

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- [1. Are the Kachin people ill-treated by the military generally and if they are, would this happen to middle class people living in Yangon?](#)
- [2. Please provide details of the Kachin National Organization including its leaders.](#)
- [3. Do Christians suffer ill-treatment in Burma?](#)
- [4. What Christian Churches exist in Burma?](#)
- [5. What is the Malaysian government's attitude to Burma?](#)
- [6. Would/does the Malaysian government cooperate with the Burmese government by refusing the grant of a visa to a Burmese person who has been operating a company and business in Malaysia and who has been involved in anti-Burmese protests?](#)

RESPONSE

Preliminary Note

RRT Research & Information 2007, *Research Response* [MMR31244](#) has previously addressed the treatment of ethnic Kachin and Christians in Myanmar (Burma). RRT Research & Information 2009, *Research Response* [MMR35154](#) provides comprehensive information on the 8888 movement, the National League for Democracy and the events leading up to the so-called 'Saffron Revolution' in September 2007.

1. Are the Kachin people ill-treated by the military generally and if they are, would this happen to middle class people living in Yangon?

- [Kachins in Kachin State](#)
- [Kachins in Rangoon](#)

According to a September 2000 study by the Burma Ethnic Research Group (BERG): “30 years of internal conflict between the various Kachin independence movements and the Burmese army has resulted in large-scale displacement of the Kachin population. Figures from Kachin State suggest that perhaps 100,000 were forcibly relocated from their homes by counter-insurgency operations between the 1960s and 1990s, while other estimates suggest that in 1994 – prior to the signing of a cease-fire – there were around 67,000 internally displaced. More recent estimates suggest that although conflict-related displacement has decreased, the impoverishment of many rural dwellers following three decades of strife have led to significant rural displacement” (South, A. 2007, ‘Burma: The Changing Nature of Displacement Crises’, RSC Working Paper No. 39, February, University of Oxford website, source: *Refugee Studies Centre*, pp.18-19 <http://www.rsc.ox.ac.uk/PDFs/WP39%20Burma%20AS.pdf> – Accessed 25 September 2009 – Attachment 5; for the BERG study see page 67 of: Internal Displacement Monitoring Centre 2007, *Myanmar (Burma): A Worsening Crisis of Internal Displacement; A profile of the internal displacement situation*, IDMC website, 28 March [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/9F04C86117C351B2C12572AC004A4B56/\\$file/Myanmar+Burma+-March+2007.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/9F04C86117C351B2C12572AC004A4B56/$file/Myanmar+Burma+-March+2007.pdf) – Accessed 3 April 2007 – Attachment 6).

In 1994 a ceasefire was brokered between the Kachin Independence Organisation (KIO) and the junta, then known as the State Law and Order Restoration Council (SLORC). Despite the ceasefire, sources indicate that the Burman military (Tatmadaw) presence has grown substantially in Kachin State. According to a 2007 study: “before the ceasefire, there were four Tatmadaw battalions in Bhamo District, southern Kachin State; by 2004, there were eleven, each of which had reportedly confiscated 3–400 acres of land”; and: “Up to 4000 people have been displaced by large-scale jade mining around Phakant, western Kachin State”. According to a 2008 Minority Rights Group report: “Burmese military presence has in fact increased dramatically, from 26 battalions in 1994 to almost 50 in 2007, bringing at the same time an increase in the allegations of human rights violations and atrocities such as land confiscations (with little or no compensation), forced labour and sexual violence” (South, A. 2007, ‘Burma: The Changing Nature of Displacement Crises’, RSC Working Paper No. 39, February, University of Oxford website, source: *Refugee Studies Centre*, pp.18-19 <http://www.rsc.ox.ac.uk/PDFs/WP39%20Burma%20AS.pdf> – Accessed 25 September 2009 – Attachment 5; Minority Rights Group International 2008, *World Directory of Minorities and Indigenous Peoples – Myanmar/Burma: Kachin*, UNHCR Refworld <http://www.unhcr.org/refworld/docid/49749cdec.html> – Accessed 24 September 2009 – Attachment 4).

The predominantly Christian Kachins also claim that the predominantly Buddhist junta, now known as the State Peace and Development Council (SPDC) ill-treats Kachins on the basis of their religion. According to a 2008 Minority Rights Group report: “In addition to the same type of violations of human rights experienced by many of the country’s ethnic minorities, the Kachin still appear to be targeted specifically by Burmese authorities because of their Christian beliefs”. According to this source: “There were continuing reports in 2005 and 2006 of Kachin being subjected to conversion activities and discriminatory treatment by authorities because of their religion, such as rewards if they convert to Buddhism or exemption from forced labour, lower prices for basic foodstuffs such as rice and greater educational opportunities”. And in September 2008 the US Department of state reported of the preceding year that: “In Kachin State, authorities have constructed Buddhist shrines in Christian communities where few or no Buddhists reside and have tried to coerce Christians into forced labor to carry bricks and other supplies for the shrine construction”. The UK based Burma

Campaign group has also alleged that ethnic Kachin living in Kachin state have been victims of beatings, rapes and forcible recruitment by the Burmese military (for the Kachin as one of Burma's "largest Christian minorities", see: Ekeh, C. & Smith, M. 2007, *Minorities in Burma*, Minority Rights Group International website, 30 October <http://www.minorityrights.org/?lid=3546> – Accessed 24 September 2009 – Attachment 2; Minority Rights Group International 2007, *World Directory of Minorities and Indigenous Peoples – Myanmar/Burma: Overview*, UNHCR Refworld <http://www.unhcr.org/refworld/docid/4954ce41c.html> – Accessed 24 September 2009 – Attachment 3; Minority Rights Group International 2008, *World Directory of Minorities and Indigenous Peoples – Myanmar/Burma: Kachin*, UNHCR Refworld <http://www.unhcr.org/refworld/docid/49749cdec.html> – Accessed 24 September 2009 – Attachment 4; US Department of State 2008, *International Religious Freedom Report 2008 – Burma*, 19 September, www.state.gov/g/drl/rls/irf/2008/108402.htm – Accessed 22 September 2008 – Attachment 33; United States Commission on International Religious Freedom 2009, *USCIRF Annual Report – Countries of Particular Concern: Burma*, Refworld, 1 May <http://www.unhcr.org/refworld/docid/4a4f2737a.html> – Accessed 24 September 2009 – Attachment 34; 'Junta bent on wiping out ethnic Kachins says KNO' 2008, *Kachin News Group* website, 19 August http://www.kachinnews.com/index.php?option=com_content&view=article&id=366:junta-bent-on-wiping-out-ethnic-kachins-says-kno&catid=1:latest-news&Itemid=50 – Accessed 28 September 2009 – Attachment 10; Burma Campaign UK 2008, 'Kachin Schoolgirl Rape and Murder – 3 Months Later, No Arrests, No Justice', 27 October, Burma Campaign UK website <http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/Kachin-Schoolgirl-Rape-and-Murder-/8> – Accessed 8 October 2009).

Recent reports suggest that tensions between the Kachin Independence Army (KIA) and the Tatmadaw have escalated in recent months. In June 2009 the *Kachin News Group* reported that: "Troops of the Kachin Independence Army (KIA) are going into the forests from their army battalions in Burma's northern Kachin State for a possible war with the Burmese Army". In August the *Kachin News Group* reported that "there was a face off between troops of the Burmese Army and Kachin Independence Army (KIA) soldiers in Burma's northern Kachin State about two weeks ago but a clash was averted" ('KIA troops take to forests for possible war with Burmese Army' 2009, *Kachin News Group* website, 16 June <http://www.kachinnews.com/index.php/news/905-kia-troops-take-to-forests-for-possible-war-with-burmese-army.html> – Accessed 24 September 2009 – Attachment 7; 'Face Off Between Burmese Army and KIA Troops, Clash Averted' 2009, *Kachin News Group* website, 20 August <http://www.kachinnews.com/index.php/news/1051-face-off-between-burmese-army-and-kia-troops-clash-averted.html> – Accessed 24 September 2009 – Attachment 8; Fuller, T. 2009, 'Fleeing Battle, Myanmar Refugees Head to China', *The New York Times*, 28 August http://www.nytimes.com/2009/08/29/world/asia/29myanmar.html?_r=1 – Accessed 31 August 2009 – Attachment 9).

A number of sources have been provided on the Kachin community in Yangon (Rangoon) and the middle classes. The sources cover a broad spectrum of matters, including: the recent visit to the Kachin Baptist Church Yangon by the Mayor ('Yangon Mayor visits city Kachin Baptist Church' 2009, Burma News International website, source: *Kachin News Group*, 5 October <http://www.bnionline.net/news/kng/7161-yangon-mayor-visits-city-kachin-baptist-church.html> – Accessed 7 October 2009 – Attachment 12); the inability of the Myinta Kachin Baptist Church of South Okkalapa to gain a permit to construct a congregation hall

(Department of Foreign Affairs and Trade 2006, *DFAT Report 459 – RRT Information Request: MMR30017*, 24 March – Attachment 13); the surveillance of a Kachin Baptist in Rangoon by the junta “it has also been reported that a Kachin Baptist church in Rangoon has been under observation by the authorities, who even scrutinized its ‘Order of Service’ on one Sunday. In Tachilek, a Burmese border town in eastern Shan State, the construction of Christian churches is banned” (Khun, S. 2007, ‘Church Ordered to be Removed in Northern Shan State’, *The Irrawaddy* website, 13 June http://www.irrawaddy.org/article.php?art_id=7460 – Accessed 6 October 2009 – Attachment 14); Kachin volunteers prevented from travelling to the Irrawaddy Delta to help distribute aid to victims of Cyclone Nargis “In what is in an inhuman act on the part of the Burmese military junta, it has prohibited Rangoon based Kachin Christian youth volunteers from leaving for Cyclone Nargis devastated areas in Irrawaddy Delta in southern Burma to help victims, Rangoon Christian sources said” (‘Kachin Christian volunteers stopped from helping cyclone victims’ 2008, *Kachin News Group* website, 16 May <http://www.kachinnews.com/index.php/news/151-kachin-christian-volunteers-stopped-from-helping-cyclone-victims.html> – Accessed 6 October 2009 – Attachment 15); the detention of a Kachin leader (‘Kachin leader freed after short detention by junta’ 2007, *Kachin News Group* website, 22 November <http://www.kachinnews.com/old/read.asp?CatId=14&NewsId=968&Title=Kachin+leader+freed+after+short+detention+by+junta> – Accessed 6 October 2009 – Attachment 16); a Baptist minister and prominent Kachin businessmen with close ties to the junta (Naw, S. 2004, ‘Brothers-In-Peace’, *The Irrawaddy* website, February http://www.irrawaddy.org/article.php?art_id=3299 – Accessed 7 October 2009 – Attachment 18); the same Baptist minister has been refused a visa to the United States, allegedly due to his close connections with leading figures in the ruling regime (‘US embassy refuses visa twice to Rev. Dr. Saboi Jum and family’ 2008, *Kachin News Group* website, 14 November http://www.kachinnews.com/index.php?option=com_content&view=article&id=644:us-embassy-refuses-visa-twice-to-rev-dr-saboi-jum-and-family&catid=1:latest-news&Itemid=50 – Accessed 7 October 2009 – Attachment 19); a fashion and culture show put on by Kachin students living in Rangoon in 2003 (Kyaw Kyaw, T. 2003, ‘Tradition, modernity fused at Kachin show’, *The Myanmar Times*, 15-21 December <http://www.myanmar.gov.mm/myanmartimes/no196/MyanmarTimes10-196/039.htm> – Accessed 6 October 2009 – Attachment 20); a description of South Okkalapa as poor and densely populated (‘As Burma’s junta reclaims streets, locals stand up for monks’ 2007, *The Age* website, 2 October <http://www.theage.com.au/news/world/as-burmas-junta-reclaims-streets-locals-stand-up-for-monks/2007/10/01/1191091027787.html> – Accessed 24 September 2009 – Attachment 22); a 2008 report that shop owners in South Okkalapa had to pay bribes to public servants in order to have electricity restored following Cyclone Nargis (‘Pay money, get electricity post Nargis: Rangoon resident’ 2008, *Burma News International* website, source: *Independent Mon News Agency*, 27 June <http://www.bnionline.net/news/imna/4375-pay-money-get-electricity-post-nargis-rangoon-resident.html> – Accessed 7 October 2009 – Attachment 23); the small size of the Burma’s middle class (Pepper, D. 2008 ‘Aftermath of a Revolt: Myanmar’s Lost Year’, *The New York Times*, 5 October, <http://www.nytimes.com/2008/10/05/weekinreview/05pepper.html> – Accessed 25 September 2009 – Attachment 24); and an alleged attempt to prevent the middle classes from watching foreign news services by increasing the satellite TV licence from \$5 to \$800 (‘Myanmar regime imposes satellite TV fee’ 2008, *Euro-Burma Office* website, source: *Associated Press*, 02 January <http://euro-burma.eu/doc/jan2008.pdf> – Accessed 29 September – Attachment 25).

An overview of the available source information informing the above paragraphs follows below.

Kachins in Kachin State

Minority Rights Group International's report *State of the World's Minorities 2008 – Events of 2007* lists the Kachin as one of the world's ethnic minorities most under threat (Minority Rights Group International 2008, *State of the World's Minorities – Events of 2007*, Minority Rights Group International website, p.50 <http://www.minorityrights.org/report.php?id=459> – Accessed 25 September 2009 – Attachment 1).

The 2007 Minority Rights Group International report *Minorities in Burma* states that the Kachin are not one single ethno-linguistic group, but rather related ethnic groups “linked by clan systems and speak a dozen dialects”, mainly living in Kachin State. According to the report, “ethnic Burmans... dominate in state administrative positions” and “Christianity continues to spread, but in some areas local communities have reported pressures to convert to Buddhism, including exemption from forced labour, lower prices for basic foodstuffs and free schooling for those that send their children to Buddhist monasteries”:

The Kachin encompass a number of related ethnic groups who are linked by clan systems and speak a dozen dialects belonging to the Tibeto-Burman linguistic family. They live in northern Burma on the border with China and India, mainly in the Kachin State.

There are no reliable statistics on the Kachin population, but estimates suggest there are over one million. The Kachin are one of the largest Christian minorities with around 10 percent following Buddhist practices, with some elements of spirit worship still continuing in the hills.

Since the 1990s ceasefires have existed between the military government and armed ethnic opposition groups. The state, however, remains highly militarized, with continuing reports of human rights violations including land confiscations, forced labour and sexual violence. Grievance has also grown due to rampant deforestation, gold-mining and plans for hydro-electric dams that further marginalize the local people. Ethnic Burmans still dominate in state administrative positions, and many young Kachin women have been driven by poverty into the sex trade, including into China.

Christianity continues to spread, but in some areas local communities have reported pressures to convert to Buddhism, including exemption from forced labour, lower prices for basic foodstuffs and free schooling for those that send their children to Buddhist monasteries (Ekeh, C. & Smith, M. 2007, *Minorities in Burma*, Minority Rights Group International website, 30 October <http://www.minorityrights.org/?lid=3546> – Accessed 24 September 2009 – Attachment 2).

