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THE DEPAYIN MASSACRE 2 YEARS ON, JUSTICE DENIED

On the night of 30 May 2003, Myanmar's Aung San Suu Kyi and her National League for Democracy (NLD) convoy were viciously attacked, leaving scores dead and injured. Hundreds of democracy supporters were taken into custody of the regime, including Nobel Peace Prize Laureate Daw Aung San Suu Kyi. The attack took place near the town of Depayin, in Sagaing Division.

This brutal attack was the regime's response to the unwavering support shown to the NLD during Aung San Suu Kyi's numerous trips through-out the country, following her release from 19 months of house arrest in May 2002.

In response to the massacre there was tremendous outcry from ASEAN and unprecedented pressure on the regime, including calls for the release of Aung San Suu Kyi. The regime offered a 'roadmap to democratization' in response to the pressure. However, it is now clear that there is little credibility that the regime's 'roadmap' will led to democratic reform in Myanmar.

Now in May 2005, two years later, Aung San Suu Kyi and her deputy, U Tin Oo, remain under house arrest and no perpetrators have been brought to justice. The regime has ignored calls for an investigation into the Depayin Massacre, including by UN Secretary General Kofi Annan.

Aung San Suu Kyi and U Tin Oo have been isolated from the people of Myanmar and the international community. The Myanmar government is solely responsible for her and U Tin Oo's safety and welfare. This is a deplorable arrangement and it is paramount that they are released immediately as that is the only acceptable assurance of their safety.

ASEAN broke its usual silence on Myanmar and expressed its outrage in the wake of the attack on 30 May 2003, but now two years later that voice has diminished. There must be an independent investigation into the Depayin attack and Aung San Suu Kyi and U Tin Oo must be unconditionally released. The Myanmar regime has continuously made empty promises to the people of Myanmar and the ASEAN. It is crucial that ASEAN does not forget the vile attack at Depayin.

What Happened at Depayin?

The Depayin Massacre and the ensuing crackdown have been the most ruthless and bloodiest attack on the democracy movement in Myanmar since the 1988 crackdown on nationwide demonstrations.

- On 6 May 2002 Aung San Suu Kyi was released from 19 months of house arrest. She toured the country giving speeches which drew crowds of up to 40,000 people, despite intense harassment and threats from the regime-backed Union Solidarity Development Association (USDA) and the local authorities.
- On Friday, 30 May 2003 a military-sponsored mob of up to 5,000 people viciously attacked Daw Aung San Suu Kyi and supporters of the NLD at the town of Depayin.
- Daw Aung San Suu Kyi's car was able to escape the site of the attack, but was later stopped at the entrance of a town beyond Depayin and taken into custody of the regime.
- Most conservative estimates of NLD members and supporters that were arrested, killed, wounded and missing on 30 May 2003 indicate a number of more than 100. Another report says that as many as 282 people were killed that night in Depayin.¹
- A total of 256 democracy activists were arrested in relation to the Depayin Massacre, on 30 May and during the subsequent months.²
- There is clear indication that the attack was premeditated. The Depayin Massacre was essentially an assassination attempt on Aung San Suu Kyi and members of the NLD. A report by Special Rapporteur on Human Rights to Myanmar Professor Paulo Sergio Pinheiro said that, "There is prima facie evidence that the Depayin incident could not have happened without the connivance of State agents".³
- Senior General Than Shwe, chairman of the SPDC, acknowledged the premeditation in a letter to regional diplomats saying that the regime was "compelled to take firm measures to prevent the country from sliding down the road to anarchy and disintegration" and that the NLD was "conspiring to create an anarchic situation...with a view of attaining power" by June 19, Aung San Suu Kyi's birthday.⁴
- Lt-Gen Soe Win is widely believed to be responsible for orchestrating the attack at Depayin. Instead of bringing the perpetrators to justice, Sr-Gen Than Shwe rewarded Soe Win with successive promotions. He is now Prime Minister.
- The Depayin Massacre marked the beginning of a renewed and severe nationwide crackdown on the NLD and the pro-democracy opposition.
- In January 2004 the regime claimed that it had released 151 prisoners detained in relation to Depayin.⁵ However according to the National Coalition Government of the Union of

¹ Radio Free Asia, *Burmese Crackdown Said To Have Killed 282*, 5 May 2004

² Radio Free Asia, *Burmese Crackdown Said To Have Killed 282*, 5 June 2004; Democratic Voice of Burma, *Depayin victims latest*, 5 July 2003

³ Pinheiro, Paulo Sérgio, *Situation of human rights in Myanmar: Report Submitted by the Special Rapporteur, Paulo Sérgio Pinheiro*, UN Commission on Human Rights, Sixtieth Session, Geneva, 5 January 2004

⁴ Financial Times, *Junta says Suu Kyi planned uprising*, 11 July 2003

⁵ BBC Monitor, *Burmese government claims 151 democracy party detainees freed*, 25 January 2004

Burma (exiled elected MPs) 149 were released and another 107 continue to be detained, including Daw Aung San Suu Kyi and her deputy U Tin Oo.⁶

- The regime closed the offices of the NLD nationwide, which remain closed until today with the exception of the headquarters in Rangoon, which was reopened in April 2004, but operates under strict surveillance and limitations.
- Aung San Suu Kyi remains under house arrest. She is isolated with no security contingent, rare visits from her doctor and no contact with the public or international figures. She has been in detention for a total of more than 9 years since 1988.

For more details and a chronology of events surrounding the Depayin massacre, please see the section at the end of the briefing note.

