



Chin Human Rights Organization

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

Chaired by Donald A. Manzullo (R-IL)

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

A. Key Recommendation

The Chin Human Rights Organization (CHRO) applauds the US for its support for an international, impartial, independent, UN-mandated Commission of Inquiry (COI) into crimes against humanity in Burma. A COI is essential to establish the truth about alleged crimes against humanity; to deter further human rights violations; to bring an end to the culture of impunity in Burma; and to establish accountability for these crimes. CHRO urges the US to play a strong lead role in harnessing international support for a resolution calling for the establishment of a COI, in advance of the UN General Assembly session in September.

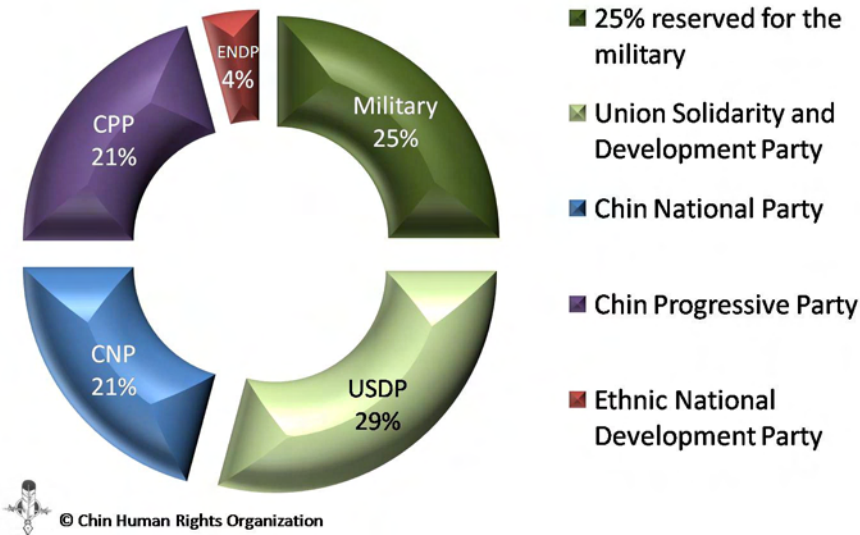
B. Transition to democracy? Chin State as a case study

Despite grossly unfair election laws and significant economic barriers to participation, three Chin parties – the Chin National Party (CNP), Chin Progressive Party (CPP), and Ethnic National Development Party (ENDP) – all fielded candidates in the elections. The elections in Chin State took place at a time when the Chin people, particularly in southern Chin State, were facing one of the worst food crises in living memory. Chin people largely chose to participate rather than boycott the elections – not because they believed that the elections represented true democratic transition¹ - but because boycotting would have simply meant giving the junta proxy the Union Solidarity and Development Party (USDP) a free hand in their area, and the Chin parties offered a viable alternative to the USDP. The actual formation of the Chin State Legislature has fallen well short of aspirations of the Chin people.

i. Election results and analysis

Despite tactics of intimidation, and vote rigging through advance voting², the Chin people denied the USDP a clear victory in Chin State. 21 out of 39 contestable seats across the *Amyotha Hluttaw* (Upper House/National Parliament), *Pyithu Hluttaw* (Lower House/People's Parliament), and *Pyine Hluttaw* (State Legislature) were won by Chin parties. The Chin parties won a resounding victory in Thantlang, Hakha and Falam townships, and even the advance vote was not enough to defeat non-USDP Chin candidates. Had it been a free and fair election with a level playing field for all political parties, it is likely the Chin parties would have won most, if

**Election results in Chin State:
Share of Pyine Hluttaw / State Assembly Seats**



not all, contested seats. At almost 46%, Chin State has the highest percentage of ethnic party representation in any of the State Legislatures.³

ii. Post-election reprisals

Since November 12, the number of Burmese troops stationed at army camps along the Chin State-India border has almost tripled. Five different army camps located along the India-

