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# Burma: A Violent Past to a Brutal Future

## The Transformation of a Paramilitary Organization into a Political Party



2010

**Burma: A Violent Past to a Brutal Future**  
*The Transformation of a Paramilitary Organization into a Political Party*

**Network for Democracy and Development**

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## FOREWORD

The transition of the Union Solidarity Organization (USDA) into a political party, the Union Solidarity and Development Party (USDP), currently the largest contestant in the upcoming election in Burma/Myanmar and widely expected to become the dominant party in the new parliament, is a chilling development for those of us who have been following the situation in Burma/Myanmar over the years and who have repeatedly stressed the need for an improvement in the human rights situation in this country.

As an Indonesian who grew up under the New Order regime, I am well acquainted with the many ways in which an authoritarian regime seeks to coercively mobilize a population behind its grip on power. This upcoming election should have been a historical opportunity for the people of Burma/Myanmar to turn the page on the past and experience democracy, as the end of the Suharto Era in 1998 and subsequent elections were for us in Indonesia. Instead, the 2010 election has become the trigger of a new round of oppression against the population and the preparations undertaken by the military regime resemble nothing close to democracy.

Notably, it is of deep concern to me and my colleagues of the ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) that Burma/Myanmar has taken no steps to improve the human rights situation on the ground after the election. The country's new constitution from 2008 gives the military sweeping powers, continues to keep military affairs outside civilian control and provides for an amnesty clause for past abuses. The anticipated ascendancy of the USDA, now the USDP, to power after the election reinforces our concern.

As this report documents, the USDA has been implicated in numerous cases of political violence against political opponents, human rights defenders and other dissidents since its founding in 1993, including some of the ugliest episodes of violence in Burma/Myanmar's recent political history, notably the attack on Aung San Suu Kyi and her colleagues from the National League for Democracy at Depayin in May 2003, which left scores of people killed or wounded, and the crackdown on peaceful demonstrators and Buddhist monks and nuns during Saffron Revolution in 2007.

The international community and the United Nations have repeatedly called for an independent investigation into the massacre at Depayin in 2003 and the crackdown in 2007. Until today, nothing has happened. To the contrary, some of the leading figures behind the Depayin attack have later been promoted. The late Lt. Gen. Soe Win, believed to be the key figure behind the attack, served as Prime Minister from 2004 until he passed away in 2007.

Others have moved on to become leading figures in the USDP. As this report shows, three leading USDA officials believed to have orchestrated the massacre in 2003 are now standing as candidates for the USDP in the 2010 election, including former Lt-Col Aung Thaung, Minister of Information Kyaw Hsan and Minister of Hotels and Tourism Soe Naing.

As a signatory to the ASEAN Charter, Burma/Myanmar has agreed to support and uphold certain principles, including adherence to the principles of democracy and constitutional government and the promotion and protection of human rights. Neither its 2008 constitution nor 2010 electoral laws fulfils its responsibility to support democratic principles. The gross and systematic violations of human rights in Burma/Myanmar are well documented. The presence of names such as these three on the USDP's candidate lists for parliament does not bode well for the possibility of a future Burma/Myanmar more willing to end impunity, ensure accountability for abuses and respect human rights.

ASEAN should no longer let itself be fooled by Burma/Myanmar. All the evidence suggests the 2010 election will simply entrench military rule with a civilian face. Instead of pinning any hopes on this election, ASEAN leaders would do better in supporting an international call for a Commission of Inquiry under UN auspices to look into possible war crimes and crimes against humanity in Burma/Myanmar.

It is sometimes said that such a Commission of Inquiry could be counterproductive and derail the process of peaceful democratization in Burma/Myanmar. This is a false dichotomy. In our experience, a single majority party that comes to power in elections is not an expression of democracy, but a manipulation of the electoral tool that is at the heart of democracy. The transformation of a state-sponsored organization with an extensive history of political violence and impunity into the dominant political party is devastating for accountability in Burma/Myanmar. We could not agree more with the UN Special Rapporteur on the situation of human rights in Myanmar, Tomas Ojea Quintana, who recently stated to the UN General Assembly that "failing to act on accountability in Myanmar will embolden the perpetrators of international crimes and further postpone long-overdue justice".

It is time for the leaders of ASEAN to reconsider the notion of ASEAN solidarity. Solidarity - brotherhood and sisterhood - cannot be built on a foundation of repression and harsh human rights violation. ASEAN solidarity should be for the people of Burma/Myanmar whose fate lies in the hands of a brutal military regime. ASEAN's tolerance of the brutality of the regime and the regime's manipulation of ASEAN's principle of solidarity sets a bad precedence for efforts to ensure ASEAN accountability to human rights principles and standards.

ASEAN and ASEAN member states need to heed the call of the Special Rapporteur to act. Justice and democracy go together. There can be no democracy in Burma/Myanmar without an end to abuses and impunity.

Ms. Eva Kusuma Sundari  
Vice-President of the AIPMC and Member of Parliament for Indonesia

## EXECUTIVE SUMMARY

*"USDP [the Union Solidarity and Development Party] is inherited from the national force of the state, the USDA [the Union Solidarity and Development Association]. Our organization has served the national cause for the public and the state for 17 years since its inception and has thus already gained the popular support of the public. Based on this support, and based on our aim to win the elections according to our future development plans, we will definitely win in the upcoming elections."*

*- The Union Solidarity and Development Party<sup>1</sup>*

*"USDP will win for sure. It's going to be worse if they take power because thugs and gangsters will misuse power to ruin the country. This is why I'm not going to vote... They have the winning cards in their hands. The result has been arranged. Why should we bother to play this game?"*

*- Ye Htut, News Vendor, Rangoon<sup>2</sup>.*

On 9 February 2008, Burma's ruling regime, the State Peace and Development Council (SPDC) made an announcement that celebrated its accomplishments since 1988 and declared that it would hold "multi-party democracy general elections" in 2010. It claimed that it had "restored community peace and tranquility as well as the rule of law while enabling the people to earn livelihood freely and peacefully," and as such it was "appropriate to transform the administration of *Tatmadaw* [Army] into democratic administration of the people."<sup>3</sup>

In the lead up to the elections, the regime has taken extensive measures to ensure that this "transformation" would simply be a transfer of power from the current military regime to a political party led by the same military elites and governed by identical principles of domination, repression, and physical might. The Union Solidarity and Development Party (USDP), led by Prime Minister Thein Sein and other former military generals, many of which have been implicated in extensive human rights violations, serves this very purpose.

The USDP was borne from Union Solidarity and Development Association (USDA), a "social welfare organization" run by senior military generals and officials. Senior General Than Shwe is the leading patron on the organization's Panel of Patrons, with six other prominent military generals forming the rest of the panel. Likewise, the Central Executive Committee is composed solely of State Law and Order Restoration Council (SLORC) and SPDC officials.<sup>4</sup> As stated by

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<sup>1</sup> Unofficial translation. Union Solidarity and Development Party, Union Solidarity and Development Party Immediate Working Plan for Success in 2010 Election (2010) 7-8.

<sup>2</sup> Yan Paing, "As Vote Nears, Moods Range from Disdain to Determination," IPS, 13 Oct. 2010.

<sup>3</sup> State Peace and Development Council, "Announcement No 2/2008: In accordance with the forthcoming State Constitution, the multi-party democracy general elections will be held in 2010," The New Light of Myanmar, 11 Feb. 2008.

<sup>4</sup> David Steinberg, "Myanmar and the requirements of Mobilization and Orthodoxy: The Union Solidarity and Development Association" Burma Debate Feb. 1997.

USDA Secretary General Than Aung, “SLORC, the government and the USDA share the same objective.”<sup>5</sup>

The USDA is thus guided by the policies and leaders of the regime, and has acted as an agent of the regime to serve the military’s political needs. The specific nature of military’s needs shifted throughout the years, and the USDA changed with it, altering both their mandate and their activities.

The regime initially required a body of popular support to superficially combat public discontent after its refusal to recognize the results of the 1990 elections. However, as the National League for Democracy (NLD) and other political organizations began to exercise more of their political rights and gained vast public support, they became an increasingly powerful threat to the regime’s hold on power. The USDA thus evolved into a paramilitary organization, ready to attack political, religious, or social opponents of the regime.

The scale and reach of the USDA’s political violence intensified over the years, and many incidents were reactions to political dissent or opposition. After Daw Aung San Suu Kyi’s release in 2002, the democracy leader traveled to 12 states and divisions to meet NLD members and supporters across the country. During this time, the USDA carried out one of its deadliest of attacks to date in Depayin Township, Sagaing Division. The assault claimed over 100 lives and resulted in the arrest of 256 democracy activists, including Daw Aung San Suu Kyi and NLD vice-chairman U Tin Oo. Four years later in 2007, the USDA organized and participated in the violent crackdown on peaceful Buddhist monks, nuns, students and laymen in the Saffron Revolution, which similarly resulted in approximately 100 deaths.

USDA perpetrators in both incidents have since begun campaigning in the 2010 elections as USDP candidates. The 2010 elections, and the 2008 constitutional referendum, have been marked with harassment, bribery, violent assaults and voter fraud. During the 2008 referendum, the USDA leveraged aid from Cyclone Nargis relief efforts to compel cyclone-affected populations to vote in support of the Constitution in return for basic necessities. In the recent 2010 election campaign period, the USDP has committed a host of election-related human rights violations in an attempt to secure votes from the public.

When examining the history of the USDA and the USDP, it is clear that neither the association nor the political party can be regarded as separate from the SPDC and its history of military violence. Year after year, the USDA and the USDP has demonstrated that its allegiances, and thus, its interests lie with the military regime, not the people.

In the run up to the elections, the USDP unveiled its party slogan: “People First.” “The slogan ‘People First’ angered me but also made me laugh,” stated a businessman from Rangoon. “Their real slogan should be ‘People Last, Military First.’”<sup>6</sup>

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<sup>5</sup> V Coakley, “Politics of Stability: Co-opting Burma’s Civil Society Through the USDA” [Burma Issues Newsletter](#) Oct. 1998: Vol. 8, No.10

<sup>6</sup> Wai Moe, “USDP Election Slogan ‘People First’ Sparks Anger,” [The Irrawaddy](#), 20 Oct. 2010.

## INTRODUCTION

In the lead up to the 2010 elections, Burma's first elections in the past twenty years, the Union Solidarity and Development Party (USDP) has leveraged its state-backed authority and financial capital to intimidate, bribe, and manipulate millions of voters in Burma. Borne from the violent military-led social organization, the Union Solidarity and Development Association (USDA), the USDP is poised to serve as the new civilian face on the regime's efforts to consolidate and legalize military rule through the elections.

Over the years, the USDA has come to exemplify the many fundamental and systematic flaws of the military regime in Burma. Formed on 15 September 1993, the USDA was ostensibly created to serve as a "social welfare organization,"<sup>7</sup> However, in practice, the USDA has served the regime in many varying capacities, none of which feasibly fit under the category of "social welfare." From withholding and profiting from aid during the Cyclone Nargis relief efforts, to attacking Daw Aung San Suu Kyi and the National League for Democracy (NLD) convoy in the 2003 Depayin massacre, the USDA has claimed to work for the good of the people, while serving the will of the regime.

The USDA is patronized and led by prominent SLORC/SPDC officials, including Senior General Than Shwe,<sup>8</sup> with military officers in leadership roles at all levels: village tract, ward, township, district and division levels<sup>9</sup>. Indeed, the USDA is not merely a parallel body to the SPDC, but rather is under the control of the SPDC and serves to further perpetuate military rule.

USDA claims a membership of around 24 million people, approximately half the population of Burma. Recruitment techniques involve harassing students, and either forcibly registering students without their knowledge, or threatening them with expulsion. Civil servants are required to be members of the USDA while those working in business face many disadvantages otherwise. The general population also face forced labor, limited freedom of movement or arbitrary taxation without USDA membership.<sup>10</sup>

The USDA provides a vast membership base to support the regime's objectives and activities. As the USDA Secretary General U Than Aung noted, "the ruling SLORC [State Law and Order Restoration Council, the predecessor to the State Peace and Development Council (SPDC) until 1997], the government and the USDA share the same objective."<sup>11</sup> All USDA members must pledge to "endeavor

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<sup>7</sup> L. Hancock, "Mobilization of the Masses: How Much of a Threat is the USDA?" Burma Issues 2003.

<sup>8</sup> David Steinberg, "Myanmar and the requirements of Mobilization and Orthodoxy: The Union Solidarity and Development Association" Burma Debate Feb. 1997.

<sup>9</sup> Banya Hongsar, "Crime Against Humanity: Dirty Politics on the Hands of the Burmese Junta" Monland 18 June 2003.

<sup>10</sup> Network for Democracy and Development, The White Shirts: How the USDA Will Become the New Face of Burma's Dictatorship (May 2006) 18 – 37.

<sup>11</sup> V Coakley, "Politics of Stability: Co-opting Burma's Civil Society Through the USDA" Burma Issues Newsletter Oct. 1998: Vol. 8, No.10.

for Our Three Main National Causes,”<sup>12</sup> which are identical to SLORC’s “three main tasks”. These are: “preventing disintegration of the Union, preventing disintegration of national solidarity and that of ensuring perpetuity of the sovereignty of the State.”<sup>13</sup>

The USDA also adopted the SLORC’s ‘Four-Point People’s Desire.’ This ‘People’s Desire’ more clearly outlines USDA’s mandate as an ad-hoc civilian militia:

Oppose those relying on external elements, acting as stooges or holding negative views; oppose those trying to jeopardize the stability of the State and progress of the nation; oppose foreign nations interfering in internal affairs of the State; and **crush all internal and external destructive elements as the common enemy.**<sup>14</sup> (emphasis added)

In order to “oppose those trying to jeopardize the stability of the State and progress of the nation” and “crush all internal and external destructive elements,” the USDA has instigated and led forced mass rallies, intimidated, harassed, and attacked political opposition, marginalized civil society, abused their power and collected arbitrary taxes, incited religious conflict and targeted religious minorities, trained ‘people’s militias,’ and, most importantly, transformed into an equally abusive political party in the lead up to the 2010 elections, the Union Solidarity and Development Party (USDP).

The USDA’s role in the SPDC has shifted dramatically in the past two decades, which can be examined in three phases: 1993 to 1998; 1998 to 2007; and 2008 to date. The USDA first began in 1993 as a mass organization with the aim of targeting the political opposition and generating a façade of popular support. By 1998 it had evolved into a violent people’s militia attacking opposition party members and supporters, instigating religious violence, and harassing the general public. From 2008 onwards, the USDA began to position itself as the dominant political party in preparation for the 2010 elections.

This report explores the evolution of the USDA in these three phases, within the context of the contemporary political climate. The cases highlighted in the report are by no means exhaustive or isolated incidents; rather, they are emblematic of the USDA/USDP’s far-reaching influence and extensive history of rights violations. Further, this report will examine the future possible role of the USDP in the future political environment and its repercussions on democracy in Burma.

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## **I. The Birth of the USDA (1993 - 1998); a 'Social' Organization to Denounce and Undermine the Political Opposition**

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<sup>12</sup> Non-disintegration of the Union; non-disintegration of the national solidarity; and perpetuation of sovereignty. Eint Dali, “USDA serving national interest as it represents the people” *The New Light of Myanmar* Nov. 2005: Vol 13, No 202.

<sup>13</sup> The State Law and Order Restoration Council, “State LORC Declaration No. 1/90.” 27 July 1990.

<sup>14</sup>. National Coalition Government of the Union of Burma, “Exposing the Real USDA” *NCGUB Information Unit*. June 2003.

On 27 May 1990, the people of the Burma gathered to vote in the first multiparty elections in the country's history. To the regime's surprise, the National League for Democracy (NLD) emerged victorious with 82% of the parliamentary seats, with many ethnic parties such as the Shan Nationalities League for Democracy (SNLD) garnering a significant portion of the remaining seats. In contrast, the regime-supported National Unity Party (NUP) won only 2% of the parliamentary seats.

The State Law and Order Restoration Council (SLORC) did not recognize the results of the elections and reduced the authority of the General Assembly from a legislative body to that of a constitutional drafting body. This authority was later transferred to the National Convention; where only 15% of the delegates were members elected to the General Assembly, while other delegates were appointed directly by the SLORC.<sup>15</sup>

The National Convention first convened on 9 January 1993 with six objectives, the first three of which are taken from SLORC's 'Three main tasks.'<sup>16</sup> Only two days later, the National Convention was adjourned as ethnic and non-ethnic democracy groups presented strong criticisms of the process.

The regime was experiencing a crisis of legitimacy. Having overturned public will by refusing to recognize the results of the 1990 general elections, the SLORC understood that the NLD presented a significant challenge to their power. The regime determined that it was necessary to take steps to ensure the public would not rise up again in a repeat of the 1988 pro-democracy movement. The USDA was borne out of the need for an organization to mobilize and control popular support, and to quell any anti-government dissent.