According to the Minority Rights Group International's 2007 *World Directory of Minorities and Indigenous Peoples – Myanmar/Burma* the use of the Burman language as the ‘almost exclusive’ language of instruction in schools contributes to Kachin economic and social disadvantage:

... The prominent and almost exclusive use of the Burmese language in state primary schools and by state authorities, even in areas with very large concentrations of linguistic minorities such as the Shan and Kachin, is a discriminatory practice that continues to disadvantage these minorities in educational, economic and social terms (Minority Rights Group International 2007, *World Directory of Minorities and Indigenous Peoples – Myanmar/Burma: Overview*, UNHCR Refworld

The Minority Rights Group International's *Directory of Minorities and Indigenous Peoples – Myanmar/Burma 2008* provides a historical perspective on tension and conflict between the Kachin and successive Burman-dominated governments. According to the source, the predominantly Christian Kachin formed the Kachin Independence Organisation (KIO) and a Kachin Independence Army (KIA) in the early 1960s following an attempt by the Burman-dominated military to declare Buddhism as the state religion in 1961 and the ousting of the ethnic Kachin President-elect in a coup in 1962. In 1994 "the KIO decided to enter into a ceasefire with the junta, which allowed it some degree of local administrative control in pockets of Kachin State". Nevertheless, according to Minority Rights Group International, "the Kachin still appear to be targeted specifically by Burmese authorities because of their Christian beliefs":

There were some tensions between ethnic Kachin and the Burman-controlled government, but in the main the Kachin stayed outside of the ethnic insurgencies soon after independence. This was to be dramatically altered after the declaration of Buddhism as the religion of Burma in 1961, which was perceived as an affront by the mainly Christian Kachin, leading directly – with other grievances – to the creation of the Kachin Independence Organization (KIO) and its military wing, the Kachin Independent Army (KIA). The final straw seems to have been General Ne Win's military coup in 1962, as the President-elect at the time was a Kachin, Sama Duwa Sinwa Nawng.

The post-1962 period also saw an increased 'Burmanization' of the army and institutions of the state, and with it a stronger sense of ethnic Kachin being discriminated against and excluded by government authorities in areas such as employment and economic opportunities, all of which continued to fuel the insurgency in Kachin areas.

Whereas the KIO initially was able to control much of Kachin State in the early years of the insurgency, this began to change after 1988 as the State Law and Order Restoration Council (SLORC) began to conclude ceasefire agreements with neighbouring groups, and subsequently redeployed and concentrated military forces against Kachin rebels. As a result, by 1994 the KIO decided to enter into a ceasefire with the junta, which allowed it some degree of local administrative control in pockets of Kachin State, though all of the land and natural resources remain under the authority of the State Peace and Development Council (SPDC) government.

... In addition to the same type of violations of human rights experienced by many of the country's ethnic minorities, the Kachin still appear to be targeted specifically by Burmese authorities because of their Christian beliefs. There were continuing reports in 2005 and 2006 of Kachin being subjected to conversion activities and discriminatory treatment by authorities because of their religion, such as rewards if they convert to Buddhism or exemption from forced labour, lower prices for basic foodstuffs such as rice and greater educational opportunities. There were also claims in 2006 of Kachin Christian parents being offered free schooling for their children at Buddhist monasteries, and of Burmese soldiers being encouraged by authorities to marry Kachin women to convert them to Buddhism. There appear to be few Kachin who can be promoted to the higher echelons of the army or government institutions; permission to repair or construct churches is seldom granted (and in some locations Buddhist monasteries are built instead) and many of the more visible signs of Christianity in Kachin areas, such as large crosses in high, visible locations have over the years been destroyed and are not allowed to be replaced (Minority Rights Group International 2008, *World Directory of Minorities and Indigenous Peoples – Myanmar/Burma: Kachin*,

UNHCR Refworld <http://www.unhcr.org/refworld/docid/49749cdec.html> – Accessed 24 September 2009 – Attachment 4).

The 2007 paper *Burma: The Changing Nature of Displacement Crises* published by the Refugee Studies Centre at University of Oxford states that forced migration of Kachin both within and from Kachin state has occurred since the 1994 ceasefire due to the activities of the Myanmar army, known in Burmese as the Tatmadaw. According to the source, the ceasefire has allowed the Tatmadaw to annex land for business purposes:

Unfortunately, forced displacement has not come to an end in Kachin and Mon States, since the ceasefires. **Over the past ten years, local communities have lost large amounts of land (and associated livelihoods), confiscated by the Tatmadaw, often in the context of its self-support policy, and by local authorities and business groups, including in the context of ‘development projects’, and due to unsustainable natural resource extraction.** Furthermore, civilians in these areas continue to be subject to widespread forced labour, and other human rights abuses. These factors are all causes of on-going forced migration.

...**However, the post-ceasefire situation in Kachin State presents a mixed picture. The government’s attitude towards the Kachin and other ceasefire areas has been one of neglect or active obstruction.** In the context of a KNU ceasefire several other negative developments present worrying precedents. Although, since 1993, there have been no ‘Four Cuts’-type forced relocations in Kachin State, communities continue to still lose their land especially due to the following developments (all citations from Field Notes; see also HRW 2005):

Post-ceasefire Military Occupation and Confiscation of Farmland. For example, before the ceasefire, there were four Tatmadaw battalions in Bhamo District, southern Kachin State; by 2004, there were eleven, each of which had reportedly confiscated 3–400 acres of land.

Natural Resource Extraction. Up to 4000 people have been displaced by large-scale jade mining around Phakant, western Kachin State. Increased post-ceasefire logging and gold mining activities have also brought environmental damage to several areas (as well as charges of corruption against ceasefire groups’ officials).

Large-scale Agriculture and Development Projects. The state’s leasing of land to private companies often involves land confiscation, as does ‘development’-induced displacement – e.g. road, bridge and airport construction in the state capital of Myitkyina.

All of these factors have been causes of continued forced migration since the ceasefire – i.e. people are still being displaced, although the reasons why have changed. In many cases, the abuses outlined above, particularly land loss and forced labour, undermine villagers’ livelihoods so severely, that they have little choice but to migrate, either within Burma, or to a neighbouring country (South, A. 2007, ‘Burma: The Changing Nature of Displacement Crises’, RSC Working Paper No. 39, February, University of Oxford website, source: *Refugee Studies Centre*, pp.18-19 <http://www.rsc.ox.ac.uk/PDFs/WP39%20Burma%20AS.pdf> – Accessed 25 September 2009 – Attachment 5).

The Internal Displacement Monitoring Centre 2007 report *Myanmar (Burma): A Worsening Crisis of Internal Displacement; A profile of the internal displacement situation*, provides estimates on displacement from Kachin State over previous years sourced from a September 2000 study by the Burma Ethnic Research Group (BERG):

“While the situation of internal displacement is not reported and hence the scale of the problem not well known in Kachin state, 30 years of internal conflict between the various Kachin independence movements and the Burmese army has resulted in large-scale displacement of the Kachin population. Figures from Kachin State suggest that perhaps 100,000 were forcibly relocated from their homes by counter-insurgency operations between the 1960s and 1990s, while other estimates suggest that in 1994 – prior to the signing of a cease-fire – there were around 67,000 internally displaced. More recent estimates suggest that although conflict-related displacement has decreased, the impoverishment of many rural dwellers following three decades of strife have led to significant rural displacement. As no peace dividend followed the cease-fire agreements, leaving the issue of resettling previously displaced groups obscure, many rural populations in Kachin State have become landless and forced to seek a livelihood in the extractive natural resources (mining) sectors or in the service sector in urban areas.

Indeed despite the negotiated cease-fire arrangements between the central government and the Kachin Independence Organisation (KIO) and the Kachin Democratic Army (KDA) there continue to be problems of displacement and land confiscation. As has been remarked by numerous civilians in Kachin State, cease-fires have allowed the different armies to retain their arms and territory, controlling and taxing the populace, while basically prioritising business for themselves through the extraction of natural resources. These complaints are not solely levied at the rebel groups, but more importantly at government, as the army has claimed much farmland, principally to grow food. Recently the government put up 27,000 acres of fallow land for paddy production and has opened a land-title registration office in Myitkyina to facilitate the transfer of such land to new owners” (for the BERG study see page 67 of: Internal Displacement Monitoring Centre 2007, *Myanmar (Burma): A Worsening Crisis of Internal Displacement; A profile of the internal displacement situation*, IDMC website, 28 March [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/9F04C86117C351B2C12572AC004A4B56/\\$file/Myanmar+_Burma_+_March+2007.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/9F04C86117C351B2C12572AC004A4B56/$file/Myanmar+_Burma_+_March+2007.pdf) – Accessed 3 April 2007 – Attachment 6)

On 16 June 2009 the *Kachin News Group* (KNG) reported that tensions between the Kachin Independence Army (KIA) and the Burmese Army in Kachin State have escalated recently. The report states that: “An eyewitness told KNG today, she surprisingly saw several columns of Burmese Army soldiers on the road between Bhamo and Kai Htik, the border trade route between China and Burma in Bhamo district”; and that KIA troops “have been ordered to standby 24 hours in their army bases”. According to the KNG, the SPDC proposes to transform the KIA from a resistance army into a border guard:

Columns of KIA soldiers are heading for the frontline. The KIA’s activity is mainly concentrated in the areas around Laiza, the headquarters and the border trade centre of KIA and its political wing the Kachin Independence Organization (KIO), said sources close to KIA soldiers.

A KIO serviceman of the KIA 3rd Brigade in Bhamo district told KNG, “Now, all KIA soldiers are entering the bushes. Many KIA soldiers have fanned out around the KIO/A headquarters in Laiza on the Sino-Burma border.”

An eyewitness told KNG today, she surprisingly saw several columns of Burmese Army soldiers on the road between Bhamo and Kai Htik, the border trade route between China and Burma in Bhamo district.

All KIA soldiers are equipped with sophisticated guns and ammunition. They have been ordered to standby 24 hours in their army bases, KIA sources said.

The KIA's preparation is to defend itself from the Burmese troops. It is not offensive in nature, according to KIA officials.

Maj-Gen Gunhtang Gam Shawng, Chief of Staff of KIA reiterated that the junta's proposal of transforming KIA into a battalion of border guard force before the end of this year is a load of nonsense. The KIA's transformation will be considered after all political problems between the KIO and the junta are resolved.

On the other hand, political leaders of the KIO met the junta's army officials at least twice on transforming the KIA in Myitkyina, the capital of Kachin State in the last two weeks, said KIO/A's headquarter sources.

As of now, Kachin political leaders are against the junta's proposal of transforming KIA to a battalion of a border guard force. All Kachin political organizations, Kachin university students in the entire country and Kachin people both inside Burma and abroad are against this move.

The KIA is one of strongest ethnic armed groups in the country because it connects with all Kachin people and is supported by all Kachins in Burma and abroad.

Unless the political problems are resolved first, the transformation of KIA is unacceptable for both KIA and the Kachin people ('KIA troops take to forests for possible war with Burmese Army' 2009, *Kachin News Group* website, 16 June <http://www.kachinnews.com/index.php/news/905-kia-troops-take-to-forests-for-possible-war-with-burmese-army.html> – Accessed 24 September 2009 – Attachment 7).

The *Kachin News Group* reported on 20 August 2009 that soldiers from the Burmese Army and KIA soldiers "narrowly averted" a gun battle in Kachin State "two weeks ago". The article reports that the battle was averted because the Kachin commander withheld permission to open fire on the Burmese Army:

There was a face off between troops of the Burmese Army and Kachin Independence Army (KIA) soldiers in Burma's northern Kachin State about two weeks ago but a clash was averted. The stand off came even as the KIO and the junta are locked in discussions over their demands, said sources close to KIA.

The clash was about to occur when the Burmese soldiers encircled the KIA's battalion 6 based in Seng Ra in Hpakant jade land. Later the Burmese soldiers were surrounded by the KIA soldiers, said residents of Hpakant.

A gun battle between the two sides was narrowly averted because the permission to open fire by KIA's battalion 6 commander Major Yawngba Shawng was not granted by Maj-Gen Gunhtang Gam Shawng, chief of staff of the KIA based in the Laiza headquarters on the Sino-Burma border in Kachin State, said sources close to KIA's battalion 6 ('Face Off Between Burmese Army and KIA Troops, Clash Averted' 2009, *Kachin News Group* website, 20 August <http://www.kachinnews.com/index.php/news/1051-face-off-between-burmese-army-and-kia-troops-clash-averted.html> – Accessed 24 September 2009 – Attachment 8).

The New York Times reported in August 2009 that fighting has broken out between the Burmese Army and minority ethnic groups, including the Kachin, "after two decades of relative calm in northern Myanmar". According to *The New York Times*, the events have "prompted China to make a rare comment about the internal affairs of one of its neighbours":

BANGKOK – After two decades of relative calm in northern Myanmar, fighting has broken out between the central government and upland ethnic groups, sending tens of thousands of refugees fleeing into China and threatening a fragile patchwork of cease-fire agreements that ended decades of civil war.

The fighting began between soldiers from the Kokang minority group and government troops, but it broadened to involve at least two more groups, the Wa and the Kachin. All three groups oppose the central government.

The official Chinese news agency Xinhua reported Thursday that refugees were fleeing into Yunnan Province, which borders Myanmar's Shan State, where the fighting was. An estimate by the U.S. Campaign for Burma, a nongovernmental advocacy group that uses the old name for Myanmar, put the number of refugees at about 10,000. The office of the United Nations High Commissioner for Refugees said it had received reports that 10,000 to 30,000 had fled into Yunnan Province since Aug. 8.

“We have been informed that local authorities in Yunnan Province have already provided emergency shelter, food and medical care to the refugees,” the United Nations agency said in a statement.

The crisis prompted China to make a rare comment about the internal affairs of one of its neighbours. Jiang Yu, a spokeswoman for the Chinese Foreign Ministry, said that the government in Beijing “hopes that Myanmar can properly deal with its domestic issue to safeguard the regional stability of its bordering area,” Xinhua reported (Fuller, T. 2009, ‘Battle, Myanmar Refugees Head to China, *The New York Times*, 28 August http://www.nytimes.com/2009/08/29/world/asia/29myanmar.html?_r=1 – Accessed 31 August 2009 – Attachment 9).

On 19 August 2008 the *Kachin News Group* reported on the claims of the Burma Campaign UK, who alleged that Burmese soldiers had been involved in the “gang rape and murder of a Kachin schoolgirl”. The article states, “According to Burma Campaign UK, rape is systematically used as a weapon of war against ethnic minorities in Burma. More than a thousand cases have been documented”; and notes the comments of a Kachin National Council representative who reportedly stated that: “After the cease-fire agreement between the Kachin Independence Organization (KIO) and the junta so-called State Peace and Development Council (SPDC), we could see that the SPDC continued to oppress the Kachins by various methods and its target is to wipe out the Kachins”:

The KNO released a statement yesterday regarding the gang rape and murder of a Kachin schoolgirl Nhkum Hkawn Din by Burmese soldiers on July 27.

“Despite the ceasefire agreement between the KIO and the SPDC, Burmese soldiers have repeatedly violated its terms of agreement and repeatedly carried out brutal and violent crimes against the Kachin people,” the statement said.