Burma border have seen the troop increase. Around 30 soldiers are normally stationed at each camp.⁴ Since the troop increase, CHRO has documented numerous abuses such as portering and extortion in those areas.⁵ The reinforcement was apparently in anticipation of possible fresh hostilities on the western front as part of a larger armed conflict with other ethnic resistance groups on the eastern border. Sporadic running battles have been reported in eastern Burma since Burma's elections. In anticipation of an all-out assault from the Burmese army in the post election period, several ethnic armed resistance groups, including those maintaining a cease-fire agreement, have recently come together and agreed to assist each other in the event of new attacks from the Burmese army. The Chin National Front (CNF), active on the western border, is part of the newly established multi-ethnic military alliance Committee for the Emergence of a Federal Union (CEFU), now known as the United Nationalities Federal Council (UNFC).⁶

iii. Formation of the Chin State Legislature

According to a 31 March report in the *New Light of Myanmar*, eight ministers were appointed in Chin State, one less than in other States.⁷ Crucially, there is no Ministry of Health, Education or Cultural Affairs, arguably the most essential ministries to meet the needs of the Chin people. According to *The New Light of Myanmar* report, all of the other State Legislatures apart from Chin and Kayah/Karenni have either separate ministries for education and health, or a combined ministry of education and health. These differences reflect the ambiguity of provisions in the 2008 Constitution, and underline the power of the Chief Ministers in appointing ministers without appropriate checks and balances.⁸

In addition, the six military appointees (Colonel Zaw Min Oo, Major Thet Lwin, Major Nyi Nyi Oo, Captain Kyaw Zin Maung, Captain Maung Maung Thwin and Captain Aung Zaw Htet) to the Chin State Legislature were all army officers of Burman ethnicity. The Chin political parties had hoped that the authorities would at least appoint ethnic Chins from within the ranks of the Burma Army, whom they could work with in the Legislature on issues of common interest to the Chins.⁹

C. Impunity and accountability

Colonel Zaw Min Oo, one of the six ethnic Burman military appointees to the Chin State Legislature, was made Minister of Security and Border Affairs, despite being implicated in a range of human rights violations perpetrated against Chin people. He ordered the conscription of



COLONEL ZAW MIN OO

Portfolio: **Chin State Minister for Security and Border Affairs**

Rank: **(Colonel) Tactical Operations Commander, Southern Chin State (Appointed as Army Representative to Chin State Parliament)**

Ethnicity/Religion: **Burman/Buddhist**

Burma Army Personal ID No: **Infantry 17616**

Implicated in Rights Abuses: **Extortion, Arbitrary Arrest & Detention, Forcible Recruitment of Child Soldiers**

underage high school students into the Burma Army in Matupi Township¹⁰; imposed arbitrary tax on struggling farmers amid the food crisis in 2008¹¹; and ordered the arbitrary arrest, detention and torture of four Chin villagers, including two women in July 2008¹². Most recently, in March this year, he is alleged to have ordered forced labour on a road between Matupi town and Leisen village. It is unclear whether Colonel Zaw

Min Oo has retained his operational role as Commander of Tactical II Command in southern Chin State. He has been decorated with various military medals - including the Maing Yan-Maetharaw medal - for his role in the offensives against Karens and Shans in the mid 1990s.¹³ Under the 2008 Constitution, Defence Services personnel who are appointed as Ministers of the Region or State for Ministries of Security and Border Affairs are not required to retire or resign from the Defence Services.¹⁴ The Constitution sets out provisions for impeachment of any State Minister. Although the Chin parties would have the necessary 25% of representatives to bring a charge against a State Minister, they would not have the requisite two-thirds of representatives required to move forward with impeachment proceedings.¹⁵ In addition, article 445 effectively grants Colonel Zaw Min Oo complete impunity for past, present and future human rights violations.¹⁶

Former Brigadier-General Thura Aung Ko held two ministerial positions under the SPDC, Deputy Minister for Religious Affairs and Deputy Minister for Science and Technology. While serving as Deputy Minister for Religious Affairs, he was accused of the rape of a woman from Cin Duai village, Kanpetlet township in 2008 during an official visit to the area.¹⁷ Just over a year later, as Deputy Minister for Science and Technology, he and seven of his security aides from LIB 274 were accused of rape involving four local Chin women from the same village, again during an official visit.¹⁸ Thura Aung Ko resigned from the Burma Army and contested the elections as a USDP candidate in Kanpetlet township, the only ethnic Burman to do so in Chin State.¹⁹ He was elected to the *Pyithu Hluttaw* (Lower House/People's Parliament).

