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**RRT RESEARCH RESPONSE**

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- [1. What is the law in Myanmar regarding gatherings and how evenly is the law applied across ethnic and religious lines?](#)  
[2. What is the situation regarding bribery and corruption in Yangon and are ethnic and religious minorities subject to higher and more frequent bribes?](#)

**RESPONSE**

**1. What is the law in Myanmar regarding gatherings and how evenly is the law applied across ethnic and religious lines?**

According to various sources, the primary laws relating to association, assembly and the distribution of literature in Burma are *The Unlawful Association Act (1908)*, *The Myanmar Penal Code: Chapter VIII – Of Offences Against the Public Tranquillity*, and *The Printers and Publishers Registration Law (1962)* respectively. No sources located suggest that these acts and ordinances are selectively employed on the basis on religion or ethnicity.

The following articles on assembly and association are from *The Myanmar Penal Code: Chapter VIII – Of Offences Against the Public Tranquillity*. Article 141 states that “an assembly of five or more persons is designated an ‘unlawful assembly’; 143 stipulates a prison term of six months for members of unlawful assemblies; 146 stipulates that if violence is employed by one member of an assembly, “every member of such assembly is guilty of the offence of rioting.” Article 148 states that the charge of rioting can carry a sentence “which may extend to three years, or with fine, or with both”:

141. An assembly of five or more persons is designated an “unlawful assembly,” if the common object of the person composing that assembly is:

First – To overawe by criminal force, or show of criminal force, the Union Parliament or the Government, or any public servant in the exercise of ‘the lawful power of such public servant; or

Second – To resist the execution of any law, or of any legal process; or

Third – To commit any mischief or criminal trespass, or other offence; or

Fourth – By means of criminal force, or shown of criminal force, to any person to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; or

Fifth – By means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.

I Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

Explanation – An assembly which was not unlawful when it assembled may subsequently become an unlawful assembly.

142. Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly.

**143. Whoever, is a member of an unlawful assembly shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.**

144. Whoever, being armed with any deadly weapon, or with anything which used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of their description for a term which may extend to two years, or with fine, or with both

145. Whoever, joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded in the manner prescribed by law to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**146. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting.**

147. Whoever, is guilty of rioting shall be punished with imprisonment of either description for a term which may extend to two years, or with fine or with both.

**148. Whoever, is guilty of rioting, being armed with a deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.**

149. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly is guilty of that offence.

150. Whoever hires or engages, or employs or promotes or connives at the hiring, engagement or employment of ~ person to join or become a member of an unlawful assembly, shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly in pursuance of such hiring, engagement or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

151. Whoever knowing joins or continues in any assembly of five more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Explanation – If the assembly is an unlawful assembly within the meaning of section 141, the offender will be punishable under section 145 (*Myanmar – The Penal Code, Chapter VIII Of Offences Against The Public Tranquillity* (undated), pp.57-59 – Attachment 1).

The British colonial-era *Unlawful Association Act (1908)* has been inherited by successive Burmese governments and, according to Human Rights Watch, is still ‘frequently employed’ by the State Peace and Development Council (SPDC). The following sections of the Act deal specifically with assembly:

Section 17(1) of the Unlawful Association Act: “Whoever is member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term [which shall not be less two years and more than three years and shall also be liable to fine].”

Section 17(2) of the Unlawful Associations Act: “Whoever manages or assists in the management of an unlawful association, or promotes or assists in promoting a meeting of any such association, or of any members thereof as such members, shall be punished with imprisonment for a term [which shall not be less than three years and more than five years and shall also be liable to fine]” (Human Rights Watch 2009, ‘Burma’s Forgotten Prisoners – The 88 Generation Students’, HRW website, 16 September <http://www.hrw.org/node/84740/section/7> – Accessed 13 October 2009 – Attachment 2).