ASEAN: Responses & Actions

- **The violence and bloodshed at Depayin triggered unprecedented pressure around the globe, including within ASEAN.**
- **Asean and Asean leaders have repeatedly called for the release of Aung San Suu Kyi.**
- **The SPDC responded to the pressure from the region and took action prior to Asean meetings in effort to quell pressure and public condemnation.**
- **Some Asean leaders have publicly admitted that the Depayin Massacre had negative impacts on Asean as a whole.**
- **Asean's criticism of the regime and Aung San Suu Kyi's continued detention sharply reduced when the regime moved her from prison to house arrest.**

Immediate Responses

- Malaysian Prime Minister Mahathir Mohamad said, "We have made our stand known that Aung San Suu Kyi is to be released immediately." He further said that this recent development in Myanmar might also have a negative effect on ASEAN saying this matter has "placed ASEAN in a dilemma".⁷
- Thai Prime Minister Thaksin Shinawatra said the "whole world is concerned...The Myanmar government will probably have to do something to bring everything back to normal as soon as possible."⁸ On June 11 Prime Minister Thaksin and U.S. President Bush called for "an immediate substantive political dialogue" in Myanmar.⁹

⁶National Coalition Government of the Union of Burma (NCGUB) Information Unit, *Political Prisoner Summary*, 4 October 2004

⁷ Bernama, *Malaysian Premier Urges Immediate Release of Burma's Aung San Suu Kyi*, 10 June 2003 & AP, *Malaysia's Mahathir again urges Myanmar to release Suu Kyi*, 24 June 2003

⁸ AP, *Thai leaders says 'whole world' concerned over Myanmar crackdown*, 2 June 2003

⁹ Radio Free Asia, *Bush Watching Burma Closely: Pentagon Official 'We are deeply concerned'*, 13 June 2003

- Malaysian Foreign Minister Syed Hamid Albar said, “Whether we like it or not, it is an internal affair of Myanmar but it (Suu Kyi's detention) has implications for the region.”¹⁰
- Thai Senate Standing Committee on Foreign Affairs of Thailand wrote an open letter urging ASEAN “to make it known to SPDC that they must provide foreign embassies and humanitarian agencies an unhindered visit to Aung San Suu Kyi and other members of the NLD, who are still in detention, to ensure their safety and welfare.”

ASEAN Civil Society

Asian Human Rights Commission - “The situation in Burma demands urgent intervention by the Security Council.” Said the SPDC have shown that their “pretensions to human rights and political change are utterly fraudulent.”¹¹

Asian Forum for Human Rights and Development (Forum-Asia, Thailand) – “Strongly condemns the harassment...and ongoing crackdown...by the SPDC.” They said the “euphoria of political progress in Burma has proved to be illusionary and short-lived” and that Thailand and ASEAN “should act now by giving up the tradition of non-interference and working together to restore peace and democracy in Burma.”¹²

Aliran (Malaysia) – Condemned the attacks and said, “The UN’s approach is indeed on very shaky ground” and called ASEAN’s ‘constructive engagement’ with Burma “a sham.” They called for “substantive sanctions.”¹³

ASEAN Ministerial Meeting – 16-17 June 2003

- **Asean Secretary General Ong Keng Yong and other Asean Foreign Ministers hailed Asean for taking a pro-active stand on Myanmar for the first time on the record.**
- **Singaporean Foreign Minister Prof S. Jayakumar said the Depayin Massacre was a setback for Asean. UN Special Envoy to Myanmar Tan Sri Razali Ismail lamented “constructive engagement” as just an excuse for perpetuating the status quo.**
- **The Joint Communique was cautiously worded noting *the efforts of the Government of Myanmar to promote peace and development but urging Myanmar to resume its efforts of national reconciliation and dialogue and looked forward to the early lifting of restrictions placed on Daw Aung San Suu Kyi and the NLD members.***
- **The Foreign Ministers of Singapore and the Philippines were reportedly very outspoken during the meeting, demanding the release of Aung San Suu Kyi.**
- **The ministers accepted an Indonesian proposal to send an Asean ministerial delegation to encourage the junta to hasten democratic reforms before the ASEAN Summit in October.**¹⁴

¹⁰ Kyodo, *ASEAN ministers to call for Suu Kyi's release*, 12 June 2003

¹¹ Asian Tribune, *Attack on democracy party in Burma demands uncompromising international response*, 6 June 2003

¹² Asian Forum on Human Rights and Development (Forum Asia), *Forum-Asia condemns the detention of Aung San Suu Kyi and the crackdown on NLD*, 2 June 2003

¹³ Aliran Executive, *Burma's Dictators Not Serious About Reform*, Kuala Lumpur, 5 June 2003

At the Asean Ministerial Meeting Asean Secretary General Ong Keng Yong said, "All of us in ASEAN wish that Aung San Suu Kyi will be free to be able to do what she would like to do. This is the first time that ASEAN has taken a pro-active stand on Myanmar on the record."¹⁵

UN Special Envoy to Myanmar Tan Sri Razali Ismail said, "Constructive engagement is just an excuse for perpetuating the status quo. Asean should be very embarrassed at what is happening. Myanmar is going to be the chair of Asean in 2006. How can you have a military dictator chair Asean?"¹⁶ He challenged ASEAN, "to break through the strait-jacket and start dealing with this issue."¹⁷

The Joint Communique from the AMM was weak and cautiously worded, although Singapore's Foreign Minister Prof. S. Jayakumar said that Myanmar's Foreign Minister was bluntly told that Asean wanted Aung San Suu Kyi released.¹⁸