In 1994, Senior General and USDA Patron Than Shwe gave a speech illuminating his perspective on the formation and role of the USDA:

The USDA was formed specifically with the objective to fill the role of strengthening national unity...acts of anarchy prevailed during the events of 1988 and that the USDA was formed to prevent similar events in the future and to promote the observance of law and order among the general public.<sup>17</sup>

The formation of the USDA was, in essence, the creation of a third-party tool to deflect the negative public perception of SLORC's unpopular policies through propaganda, mass rallies, and targeting the political opposition.

### **Mass Rallies and Propaganda**

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<sup>15</sup> Human Rights Watch. Vote to Nowhere: The May 2008 Constitutional Referendum in Burma. (May 2008).

<sup>16</sup> 1. Non-disintegration of the Union; 2. Non-disintegration of national unity; 3. Perpetuation of national sovereignty; 4. Promotion of a genuine multiparty democracy; 5. Promotion of the universal principles of justice, liberty and equality; and, 6. Participation by the Defense Services in a national political leadership role in the future state. Human Rights Watch. Chronology of Burma's Constitutional Process (May 2008) 3.

<sup>17</sup> Myanmar TV (7 March 1994) cited in Network for Democracy and Development, The White Shirts: How the USDA Will Become the New Face of Burma's Dictatorship (May 2006) 52.

In January 1994, the USDA organized 26 mass rallies that were attended by approximately 4 million people. These mass rallies occurred across the country, from Pegu Division to Mon State, from Mandalay Division to Northern Shan State. The main objective of these rallies was to pressure the public to support the 104 principles of the draft constitution.<sup>18</sup>

The USDA ensured mass participation through harassment, blackmail, and violence. In many instances, households were required to send at least one member to rallies or face heavy fines. In Yedashe Township, Pegu Division, every villager was forced to attend the rally in Taungoo, with only one member of each household allowed to stay behind to watch over the property. Soldiers threatened and harassed villagers months before the rally to ensure their attendance.<sup>19</sup>

During another rally, in Monywa, Sagaing Division, at least 2,000 people from each township in the district were forced at gunpoint to participate. All exits were blocked; those who tried to leave were beaten with belts and children were beaten with bamboo sticks.<sup>20</sup>

In 1994, several letters were sent to BBC Radio's Burmese language service, and subsequently broadcasted, expressing people's genuine views about the USDA. One letter reads

In our Mandalay city, SLORC announced on loudspeakers that anyone who did not participate in the rally meeting would have their water and electricity cut, and would be fined 100 Kyats [approximately 1 USD] each. So 90 per cent of the people dared not disobey their command. - Ko Myint Aung, Mandalay<sup>21</sup>

Further, the conditions in the mass rally sites were inhumane; those who were forced to attend were often subject to ill treatment. For one mass rally in Prome, Pegu Division, villagers were forced to gather overnight in a field guarded by armed soldiers. The ground was hot and villagers were not allowed to leave, even to go to the toilet. As tension increased, conflict broke out and people sought to climb the fence to leave the rally. The guards began to beat people with bamboo and sticks. In the midst of the panic, over twenty people were injured; two men were trampled to death.<sup>22</sup>

### **Attacks on the National League for Democracy**

The USDA has been the prime instigator of various attacks on NLD members, and most significantly, on its leader Daw Aung San Suu Kyi. Since 1988, the regime

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<sup>18</sup> The 104 principles served to form a basic skeleton of other principles that would guide the drafting of the constitution. For example, it allocates positions in government to the army, allows the military to take control during a state of emergency, grants the military freedom from civilian oversight, etc. National Coalition Government of the Union of Burma, Human Rights Year Book 1994: Burma (1994) 493; Altsean-Burma, Burma Briefing – Burma's National Convention: Illegitimate, Unrepresentative & Oppressive (15 Feb. 2005) 7-8.

<sup>19</sup> National Coalition Government of the Union of Burma, (1994) 124.

<sup>20</sup> National Coalition Government of the Union of Burma, (1994) 124.

<sup>21</sup> National Coalition Government of the Union of Burma, (1994) 125.

<sup>22</sup> National Coalition Government of the Union of Burma, (1994) 124-125.

has always targeted the NLD and Daw Aung San Suu Kyi, but with the formation of the USDA, this responsibility shifted away from the military. Touted as a “social welfare organization,” the USDA was designed to appear to be a distinct organization from the SPDC at first glance. As such, the USDA has been utilized by the regime to carry out some of its more nefarious attacks on opposition parties in an attempt to remove a degree of state accountability.<sup>23</sup>

Nevertheless, in examining the structure of the USDA, it is clear that SPDC officials are responsible for ordering or organizing large-scale attacks. It is also apparent that the specifically violent nature of the attacks can be attributed to SPDC policy. Further, given that many members were coerced or forced by the USDA to join<sup>24</sup> and may not have been naturally inclined to agree with such violence, these actions clearly follow top-down orders that force regular USDA members to carry out such brutalities.

It is however, unclear in certain individual cases and isolated acts of violence, whether members were acting in direct response to official SPDC or USDA orders. Certainly, USDA members are able to carry out isolated acts of violence according to the state-sanctioned policy of violence, and USDA’s connection to the regime undeniably grants USDA members immunity from prosecution.

The first recorded incident of violence against Daw Aung San Suu Kyi and the NLD took place in 1996 by which time the NLD had uncontrovertibly reaffirmed its position as significant opposition force. The precursor to that event was Daw Aung San Suu Kyi’s release from house arrest in July 1995, Subsequently, in November of that year NLD delegates were expelled from the National Convention following a boycott that sought to repeal orders of censorship of debate and criminal punishment for criticizing the military during the National Convention.<sup>25</sup>

In February 1996, Daw Aung San Suu Kyi gave a speech on the anniversary of U Nu’s death<sup>26</sup>. USDA members donned red arm bands, entered the crowd in military vehicles and pelted Daw Aung San Suu Kyi with tomatoes. Some USDA members refused to participate and left the gathering<sup>27</sup>. Later, on Burmese New Year’s Day in April 1996, the SPDC barricaded the roads leading to Daw Aung San Suu Kyi’s house. USDA members threatened to beat any NLD members seeking to pass the barricades.

Prior to another attack, USDA Central Executive Committee member U Win Sein addressed an audience of 5,000 villagers in Sagaing Division with the following words:

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<sup>23</sup> Network for Democracy and Development, 64.

<sup>24</sup> See Network for Democracy and Development, 19 – 38.

<sup>25</sup> Human Rights Watch, Chronology of Burma’s Constitutional Process (May 2008) 5.

<sup>26</sup> U Nu was the first Prime Minister of Burma, from 1948-1956, 1957-1958, 1960-1962. He passed away on 14 February 1995.

<sup>27</sup> National Coalition Government of the Union of Burma, Human Rights Year Book 1996: Burma (1996) 286.

“We must get rid of Aung San Suu Kyi who is creating political unrest. Do you understand what it means to ‘get rid of’? It means we have to kill her. Have you got the guts to kill her?”

His words were met with silence. He continued, “We must kill her.”<sup>28</sup> This speech was broadcast over neighborhood loudspeakers, so this message reached not only villagers in the audience, but also monks in a nearby monastery.

Shortly after, USDA members were selected for training for an attack on Daw Aung San Suu Kyi and the NLD.<sup>29</sup> Given the apparent reluctance of some members of USDA to follow such orders, perhaps because of their coerced membership into the organization, the SPDC regularly resorted to forcing USDA members to attend special trainings.

The sessions involve combat training to train the USDA to act as a people’s militia alongside the army. In March 1996, Senior General Than Shwe declared:

The trainees constitute not only the hard core force of the USDA, but also the sole national force which will always join hands with the *Tatmadaw* to serve national and public interests...they should be both morally and physically strong with sharp national defense qualities... the trainees will be taught military parade, military tactics and the use of weapons.<sup>30</sup>

By 1997, Senior General Than Shwe officially referred to the USDA as an “auxiliary national defense force,” indicating his intentions in employing USDA as a brute force to serve the SPDC’s political interests.

The effect of the combat training is evidenced in larger scale attacks on NLD members that followed. After trainings in November 1996, USDA members were paid 5,000 kyat [approximately 40 USD] apiece to attack a motorcade carrying NLD leaders, including NLD vice-chairman U Tin Oo and Daw Aung San Suu Kyi. Approximately 20 assailants attacked the convoy with iron bars and bricks.<sup>31</sup>

In the years before 1998, the attacks were largely directed towards Daw Aung San Suu Kyi and other members of the NLD leadership. The mass rallies and attacks on the NLD were representative of the USDA’s relatively limited mandate when it was initially formed. Their tactics were more coercive and harsh, rather than violent and brutal; the more nefarious and vicious methods largely emerged after 1998. As will be examined in the following sections, the scale and scope of the assaults broadened after 1998 to include NLD supporters, democracy activists, religious minorities and civil and social organizations. More significantly, the attacks were considerably more violent and widespread, demonstrating an effort to suppress and destroy signs of opposition.

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<sup>28</sup>Ad Hoc Commission on the Depayin Massacre (Burma), The Second Preliminary Report (May 2004) 20.

<sup>29</sup> Ad Hoc Commission on the Depayin Massacre (Burma), The Second Preliminary Report (May 2004) 20.

<sup>30</sup> New Light of Myanmar (12 March 1996) cited in David Steinberg, Feb. 1997.

<sup>31</sup> National Coalition Government of the Union of Burma, Human Rights Year Book 1996: Burma (1996) 286.

## **II. Expansion of the USDA (1998 - 2008); a Movement to Crush the Opposition and the Wider Population**

By 1996, it was evident that the National Convention was neither inclusive nor did it intend to honor the results of the 1990 elections. On 16 September 1998, the NLD and other 1990 election winning parties formed the Committee Representing the People's Parliament (CRPP) to serve as a People's Parliament until "a democratic constitution acceptable to the people has been drawn up and adopted."<sup>32</sup>The committee was supported by 251 Members of Parliament.

The regime responded by arresting 110 NLD MPs, shutting down 43 NLD offices and demanding that the CRPP dissolve as a precondition for dialogue.<sup>33</sup> It was from this point on that the USDA began to expand its operations to include attacks on NLD supporters, other political organizations, religious minorities, social organizations, as well as conducting arbitrary taxation and abuses of power.

### **Violent Attacks**

During the expansion of the USDA, the organization placed a greater emphasis on military training for USDA members, particularly those who would form a people's militia. The large USDA membership presented the regime with a vast pool of manpower; one that could be employed to crackdown on internal dissent and ward off external threats.

In 2000, the Ministry of Defense published the "Manual for Application of People's War Strategy," which outlined the defense strategy in case of foreign invasion. USDA members, as well as other members of the public, would "be trained and organized as people's militias."<sup>34</sup>USDA forced township and village members to join the people's militia trainings; those who refused often faced fines up to 20,000 kyat [approximately 65 USD]. In one village in Mon State, the USDA forced 1000 men to participate in the trainings.<sup>35</sup>

These trainings increased the combat capabilities of the USDA membership over time and contributed to the overall culture of violence in the organization. The years between 1998 and 2007 saw two particularly violent attacks against democracy and social activists, the 2003 Depayin Massacre and the crackdown of the 2007 Saffron Revolution, which will be examined in detail later in this section. However, USDA members carried out many other smaller scale attacks on different actors during that time period; these attacks will be examined below.

### **Targeting NLD Members and Other Political Activists**

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<sup>32</sup> Committee Representing the People's Parliament, People's Parliament Statement No. 1 (17 Sept. 1998).

<sup>33</sup> "Committee Representing the People's Parliament [CRPP]" The Irrawaddy 1 Jan. 2003.

<sup>34</sup> National Coalition Government of the Union of Burma, "Exposing the Real USDA"

<sup>35</sup> "Recruiting Civilians in Village Communities to Attend Short-Term Basic Military Training," Independent Mon News Agency 18 June 2003; "Mon State PDC Ordered Chaungzon USDA to form USDA Battalion in Town," Burma News International 15 Oct. 2004.

Since 1998, the USDA has sought to diminish the strength of the NLD through two broad tactics: harassment and violence. The USDA has attempted to deter political dissent by making examples of political activists; in doing so, the USDA has heightened the risks of political activity for ordinary people.

Through violence, the USDA members sought to compel the NLD members to resign and to moreover join the USDA instead. One of the USDA's stated objectives is purportedly the "narrowing and eliminating [of] the activities of opposition forces," carried out by "annihilation through greater strength"<sup>36</sup>. Often these threats involve economic and social coercion. For example, in Tenasserim Division, the USDA barred NLD members from becoming teachers,<sup>37</sup> and in Mandalay Division, an NLD teacher's refusal to resign resulted in the closure of the entire school.<sup>38</sup>

The forced resignations of some active NLD members had both practical and symbolic effects; not only did they directly decrease the size of the NLD, but also supported the regime's efforts to undercut NLD's political presence. The USDA even reported resignations of certain individuals from the NLD, when they were never NLD members to begin with.<sup>39</sup> These fabricated incidents merely sought to convince to the public that even NLD members were abandoning their own party.

Throughout this period, USDA strategies to diminish political oppositions often became violent, and in some cases, resulted in death. These attacks had a psychological effect as political activity was firmly equated with violent crackdowns in the public eye.

Thant Zin Myo, an NLD member, had long faced harassment from USDA members. In August 2005, he captured an intruder who turned out to be an informant and a firefighter. He reported the intruder to the authorities, and revealed the intruder's identity. Upon hearing his accusation, the authorities began to beat Thant Zin Myo.<sup>40</sup>

Another NLD member, Kyaw Soe, was beaten by three USDA members in August 2005. He was beaten so badly with sticks that his wounds included a torn ear drum that has rendered him deaf in one ear. His attackers were brought to the authorities, but a USDA leader and an SPDC informer bribed the police to secure the attackers' release.<sup>41</sup>

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<sup>36</sup>Inside Source, Confidential: USDA South Okkalapa Township, Eastern District, Rangoon Division Organizational Plan. (February 2004).

<sup>37</sup>"NLD Member Refused Teaching Job in Southern Burma," Democratic Voice of Burma 20 Aug. 2004 cited in Network for Democracy and Development, 33.

<sup>38</sup>"NLD Member Pressured to Quit NLD in Mandalay Division, Burma" Democratic Voice of Burma 24 Aug. 2004 cited in Network for Democracy and Development, 33.

<sup>39</sup>"Regional NLD to Reorganize and Consolidate in Burma," Democratic Voice of Burma 25 Mar. 2005 cited in Network for Democracy and Development, 33.

<sup>40</sup>"Burmese Local Authority on Trial in Rangoon Hlain Thaya," Democratic Voice of Burma, 30 Aug 2005.

<sup>41</sup>"Rangoon Sanchaung NLD Youth Attacked by Junta Thugs," Democratic Voice of Burma 21 Aug. 2005 cited in Network for Democracy and Development, 62.

In 2005, USDA members and the fire brigade in Rangoon attacked Thet Naing Oo, a former political prisoner. The assailants publically accused him of theft while beating him, in order to avoid raising a sympathetic response from passers-by. Thet Naing Oo died from injuries sustained during the incident. Township locals believe the attack was a premeditated plan constructed by USDA members.<sup>42</sup>

### Targeting Social and Civil Organizations

The USDA has also targeted social and civil organizations, particularly those that can be seen as challenging the regime's authority.

On 18 April 2007, six human rights activists from Human Rights Defenders and Promoters (HRDP) were attacked by a mob of 100 USDA members armed with clubs, slingshots and sharpened bamboo sticks in Henzada Township, Irrawaddy Division. The attack was led by the Secretary of Henzada Township USDA, Than Nyunt. The USDA leader moved to beat Ko Myint Naing, and ordered the other men to follow suit. "Then he yelled, 'Kill them!' and a group of about 50 people armed with sticks and slingshots chased us," stated Ko Myint Naing.

Two were severely injured, but doctors at the Rangoon General Hospital were reluctant to provide treatment for fear of repercussions by the authorities. On 2 May, the six human rights activists were arrested and detained for "showing disrespect to the state," inciting a riot and causing unrest. Each activist was sentenced to four to eight years imprisonment.<sup>43</sup> No action was taken against the perpetrators.

This incident demonstrates how the regime employs USDA members, some of which are former criminals,<sup>44</sup> to attack civil and social activists, only to later criminalize the victims and grant immunity to the perpetrators.

Another incident demonstrates the regime's desire to overtake and crush independent civil society. In 2006, the USDA harassed the independent, apolitical Free Funeral Services Society (FFSS), led by well-known actor Kyaw Thu. The non-profit and non-governmental organization provides free funerals to low-income families who cannot afford the costs of a funeral. The USDA threatened to take over the organization; it forced FFSS to hire a USDA member for a high ranking position, barred them from running advertisements, and ordered them to refuse donations.<sup>45</sup> In 2007, the USDA began to provide similar free funeral services and coerced local doctors to contribute their time.<sup>46</sup> The USDA's efforts lend the SPDC credibility: it marginalizes genuine civil society and replaces it with SPDC-led organizations. The regime can then claim the existence of an independent civil society in order to counter claims of a repressive social environment, while still maintaining complete control.

