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Committee on Foreign Affairs  
Hearing on Burma: “**U.S. Policy toward Burma**”

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Testimony by Aung Din  
Executive Director, U.S. Campaign for Burma  
[aungdin@uscampaignforburma.org](mailto:aungdin@uscampaignforburma.org)

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Mr. Chairman, Congresswoman Ileana Ros-Lehtinen and Members of the Committee,

Thank you very much for holding this hearing at this critical time for Burma. I would like to take this opportunity to express our appreciation to the United States Congress and Administration for their strong and consistent support for our struggle for democracy and human rights under the leadership of the 1991 Nobel Peace Prize Recipient Daw Aung San Suu Kyi, whose time in detention will reach 14 years in three days, Oct 24. I also thank you for inviting me to speak. As I am the only Burmese activist here to testify, while I was preparing for this hearing, I consulted with some leaders of Burma’s democracy movement as well as ethnic leaders inside the country to reflect their voices and opinions in my testimony.

Current Political Landscape in Burma

Let me begin with the current situation in my country which I follow very closely and monitor daily. As I speak here today, the military regime in Burma has been carrying out two major campaigns targeting both democracy activists in the mainland and ethnic minorities in the border areas, both of whom present obstacles to a permanent military dictatorship with a sham constitution and through a show-case election in 2010.

After the election, military rule will be legalized, and Burma will be under a permanent military dictatorship. I emphasize “permanent”, because the regime purposefully made it almost impossible to amend the constitution in the future. Therefore, the people of Burma, including ethnic minorities, have refused to accept this constitution or support the 2010 election. And thus, the regime’s current paramount task is to eliminate these obstacles before the election to cement their power.

Arbitrary Detention, Torture and Killing of Democracy Activists

Last week, a group of European diplomats visited Burma and came to the one and only office of the National League for Democracy (NLD) party, the legitimate winner of the 1990 election, which was held by the same military regime who subsequently refused to honor the election result. They asked NLD leaders about their position on the current situation in Burma and the 2010 election. NLD leaders told them clearly that the NLD will not participate in the election, until and unless the regime releases all political prisoners, including Daw Aung San Suu Kyi,

allows them to review and revise the constitution, and holds the election under the supervision of the international community.

As the NLD stands firm against its plan, the regime has intensified its oppression of NLD members and democracy activists with an aim to eliminate or weaken the party. In September and October, over 100 activists were arrested, including NLD members and Buddhist Monks. The number of political prisoners as of today stands at least 2,119, according to the Thai-Burma border-based Assistance Association for Political Prisoners (Burma). Among them, 244 are Buddhist monks.

These political prisoners went through painful and torturous interrogations, for days, before they were sent to the Summary Courts. After a brief and unjust trial, they were given lengthy sentences, of up to 68 years with hard labor, and then sent to remote prisons, where their families could not visit, due to the long distance, difficult travel and heavy expenses. In January, a young student activist, named Bo Min Yu Ko, was sentenced to 104 years imprisonment, for his leading role in the underground student union. They are put in an 8 foot by 12 foot cell, three to five persons together, allowed only 30 minutes per day to go out from the cell for bathing, cleaning, and walking. The quality of food provided in prison is much worse than food for pigs. Medical treatment is almost nonexistent and prisoners have to rely on their families to provide the medicine they need.

Physical punishment, such as beating, punching, kicking, caning, crawling on the ground filled with sharp stones, standing at the door with hands cuffed for a long time, as well as being put in a pitch-black cell for solitary confinement for many days, and denying family visits, are common for all political prisoners in Burma. At least 138 democracy activists died in prison due to torture, mistreatment, and lack of medical care. Currently, approximately 125 political prisoners, mostly women and the elderly, are seriously ailing and need emergency treatment.

I know their struggle and suffering very well because I was one of them. I was in prison for over four years from April 1989 to July 1993. Everything I have described above, the regime did to me as well because like my fellow political prisoners, I committed the most egregious crime in the eyes of the military regime, which is calling for democracy, human rights and rule of law by peaceful means.