According to Burma Campaign UK, rape is systematically used as a weapon of war against ethnic minorities in Burma. More than a thousand cases have been documented.

“In this case of gang rape, the military regime once again showed how brutal it is and we [the Burma Campaign UK] are trying to make the international community aware of the case,” said Nang Seng, Campaign Officer of Burma Campaign UK.

With the United Nations special envoy to Burma, Ibrahim Gambari arriving yesterday in Burma, the Burma Campaign UK sent word of the gang rape and murder of a Kachin School

girl before Gambari leaves so that he can raise the issue concerning human rights violations in the country, Nang Seng said.

“We hope Gambari will talk with the government about the gang rape and killing of the Kachin schoolgirl as one of the many gruesome crimes against humanity in keeping with the United Nations Security Council (UNSC) resolution 1820,” Nang Seng said

The UN Security Council Resolution 1820 describes rape and sexual violence as a crime against humanity.

Meanwhile, as the village of Nam Sai where the rape and murder occurred is also a development project village controlled by the 1st battalion of Kachin Independence Army (KIA), the KIA has sent a letter about the brutal case to its headquarters (‘Junta bent on wiping out ethnic Kachins says KNO’ 2008, *Kachin News Group* website, 19 August http://www.kachinnews.com/index.php?option=com_content&view=article&id=366:junta-bent-on-wiping-out-ethnic-kachins-says-kno&catid=1:latest-news&Itemid=50 – Accessed 28 September 2009 – Attachment 10).

The Burma Campaign UK state in an October 2008 report entitled ‘Kachin Schoolgirl Rape and Murder – 3 Months Later, No Arrests, No Justice’ that “Rape is systematically used as a weapon of war against ethnic minorities in Burma, more than a thousand cases have been documented. There is a culture of impunity, where no action is taken against soldiers who rape.” The report details the case of the rape and murder in July 2008 of 15 year old girl in Kachin State:

Three months after a 15 year-old schoolgirl in Kachin State, Burma, was gang-raped, mutilated and murdered, no-one has been arrested and charged, despite eye-witnesses identifying suspects.

On 27th July 2008 near Nam Sai Village, Bamaw District, Kachin State, northern Burma, a 15 year-old schoolgirl, Nhkum Hkawn Din, was attacked and killed on her way to bring rice to her brother, who was working on a paddy field on the family farm.

After a three-day search her naked and mutilated body was found 200 meters from an army checkpoint. A local witness testified that they had seen Burmese Army soldiers follow Hkawn Din on her way to the paddy field. After her body was found other witnesses testified that they had seen soldiers leave that area after the time she had disappeared.

She had been raped, and brutally tortured and mutilated. Injuries included:

- 1) Her skull was crushed beyond recognition.
- 2) Her eyes were gouged out.
- 3) Her throat was cut.
- 4) She had a stab wound on her right rib cage.
- 5) All her facial features were obliterated.
- 6) She has been stabbed in the stomach
- 7) After the rape, she was further violated with knives

Local people were very angry about the failure to investigate the brutal murder. Posters demanding justice were put up in the Kachin capital Myitkyina. On August 16th witnesses identified one of the soldiers involved, Soe Thu Win, during a line-up. He later confessed under interrogation. A local commander reportedly stated that he will be sentenced to 20 years in jail, even though he has had no trial. However, it is now three months since the murder, and the Burma Campaign UK has been informed that no-one has been formally

charged. Instead the family was offered around \$500 plus some food staples as compensation for the murder.

Financial compensation for crimes is common in Burma, but reports received by the Burma Campaign UK indicate that the family wants justice, not money. Locals and family members believe they know which soldiers were involved in the attack, but local authorities have refused to take action.

“The United Nations Security Council have described the systematic use of rape and sexual violence as a crime against humanity,” said Nang Seng, Campaigns Officer at Burma Campaign UK. “This case is just one of thousands, and shows that soldiers have the green light to rape ethnic women, knowing there will be no punishment. How long will Security Council members stay silent while women and children in Burma are being raped, tortured and murdered?”

Rape is systematically used as a weapon of war against ethnic minorities in Burma, more than a thousand cases have been documented. There is a culture of impunity, where no action is taken against soldiers who rape. In early 2007 four schoolgirls in Kachin state were arrested, charged with prostitution and imprisoned after being gang-raped by Burmese Army soldiers. After the case received international attention the regime said it would take action against the soldiers involved, but at least one of the rapists remains in the army and at liberty (Burma Campaign UK 2008, ‘Kachin Schoolgirl Rape and Murder – 3 Months Later, No Arrests, No Justice’, 27 October, Burma Campaign UK website <http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/Kachin-Schoolgirl-Rape-and-Murder-/8> – Accessed 8 October 2009 – Attachment 11).

Kachin in Yangon (Rangoon)

On 5 October 2009 the *Kachin News Group* reported that the mayor of Yangon, Brig-Gen Aung Thein Lin, “dropped into” the Yangon Kachin Baptist Church to deliver a talk on how the “regime is treating ethnic Kachins on a higher scale” and to ‘urge’ the parishioners that the church should “seek help if needed from the city authorities”. The *Kachin News Group* quotes an unnamed parishioner present at the talk, who states “I think the Mayor's visit the Yangon Kachin Baptist Church is to mobilize opinion because the Burmese Army is going to launch an offensive against the Kachin Independence Army (KIA) in Kachin State”. The source also states that: “On September 27, the church celebrated the 30th anniversary of the setting up of the Yangon Kachin Baptist Church with over 2,000 followers, church sources said. Most of followers fled from civil wars between the Burmese Army and the KIA in Kachin State and Northeast Shan State, said church sources”:

In an unusual move the Yangon Mayor dropped into the Yangon Kachin Baptist Church, the largest ethnic Kachin church, yesterday soon after the conclusion of the regular Sunday worship service at noon, said church sources.

During a short visit to the three-storeyed Yangon (also called Rangoon) Kachin Baptist Church (YJH) in Sanchaung Township, Brig-Gen Aung Thein Lin, Chairman of the Yangon City Development Committee and Mayor delivered a short talk to church pastors, preachers and followers who attended the service, said a participant.

Participants, who listened to, Brig-Gen Aung Thein Lin’s talk said that the Burmese military regime is treating ethnic Kachins on a higher scale. The officer also urged the church to seek help if needed from the city authorities.

A Baptist follower, who listened to the Mayor, told KNG, “I think the Mayor’s visit the Yangon Kachin Baptist Church is to mobilize opinion because the Burmese Army is going to launch an offensive against the Kachin Independence Army (KIA) in Kachin State”.

On September 27, the church celebrated the 30th anniversary of the setting up of the Yangon Kachin Baptist Church with over 2,000 followers, church sources said. Most of followers fled from civil wars between the Burmese Army and the KIA in Kachin State and Northeast Shan State, said church sources.

The current three-storeyed church building however could be constructed on the authorization of the junta’s former Military Intelligence Chief and deposed Prime Minister General Khyin Nyunt. He inaugurated the newly-built church in 1997, church sources said.

Unlike the General Khyin Nyunt era, today, however, the church is finding it difficult to get the land grant from the junta to construct a six-storeyed hostel, Rev. KD Tu Lum, one of the YJH pastors said during the 30th anniversary service.

The Yangon Kachin Baptist Church is under the Kachin Baptist Convention (KBC) which has over 400,000 followers in military-ruled Burma (‘Yangon Mayor visits city Kachin Baptist Church’ 2009, Burma News International website, source: *Kachin News Group*, 5 October <http://www.bnionline.net/news/kng/7161-yangon-mayor-visits-city-kachin-baptist-church.html> – Accessed 7 October 2009 – Attachment 12).

In March 2006 the Department of Foreign Affairs and Trade (DFAT) responded to RRT enquiries about the alleged arrest of a Baptist pastor associated with Rangoon’s ethnic Kachin community. *DFAT Report 459* reported the pastor had been detained as the Myinta Kachin Baptist Church in South Okkalapa township, Yangon, did not have a “formal church building” at that time and conducted services in a building licensed only for “cultural activities”, potentially exposing the church and its minister, Reverend U La Doi, to prosecution. The report states “Repeated requests from the church to local authorities in recent years for permission to purchase a building to conduct religious activities have been rejected”. *DFAT Report 459* also provides advice on the treatment of ethnic and religious minorities more generally:

Reverend U La Doi was detained for no more than several hours on or around 1 September 2005. The background to Reverend U La Doi’s dispute with the Burmese government is Myinta Kachin Baptist church has no formal church building. Repeated requests from the church to local authorities in recent years for permission to purchase a building to conduct religious activities have been rejected. After receiving permission to purchase a building to conduct ‘cultural’ activities, Myinta Baptist church used the building as a place of worship. Local authorities have, therefore, accused Reverend U La Doi and the Myinta Baptist Church of violating its licence to conduct only culturally-related activities. We understand authorities are considering legal proceedings against Reverend U La Doi.

(note: Despite regime propaganda that there is complete religious tolerance in Burma, non-Buddhist religious groups in Burma – which are usually comprised of non-Burman ethnic groups – frequently experience considerable difficulties obtaining permission from authorities to establish or even renovate places of worship. It is not uncommon for such non-Buddhist religious groups, therefore, to try to mislead the regime on such matters in order to establish religious centres. It is also common for the regime to monitor new constructions closely to gauge whether the buildings are being used for purposes other than those approved and, if they are being used outside the approved mandate, to take action to close them) (Department of Foreign Affairs and Trade 2006, *DFAT Report 459 – RRT Information Request*:

MMR30017, 24 March – Attachment 13; for the RRT Country Research enquiry which elicited this reply, see: RRT Country Research 2006, ‘RRT Country Information Request – MMR30017’, 8 March – Attachment 56) .

On 13 June 2007 *The Irrawaddy* reported that “a Kachin Baptist church in Rangoon has been under observation by the authorities, who even scrutinized its “Order of Service” on one Sunday” (Khun, S. 2007, ‘Church Ordered to be Removed in Northern Shan State’, 13 June, *The Irrawaddy* website http://www.irrawaddy.org/article.php?art_id=7460 – Accessed 6 October 2009 – Attachment 14).

On 16 May 2008 *Kachin News Group* reported that the “junta authorities” had refused to allow “[a]bout 100 Rangoon Kachin Christian youth” from travelling to the cyclone affected Irrawaddy Division to do relief work. Furthermore it quotes “Rangoon Christian sources” as stating that “there were over 10,000 Christians living in Irrawaddy Division but now about 5,000 of them are left in the area”:

About 100 Rangoon Kachin Christian youth were ready to move over a week ago to help the cyclone victims but in a senseless act they were stopped by the authorities, a Kachin youth in Rangoon told KNG.

The rescue mission was organised by the Myanmar Council of Churches (MCC) on the request of Rangoon based The United Nations Children’s Fund (UNICEF). **The junta authorities said that they would only permit volunteers who had National Registration Cards (NRC) of the Irrawaddy Division, MCC sources said.**

The Kachin Christian youth had planned to go to Bogalay, one of the most cyclone-devastated areas for random assistance such as construction of temporary shelters for survivors. The cyclone lashed Burma between May 2 and 3.

There were over 10,000 Christians living in Irrawaddy Division but now about 5,000 of them are left in the area, said Rangoon Christian sources.

To meet the emergency the Kachin Baptist Convention (KBC) donated 1,000,000 Kyat (est. US \$ 893) to the Karen Baptist Churches in these areas over a week ago, Rev. Hkalam Sam Sun, a KBC pastor in Myitkyina the capital of Kachin State told KNG today.

According to residents of Myitkyina, the junta officially requested for donations for Cyclone Nargis victims from all religious organizations in Myitkyina Township, yesterday.

The letters asking for donations were distributed on the directives of the Kachin State Peace and Development Council and sent to head offices of Christian churches, Buddhist monasteries, Muslim mosques and Hindu temples in Myitkyina, local sources said.

The letter was titled “Fund for Cyclone Victims” and KBC, the largest Kachin Christian Convention office also received a copy of the letter yesterday.

The junta is only allowing members of the Red Cross, fire brigade personnel and members of the Union Solidarity and Development Association (USDA) to go and help cyclone survivors in Irrawaddy Division, local sources said (‘Kachin Christian volunteers stopped from helping cyclone victims’ 2008, *Kachin News Group* website, 16 May <http://www.kachinnews.com/index.php/news/151-kachin-christian-volunteers-stopped-from-helping-cyclone-victims.html> – Accessed 6 October 2009 – Attachment 15).

On 22 November 2007 the *Kachin News Group* reported that: “Mading Hkun Htu (Hkun Htoo), an ethnic Kachin political leader, was allowed to go back home after being taken away from his Rangoon house to the Aung Thapyay police detention centre by the special branch (SB) of the police... a source in Rangoon said”. The report relates that the detained individual was “a regional representative in Rangoon for the Kachin State National Congress for Democracy (KNCD)” and that the “reason behind his being taken away to the detention centre was related to the issue of the main Kachin ceasefire group, the Kachin Independence Organization, KIO’s refusal to sign a statement opposing Aung San Suu Kyi’s statement. The junta authorities asked him to give them suggestions on the issue, his family members said” (‘Kachin leader freed after short detention by junta’ 2007, *Kachin News Group* website, 22 November

<http://www.kachinnews.com/old/read.asp?CatId=14&NewsId=968&Title=Kachin+leader+freed+after+short+detention+by+junta> – Accessed 6 October 2009 – Attachment 16).

On 3 September 2007 the *Kachin News Group* reported that Maran Zau, “Chairman of the Kachin Nationals Consultative Assembly (KNCA) died of cancer on Friday at a private clinic in Rangoon.” Maran Zau is credited in the article with bringing to halt clashes between rival Kachin political and military organisations:

Maran Zau died at 4:30 p.m. Burma Standard Time when he was being operated upon. He has been suffering from colon cancer for a long time, a KNCA spokesman told KNG today.

He joined to KNCA in 2002 as a member of the Executive Committee (EC) and became a KNCA leader in April last year, KNCA sources said.

After taking charge he brought about a halt to clashes among Kachin ceasefire groups-- the two rival groups in the New Democratic Army-Kachin (NDA-K) led by Zahkung Ting Ying and Layawk Zelum, and the NDA-K and its mother organization, the Kachin Independence Organization (KIO).

Maran Zau Nan also set up a special National Convention advisory sub-committee in the KNCA and gave technical advice to KIO and NDA-K delegates attending the Burmese military junta’s National Convention in the context of Kachin politics, added KNCA sources.

He also led the KNCA on the submission of a special people’s request to the ruling junta last May in order to stop the junta’s Myitson Hydroelectric Power project at the confluence of the Mali-N’mai Rivers, one of the most beautiful tourist sites in Northern Burma, local sources said (‘Kachin leader Maran Zau Nan dies’ 2007, *Kachin News Group* website, 3 September

<http://www.kachinnews.com/old/read.asp?CatId=12&NewsId=731&Title=%22September+11%22+masat+nhtoi+Amerikan+mungdan+e+galaw> – Accessed 6 October 2009 – Attachment 17).