The Burma Campaign UK’s 2005 report entitled ‘The Darkness We See – Torture in Burma’s Interrogation Centres and Prisons’ also states that article 17 of the *Unlawful Association Act (1908)* is employed to detain activists. The distribution of leaflets, etc, is prohibited by *The Printers and Publishers Registration Law (1962)*:

Article 17 (1) and 17 (2) of the Unlawful Association Act is used to detain activists who are members or are associated with unlawful organizations and allows for sentences of two to three years and three to five years imprisonment respectively. With the exception of the National League Democracy (NLD), all organizations political in nature, including the All Burma Federation of Student Unions (ABFSU), are unlawful.

The Printers and Publishers Registration Law allows for a sentence of seven years imprisonment for those who print, publish or distribute written materials without permission (Assistance Association for Political Prisoners (Burma) 2005, ‘The Darkness We See – Torture in Burma’s Interrogation Centres and Prisons’, The Burma Campaign UK website, December, p.20 [http://www.burmacampaign.org.uk/images/uploads/Darkness\\_We\\_See.pdf](http://www.burmacampaign.org.uk/images/uploads/Darkness_We_See.pdf) – Accessed 19 October 2009 – Attachment 3).

The US Department of State's *Country Reports on Human Rights Practices for 2008 – Burma* states that “an ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although it was not enforced consistently and authorities sometimes prohibited smaller gatherings.” Such inconsistency, however, does not appear to be based on ethnicity or religion but rather on whether associations and subsequent assemblies meet with SPDC approval; “The government used coercion and intimidation to induce persons, including nearly all public-sector employees and many students, to join the government’s mass mobilization organizations - the USDA, Myanmar Women’s Affairs Federation (MWAFF), and Myanmar Maternal and Child Welfare Association - and attend meetings in support of the regime.” Meanwhile, “the government restricted freedom of association, particularly for NLD members, prodemocracy supporters, and those who contacted exile groups”:

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. The government used coercion and intimidation to induce persons, including nearly all public-sector employees and many students, to join the government’s mass mobilization organizations--the USDA, Myanmar Women’s Affairs Federation (MWAFF), and Myanmar Maternal and Child Welfare Association--and attend meetings in support of the regime. The government also used coercion to entice or force members of the NLD and other opposition parties to resign, and it publicized the coerced resignations in government media

...The law limits freedom of assembly, and the government severely restricted it in practice. **An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although it was not enforced consistently and authorities sometimes prohibited smaller gatherings.** While still a legal political party, all NLD offices except its Rangoon headquarters remained closed by government order, and the NLD could not lawfully conduct party activities outside its headquarters building. The nine other legally registered political parties were required to request permission from the government to hold meetings of their members. Informal meetings involving NLD members occurred outside the NLD office; however, security officials closely monitored these activities. Authorities occasionally demanded that NLD leaders provide them with lists of attendees in advance in an attempt to discourage participation.

...The government restricted freedom of association, particularly for NLD members, prodemocracy supporters, and those who contacted exile groups. A statute prohibits associating with any organization that the head of state declares to be unlawful.

Freedom of association generally existed only for government-approved organizations, including trade associations, professional bodies, and the USDA. Few secular, nonprofit organizations existed, and those that did took special care to act in accordance with government policy. There were 10 legally registered political parties, but most were moribund. Authorities harassed and intimidated parties that did not support regime policies (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Burma*, 25 February – Attachment 4).

## **2. What is the situation regarding bribery and corruption in Yangon and are ethnic and religious minorities subject to higher and more frequent bribes?**

The US Department of State's *International Religious Freedom Report for 2008 – Burma* states that Christian ‘home churches’ in Rangoon (Yangon) “remained operational only after paying bribes to local officials.” There is no suggestion in the report that Buddhist monasteries and temples in Yangon are subjected to bribes in order to remain operational.