In addition to arbitrary arrest, torture, unjust trials and imprisonment, the regime's attacks against democracy activists in some cases are fatal. Earlier this month, on October 8th, U Kyawt Maung (56-years old) was beaten to death by a police officer and a local regime official. U Kyawt Maung went to North Okkalapa Police Station to find out about the situation of his son Thet Oo Maung, a ninth grade student activist arrested the day before, on Oct 7th for his participation in the Free Daw Aung San Suu Kyi Campaign. U Kyawt Maung was handcuffed and severely beaten by Police Private Pann Thee and local official Win Cho at an intersection near the Police Station. They left him in a pool of his own blood at the scene after the attack and onlookers rushed him to the hospital where he was pronounced dead. Doctor said that he died due to a blood clot in his brain after his head was hit against the concrete floor many times by the attackers. This is not the first case of extra-judicial killing of innocent people by the authorities, and this will not be the last one either.

In May, when Daw Aung San Suu Kyi's six-year house arrest was about to be complete, the regime sent her to Insein Prison to stand trial for the crime of being a victim of an intrusion and having compassion for her American intruder. After nearly three months of a show-case trial, the regime extended her detention another 18 months, to ensure she is unable to influence their elections in 2010. In early September, a Burmese-American citizen Nyi Nyi Aung (aka) Kyaw Zaw Lwin was arrested by police at the airport when he legally entered the country with a visa, given by the regime's embassy in Bangkok. He went to Burma with expectations to support his mother and sisters, who are in prison with lengthy sentences for their participation in peaceful demonstrations, and he ended up in the police lock-up. Amnesty International reported that he was severely tortured during interrogation and then sent before the court to face a trial with fabricated charges. He remains imprisoned today.

### The Regime's Brutal Campaign against Ethnic Nationalities

Burma belongs not only to the Burman majority, but also to all major ethnic nationalities, Shan, Kachin, Karen, Karenni, Mon, Rakhine and Chin, whose voluntary participation is very important to the unity of a Federal Union of Burma. As history shows, these major ethnic groups were independent Kingdoms or city-states in the past, with their own territories, cultures, languages and administrations.

Burma's military leaders think of themselves as rulers and the ethnic groups as their subjects or subordinates. Those who refuse to accept their authority are enslaved, tortured, raped, killed or driven out. It is the reason why over 3,300 villages in eastern Burma were destroyed, why over 500,000 ethnic civilians are forced into hiding in the jungles as internally displaced persons, and why over two million people fled to neighboring countries as unwelcome refugees and illegal immigrants. This decades-long campaign against the ethnic minorities has escalated over the past few months as the regime draws nearer to scheduling its elections for next year.

The Shan Human Rights Foundation (SHRF) and the Shan Women's Action Network (SWAN) reported that the Burmese military regime renewed its scorch earth campaign against Shan people this year, and since July 27, 2009, the regime soldiers have burned down over 500 houses, and forcibly relocated about 40 villages in Central Shan State. Over 10,000 villagers were removed from their homes and villages, hundreds were arrested, interrogated and tortured by the soldiers and at least three people were killed. *"One young woman was shot to death while trying to retrieve her possessions from her burning house, and her body was thrown into a pit latrine. Another woman was gang-raped in front of her husband by an officer and three soldiers"*. These groups noted that this attack was the largest since the mass forced relocations in Shan State in 1996-1998, in which over 300,000 villagers were uprooted from their villages.

The Women League of Burma reported that a 22-year old woman was gang raped by Burmese soldiers in Northern Shan State in January 2008, while she was pregnant and shortly after a soldier killed her father. The whole family escaped from their village and then fled to an IDP camp along the Thai-Burma border. She said *"soldiers came and demanded that my father should let me go with them again. I did not know what was on the soldier's mind, I thought he was only threatening by pointing the gun at my father's head, but the soldier shot at him. I saw my father fall and die"*.

The regime's use of rape as a weapon of war against ethnic women and girls is widespread, ongoing and well documented. In his latest report to the UN Security Council on "Security Council Resolution 1820, Women, Peace and Security", dated July 15, 2009, Secretary-General Ban Ki-moon reported that *"in Myanmar (Burma), women and girls are fearful of working in the fields or traveling unaccompanied, given regular military checkpoints where they are often subject to sexual harassment."*

He also reported that *"In Myanmar, recent concern has been expressed at discrimination against the minority Muslim population of Northern Rakhine State and their vulnerability to sexual violence, as well as the high prevalence of sexual violence perpetrated against rural women from the Shan, Mon, Karen, Palaung and Chin ethnic groups by members of the armed forces and at the apparent impunity of the perpetrators."* Furthermore, he stated that *"although there has been documentation and identification of military personnel who have committed sexual violence, including relevant dates and battalion numbers, disciplinary or criminal action is yet to be taken against the alleged perpetrators."*

### Two Options for Ethnic, "Subordinate to the Regime or Be Defeated"

The military regime has claimed that since 1990, it has reached ceasefire agreements with 17 ethnic armed groups.

