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## **BURMA'S ELECTIONS: MORE THREATS, MORE REPRESSION, LESS DEMOCRACY**

On 31 January, Burma's military regime convened a puppet Parliament amid a shroud of secrecy and repression that will likely cause more human suffering and instability in the country and the region.

Under its brand of "discipline-flourishing democracy" the junta has imposed laws that subject members of the public to one-year jail terms if they enter the Parliament while in session. The new laws also gag MPs, who face up to two years in jail for sharing any documents or information related to the Parliament. The increased censorship on media and the restrictions on freedom of expression that took place in the lead-up to the election have not eased, particularly after military representatives and military-aligned parties took command of over 80% of the parliamentary seats.

In the weeks after the 7 November poll, escalated violence in Karen and Shan States forced refugees to flee to Thailand. The threat of intensified conflict continues to loom over the 21-month-old stand-off between key ethnic ceasefire groups and the military. The State Peace and Development Council (SPDC) adopted a new military conscription law just days before the election, adding to fears of increased militarization and serious international crimes in ethnic areas. It is no surprise that there is little confidence in the Parliament's ability to bring about much-needed economic, security, and political reforms and national reconciliation. The junta-drafted constitution is calculated to ensure that Parliament is nothing more than its public relations showcase.

The Parliament is the outcome of an oppressive constitution and an election marred with irregularities, intimidation, and fraud. Governments around the world criticized not only the election, but its related procedures and laws as well. These procedures and directives were designed to ensure that the electoral process would be neither free nor fair. The overwhelming 'victory' of the junta-backed Union Solidarity and Development Party (USDP) ensures that Burma's first 'civilian' government in nearly 50 years will perpetuate the military regime's failed policies.

The five SPDC election laws issued in March 2010 are of ongoing concern. In addition to granting the regime absolute control over the electoral process, the laws resulted in the dissolution of the NLD and ethnic nationality parties that collectively won over 84% of the seats in the 1990 elections. In addition, the laws are used to perpetuate restrictions on pro-democracy activists, including members of the NLD and ethnic parties, preventing them from carrying out political activities.

With the issuance of the election laws, the SPDC's mass organization, the Union Solidarity and Development Association (USDA) – which orchestrated the 2003 Depayin Massacre – transformed itself, along with its massive financial resources, into the USDP with SPDC PM Thein Sein as its Chairman. Many high-ranking SPDC officials resigned from the military so they could stand in the elections as USDP candidates.

On 13 August, the Election Commission set the date of the election and 30 August as the deadline for political parties to submit their list of candidates, giving political parties insufficient time to organize candidates and finances. The Election Commission dissolved five parties because they failed to register at least three candidates – the minimum required to contest the polls. The

Election Commission disenfranchised an estimated 1.5 million voters in ethnic nationality areas, by canceling voting in over 3,400 villages in Kachin, Karen, Karenni, Mon, and Shan States. The Commission justified this decision because these areas were “in no position to host free and fair elections.” This action was the result of the main ethnic ceasefire groups’ continued rejection of the SPDC’s ultimatum to assimilate their forces into the SPDC Army as its designated Border Guard Force (BGF).

The SPDC severely restricted the ability of political parties, candidates, and their supporters to campaign. It also implemented heavy and systematic censorship of election-related news and suspended media outlets. Foreign journalists and international election monitors were barred from entering Burma. There were also widespread complaints that SPDC officials and USDP members and candidates had engaged in acts of bribery, coercion, intimidation, advance voting fraud, and proxy voting.

The SPDC’s elections did nothing to fulfill the people of Burma’s longstanding desire for democracy and freedom. On the contrary, the polls hindered the implementation of any meaningful democratic process and resulted in increased aggression by the SPDC Army in ethnic nationality areas. The post-election period has already been marked by an escalation of violence by the SPDC Army against those ethnic groups who refused to incorporate their armies into the regime’s BGF. Clashes between the SPDC Army and a breakaway faction of the Democratic Karen Buddhist Army (DKBA) caused more than 27,000 people in Southern Karen State to seek shelter in Thailand. In addition, the new military conscription law that stipulates two years of military service for both men and women may function as a means of increased militarization, forced labor and intimidation of civilians.

In working to prolong a reign of fear, it is important to note that the authorities themselves are fearful. The election procedures were designed to reverse the NLD’s stunning victory in 1990 and the junta continues to devise measures to contain and inhibit the population’s interest in the work of Daw Aung San Suu Kyi and the NLD.

The international community must not allow itself to be fooled by a re-branded military regime operating under the cloak of elected civilian MPs. Instead, support should be reinforced for the NLD and other political parties that continue to work for democracy and human rights in Burma. Also deserving of support are human rights groups, operating in and outside of Burma, that work tirelessly to speak up against serious international crimes in Burma. Their efforts to build a path for genuine development and sustainable peace are in the best interests of the diverse peoples of Burma and its neighbors.