We discussed the recent political developments in Myanmar, particularly the incident of 30 May 2003. We noted the efforts of the Government of Myanmar to promote peace and development. In this connection, we urged Myanmar to resume its efforts of national reconciliation and dialogue among all parties concerned leading to a peaceful transition to democracy. We welcomed the assurances given by Myanmar that the measures taken following the incident were temporary and looked forward to the early lifting of restrictions placed on Daw Aung San Suu Kyi and the NLD members. We also reaffirmed our continued support for the efforts of the UNSG Special Representative Tan Sri Razali Ismail. ~AMM Joint Communique, Excerpt

The Foreign Ministers of the Philippines and Singapore were reportedly outspoken during the meeting, demanding the release of Aung San Suu Kyi. Nearly all other members were said to have raised the issue in private communication.¹⁹

Philippine Foreign Secretary Blas Ople said, "The goal is not merely the release of Madame Suu Kyi, but the release of the entire people of Burma from a regime of oppression and repression."²⁰

Implications for ASEAN

- Singapore's Foreign Minister Prof S. Jayakumar said, "It [Depayin Massacre] is a setback for Asean because Asean had admitted Myanmar despite strong opposition from some Western countries because we felt that it is better that Myanmar be part of Asean and we have constructive engagement."²¹
- Malaysian Foreign Minister Syed Hamid Albar hailed ASEAN for 'tackling issues long considered taboo' saying "ASEAN has reached a stage of maturity."²²

¹⁴ AP, *ASEAN formally urges Myanmar to free Suu Kyi*, 17 June 2003 & AFP, *ASEAN to step up pressure on Myanmar; mission being prepared to Yangon*, 20 June 2003

¹⁵ Yadana Yadana, *ASEAN Foreign Ministers call for Suu Kyi's release*, 16 June 2003

¹⁶ Malaysiakini, *UN envoy lashes out at Asean inaction over Burma*, 16 June 2003

¹⁷ Washington Post, *U.S. Presses for Suu Kyi's Release*, 9 June 2003

¹⁸ Abdullah, Ashraf, *Comment: Asean must start calling a spade, a spade*, New Straits Times, 21 June 2003

¹⁹ Nation (Thailand), *Burma's front man in spotlight at Asean*, 18 June 2003

²⁰ Nation (Thailand), *Philippines demurs as Asean backs Burma*, 17 June 2003 & AP, *Philippine minister says ASEAN can push Myanmar forward on political reforms*, 20 June 2003 & AFP, *ASEAN to step up pressure on Myanmar; mission being prepared to Yangon*, 20 June 2003

²¹ Abdullah, Ashraf, *Comment: Asean must start calling a spade, a spade*, New Straits Times, 21 June 2003

²² AP, *ASEAN formally urges Myanmar to free Suu Kyi*, 17 June 2003

- Thai Foreign Minister Surakiart Sathirathai said it was “a major step ASEAN has achieved in reinvigorating the image of ASEAN that we no longer sweep problems under the carpet, but we can confront all the problems.”²³

Taking Action – Indonesian Envoy

At the AMM, the ministers accepted an Indonesian proposal to send an Asean ministerial delegation to encourage the junta to hasten democratic reforms “using the experience of the other ASEAN countries which have gone through a similar struggle” before the ASEAN Summit in October.²⁴

It was later decided the Indonesia would send a special envoy in lieu of an Asean ministerial delegation, but the SPDC dragged out the decision on whether to accept the envoy. In September, Philippine Foreign Secretary Blas Ople warned the SPDC that if they blocked the Indonesian Envoy’s visit, it would be taken as a “provocation.”²⁵

After exceptional pressure was quietly and publicly placed on the Myanmar government, it accepted the visit of Indonesian Special Envoy and former Foreign Minister Ali Alatas days before the Asean Summit.²⁶

On September 23, Indonesian Special Envoy Ali Alatas met with Myanmar Senior General Than Shwe, Prime Minister Khin Nyunt and Deputy Foreign Minister Khin Muang Win. Indonesian diplomats cited the reason for Alatas’ visit was to help Myanmar manage its ‘political situation.’ Ali Alatas did not meet with Aung San Suu Kyi.²⁷

Shortly after Special Envoy Alatas concluded his trip to Myanmar, Indonesian President Megawati Sukarnoputri voiced her frustration saying, "The Myanmar government should state specifically whether it will keep Suu Kyi under house arrest or free her immediately."²⁸

Asia-Europe Foreign Ministers Meeting (ASEM), Bali 23-24 July 2003

- **Prior to the meeting Malaysian Prime Minister Mahathir Mohamad warned that Myanmar might have to be expelled from ASEAN if they remain intransigent to reform and fail to release Aung San Suu Kyi.**
- **Indonesia’s Foreign Ministry criticized the continued detention of Aung San Suu Kyi while Thai Prime Minister Thaksin Shinawatra sought to downplay her incarceration.**

²³ Kyodo, *ASEAN urges early release of Myanmar's Suu Kyi*, 17 June 2003 & Nation (Thailand), *Philippines demurs as Asean backs Burma*, 17 June 2003

²⁴ AP, *ASEAN formally urges Myanmar to free Suu Kyi*, 17 June 2003 & AFP, *ASEAN to step up pressure on Myanmar; mission being prepared to Yangon*, 20 June 2003

²⁵ Associated Press Worldstream, *Philippines warns Myanmar against refusing envoy for talks on democracy leader's release*, 18 September 2003

²⁶ Voice of America, *Indonesian Envoy Urges Release of Aung San Suu Kyi*, 23 September 2003

²⁷ Voice of America, *Indonesian Envoy Urges Release of Aung San Suu Kyi*, 23 September 2003

²⁸ AFP, *UN envoy visits Myanmar to see Suu Kyi, revive reform dialogue*, 29 September 2003

- **The foreign ministers called on the SPDC to immediately release Aung San Suu Kyi and other NLD members, ensure their political freedoms and to resume efforts toward national reconciliation and democracy.**
- **After ASEM Indonesian Foreign Minister and ASEAN Chairman Hasan Wirayuda said, “We have an assurance from Myanmar that the Suu Kyi case will be finished before the ASEAN summit (in October).”**

During July in the lead up to ASEM, some ASEAN members actively continued to express their dissatisfaction with the continued detention of Aung San Suu Kyi. At the same time other ASEAN members sought to ease the pressure on Myanmar’s government to try and quietly persuade them to release Aung San Suu Kyi and embark on genuine political reform.