Elsewhere in the report it states that all Burmese citizens must be in possession of a National Registration Card (NRC) in order to access government services and that “Muslims often must pay large bribes to receive NRCs and passports. Ethnic Burman Muslims pay less than Muslims from ethnic minority groups” The report does not indicate whether Christians from ethnic minorities are subjected to higher bribes than ethnic Burmans or Buddhists:

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.

... Citizens and permanent residents of the country were required to carry government-issued NRCs in order to obtain many basic government services. NRCs often indicated religion and ethnicity. Muslims often must pay large bribes to receive NRCs and passports. Ethnic Burman Muslims pay less than Muslims from ethnic minority groups [primarily those of Indian or Bengali descent] (US Department of State 2008, *International Religious Freedom Report for 2008 – Burma*, September 19 – Attachment 5).

For more information on the treatment of Christians in Rangoon/Yangon and the payment of bribes in exchange for permits see RRT Research & Information 2009 MMR35433, 1 October.

### **General Corruption in Burma/Myanmar**

The following sources examine corruption and bribery throughout Burma/Myanmar; however, many include specific information on circumstances in Rangoon/Yangon.

The following commentary on the corruption of the Myanmar police and the judiciary is contained in the US Department of State’s *Country Reports on Human Rights Practices for 2008 – Burma*. The report states that, “corruption and impunity were serious problems due to a government-imposed system whereby police were required to collect funds for their operations. Police typically required victims to pay substantial sums for crime investigations and routinely extorted money from the civilian population. There are no effective legal mechanisms available to investigate security force abuses. The government took no significant measures to reform the security forces.” Additionally, “pervasive corruption further served to undermine the impartiality of the justice system.” Furthermore, despite the existence of laws, rights, etc, the regime “continued to rule by decree”. One of these decrees includes “Executive Order 5/96, which provides for the arrest of any person deemed a threat to the National Convention and the ‘roadmap to democracy.’” The National Convention was a convention organised by the SPDC to draft a new constitution as part of its ‘roadmap to democracy’. The convention convened following the 2008 referendum of the new constitution:

The Myanmar Police Force is under direct military command but falls administratively under the Ministry of Home Affairs. Police primarily deal with common crimes and do not handle political crimes. Corruption and impunity were serious problems, due to a government-imposed system whereby police were required to collect funds for their operations. **Police typically required victims to pay substantial sums for crime investigations and routinely extorted money from the civilian population. There are no effective legal mechanisms available to investigate security force abuses.** The government took no significant measures to reform the security forces.

...The government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the

British-era legal system remain formally in place, the court system and its operation were seriously flawed, particularly in the handling of political cases. The misuse of blanket laws – including the Emergency Provisions Act, Unlawful Associations Act, Habitual Offenders Act, Electronic Transactions Law, Video Act, and Law on Safeguarding the State from the Danger of Subversive Elements – as well as the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial and to stifle peaceful dissent. Executive Order 5/96, which provides for the arrest of any person deemed a threat to the National Convention and the “roadmap to democracy,” effectively stifled open debate among citizens. Pervasive corruption further served to undermine the impartiality of the justice system (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Burma*, 25 February – Attachment 4).

The US Department of State’s *Country Reports on Human Rights Practices for 2008 – Burma* states that the issuing of passports and the issuing of exit visas also requires the payment of bribes “of up to 300,000 kyat (approximately \$230), roughly equivalent to the average annual salary of a skilled worker.” The report also states that citizens who had left Burma both legally and illegally were “allowed to return to visit relatives”:

The government carefully scrutinized prospective travel abroad of all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of up to 300,000 kyat (approximately \$230), roughly equivalent to the average annual salary of a skilled worker. The government regularly denied passports on political grounds.

...In general citizens who emigrated legally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Burma*, 25 February – Attachment 4).