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<sup>42</sup> "Murdered Ex-Political Prisoner Thet Naing Oo Buried" Democratic Voice of Burma 20 Mar. 2006 and Inside Source (1 May 2006) cited in Network for Democracy and Development, 62

<sup>43</sup> National Coalition Government of the Union of Burma, HRDU Yearbook 2007 | Chapter 10: Freedom of Movement, Assembly and Association (2008).

<sup>44</sup> Aung Zaw, "Burma's Democracy Challenge Flickers Out," Asia Sentinel. 3 September 2007.

<sup>45</sup> "Charity Donations Dry Up amid Regime Takeover Reports," The Irrawaddy 25 Aug. 2006.

<sup>46</sup> "Free USDA Clinics Open in Rangoon Division Townships," The Irrawaddy 17 May 2007.

### Targeting Students

Students have historically been a strong voice of dissent, and have always been at the forefront of people's movements in Burma, and as such, present a significant threat to the regime's grip on power. Over the years, the regime has closed universities, banned student unions, and forced students to join the USDA. Moreover, USDA members have targeted attacks on individual students, either because of their political activities or to demonstrate the strength and reach of the USDA.

In 2004, three students in Pegu Division were attacked by USDA members, two in March and one in August. All three were beaten badly and were hospitalized following the incidents.<sup>47</sup>

In the following year, Rashid Duhul, a freshman from Sittwe University, Arakan State, was beaten by a group of *Swan Arr Shin*<sup>48</sup> and USDA members. He died three days later from injuries sustained during the beatings.<sup>49</sup> The USDA's intentions in targeting Rashid Duhul was also likely related to his religious affiliation. As will be examined in the following sections, from 1998 onwards, the USDA expanded its scope of activities to include harassment and attacks on religious minorities, in particular Muslims.

### Targeting Muslim Communities

The majority of the population in Burma practice Theravada Buddhism, but a considerable minority adhere to Christianity or Islam. These religious minorities have suffered considerable persecution and marginalization over the years. In the past decade, the USDA has been one of the primary instigators of religious persecution and conflict.

The Muslim community has, in particular, suffered considerable discrimination and persecution. Three exceptionally violent incidents occurred in 2001. In February of that year, anti-Muslim riots in Sittwe, Arakan State resulted in Muslim and Buddhist casualties and destroyed approximately 50 Muslim homes. In May 2001, anti-Muslim riots killed 10 Muslims and 2 Buddhists. In both incidents, USDA members and military personnel were reported to be key instigators of the violence, while disguised in monk robes.<sup>50</sup>

In October 2001, 150 USDA members entered Pha-auk village, near Moulmein in Mon State. They destroyed a mosque, inciting a clash with Muslims in the area.

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<sup>47</sup> Network for Democracy and Development, 63

<sup>48</sup> "Masters of Force," an ad-hoc people's militia more loosely structured than the USDA. There are significant ties between the two organizations; some attacks have been orchestrated and led by USDA members, and carried out by *Swan Arr Shin* members. USDA members reportedly oversee district level *Swan Arr Shin* units. Moreover, the *Swan Arr Shin* does not work in isolation, but only under USDA orders. See Human Rights Watch, "The Role of "Mass-Based" Organizations for Social Control," Crackdown: Repression of the 2007 Popular Protests in Burma (December 2007) 105 - 111.

<sup>49</sup> "Burma Arakan Muslim Student Killed by 'Unknown' Thugs," Democratic Voice of Burma 4 Sept. 2005.

<sup>50</sup> National Coalition Government of the Union of Burma, HRDU Yearbook 2002 | Chapter 10: Freedom of Belief and Religion (2003).

Reports estimate that approximately 60 Muslims and 35 USDA members were killed during the conflict. Thit Lwin Oo from the Muslim Information Center reported that similar riots took place in the same month, destroying approximately 40 shops in Pegu Division.<sup>51</sup>

In 2003, approximately 20 men, reportedly USDA members again disguised as monks, entered a Muslim village in Sagaing Division. They set fire to 45 houses, the mosque and the religious school. They then abducted 32 Muslim students<sup>52</sup> Later that year, USDA members distributed anti-Muslim pamphlets in Irrawaddy Division. Members of the Muslim community complained to the police, but were told there was simply nothing to be done.<sup>53</sup>

### Targeting Buddhist prayer sessions for political prisoners

The USDA has not only targeted Muslim communities, but has also often harassed Buddhist ceremonies or religious practices if they are seen to have political connotations.

During 2007, dozens of activists gathered at Shwedagon Pagoda every Tuesday to pray for the release of Daw Aung San Suu Kyi and all other political prisoners. These prayer sessions took place from January to July, but often faced harassment and arrests by the USDA. On 16 July, 10 activists were beaten by the special police and forced to leave by 200 to 400 members of pagoda security, USDA members and special police.

One participant, Ko Than Zaw Myint recalled, “Two grabbed my shoulders and said, ‘Don’t hang around. Leave here.’ I told them I was there not to leave but to pray [at] the pagoda. They said, ‘You want to die?’ and gave me a punch across my face.”<sup>54</sup>

As was later seen during the Saffron Revolution, the regime has no qualms with harassing and beating Buddhist monks.

### Major USDA Attacks: the 2003 Depayin Massacre

Following her unconditional release from house arrest on 6 May 2002, Daw Aung San Suu Kyi traveled across Burma to meet with members and supporters in 125 Townships, in 12 states and divisions. Daw Aung San Suu Kyi was met with mass support throughout her travels, but also faced increasing harassment and violence from USDA and other authorities.

It was during this series of trips that the regime, and particularly the USDA,

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<sup>51</sup>“Nearly one hundred people killed in religious riot in Southern Burma,” Network Media Group 28 Oct 2001.

<sup>52</sup>“USDA Sets Village on Fire and Kidnaps 32 Muslim Students in Sagaing Division,” Muslim Information Center of Burma 4 Feb. 2003.

<sup>53</sup> National Coalition Government of the Union of Burma, HRDU Yearbook 2003 | Chapter 10: Freedom of Belief and Religion (2004).

<sup>54</sup>Prayer Campaigners Bashed At Shwedagon Pagoda,” Democratic Voice of Burma 16 Jan. 2007 cited in National Coalition Government of the Union of Burma, HRDU Yearbook 2007 | Chapter 10: Freedom of Belief and Religion (2008).

carried out the Depayin Massacre – an attack on an NLD convoy and Daw Aung San Suu Kyi that claimed over 100 lives. The democracy leader narrowly escaped with her life, much to the chagrin of the perpetrators.

*Lead up to the Depayin Massacre*

In weeks before the Depayin Massacre, the NLD and Daw Aung San Suu Kyi embarked on a trip to Kachin State on 6 May 2003. While their presence was greatly welcomed by the public, the authorities organized counter demonstrations. Between 9 May and the final incident on 30 May, large-scale USDA counter-demonstrations against the NLD convoy took place on numerous occasions incidents over 14 days.

These USDA counter demonstrations included large signs declaring, “Oppose all axe handles [meaning traitors] who rely on foreign stooges,”<sup>55</sup> instigated riots and conflict, blocked entrances to towns, chanted slogans such as “We don’t want destructionists of the [country’s development],” and “We don’t want those who destroy peace and stability.”<sup>56</sup>

By 16 May, the NLD convoy was greeted by an increasingly violent USDA led crowd. While traveling to Myitkyina City, Kachin State, the NLD convoy was surrounded by 300 USDA members blocking the road, armed with slingshots and knives. On 20 May, in Thonemine Village, near Bhamo, Irrawaddy Division, NLD was met by a crowd of 300 USDA members wielding swords and batons<sup>57</sup>. Over 1000 USDA members harassed the NLD convoy on 22 May near Thabeikkyin Township, Mandalay Division; many of the USDA members were forcibly conscripted with rewards of liquor and monetary compensation, as well as threats of 7-year prison sentences for welcoming the NLD.

Many who had been made to protest for the USDA against their will, after hearing Daw Aung San Suu Kyi speak, stopped protesting and threw away their signs.<sup>58</sup>

On 25 May, approximately 500 USDA members had gathered from surrounding areas near Singu Township due to promises of food, liquor and 500 to 1,000 kyat [approximately 0.45-1 USD] in financial compensation per day. Others were threatened with forced labour. USDA vehicles drove directly into a crowd waiting to welcome Daw Aung San Suu Kyi, shouting “Make way for us. Or you’ll have to pick up your dead bodies.” They threw rocks at the NLD convoy, seriously wounding one NLD youth on the head.

During these demonstrations, Daw Aung San Suu Kyi criticized the regime’s complicity in the violence: “The authorities have failed to take action against the USDA, despite the fact that they have carried out lawless acts. The authorities

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<sup>55</sup> The New Light of Myanmar, (1 June 2003) 9. Cited in Ad Hoc Commission on the Depayin Massacre (Burma), *The Second Preliminary Report* (May 2004) 26.

<sup>56</sup> Maung Yin Hmine, “Daw Suu Kyi, the NLD Party and Our Ray of Hope – 6,” *The New Light of Myanmar* 10 Jul. 2003 Cited in Ad Hoc Commission on the Depayin Massacre (Burma), 26-34.

<sup>57</sup> Ad Hoc Commission on the Depayin Massacre (Burma), 28.

<sup>58</sup> Ad Hoc Commission on the Depayin Massacre (Burma), 29-30.

behave as if we are in their hands and know that we are not going to retaliate. That only makes the USDA bolder.”<sup>59</sup>

In fact, not only did the police, traffic police and other security personnel fail to intervene, but rather aided the USDA demonstrations by transporting USDA members from neighboring areas to sites in remote areas far from public scrutiny.

#### *Massacre on 30 May*

By 30 May, Daw Aung San Suu Kyi and the NLD convoy had reached Budalin Township, in Sagaing Division for a brief one-day visit. Upon their departure to Depayin Township, they noticed a large gathering of monks, USDA and *Swan Arr Shin* members. Groups on motorbikes and a car were sent to scout the travel conditions, but did not return; later NLD learnt that these individuals had all been detained by the USDA<sup>60</sup>.

Approximately two miles outside of Depayin, the NLD convoy encountered two monks who proceeded to block their path. One called upon Daw Aung San Suu Kyi to make a speech, but this proved to serve as merely a diversion until the throngs of USDA members arrived. Upon arrival, USDA members and other protestors began shouting slogans and beating everyone in the area, including Daw Aung San Suu Kyi, NLD members, and innocent bystanders. All of the perpetrators wore white armbands to differentiate themselves from the innocent and unarmed civilians, while some perpetrators were dressed in Buddhist monk robes.<sup>61</sup>

Female NLD members were beaten, stripped of their clothing and had their heads bashed into the road. Perpetrators stole gold jewelry and money from those who were wounded and unable to defend themselves. Members of the NLD Youth and students formed an interlocking human shield to protect Daw Aung San Suu Kyi; many suffered serious injuries while other died on the spot. After some time, Daw Aung San Suu Kyi’s driver was able to maneuver the vehicle away and towards relative safety, but quickly ran into another set of USDA-led demonstrators who were armed with guns. Both Daw Aung San Suu Kyi’s vehicle and another NLD vehicle were able to escape through the mob, but another car crashed into a tree while U Tin Oo’s vehicle suffered the greatest impact. Unable to get away, his car was surrounded, and U Tin Oo, along with six other NLD members were arrested and detained.<sup>62</sup>

Later that night, riot police, *Swan Arr Shin* members, and unidentified authority figures inspected the scene, removed the dead bodies, and arranged the beaten up vehicles to project the image of a car crash.

In total, there were approximately 5,000 people involved in the attack, many of

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<sup>59</sup> Ad Hoc Commission on the Depayin Massacre (Burma), 31.

<sup>60</sup> Ad Hoc Commission on the Depayin Massacre (Burma), 39 – 40.

<sup>61</sup> Ad Hoc Commission on the Depayin Massacre (Burma), 39 – 41.

<sup>62</sup> Ad Hoc Commission on the Depayin Massacre (Burma), 41-42.

whom were paid by the USDA.<sup>63</sup> The attack lasted for more than three hours and claimed between 100<sup>64</sup> and 282 lives<sup>65</sup>. During the massacre and in the weeks that followed, Daw Aung San Suu Kyi<sup>66</sup> and an estimated 256 NLD members and other democracy activists were arrested and detained.<sup>67</sup>

The degree of planning and scale of the assault indicates a premeditated, methodological attack. Given that only 1,000 villagers live in the vicinity of the site of attack; at least 4,000 perpetrators must have been brought in from other areas. The timing of the attack ensured that the victims had limited visibility, which was exasperated by floodlights aimed at the NLD convoys. Evidence and bodies were removed or rearranged to give the appearance of an everyday traffic accident. Perpetrators were attacking with intent to injure or kill: blows were aimed at the head rather than the body. They wore white armbands to differentiate themselves from the intended victims.

The Depayin Massacre was met with international outcry; following the incident, international governments repeatedly called for the release of Daw Aung San Suu Kyi and other NLD members.<sup>68</sup> However, rather than heeding to international pressure to release Daw Aung San Suu Kyi, four months after the massacre the regime moved her from prison to house arrest. The regime further argued that they had not placed the democracy leader in “house arrest... We are helping her to overcome the health problems.”<sup>69</sup>

Instead of punishing individuals involved in the attack, the regime promoted them – further evidence of state involvement in the massacre. Lieutenant General Soe Win is believed to be the key figure responsible for the attack; in August 2003, he was promoted to the position of SPDC Secretary-1, and by October 2004, he was appointed Prime Minister,<sup>70</sup> a role he held until his death in 2007.

Moreover, three leading USDA officials responsible for orchestrating the massacre are currently campaigning as USDP candidates in the 2010 elections: Former Lieutenant Colonel and current Secretary of the USDA Aung Thaung is contesting in Taung Thar Township, Mandalay Division; Minister of Information Kyaw Hsan in Palae Township, Sagaing Division; and Minister of Hotels and Tourism Soe Naing. The latter two resigned from their military posts alongside

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<sup>63</sup> Ad Hoc Commission on the Depayin Massacre (Burma), 46.

<sup>64</sup> Wai Moe, “Depayin Masterminds Wield Power in the USDP” *The Irrawaddy* 31 May 2010.

<sup>65</sup> “Burmese Crackdown Said To Have Killed 282,” *Radio Free Asia* 5 June 2004; cited in ASEAN Inter-Parliamentary Myanmar Caucus, *The Depayin Massacre: 2 Years On, Justice Denied* (30 May 2005) 2.

<sup>66</sup> Ellen Nakashima, “Burma’s Iron ‘Aunty’: Aung San Suu Kyi’s Steely Will Keeps a Country’s Hopes Alive,” *Washington Post* 13 Oct. 2003.

<sup>67</sup> “Burmese Crackdown Said To Have Killed 282,” *Radio Free Asia* 5 June 2004; “Depayin victims latest,” *Democratic Voice of Burma* 5 July 2003 cited in ASEAN Inter-Parliamentary Myanmar Caucus, 2.

<sup>68</sup> ASEAN Inter-Parliamentary Myanmar Caucus, *The Depayin Massacre: 2 Years On, Justice Denied* (30 May 2005) 3 – 10.

<sup>69</sup> “Myanmar: Sanctions should end,” *CNN* 30 Sept. 2003 cited in ASEAN Inter-Parliamentary Myanmar Caucus, 12.

<sup>70</sup> ASEAN Inter-Parliamentary Myanmar Caucus, 16.

Prime Minister Thein Sein to contest in the elections as USDP civilian candidates.<sup>71</sup>

Major USDA Attacks: the 2007 Saffron Revolution

On 15 August 2007, the already impoverished country received a shocking blow as the SPDC increased fuel prices by 500% without warning.