**NOTE:** Free elections require that all citizens, organizations, and political parties enjoy the fundamental rights of expression, association, assembly, and movement. Each voter is able to cast his or her ballot free from intimidation, violence, administrative action, or fear of retribution. Fair elections should ensure that there are equal conditions for all participants in the election process. Candidates and political parties that wish to run for office are able to do so and to compete on the basis of equal and impartial treatment under the law.

**METHODOLOGY:** This report uses key indicators based on commonly accepted standards for election monitoring (i.e. UN, OSCE, and EU guidelines) to demonstrate that Burma’s 2010 elections were not free and fair. The key indicators are grouped into six categories: Legal Framework; Election Administration; Election Campaign; Media; Voting and Post Election; and Election Complaints.

## ELECTION TIMELINE

**8 March:** SPDC issues election laws.

**11 March:** SPDC appoints a 17-member Election Commission.

**17 March:** The SPDC Election Commission issues election bylaws.

**18 March:** SPDC Election Commission opens political party registration.

**29 March:** NLD announces it will not register as a political party to contest the elections.

**26 April:** SPDC PM Gen Thein Sein and over 20 other Ministers and Deputy Ministers resign their military posts to run as civilians in the elections.

**6 May:** Deadline passes for existing political parties to re-register.

**12 May:** SPDC Election Commission Chairman Thein Soe says that SPDC PM Thein Sein is legally allowed to form a political party to contest the elections.

**23 June:** SPDC Election Commission issues Directive 2/2010, which imposes severe restrictions on political parties' freedom of expression, assembly, and movement.

**21 July:** SPDC FM Nyan Win says that Daw Aung San Suu Kyi will be able to participate in the elections once she is released from house arrest.

**13 August:** The SPDC Election Commission sets the election date for 7 November. The Election Commission also sets a 30 August deadline for political parties to submit their list of candidates for the election.

**19 August:** SPDC Election Commission issues Notification 91/2010, which prescribes the rules for election campaigns.

**14 September:** The SPDC Election Commission issues Notification No. 98/2010, which requires all parties that want to campaign on radio or television to submit transcripts to the Election Commission at least seven days in advance.

**14 September:** The SPDC Election Commission dissolves the National League for Democracy, the Shan Nationalities League for Democracy, and three other parties that contested the 1990 elections because they failed to re-register as political parties.

**16 September:** The SPDC Election Commission announces that polls will not be held in over 3,400 Villages in Kachin, Karen, Karenni, Mon, and Shan States because "they are in no position to host free and fair elections."

**30 September:** Deadline passes for political parties to submit their lists of candidates.

**18 October:** SPDC Election Commission Chairman Thein Soe says that foreign journalists and international monitors will not be allowed to observe the elections.

**31 October:** SPDC Information Ministry says that local journalists representing foreign news organizations will be sent to various locations across Burma to accompany diplomats on state-sponsored guided tours of the elections.

**2 November:** SPDC Election Commission cancels voting in 12 Village-tracts in six constituencies in Karenni State "as conditions are not conducive to holding a free and fair election."

**7 November:** Burma holds its first general election in 20 years.

**13 November:** SPDC unconditionally releases Daw Aung San Suu Kyi from her house arrest.

**17 November:** The SPDC Election Commission publishes the last batch of election winners in state-run newspapers but fails to publicly announce the final results of the polls.

**7 December:** The SPDC Election Commission announces that voter turnout in the election was over 77%.

## ELECTION IN NUMBERS

<b>Number of USDP candidates</b>	<b>1,141</b>
<b>Number of seats won by USDP candidates</b>	<b>883</b>
<b>Percentage of seats won by USDP candidates</b>	<b>76.52%</b>
<b>Number of independent candidates</b>	<b>82</b>
<b>Number of independent candidates elected</b>	<b>6</b>
<b>Number of pro-democracy party candidates</b>	<b>279</b>
<b>Number of ethnic party candidates</b>	<b>522</b>
<b>Number of female candidates</b>	<b>114</b>
<b>Number of female candidates elected</b>	<b>43</b>
<b>Total number of seats at stake</b>	<b>1,154</b>
<b>Total number of candidates contesting</b>	<b>3,143</b>
<b>Number of political parties that applied for registration</b>	<b>47</b>
<b>Number of political parties that contested</b>	<b>37</b>
<b>Number of political parties excluded</b>	<b>3</b>
<b>Number of political parties dissolved</b>	<b>7</b>
<b>Number of ethnic-based political parties that contested</b>	<b>24</b>
<b>Number of uncontested seats</b>	<b>55</b>
<b>Cost for candidate registration</b>	<b>US\$500</b>
<b>Cost of registering candidates in all constituencies</b>	<b>US\$577,000</b>
<b>Number of eligible voters*</b>	<b>29,021,608</b>
<b>Estimated number of disenfranchised voters in ethnic areas</b>	<b>1.5 million</b>
<b>Number of villages where elections were cancelled</b>	<b>3,401</b>
<b>Official voter turnout*</b>	<b>77.02%</b>