A 2008 Congressional Research Service report entitled “Burma and Transnational Crime”, produced for the United States Congress quotes a 2006 report by the Economist Intelligence Unit (EIU) which states that “corruption and cronyism are widespread throughout all levels of the government, the military, the bureaucracy and business communities.” The report also highlights the fact that Burma tied with Somalia as the most corrupt state on Earth in a 2007 report produced by Transparency International:

The U.S. State Department and other observers indicate that corruption is common among the bureaucracy and military in Burma. Burmese officials, especially army and police personnel in the border areas, are widely believed to be involved in the smuggling of goods and drugs, money laundering, and corruption. **The 2006 EIU country report on Burma states that “corruption and cronyism” are widespread “throughout all levels of the government, the military, the bureaucracy and business communities.”** Burma ties with Somalia as the most corrupt country in the world according to Transparency International’s 2007 Corruption Perceptions Index; this is a worsening from its 2006 position as the second-most corrupt country in the world. In addition, the State Department states that Burma’s weak implementation of anti-money laundering controls remains at the root of the continued use by narcotics traffickers and other criminal elements of Burmese financial institutions. Burma has signed, but not ratified, the United Nations Convention against Corruption, which entered into force in December 2005 (Wyler, L.S. 2008, ‘CRS Report for Congress – Burma and Transnational Crime’, Federation of American Scientists website, 21 August, p.3 <http://www.fas.org/sfp/crs/row/RL34225.pdf> – Accessed 14 October 2009 – Attachment 6).

The June 2008 Amnesty International report entitled *Myanmar Briefing – Human rights concerns a month after Cyclone Nargis* noted that the State Peace and Development Council

(SPDC) published a statement in *The New Light of Myanmar*, the “English-language mouthpiece” of the junta, calling on people to inform on anyone misappropriating cash or supplies meant for victims of Cyclone Nargis. The Amnesty International report states that “UN staff accompanying SPDC military trucks loaded with UN supplies, caught authorities trying to confiscate or divert a portion of the aid. Also during that period an international NGO noted that the rice the authorities had given it for distribution, supposedly from UN stocks, was old and rotten, and so expressed concern as to where the high quality rice was going.” Furthermore, Amnesty International alleges that “after authorities filmed the Major General giving relief supplies to the 15 people, the local official returned in the evening and took back the supplies”:

Amnesty International notes that on 16 May, the *New Light of Myanmar*, the SPDC’s primary English-language mouthpiece, stated that the government’s National Disaster Preparedness Central Committee had announced that:

“...4. Anyone may inform if he witnesses or knows that the cash assistance and relief supplies donated to the storm victims are kept for self-interest, traded, used for particular persons and organizations, or misappropriated for other purposes. We hereby announce that we have made all necessary arrangements to conduct investigation into the cases to expose the offenders and take punitive action against them in accordance with the law.”

Amnesty International welcomes this statement and calls on the SPDC to strictly monitor the distribution of aid by its officials. Private and international aid agencies should be vigilant to ensure assistance reaches those who need it most.

...Almost as soon as international assistance reached Myanmar, on 9 May, government authorities impounded initial WFP planeloads of high-energy biscuits at Yangon’s Mingaladon International Airport, causing the WFP to suspend relief flights to the country for several hours. On two occasions in Labutta, one of the hardest-hit towns in the Ayeyarwady delta, UN staff accompanying SPDC military trucks loaded with UN supplies, caught authorities trying to confiscate or divert a portion of the aid. Also during that period an international NGO noted that the rice the authorities had given it for distribution, supposedly from UN stocks, was old and rotten, and so expressed concern as to where the high quality rice was going. On or about the 12 May, authorities seized medicine and equipment provided by another international NGO from volunteer Burmese medical workers in Labutta.

On 5 May in Thongwa Township in Yangon, a local official gathered 15 survivors to meet Major General Myint Swe, who was inspecting the area. After authorities filmed the Major General giving relief supplies to the 15 people, the local official returned in the evening and took back the supplies. Also during the week following the cyclone, soldiers in Hlaing Tharyar and Shwe Pyi Thar townships in Yangon filmed themselves distributing aid, and then took back the goods when they were finished filming. It is unclear what happened to the goods and equipment in question (Amnesty International 2008, *Myanmar Briefing Human rights concerns a month after Cyclone Nargis*, 5 June – Attachment 7).