Sporadic protests emerged a few days later; in the span of one week, the regime had arbitrarily and pre-emptively arrested more than 100 people in an attempt to prevent a larger protest. These arrests included 13 leaders of the 88 Generation Students Group and other activists, including Min Ko Naing, Ko Ko Gyi and Kyaw Kyaw Htwe,<sup>72</sup> Nevertheless, despite the many arrests, protests continued for the rest of the month, albeit, on a smaller scale. The regime responded not with the riot police or army, but with the USDA and *Swan Arr Shin*.<sup>73</sup>

On 22 August, approximately 80 women from the NLD and the 88 Generation Student Group led a large demonstration in Bahan Township, Rangoon Division. They were stopped by local authorities and the USDA, who violently sought to arrest the protestors. The mob beat, slapped and tore the women's sarongs. One female protester, Ni Mo Hlaing, recalls them yelling, "Hit that bitch! Hit that bitch," Ni Mo Hlaing escaped arrest at the time, but was later arrested and sentenced to 5 years imprisonment in 2009 for her involvement in the Saffron Revolution.<sup>74</sup> Ultimately, the USDA and local authorities arbitrarily detained 20 protesters from that one protest.<sup>75</sup>

The pivotal moment arrived days later on 28 August 2007. In Sittwe, Arakan State, several Buddhist monks joined the protests<sup>76</sup>. On the same day, labour activists Su Su Nway led a demonstration at Hledan Market in Rangoon. USDA members entered the scene and violently attempted to arrest her; luckily, she escaped.<sup>77</sup> She has since been arrested and sentenced to 12 years imprisonment,<sup>78</sup> Several days later, 500 monks gathered to peacefully protest in Pakokku, Magwe Division, but were dispersed by SPDC soldiers who fired their weapons over the monk's heads. The USDA and *Swan Arr Shin* were deployed to beat and arrest monks and civilians alike.<sup>79</sup> At least one monk was killed in the

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<sup>71</sup> Wai Moe, "Depayin Masterminds Wield Power in USDP," The Irrawaddy, 31 May 2010.

<sup>72</sup> "88 Student Leaders and Activists Arrested," Democratic Voice of Burma 22 Aug. 2007 cited in National Coalition Government of the Union of Burma, 2007.

<sup>73</sup> Richard Horsey, "The dramatic events of 2007 in Myanmar: domestic and international implications," Dictatorship, Disorder and Decline in Myanmar, ed Monique Skidmore and Trevor Wilson (Canberra: ANU E Press, 2008) 17.

<sup>74</sup> AAPP, Burma's women political prisoners (8 Mar. 2010) 7.

<sup>75</sup> "Up to 24 More Protesters Held in Burma," Radio Free Asia, 22 Aug. 2007.

<sup>76</sup> National Coalition Government of the Union of Burma, HRDU Yearbook 2007 | Chapter 11: The Saffron Revolution – The 2007 Pro-Democracy Movement (2008).

<sup>77</sup> Women's League of Burma, Courage to Resist: Women Human Rights Defenders of Burma (November 2007) 8.

<sup>78</sup> Saw Yan Naing, "40 Burmese dissents given prison terms of up to 65 years," The Irrawaddy, 11 Nov. 2008.

<sup>79</sup> "Myanmar Troops Fire Warning Shots at Monk Protest," Reuters, 5 Sept. 2007 cited in Human Rights Watch, Crackdown: Repression of the 2007 Popular Protests in Burma (Dec. 2007) 29.

gunfire.<sup>80</sup>

While conservative abbots and laity believe that monks should be disconnected from worldly affairs, the monks had joined the protests to “bring attention to the hardship of their people.”<sup>81</sup> The regime’s brutal response to the monks’ peaceful gatherings shocked and angered the country; the ostensibly Buddhist regime’s violent crackdown on the monks demonstrated not only a lack of respect for human rights, but also a complete disregard for the Buddhist monastic tradition.

In response to the regime’s brutality, the All Burma Monks Alliance (ABMA), issued a set of demands;<sup>82</sup> if the demands were not met by 17 September 2007, they would call for a *Patta Nikkujjana Kamma* (overturning of the alms bowl), or a religious boycott of the regime and its associates. This meant barring all religious activities with the SPDC, including accepting alms from the regime and its supporters.

Their demands were not met.

On 18 September, 1,000 monks entered Sule Pagoda in Rangoon, surrounded by thousands of civilians who had formed a human chain around the monks as protection against an attack. No attacks occurred, but the USDA and *Swan Arr Shin* followed the demonstrations and took video and photo documentation of the monks. Meanwhile, in Arakan State, however, a protest comprised of monks and civilians was violently repressed by the army, who beat the protesters and fired rubber bullets directly into the crowd.<sup>83</sup>

Over the following days, the protests escalated and rapidly grew in size, with an estimated 100,000 demonstrators in Rangoon, and another 100,000 protesters in Sittwe, Arakan State by 24 September. In Arakan State, the spirit of the demonstrations had spread to the Muslim community; as one Burmese Muslim noted, “For the first time in our lives we felt a sense of solidarity with the Buddhist Burmese.”<sup>84</sup> Indeed, the protests grew to symbolize more than religion, more than politics; it was about the collective wellbeing of the people of Burma.

On the evening of 24 September, the SPDC Minister for Religious Affairs Brigadier General Thura Myint Maung warned that further protests would be

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<sup>80</sup> National Coalition Government of the Union of Burma, *HRDU Yearbook 2007 | Chapter 11: The Saffron Revolution – The 2007 Pro-Democracy Movement* (2008).

<sup>81</sup> U Pyinya Zawta, “All Burma Monks’ Alliance >> Featured Articles & Statements,” December 2009 <[http://allburmamonksalliance.org/?page\\_id=195](http://allburmamonksalliance.org/?page_id=195)>.

<sup>82</sup> 1) The issuance of a public apology for the crackdown on the peaceful demonstration of monks in Pakokku; 2) The immediate reduction of all basic food, fuel, and commodity prices; 3) The unconditional release all political prisoners, including Daw Aung San Suu Kyi and all detainees arrested for their involvement in demonstrations over the fuel and commodity price increases; and 4) The immediate commencement of genuine and sincere dialogue with democratic opposition groups to resolve the crises and difficulties suffered by the populace cited in National Coalition Government of the Union of Burma, *Saffron Revolution*, 2007.

<sup>83</sup> National Coalition Government of the Union of Burma, *Saffron Revolution*, 2007.

<sup>84</sup> National Coalition Government of the Union of Burma, *Saffron Revolution*, 2007.

dealt with “according to the law”<sup>85</sup>

Undeterred, protests continued on 25 September. That night authorities, including USDA members and *Swan Arr Shin*, entered the streets, arresting leading public figures who had supported protests, including the comedian Zargana, and again warned the public against participating in the protests: “The monks’ marches are not the concern of the people.”<sup>86</sup>

On 26 September, tens of thousands of protesters flooded the streets of Rangoon, surrounded by hundreds of SPDC army soldiers, riot police, USDA and *Swan Arr Shin* members. The authorities sought to cordon monks within monasteries, ushered monks onto trucks, and dispersed the crowd. One elderly monk sought to negotiate with the security personnel, but was abruptly forced onto the ground and beaten with the butt of a rifle. The officer’s brutality incensed the crowd, but it was placated by the monks’ appeals to engage only in peaceful resistance.<sup>87</sup>

However, soon after, the authorities turned on the crowd. The riot police and *Swan Arr Shin* began beating, arresting and shooting at the crowd. The regime demonstrated an excessive use of force; it quickly escalated from baton charges, to rubber bullets, to live rounds – indicating not an attempt to control and police the crowd, but rather to remove opposition and send a message to future protesters<sup>88</sup>. Nevertheless, protests around the city continued throughout the day, resulting in numerous deaths and hundreds of arrests and detentions.

That night, security forces raided dozens of monasteries in Rangoon. Monks were either arbitrarily detained or forced to stay within the monastery. The regime’s violent crackdown around Ngwe Kyar Yan Monastery, South Okkalapa Township alone resulted in at least 8 deaths.<sup>89</sup>

On 27 September, shootings also took place in downtown Rangoon, near Sule Pagoda. Because of the raids on monasteries the night before, only a dozen monks were present. The army and *Swan Arr Shin* approached the crowd around noon; a few minutes after seeking to disperse the crowd, the soldiers fired directly into the crowd. One Japanese journalist Kenji Nagai was shot and killed instantly; this incident was captured in DVB video footage on the day.<sup>90</sup>

Arrests, crackdowns and repression continued in the following weeks. The SPDC, as well as the USDA and *Swan Arr Shin* sought to systematically track down those involved in the Saffron Revolution. During this period, the regime arrested approximately 700 to 900 political activists, effectively doubling the number of

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<sup>85</sup> Richard Horsey, 19.

<sup>86</sup> Human Rights Watch, *Crackdown*, 45.

<sup>87</sup> National Coalition Government of the Union of Burma, *Saffron Revolution*, 2007.

<sup>88</sup> Richard Horsey 20.

<sup>89</sup> Human Rights Watch, *Crackdown*, 61

<sup>90</sup> Human Rights Watch, *Crackdown*, 63-66.

political prisoners in Burma.<sup>91</sup>

The crackdown resulted in almost a hundred deaths, according to former UN Special Rapporteur on Human Rights in Myanmar Paulo Sérgio Pinheiro, during his address to the UN General Assembly's Third Committee. He noted the difficulty of verifying numbers, especially given that the regime's official numbers were well below those provided by others in the region.<sup>92</sup> "According to other sources, between 30 to 40 monks and 50 to 70 civilians have allegedly been killed, while 200 have been beaten," he said.<sup>93</sup>

The regime's actions, and the USDA's involvement were largely met with contempt and repulsion. U Zin Linn, the information director of the National Coalition Government of the Union of Burma (NCGUB) declared:

The hands of the USDA have been stained with blood since the Depayin massacre. The latest assaults by its members have removed all doubts about their role to suppress the people on the junta's orders. The public is very angry with them.<sup>94</sup>

For the people of Burma, the authorities' callous attacks on the Buddhist monks were completely unacceptable. As one Rangoon resident stated, "If the military kill monks, merciful monks, they are not Buddhists, they are savages."<sup>95</sup>

This attitude was echoed among many in the country, and has in part reinvigorated the pro-democracy movement both inside Burma and along its borders. For the regime, this increase in anti-government sentiment meant an increasing threat to their hold on power.

Nevertheless, the regime has taken no steps to condemn or criticize those USDA members involved in the crackdown, but has rather promoted them. Pakokku residents recently reported to BBC News that three USDA members, Ko Kyaw Zin, Ko Zaw Myo Thein and Ko Thein Tun, who participated in the crackdown during 2007, are now contesting in the elections as USDP candidates.<sup>96</sup>

## Mass Rallies

Following the aftermath of the Saffron Revolution, the regime faced a severe crisis of legitimacy. The brutal violence inflicted upon the peaceful monks and

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<sup>91</sup> In 2005/6, there were approximately 1,100 political prisoners in Burma. By September 2008, there were over 2,213 political prisoners. Bo Kyi and Hannah Scott, "Torture, Political Prisoners and the Un-Rule of Law: Challenges to Peace, Security and Human Rights in Burma," The First International Conference on Human Rights in South East Asia. Assistance Association for Political Prisoners-Burma (2010) 11-12.

<sup>92</sup> The regime reported that 10 protestors died during the crackdown. Shah Paung, "Over 200 NLD Members Arrested Since Beginning of Crackdown," The Irrawaddy, 5 Oct. 2007.

<sup>93</sup> "Myanmar: UN rights expert to probe allegations of abuses during crackdown," UN News Centre, 24 Oct. 2007.

<sup>94</sup> Marwaan Macan-Markar, "Whiteshirts – Burma Junta's Storm Troopers," IPS, 1 Oct. 2007.

<sup>95</sup> Denis D Gray, "Junta Crushed 'Saffron Revolt,' but What Next?" AP, 8 Oct. 2007.

<sup>96</sup> BBC Burmese, 9 Oct. 2010.

<[http://www.bbc.co.uk/burmese/burma/2010/09/100909\\_pakokku.shtml](http://www.bbc.co.uk/burmese/burma/2010/09/100909_pakokku.shtml)>.

demonstrators had shocked the largely devout Buddhist population.

In an attempt to improve their public image the USDA promptly organized another round of mass rallies in support of “community peace,” the roadmap to democracy and the National Convention.<sup>97</sup> The rallies took place across the country: in Rangoon, Mandalay, Pegu Division, and Arakan, Kachin, Karenni, and Shan States.<sup>98</sup> The regime reported expansive numbers: 110,000 participants in Pegu Division, 138,000 in Mandalay Division, 71,000 in Sittwe, Arakan State, and 13,000 in Mongnai, Shan State.

The numbers, however, did not indicate popular satisfaction with the regime; one Rangoon resident argued, “People gathered in fear of military threats, not for what they believe. It is not their real will, and they are not interested in it. It is regime propaganda.”<sup>99</sup>

In line with their earlier mass rallies, USDA members coerced and threatened individuals to attend the rallies; one resident from Taungdwingyi, Magway Division, lamented, “We have to go to their rallies. If I don’t, I’ll get fined 10,000 kyat [7.1 USD]. However, if I do go, I was told I’d receive 3,000 kyat [2.1 USD].”<sup>100</sup>

Even prior to the crackdown on the 2007 pro-democracy demonstrations, the regime had employed the USDA to hold mass rallies, particularly in support of the National Convention and the roadmap to democracy. In 2003, the USDA held a rally in Hakha, Chin State, which required each household to send at least one representative; participants were required to dress in traditional Burmese dress.<sup>101</sup>

Some rallies focused on denouncing foreign influences and the political opposition. One rally participant commented, “I was asked to join a rally to denounce the opposition, NLD, the ILO, Western countries, and the Vaclav Havel and Desmond Tutu report.”<sup>102</sup> Another rally was focused exclusively on denouncing the NLD: “In 2004, the USDA condemned the NLD for destroying the country and the youth, and for handing the country over to others outside. At that time, we had to shout, ‘Object the NLD, Daw Suu and U Tin Oo’.”<sup>103</sup>

The USDA’s efforts to coerce civilians into joining the mass rallies are one particular manifestation of their abuse of authority. However, the USDA has notably abused state authority for financial and material gains as well.

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<sup>97</sup> *New Light of Myanmar*, 29 Sept. 2007: 1.; *New Light of Myanmar*, 30 Sept 2007:1. Cited in Hans-Bernd Zöllner, *Neither Saffron Nor Revolution* (Berlin: Südostasien Working Papers No. 36, 2009) 105.

<sup>98</sup> Aye Lae, “The Junta Mobilizes its Mouthpieces,” *The Irrawaddy*, 1 Oct. 2007; Saw Yan Naing, “People Oppose Junta in Staged Rallies to Support National Convention,” *The Irrawaddy*, 17 Oct. 2007.

<sup>99</sup> Saw Yan Naing.

<sup>100</sup> Aye Lae.

<sup>101</sup> Network for Democracy and Development, 48.

<sup>102</sup> NDD interviews, Network for Democracy and Development, 49-50.

<sup>103</sup> NDD interviews, Network for Democracy and Development, 49-50.

## **Corruption and Abuse of Authority**

Over the years, the USDA and its members have been able to exploit state authority to extract financial gains. USDA's ability to profit from abuses of power is due in part to its reputation for enacting physical violence, but also due to its close connections to the regime and its control over the social, political and economic wellbeing of the people.

In particular, due to its official role as a 'social welfare organization,' the USDA has been granted the authority to manage various public services, including health care, agriculture subsidies and education. In these public offices, the USDA has exploited funding and goods allotted to specific projects for their own benefit.

In July 2007, USDA members in Bogalay Township, Irrawaddy Division extracted money intended to furnish and supply an elementary school; instead of benefiting the public, the funds were used to personally benefit the USDA members.<sup>104</sup> In the same month, USDA and SPDC members in Bogalay Township were tasked with supplying farmers with fertilizer. Instead, they sold the fertilizer and pocketed the profits.<sup>105</sup>

The above examples illustrate petty corruption carried out by lower ranking USDA members who have been able to leverage their authority to yield illicit profits. This pattern of corruption and abuse of state power was seen later in greater scale during the Cyclone Nargis relief efforts, the 2008 Referendum and the 2010 elections.

However, more exploitative examples of corruption have been carried out at the higher levels of the USDA leadership. In Myingyan, Mandalay Division, the Secretary of Myingyan USDA Hla Than, was exposed for stealing 90 million kyat [approximately 74,000 USD] intended for public services,<sup>106</sup>

## **Early Signs of a Transition to a Political Party**

Despite the USDA's reputation as a violent people's militia, the USDA had early on declared its intention to operate as a political party in the future. As early as 2002, the regime indicated its intention for the USDA to transform into a political party.

In 2002, the Minister of Defense General Maung Bo revealed the regime's growing emphasis on the USDA as more than just a social or paramilitary entity. "When the government has faced enormous economic crisis in the country, we solved it with the strength of the USDA," he said, "Therefore, [USDA] must work hard at winning against other groups in a political match."<sup>107</sup> It appeared the

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<sup>104</sup> *Yoma 3*, 6 July 2007.

<sup>105</sup> *Democratic Voice of Burma*, 16 July 2007.

<sup>106</sup> *Democratic Voice of Burma*, 5 Dec. 2008.

<sup>107</sup> Banya Hongsar, "Crime Against Humanity: Dirty Politics on the Hands of the Burmese Junta," *Monland*, 18 June 2003. Cited in Network for Democracy and Development, 69.

regime was grooming the organization to take on the form of a political party to contest in multiparty elections, as outlined in the regime's seven-step roadmap to democracy.