- Malaysian Prime Minister Mahathir Mohamad warned that Myanmar might have to be expelled from ASEAN if they remain intransigent to reform and fail to release Aung San Suu Kyi. He said, "In the end, it may have to be that way. I don't say that it cannot be but certainly not at this moment."²⁹
- Indonesian Foreign Ministry Spokesman Marty Natalegawa criticized the continued detention of Daw Aung San Suu Kyi saying it would be a setback to reconciliation as well as to ASEAN indirectly.³⁰
- Thai Prime Minister Thaksin Shinawatra downplayed Aung San Suu Kyi’s incarceration at Insein Prison by saying, “she is not in prison but in a safe house,”³¹ and “she is in no danger whatsoever.”³²

ASEM Meeting & Ad-hoc Meeting on Myanmar

The ASEM Foreign Ministers Meeting was held in Bali, Indonesia on July 23-24 and on the sidelines was an ad-hoc meeting on Myanmar.³³

The foreign ministers called on the SPDC to immediately release Aung San Suu Kyi and other NLD members, ensure their political freedoms and to resume efforts toward national reconciliation and democracy.³⁴

Shortly after the conclusion of the ASEM meeting:

- Indonesian Foreign Minister and ASEAN Chairman Hasan Wirayuda said, “We have an assurance from Myanmar that the Suu Kyi case will be finished before the ASEAN summit (in October).”³⁵

²⁹ AFP, *Myanmar might have to be expelled from ASEAN: Mahathir*, 20 July 2003

³⁰ Nation (Thailand), *Asean Membership: Give Rangoon time: Surakiart*, 22 July 2003

³¹ AFP, *Myanmar’s Aung San Suu Kyi transferred from Insein prison: source*, 2 July 2003

³² Radio Thailand, *Thai premier says Burma’s Suu Kyi “is in no danger whatsoever”*, 21 July 2003

³³ AP, *EU warns that Myanmar's detention of Suu Kyi hurts relations with Asia; Yangon says it releases 91 dissidents*, 22 July 2003

³⁴ Virtual Information Center, *5th Asia-Europe Meeting (ASEM): A Special Press Summary – Executive Summary*, July 2003

³⁵ AP, *Myanmar's Aung San Suu Kyi to be released by October, Indonesian minister says*, 30 July 2003

- Malaysian Foreign Minister Syed Hamid Albar said, “Myanmar need not be isolated, but it all depends on them, because Asean's bottom line remains that Suu Kyi should be released and the reconciliation process should recommence.”³⁶
- Indonesian President Megawati Sukarnoputri said, “She (Aung San Suu Kyi) will not remain there (in detention) for a long period.”³⁷

Thailand’s Roadmap

In July 2003, Thai Prime Minister Thaksin Shinawatra proposed an ambiguous ‘road map’ to national reconciliation in Myanmar as a means to curtail the threat of sanctions looming over the Myanmar government.³⁸ The SPDC gave the suggestion a cold response insisting that it could solve its own problems.

ASEAN Summit, Bali – Mixed Messages, 7-8 October 2003

- **The SPDC permitted Indonesian Special Envoy Ali Alatas to visit Myanmar just prior to the ASEAN Summit in order to reduce pressure. He was not allowed to see Aung San Suu Kyi.**
- **Singaporean and Indonesian Foreign Ministries threatened that the SPDC should release Aung San Suu Kyi or the summit agenda would focus on her continued detention. This threat did not materialize.**
- **ASEAN welcomed “recent positive developments” in Myanmar, referring to the transfer of Aung San Suu Kyi from prison to house arrest.**
- **Ministers from ASEAN began taking a noticeably softer line on Myanmar during and after the Summit in Bali. Only Philippine Foreign Secretary Blas Ople openly criticized ASEAN after the Summit for failing to pressure the Myanmar regime for political reform.**
- **Most notably, Thai Prime Minister Thaksin Shinawatra said that the SPDC was “more open to participation of other political groups” and “if Suu Kyi was still stubborn, it would be helpless for her.”**
- **After Summit the Myanmar government expressed its satisfaction claiming that “relations between Myanmar and ASEAN have consolidated and opened a new page”.**

In the lead up to the Asean Summit in Bali attention was focused on the issue of Aung San Suu Kyi’s continued detention, in face of the promise from the Myanmar regime that her detention was only ‘temporary.’ The SPDC permitted Indonesian Special Envoy Ali Alatas to visit Myanmar just prior to the ASEAN Summit in order to reduce pressure.