D. Crimes against humanity

i. Forced labour in Chin State

In Chin State the use of forced labour by the military and local authorities is widespread and systematic, and may constitute a crime against humanity. A January 2011 report by Physicians for Human Rights (PHR) found that almost 92% of Chin people had experienced forced labour at least once in the year prior to being interviewed.²⁰ CHRO has documented 10 separate incidents of forced labour since the November 2010 elections.

Forced labour on infrastructure projects

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Since March this year, local people - including women and children - have been forced to work on a road from Matupi town to Leisen village, reportedly ordered by Tactical Command II based in Matupi under the leadership of Colonel Zaw Min Oo. The road is being routed via Leisen (near the border with Paletwa township), as LIB 304 has an Army camp based there.

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Local commanders from LIB 304 have also ordered Calthawng villagers from Matupi township, including women and children, to work on constructing a road between Matupi and Hakha, under the supervision of Mindat District Construction Department. The village headman was given responsibilities to get the local people to make what the military authorities have named 'voluntary contributions' for the state-run road construction, according to a Calthawng local, who took part in the road works. "We are told to work in groups from each block and the work has started since last week. At least one person from each family in the block has to voluntarily contribute and any family that fails to follow the order would be penalised," the local told CHRO on 25 March 2011.²¹



E. About the Chin Human Rights Organization

The Chin Human Rights Organization (CHRO) is a non-governmental, non-profit advocacy organization legally registered in Canada. It was formed in 1995 on the India-Burma border by a group of Chin activists committed to promoting democracy in Burma, and documenting previously unreported human rights abuses being perpetrated against the Chin people by the Burma army, an instrument of the State authorities. CHRO is the primary rights-based advocacy organization for the Chin. CHRO has documented extra-judicial killing, arbitrary detention, torture, rape, land and property confiscation, religious persecution and military conscription (including child soldiers), with forced labour – including portering for the Burma Army – as the most pervasive human rights violation experienced by the Chin.²²

F. Methodology

This briefing primarily draws on information collected by CHRO fieldworkers between October 2010 and May 2011, published in its bi-monthly *Rhododendron News* report.²³ It also includes information provided by 12 additional full-time fieldworkers, who monitored the electoral process in Chin State and in parts of Sagaing Division where many Chin live.²⁴ It also references CHRO's July 2010 individual submission to the Universal Periodic Review process under the Human Rights Council, as well as previously published advocacy reports by CHRO.

G. About the Ethnic Chin from Burma

Around 500,000 ethnic Chin live in the northwestern area of Chin State in Burma. The Chin are ethnically very diverse. The six main tribes of Aso, Cho (Sho), Khuami (M'ro), Laimi, Mizo (Lushai), and Zomi (Kuki) can be further broken up into at least 60 different sub-tribal categories. The Chin speak more than 20 mutually distinct languages. Despite such diversity, the Chin are unified through a common history, geographical homeland, traditional practices, and ethnic identity. The missions of the American Baptist Church starting in the late 1800s served to further unify the Chin people through religion. In a country that is predominantly Buddhist, the Chin are 90 percent Christian with most belonging to the American Baptist Church.²⁵ For decades, the Chin people have faced pervasive persecution and discrimination on the dual basis of their ethnicity (Chin) and religion (Christian) under successive military regimes^{26 27}

END NOTES

¹ Monitoring of the May 2008 Constitutional Referendum in Chin State by CHRO showed that the vast majority of Chin people rejected the constitution, contrary to official reports by the State Peace and Development Council. See <http://www.chro.ca/media/press-releases/51-2008/166-threat-intimidation-and-manipulation-shroud-burmas-referendum.html>

² Official tabulations of results in Constituency No. 1 of the Chin State Legislature and Constituency No. 6 of the *Amyotha Hluttaw* / Upper House in Tedim township obtained by CHRO clearly show that in both cases the advance vote won the seat for the USDP candidate, over the Chin National Party candidate who polled more votes on election day.