In April of this year, the regime announced its plan to disband and disarm the ethnic ceasefire groups, which command about 50,000 strong armed forces. The regime instructed them to reduce their troops to the lowest level, about 7,000, and then transfer them under the authority of the regime. Then the regime will mix them with Burmese soldiers and form a new "Border Guard Forces", under the direct command of Burmese military. This would effectively disarm and disband these ceasefire groups. The regime has instructed all groups to implement this Border Guard plan by the end of October and start to prepare to participate in the 2010 election. The military regime offered no political concessions or alternatives. As a result, almost all of major ethnic groups have refused to comply. Therefore, the regime started to attack the smallest group, the Kokang, and defeated it in a matter of week, forcing nearly 40,000 Kokang civilians to flee to China as refugees and sent a message to other ceasefire groups, to choose one of the two options, "subordinate to the regime, or be defeated".

Although most ethnic groups have indicated they are interested in a negotiated political settlement through dialogue, the military regime refuses to discuss any political settlement. Meanwhile, the regime has reinforced its troops in the eastern and northern parts of Burma, bordering with China and Thailand. Currently about 100,000 soldiers of the regime with heavy artilleries, tanks, cannons, and fighter jet, are deployed in these areas, pressuring the remaining ethnic ceasefire groups. As major ceasefire groups, such as New Mon State Party (NMSP), Kachin Independence Organization (KIO), National Democratic Alliance Army (NDAA), Shan State Army (North) and United Wa State Party (UWSP), combined together command about 40,000 armed forces, have refused to obey the order of the regime, a full-scale escalation of war between the regime and ethnic groups is possible in the near future, further destabilizing Burma and the region.

### Turning Point for Burma, Turning Point for the International Community

Obviously, the weakening or elimination of the NLD, the leading force of Burma's democracy movement, and gaining surrender, obedience and loyalty from the ethnic groups are major factors for the regime to be able to move forward with its election plan. But these are not easy to achieve.

Even under detention for 14 of the last 20 years, Daw Aung San Suu Kyi is still the hope of the people of Burma and the key to national reconciliation and democratization in our country. The NLD is still alive, active and leading the people to confront injustices. Ethnic resistance forces may not be strong enough to defend the regime's offensives, but their determination to achieve equality among all ethnic nationalities and their rights is much stronger than the morale of the regime's soldiers. With strong support from their ethnic communities, the regime's expectation of total victory over the ethnic resistance is not possible.

And, even though the regime crushes the democracy movement in mainland and ethnic resistance on the border, it will not be the end of the story. The 2010 election will not produce any positive outcome for Burma, but civil disobedience and ethnic resistance will continue, the country may fall into chaos and utter devastation, and the country and region may be more instable and insecure. Instead of choosing peaceful means of dialogue and negotiation, the regime's preferred method of use of force and violence lead Burma to bleed deeply and may result in dire consequences to the region. There may be more violence, more blood, more wars and more fatalities.

Now is the turning point not only for Burma, but also for the international community. The right policy and effective and collective action by the international community may be able to stop the bloodshed and the regime's killing spree in Burma.

### U.S. Policy toward Burma

The military regime in Burma is one of the most brutal in the world. It has oppressed its own citizens, brutalized ethnic minorities, used rape as a weapon of war, and conducted crimes against humanity and war crimes with impunity. Let me tell you by the numbers. Over the years, under the watchful eyes of the international community, this regime has destroyed over 3,300 villages, driven out over two million people to neighboring countries, forced over 500,000 to hide in jungles and mountains as internally displaced persons, employed all citizens as forced or slave laborers, recruited over 90,000 child soldiers into its armed forces, exploited from drug businesses, money laundering and human trafficking, and failed to save the lives of millions of citizens who were devastated by natural disaster such as the Cyclone Nargis and treatable infectious diseases. Therefore, the imposition of strong and comprehensive economic sanctions on this brutal regime is perfectly justifiable, legitimate, meaningful and necessary.