³⁶ New Straits Times, *Ministers: We're not pressuring Yangon*, 28 July 2003

³⁷ AP, *Suu Kyi will not remain in detention long: Myanmar foreign minister*, 28 July 2003

³⁸ Irrawaddy, *Junta Shows No Sign of Compromise*, 28 July 2003

“Asean's credibility, Asean's image, Asean's international standing could be affected if we are not seen to be looking at the situation in Myanmar.”
– Ong Keng Yong, Asean Secretary-General.³⁹

- A Singaporean Foreign Affairs Ministry Spokesman said on 1 October, "All restrictions on Aung San Suu Kyi should be lifted so that the national reconciliation process can move forward." He warned that Suu Kyi would be discussed at the Bali Summit pending lack of improvement, although this warning did not materialize.⁴⁰
- Indonesian Foreign Minister Hassan Wirayuda and ASEAN Chair said, "If the Myanmar government does not set free Aung San Suu Kyi, then it is feared that the summit agenda would instead focus on her release."⁴¹

Losing Steam

Despite all the calls for the release of Aung San Suu Kyi just prior to the Summit, ASEAN chose to praise the Myanmar government's decision to move her from Insein Prison to house arrest.⁴² The ASEAN statement welcomed "recent positive developments" in Myanmar and "welcome the government's pledge to bring about a transition to democracy through dialogue and reconciliation," despite Myanmar's history of renegeing on its promises.⁴³

- Indonesian Foreign Minister Hassan Wirayuda gave a diluted message by welcoming the SPDC's decision to shift Aung San Suu Kyi from detention to house arrest but said it was still hoping for her full release. He said, "It is our hope as well as the international community that at the end Aung San Suu Kyi receives a status of complete freedom."
- Malaysian Prime Minister Dr. Mahathir Mohamad met (then) Prime Minister Khin Nyunt at the ASEAN Summit. In a notable shift from his previous threat that Myanmar might ultimately be expelled from ASEAN, Malaysia's PM affirmed progress had been made regarding Suu Kyi, and that ASEAN should refrain from issuing a strong statement against Myanmar.⁴⁴
- At the press conference Indonesian Foreign Ministry Spokesman Marty Natalegawa said the Myanmar government says "She's (Aung San Suu Kyi) not under house arrest. She's been recuperating."⁴⁵
- Thai Prime Minister Thaksin Shinawatra, in September, said that the SPDC was "more open to participation of other political groups" and "if Suu Kyi was still stubborn, it would be helpless for her."⁴⁶

³⁹ Bangkok Post, *Khin Nyunt Expected To Face Wrath Of Fellow Leaders*, 6 October 2002

⁴⁰ AFP, *UN envoy meets with Aung San Suu Kyi, Myanmar PM*, 1 October 2003

⁴¹ AFP, *Indonesia urges Myanmar to free Aung San Suu Kyi before ASEAN summit*, 8 September 2003

⁴² Nation (Thailand), *Suu Kyi not on agenda at Asean meet*, 6 October 2003

⁴³ AFP, *Myanmar wins praise not censure at ASEAN summit*, 7 October 2003

⁴⁴ BBC Monitor, *Indonesia: Malaysian, Burmese leaders meet, say progress made on Suu Kyi*, 7 October 2003

⁴⁵ Norton, Jerry, *Southeast Asian Leaders Praise Myanmar Road Map*, Reuters, 7 October 2003

⁴⁶ Inter Press Service, *ASEAN inaction irks Myanmar exiles*, 5 September 2003

After the conclusion of the meeting, the Myanmar government expressed its satisfaction claiming that “relations between Myanmar and ASEAN have consolidated and opened a new page”.⁴⁷ Only Philippine Foreign Secretary Blas Ople openly criticized ASEAN after the Summit for failing to pressure the Myanmar regime for political reform.⁴⁸

Answering to Parliament

In September at a parliamentary hearing, Indonesian Foreign Minister Hasan Wirayuda said, "For the government of Indonesia, the release of Aung San Suu Kyi cannot be postponed again."⁴⁹

On 10 November Foreign Minister S. Jayakumar defended his actions to parliament on pressuring the Myanmar junta to reform. He stated that the government had expressed its concern over the detention of Daw Aung San Suu Kyi on several occasions, both publicly and privately.⁵⁰

Myanmar's Response

- **The SPDC claimed that Aung San Suu Kyi was in ‘protective custody’ and that there were ‘assassins coming in the country’.**
- **Later Sr-Gen Than Shwe wrote to Asian diplomats claiming that the NLD had plans to create ‘anarchy’ by 19 June 2003 (Suu Kyi’s birthday).**
- **On 26 August 2003, the SPDC reshuffled its cabinet and Military Intelligence Chief General Khin Nyunt was appointed Prime Minister.**
- **On 30 August, Khin Nyunt presented the SPDC’s ‘7-point Roadmap to Democracy.’ The roadmap provides no timeline and the first step is a resumption of highly criticized and undemocratic National Convention that was adjourned in 1996.**
- **The SPDC accepted the visit of Indonesian Special Envoy and former Foreign Minister Ali Alatas on 23 September 2003.**
- **On 26 September 2003, Aung San Suu Kyi underwent a gynecological surgery. To quell international outrage on her continued detention, the SPDC transferred her to house arrest.**
- **On 29 September 2003 at the UNGA, FM Win Aung lied to the international community to try and reduce pressure on the SPDC by saying, “we don’t call this house arrest...We are helping her to overcome the health problems.”⁵¹**
- **On 15 December 2003, Thailand held a meeting dubbed the ‘Bangkok Process,’ to discuss the SPDC’s road map. The SPDC failed to provide any new information or any timelines for reform.**

⁴⁷ Xinhua General News Service, *Myanmar-ASEAN relations open new page: official*, 13 October 2003

⁴⁸ AFP, *Philippine foreign secretary says ASEAN not tough enough on Myanmar*, 8 October 2003

⁴⁹ Financial Times (London), *Jakarta seeks release of Suu Kyi before Asean summit*, 10 September 2003

⁵⁰ AFP, *Singapore says it has spoken repeatedly with Myanmar about Aung San Suu Kyi*, 10 November 2003

⁵¹ CNN, *Myanmar: Sanctions should end*, 30 September 2003

- **The SPDC cancelled the second meeting scheduled in April 2004 with FM Win Aung claiming he was “too busy” with the National Convention. Win Aung promised the SPDC would reschedule, which it has not done.**

In the face of unprecedented outrage and sustained pressure from the region, the SPDC went through a series of attempts to rationalize Aung San Suu Kyi’s detention by making empty promises and finally releasing a ‘roadmap to democracy’. Myanmar’s response has been insufficient and insincere however, it has demonstrated that Myanmar does respond to pressure from within the region.