A February 2004 article in *The Irrawaddy* provides information on several successful Kachin identities in Rangoon who have “helped broker ceasefire agreements over the past 15 years between Burma’s ethnic insurgent groups and the military junta”. Details follow:

Reverend Saboi Jum The ethnic Kachin, whose name means “holding the table,” is the former chairman of the Kachin Baptist Convention, the principal religious organization for Kachin, and a former advisor to Brang Seng, the past Kachin Independence Organization chairman. He was a key ceasefire broker between the KIO and the military junta in 1993. After meeting with Pope John Paul II in the mid-1990s, the Vatican granted him about US \$4 million to set up development projects in Kachin State. But he is widely believed to have used the money

for his own purposes. The Sumpra Hotel in Myitkyina, officially owned by Saboi Jum's younger brother Zau Yaw, was built in 1996. Saboi Jum is a founder and chairman of the Nyein (Peace) Foundation, which teaches classes in "Peace and Resolution" and monitors the ceasefire negotiations of other armed ethnic groups. It was founded in December 2001. Khun Myat The younger brother of Saboi Jum, Khun Myat, helped broker the KIO ceasefire with Rangoon. He lives in the capital, where he runs an auto dealership and other businesses. It is widely believed that after the ceasefire, Gen Khin Nyunt, then military intelligence chief, granted Khun Myat a license to export 3,000 tons of teak wood, while other generals and their kin gave him car import permits. He was the only non-Karen ethnic negotiator invited to the peace talks between the Karen National Union and the military junta. La Wawm The ethnic Kachin is a former ambassador to Israel during the era of Ne Win's Burma Socialist Program Party. Along with Saboi Jum and Khun Myat, he was instrumental in forging the KIO ceasefire with the ruling junta. In return, Khin Nyunt awarded La Wawm a house in Rangoon, said several Kachin residents in Rangoon. (Naw, S. 2004, 'Brothers-In-Peace', February, *The Irrawaddy* website http://www.irrawaddy.org/article.php?art_id=3299 – Accessed 7 October 2009 – Attachment 18).

The *Kachin News Group* reported in November 2008 that the Rev. Dr. Lahtaw Saboi Jum, described as "the former general secretary of the Kachin Baptist Convention", was refused a visa by the US embassy in Rangoon. The reason for the Embassy's has not been quoted; however, the article speculates that it was due to "his dubious connections with the ruling junta and its business cronies came in the way." The article quotes anonymous pastors from the Kachin Baptist Convention that the US Embassy's refusal to grant US visas to the Rev. Saboi Jum was due to he and his family's "private business links" with his young brother Lahtaw Hkun Myat and a popular Burmese tycoon Tay Za, who is close to Burmese military junta supremo Senior General Than and Gen. Thura Shwe Mann":

For the second time the US embassy in Rangoon, in the former capital of Burma, has denied US entry visa to Rev. Dr. Lahtaw Saboi Jum, former general secretary of the Kachin Baptist Convention (KBC), the country's well-known peace mediator and his family. This was disclosed by a local source close to him. His dubious connections with the ruling junta and its business cronies came in the way, sources added.

The first visa application by Rev. Dr. Saboi Jum along with his wife and a girl of the family to the US embassy was denied. A special request for US visas on October 21 for the second time was also rejected by the US embassy, said sources close to Rev. Saboi Jum's family.

A Baptist pastor Rev. Saboi Jum and his family planned to attend the '2008 Summit' on Christian religion organized by US-based Bild International from October 29 to November 8, 2008 in Ames in Iowa state in United States of America. They also intended to attend an American friend's wedding.

According to KBC pastors in Myitkyina, the capital of Kachin state in northern Burma, the reasons for refusing US visas to Rev. Saboi Jum and his family had to do with private business links between Rev. Saboi Jum with his young brother Lahtaw Hkun Myat and a popular Burmese tycoon Tay Za, who is close to Burmese military junta supremo Senior General Than and Gen. Thura Shwe Mann.

Tay Za, or Teza, the owner of Htoo Trading Company, controls major economic sectors of the country such as logging, tourism, hotels, air transport and construction to technological investment in the junta's newly built Yadanabon Cyber City in Upper Burma ('US embassy refuses visa twice to Rev. Dr. Saboi Jum and family' 2008, *Kachin News Group* website, 14 November

http://www.kachinnews.com/index.php?option=com_content&view=article&id=644:us-

[embassy-refuses-visa-twice-to-rev-dr-saboi-jum-and-family&catid=1:latest-news&Itemid=50](http://www.myanmar.gov.mm/myanmartimes/no196/MyanmarTimes10-196/039.htm)
– Accessed 7 October 2009 – Attachment 19).

In December 2003 *The Myanmar Times* reported that “The Kachin Literature and Culture Association held the Culture Show, Music Show and Fund Fare of young Kachin who study at universities in Yangon at Jubilee Hall in Yangon University on December 6. It was the first time Kachin students in Yangon have congregated for such an event, said Ma Mui Hpu San Yi, the secretary of the association”. The “Kachin Association and Kachin Baptist Church” were reportedly also involved in the staging of the event (Kyaw Kyaw, T. 2003, ‘Tradition, modernity fused at Kachin show’, 15-21 December, *The Myanmar Times* <http://www.myanmar.gov.mm/myanmartimes/no196/MyanmarTimes10-196/039.htm> – Accessed 6 October 2009 – Attachment 20).

On 21 August 2006 *The Irrawaddy* reported that: “Burmese authorities have told a Kachin Baptist church in Rangoon it cannot hold a planned literary workshop on August 19 because it hasn’t obtained official permission”. And that: “The Baptist church has been under observation by the authorities, who even check its Sunday order of service, said a staff member” (Khun, S. 2006, ‘Regime Ban on Rangoon Church Workshop’, 21 August, *The Irrawaddy* website http://www.irrawaddy.org/article.php?art_id=6082 – Accessed 7 October 2009 – Accessed 6 October 2009 – Attachment 21).

A 2007 article published in *The Age* entitled ‘As Burma’s junta reclaims streets, locals stand up for monks’ describes the Rangoon suburb of South Okkalapa as “a densely populated poor suburb in north-west Rangoon”. The report describes events in South Okkalapa during the September 2007 protests, including the shooting of a 16 year-old boy and the raid on a Buddhist monastery:

On Saturday, it emerged that the army was collecting bodies. Two men in their 30s were shot on Friday in **South Okkalapa, a densely populated poor suburb in north-west Rangoon**. “They were ordinary men, not protesters,” said a journalist. “On Saturday, the army came back, gave the families 20,000 kyat each and took away the corpses.”

While the protesters have left the streets, they have not lost all their fire. As the military continues to crack down on the monasteries, hunting for monks in hiding, the public has risen to defend them, defying the 9pm-to-5am curfew to challenge the military on its night-time raids.

The army raided the Ngwe Kya Yan monastery, in South Okkalapa, on Thursday night and arrested dozens of monks. When troops returned on Friday morning, the crowd intervened and in the disturbance a 16-year-old boy was shot dead and a girl was run down by a military vehicle. But the army had to back off. “**South Okkalapa is lower class, these people are braver than the middle-class in challenging the army,**” the journalist said (‘As Burma’s junta reclaims streets, locals stand up for monks’ 2007, *The Age* website, 2 October <http://www.theage.com.au/news/world/as-burmas-junta-reclaims-streets-locals-stand-up-for-monks/2007/10/01/1191091027787.html> – Accessed 24 September 2009 – Attachment 22).

On 27 June 2008 the *Independent Mon News Agency* reported that shop owners in South Okkalapa Township have had to pay bribes to civil servants in order to have electricity restored to both shops and homes following Cyclone Nargis:

It is nothing short of holding people to ransom. Without shelling out money to civil servants of the electric power department no electricity supply will be ensured to home and markets.

This was stated by electricity department officials to Rangoon residents when they complained of lack of supply.

This despite the Burmese junta controlled New Light of Myanmar stating that the government is trying to repair power lines with government funds and on time post Cyclone Nargis.

Although the cyclone lashed Burma in the first week of May, the government did not care to repair some power lines in Okkalapa Township which were damaged.

Shop owners in Nandawun market, South Okkalapa Township complained after power supply to the market was disrupted following the cyclone but the department did not repair transmission lines.

“If the shop owners do not pay we will not repair it,” a shop owner told IMNA quoting a civil servant from the electric power department.

“We collected a thousand Kyat from each small shop and 3,000-5,000 Kyat from the bigger shops and paid the department on June 24. The next day the power supply was back,” the shop owner said.

The market has about 5,000 shops and the power and telephone lines snapped after cyclone (‘Pay money, get electricity post Nargis: Rangoon resident’ 2008, Burma News International website, source: *Independent Mon News Agency*, 27 June <http://www.bnionline.net/news/imna/4375-pay-money-get-electricity-post-nargis-rangoon-resident.html> – Accessed 7 October 2009 – Attachment 23).

In his 2008 article ‘Aftermath of a Revolt: Myanmar’s Lost Year’, published in *The New York Times*, Daniel Pepper describes Burma’s middle class as small, while the “broad mass of 50 million people remain among the poorest in the world”. Quoting a Burmese entrepreneur, Pepper writes that “there are only a few wealthy people in Myanmar... those who get in with the political people”:

In fact, the State Peace and Development Council, as the military government renamed itself in 1997, is stronger now than a year ago, having profited from high global food and fuel prices. **A few signs of conspicuous consumption by the small urban middle class — satellite TV dishes, hip-hop music and fashions — are seeping down from the much smaller class of multimillionaire businessmen directly tied to the junta’s chairman, Than Shwe.**

Meanwhile, the broad mass of 50 million people remain among the poorest in the world. Myanmar ranks 132 out of 177 countries in the 2007 United Nations Development Program’s Human Development Index. Most experts, who doubt the government’s statistics, think the reality is worse.

Myanmar is also one of the only countries to be publicly denounced for human rights abuses by the otherwise confidential and neutral International Committee of the Red Cross. According to Amnesty International, more than 2,100 political prisoners languish in Myanmar’s jails, about 1,000 having been locked up in the past year.

...In essence, the country runs like a mafia, from the languid tea shops of Yangon to the remote jungle areas of Kachin state in Upper Burma, where the mining town of Hpakant provides much of the world’s jade. There I met Sai Joseph, a gregarious and entrepreneurial family man who manages one midsize jade company. “There are only a few wealthy people in Myanmar,” he told me, “those who get in with the political people, the authorities who

have power” (Pepper, D. 2008 ‘Aftermath of a Revolt: Myanmar’s Lost Year’, *The New York Times* website 5 October, <http://www.nytimes.com/2008/10/05/weekinreview/05pepper.html> – Accessed 25 September 2009 – Attachment 24).

According to the *Associated Press*, the Burmese military junta dramatically increased the licence fee for TV satellite dishes in 2008, from \$5 to \$800. According to an anonymous source, said to be ‘an official at Myanmar Post and Telecom’, the price increase is designed to “discourage people from watching foreign news channels” (‘Myanmar regime imposes satellite TV fee’ 2008, Euro-Burma Office website, source: *Associated Press*, 02 January <http://euro-burma.eu/doc/jan2008.pdf> – Accessed 29 September – Attachment 25).

2. Please provide details of the Kachin National Organisation including its leaders.

The Kachin National Organisation (KNO) appears to have been founded in 1999 by Bawmwang La Raw, described by one source as a wealthy Kachin businessman that divides his time between London and Chang Mai. Sources do not indicate that the KNO has its own militia; however, *The Irrawaddy* does implicate Bawmwang La Raw in a 2001 attempt to change the leadership of the Kachin Independence Army (Naw, S. 2004 ‘Shaky Future for the KIO’, *The Irrawaddy* website, April http://www.irrawaddy.org/article.php?art_id=953 – Accessed 28 September 2009 – Attachment 27). The KNO, primarily through Bawmwang La Raw, claims that the 1994 ceasefire has led to an increase in the presence of the Tatmadaw in Kachin State, increased human rights abuses in the state, and the exploitation of Kachin resources at the expense of the Kachin people (for information on the history of the KNO see Chan, M. 2005, ‘Kachin’s Anti-Government Forces Burma drew the Union Constitution in 1947 and so got the united independence in 1948’, *The Kachin State* website <http://www.kachinstate.com/history.html> – Accessed 28 September 2009 – Attachment 26; Naw, S. 2004 ‘Shaky Future for the KIO’, *The Irrawaddy* website, April http://www.irrawaddy.org/article.php?art_id=953 – Accessed 28 September 2009 – Attachment 27; Khun, S. 2007, ‘Junta Blamed for Worsening Situation in Kachin State’, *The Irrawaddy Media* website http://www.irrawaddymedia.com/article.php?art_id=6549 – Accessed 28 September 2009 – Attachment 28; ‘Kachin National Organisation’ 2005, *Kachinland* website <http://kachinland.wordpress.com/2005/12/31/hello-world/> – Accessed 28 September 2009 – Attachment 29). No information has been located on the KNO presence, structure or activities in Malaysia or elsewhere outside Kachin State, London or Chang Mai.

The *Kachin State* website lists Hawwa Ja La as “the leader” of the Kachin National Organisation and Bawmwang La Raw as ‘a leader’ of the Kachin National Organisation and a ‘deputy leader’ of the Kachin Solidarity Council, an organisation parallel to the Kachin Independence Organisation. The source states that the KNO is “a political organization founded by overseas Kachin and a group of elders from the Kachin homeland on January 9, 1999.” Adding that the “KNO strives for an independent homeland and democratic government”:

In February 2001, a reformist faction within KIO staged a coup at the KIO headquarter at Lai Sin near the China border. They detained Zau Mai and later ousted him. Lamung Tu Jai became the leader of the KIO.

A political group formed secretly on 24-1-2005 The Kachin Solidarity Council in Pang Wa, the NDA-K headquarter, including a Joint Military Commission and a Joint Economic

Commission. It seems a parallel organization against the KIO's Kachin Consultative Assembly, KCA, which was formed in 2002.

According to the Kachin Independence Organization, KIO, the council is led by Zakhung Ting Ying, leader of the New Democratic Army-Kachin, and 3 deputy leaders: Col Lasang Awng Wah, who is the leader of a KIO splinter group, Mahtu Naw, the leader of Kachin Defense Army and **Bawmwang La Raw, a leader of Kachin National Organization, KNO.**

...Kachin National Organization (KNO)

A political organization founded by overseas Kachin and a group of elders from the Kachin homeland on January 9, 1999. KNO strives for an independent homeland and democratic government. Its leader is Hawwa Ja La (Chan, M. 2005, 'Kachin's Anti-Government Forces Burma drew the Union Constitution in 1947 and so got the united independence in 1948', *The Kachin State* website <http://www.kachinstate.com/history.html> – Accessed 28 September 2009 – Attachment 26).