According to the 2007 article ‘Burma Junta Frees Customs Officials in Anti-corruption Drive’, produced by *The Associated Press*, “more than 500” custom officials were arrested and some 370 of them were later released. The article states that the arrests are part of a longer campaign against corruption and that “in October, the junta gave prison sentences ranging from seven to 66 years to more than 100 people – mostly Customs Department staff – for bribery and corruption, among other charges. Customs Department Director Gen Khin Maung Lin was given a 66-year sentence”:

Burma released about 370 of its customs officials Friday, after they were detained last year as part of the ruling military junta's anti-corruption campaign, a detainee's relative said.

The Bureau of Special Investigation began its crackdown on corruption at the Customs Department in May last year, arresting more than 500 officials, including its chief.

"About 370 customs officials were brought from Rangoon's Insein Prison, where they had been held for interrogation, and were dumped at the Customs House," said a woman whose husband was among those released.

"During interrogation, my husband was asked how much in bribes he had taken since he joined the Customs Department. I am not sure if my husband will get his job back," said the woman, who asked that her name not be used in order to avoid further official attention.

In October, the junta gave prison sentences ranging from seven to 66 years to more than 100 people—mostly Customs Department staff—for bribery and corruption, among other charges. Customs Department Director Gen Khin Maung Lin was given a 66-year sentence.

Authorities warned the released customs officials to refrain from corruption and told them to return to work on Monday ('Burma Junta Frees Customs Officials in Anti-corruption Drive' 2007, *The Irrawaddy*, source: *The Associated Press*, 25 January [http://www.irrawaddy.org/article.php?art\\_id=6611](http://www.irrawaddy.org/article.php?art_id=6611) – Accessed 13 October 2009 – Attachment 8).

The 6 October 2009 article 'Scandal Hits Rangoon Police', published in *The Irrawaddy* states that the police chief of Rangoon was dismissed in September 2009 due to the "misuse of power and corruption". According to the news report, "Win Naing and his wife, Hmwe Hmwe, ran illegal businesses, such as brothels and massage parlors, as well as solicited bribes from massage parlors and karaoke clubs in Rangoon" receiving "around 600,000 kyat (US \$550) per massage parlor or karaoke club each month." According to the article, Win Naing was dismissed "after he increased the bribes to around US \$925", prompting the massage parlor and karaoke club owners to "complain to high ranking officials." The author Wai Moe adds that "Corruption is common within all government departments, including the police":

A police scandal over the past few weeks has shaken up the Myanmar [Burma] Police Force (MPF), leading to the dismissal of Rangoon Division police chief, Pol Col Win Naing, over misuse of power and corruption, according to sources at Rangoon.

Sources say Win Naing was questioned by authorities in Naypyidaw and has since disappeared.

Win Naing and his wife, Hmwe Hmwe, ran illegal businesses, such as brothels and massage parlors, as well as solicited bribes from massage parlors and karaoke clubs in Rangoon.

Sources estimated that Win Naing received around 600,000 kyat (US \$550) per massage parlor or karaoke club each month. After he increased the bribes to around US \$925, owners of massage parlors and karaoke clubs complained to high ranking officials, sources said.

Win Naing was dismissed from his position in September following an investigation. Other law enforcement officers in Rangoon were also dismissed or transferred.

“For weeks, people in Rangoon have talked about Police Col Win Naing and the corruption charges, but private journals cannot write about it,” said a journalist in Rangoon who requested anonymity.

“But this is not new. Everybody knows corruption is rampant in the country. Now the police dismiss someone for corruption. But what about military officers?” she said.