Denial & Deception

Myanmar’s initial response was timed with the ASEAN Ministerial Meeting to downplay the incident and to deceive the international community by saying that they had not arrested Aung San Suu Kyi, but rather took her into “protective custody”.

- SPDC Foreign Minister Win Aung said, “We have heard that there were some assassins coming in the country. I don’t know who their target will be.”⁵² Then he said, “I would like to assure you, we don’t have any animosity towards Aung San Suu Kyi. We don’t have any intention to harm her, or to prolong our security arrangements.”⁵³
- SPDC Foreign Ministry’s Director of Political Affairs Thaung Tun said, “Give us breathing space...We need Asean to talk to us and help us create democracy and stability.”⁵⁴

PR Tour Claims Myanmar Neared Anarchy

After the continued pressure at the AMM and in the lead up to the ASEM, Myanmar Sr-Gen Than Shwe sent Foreign Minister Win Aung and Deputy Foreign Minister Khin Maung Win as his Special Envoys on a whirlwind regional public relations tour to “explain” what transpired on 30 May 2003.

Foreign Minister Win Aung and Deputy FM Khin Maung Win carried photos of Aung San Suu Kyi in good health and delivered a 7-page letter from Sr-Gen Than Shwe. The letter claimed that the SPDC acted in the interest of national security because National League for Democracy (NLD) factions “were conspiring to create an anarchic situation...with a view to attaining power” by June 19 (Aung San Suu Kyi’s birthday). He claimed that Aung San Suu Kyi was “attempting to lure armed groups...to join in the planned uprising” and that Sr-Gen Than Shwe was “compelled to take firm measures to prevent the country from sliding down the road to anarchy and disintegration.”⁵⁵

⁵² Irrawaddy Magazine, *Suu Kyi’s Disposition in Question*, 16 June 2003

⁵³ Deutsche Presse-Agentur, *Myanmar renewed country’s commitment to civilian government*, 19 June 2003

⁵⁴ Nation (Thailand), *Spotlight on Burma at Asean meeting*, 18 June 2003

⁵⁵ Financial Times, *Junta says Suu Kyi planned uprising BURMA*, 11 July 2003

Reshuffle & Roadmap

On 26 August 2003, the SPDC reshuffled its cabinet and Military Intelligence Chief General Khin Nyunt was appointed as Myanmar's new Prime Minister.

In his first policy speech on 30 August, Khin Nyunt presented the SPDC's '7-point Roadmap to Democracy.' The roadmap provides no timeline and the first step is a resumption of highly criticized and undemocratic National Convention that was adjourned in 1996. The planned resumption of the National Convention indicated that the roadmap was not new, but rather an old formula reprocessed to perpetuate military rule in Myanmar.

Prime Minister Khin Nyunt's 80 minute speech only mentioned Aung San Suu Kyi when criticizing the NLD, namely for walking out on the National Convention.⁵⁶ The NLD called the Convention process undemocratic and thus could not continue to participate.

Many regional leaders and other international figures were hopeful and sought to support the roadmap and the reshuffle in the Myanmar leadership. However, the plans have proceeded without a timeframe and not in an inclusive and open manner, thus negating any initial espoused optimism.

Aung San Suu Kyi – Moved to House Arrest

On 26 September 2003, Aung San Suu Kyi underwent a gynecological surgery. To quell international outrage on the continued detention of Aung San Suu Kyi, the Myanmar regime transferred her to house arrest.

At the UN General Assembly meeting on 29 September, Foreign Minister Win Aung lied to the international community to try and reduce pressure on the SPDC by saying, "we don't call this house arrest... We are helping her to overcome the health problems."⁵⁷ Unfortunately, this move had the desired effect of significantly reducing pressure within the region for the release of Aung San Suu Kyi.

Bangkok Process

On 15 December, Thailand hosted a 3-hour international forum in Bangkok, dubbed the 'Bangkok Process,' to discuss the SPDC's road map. The junta agreed to attend only on the condition that it would not face criticism from other participants. Myanmar ethnic nationalities, pro-democracy opposition groups were not invited nor were the United States, Britain and Canada.⁵⁸

At the forum, the junta failed to provide any specific information on the roadmap although Foreign Minister Win Aung announced that 3 steps will be implemented next year.⁵⁹ This is another empty promise made by the Myanmar government.

⁵⁶ AFP, *Myanmar announces democracy roadmap, 'free, fair' polls*, 30 August 2003

⁵⁷ CNN, *Myanmar: Sanctions should end*, 30 September 2003

⁵⁸ AFP, *Myanmar to attend international forum on democracy "roadmap": Thailand*, 8 December 2003 & Asian Forum for Human Rights and Development (Forum Asia), *Burma Roadmap: Bangkok Process must induce concession on democratic participation and political freedoms*, Bangkok, 18 December 2003

⁵⁹ Nation (Thailand), *Bangkok meet sees progress on road map*, 16 December 2003

The first meeting of the ‘Bangkok Process’ was useful for the Myanmar regime as it alleviated some international pressure and was conducted in an atmosphere without any criticism. It is not surprising then that the SPDC cancelled the second meeting scheduled in April 2004 with Myanmar Foreign Minister Win Aung giving the excuse that he was “too busy” with the National Convention.⁶⁰

However, it is more likely the SPDC didn’t see the value in the meeting as Thai Foreign Minister Surakiat Sathirathai said he generals must show “a few positive signals... You cannot ask people to return to the table after a few months if you have nothing new to tell them.”⁶¹ Clearly the regime had no such “positive signals” to show.