The following 2004 article entitled 'Shaky Future for the KIO', published in *The Irrawaddy* describes Bawmwang La Raw as a businessman and founder of the Kachin National Organisation. According to *The Irrawaddy*, a Chang Mai-based paper run by Burmese exiles, Bawmwang La Raw was one of the "masterminds" behind a 2001 "mutiny" within the leadership of the Kachin Independence Organisation (KIO) by "young officers": "N'ban La's insurrection was backed by Bawmwang La Raw, a Kachin businessman who holds a British passport and keeps houses in Chiang Mai and London. He founded the Kachin National Organization, which he established from his home in Chiang Mai with overseas Kachin and a group of senior leaders from the Kachin 'homeland'. The group's brief is to work for an independent democratic Kachin nation-state. Bawmwang La Raw, who made his fortune trading Kachin jade during the 1980s, claims to have bankrolled the KIO to the tune of US \$3.6 million":

Younger officers have grown disenchanted; some want to replace their aging superiors. Mutiny at Laiza "The problem is the personal interests of the KIO leaders," said Gauri Zau Seng, "and it hurts the KIO and the Kachin people." As the mutineers launched their January attack, KIA chief of staff General N'ban La was receiving medical treatment for kidney stones at a hospital in Kunming, China. When he learned of the revolt, he returned to headquarters immediately with his deputy Col Lazing Baw and loyal troops. By the time they arrived, however, **the suspected masterminds of the coup—KIO intelligence chief Col Lasang Awng Wa and Bawmwang La Raw, a Kachin businessman—had fled to China.**

...N'ban La's insurrection was backed by Bawmwang La Raw, a Kachin businessman who holds a British passport and keeps houses in Chiang Mai and London. He founded the Kachin National Organization, which he established from his home in Chiang Mai with overseas Kachin and a group of senior leaders from the Kachin "homeland". The group's brief is to work for an independent democratic Kachin nation-state. **Bawmwang La Raw, who made his fortune trading Kachin jade during the 1980s, claims to have bankrolled the KIO to the tune of US \$3.6 million.** But from the early 1990s the organization lost much of its prime jade-mining territory to the Burma Army. It gave up the remainder in 1994, under the terms of the ceasefire treaty with Rangoon. Bawmwang La Raw feels that Zau Mai was responsible. The jade trader admitted to backing the 2001 coup effort, but pointed out that N'ban La and Lasang Awng Wa instituted no policy changes from their predecessor. They also failed to purge the ranks of Zau Mai's flunkies, some of whom retained their positions in the party hierarchy. **Bawmwang La Raw is miffed by the ceasefire arrangement and feels the overthrow was a good idea. "What has the KIO done for its own people in ten years of ceasefire?" he asked rhetorically** (Naw, S. 2004

‘Shaky Future for the KIO’, *The Irrawaddy* website, April http://www.irrawaddy.org/article.php?art_id=953 – Accessed 28 September 2009 – Attachment 27).

A January 2007 *Irrawaddy Media* article refers to Bawmwang La Raw as the “KNO President”. Bawmwang La Raw is quoted criticising the Kachin Independence Organisation and other Kachin militia groups for signing the 1994 ceasefire with the Burmese military junta, as well as for participating in the National Convention, organised by the junta to draft a new constitution:

Ethnic Kachin in exile on Wednesday criticized Burma’s military government and Kachin ceasefire groups for the growing political turmoil and deteriorating social and human rights conditions in Kachin State.

The condemnation of Burma’s ruling junta and the groups with which it has secured ceasefires was made in an open letter to Burma’s top leader, Snr-Gen Than Shwe, **by the Kachin National Organization, an exile Kachin opposition group with offices in Asia, the US and the UK.**

“Kachin leaders had sought for a peaceful political resolution, instead of more shooting, but nothing has been accomplished with the ceasefire,” said KNO President Bawmwang La Raw on Thursday in a telephone interview with *The Irrawaddy* from his home in the UK.

Several armed ethnic Kachin groups, including the Kachin Independence Organization, the Kachin Defense Army and the New Democratic Army-Kachin, reached ceasefire agreements with Burma’s ruling junta during the 1990’s, after three decades of civil war.

La Raw said Burma’s military presence in Kachin State has increased in recent months, and land and property have been confiscated by several Burmese battalions, adding that the Kachin also face dire poverty, the spread of HIV/AIDS and rising drug use.

The KNO dismissed Burma’s ongoing National Convention, in which delegates from some ethnic ceasefire groups are currently attending, saying that the constitution-drafting assembly would ultimately have no solution for the country.

The National Convention began in 1993 as the first in several proposed measures to bring about democratic reform in Burma—a process called “the roadmap to democracy” by the military government. The most recent session convened in October of last year (Khun, S. 2007, ‘Junta Blamed for Worsening Situation in Kachin State’, *The Irrawaddy Media* website, 4 January http://www.irrawaddymedia.com/article.php?art_id=6549 – Accessed 28 September 2009 – Attachment 28).

On 31 December 2005 a *Kachinland* website article reported that the Kachin National Organization was established in January 1999 following “extensive discussion between the overseas Kachins and the elders from the Kachin homeland.”

The Kachin National Organization is a political organization founded on the 9th of January 1999. This formation was the result of extensive discussion between the overseas Kachins and the elders from the Kachin homeland.

Since the cease-fire agreement on the 24th of February 1994, the Burmese military dictatorship has steadily built up more garrisons in our country with the clear intention to continue and establish military occupation.

Contrary to the people's expectations, the Kachin homeland today is without security due to the lack of definitive political policies. There is no economic opportunity amidst rampant inflation and people are reduced to the lowest level of subsistence. Equally lacking are proper healthcare and education.

This is an insidious destruction of the Kachins and at the same time a devious way of identifying the Kachinland with Burma.

The main goals of the Kachin National Organization are to regain the inalienable rights of people by establishing an independent Kachinland and restore their pride and freedom ('Kachin National Organisation' 2005, *Kachinland* website <http://kachinland.wordpress.com/2005/12/31/hello-world/> – Accessed 28 September 2009 – Attachment 29).

An October 2007 article on the *Kachin State* website describes Nang Seng as the Deputy Secretary of The Kachin National Organization ('News in Brief' 2007, *Kachin State website*, 15 October <http://www.kachinstate.com/news211007.html> – Accessed 28 September 2009 – Attachment 30). In June 2008 the Burma Campaign UK website announced that Nang Seng had been appointed as the Burma Campaign UK's Campaign Officer. It does not indicate whether or not Nang Seng remains Deputy Secretary of the KNO ('Nang Seng New Campaigns Officer Joins Burma Campaign UK' 2008, *Burma Campaign UK* website, 17 June <http://www.burmacampaign.org.uk/index.php/news-and-reports/news-stories/Nang-Seng-New-Campaigns-Officer-Joins-Burma-Campaign-UK/8> – Accessed 28 September 2009 – Attachment 31). In a separate article, the Burma Campaign UK announces that both the KIO and the KNO have announced that it will not participate in national elections scheduled for 2010. The article also names a Colonel Lamang Brang Seng as a 'spokesman for the KNO':

The Kachin Independence Organization and the Kachin National Organization have stated they will not take part in the 2010 elections. Colonel Lamang Brang Seng, a spokesperson for the KNO, told Mizzima News, "We don't think the election will be free and fair," and added that the elections and the junta's roadmap are designed to further entrench military rule in Burma ('Last Month In Burma – News from and about Burma' 2009, The Burma Campaign UK website, January http://burmacampaign.org.uk/images/uploads/Last_Month_Jan_09.pdf – Accessed 24 September 2009 – Attachment 32).

3. Do Christians suffer ill-treatment in Burma?

Information follows below on the situation of Christians in Burma. For information on the treatment of Kachin Christian groups specifically, see the information provided under Question 1.

The US Department of State's *International Religious Freedom Report for 2008 – Burma* reports that being a non-Buddhist in Burma can be an impediment to employment and promotion in both the military and the public service: "Promotions within the military and the civil service are generally contingent on the candidates being followers of Buddhism". The report also states that 'proselytising clergy' have been prevented from moving into new towns, that several churches in Rangoon (Yangon) have been closed, and that the junta has built Buddhist pagodas in Kachin state, attempting to coerce local Christians into forced labour during their construction:

The country has no official state religion. However, since independence, successive governments, civilian and military, have supported and associated themselves conspicuously with Buddhism. **In 1961 the Government's push to make Buddhism the state religion failed due to country-wide protests by religious minorities. However, in practice the Government continues to show a preference for Theravada Buddhism through its official propaganda and state-sponsored activities, including government donations to monasteries and support for Buddhist missionary activities. Promotions within the military and the civil service are generally contingent on the candidates being followers of Buddhism.** The Ministry of Religious Affairs includes the powerful Department for the Promotion and Propagation of Sasana (Buddhist teaching).

State-controlled news media frequently depict or describe government officials paying homage to Buddhist monks, making donations at pagodas throughout the country, officiating at ceremonies to open, improve, restore, or maintain pagodas, and organizing ostensibly voluntary "people's donations" of money, food, and uncompensated labor to build or refurbish Buddhist shrines throughout the country. State-owned newspapers routinely feature front page banner slogans quoting from Buddhist scriptures. The Government has published books of Buddhist religious instruction.

...Government authorities continued to prohibit Christian clergy from proselytizing in some areas. **Christian groups reported that several times during the period covered by this report, local authorities denied applications for residency permits of known Christian ministers attempting to move into a new township. The groups indicated this was not a widespread practice, but depended on the individual community and local authority.** In some instances local authorities reportedly confiscated NRCs of new converts to Christianity. Despite this, Christian groups reported that church membership grew, even in predominantly Buddhist regions of the country.

In 2007 authorities in the Rangoon area closed several Christian house churches because they did not have authorization to hold religious meetings. Other Rangoon home churches remained operational only after paying bribes to local officials. At the same time, the authorities made it difficult, although not impossible, to obtain approval for the construction of "authorized" churches.

...The Government allowed members of all religious groups to establish and maintain links with coreligionists in other countries and to travel abroad for religious purposes, subject to the country's restrictive passport and visa issuance practices, foreign exchange controls, and government monitoring, which extended to all international activities by all citizens regardless of religion.

...Non-Buddhists continued to experience employment discrimination at upper levels of the public sector. Few have ever been promoted to the level of director general or higher. There were no non-Buddhists who held flag rank in the armed forces, although a few Christians reportedly achieved the rank of lieutenant colonel. The Central Executive Committee of the largest opposition group—the National League for Democracy (NLD)—also included no non-Buddhists, although individual members from most religious groups in the country supported the party. The Government discouraged Muslims from enlisting in the military, and Christian or Muslim military officers who aspired for promotion beyond the rank of major were encouraged by their superiors to convert to Buddhism.

...In Kachin State, authorities have constructed Buddhist shrines in Christian communities where few or no Buddhists reside and have tried to coerce Christians into forced labor to carry bricks and other supplies for the shrine construction. In September 2006 government officials inaugurated a pagoda near the Kachin Independence Organization's headquarters at Laiza, Kachin State. Kachin sources reported there were no

Buddhists living in the community (US Department of State 2008, *International Religious Freedom Report 2008 – Burma*, 19 September www.state.gov/g/drl/rls/irf/2008/108402.htm – Accessed 22 September 2008 – Attachment 33).

The United States Commission on International Religious Freedom reports in its 2009 *Annual Report – Countries of Particular Concern: Burma* that ethnic and religious minorities in Burma are conscripted into forced labour by the military, adding “Those who refuse conscription are threatened with criminal prosecution or fined. Those who do not carry out their tasks have been shot or beaten to death.” The report goes on to state that “Christians are required to obtain a permit for any gathering of more than five people outside of a Sunday service” and that “permission is regularly denied, or secured only through bribes.” The report does state that the new constitution includes language “protecting all religions recognized in the constitution and prohibiting discrimination based on religious belief”; however the Commission appears sceptical that such rights will be enforced; “However, given the SPDC’s extremely poor human rights record, as long it holds a monopoly on power, such constitutional provisions are unlikely to be upheld”:

Minority religious groups, especially Muslims and Christians, continued to face serious abuses of religious freedom and other human rights by the military. **In some localities, military commanders have conscripted members of ethnic and religious minorities against their will for forced labor.** Those who refuse conscription are threatened with criminal prosecution or fined. **Those who do not carry out their tasks have been shot or beaten to death.** Christians and Muslims have been forced to engage in the destruction of mosques, churches, and graveyards and to serve as military porters. They reportedly have also been forced to “donate” labor to build and maintain Buddhist pagodas and monasteries.

...Christian groups continue regularly to experience difficulties in obtaining permission to build new churches, as well as to hold public ceremonies and festivals and import religious literature. Authorities have reportedly denied permission for the construction of new churches since 1997 in certain parts of Chin state. Similar restrictions are reportedly imposed in the capital of Kachin state, in some localities in Karen state, and among Catholics and Baptists in Karenni state. In late 2007, a military general in Shan state confiscated land from a Catholic diocese and destroyed the home of the bishop. No compensation has been awarded. **In all these areas, Christians are required to obtain a permit for any gathering of more than five people outside of a Sunday service. Permission is regularly denied, or secured only through bribes.** Additional reports of church closings in Rangoon and Mandalay have been received within the last year.

In January 2009, authorities in Rangoon ordered at least 100 churches to stop holding services and forced them to sign pledges to that effect. The order disproportionately affects churches that were forced to operate in rented apartments because they were denied permission to build a new church. Some Christians fear that these acts are retribution for the aid they provided in the relief efforts after Cyclone Nargis in May 2008, as it was at that time that the SPDC moved to disenfranchise some religious and ethnic minority populations and forcibly close religious charities assisting cyclone victims. In advance of a referendum on a new constitution, the national legislature passed a law disenfranchising leaders of ethnic minority religious communities, internally displaced people (IDPs), and Muslim Rohingyas. Religious and minority communities were – and continue to be – important constituencies that supported Burma’s main opposition party, the National Democracy League (NLD). The new constitution has been roundly criticized by international observers, as it attempts formally to legitimize the SPDC regime’s rule, provide immunity to the SPDC for all human rights abuses committed since 1988, and prohibit NLD leader Aung San Suu Kyi from holding national office. **Though the constitution acknowledges the “special position of Buddhism,” it also notes the existence of other religions in the country, and contains**

language protecting all religions recognized in the constitution and prohibiting discrimination based on religious belief. However, given the SPDC's extremely poor human rights record, as long it holds a monopoly on power, such constitutional provisions are unlikely to be upheld (United States Commission on International Religious Freedom 2009, *USCIRF Annual Report – Countries of Particular Concern: Burma*, Refworld, 1 May <http://www.unhcr.org/refworld/docid/4a4f2737a.html> – Accessed 24 September 2009 – Attachment 34).

The 2007 *Minority Rights report Minorities in Burma* suggests that Christian minorities suffer discrimination “to a lesser extent” than the Rohingya Muslims. The report adds that “harassment is most acute in areas where there is armed conflict”:

The Rohingya Muslim minority in the north Rakhine State still faces deep discrimination as the government refuses to recognise them as an official ethnic group and denies them equal citizenship rights. In addition freedom of movement for the Rohingyas is severely restricted, and they are unable to access medical and educational services because they cannot travel outside their local areas.

To a lesser extent, Christian minorities among such peoples as the Chin, Karen and Karenni also continue to experience forms of discrimination, and harassment is most acute in areas where there is armed conflict (Ekeh, C. & Smith, M. 2007, ‘Minorities in Burma’ Minority Rights website, 30 October <http://www.minorityrights.org/?lid=3546> – Accessed 24 September 2009 – Attachment 2).