### Minding the Regime's Tricks for Engagement

I agree that imposing sanctions alone could not produce the intended results. Sanctions should be reinforced with serious and high-level engagement. However, we should be mindful of the

regime's tricks in terms of engagement.

The regime has repeatedly said that cooperation with the United Nations is the corner stone of its foreign policy. With such beautiful words, it invited the UN Special Envoy to Burma many times, held many discussions, made hollow promises and cosmetic measures, and effectively used the UN Envoy to buy time, to mislead the world, and to tame international pressure. We hope the U.S. engagement would not repeat the same pattern. We hope that the U.S. engagement should be with both the regime and democratic opposition, including ethnic groups, transparent, within a reasonable time frame, with clear bench marks and appropriate responses.

The U.S. engagement with the regime should start from ground zero. During the talk, if the regime makes positives gestures, such as ceasing all attacks and atrocities against civilians and ethnic minorities, releasing Daw Aung San Suu Kyi and all political prisoners, beginning a genuine and sustained dialogue with opposition to review and revise the constitution, I agree that the United States should respond positively by easing some of the sanctions. But, if the regime continues arresting democracy activists in the mainland and attacking ethnic minorities on the borders, the United States must respond with tightening sanctions and organizing action at the UN Security Council, such as a global arms embargo and establishment of commission of inquiry to investigate crimes against humanity and war crimes in Burma.

The United States should not accept the regime's military offensives against ethnic groups for whatever reason. The three-day war in the Kokang area in late August resulted in the flight of over 40,000 refugees to China, loss of lives and properties, destruction of several villages, racial discrimination and distrust between the Burman and ethnic people living in the areas. The regime's attack in Karen State in June forced over 6,000 people to flee to Thailand. Thousands of people were forcibly recruited by the Burmese military to carry their weapons and ammunitions, while hundreds of vehicles belonging to civilians were confiscated to carry their troops. The security and stability in the region is already broken. A larger-scale war will create even more devastation.

#### Right Policy, Right Action

In conclusion, I support the new U.S. policy on Burma, which includes maintaining sanctions and directly engaging with the regime, as well as increasing humanitarian assistance while working closely with neighboring countries to help procure unified coordination and action. I believe this is the right policy, but this must be carried out effectively with caution, transparency, and a sense of urgency, a result-oriented mind and readiness to respond appropriately.

Thank you,

Aung Din  
Executive Director  
U.S. Campaign for Burma

## **Aung Din, Executive Director, Co-Founder, U.S. Campaign for Burma**

Aung Din served over four years behind bars as a political prisoner in Burma after organizing and leading the country's nationwide pro-democracy uprising in August 1988 as Vice Chairperson of the All Burma Federation of Student Unions (ABFSU), the largest national student organization and outlawed by the regime. He was severely tortured physically and psychologically at the interrogation chambers run by military intelligence and in prisons. He was put in solitary confinement most of his times in prison. He spent over two years in the notorious Insein Prison in Rangoon and another two more years in Thayet Prison in Central Burma. The Amnesty International adopted him as a Prisoner of Conscience in 1989 and its chapters worldwide campaigned for his release. He was released in July 1993 and left Burma in 1995. He lived in Singapore and Thailand for six years, he spent one year at the Thai-Burma border, and arrived at the United States in 2001. He co-founded the Washington, DC-based U.S. Campaign for Burma, an umbrella group of Burmese dissidents in exile and American activists, in 2003.

He is also country representative of the Thai-Burma border based "Assistance Association for Political Prisoners-Burma" (AAPP). He has been quoted in hundreds of media articles, testified before the U.S. Senate Foreign Relations Committee and Congressional Human Rights Caucus, and traveled on speaking tours across the United States.

He received a Degree of Master of International Service (MIS) from American University's School of International Service in 2007, a Graduate Diploma in Business Administration (GDBA) from Singapore Institute of Management in 2000 and a Degree of Bachelor of Engineering (B. Eng) from Rangoon Institute of Technology in 1994 in Burma.

He can be reached at [aungdin@uscampaignforburma.org](mailto:aungdin@uscampaignforburma.org)

U.S. Campaign for Burma  
1444 N Street, NW, #A2  
Washington, DC 20005  
Tel: (202) 234 8022  
Fax: (202) 234 8044  
[info@uscampaignforburma.org](mailto:info@uscampaignforburma.org)  
[www.uscampaignforburma.org](http://www.uscampaignforburma.org)