The regime's public confidence in the USDA grew over the following year. By 2003, the General Secretary of the Mon State USDA declared that the USDA was ready to be transformed into a legal political party.<sup>108</sup> This desire was reiterated several years later by the General Secretary of the USDA Htay Oo, who alluded to the possibility of reinventing the USDA as a political party.

Not only did the USDA seek to operate as a political party, but also its members presumptuously began to take on roles and responsibilities typically reserved for government officials, particularly the foreign ministry.

In 2004, the USDA conducted diplomatic meetings with China and Japan. From 4 to 11 January, General Secretary of the USDA Major General Htay Oo, and USDA Secretariat member and Minister of Cooperatives Major General Tin Htut, jointly led the delegation and met with the Vice Minister of International Department of the Central Committee of Community Party of China (CPC), amongst other Chinese officials. In September, Htay Oo attended the 3rd International Conference of Asian Political Parties (ICAPP), and met with a member of the political bureau of the Central Committee of the CPC.

These visits are all reported on the website of the Embassy of the People's Republic of China in the Union of Myanmar, under the title of "Exchange of Ministerial and Senior Visits (Year 2004)."<sup>109</sup>

Two years later, the USDA led another delegation to Beijing, where they met with the vice chairwoman of the Standing Committee of the Chinese National People's Congress (NPC).<sup>110</sup> The USDA later conducted similar visits to Japan in 2009, further foreshadowing their intention to serve as the future government of Burma.<sup>111</sup>

The USDA's growing political prominence extended to UN activities and visits to the country. The regime has reportedly insisted that UN officials, including UN special envoy Ibrahim Gambari, meet with USDA heads at its headquarters during official visits.<sup>112</sup>

Indeed, NDD's earlier report, [The White Shirts: How the USDA Will Become the New Face of Burma's Dictatorship](#), examined this possibility and concluded:

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<sup>108</sup> "USDA is Ready to be a Legal Political Party," [Independent Mon News Agency](#) 6 Oct. 2003. Cited in Network for Democracy and Development, 69.

<sup>109</sup> China Embassy in Myanmar, "Exchange of Ministerial and Senior Visits (Year 2004)," [Embassy of the People's Republic of China in the Union of Myanmar](#), 26 Oct. 2010 <<http://mm.china-embassy.org/eng/xwdt/t174776.htm>>.

<sup>110</sup> "Chinese NPC vice chairwoman meets Myanmar guests," [Chinese Government's Official Web Portal](#), 25 Sept. 2006 <[http://www.gov.cn/misc/2006-09/25/content\\_398552.htm](http://www.gov.cn/misc/2006-09/25/content_398552.htm)>.

<sup>111</sup> "USDA Leader in Japan," [The Irrawaddy](#), 21 Aug. 2009.

<sup>112</sup> Larry Jagan, "Junta's thugs go all out to crush dissent and opposition," [Mizzima News](#), 15 June 2007.

The USDA has slowly taken on a political role in the country and soon will likely be reconstituted as a political party to contest future elections. The use of harassment, intimidation and outright violence raise concerns as to how the USDA will function as a political party... The SPDC is looking to extend and perpetuate its rule by nominally transferring power to a civilian government.<sup>113</sup>

This prediction has been realized. Between 2008 and 2010, the USDA became increasingly prominent in the political sphere. In 2010, in order to contest in the elections, it transformed into a political party entitled the Union Solidarity and Development Party (USDP); a name almost comically identical to the original, leaving no room for speculation about its organizational roots.

The USDA's leading involvement in several, internationally condemned attacks against the political opposition, social activists, and even the wider public between 1998 and 2008 demonstrated the regime's increasing reliance on the organization to maintain political control through repression, intimidation and extreme aggression. At the same time, the organization began to further exploit its connections to the state to extract financial personal gains. The USDA's growing political prominence, in the context of its lack of regard for fundamental human rights, raised many concerns about the future role of the abusive organization.

As will be examined in the following section, the USDA and the USDP has not moved away from its violent background. Rather, the organization has continued to exploit such violent tactics as suits its political purposes.

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### **Transformation of the USDA into the USDP (2008-2010): a Political Party Aimed at Prolonging Military Rule**

In the past two years, the USDA has become increasingly involved in the formal political arena. Despite its seemingly official role, the organization did not forgo its more violent and coercive activities. In May 2008, Burma saw major political, social and economic upheaval due to the effects of Cyclone Nargis and the 2008 constitution referendum. The USDA was clearly implicated in impeding the humanitarian aid process by selling aid donations for profit or for "Yes" votes in the referendum. Further, the organization was instrumental in harassing and intimidating voters to support the 2008 Constitution.

### **2008 Constitutional Referendum**

Beginning in 2008, political events in Burma became increasingly election-focused, or rather, focused on ensuring the elections would proceed in line with the regime's interests. The 2008 constitutional referendum, and the USDA's role in the process were indicative of the regime's efforts to control the political

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<sup>113</sup> Network for Democracy and Development, 79.

process, and foreshadowed the problems of the 2010 elections.

*Recruitment Techniques and Campaigning*

In the lead up to the referendum, the USDA struggled with its membership; the organization's reputation suffered due to its involvement in the brutal crackdown of the September 2007 Saffron Revolution. The organization turned again to tried and true USDA recruitment techniques: forced membership, bribery, extortion, and violations of the right to free association. These same techniques were later used by the USDP to gain votes or membership in the lead up to the 2010 elections.

In February 2008, the Minister for Transportation and local military divisional commander in Arakan State amassed approximately 7.5 million kyat [approximately 6,000 USD], money that was intended for the reparation of a road leading up to a significant pagoda. However, one month after the officials had collected the money, township authorities declared that the project would not be activated unless all the township youths joined the USDA. One local resident criticized the organization: "The USDA never done anything good for the country and nobody wants to join them."<sup>114</sup> Similar abuses of authority occurred throughout the country, using business concessions, phone lines, business permits, and even exam marks as incentives to join the USDA.<sup>115</sup>

The USDA's recruitment tactics did not end at bribery, but further involved forced memberships, some of which were appropriated into votes for the constitution in the looming referendum. In Myitkyina, Kachin State, USDA officials canvassed the township, coercing households to fill out USDA registration forms entitled, "List of people supporting the constitution." This tactic not only denies individuals the right to free association,<sup>116</sup> but further denies them the right to freely express their opinion on the constitution, marginalizing them from the process.<sup>117</sup>

USDA officials traveled across the country, alongside SPDC and military officials, to campaign for "Yes" votes in the referendum. Campaign methods included granting loans or expensive cell phones in return for votes supporting the constitution.<sup>118</sup>

In Kachin State, Major General Thein Zaw, head of Kachin State USDA and SPDC Minister of Communication frequently traveled throughout the state, calling on local USDA members to ensure a good outcome for the SPDC in the referendum. He publically promised promotions or material rewards to those who

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<sup>114</sup> "Township Youth Blackmailed Into Joining USDA," *Democratic Voice of Burma*, 8 February 2008.

<sup>115</sup> National Coalition Government of the Union of Burma, *HRDU Yearbook 2008* (2009) 697.

<sup>116</sup> "No one may be compelled to belong to an association". *The Universal Declaration of Human Rights* Article 20.2. 10 Dec. 1948.

<sup>117</sup> National Coalition Government of the Union of Burma, *HRDU Yearbook 2008* (2009) 698.

<sup>118</sup> The Burma Fund – UN Office, *Referendum Watch: Monitoring the SPDC's Referendum in Burma*, Issue 1 (21 Apr. 2008) 9.

successfully garnered public support for the “Yes” campaign.<sup>119</sup>

As such, the vote “Yes” campaign was directly supported and carried out by the regime and its paramilitary wings, the USDA and *Swan Arr Shin*. In comparison, the vote “No” campaign, and its supporters were stifled, harassed and even violently silenced.

#### *Intimidation and Harassment*

In the lead up to the referendum, the USDA acted as an ad-hoc body carrying out security and intelligence work, with the intention of clamping down on anti-referendum sentiment or actions.

One Karen teacher detailed how the regime recruited USDA and *Swan Arr Shin* members from the community. “Even if we have [private] discussions, the government has many people who spy on us... We have no personal security amongst those in our community,” she said, “They train these people to be able to watch their neighbors”<sup>120</sup>

The USDA members were not only ordered to spy on communities, in order to inform superiors about any signs of dissent, but were mandated to carry out violent attacks in order to generate fear and obedience.

Human Rights Watch was able to conduct an interview with a former USDA member from Rangoon Township, who revealed the USDA’s methods to ensure that the population largely voted in support of the 2008 Constitution. One mission was to identify those who had intentions of voting “No” in the referendum during the day, and target them for attacks, abuse, arbitrary arrests and threats during the night:

The people who say “No” we write down their name and address. If they still say “No” we go back late at night and beat them. We go with *Ya Ya Ka* [local authorities] and take them to the jail. We accuse them of being a thief, a drunk. We explain we can give them trouble, give them many problems. Most are scared. [One person] we talked to about the referendum... he said he was not interested, he was against it. We came back later to his house and took him to the *Ya Ya Ka* office and pushed and beat him and told him he faced many problems.<sup>121</sup>

The USDA was frequently involved in arbitrary arrests of those suspected to be involved in the “No” campaign. In Du Kahtawng Quarter, Myitkyina, Kachin State, the head of Du Kahtawng USDA U Dai Hu ordered authorities to arrest two Kachin youths. U Dai Hu believed the youths to be members of the “No” campaign after they stated, during a USDA referendum briefing, that they had

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<sup>119</sup> Institute for Political Analysis and Documentation, *No Real Choice: An Assessment of Burma’s 2008 Referendum* (Yangon: New Light of Burma Press, 2009) 19.

<sup>120</sup> Human Rights Watch interview with Naw Paw, March 11, 2008. Human Rights Watch, *Vote to Nowhere: The May 2008 Constitutional Referendum in Burma* (May 2008) 33.

<sup>121</sup> Human Rights Watch interview with Ko Aye, USDA member from Rangoon, Mae Sot, April 1, 2008. Human Rights Watch, *Vote*, 35.

read the Constitution.<sup>122</sup>

#### *Direct Involvement in the Polls*

By February 2008, reports had already surfaced regarding the USDA's extensive role in monitoring and organizing the referendum poll in May. The USDA formed local commissions at township and district levels to oversee the referendum voting.<sup>123</sup> USDA members were instructed to vote at the end of the day in order to be the last voters at the polling stations, granting them access to monitor the vote.<sup>124</sup> Kachin State USDA members were ordered to serve as polling station "inspectors" to guarantee that "95 percent of the voters approved the constitution."<sup>125</sup>

The USDA's involvement also extended to electorate manipulation. The USDA was responsible for carrying out a census – the contents of which differed in comparison to the Immigration Department census. In Kachin State, the USDA census included names of 33,000 USDA members under the age of 18; thereby generating tens of thousands of illegal new votes by compelling underage USDA members to vote in support of the Constitution.<sup>126</sup>

#### *Cyclone Nargis Interventions*

However, the regime's well-laid plans to dominate the referendum appeared to be compromised when Cyclone Nargis made landfall in Burma on 2 May 2008. The cyclone devastated much of the country, resulting in approximately 140,000 deaths,<sup>127</sup> and rendering almost one million homeless.<sup>128</sup> In the midst of the crisis, it was difficult to think about politics, let alone mobilize votes for the referendum. Opposition groups and the international community urged the SPDC to postpone the referendum, but the regime resisted and went ahead with the polls.

Rather than proving to be an obstacle in their plans to control the referendum process, the cyclone proved to be, cruelly, a blessing in disguise for the regime. With millions displaced and without basic necessities for survival, the regime was able to manipulate the situation to their advantage. Rather than allowing aid groups to freely distribute aid supplies and funds, the humanitarian aid effort was channeled through the regime, allowing not only for corruption, but also voter manipulation through threats of withholding essential aid.

The USDA justified their involvement to private donors by explaining that direct delivery of food and supplies to refugees would make them "lazy" and

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<sup>122</sup> Institute for Political Analysis and Documentation, (2009) 28.

<sup>123</sup> Wai Moe, "USDA to Organize Referendum, Election," *The Irrawaddy*, 11 Feb. 2008.

<sup>124</sup> Marwaan Macan-Markar, "Plans Readied to Rig Constitution Referendum," *Inter Press Service News Agency*, 23 Apr. 2008.

<sup>125</sup> Institute for Political Analysis and Documentation, (2009) 19.

<sup>126</sup> Institute for Political Analysis and Documentation, (2009) 24.

<sup>127</sup> Human Rights Watch, *I Want to Help My Own People: State Control and Civil Society in Burma after Cyclone Nargis* (April 2010) 7.

<sup>128</sup> The Public International Law & Policy Group, *Burmese Constitutional Referendum: Neither Free Nor Fair* (May 2008) 4.

“dependent on aid.”<sup>129</sup>

Local residents raised criticisms early on, citing how the USDA intervened in aid efforts carried out by local relief workers. One charity group from a mosque attempted to deliver rice in Kunchangone Township, Rangoon Division on 7 May. One resident complained, “They were stopped when they got to Kaw Hmu Township and the USDA there seized their rice and donated it to locals in the USDA’s name.”<sup>130</sup> The USDA also reportedly placed USDA flags on fire engines that were providing water in Rangoon Division, thus claiming credit for the water donations.

“In reality, the USDA doesn’t do anything for the people. They are just taking credit for work done by other people,” criticized a Rangoon Division local.<sup>131</sup>

Other times, the USDA intervened in relief efforts only to personally profit from the aid. In Bogalay, Irrawaddy Division, foreign aid was routed through government agencies and the USDA, who sold the relief supplies rather than donating them to the populations in need. USDA members sold raincoats that were donated by the United Nations, that were intended for free distribution to communities in need.<sup>132</sup>

The NLD created a storm relief committee to support the community, and found many of the supplies available in the market to be illicitly appropriated from foreign donor aid supplies. “Our storm relief committee went to buy quite a lot of towels from Mingalar market to donate them to refugees,” stated NLD spokesperson U Nyan Win. “When we looked at them back in the office, they were labeled ‘WFP’ and had a Japanese flag in the middle with ‘Donated by the people of Japan’ written underneath.”<sup>133</sup>

The regime also appropriated relief efforts carried out by other actors to leverage the relief aid to ensure that the vulnerable population pledged their votes in support of the constitution.

Free Burma Rangers and local partners found that the USDA was forcing people in disaster stricken areas to choose between receiving aid supplies and being able to freely exercise their right to vote in the referendum. Local residents noted that the USDA threatened to cut relief supplies to individuals who voted “No” in the constitutional referendum.<sup>134</sup>

The regime’s priorities were well demonstrated in their approach to the Cyclone Nargis relief efforts. In the lead up to 24 May, the date of the referendum in

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<sup>129</sup> Saw Yan Nang, “Cyclone Survivors Forcibly Evicted,” *The Irrawaddy*, 24 May 2008.

<sup>130</sup> “USDA claims credit for disaster relief efforts,” *Democratic Voice of Burma*, 8 May 2008.

<sup>131</sup> “USDA claims credit for disaster relief efforts”

<sup>132</sup> *Democratic Voice of Burma*, 13 May 2008.

<sup>133</sup> “Government officials appropriate international aid,” *Democratic Voice of Burma*, 13 May 2008.

<sup>134</sup> Free Burma Rangers, *FBR Report: Burma Army Attacks Villages in Eastern Burma as they Obstruct Relief to Cyclone Victims in the South* (29 May 2008).

disaster stricken areas, the USDA forcibly expelled thousands<sup>135</sup> of displaced and homeless cyclone survivors from temporary shelter, in order to use those shelters as polling stations.<sup>136</sup>

Even when the USDA did take on actual relief efforts, these were limited to public relations attempts for propaganda purposes. Immediately following the cyclone, one major issue for both the cyclone survivors and aid workers was road blockages that prevented the flow of supplies. In Rangoon, the USDA worked in a limited capacity to clear the roads, but their efforts were restricted to clearing trees in highly visible areas and taking photographs for documentation; they did not seek to support other areas, and it took over 1000 monks from various townships to clear the streets.<sup>137</sup>

At times, the USDA's relief 'response' became violent. On 20 May, a child in South Dagon Township, Rangoon Division was pushed aside and had his hand broken as he sought to gain an official card to receive aid. This unprovoked act of violence incensed the surrounding adults. As one observer noted, "The people threatened to beat up [the authorities]. Then the Union Solidarity Development Association joined the authorities and beat the people up." Three men and one pregnant woman were brutally beaten and hospitalized following the incident.<sup>138</sup>

David Mathieson, a Burma analyst for Human Rights Watch, echoed this sentiment: "The USDA had a major role in pretending to have a major role helping out" after the cyclone, "whilst food supplies were dangled as an incentive to vote yes," in the 2008 constitutional referendum. The regime's decision to hold the referendum despite the country-wide devastation demonstrates "how callous the regime really is – the vote was more important than helping the people."<sup>139</sup>

In a way, the effects of the cyclone only enhanced the regime's ability to control and dominate the referendum process. They were able to carry out an extensive canvassing for advance voting. The USDA canvassed South Dagon, calling on all households to cast a ballot ahead of the official date. Voters were forced to vote "Yes," in support of the referendum. "It's not secret. You have to give your ballot to the authorities," a Dagon Township resident said.<sup>140</sup>

#### *Results of the 2008 Referendum*

On voting day, the USDA was fully complicit in supporting the regime's electoral manipulation. Voters reported USDA members were stationed inside polling stations, intimidating voters.<sup>141</sup> The referendum as a whole was riddled with

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<sup>135</sup> Saw Yan Nang, 2008.