The SPDC ended the situation with yet another false promise that it would choose a new date for the talks with Win Aung assuring the participants that the SPDC would honor its commitment.⁶²

⁶⁰ AFP, *Thailand aims to revive international talks on Myanmar*, 27 April 2004

⁶¹ AFP, *Myanmar backs out of international talks on reform plans*, 23 April 2004

⁶² AFP, *Myanmar backs out of international talks on reform plans*, 23 April 2004

A Detailed Account of the Depayin Massacre

The Prelude

Daw Aung San Suu Kyi was released from 19 months of house arrest on 6 May 2002. With formal approval from the SPDC, Aung San Suu Kyi and a convoy from the National League for Democracy (NLD) travelled to 125 townships in 11 states and divisions around the country in just over 12 months⁶³

Aung San Suu Kyi's speeches reportedly drew crowds of up to 40,000 people, despite harassment and threats from local authorities not to attend.

In her speeches Aung San Suu Kyi urged the people to work for democracy but reminded them that democracy requires personal responsibility.

*"The rule of law means a system that provides security for the country and the people where everybody is equally protected within the framework of the law. But we must try hard to obtain democracy. Remember, nothing is free and nothing is easy. Democracy is not only your rights but there is also responsibility. Economics and politics are inseparable. A bad political system contributes to a bad economic system."*⁶⁴

Throughout the tours the NLD and local citizens attending the speeches faced escalating harassment campaigns coordinated by the Union Solidarity Development Association (USDA) and the local authorities. The USDA is a regime-backed organization that operates under the patronage of SPDC Sr-Gen Than Shwe. The USDA was created by the military generals in 1993 as a mass organization to counter the popular support of the NLD. Membership is compulsory for most students and government employees.⁶⁵

In May, the USDA campaign became increasingly aggressive and anti-NLD protestors were seen wielding weapons such as knives, slingshots, and sharpened bamboo sticks. On May 25 a NLD supporter was reportedly injured and a brick was thrown on Aung San Suu Kyi's car.⁶⁶

Local authorities did not intervene to protect the NLD convoy or the local supporters. Instead local police helped USDA to block NLD motorcades. The USDA was allowed to operate in a climate of impunity with either approval or support from the regime. The SPDC did not respond to allegations from the NLD that the regime was working in concert with the USDA.⁶⁷

The Attack

Daw Aung San Suu Kyi and the NLD's last trip to Mandalay and Sagaing Divisions and Kachin and Shan States started on 6 May 2003 but was terminated dramatically on 30 May 2003.

⁶³ The Ad hoc Commission on Depayin Massacre – Burma, *The Second Preliminary Report*, May 2004

⁶⁴ Democratic Voice of Burma, *Suu Kyi Urges Sustained Democracy in Monywa Rally Speech*, 1 June 2003

⁶⁵ Irrawaddy Magazine, *The USDA Factor*, July 2003 & Associated Press, *Mobs Roam Burma Streets*, 11 November 1996

⁶⁶ Associated Press, *Myanmar pro-democracy activists sentenced to prison, Suu Kyi's party reports harassment*, 26 May 2003

⁶⁷ The Ad hoc Commission on Depayin Massacre – Burma, *The Second Preliminary Report*, May 2004

On Friday 30 May 2003 a military-sponsored mob of up to 5,000 people viciously attacked Daw Aung San Suu Kyi and supporters of the NLD at the town of Depayin. This attack has become known as the Depayin Massacre or Black Friday. The attack was coordinated and executed by Union Solidarity Development Organization (USDA), in cooperation with local authorities.

What Transpired at Depayin?

On the night of 30 May 2003 the NLD was travelling from the village of Budalin to the town of Depayin in Sagaing Division, northern Myanmar. Before their departure from Budalin the NLD members noticed contingents of monks and USDA members on the side of the road.

At around 8 pm the NLD convoy arrived at the village of Kyi, just 3 km from Depayin. They were warmly welcomed by the local population of about 500-1,000 villagers. At a bend in the road just outside Kyi village that the NLD convoy was blocked by two monks, or people dressed as monks, who asked Daw Aung San Suu Kyi to give a speech. The motorcade came to a halt, and in a coordinated response, about 1,000 anti-NLD protestors who had followed the convoy from Budalin came out of their vehicles and started shouting abusive slogans at the NLD members.⁶⁸

The protestors started attacking the NLD members and the villagers that came to listen to Aung San Suu Kyi. An additional 4,000 attackers were waiting on road ahead of the motorcade, and emerged to attack the villagers and NLD supporters who were fleeing the attack. The wounded were robbed and women were stripped of their clothing. Trucks and barricades were put in place to prevent NLD vehicles from escaping.⁶⁹ The violence lasted for over one hour.

Daw Aung San Suu Kyi's car was able to escape the site of the attack, but was later stopped at the entrance of a town beyond Depayin and taken into custody of the regime.