The following text is a transcript from an interview with a Christian ex-Major in the Burmese Army, Thawng Za Lian. Thawng Za Lian relates in the interview that he resigned from the military when he realised that he would never be promoted beyond the rank of Major unless he converted from Christianity to Buddhism. Thawng Za Lian reports that an ethnic Kachin was appointed General by the junta as a cynical ‘show off’ gesture of national unity:

Major Thawng Za Lian: ... You can see that at present, there are no non-Burma ethnic people in the Burmese military whose position are higher than the rank of a Major. However, there are exceptions; those who are in legal and medical profession within the military do enjoy the chance of being promoted to the rank of Lieutenant Colonel because they do not wield weapons and therefore are not a part of the political hierarchy. **However, during the Ne Win era, one Kachin and one Chin national did become Generals, most apparently as a showoff by the Socialist government that there is national unity in the country.** These two Generals were indeed deserving of these honors. Under the SPDC, however a person is qualified in his professional military career; unless he is a Burman or a Buddhist he can't have the rank higher than a Major. The fact is there are the same numbers of qualified non-Burman professional soldiers within the present day's Burmese army as that of the immediate post-independent era.

... In the military, A, B and C are categories designated for those who can not be promoted in rank. A stands for AIDS symptom, B stands for Hepatitis B and C stands for Christians. Under these categories, those who are carrying AIDS disease are discharged from the military and those who have Hepatitis B are transferred to civil service. And all those belonging to category C (Christians) are not given promotion. For all these factors, the present SPDC regime is worse than the BSPP government, or any other government for this matter (‘View from inside – Interview with Major Thawng Za Lian’ 2003, Chin Human Rights Organization website, source: *Rhododendron News* <http://www.chro.ca/publications/rhododendron.html?layout=blog&start=35> – Accessed 25 September 2009 – Attachment 35).

The December 2008 article 'Ethnic Kachin Christians live under duress' was produced by the *Kachin News Group* and catalogues a series of apparent bans and obstacles for Kachin Christians to build churches, while also claiming that Christians have been forced to build Buddhist pagodas. The article claims that the Kachin Defence Army (KDA) leader Mahtu Naw was pressured to build the pagoda in return for lucrative teak export permits:

The Christian majority, who make up over one million ethnic Kachin Christians in northern Burma of a population of 47 million in the country, have to live under all forms of duress and systematic human rights abuses by the Burmese ruling junta.

A ban poster has been pasted on a building in ethnic Kachin Anglican Church in Tatkone in Myitkyina, northern Burma since October, 2006.

The construction of new Churches and land grants to it have been legally restricted by the Burmese ruling junta also called the State Peace and Development Council (SPDC) which assumed power in 1988, said local Church sources.

Permission for constructing Churches and land grants are difficult to get however the Churches try to get it from local authorities, state authorities and up to the country's Ministry of Religion, according to Kachin Church sources in Kachin state.

...The Burmese ruling junta has forced people to construct Buddhist pagodas and temples in non-Buddhist ethnic Kachin ceasefire group areas in Kachin state and northeast Shan state in the past.

In 2001, General Khin Nyunt, former Secretary-1 and prime minister of junta official inaugurated a new Buddhist pagoda and a new temple in Kawngghka, headquarters of the Kachin Defence Army (KDA) led by Mahtu Naw, which is eight miles east of Kutkai in northeast Shan state.

The KDA leader Mahtu Naw was pressurized to build the Buddhist pagoda and temple as a memorial of successful relationship between them by General Khin Nyunt, said KDA sources.

Mahtu Naw was then awarded more teak permits to export to the Sino-Burma border by General Khin Nyunt, added KDA sources.

Mahtu Naw led KDA broke away from the mother Kachin Independence Organization (KIO) in 1990 and signed a permanent ceasefire agreement with the ruling junta on January 13, 1991.

Similarly, another Kachin ceasefire group called New Democratic Army-Kachin (NDA-K) had to build a new pagoda and a new temple in its headquarters Pangwah near the Sino-Burma border in eastern Kachin state because of pressure from General Khin Nyunt.

The pagoda and temple were also opened by General Khin Nyunt, former Secretary-1 and the deposed Prime Minister of junta in 1999.

The NDAK also split from the mother KIO in 1968 and signed a permanent ceasefire agreement with the junta on December 15, 1989.

After General Khin Nyunt was purged by the junta, the relations between the two Kachin ceasefire groups and the junta got worse and the groups have been pressurized politically and economically by the ruling junta, said sources from the two groups (Nawdin L. 2008, 'Ethnic

Kachin Christians live under duress', *Kachin News Group*, 11 December
http://bnionline.net/index.php?option=com_content&task=view&id=5549&Itemid=1 –
Accessed 12 December 2008 – Attachment 36).

Access to the internet in Burma remains highly restricted (less than one percent of the population) and those with access are heavily monitored according to the OpenNet Initiative (OpenNet Initiative 2007, 'Burma (Myanmar)', OpenNet Initiative website <http://opennet.net/sites/opennet.net/files/myanmar.pdf> – Accessed 1 October 2009 – Attachment 37). In September 2009 the *Kachin News Group* (KTC) reported that the SPDC has given permission to the Kachin Theological College in Kachin state to install ADSL internet in the college. The KTC argues that in the past goodwill gestures by the junta have been used to “woo Christian voters”. National elections are scheduled in Burma for 2010:

The new ADSL Internet system of the Kachin Theological College (KTC) was inaugurated by Brig-Gen Thein Zaw, the Minister of Communication, Post and Telegraph of the Burmese junta on September 5, said KTC insiders.

The permission to install ADSL internet in KTC was specially granted by Brig-Gen Thein Zaw, who is also the junta's chief organizer of Kachin State. He also gifted 10 sacks of rice, two barrels of Diesel, two sacks of chick-pea and 10 dozen books, said school sources.

During the inaugural ceremony, Rev. Dr. Saga Hkyen Naw, the principal of KTC delivered a short speech of gratitude to the Minister Thein Zaw for sanctioning the school's much-needed internet, according to participants.

... Moreover, Brig-Gen Thein Zaw will visit Danai (also spelled Tanai) town in Hokawng Valley in western Kachin State for attending the opening ceremony of the internet system as the communication infrastructure is going as planned, said a resident.

Last month, Minister Brig-Gen Thein Zaw gifted 200 sacks of cement to the Shatapru Kachin Baptist Church in Myitkyina without the Church asking for it, said the Church sources.

Since mid 2007, Minister Thein Zaw has targeted Kachin Churches and Church leaders in different denominations and he donated funds, rice, edible oil, granted landline phones, GSM mobile phones and other construction materials to woo Christian voters.

Among Kachin Churches, the Kachin Baptist Convention (KBC) and Roman Catholic Churches and Church leaders have been mainly mobilized by Brig-Gen Thein Zaw.

But, some local critics said, any Church or its leader, who accepts any gift from the brutal military junta, is going against the teaching of the Christian Bible and it is akin to “supporting Satan or taking gifts from Satan – in this case the Burmese ruling junta” ('Kachin Theological College Gets ADSL Internet' 2009, *Kachin News Group* website, 11 September <http://www.kachinnews.com/index.php/news/1094-kachin-theological-college-gets-adsl-internet.html> – Accessed 24 September – Attachment 38).

4. What Christian Churches exist in Burma?

The following historical summary is from the Missionary Atlas Project Pacific Rim (Asia) Myanmar. The Atlas states that the majority of Christians in Burma are from the non-Burman ethnic minorities, and “only a few of the ethnic Burmese (Bhama... have converted to Christianity.” According to the Atlas, “The largest Christian presence in Myanmar is the

Myanmar Baptist Convention which started under the direction of the American missionary, Adoniram Judson in 1813”:

Certain tribes took on the faith very quickly such as the Karen, Chin, and the Kachin peoples and have built a strong indigenous church.

Other groups in Myanmar have rejected or ignored the gospel message. **Only a few of the ethnic Burmese (Bhama) that have converted to Christianity.** Christians represent a small minority in the region and are mainly concentrated in the Irrawaddy delta and in the border areas. Baptists represent the larger group of Christians among the ethnic minority groups in Myanmar. Before private schools were nationalized in 1965-1966, many schools were actually run by local Christian churches.

In 1966 all missionaries were expelled by the Burmese government, but the Burmese Church has become a vibrant missionary-sending movement, despite financial limitations and geographic isolation. Baptists, **Assemblies of God, Methodists, and Anglicans form the strongest denominations in Burma. Many Christians are well-educated, but cannot rise to positions of responsibility.**

... Catholicism came to Myanmar in the 16th century brought by the Portuguese. The Bayingyi, a group of ancient Eurasian origin, descendants of Portuguese and Burmese, are the oldest Catholic community, but 90% of the faithful are Karen, Kachin, Chin, Shan, and Kaw. There are about 590,000 Roman Catholics in Myanmar which is 1.3%.

... The largest Christian presence in Myanmar is the Myanmar Baptist Convention which started under the direction of the American missionary, Adoniram Judson in 1813. The Karen tribe was first the first to be reached in 1827, the Chins in 1845, and the Kachins were then reached in 1876, and these 3 ethnic groups continue to make up the bulk of Baptist membership. The Methodists arrived in 1879 from India and settled in the south. They were then followed 7 years later by British Methodists who settled in northern Myanmar. The Presbyterian Church of Burma was formed by immigrant Lushais from Assam, India, who migrated to Myanmar after World War II, and brought their church with them. The Church of Christ is composed primarily of Chinese immigrants from the north. There are approximately 2,511,664 Protestants in Myanmar which is about 5.5% of the population (‘Missionary Atlas Project Pacific Rim (Asia) Myanmar’ 2008, *World Map.org* website <http://worldmap.org/maps/other/profiles/myanmar/Myanmar%20Profile.pdf> – Accessed 24 September 2009 – Attachment 39).

According to 2001 International Crisis Group report *Myanmar: the Role of Civil Society* Burma’s Christians have extensive links with the outside world via Christian organisations and networks. The ICG report also states that Christian identity has helped form an inter-ethnic community; “They have also built a sense of community among Christians from different ethnic backgrounds”:

To a greater extent than the Buddhist community, Protestant Christians have an extensive lay organisation tradition, with church-based women’s groups, youth groups, and oversight committees. Moreover, the Protestant and Catholic communities have links with international Christian groups, and despite frequent restrictions on obtaining passports, a number of Christians have found ways to attend meetings and study abroad. They have also been able to meet with visiting church groups. Through such contacts, members of the Christian community have been encouraged to introduce development projects and capacity building programs in their areas.

Some of the strongest Christian associations are the Myanmar Christian Council of Churches, which represents thirteen Protestant denominations, the YMCA, the Myanmar Baptist Convention, and one of its members, the Kachin Baptist Convention. These have organised leadership training for youth and women, management courses, and a host of small-scale development and welfare initiatives. They have also built a sense of community among Christians from different ethnic backgrounds (International Crisis Group 2001, *Myanmar: the Role of Civil Society*, Asia Report No. 27, 6 December http://www.crisisgroup.org/library/documents/report_archive/A400503_06122001.pdf – Accessed 17 July 2009 – Attachment 40).

5. What is the Malaysian government's attitude to Burma?

– [Treatment of Burmese Refugees by the Malaysian Authorities](#)

Malaysia has developed a strong economic relationship with Burma and was one of the primary sponsors of Burma's entry into the Association of South East Asian Nations (ASEAN) in 1997 (Badgley, J.R. (ed) 2004, 'NBR Analysis – Reconciling Burma/Myanmar: Essays on U.S. Relations with Burma', *National Bureau of Asia Research* website, March, <http://www.nbr.org/publications/analysis/pdf/vol15no1.pdf> – Accessed 29 September 2009 – Attachment 41; 'Burma 'faces Asean expulsion' 2003, *BBC News* website, 20 July <http://news.bbc.co.uk/2/hi/asia-pacific/3081557.stm> – Accessed 25 September 2009 – Attachment 42). No sources suggest that Malaysia cancels the visas of anti-Burma political activists or deports them to Burma on instructions from the SPDC. There is evidence, however, that the SPDC's failure to reform, ongoing incarceration of Aung San Suu Kyi, the treatment of Muslim Rohingyas, and the junta's violent response to the 2007 'Saffron Revolution' have caused tensions and embarrassment for Malaysia and other ASEAN member states ('Asean 'Frustrated, Disillusioned' But Not Giving Up On Myanmar' 2006, Ministry of Foreign Affairs (Malaysia) website, source: *BERNAMA* http://www.kln.gov.my/?m_id=7&vid=136 – Accessed 25 September 2009 – Attachment 43; 'Asean express "revulsion" at Myanmar's violent repression' 2007, *The Star* website, 28 September <http://thestar.com.my/news/story.asp?file=/2007/9/28/nation/20070928112543&sec=nation> – Accessed 25 September 2009 – Attachment 44; 'Malaysia to put Burma under spotlight' 2009, *The Age* website, February 23 <http://news.theage.com.au/breaking-news-national/malaysia-to-put-burma-under-spotlight-20090223-8fy6.html> – Accessed 28 September 2009 – Attachment 45).

Malaysia is not a signatory to the 1951 United Nations Convention on the Status of Refugees and according to the US Committee for Refugees and Immigrants the Malaysian government has "no mechanism for granting asylum or registering refugees. UNHCR handled all refugee status determinations in Malaysia and issued plastic, tamper-proof cards to those it recognized as refugees" (US Committee for Refugees and Immigrants 2008, *Country Report: Malaysia*, USCRI website <http://www.refugees.org/countryreports.aspx?id=2008> – Accessed 23 September 2009 – Attachment 49; Women's Commission for Refugee Women and Children 2008, *Desperate Lives: Burmese Refugee Women Struggle to Make a Living in Malaysia*, UNHCR Refworld <http://www.unhcr.org/refworld/docid/490719042.html> – Accessed 23 September 2009 – Attachment 50).

According to the International Federation of Human Rights (FIDH) "The only means through which a type of status may be legally accorded to persons recognised as refugees or asylum seekers is through an exercise of discretion by the [Malaysian Immigration] Minister under section 55 of the Immigration Act". According to the FIDH: "This is the legal basis on which

de facto 'refugee' protection has been provided to certain groups and individuals through the issuing of IMM 13 permits". FIDH describes IMM 13 visas as being "generally a type of temporary residence permit". Residency visas are granted at the discretion of the Immigration Ministry, remain 'temporary', and can be cancelled (International Federation of Human Rights 2008, *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, FIDH website, March

<http://www.fidh.org/IMG/pdf/MalaisieCONJ489eng.pdf> – Accessed 26 March 2008 – Attachment 54). Sources state that Burmese citizens have been deported from Malaysia; however, no sources state that this was at the request of the SPDC. In September 2007 Malaysian authorities allowed Burmese residents to publicly march and demonstrate in front of the Myanmar Embassy in Kuala Lumpur ('Burmese Red March in the Streets of Kuala Lumpur' 2007, Ethnic Voices website, source: *Burma Underground*

<http://ethnicvoices.civiblog.org/blog/archives/2007/9/29/3258616.html> – Accessed 25 September 2009 – Attachment 55). The ill-treatment of Burmese and other migrants by the Relawan Ikatan Rakyat (RELA), a Malaysian citizens 'vigilante' corps has been well documented (Women's Commission for Refugee Women and Children 2008, *Desperate Lives: Burmese Refugee Women Struggle to Make a Living in Malaysia*, UNHCR Refworld <http://www.unhcr.org/refworld/docid/490719042.html> – Accessed 23 September 2009 – Attachment 50; 'Being refugees in Malaysia increasingly unsafe' 2008, *Kachin News Group* website, 19 February

http://kachinnews.com/index.php?option=com_content&view=article&id=166%3A-being-refugees-in-malaysia-increasingly-unsafe&Itemid=1 – Accessed 23 September 2009 – Attachment 52; 'Malaysian intelligence agents interact with Burmese organizations' 2009, Democracy for Burma website, source: *Kachin News Group*, 28 March

<http://democracyforburma.wordpress.com/2009/03/28/intelligence-agents-in-malaysia-have-been-meeting-leaders-from-10-main-multi-ethnic-organizations-hailing-from-burma-in-malaysia-since-last-february-said-burmese-community-leaders-in-the-country-the/> – Accessed 23 September 2009 – Attachment 53).