<sup>136</sup> Nem Davies, "Cyclone survivors told to make room for voters," *Mizzima News*, 14 May 2008.

<sup>137</sup> "Rangoon residents suffer in cyclone aftermath," *Democratic Voice of Burma*, 5 May 2008.

<sup>138</sup> "Authorities clash with cyclone victims," *Democratic Voice of Burma*, 22 May 2008.

<sup>139</sup> Joseph Allchin, "Burmese junta 'politicizing post-Nargis aid'," *Democratic Voice of Burma*, 29 Apr. 2010.

<sup>140</sup> Nem Davies, 2008.

<sup>141</sup> "Referendum: Voices of a nation in distress," *Democratic Voice of Burma*, 10 May 2008.

rampant electoral fraud and manipulation.<sup>142</sup>

Ultimately, the regime announced that the Constitution was approved by 92.4% vote on the 10 May main referendum vote. The 24 May referendum in cyclone-affected areas allegedly approved the document with an identical 92.4% vote, further raising suspicions about the accuracy and legitimacy of the vote.<sup>143</sup>

USDA officials were rewarded for ensuring that their communities overwhelmingly voted in support of the Constitution. USDA officials collected advance votes from Nogmung Township, Putao District, without having visited the areas; the chairman of the Nogmung Township USDA was then awarded a Jeep for providing the highest voter support for the Constitution in Kachin State.<sup>144</sup>

While rewarding those who illegally ensured the regime would have the referendum result they desired, the authorities cracked down on anyone who appeared to threaten the regime's carefully orchestrated electoral manipulations. Assistance Association for Political Prisoners (AAPP) reported that at least 79 people were arrested for peacefully encouraging people to not support the Constitution.<sup>145</sup>

One NLD member Ko Aye Thaung in North Okkalapa Township, Rangoon Division attempted to monitor a polling station after casting his ballot. He was threatened by a local Peace and Development Council chairman and beaten up by USDA member Ko San Htway. He recounted the incident:

I asked the station officials to give me permission to watch the vote count but I was denied by the station chief. So I left the station but watched them from outside. Not so long after that, U Myint Soe arrived on the scene and told the people there to **beat to death** anyone who is causing a disturbance and that he would take care of the consequences. Then I was beaten up by San Htway.<sup>146</sup> [emphasis added]

Such attacks on political opposition members and activists did not end after the May 2008 referendum; as will be examined in the following section, the USDA continued to play an instrumental role in attacking and harassing people seen to be opposing the regime.

### **Attacks on Political Opposition and Human Rights Defenders**

Even in recent years since 2008, the organization has not moved away from violent tactics that aim at controlling the political opposition and the wider population. In the years leading up to the elections, it has become even more

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<sup>142</sup> See The Public International Law & Policy Group, 2008 and Institute for Political Analysis and Documentation, (2009).

<sup>143</sup> "Referendum Approved in Cyclone-hit Areas," *Associated Press*, 26 May 2008.

<sup>144</sup> Institute for Political Analysis and Documentation, (2009) 43.

<sup>145</sup> Assistance Association for Political Prisoners, *The Role of Political Prisoners in the National Reconciliation Process* (March 2010) 27.

<sup>146</sup> "NLD Member Charged After Being Beaten," *Democratic Voice of Burma*, 4 July 2008.

important for the regime to further perpetuate the culture of fear in Burma. By cracking down on political activists, the regime sent a clear message to the wider public that opposing the regime would lead directly to violent and dangerous consequences.

On 3 April 2008, an NLD member Tin Yu was reportedly attacked by two men, believed to be USDA, *Swan Arr Shin* members or the fire services. He was beaten with batons and sustained extensive facial wounds that required 50 stitches.<sup>147</sup>

In July 2008, reports surfaced that Phekon Township Chair Nyar Reh and USDA Secretary Noe Reh had killed seven members of a Karenni family in Shan State. One family member, who was not home at the time of the incident, reported that authorities had found a “No” campaign leaflet outside the home, prompting authorities to kill the entire family and dispose of the bodies in a nearby cave.<sup>148</sup>

Numerous attacks on NLD members took place in Rangoon in 2009. One incident took place on 12 April in Twente Township, where 7 men, led by a local USDA member, brutally attacked an NLD youth member.<sup>149</sup>

These attacks did not cease in the lead up to the 2010 elections. As recent as May 2010, NLD member Chit Tin was attacked by a *Swan Arr Shin* member in Mon State. The attacker was acting under the orders of Ngwe Aung and Myat Moe, two local USDA members. Chin Tin suffered serious injuries and was hospitalized for over one month. He tried to file a case with the authorities but the two USDA members later paid the police 1.2 million kyat [approximately 1,150 USD] to close the case.<sup>150</sup>

In June 2010, Ko Myint Soe, an NLD member from Twante Township, Rangoon Division, was brutally beaten by USDA members for wearing a t-shirt emblazoned with the image of Independence leader General Aung San.<sup>151</sup>

By and large such violent USDA activities can be ascribed to USDA policy and ultimately an adherence to state directives. As will be examined in the following section, many USDA members have undergone some form of military training as directed and mandated by the state.

### **USDA Military Trainings**

In the lead up to the elections, the regime carried out extensive military trainings for the USDA. The regime had relied quite heavily on the USDA and *Swan Arr Shin* in the early stages of the Saffron Revolution crackdown. In anticipation of

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<sup>147</sup> “Second NLD member attacked in Hlaing Tharyar,” *Inside Burma*, 7 Apr. 2008.

<sup>148</sup> Amnesty International, *Myanmar: The repression of ethnic minority activists in Myanmar* (London: Amnesty International Publications, 2010) 34-5.

<sup>149</sup> “Police refuse to arrest attackers of opposition members,” *Democratic Voice of Burma*, 20 Apr. 2009.

<sup>150</sup> Maung Too, “NLD member ‘attacked by junta thugs,’” *Democratic Voice of Burma*, 6 May 2010.

<sup>151</sup> Network for Democracy and Development, *Weekly Political Events Regarding the SPDC’s Election*, v. 20, 12 June 2010.; National League for Democracy (Liberated Area), *Activities of National League for Democracy: May-July 2010* (August 2010) 27.

increasing dissent after the Saffron Revolution and before the elections, the regime focused on creating a well-trained people's militia to crackdown on any signs of opposition.

Prior to the first anniversary of the Saffron Revolution, local authorities in Myin Chan Township, Mandalay Division received clear instructions from government leaders on how to deal with protesters. A source revealed the three steps:

For the first step, the local authorities should negotiate with the protesters to get them to stop their demonstration. If they refuse to stop, the second stage is to shoot them in the legs. And if the protesters still don't back off after the second stage response, they will be shot dead according to the third stage set out in the instruction letter.

Two days after receiving this letter, the township's police academy held riot trainings for local police, USDA and *Swan Arr Shin* members.<sup>152</sup>

Further trainings took place in December 2008, where police in Rangoon Division trained approximately 300 USDA and *Swan Arr Shin* members in riot control. Trainees were taught "how to identify people when there is a riot and how to control them by beating them up with sticks."

Local residents noted that trainees included petty criminals involved in "illegal gambling syndicates and alcohol shops" as well as "loiterers, petty thieves and police informers." The police allegedly agreed to overlook past offenses if participants pledged their crowd control services in the future. As mentioned earlier in the report, the regime has regularly employed trained criminals to carry out some of the USDA's more nefarious attacks.<sup>153</sup>

Later that month, USDA and *Swan Arr Shin* members from Pegu Division were sent to Naypyidaw for training. Existing *Swan Arr Shin* and USDA members were paid a monthly stipend of 100,000 kyat [80 USD], while new recruits received 50,000 kyat each [40 USD]. One participant noted that 350 members were recruited to participate in the trainings. He also noted that the Taungoo USDA office had stocked up 500 pairs of Buddhist monks' robes and 500 bamboo sticks, and the district chief organizer Maung Maung Ta had instructed members to gather 1000 more pairs of robes and sticks to suppress any future monk-led demonstrations similar to the Saffron Revolution.<sup>154</sup>

The USDA has on several occasions, including the Depayin Massacre, utilized USDA and *Swan Arr Shin* members wearing Buddhist monk robes during violent attacks. This method is two-pronged: such false monks undermine the sanctity of monkhood and allow the regime to claim the existence of "Bogus Monks," i.e. those monks who have been involved in political opposition against the regime. It also serves as a decoy disguise for USDA members; monks are traditionally respected and trusted in Burma's Buddhist communities, and people would be

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<sup>152</sup> "Riot control directive issued to local authorities," [Democratic Voice of Burma](#), 8 Sept. 2008.

<sup>153</sup> "Riot Control Training Held in Rangoon," [Democratic Voice of Burma](#), 1 Dec. 2008.

<sup>154</sup> "USDA members receive training in Naypyidaw," [Democratic Voice of Burma](#), 22 Dec. 2008.

thus inclined to grant monks greater trust and freedom of movement.

The nature and timing of USDA riot trainings after the 2007 Saffron Revolution illustrates the regime's fear of popular uprisings and their determination to use violence to quell public discontent. In September 2009, the second anniversary of the 2007 uprising, USDA members underwent similar trainings as the year before. Observers noted that the trainings coincided with a general tightening of security for fear of commemorative demonstrations, but also served to prepare the USDA in advance of the elections.<sup>155</sup>

By 2010, the regime had all but confirmed the widespread belief that the USDA would transition into a political party.<sup>156</sup> At this point, the target of the trainings shifted; the regime was less focused on training the USDA to support the SPDC's political purposes, but concentrated more on training others to support future USDA candidates' in their political campaigns.

In Mindat Township, Chin State, the authorities conducted people's militia trainings focused on basic military training and vote canvassing. "Junta authorities have ordered villagers, who had attended civil militia training earlier, to attend training again. The idea behind the fresh training is to find ways to help USDA win the election," said Mr. Salai Thanglian in Mindat Township.<sup>157</sup>

### **Mass recruitment**

In 2009, the USDA membership recruitment schemes expanded to involve a broad range of recruitment techniques. Eager to recruit the majority of the population in Burma, the USDA diversified their membership schemes to include microcredit loans, water distribution and infrastructure projects, as well as past methods of forced membership, coercion, and harassment.

From January 2009 onwards, the USDA visited villages and farms, pressuring local farmers to take agricultural loans in exchange for USDA membership; the officials argued that the "programme is only likely to benefit villages where there are a lot of members." Accepting a loan was not without costs – the USDA charged 2000 kyat [2 USD] for the necessary photos and documents for membership applications.

As one farmer in Rangoon Division noted, "They are only giving loan of 5000 kyat [4.4 USD] per acre of farmland and we still have to pay them 2000 kyat [2 USD]. So a lot of people who agreed to join are now very disappointed."<sup>158</sup> "We are worried they might pressure us to vote for [the USDA] in the election because we have borrowed money from them," noted another.<sup>159</sup>

Also in Rangoon, the USDA attempted to recruit members through repairing local

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<sup>155</sup> "Riot training given to Rangoon civilians," *Democratic Voice of Burma*, 21 Sept. 2009.

<sup>156</sup> Ba Kaung, "USDA Political Party-spinoff Expected Soon," *The Irrawaddy*, 11 Mar. 2010.

<sup>157</sup> "Junta revamps civil militia to help USDA in polls," *Khonumthung News Group*, 23 Apr. 2010.

<sup>158</sup> "Farmers encouraged to join USDA to get loans," *Democratic Voice of Burma*, 15 Jan. 2009.

<sup>159</sup> "USDA grants loans to farmers," *Democratic Voice of Burma*, 6 Jan. 2009.

infrastructure and delivering water. The local residents still had to pay for most of the costs, but nevertheless were forced to fill out forms in order to receive the water. The USDA members failed to inform the residents that the form was a USDA membership application form.<sup>160</sup>

These techniques proved particularly manipulative given that they targeted particularly vulnerable communities with some of the most essential services that a public requires from authorities. Particular after the devastation of Cyclone Nargis, many of the farmers were facing grave financial difficulties due to low agricultural yields and falling crop prices.<sup>161</sup> The regime's response to the cyclone, or lack thereof, directly contributed to the failed reconstruction and recovery in relief efforts across the country. Coupled with general economic mismanagement, the regime had very directly brought about the systemic economic failures that then made the public vulnerable to incentives such as agricultural loans and water pipelines.

### **The Formation of the USDP**

On 29 April 2010, Prime Minister Thein Sein and 26 other SPDC ministers applied to the Union Election Commission for permission to register a political party entitled the Union Solidarity and Development Party (USDP).<sup>162</sup> The military underwent a significant reshuffling of members, which was largely viewed as a premeditated move, with former generals poised to take on leading posts in the yet-to-be-elected government.

Although the USDP did not explicitly link the party with the USDA at the time of registration, over the following months, USDP statements, actions and members made it explicitly clear that the USDP was borne out of the mass organization. The USDP had inherited USDA's membership, policies, resources, and moreover, its formidable physical clout and threatening reputation as a violent wing of the SPDC.

Throughout the campaign process, the USDA has enjoyed special treatment from the Union Election Commission. By April 2010, the USDA had already begun campaign activities before they had officially formed a political party or registered with the Union Election Commission. In the months leading up to the elections, the party has committed acts of intimidation, vote buying, abuses of state property and authority, and illegal membership recruitment, and violations of Election Commission's directives.

### **Electoral Fraud**

The USDP has, by any conservative estimate, carried out hundreds of fraudulent acts to manipulate, dominate and control the election arena in the months leading up to the polls. These violations have taken place across the country, in all fourteen States and Divisions. USDP members, particularly in Arakan, Chin,

<sup>160</sup> "USDA promises water to new members," *Democratic Voice of Burma*, 27 Jan. 2009.

<sup>161</sup> "USDA grants loans to farmers," *Democratic Voice of Burma*, 6 Jan. 2009.

<sup>162</sup> Wai Moe, "Junta Registers Political Party to Contest Election," *The Irrawaddy*, 30 Apr. 2010.

Kachin, Karen, Karenni, Mon, and Shan State, and Irrawaddy and Rangoon Divisions, have taken extensive measures to ensure the prominence of the USDP in the upcoming polls.

Despite the party's many violations of the election laws, the Union Election Commission has not taken action to suspend or revoke USDP's registration, in line with Article 24 of the Political Parties Registration Law. Rather, the Union Election Commission has turned a blind eye to USDP's flagrant flouting of the election laws while imposing heavy restrictions on other political parties. As a result of the Union Election Commission's uneven enforcement of the election laws, non-junta allied parties have been severely disadvantaged, marginalized and repressed. The USDP is thus allowed to conduct its election campaigns without political competition or the constraint of operating within the confines of the law.

#### Vote Buying

*Whoever is found guilty of or abetting one of the following acts shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:*

- (a) **giving and taking bribes** by way of money, goods, foodstuff, position or service transfer or by using any other right in order to **obtain the electoral right by unlawful means** or as gratitude for obtaining such right; (Pyithu Hluttaw Election Law, Article 58(a))*

During the 2008 referendum, the regime extensively exploited state resources in order to induce the public to vote "Yes," and support the Constitution; the whole referendum was riddled with vote buying which contributed significantly to the regime's favorable result in 2008.

In the lead up to the 2010 elections, the regime again exploited such tactics in an attempt to ensure that military-aligned parties successfully gain a majority of the parliamentary seats. The USDP's effort at vote buying has relied on a variety of material goods and incentives, ranging from money to health care, from infrastructure projects to religious donations.

In May, the USDP canvassed Northern Shan State, offering lucrative incentives in exchange for votes and memberships. They targeted voters with promises of money and identification cards for increased freedom of movement. In return for accepting these benefits, voters were obligated to join the USDP but were unsure of when, or if the USDP would uphold the agreement. The USDP further targeted party organizers with computers, mobile phones, and financial stipends "if they bring people to the polling stations who will vote for the USDP," explained a Mansak villager.<sup>163</sup>

Often, local level SPDC officials, who hold significant authority over the voters in the area, carry out USDP campaign efforts for the political party. In Rangoon Division, village-level Peace and Development Council officials canvassed

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<sup>163</sup> Kyaw Thein Kha, "USDP Handing Out 'Incentives in Shan State,'" The Irrawaddy, 26 May 2010.

villages, calling on residents to vote for the USDP and coercively imposed agricultural loans on some farmers in return for votes.