According to editorials in the state-backed press on Tuesday, the Committee for Reforming Management System for the Burma Police Force has called for “the improvement of the MPF both in form and content” (Wai, M. 2009, ‘Scandal Hits Rangoon Police’, *The Irrawaddy* website, 6 October [http://www.irrawaddy.org/article.php?art\\_id=16942](http://www.irrawaddy.org/article.php?art_id=16942) – Accessed 13 October 2009 – Attachment 9).

An October 2009 article entitled ‘Crackdown Underway on Illegal Businesses in Rangoon’ 2009, published by *The Irrawaddy*, states that Win Naing’s replacement Aung Naing Thu has begun a crackdown on ‘illegal businesses’ in Rangoon, under orders from the capital Naypyidaw:

Burmese authorities are cracking down on illegal businesses in Rangoon such as brothels, massage parlors and karaoke clubs, following the ouster of the former Rangoon Division police chief over alleged corruption and misuse of power.

Five owners and managers of illegal businesses have been arrested, as well as 34 women staff, since the crackdown started on Sept. 16, sources told *The Irrawaddy*.

Police conducted raids on massage parlors, brothels, karaoke clubs and beauty shops in Latha, Lanmadaw, Mayangone and Tamwe townships.

Many brothels, massage parlors and karaoke shops closed in fear of the crackdown.

The crackdown was monitored by chief of national police Brig-Gen Khin Yi and ordered by officials from Naypyidaw, sources said.

The move came shortly after the newly appointed Rangoon Division police chief, Pol Col Aung Naing Thu, assumed the office (‘Crackdown Underway on Illegal Businesses in Rangoon’ 2009, *The Irrawaddy* website, 9 October [http://www.irrawaddymedia.com/article.php?art\\_id=16964](http://www.irrawaddymedia.com/article.php?art_id=16964) – Accessed 14 October 2009 – Attachment 10).

The 2007 report entitled ‘Myanmar – the state, community and the environment’ states that in 2006 the Burmese junta significantly increased the salaries of civil servants in order to “court support among a significant number of the population” and to reduce bribery amongst the civil service “on the grounds that this was no longer justified”. According to the authors, the credibility of such anti-corruption measures are undermined by the appearance that corrupt “well-known government figures and their wives appear to be untouchable” and the fact that pay increases are ‘wiped out’ by inflation:

After the huge increases in civil service salaries in April 2006 (another attempt to court support among a significant number of the population), the authorities instigated a clamp-down on civil service corruption on the grounds that this was no longer justified. The SPDC believes that since the main daily complaints of the ‘Man on the Okkalapa Omnibus’ relate to corrupt government officials and red tape, addressing this will improve its popularity.

Officials in the trade, customs and tax departments have been arrested and reassigned, with heavy jail sentences handed out to officials, and disciplinary action has been taken against those government teachers who teach mainly outside school hours to supplement their low salaries. But with inflation wiping out most of the salary hike, any improvements are likely to be transient, particularly if they are not accompanied by simplification of the bureaucracy to eliminate the opportunities for graft, and a reorientation of civil servants towards serving the public rather than the military leadership. Also, a number of well-known government figures and their wives appear to be untouchable, which undermines the credibility of any anti-corruption drive. Like most cultures, the Burmese have an adage equivalent to 'a building leaks from the roof' (Skidmore, M. & Wilson, T. (eds) 2007, 'Myanmar – the state, community and the environment', ANU E Press website, September, p.9 [http://epress.anu.edu.au/myanmar/pdf/whole\\_book.pdf](http://epress.anu.edu.au/myanmar/pdf/whole_book.pdf) – Accessed 13 October 2009 – Attachment 11).

