of refugee flows, including the targeting of persons based on their belonging to particular ethnic groups;

19. *Also strongly calls upon* the Government of Myanmar to put an immediate end to the recruitment and use of child soldiers in violation of international law by all parties, welcomes the recent engagement of the Government on this issue and urges it to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for children and armed conflict, including by granting access to areas where children are recruited, for the purpose of implementing a plan of action to halt this practice;

20. *Urges* the Government of Myanmar to provide, in cooperation with the Office of the United Nations High Commissioner for Human Rights, adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law, and to hold them accountable for any violations thereof;

21. *Calls upon* the Government of Myanmar to ensure timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, and to cooperate fully with those actors to ensure that humanitarian assistance is delivered throughout the country to all persons in need, including displaced persons;

22. *Also calls upon* the Government of Myanmar to consider acceding to the remaining international core human rights treaties, which would enable a dialogue with other human rights treaty bodies;

23. *Further calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

24. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar, in accordance with Commission on Human Rights resolutions 1992/58 of 3 March 1992 and 2005/10 of 14 April 2005, and Human Rights Council resolutions 7/32 of 28 March 2008, 10/27 of 27 March 2009 and 13/25 of 26 March 2010;

25. *Strongly urges* the Government of Myanmar to respond favourably and on a more timely basis to the Special Rapporteur's requests to visit the country, to extend its full cooperation, including by providing access to all relevant information, bodies, institutions and persons, so as to enable him to fulfil his mandate effectively, and to implement, without delay, the recommendations addressed to the Government contained in his reports[2] and in Human Rights Council resolutions S-5/1 of 2 October 2007, 6/33 of 14 December 2007, 7/31 of 28 March 2008, 8/14 of 18 June 2008, 10/27, 12/20 and 13/25;

26. *Requests* the Special Rapporteur to submit a progress report, and encourages him to provide an assessment of any progress made by the Government in relation to its stated intention to transition to a democracy to the General Assembly at its sixty-sixth session, and to the Human Rights Council in accordance with its annual programme of work;

27. *Calls upon* the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable him to discharge his mandate fully;

28. *Calls upon* the Government of Myanmar to continue to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

29. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General, his Special Adviser on Myanmar and the Special Rapporteur.

47th meeting
25 March 2011
[Adopted without a vote.]

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[2] A/HRC/6/14, A/HRC/7/18, A/HRC/7/24, A/HRC/8/12, A/HRC/10/19, A/HRC/13/48 and A/HRC/16/59.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE ENI F.H. FALEOMAVAEGA, A REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA

Star Advertiser

Reality in Burma differs from myths

By Michael Aung-Thwin

Feb 04, 2011

The agenda behind Robert Weiner's and James Lewis' commentary in Monday's Star-Advertiser ("Laundered money from drugs that go through Hawaii helps keep Burma's junta in power") seems clear: to keep pounding away at a myth created approximately 22 years ago by (mainly) the Western media, that the National League for Democracy, the party of Aung San Suu Kyi, won national elections in 1990.

Yet, virtually every credible scholar of Burma has demonstrated that both the NLD and Suu Kyi knew at the time that these were constituent assembly elections, not national elections. They were meant to select representatives to a National Assembly to write a new Constitution, not to hand over the government to the party who received the most votes.

And to claim -- as the authors did -- that the "prime ministership," an office that didn't exist, was denied her is absolute nonsense.

In fact, and although the NLD garnered about 65 percent of the seats in those Constituent Assembly elections, the party decided to boycott the writing of the new Constitution (in which more than 1,157 representatives from around the country participated) so that NLD's voice, whose input was surely needed, never materialized -- a consequence of its own decision not to participate.

Today, the Constitution of 2008 is the supreme law of the land without their input, some of whose provisions NLD members could have changed to suit their political aspirations. By boycotting them, all they did was allow the assembly a free hand in implementing uncontested what it wanted. Now, too, the Hlutdaw (parliament) elected in the Nov. 7 elections is the highest legislative body in the land, and will sit without the NLD beginning this week.

Indeed, the NLD's decision to absent themselves from the National Assembly after the 1990 elections is, in part, the reason Suu Kyi was ineligible to run in the recent elections of Nov. 7: They had the votes to make sure that that particular ineligibility law disqualifying her was not written into the Constitution, but instead chose to play the role of "spoiler," a bane in both pre-modern and modern Burmese history.

Another thing much of the world does not know about, and seldom reported in the Western media, is the conflict within the NLD itself, as if it were one harmonious political party without any dissent.

In fact, there are two main factions. One is centered around a younger generation who from the start had wanted to compromise with the regime, knowing full well that the latter held the keys to the tanks.

The other is composed of what the Burmese refer to as "the uncles": These are the hardliners in the NLD composed of an older generation of ex-generals and politicians who had lost their positions and clout in the shuffle and wanted to regain their influence and power, so joined Suu Kyi's party as it had widespread international support.

Suu Kyi had the unenviable position of trying to deal with both factions, although her behavior and rhetoric (until recently) seemed to favor "the uncles" over "the nephews."

In the 2010 elections, "the nephews" broke with "the uncles" (who had refused to participate), formed a new party called the National Democratic Force (NDF) and decided to run on that ticket. Several of their members actually won seats in both houses of Parliament so that they are now part of the power structure while the NLD is struggling to regroup as the anti-regime party. But with over 37 parties winning seats in parliament, the monopoly that the NLD -- and Suu Kyi -- once enjoyed as sole "speaker for the opposition" is no longer viable.

Given this new political context, Wiener's and Lewis' commentary appears to be an attempt to delegitimize the recent elections and bring back the past, using dubious reports about drug trafficking as a smokescreen.

I'm afraid Humpty Dumpty cannot be put back together again.

Michael Aung-Thwin, of Kailua, is chairman of the Asian Studies Program at the University of Hawaii-Manoa.