“They didn’t lend money to everyone. They lent money only after getting the promise to vote for the USDP,” stated a farmer from Kungyangone Township, “Those who refused didn’t get the money.”<sup>164</sup>

Other vote buying efforts were even more explicit. Rather than an exchange of goods for votes or membership, the USDP has also explicitly offered financial gains for advance votes. Since May 2010, Kachin State residents have been harassed by USDP members who offered 5000 kyat[5 USD] to each voter who agreed to cast their vote for the regime-backed party.

In recent months, the USDP’s use of bribery as a campaign tactic has spread to other areas in Burma. In October, reports surfaced regarding the USDP’s door-to-door campaigns in Rangoon and Irrawaddy Divisions, as well as Arakan State.

“On Tuesday, the USDP members and authorities asked us if there were any eligible voter[s] in the house. And then they told us to cast an advanced vote for the USDP in return for some financial support,” said a Rangoon resident.<sup>165</sup>

With the elections looming overhead, the USDP has been able to leverage funds and material goods for advance votes on the spot. Earlier tactics were less direct; the recipient of the bribes could pledge to vote for the USDP, and by all accounts, would live up to the agreement for fear of violent consequences that may otherwise take place. These tactics are heavily reliant on the physical clout of the USDP, such that voters would be incentivized to hold up their end of the bargain in the face of the threat of a USDP crackdown. By collecting advance votes weeks before the elections, the regime will be able to have a guaranteed mass of USDP votes even before election day arrives.

#### Intimidation and Harassment

*Whoever is found guilty of or abetting one of the following acts shall, on conviction, be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one hundred thousand kyats or with both:*

- (b) **threatening** a Hluttaw candidate or a voter to prevent him from **freely exercising his electoral right**; (Pyithu Hluttaw Election Law, Article 58(b))

Due to the USDP’s negative public image as an extension of the SPDC and its inheritance of USDA’s legacy as a violent militia, it seems likely that few voters would be inclined to willingly vote the USDP into power. Thus the regime has, as on previous occasions, turned to force when words would not suffice.

As illustrated in earlier sections, the USDA has in the past recruited criminals and held extensive militia trainings. Despite its transformation into a political party, the USDP has proved to be no different. In June, a confidential USDP document

<sup>164</sup> Myint Maung, “USDP gives loans to farmers who sign their votes away,” Mizzima News, 14 Aug. 2010.

<sup>165</sup> “USDP Vote Buying Begins,” The Irrawaddy, 13 Oct. 2010.

was leaked to exile Burmese media, which exposed the USDP's tactic of recruiting and organizing criminals for election purposes. The document reads:

When the organizing support committee members organize door-to-door with every household and everybody they must also organize criminals, thieves, and thugs. Otherwise, if we cannot organize them, other parties may use those criminals or thugs to harass, bully or attack USDP supporters. Thus, the organizing support committee must proactively organize these criminals and thugs.<sup>166</sup>

The document does not offer further explanation about their reasons for exploiting these criminal individuals. The justification that other parties may inflict the criminals on USDP supporters is historically unprecedented; the USDA, as well as the *Swan Arr Shin*, are the primary organizations in Burma with a pattern of using hardened criminals to "harass, bully or attack" their opposition.

These criminal and trained recruits have translated into an incomparably threatening membership body. USDP organizers have often joined with village level authorities to forcibly recruit members and obtain votes. USDP's campaign efforts often reduce to only thinly veiled threats. During one door-to-door campaign in Pegu Division, "they threaten[ed] people by saying there will be no more coups if the USDP wins. Otherwise, there will be more coups in future," recounted one resident.<sup>167</sup> In Shan State, youths were forced to join the USDP or face blacklisting for high treason, threatened one USDP member from Kengtung Township.<sup>168</sup>

In other areas, the USDP has been supported by small local militias. In Kachin State, the Kachin Defense Army (KDA) has threatened villagers with forced relocation if they refuse to vote for the regime-backed party. "You dare not refuse to vote for USDP. In our territory anyone refusing to vote for USDP will be killed," noted a KDA leader.<sup>169</sup>

The USDP has not restricted their harassment efforts in a broad sweep with only the population at large, but also specifically targeting its political opposition. Here, the goal is to limit and threaten the opposition not only just to weaken the party, but further to induce party members to withdraw from the political party and align themselves with to the USDP.

In September 2010, the National Unity Development Party (NUDP) in Karenni State reported numerous counts of USDP harassment of NUDP members. The USDP targeted businesses and exploited its connections with the authorities to shut down NUDP chairman's mining and logging operations. The USDP reportedly warned the party that they "would make them pay" for contesting in the elections, as the USDP "did not want any political opposition in Karenni

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<sup>166</sup> Unofficial translation. Union Solidarity and Development Party, Union Solidarity and Development Party immediate working plan for success in 2010 Election (2010) 3.

<sup>167</sup> Khai Suu, "USDP offering new roads for votes," Mizzima News, 27 July 2010.

<sup>168</sup> Hseng Khio Fah, "PM's party recruits members forcibly in Shan State," 21 May 2010.

<sup>169</sup> "KDA pressures people to vote for USDP," Kachin News Group, 1 Oct. 2010.

State.”<sup>170</sup> Sure enough, the NUDP withdrew from the race, leaving many voters without an ethnic party to represent their interests.<sup>171</sup>

More recently in October, the Rohingya party, the National Democratic Party for Development (NDPD) reported bullying and harassment from the USDP. The USDP even threatened the Rohingya electorate; “[The USDP] have warned us that Rohingya villages will be dismantled if we don't do as they say,” stated an NDPD member. Local residents noted that USDP intimidation forced the NDPD to stop campaigning in a village in Maungdaw Township, Arakan State on 15 October.<sup>172</sup>

#### Abuse of Authority and State Property

*Any of the following organizations shall not have the right to apply for registration as a political party:*

- (c) *an organization that **accepts and uses directly or indirectly money, buildings, vehicles and property owned by the State;** (Political Parties Registration Law, Article 7(c))*

Throughout the election period, the USDP has boasted a seemingly bottomless campaign fund; the party's vote-buying efforts in Rangoon alone would have crippled the average political party in Burma, but appears to have barely made a dent in the party's nationwide campaign funding.

Their finances have been inextricably tied to and composed of USDA's funds. During the Australian Deputy Secretary of Department of Foreign Affairs and Trade's diplomatic trip to Burma, a leading USDP member Myint Oo informed the Australian official that the political party had sufficient funding as it had inherited funds from the USDA.<sup>173</sup>

A few weeks later in mid-July, the USDA made a public declaration to the BBC of their intentions to abolish the USDA and transfer “all the assets to the USDP party... the official transfer has been completed.” Observers noted that since USDA's assets belong to the state, this announcement of the transfer of all USDA assets to the USDP confirmed growing suspicions of the party's use of state resources in violation with the election laws.<sup>174</sup>

More recently, USDP members have stated even more candidly the party's use of state resources in the electoral race. Rangoon Mayor Aung Thein Lin, a USDP central executive member, revealed to local media the party's use of state funds and property in their vote buying efforts such as road construction.<sup>175</sup>

A recent article in the Irrawaddy detailed the process by which the USDP accesses state funds. When a USDP candidate hopes to construct a road in their

<sup>170</sup> D. Ming, “USDP intimidates ethnic party in Karenni State,” *Kantarawaddy Times*, 2 Sept. 2010.

<sup>171</sup> “NUDP not to contest elections in Burma,” *Kantarawaddy Times*, 18 Sept. 2010.

<sup>172</sup> “Rohingya Party Prevented from Campaigning,” *The Irrawaddy*, 22 Oct. 2010.

<sup>173</sup> Ko Htwe, “We Have Enough Money, USDP Tells Australians,” *The Irrawaddy*, 1 July 2010.

<sup>174</sup> Ba Kaung, “USDA ‘Abolished’: Official,” *The Irrawaddy*, 16 July 2010.

<sup>175</sup> “Rangoon Mayor Says USDP Using State Funds,” *The Irrawaddy*, 4 Oct. 2010.

constituency, local residents will form a “Road Construction Committee” (RCC) that meets with the local peace and development councils, which will then fund the project. The RCC is then responsible for gathering support and votes from local residents; the road will only be built if at least 75% of the residents in the area become USDP members and agree to pledge their votes to the party.<sup>176</sup>

The USDP is also able to exploit state authority as well as state resources. Authorities at all strata of society have ordered the public to vote for the regime<sup>177</sup> and ward/village level PDC officials have been directly involved in election campaigning for the USDP.

The USDP's efforts have not, however, escaped criticism. Union Democratic Party (former) Chairman Phyo Min Thein argued:

No party can act like this. The USDP uses municipal committee funds in road repairs. This fund is taxpayer money and state funds. It is no party's fund. They should not do like that. The electoral law also prohibits any political party from using public servants.<sup>178</sup>

Phyo Min Thein has since resigned from the party in protest of the increasingly repressive election climate; there is “no chance the elections and its results will be free and fair,” he lamented.<sup>179</sup>

#### Early Membership Recruitment

*A party from the date it obtained the permission to register under Section 9:*

- (a) *may perform, in accord with the regulations of party, **issuing party membership certificates** to the persons who apply and meet to the stipulations, collecting party admission fees, party monthly fees and organizing (Political Parties Registration Law, Article 11(a))*

Even before the formation of the USDP, the USDA began to campaign to recruit party members as early as February 2010<sup>180</sup>. They used many of the same tactics they had employed in the past 17 years, but with a new objective: to amass as many members as possible in order to boast the largest public following of voters.

In July, inside sources revealed that the USDP intends to recruit 50% of the electorate as party members, shoring up its support base and party finances. The [USDP] leadership ordered that if there are 20,000 voters in a township, 10,000 of them must be on the [party's] member list,” the source said. “This is mainly to build up the member strength.”<sup>181</sup>

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<sup>176</sup> “Illegal USDP Campaign Tactics,” *The Irrawaddy*, 7 Oct. 2010.

<sup>177</sup> Figures of authority such as Senior-General Than Shwe, PM Thein Sein, Education Minister, Forest Minister, village headmen, university deans, teachers, etc.

<sup>178</sup> Salai Tun, “USDP ‘violating electoral law in poaching rival party members,’” *Mizzima News*, 21 July 2010.

<sup>179</sup> Ahunt Phone Myat, “Burma opposition chief quits,” *Democratic Voice of Burma*, 6 Aug. 2010.

<sup>180</sup> Lawi Weng, “Regime-backed Parties Campaign for Muslim Votes,” *The Irrawaddy*, 22 Apr. 2010.

<sup>181</sup> Aye Nai, “PM's party eyes 50% of voters,” *Democratic Voice of Burma*, 28 July 2010.

However, campaigning for membership prior to the Election Commission's approval to register as a political party is in violation of the Political Parties Registration Law. Article 11(a) notes that only after approval from the Election Commission can political parties issue party membership certificates.

In February 2010, the USDP did not even officially exist. Thus, an argument could be made that the USDA was able to recruit members for election purposes before receiving approval from the Election Commission, as it was not, in theory, a political party. This was a significant advantage that the USDP held over the other political parties.

However, from the time that Prime Minister Thein Sein formed the USDP and applied to the Election Commission to register as a political party, it could no longer purport to be campaigning as the USDA. From 29 April to 8 June, the USDP was in the process of applying for permission to register as a political party, and therefore legally should not have been canvassing for party members.

In the month of May, the USDP carried out extensive campaign activities, including voluntary and forced membership recruitment. USDP membership recruitment campaigns were reported in Tenasserim and Rangoon Divisions,<sup>182</sup> Shan State,<sup>183</sup> and Kachin State.<sup>184</sup>

The USDP's campaign efforts ahead of the legal timeline gave them a significant advantage in amassing a large membership base. In mid-August, the USDP claimed to boast a membership of 8 million individuals.<sup>185</sup> By late October, USDA general secretary declared that the party had amassed between 16 and 18 million members, out of a total of 29 million eligible voters in Burma.<sup>186</sup>

#### Violations of Election Commission Directives

*Rules **prohibiting** the act of marching to the designated gathering point and the venue **holding flags** or **marching** and **chanting slogans** in procession,... shall be stipulated in the permit. (Union Election Commission Directive No.2/2010 Article 9(c))*

On 21 June, the Election Commission issued Directive No. 2/2010, with the subject line "Enlisting the strength of political parties". The directive detailed various restrictions, including "not to disturb public places," as well as prohibitions on "giving talks and publishing and distributing publications with the intention of tarnishing the image of the State,"<sup>187</sup> and "failure to respect the

<sup>182</sup> "USDP begins election campaign," Democratic Voice of Burma, 20 May 2010.

<sup>183</sup> "PM's party forcibly recruiting members in Shan State," Shan Herald Agency for News, 21 May 2010; "USDP Handing Out 'Incentives' in Shan State," The Irrawaddy, 26 May 2010; "Village Headmen fed up with junta backed parties campaign," Shan Herald Agency for News, 28 May 2010.

<sup>184</sup> Network for Democracy and Development, Weekly Political Events Regarding the SPDC's Election, v. 20, 12 June 2010.

<sup>185</sup> "USDP to Open Offices Nationwide," The Irrawaddy, 19 Aug. 2010.

<sup>186</sup> Wai Moe, "Than Shwe May Not be President," The Irrawaddy, 28 Oct. 2010.

<sup>187</sup> Union Election Commission, Directive No. 2/2010, Article 11 (d), 21 July 2010.

constitution of the Union of Myanmar and existing laws”<sup>188</sup>. The directive continued in detailing restrictions on campaign methods, specifically the holding of flags, marching and chanting slogans.

Despite these restrictions, the USDP opened its offices nationwide amongst large crowds with hundreds of attendees seen chanting, waving flags and marching in processions. In Mandalay, USDP members and supporters, led by the master of ceremonies, chanted victory slogans at the office opening<sup>189</sup>.

In Pegu Division, residents criticized the USDP for chanting slogans, seemingly contrary to the election directive. “They chanted slogans of ‘Vote for USDP’, ‘USDP will win’ and ‘We shall win, We shall win,” noted Pegu residents<sup>190</sup>.

While the restrictions detailed in the directive are by and large undemocratic, repressive and limiting, they nevertheless should be applied universally. Instead, the regime-backed party is able to ignore the restrictions while other political parties must adhere to them for fear of fines, suspensions and imprisonment.

### **Party Policy and Election Day Plans**

These violations are by no means isolated incidents committed by irresponsible or insubordinate USDP members or candidates. Rather, they are a matter of party policy.

A leaked USDP document begins with one striking line: “winning election is first [priority], winning election is second, winning election is third... that’s why all the party members and cadres must do the best they can [to win].”<sup>191</sup> For the party, these priorities seem to trump compliance with international standards for democratic elections or even the regime’s own election laws.

The document goes on to detail their election day plans, many of which violate the Election Laws or international election standards.

According to the document, the USDP Facilitation Subcommittee will:

Gather all eligible voters in every quarter and village to do the activities with traditional dance, traditional music, playing honorable songs on loudspeakers, and people must raise USDP flags and march to the polling booth to vote.<sup>192</sup>

These plans directly violate the Election Commission directive No 2/2010, as detailed earlier.

The USDP’s election day plans also include a Hospitality Sub-committee that “must construct a tent at every polling booth, keeping in mind the rules and

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<sup>188</sup> UEC Directive, Article 11 (c).

<sup>189</sup> “PM’s party opens offices to roars of support,” *Democratic Voice of Burma*, 20 Aug. 2010.

<sup>190</sup> Phanida, “NUP lodges complaint against USDP,” *Mizzima News*, 26 Aug. 2010.

<sup>191</sup> Unofficial translation. Union Solidarity and Development Party, Union Solidarity and Development Party immediate working plan for success in 2010 Election (2010) 1.

<sup>192</sup> Union Solidarity and Development Party immediate working plan, 4

regulations of the election laws.”<sup>193</sup> The Election Laws dictate that no election campaigning may take place on the day of the elections within 500 yards of the polling booth.<sup>194</sup> The mention of the Election Laws is thus oddly self-aware – it is against the law to “construct a tent **at** every polling booth,” as that would be well within the illegal 500-yard range. It remains to be seen if the party will adhere to the rules and regulations, or, in keeping with their reputation, will disregard restrictions of the law.