A 2009 report entitled 'Burma's cheap muscle', produced by the Hong Kong-based Asian Human Rights Commission, comments that within the judicial system a number of stakeholders corruptly cooperate: "a police officer, court clerk, prosecutor and judge will all receive payments to cooperate in having a serious charge changed to a lesser one or to have a charge dropped altogether". According to the Commission, such practices "indicate an institutional psyche associated with regime-service and self-service policing, rather than with policing as a public service." The Commission provides an example of a resident of Rangoon to illustrate how members of the police and the judicial staff cooperate to extract bribes:

The full extent of police corruption in Burma is at present impossible to estimate, apart from saying that it is endemic. According to people working in the judicial system, it arises mostly in conjunction with corruption in other parts of the system, such that **a police officer, court clerk, prosecutor and judge will all receive payments to cooperate in having a serious charge changed to a lesser one or to have a charge dropped altogether.**

...these practices indicate an institutional psyche associated with regime-service and self-service policing, rather than with policing as a public service. The mentality that the role of the police is to follow orders, get whatever one can at the same time, and to hell with everyone else comes out in how police interact with members of the public, where even the simplest exchanges are coarsened and accompanied with an attitude that the citizen has no right to know, and in some cases, that it is even impertinent of them to ask. A young man's account of his arrest in Rangoon mid-2007 for a minor offence is typical:

I'd gone to give money to my father in Shwepyithar and as I was returning around 8:20, [the police officer] didn't ask, "Where're you going? What're you coming from?" He called me to get on the motorcycle: "You follow me to the station." "Which station must I follow to?" "You'll know once you've arrived."

At the station, he learned that he was to be charged with vagrancy, even though he had been returning to his home at time of arrest, and with being drunk and disorderly; he was rushed through a court hearing along with ten others likewise charged before getting a short jail term. This 'what's it to you' attitude extends to relations with persons in other parts of the criminal justice system, such as private lawyers and prosecutors (Asian Human Rights Commission 2009, 'Burma's cheap muscle', Article 2 website, 13 March <http://www.article2.org/mainfile.php/0801/343/> – Accessed 14 October 2009 – Attachment 12).

In a 2006 editorial entitled 'State Patronized Dirty Corruptions', published by *the Burma Digest*, Tayza Thuria states that "there are only two ways for Businessmen (sic) to survive in Burma; to bribe or to be related, somehow, with the Generals" and, furthermore, that "even

for the simple things in daily life people in Burma need all sorts of permits from generals, and to get those permits they have no alternative but to bribe the authorities.” As an example of the latter, Dr Tayza states that Burmese people must carry their ID with them wherever they go, and IDs also require the payment of bribes; however, “poor people in ethnic minority areas are not issued national ID cards, probably because they cannot bribe or probably due to racial discrimination by Burmese authorities”:

...there are only two ways for Businessmen to survive in Burma; to bribe or to be related, somehow, with the Generals.

...Even for the simple things in daily life people in Burma need all sorts of permits from generals, and to get those permits they have no alternative but to bribe the authorities.

You cannot buy a new car without a permit, and you will probably have to buy a car permit from a son of a General. Sometimes the price of car permit is higher than the real price of a car.

Likewise you need to be prepared to pay a good bribe if you want a new phone line or a mobile phone or a fax modem. But however frustrated you become with the need to give bribes, never ever try to use a fax modem or a satellite-linked mobile phone in Burma without an official permit. Such offences can make you rot in Burmese jails for up to ten years.

And wherever they go inside Burma, Burmese people have to carry their ID cards with them. And to get an ID card (called national registration card), people have to pay bribes to authorities. Sometimes, poor people in ethnic minority areas are not issued national ID cards, probably because they cannot bribe or probably due to racial discrimination by Burmese authorities, and they become people without country although they are naturally entitled to be citizens of Burma. But on the other hand, illegal Chinese business men who just recently migrated from China can easily buy Burmese national ID cards from corrupt officials.

And when a person has committed a crime in Burma, the severity of his punishment depends not on the seriousness of his crime but rather on the size of his money bag. Even when he goes into jail, the easiness of his life in jail is determined mainly by how much he can pay to his jailers.