Premeditated

There is clear indication that the attack was premeditated. The Depayin Massacre was essentially an assassination attempt on Aung San Suu Kyi and members of the NLD. Premeditation and collusion or complicity of the regime were later corroborated in a report by Special Rapporteur on Human Rights to Myanmar Professor Paulo Sérgio Pinheiro to the UN Commission on Human Rights, which said that “there is prima facie evidence that the Depayin incident could not have happened without the connivance of State agents”.⁷⁰

In the weeks following the attack Senior General Than Shwe, chairman of the SPDC, admitted in a letter to an Asian diplomat that the arrest of Daw Aung San Suu Kyi had been premeditated. He said the regime was “compelled to take firm measures to prevent the country from sliding down the road to anarchy and disintegration.” The general added that the SPDC acted in the interest of national security because the NLD was “conspiring to create an anarchic situation...with a view of attaining power” by June 19, Daw Aung San Suu Kyi’s birthday.⁷¹

⁶⁸ Pinheiro, Paulo Sérgio, *Situation of human rights in Myanmar: Report Submitted by the Special Rapporteur, Paulo Sérgio Pinheiro*, UN Commission on Human Rights, Sixtieth Session, Geneva, 5 January 2004

⁶⁹ The Ad hoc Commission on Depayin Massacre – Burma, *The Second Preliminary Report*, May 2004

⁷⁰ Pinheiro, Paulo Sérgio, *Situation of human rights in Myanmar: Report Submitted by the Special Rapporteur, Paulo Sérgio Pinheiro*, UN Commission on Human Rights, Sixtieth Session, Geneva, 5 January 2004

⁷¹ Financial Times, *Junta says Suu Kyi planned uprising*, 11 July 2003

Rewarded

Lt-Gen Soe Win is widely believed to be responsible for orchestrating the attack at Depayin. Instead of bringing the perpetrators to justice, Sr-Gen Than Shwe rewarded Soe Win with successive promotions. In January 2003, Soe Win was quoted as saying, “The SPDC not only won’t talk to the NLD but will also never hand over power to the NLD.”⁷² In August 2003, Lt-Gen Soe Win was promoted to Secretary 1 of the SPDC.⁷³ In October 2004, Lt-Gen Soe Win was appointed as Prime Minister after the purge of Gen Khin Nyunt.

The Aftermath

The Depayin Massacre marked the beginning of a renewed and severe nationwide crackdown on the NLD and the pro-democracy opposition.

Date	Arrested	Released	Still in Prison
On May 30	124	67	57
After May 30	132	82	50
Total figures	256	149	107

The regime tried to blame the NLD for the violent attack and subsequent crackdown saying that Aung San Suu Kyi and the NLD “toured some towns and villages where peace and tranquillity [sic] prevailed and incited unrest with the crowd of the people, and due to their acts, there occurred a traffic jam and instability...Then, clashes between those in support of Daw Suu Kyi and those opposed to her broke out.”⁷⁴

- A total of 256 people were arrested in relation to the Depayin Massacre, on the day of the event and during the subsequent months.⁷⁵
- Most conservative estimates of NLD members and supporters that were arrested, killed, wounded and missing on 30 May 2003 indicate a number of more than 100. Another report says that as many as 282 people were killed that night in Depayin.⁷⁶
- In January 2004 the regime claimed that it had released 151 prisoners detained in relation to Depayin.⁷⁷ However according to the National Coalition Government of the Union of Burma (exiled elected MPs) 149 were released and another 107 continue to be detained, including Daw Aung San Suu Kyi and U Tin Oo.⁷⁸
- The regime closed the offices of the NLD nationwide, which remain closed until today with the exception of the headquarters in Rangoon, which was reopened in April 2004, but operates under strict surveillance and limitations.

⁷² Democratic Voice of Burma, *No plan to talk to NLD and we are not afraid of USA-SPDC*, 28 January 2003

⁷³ Irrwaddy Magazine, *Who’s Who in the Junta’s Line-up*, 26 August 2003

⁷⁴ New Light of Myanmar, *Press conference clarifies instigations to cause unrest launched*, 1 June 2003

⁷⁵ Radio Free Asia, *Burmese Crackdown Said To Have Killed 282*, 5 June 2004; Democratic Voice of Burma, *Depayin victims latest*, 5 July 2003

⁷⁶ Radio Free Asia, *Burmese Crackdown Said To Have Killed 282*, 5 May 2004

⁷⁷ BBC Monitor, *Burmese government claims 151 democracy party detainees freed*, 25 January 2004

⁷⁸ National Coalition Government of the Union of Burma (NCGUB) Information Unit, *Political Prisoner Summary*, 4 October 2004

Continued Crackdown⁷⁹

Arrests and harassment of NLD members continue and Aung San Suu Kyi and U Tin Oo remain in detention.

- From 1 January – 18 February 2005, the regime arrested 18 people, bringing the number of political prisoners inside Myanmar to 1456, of which 273 are NLD members.⁸⁰
- On 9 April 2004, 11 NLD members that had been arrested in relation to the events at Depayin were sentenced to prison with terms ranging from 7 to 22 years, for alleged contact with illegal organizations. The trial was held inside a prison in Mandalay Division, and the accused had no access to legal counsel.⁸¹
- On 5 August 2004, NLD members U Po Too and U Than Lone were arrested for allegedly throwing stones during the Depayin attack 15 months earlier. On 22 August, they were sentenced to 7 years imprisonment.⁸²

(END)

⁷⁹ National Coalition Government of the Union of Burma (NCGUB) Information Unit, *Political Prisoner Summary*, 4 October 2004

⁸⁰ National Coalition Government of the Union of Burma (NCGUB), *Update Situation on Political Prisoners in Burma [As of 18 February 2005]*, 21 February 2005

⁸¹ Narinjara, *Long-term jail sentenced to 11 NLD members by Burma military government Dhaka*, 29 April 2004

⁸² BBC, *Two Democracy League members sentenced to seven year jail*, 22 August 2004