The Hospitality Sub-committee is further instructed to “influence the voters to correctly vote for USDP candidates.”<sup>195</sup> Such tactics may amount to malpractice, specifically “interfering with the electoral right.”<sup>196</sup>

The USDP document continues by outlining the duties of the Monitoring Sub-committee, as well as the Representatives or Delegates of the poll booths. The latter team is in line with the election laws as well as international election standards; all political parties are allowed two representatives at every polling booth. However, if the USDP intends to go ahead with these plans, it will be the only party able to have both a Monitoring Sub-committee and representatives or delegates at the polling booths. This increases the level of USDP presence at each polling booth, and thus, the degree of USDP influence on the day of elections.

Further, the Monitoring sub-committee’s mandate goes well beyond that of a political party sub-committee. The sub-committee will “closely monitor and document activities of respective polling booth managers and other responsible personnel,” but will also monitor the “condition of voters” and “liaise with other committees to take action as necessary.”<sup>197</sup>

Such a mandate is concerning – the vague orders to “take action as necessary” to address the “condition” of voters grants this sub-committee considerable freedom to interpret the situation at will and treat voters as they choose. During the 2008 constitutional referendum, a USDA member attacked an NLD member for attempting to observe the polling station after casting his vote;<sup>198</sup> this responsibility afforded to the sub-committee is therefore particularly worrying given USDA’s past patterns of abuse.

In describing the duties of the Monitoring sub-committee, the USDP document also states, “If necessary, they must use photo and video cameras to take photos, videos for documentation.”<sup>199</sup>

This policy is problematic for several reasons. Firstly, the USDA has a history of taking photo or video footage of political dissent, or perceived political dissent, in order to more easily identify and target individuals for subsequent surveillance,

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<sup>193</sup> Union Solidarity and Development Party immediate working plan, 5.

<sup>194</sup> Union Election Commission, Pyithu Hluttaw Electoral Law (2010) Article 61.

<sup>195</sup> Union Solidarity and Development Party immediate working plan, 5.

<sup>196</sup> Union Election Commission, Pyithu Hluttaw Electoral Law (2010) Article 66 (a)ii.

<sup>197</sup> Union Solidarity and Development Party immediate working plan, 6.

<sup>198</sup> “NLD Member Charged After Being Beaten,” Democratic Voice of Burma, 4 July 2008.

<sup>199</sup> Union Solidarity and Development Party immediate working plan 6

harassment or arrest. Allowing the USDP to take photo or video footage opens up space for USDP members to threaten voters with visual evidence of their vote, that can be acted upon at a later date. Given the USDA and USDP's history of harassment and electoral fraud, this space will likely be exploited by members on the day of the polls.

Secondly, the Election Commission has stated during their press briefing on 18 October that photography or filming will not be allowed inside polling stations as such activity may prevent voters from "casting their votes freely."<sup>200</sup> This ironic and flawed application of logic is demonstrated on numerous occasions within the USDP document, as can be seen in the following paragraph.

The document goes on to justify the need for the Delegates and Representatives of the polling booth to be involved in "all processes" because:

Election booth officials in the May 1990 elections were biased to favor the candidates of the NLD, which is why the NLD won. We must learn from that experience and must prevent such fraud from occurring in these elections.<sup>201</sup>

The USDP's condemnation of electoral fraud is heavily ironic and contrived given its extensive involvement in voter fraud during both the 2008 referendum and the 2010 election process. Such an ahistorical and inaccurate statement reflects the regime's continued denial of NLD's popular support, and moreover a lack of commitment to "learn from... experience" and improve their track record of denying the public their basic political rights.

In order to justify greater involvement of the military-backed political party in election monitoring, the USDP document falls back on transparently flawed propaganda. If implemented without condemnation and restriction from the Election Commission, the USDP's election day plans as a whole will only further exasperate the uneven election playing field.

From 2008 to 2010, the USDA has been able to commit widespread electoral fraud during the constitutional referendum, and in the lead-up to the elections. The organization has demonstrated its allegiances to the military when it placed greater value on orchestrating a fraudulent referendum over providing essential aid to cyclone devastated areas in 2008. Despite its shift towards greater political prominence, the USDA has continued to carry out violent attacks on political opposition members, demonstrating its lack of commitment to political freedoms. Further, USDA's coercive and violent tactics have not lessened in the lead up to the elections, but has rather worsened. As such, the USDP's behaviour during the 2010 election campaign process and their election day plans highlight a systemic issue undercutting the value of the 2010 elections as a whole: the election process has been structured by the military, for the military, to manipulate the voice of the people.

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<sup>200</sup> Ba Kaung, "Government Bars Foreign Media and Observers From Poll," [The Irrawaddy](#), 18 Oct. 2010.

<sup>201</sup> Union Solidarity and Development Party immediate working plan 7.

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### **The Role of the USDP after the 2010 elections**

*"The USDP has never been good to us. I don't think anyone could be as bad as them,"*

*- Myint Sein, rickshaw driver, Rangoon Division<sup>202</sup>*

For many, the elections in Burma have already been set in stone, regardless of what may occur on polling day. With 25% of the parliamentary seats set aside for the military in the 2008 Constitution, the democratic potential of the elections was limited from the beginning. Given that more than 2,100 political prisoners are barred from participating, key stakeholders have been excluded from the electoral process. USDP campaigns have ensured that a significant portion of the population is obliged to vote for the regime-backed party – whether through intimidation or bribery. Moreover, the campaigns have reinforced the USDP's presence as a political party enjoying the benefits of close military ties; the USDP is now synonymous with the USDA and, by extension, the SPDC, and will be able to parlay their political and physical clout into control over the larger population.

Based on the candidate numbers released so far, it is expected that the USDP, and other junta-allied parties will dominate the upcoming elections. Junta-allied parties have fielded approximately 77% of the total candidates, with independent democracy and ethnic parties merely fielding the other 23% of the candidates.<sup>203</sup> Only the USDP is contesting for ostensibly, every electoral seat, barring the 29 seats set aside for ethnic groups.

Elections will not be held in constituencies with candidates from only one party,<sup>204</sup> During an Election Commission press briefing in Naypyidaw on 18 October, the Election Commission Chairman Thein Soe announced that as there is only one candidate running in 54 constituencies, polls will not take place in those areas.<sup>205</sup> Several days later, the USDP General Secretary Htay Oo confirmed that only USDP members are contesting in 52 of these constituencies; these electoral seats will automatically go to the USDP.<sup>206</sup>

This discrepancy between the number of non-USDP and USDP candidates contesting is far from surprising due to the many obstacles facing independent parties, such as censorship, intimidation, and the extremely high and therefore restrictive candidate registration fees: 500,000 kyat [\$500 USD] per candidate – approximately one year's salary for the average civil servant in Burma. Given the flawed structure of the elections, even political parties who have sought to work within the system have so far found themselves dominated and outmuscled in the process.

<sup>202</sup> Hsat Linn, "Anyone But Them," *The Irrawaddy*, 21 Oct. 2010.

<sup>203</sup> Altsean-Burma, *Burma 2010 Elections – The story so far* (Oct. 2010) 6, Table 1.

<sup>204</sup> Union Election Commission, *Pyithu Hluttaw Electoral Law* (2010) 41(a).

<sup>205</sup> Aye Nai, "Burma FM 'guaranteed election win,'" *Democratic Voice of Burma*, 19 Oct, 2010.

<sup>206</sup> Ahunt Phone Myat, "PM's party claims 18m members," *Democratic Voice of Burma*, 29 Oct. 2010.

The political environment during the 2010 elections has proved to be far more repressive and challenging than that faced in the 1990 elections. Twenty years ago, the regime miscalculated public sentiment; convinced the regime-backed National Unity Party (NUP) would be able to dominate in the polls, the SLORC allowed for a more open election process. By no means were the elections entirely free or fair, but they provided the space for the NLD to successfully win the hearts and minds of the public during their election campaigning. The regime was less restrictive and demanding of political party candidates in the 1990 elections; as a result, democracy and ethnic parties were able to field the vast majority of candidates.<sup>207</sup> Moreover, voters were able to vote for their candidate of choice without fear of grave repercussions.

In 1990, the SLORC was overconfident about NUP's ability to secure votes, and allowed the opposition to exist on a relatively level playing field. Twenty years later, the regime is not willing to gamble away their control for a second time. In September, the SPDC War Office issued a directive to army units across the country that ordered soldiers to vote for the USDP, in separate ballot boxes from the general public. These provisions would ensure that the regime would "avoid a repeat of the 1990 elections."<sup>208</sup>

As such, NLD's landslide victory took place in a very different political climate;. The current political climate makes it extremely unlikely for any democratic party to carry off a win that even comes close to NLD's victory in 1990. Nor is it even within reach; the leading democratic party, the National Democratic Force (NDF) was only able to field 163 candidates, thus contesting only for one tenth of the total parliamentary seats.<sup>209</sup>

Many in the international community have employed a "wait and see" attitude towards the elections, in the hopes that the elections will prove to be free and fair, yielding results that are relatively representative of the popular sentiment.<sup>210</sup> However, at this stage in the election process, certain realities are undeniable:

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<sup>207</sup> In the 1990 Elections, regime backed candidates formed approximately 22% of the total candidates, while democracy and ethnic parties composed approximately 78% of the electoral candidates. Altsean-Burma, Burma 2010 Elections, 6, Table 2.

<sup>208</sup> Maung Too, "Army to vote in separate ballot boxes," Democratic Voice of Burma, 15 Sept. 2010.

<sup>209</sup> Altsean-Burma, Burma 2010 Elections, 6, Table 1.

<sup>210</sup> ASEAN Secretary-General Surin Pitsuwan has on occasion voiced unrealistically optimistic statements on the elections. On October 13 he said, "We hope that it will be accepted and it will function effectively, and after that recognition. All these things are in anticipation is just have to wait for the real result coming but all of us hope that Myanmar will cease to be an issue of irritation between ASEAN and the rest of the international community"; On 26 August, after the announcement of the election date, he said "I hope that Myanmar will prove the sceptics wrong and Myanmar will respond positively to appeal for freedom of mobility and expression during the lead up to the elections scheduled for 7 November". UN Secretary General Ban Ki-Moon has made similarly naïve statements. In his Report on the Human Rights Situation in Myanmar, presented to the UNGA on 14 Sept 2010, he noted that on 13 August, "I issued a statement reiterating my call on the Myanmar authorities to honour their publicly stated commitments to hold inclusive, free and fair elections in order to advance the prospects of peace"

1. The election process has been largely unfree, unfair, and undemocratic. Even if polling day were to be largely free from electoral manipulation, the elections fail to ensure that the “the will of the people shall be the basis of the authority of government,” contravening Article 21 in the Universal Declaration of Human Rights;
2. The regime is not demonstrating a concerted effort towards political reform, and is relying on the USDP to continue serving their interests;
3. The USDP is poised to win a substantial number of seats in parliament, effectively securing a majority for the military and military-allied MPs. Taking into consideration the 25% of parliamentary seats set aside for the military,<sup>211</sup> the USDP only needs to secure one third of the electoral seats to gain a majority in parliament.

With USDP candidates touted to garner a significant portion of the electoral seats, their current candidate list is a useful tool to begin to imagine the potential make up of the incoming government. USDP candidates include prominent business tycoons<sup>212</sup>, retired military generals such as Prime Minister Thein Sein<sup>213</sup>, notorious drug dealers, shareholders in money laundering banks<sup>214</sup>, and leading USDA officials responsible for the Depayin Massacre.<sup>215</sup>

These military-backed candidates are likely to form part of the political majority in parliament, granting the military and its allies veto power over any legislative acts<sup>216</sup> or constitutional amendments.<sup>217</sup> This outcome would also give military-backed candidates the power to select at least the President or one of the two Vice Presidents.<sup>218</sup> Coupled with the military’s freedom from civilian oversight,<sup>219</sup> control over ministries of Defense, Security and Home Affairs, and Border Affairs,<sup>220</sup> and “right to take over and exercise state sovereign power” during states of emergency,<sup>221</sup> the USDP, the military and other military backed parties will have almost complete control over the political processes in Burma.

Moreover, the 2008 Constitution allows the President to “restrict or suspend as required, one or more fundamental rights of the citizens residing,”<sup>222</sup> in areas under states of emergency, as well as limit rights for reasons of “security, prevalence of law and order, community peace and tranquility or public order and morality.”<sup>223</sup>

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<sup>211</sup> Constitution of the Republic of the Union of Myanmar (2008) Articles 109(b), 141(b), 161(d)).

<sup>212</sup> Khaing Suu, “USDP nominates business tycoons as poll candidates,” Mizzima News, 15 Sept. 2010.

<sup>213</sup> “Retired Myanmar generals join election fray,” DPA, 15 Sept. 2010.

<sup>214</sup> Hseng Khio Fah, “Druglords to contest on junta party tickets,” Shan Herald Agency for News, 27 Sept. 2010.

<sup>215</sup> Wai Moe, “Depayin Masterminds Wield Power in USDP,” The Irrawaddy, 31 May 2010.

<sup>216</sup> Constitution of the Republic of the Union of Myanmar (2008) Articles 129, 155, 181.

<sup>217</sup> Constitution 436.

<sup>218</sup> Constitution 60.

<sup>219</sup> Constitution 20(b)

<sup>220</sup> Constitution 234(b)

<sup>221</sup> Constitution 40 (c)

<sup>222</sup> Constitution 414(b)

<sup>223</sup> Constitution 354

It is highly likely that a USDP candidate will be able to gain the title of President. These provisions will thus allow a USDP member to freely suspend fundamental rights for any of the reasons of “security, prevalence of law and order, community peace and tranquility or public order and morality,” which are vague and open to interpretation. Given that the USDA and USDP have committed countless violations of basic human rights over the past 17 years, this provision does not send a positive message about the possibility of strengthening the protection of human rights in Burma.

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### **CONCLUSION**

Through the years, the USDA has served the interests of Burma’s military regime. In essence, the mass organization has been used as a tool by military elites to shore up their interests and suppress dissent, ultimately preventing a mass revolution and subsequent regime change. The regime has trained, funded and supported the organization; in return, USDA has attacked the political opposition, engineered mass rallies, reportedly recruited nearly half of Burma’s population, and committed electoral fraud in 2008 and 2010.

As the political climate changed, the USDA changed with it, altering both their mandate and their activities. The regime originally needed a body of popular support to superficially combat public discontent. However, as the NLD and other political organizations began to exercise more of their political rights and gained vast public support, they became an increasingly powerful threat to the regime’s hold on power. The USDA thus evolved into a paramilitary organization, ready to attack political, religious, or social opponents of the regime, the deadliest of attacks being the Depayin Massacre and during the Saffron Revolution. While these attacks ensured that the public grew a stronger distrust and hatred for the regime, they also directly contributed to the USDA’s reputation as a nefarious militia lacking moral or religious concerns. For the USDA, this reputation was a double-edged sword; while it may have lost the support of members who resent the USDA’s violent behaviour, the violent reputation ensures the USDA can effectively intimidate and harass the opposition.

The composition of the USDA’s panel of patrons and Central Executive Committee illustrates how USDA’s leadership is undeniably intertwined with the current regime and dedicated to preserving its power. This legacy was passed on to the USDP in 2010, as the mass organization positioned itself to serve as the new civilian face of the military regime.

The USDP has committed a host of election-related human rights violations in an attempt to secure votes in the 2010 elections. The Union Election Commission has turned a blind eye to these violations and itself lacks impartiality and

independence.<sup>224</sup> Due to the USDP's successful, but largely unlawful, campaign methods, the USDP will likely amass the majority of electoral seats in the 2010 elections.

The USDP's pre-election activities are not the actions of a political party committed to bringing democratic change to Burma. Nor are they the actions of a party that will seek to prioritize people's welfare over military might, curb human rights violations and hold perpetrators accountable, or open up space for greater political freedom.

The USDP must be recognized for what it is – a political manifestation of the regime's paramilitary organization responsible for brutal attacks on the people of Burma, including the Depayin Massacre and Saffron Revolution, as well as a military-backed party possessing all the political and financial capital necessary to win an election. Year after year, the USDP and the USDP has demonstrated that their allegiances, and thus, their interests lie with the military regime, not the people. The SPDC's history is undeniably intertwined with that of the USDP and the USDP; and in turn, the future of the USDP will be the future of the regime. A USDP-led government composed of current and former military generals will not be a step toward democracy, but rather a continuation of military rule, impunity and political repression.

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<sup>224</sup> The Union Election Commission law dictates that the SPDC shall form the election commission and that members must be "considered as eminent" by the SPDC. Moreover, the Election Commission chairman Thein Soe and fellow election commission member Tin Aung Aye have been blacklisted by the European Union for their leading role in violating Daw Aung San Suu Kyi's rights in extending her house arrest sentence in 2009. As such, leading members of the election commission has already demonstrated that they will prioritize the regime's demands above the rights of their citizens. See Union Election Commission Law, Article 3, 4; "Election Commission Members from Various Backgrounds," The Irrawaddy, 12 Mar. 10; "Chairman of Burma's Election Commission on EU blacklist," Mizzima News, 2 Apr. 10.

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