From getting a birth certificate for a new-born baby, to obtaining a death certificate to carry out a funeral, Burmese people have to deal with corrupt officials. Bribe, bribe, bribe and suffer endlessly (Tayza, T. 2006, ‘State Patronized Dirty Corruptions’, Burma Digest website, 23 April <http://burmadigest.wordpress.com/2006/04/> – Accessed 14 October 2009 – Attachment 13).

The National Coalition Government of the Union of Burma (NCGUB) is comprised of parliamentarians elected to government in the 1989 Burmese elections (for more information see The National Coalition Government of the Union of Burma (undated), ‘A Brief History’, NCGUB website <http://www.ncgub.net/staticpages/index.php?page=history> – Accessed 19 October 2009 – Attachment 14). The NCGUB’s Human Rights Documentation Group report ‘Burma Human Rights Yearbook 2007 – Violations Against the Dignity, Livelihoods, and Fundamental Rights of the people of Burma’ extensively catalogues examples of bribery in everyday life in Burma. Just some of the claims include: “theses for doctorate and master degrees can be purchased on a thriving black market”; “doctors’ pay is so inadequate that they are forced to either extort money from those seeking treatment”; and, “prisoners must pay bribes to avoid torture”:

With SPDC spending on public sector wages woefully inadequate, there is clearly an incentive in allowing such corruption to go largely unchecked. It not only enables the SPDC to provide its military cadres with economic opportunities at no direct cost to itself, but placates and sustains all levels of the civil service, from doctors down to army recruits.

According to the Irrawaddy, the Ministry of Telecommunications, Post and Telegraph is reputed to be one of the most corrupt of the SPDC's departments. Staff members are known to accept bribes to install phone lines and approve mobile phones. **Bribery is also rife within the Ministry of Education, where theses for doctorate and master degrees can be purchased on a thriving black market. Also according to the Irrawaddy, a thesis paper guaranteed to earn a master's degree can reportedly be bought for approximately 300,000 kyat.** Similarly, corruption is rife in the public health sector, where doctors' pay is so inadequate that they are forced to either extort money from those seeking treatment, or else moonlight by running private clinics after hours on top of their jobs in public hospitals.

...Due to the funding cuts, prison officials could no longer supply food and other basic commodities to detainees. According to the new system, food procurement and other basic services were to be self-funded. This new policy has led to an economy of extortion in a prison system already riddled with corruption. The AAPP has reported that many prisoners must pay bribes to avoid torture, as this eyewitness describes:

“As soon as a prisoner is arrested, he or she must bribe police officers, judges, various levels of prison authorities, officers of the prison (ordinary prisoners) such as tanses, room in charge, work in charge and discipline keepers, appointed by different prison authorities.”

...The torture of prisoners occurs regularly and seemingly as part of the established system. In 2007 it was reported that from the moment of arrest a detainee must pay bribes at every stage to avoid beatings and torture. Thus in many cases it seems that the systematic torture of prisoners is adopted simply for the purposes of extortion.<sup>18</sup> In the prisons, torture is carried out at the hands of the prison authorities and so-called 'officers of the prison', who are in fact ordinary prisoners appointed by the prison authorities as discipline keepers. A large extent of abuse/torture of political prisoners is inflicted by these 'officers of the prison'. Furthermore, reports suggest that the SPDC is continuing to utilise a strategy of torture by proxy in employing 'criminal' prisoners as thugs to beat political prisoners (Human Rights Documentation Group 2008, 'Burma Human Rights Yearbook 2007 – Violations Against the Dignity, Livelihoods, and Fundamental Rights of the people of Burma', Den Danske Burma Komité website, September, p.269 <http://www.burmakomiteen.dk/~media/Burma%202/YB2007%20pdf.ashx> – Accessed 14 October 2009 – Attachment 15).

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#### **United Nations (UN)**

UNHCR <http://www.unhcr.ch/cgi-bin/texis/vtx/home>

### **Non-Government**

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Human Rights Watch <http://www.hrw.org/>

### **Burmese Media**

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