Comprehensive, definitive and recent analysis of Malaysia's attitude towards and relationship with Burma and the military regime could not be located. A 2004 report claims that Malaysia developed a special relationship with the regime due to then Prime Minister Mahathir Mohammad's critical view of "western capitalism and finance". The report does, however, state that Mahathir suggested in 2003 that ASEAN expel Burma:

Malaysia developed a special relationship with Myanmar in recent years because of long-time Prime Minister Mahathir Mohammad's unique role in Southeast Asia as a critic of Western capitalism and finance. The junta's leaders for a time found in Mahathir a powerful voice, although before his retirement Mahathir urged the junta to relax its restrictions on the NLD and accelerate its negotiations with Aung San Suu Kyi, and even suggested that ASEAN expel Myanmar from the grouping following the May 2003 attack at Dipeyin. In 2000 UN Secretary General Kofi Annan appointed a favoured Malaysian diplomat, Razali Ismail, as his special envoy to help mediate the negotiations. Meanwhile, Malaysia retains a significant trade exchange with Myanmar, considerably behind China and Thailand among neighbouring countries, but not far behind Japan (Badgley, J.R. (ed) 2004, *NBR Analysis – Reconciling Burma/Myanmar: Essays on U.S. Relations with Burma*, National Bureau of Asia Research website, March, p.22

<http://www.nbr.org/publications/analysis/pdf/vol15no1.pdf> – Accessed 29 September 2009 – Attachment 41).

A 2003 *BBC News* report states that Malaysia under Mahathir Mohammed was one of the primary sponsors of Burma's entry into Association of Southeast Asian Nations (ASEAN) in 1997. The report states that the then Prime Minister "hoped that trade and political engagement would bring change there." However, by 2003 Burma was beginning to cause embarrassment for other ASEAN member states, including Malaysia; the *BBC News* also reporting that Dr Mahathir had flagged the possibility of expelling Burma from ASEAN:

The Malaysian prime minister says Burma could face expulsion from the Asean group of nations if its government continues to ignore calls to free the jailed opposition leader Aung San Suu Kyi.

"We have already informed them that we are very disappointed with the turn of events and we hope that Aung San Suu Kyi will be released as soon as possible," Dr Mahathir said.

He said that ultimately Burma could be expelled from Asean though he stressed this would be done as a last resort.

It was Dr Mahathir who spearheaded moves to bring Burma into Asean – the Association of South East Asian Nations – in 1997.

The Malaysian leader hoped that trade and political engagement would bring change there, says the BBC's Jonathan Kent in Kuala Lumpur.

Suu Kyi and other leaders of her National League for Democracy (NLD) have been detained by the Burmese military government since the end of May.

...Dr Mahathir said that Asean nations had been forced to criticise Burma because its leadership had caused problems and embarrassed its neighbours.

Aung San Suu Kyi's arrest had damaged the credibility of the 10-member group and could lead to Burma's expulsion ('Burma 'faces Asean expulsion' 2003, *BBC News* website, 20 July <http://news.bbc.co.uk/2/hi/asia-pacific/3081557.stm> – Accessed 25 September 2009 – Attachment 42).

A press release issued by Malaysia's Ministry of Foreign Affairs and published on their website hints that Malaysia and ASEAN's alleged frustration with Burma in 2003/2004 continues to the present day. The release, entitled 'Asean 'Frustrated, Disillusioned' But Not Giving Up On Myanmar' indicates that the Malaysian Foreign Minister is frustrated with his ASEAN role as a broker of peace and democracy in Burma due to the regime's 'refusal to allow him to meet either Than Shwe or Aung San Suu Kyi:

Malaysian Foreign Minister Datuk Seri Syed Hamid Albar said Myanmar told the other Asean members that it wanted them to help it make progress towards democratisation but did not give them any strong commitment on its part.

He said Myanmar said it did not want to be pressured towards democratisation and that it would welcome suggestions but would do it in its own way.

"I could sense the frustration and disillusionment among Asean Foreign Ministers. We told Myanmar 'you talked about us helping you but how can we when you don't give us any ammunition,'" he told Malaysian journalists before leaving for home.

Syed Hamid, who is chairman of the Asean Standing Committee, said Asean was not giving up on Myanmar.

He said Asean still wanted to engage Myanmar positively even though there were member countries that believed Asean should leave Myanmar aside as the issue was taking up too much of the grouping's time without result.

Syed Hamid, who is the Asean Special Envoy to Myanmar, said that Myanmar asked him whether he would like to visit the country again to help the democratisation process.

“I told Myanmar I don’t mind continuing to do it but there must be something worthwhile for me to go. It’s okay if on the first trip we don’t achieve everything but if it is going to be worthwhile for me to go again, I must be allowed to interact with the relevant people,” he said.

Syed Hamid said he should be allowed to see the important people in the process, like Senior General Than Shwe and pro-democracy leader Aung San Suu Kyi who is under house arrest.

“I think we recognised that the Myanmar issue has crept in to disunite Asean because there are different views held but we cannot project that to the world,” he said.

He added that the ministers’ meeting, which was dominated by the Myanmar issue, had given several suggestions to Myanmar, among which was for it to follow the example of Indonesia’s progress towards democracy (‘Asean ‘Frustrated, Disillusioned’ But Not Giving Up On Myanmar’ 2006, Ministry of Foreign Affairs (Malaysia) website, source: *BERNAMA* http://www.kln.gov.my/?m_id=7&vid=136 – Accessed 25 September 2009 – Attachment 43).

According to *The Star*, ASEAN foreign ministers felt “revulsion” and were “appalled” by Burma’s reaction to the September 2007 “Saffron Revolution” mass protests in Burma, led by Buddhist monks. The *Star* reports that the SPDC’s response “had a serious impact on the reputation and credibility of ASEAN”:

Southeast Asian nations expressed “revulsion” to Myanmar’s foreign minister at the violent repression of demonstrations and strongly urged the military government “to exercise utmost restraint and seek a political solution.”

A statement issued Thursday after a foreign ministers meeting of the Association of Southeast Asian Nations (ASEAN) said the ministers **“were appalled to receive reports of automatic weapons being used and demanded that the Myanmar government immediately desist from the use of violence against demonstrators.”**

The meeting of the 10-nation group, known as ASEAN, was held on the sidelines of the U.N. General Assembly’s ministerial meeting.

It took place as the U.N. special envoy to Myanmar, Ibrahim Gambari, was flying to Bangkok at U.N. Secretary-General Ban Ki-moon’s request to try to promote a political solution to the Myanmar crisis.

Myanmar is an ASEAN member, along with Brunei, Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, Vietnam.

...In the statement issued by ASEAN’s chair, Singapore’s Foreign Minister George Yeo, the ministers called for the release of all political prisoners, including Suu Kyi.

“They expressed their revulsion to Myanmar Foreign Minister Nyan Win over reports that the demonstrations in Myanmar are being suppressed by violent force and that there has been a number of fatalities,” the statement said.

...The foreign ministers expressed concern to Myanmar’s Win **“that the developments in Myanmar had a serious impact on the reputation and credibility of ASEAN”** (Asean express “revulsion” at Myanmar’s violent repression’ 2007, *The Star* website, 28 September <http://thestar.com.my/news/story.asp?file=/2007/9/28/nation/20070928112543&sec=nation> – Accessed 25 September 2009 – Attachment 44).

In 2009 *The Age* reported that Burma’s treatment of the Muslim Rohingya people was also causing tension between Malaysia and Burma and that Malaysia’s Foreign Minister, Rais Yatim, planned to discuss their treatment at an ASEAN meeting in Thailand in early 2009. Dr Rais quoted as stating, “We would like to direct some of the questions to Myanmar (Burma), specifically which country is identified with Rohingya for the moment”:

Malaysia plans to put Burma under the spotlight over the plight of the Rohingya boat people at an ASEAN summit later this week.

The plight of the Rohingya has been garnering attention since Thailand’s military was accused last month of towing hundreds of the refugees out to sea in poorly equipped boats with scant food and water after they tried to flee Burma.

Around 400 subsequently landed on the Indonesian province of Aceh.

Human rights groups say the Rohingya are stateless and face religious and ethnic persecution from Burma’s military regime, forcing thousands to take to rickety boats each year in a bid to escape poverty and oppression.

Malaysian Foreign Minister Rais Yatim, who was visiting Canberra on Monday, said the issue would be raised at the next Association of South East Asian Nation (ASEAN) foreign ministers meeting.

ASEAN foreign ministers are due to meet in Thailand on Thursday.

“We would like to direct some of the questions to Myanmar (Burma), specifically which country is identified with Rohingya for the moment,” Dr Rais said (‘Malaysia to put Burma under spotlight’ 2009, *The Age* website, February 23 <http://news.theage.com.au/breaking-news-national/malaysia-to-put-burma-under-spotlight-20090223-8fy6.html> – Accessed 28 September 2009 – Attachment 45).

ASEAN member states traditionally adopt a policy of non-interference with each others’ internal matters; however, recent sources indicate that this policy may be beginning to unravel. Writing for the Council on Foreign Relation in February 2009, Julie Ginsberg suggests that ASEAN member states are divided on the establishment of an ASEAN human rights commission; according to Ginsberg, the commission has little power, “dismaying Indonesia and the Philippines”. Ginsberg also states that the Burmese military’s response to Cyclone Nargis in May 2008 created significant friction between ASEAN and Burma, causing ASEAN to issue a statement calling on Burma to allow international assistance. According to the source, the statement “went further than ASEAN ever had in the past in being critical of the internal affairs of a member state”:

The alliance's non-interference principle came under scrutiny when the group drafted a charter in 2007, which all ten members ratified by October 2008. Early drafts of the charter included provisions for sanctions for charter violations and a system of compliance monitoring for ASEAN agreements, but these elements were cut after deliberations revealed conflicting visions on ASEAN's continued role in the region.

Experts say the concept of non-interference has become a tool for protecting human rights transgressors. Cambodia, Laos, Myanmar, and Vietnam--countries with poor human rights records--balked at the proposition (Economist) to give the human rights commission established in the charter the power to monitor or investigate abuses (Brunei and Singapore also expressed reservations, fearful of opening the door to intervention in members' affairs). The commission was rendered virtually powerless, dismayed Indonesia and the Philippines, the last members to ratify the charter. The Philippines' senate minority leader, Aquilino Pimentel, who voted against ratification despite his country's endorsement, called the document a "sham"(AFP), while Indonesian legislator Sutradara Gintings said the charter's lack of protection for human rights indicated insignificant progress.

While the charter did not change ASEAN's conflict resolution tactics, the group's response to events in 2008 revealed willingness to use tougher diplomatic pressure on members. Such was the case after Cyclone Nargis in May 2008, when Myanmar's ruling junta allowed only limited international aid and insisted that aid be distributed through its military. In response, ASEAN called an emergency meeting of members' foreign ministers and issued a statement that "Myanmar should allow more international relief workers into the stricken areas, as the need is most urgent, given the unprecedented scale of the humanitarian disaster." While the statement "didn't quite condemn [Myanmar's] government," CFR's Smith says, it nonetheless "went further than ASEAN ever had in the past in being critical of the internal affairs of a member state." After Secretary-General Surin Pitsuwan continued to press for cooperation on a trip to Yangon, Myanmar's ruling junta finally allowed the entry of international aid workers. (Ginsberg, J. 2009, 'ASEAN: The Association of Southeast Asian Nations', 25 February, Council on Foreign Relations website <http://www.cfr.org/publication/18616/> – Accessed 24 September 2009 – Attachment 46).

According to the Union of Myanmar's Ministry of Foreign Affairs, Burma's deputy minister for Foreign Affairs made an official visit to Malaysia in August 2009 following an invitation by Malaysia. The source of the information is *The New Light of Myanmar*, considered by a number of observers to be the official mouthpiece of the military junta. According to the source, deputy ministers from both states discussed "enhancement of bilateral relations":

YANGON, 21 Aug – Deputy Minister for Foreign Affairs U Maung Myint paid an official visit to Malaysia from 17 to 20 August, **at the invitation of the Ministry of Foreign Affairs of Malaysia.**

On 18 August morning, Deputy Minister U Maung Myint called on the Deputy Minister of Foreign Affairs of Malaysia Mr YB Senator A Kohilan Pillay at the Malaysian Foreign Ministry in Putrajaya and **discussed enhancement of bilateral relations and cooperation on labour matters.**

In the afternoon, Deputy Minister U Maung Myint called on the Deputy Minister of Home Affairs of Malaysia Mr Datuk Wira Ku Seman Yusop at the Home Affairs Ministry of Malaysia and discussed cooperation in labour matters.

Afterwards, the Myanmar technical-level delegation met with the Malaysia technical-level delegation consisting of representatives from the Ministry of Home Affairs, the Ministry of

Labour, and the Ministry of Human Resources Development at the Ministry of Home Affairs of Malaysia and discussed cooperation in labour matters.

Later that day, Deputy Minister U Maung Myint met with members of the Committee for the Welfare of Myanmar Workers at the Myanmar Embassy in Kuala Lumpur ('Dy FM arrives back from Malaysia' 2009, Ministry of Foreign Affairs (Myanmar), source: *The New Light of Myanmar*, 22 August <http://www.mofa.gov.mm/foreignrelations/Dy%20FM%20arrives%20back%20from%20Malaysia.htm> – Accessed 24 September 2009 – Attachment 47).

Malaysia does appear to have developed a significant economic relationship with Burma. According to Malaysia's Ministry of International Trade and Industry, Malaysia was the fourth largest investor in Burma in 2005; "total cumulative approved investments from 1998 to 2004 are valued at US\$660.7 million, involving 26 projects." Total bilateral trade in 2004 is valued at "US\$256.2 million, which was an increase of 16.4 per cent from US\$220.1 million in 2003" (for more detail on trade, economic and technical cooperation see: 'Malaysia-Myanmar Business Opportunities Seminar' 2005, Ministry of International Trade and Industry (Malaysia) website http://www.miti.gov.my/cms/content.jsp?id=com.tms.cms.article.Article_167290bb-7f000010-5e095e09-fe402cae – Accessed 24 September 2009 – Attachment 48).