³ For comparative analysis of other State legislatures, please see *Burma At Crossroads*, by Dr. Lian H. Sakhong, published by Chinland Guardian on 4 March 2011 <http://www.chinlandguardian.com/articles/1224-burma-at-crossroads.html>

⁴ See [Troops Reinforced on the Western Front as Tensions Flare in Eastern Burma](#), Chinland Guardian, 3 December 2010.

⁵ See *Rhododendron News*, Jan-Feb 2011 and Mar-Apr 2011.

⁶ See [Ethnic Groups Determined to Strengthen Unity towards Federal Union of Burma](#), Chinland Guardian, 19 February 2011.

⁷ The Chin State ministries are: Security and Border Affairs; Ministry of Finance and Planning; Ministry of Economic [sic]; Ministry of Agriculture; Ministry of Energy, Electric Power, Mines and Forestry; Ministry of Transport, Communications, and Construction; Ministry of Social Affairs, and Ministry of Management and Industry.

⁸ See Article 188 (and Schedule Two) “The Region or State Hluttaw shall have the right to enact laws for the entire or any part of the Region or State related to matters prescribed in Schedule Two of the Region or State Hluttaw Legislative List.” See also Article 262, which sets out the powers of the Chief Ministers of the Region or State Hluttaws.

⁹ See [Ethnic Burman Army Officers Appointed to Chin State Parliament](#), Chinland Guardian, 24 January 2011.

¹⁰ See *Rhododendron News*, Nov-Dec 2007.

¹¹ See *Rhododendron News*, Jan-Feb 2008.

¹² See *Rhododendron News*, Jul-Aug 2008.

¹³ See [Chin State Minister Implicated in Past Rights Abuse](#), Chinland Guardian, 17 April 2011.

¹⁴ See Article 262n (ii) of the 2008 Constitution.

¹⁵ See Article 263 of the 2008 Constitution.

¹⁶ Article 445 of the 2008 Constitution, “No proceeding shall be instituted against the said Councils or any member hereof or any member of the Government, in respect of any act done in the execution of their respective duties.”

¹⁷ See *Rhododendron News*, May-Jun 2008.

¹⁸ See *Rhododendron News*, Jul-Aug 2009.

¹⁹ Thura Aung Ko and his wife also remain on the EU sanctions list.

²⁰ See *Life Under the Junta: Evidence of Crimes Against Humanity in Burma’s Chin State*, January 2011, PHR.

²¹ *Rhododendron News*, Mar – Apr 2011, CHRO.

²² See *CHRO Individual Submission to the UN Universal Periodic Review, July 2010* at <http://www.chro.ca/action-alerts/advocacy-a-campaign/366-chro-individual-submission-to-the-un-universal-periodic-review-july-2010.html>. CHRO’s documentation has also been corroborated by reports such as “*We Are Like Forgotten People*” – *The Chin People of Burma: Unsafe in Burma, Unprotected in India* by Human Rights Watch, January 2009 and *Life Under the Junta: Evidence of Crimes Against Humanity in Burma’s Chin State* by Physicians for Human Rights, January 2011.

²³ CHRO’s *Rhododendron* publication is available to view online, from 1998 to date, at <http://www.chro.ca/publications/rhododendron.html>

²⁴ As an ethnic nationality group, the Chin were granted a seat in the Arakan State and Sagaing Region legislatures, as the Chin population in those areas was over 0.1% of the total population of Burma. See Article 161b and c of the 2008 Constitution.

²⁵ See *Waiting on the Margins: An Assessment of the Situation of the Chin Community in Delhi, India*, CHRO, April 2009; *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, February 2004. both available at <http://www.chro.ca/publications/special-reports.html>

²⁶ See *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, February 2004.

²⁷ A January 2011 report by Physicians for Human Rights found that 14.1% of people surveyed had experienced religious and/or ethnic persecution in the year prior to being interviewed. After forced labour at 91.9%, this was the most prevalent HRV in the category of crimes against humanity.