The Treatment of Burmese Refugees in Malaysia

The US Committee for Refugees and Immigrants *Country Report: Malaysia 2008* states that Malaysia has deported "nearly 1,200 Myanmar refugees to Thailand", where Thai officials then turned them over to "Myanmar officials". The report includes claims from deported Burmese who were able to later return to Malaysia that they were tortured, detained for up to five months and then fined:

Malaysia deported nearly 1,200 Myanmar refugees to Thailand, of whom Thai immigration officials turned more than 30 over to Myanmar. **Refugees who were able to leave Myanmar and return to Malaysia reported that Myanmar officials detained them for up to five months, tortured them, and fined them from about \$1,000 to \$7,900 (6,000 to 50,000 Myanmar Kyats).** The Government said these deportations were voluntary, but the Office of the UN High Commissioner for Refugees (UNHCR) could not always verify this. The harsh conditions in Malaysia's detention facilities (below) made it likely that not all were voluntary.

...Malaysian officials turned many of the refugees it deported to Thailand directly over to human traffickers, such as in the April case of 25 recognized Chin refugees from Myanmar, including two pregnant women. Reportedly, immigration officials received bribes for each deportee from the traffickers. Agents sometimes held these and others they captured for ransoms of about \$140 to \$190 or smuggled them back into Malaysia for higher fees of about \$380 to \$490. Traffickers often sold those not able to pay to Thai fishing boats in the case of men, or brothels in the case of women.

The Government had no mechanism for granting asylum or registering refugees. UNHCR handled all refugee status determinations in Malaysia and issued plastic, tamper-proof cards to those it recognized as refugees. UNHCR gave Myanmar Rohingya as temporary protection as a group, interviewing asylum seekers to establish their ethnicity. In November, it stopped offering group status to Acehese asylum seekers from Indonesia. UNHCR performed individual status determinations for non-Rohingya asylum seekers, granting refugee status under its mandate. Refugees with group status were not eligible for

resettlement, but if the authorities arrested and detained them, UNHCR gave them full interviews, making those that passed eligible.

...After a February raid by the Ministry of Home Affairs' auxiliary People's Volunteer Corps (RELA), the bodies of five Myanmar migrant workers were found in a lake. In February, a Mon asylum seeker from Myanmar died during a RELA raid. RELA members slapped and repeatedly kicked a refugee during a July raid

...In December, police threatened a Myanmar woman with arrest when she attempted to report an assault by her boyfriend. The Kachin Development Organization, a group of Kachin refugees from Myanmar, reported 12 cases of sexual harassment during 2006, including two by police officers who also extorted money from the refugees.

...Refugees and asylum seekers recognized by UNHCR enjoyed some freedom of movement, although government harassment, extortion, and detention still occurred. Police sometimes held refugees with UNHCR cards until they paid bribes of about \$58 to \$145. In October, police arrested two Kachin women from Myanmar on their way to church and sexually molested them, holding them until they paid a ransom of about \$290 (US Committee for Refugees and Immigrants 2008, *Country Report: Malaysia*, USCRI website <http://www.refugees.org/countryreports.aspx?id=2008> – Accessed 23 September 2009 – Attachment 49).

The Women's Refugee Commission's states in a May 2008 report entitled *Desperate Lives: Burmese Refugee Women Struggle to Make a Living in Malaysia* that Malaysia is not a signatory to the 1951 Convention relating to the Status of Refugees and since 2004 has practiced a policy of deporting "illegal migrants". According to the report, "the police largely respect UNHCR documentation of refugees"; however, the Relawan Ikatan Rakyat (RELA), a citizens volunteer corps routinely arrests foreigners, despite having UNHCR documentation. It also reports that in 2005 "the Malaysian government granted RELA force members the right to 'search any public or private premise without a warrant' and to 'carry firearms'":

In the eyes of the Malaysian government, there is no difference between an undocumented worker and a refugee. **As Malaysia has not signed the 1951 Refugee Convention, refugees have no legal status and no right to work or legal residency.** The Malaysian government initiated a widespread campaign to crack down on undocumented migrants in 2004 and **since has reported an "intention to deport more than 1 million undocumented migrants" through mass arrests. This initiative has led, on average, to the arrest of 700-800 UNHCR-recognized refugees each month.** Some reports claim that about 100 of those arrested each month are children.

Three distinct enforcement agencies carry out the massive number of arrests: the police, immigration officials and the People's Volunteer Corps, known as RELA. **According to numerous reports, the police largely respect UNHCR documentation of refugees. Immigration officials and members of RELA, a government-supported volunteer force tasked to arrest and detain suspected illegal migrants, do not usually recognize UNHCR documentation.** In fact, RELA, often referred to as a vigilante group, is responsible for some of the largest raids on refugee communities.

In 2005, the Malaysian government granted RELA force members the right to "search any public or private premise without a warrant" and to carry firearms. RELA is well known for using excessive force, violence, sexual harassment and intimidation tactics. From January 2007 to August 2007, RELA conducted 3,925 raids, capturing 45,502 suspected illegal immigrants. In January 2008, RELA was given jurisdiction over the immigration

detention centres. The lack of accountability and oversight over RELA's actions further increases refugees' protection risks (Women's Commission for Refugee Women and Children 2008, *Desperate Lives: Burmese Refugee Women Struggle to Make a Living in Malaysia*, UNHCR Refworld, May <http://www.unhcr.org/refworld/docid/490719042.html> – Accessed 23 September 2009 – Attachment 50).

In its *Annual Report 2009 – Malaysia*, Amnesty International raises concerns about the treatment of refugees in Malaysia by RELA. The report states that the volunteer corps' ranks have grown to nearly half a million people and states that RELA “can make arrests without a warrant or assistance from police or immigration officers” and “failed to distinguish between asylum-seekers, refugees, stateless persons, and migrant workers during their immigration operations”:

One third of Malaysia's three million migrants remained at risk of arrest and deportation due to their irregular status, including unknown numbers who feared persecution if returned to their home country. The government makes no distinction between migrant workers and asylum-seekers and refugees. **The UN High Commissioner for Refugees had registered 41,405 people of concern as of August, of whom 11,172 were children. Eighty-eight per cent were from Myanmar.**

In March, the Prisons Department completed the handover of 11 immigration detention centres to the Immigration Department. The 480,000 untrained volunteers from the Relawan Ikatan Rakyat (Rela, People's Volunteer Corps) took over management of the centres. Reports of serious abuses against detainees by Rela members increased.

In April, a riot broke out in Lenggeng Immigration Detention Centre in protest against the severe beating of some detainees and the deplorable conditions in the immigration centre. Rela members, who can make arrests without a warrant or assistance from police or immigration officers, failed to distinguish between asylum-seekers, refugees, stateless persons, and migrant workers during their immigration operations. In one operation in August, Rela arrested some 11,600 people, to find out after processing that only 500 did not have a regular immigration status (Amnesty International 2009, *Amnesty International Annual Report 2009 – Malaysia*, AI website <http://thereport.amnesty.org/en/regions/asia-pacific/malaysia> – Accessed 1 September 2009 – Attachment 51).

In a 2008 report entitled ‘Being refugees in Malaysia increasingly unsafe’ published by the *Kachin News Group* website, states that ethnic Kachin refugees in Malaysia have been arrested by RELA. The article states that there are over 2000 Kachin refugees in Malaysia, including 600 registered with the UNHCR. The article also claims that the Kuala Lumpur based Kachin Development Organization “is the only one Kachin organization which has been helping Kachin refugees with health care and education programmes” and “also helping Kachin refugees when they get detained and arrested at the police station”:

The life of Burmese refugees in Malaysia is becoming increasingly unsafe threatened as they are by the RELA, the so called people's volunteer corps officially recognized by the Malaysian Ministry of Home Affairs, said Mr. Tangbau Kam Li, a leader of the Kuala Lumpur based Kachin Development Organization (KDO).

Two Kachin women were arrested by RELA, in Kotaraya in central Kuala Lumpur city on February 17, 2008 while they were waiting for a bus to go back home.

Mrs. Kai Htang (43), recognized by United Nations High Commissioner for refugees (UNHCR) as a refugee along with her four year old daughter with polio, and Mrs. Htu Mai (45) with her one and-a-half year old daughter are now detained along with their daughters in

Semenyih detention camp. There is no further information regarding the two Kachin women and their two children, said Kam Li.

Even though Malaysia is a signatory to the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), women and children continue to be arrested and detained in the detention camps in the country, Kam Li added.

According to Kam Li, as Malaysia is not a party to the international refugee convention, even though many Burmese refugees hold UNHCR Identity cards (ID) they still get arrested by the RELA. The arrests continue every day.

KDO is the only one Kachin organization which has been helping Kachin refugees with health care and education programmes. KDO is also helping Kachin refugees when they get detained and arrested at the police station. They even help them at the detention camp. In Malaysia there are over 2,000 Kachin refugees, including children, youth, women and elders. Among them, over 600 Kachin refugees have been registered with the UNHCR and nearly 300 Kachin refugees have got UNHCR ID cards already ('Being refugees in Malaysia increasingly unsafe' 2008, *Kachin News Group* website, 19 February http://kachinnews.com/index.php?option=com_content&view=article&id=166%3A-being-refugees-in-malaysia-increasingly-unsafe&Itemid=1 – Accessed 23 September 2009 – Attachment 52).

On 28 March 2009 the *Kachin News Group* reported that “Leaders of three Kuala Lumpur-based Burman political organizations and seven major ethnic minorities from Burma – Kachin, Karenni, Karen, Chin, Arakan, Shan and Mon were forcibly summoned to meet the” Special Branch (Cawangan Khas in Malay) each month. The article also reports that “detained illegal Burmese workers are being temporarily put into foreign illegal workers detention camps and then sent to Thailand’s border with Malaysia”:

Intelligence agents in Malaysia have been meeting leaders from 10 main multi-ethnic organizations hailing from Burma in Malaysia since last February, said Burmese community leaders in the country. The meetings are to be monthly affairs.

The exercise is unusual and it is being gone through in the name of “National Security” by the Special Branch or SB also known as Cawangan Khas in Malay. It is an intelligence agency attached to the Royal Malaysian Police, said a Burmese migrant worker who holds a refugee card of the United Nations High Commissioner for Refugee (UNHCR) in the country’s capital Kuala Lumpur. Leaders of three Kuala Lumpur-based Burman political organizations and seven major ethnic minorities from Burma— Kachin, Karenni, Karen, Chin, Arakan, Shan and Mon were forcibly summoned to meet the SB in Kuala Lumpur, a Kachin migrant worker told KNG today.

Simultaneously, the infamous People’s Volunteer Corps called Rela has intensified searching for both illegal migrant workers and foreign jobless people, block by block in Kuala Lumpur, said Kachin migrant workers.

Detained illegal Burmese workers are being temporarily put into foreign illegal workers detention camps and then sent to Thailand’s border with Malaysia, added Kachin workers ('Malaysian intelligence agents interact with Burmese organizations' 2009, Democracy for Burma website, source: *Kachin News Group*, 28 March <http://democracyforburma.wordpress.com/2009/03/28/intelligence-agents-in-malaysia-have-been-meeting-leaders-from-10-main-multi-ethnic-organizations-hailing-from-burma-in->

6. Would/does the Malaysian government cooperate with the Burmese government by refusing the grant of a visa to a Burmese person who has been operating a company and business in Malaysia and who has been involved in anti-Burmese protests?

No sources have been located that indicate that the Malaysian government refuses to grant or renew visas to Burmese asylum seekers who have participated in protests against the Burmese military junta. As indicated in the previous section of this response, both Malaysian authorities and members of RELA routinely arrest and deport Burmese refugees to Thailand; however, no sources indicate that this was at the request of the Burmese regime.

The International Federation of Human Rights 2008 report *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination* states that asylum seekers in Malaysia can be given ‘de facto’ refugee status and therefore legal residency via the ‘temporary’ IMM 13 visa:

The only means through which a type of status may be legally accorded to persons recognised as refugees or asylum seekers is through an exercise of discretion by the Minister under section 55 of the Immigration Act. Section 55 provides that the Minister may by order exempt any person or class of persons, absolutely or conditionally, from any of the provisions of the Act. **This is the legal basis on which de facto ‘refugee’ protection has been provided to certain groups and individuals through the issuing of IMM 13 permits.**

IMM 13 visas are generally a type of temporary residence permit. They can be issued under any conditions set by the Minister. There can be different conditions attached to the IMM13 visas. If the conditions allow the IMM13 holder to access to education, the children can go to public school, but there are cases access to education was denied where the Education Ministry then asked for a student visa. There is no coordination among the Immigration Department and the Education Ministry. Private schools also require student visa. The IMM13 visas are temporary in nature and usually must be renewed every 12 months for a fee of 90 ringgit (International Federation of Human Rights 2008, *Undocumented Migrants and Refugees in Malaysia: Raids, Detention and Discrimination*, FIDH website, March, p.10 <http://www.fidh.org/IMG/pdf/MalaisieCONJ489eng.pdf> – Accessed 26 March 2008 – Attachment 54).

According to the Ethnic Voices website, Malaysian Police allowed Burmese refugees to stage a protest rally against the Burmese military junta in September 2007, albeit under heavy security. The report states that the Malaysian police were ‘restrained’:

This morning, more than three thousand Burmese protesters, most of them wearing red marched in the street of Kuala Lumpur. They walked from Ampang Park to the Burmese Embassy, 2 kilometres away. **There they had a very organized peaceful demonstration facing the local Riot police who were guarding the Embassy.** Then they proceeded to the Chinese Embassy and the Russian Embassy to hand over a memorandum.

The demonstration was a joint effort of nine Burmese Organizations here. Most of the protesters wore headscarf, carried posters and banners denouncing the military junta, calling for the killing to stop and demanding for democracy. Many also carried symbols symbolizing Buddha and portraits of Aung Sang Suu Kyi.

Only a handful of Malaysian were among the crowd to give solidarity. PSM's Secretary General S. Arutchelvan in solidarity marched with the protesters to the three protest points. Among some of the organization present were SUARAM, AI and HAKAM.

The protesters were very disciplined, very organized and had the entire program carried with such discipline and precision. They marshals kept the crowd in control. Many protesters took leave while in some places, the employer had to shut down the business today as almost all the workers were gone demonstrating. Most of those present today expressed anxiety about the situation back home. The spirits were high throughout the program. The Malaysian police force who came in full force were amazed by the mobilization by the Burmese and maintained traffic control as well was very restrained.

It was a day when the diverse Burmese community came down with one message – Junta out! Democracy Now! ('Burmese Red March in the Streets of Kuala Lumpur' 2007, Ethnic Voices website, source: *Burma Underground* <http://ethnicvoices.civiblog.org/blog/archives/2007/9/29/3258616.html> – Accessed 25 September 2009 – Attachment 55).

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Burma Campaign UK <http://www.burmacampaign.org.uk>
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Search Engines

Google <http://www.google.com.au/>
Alltheweb <http://AlltheWeb.com>
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BACIS (DIAC Country Information database)
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