*\*National Parliament (People's Assembly and National Assembly only)*

## RESTRICTIONS USHER IN PUPPET PARLIAMENT

- ☒ **The SPDC issued new oppressive laws that gag MPs and restrict civilian access to the newly elected Parliament.**
- ☒ **MPs face up to two years in jail for sharing any documents or information related to the Parliament.**
- ☒ **Members of the public risk a one-year jail term if they enter the Parliament while in session.**
- ☒ **The Political Parties Registration Law can still be used to dissolve political parties that fail to expel MPs who are convicted and imprisoned.**
- ☒ **The constitution grants very limited legislative powers to Division and State Parliaments while the National Parliament retains exclusive power to legislate on critical issues.**

On 31 January, the People's Assembly and the National Assembly convened amid tight security in Naypyidaw for Burma's first parliamentary session in 22 years.<sup>1</sup> The 14 Region and State Parliaments also convened in their respective areas.<sup>2</sup>

The Union Solidarity and Development Party's (USDP's) overwhelming majority in both houses of the Parliament, along with the severe restrictions on parliamentary participation and debate, mean that nothing will happen in Parliament that does not meet with the approval of regime officials - especially SPDC Sr Gen Than Shwe.

### **Parliamentarians gagged, public barred**

According to Article 92 of the 2008 constitution, the freedom of speech of elected MPs is "subject to the laws relating to the Parliament."<sup>3</sup> These laws, signed by SPDC Sr Gen Than Shwe on 21 October,<sup>4</sup>

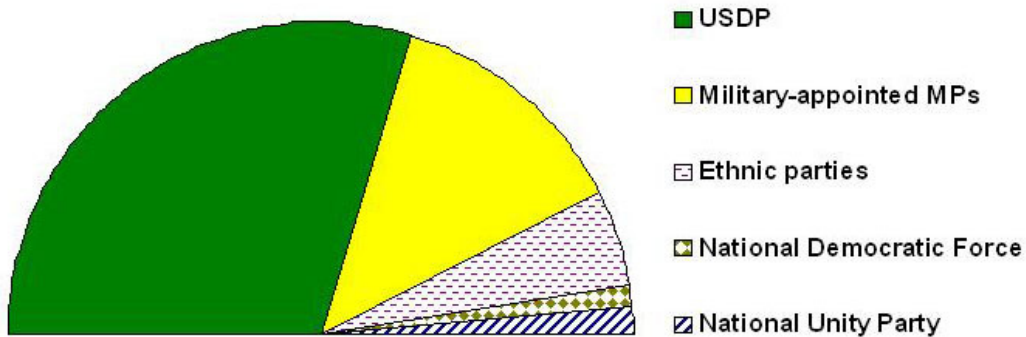
Political make-up of the Parliament			
	People's Assembly	National Assembly	National Parliament
USDP	59%	58%	59%
Military-appointed representatives	25%	25%	25%
Ethnic parties	10%	13%	11%
NUP	3%	2%	3%
NDF	2%	2%	2%
Independent	<1%	<1%	<1%

gag MPs and restrict civilian access to the newly elected Parliament:

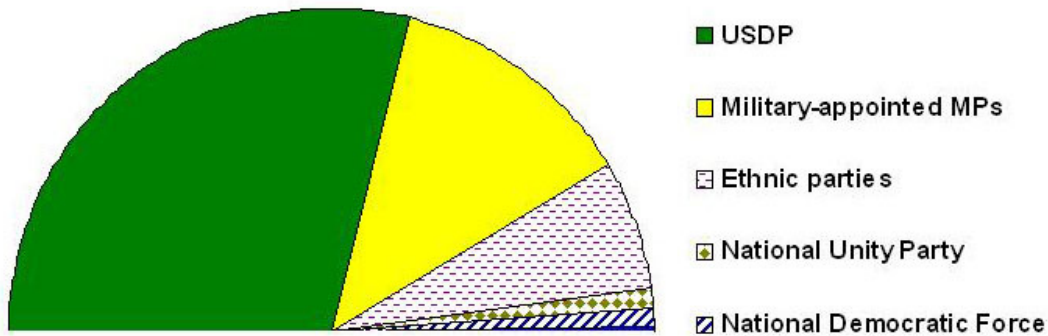
- The laws prevent MPs from making any comment which is deemed to endanger national security, the unity of the country, or violate the 2008 constitution.<sup>5</sup>
- MPs face up to two years in jail if they "write, print or distribute by any means parliament-related documents, information, statistics, drawings, charts or other references."<sup>6</sup>
- MPs must submit parliamentary questions ten days before the start of a session. Questions must not affect international relations, lead to the disclosure of state secrets, or undermine the interests of the state and its citizens.<sup>7</sup>
- Any person who stages a demonstration in Parliament can be sentenced to up to two years in prison.<sup>8</sup>
- Anyone, other than MPs, who enters Parliament without authorization while the body is in session, is subject to a one-year jail term.<sup>9</sup>

In addition, the SPDC Election Commission bars MPs from bringing cameras, laptop computers, mobile phones, and any type of voice transmission or recording devices inside the Parliament buildings.<sup>10</sup>

## PEOPLE'S ASSEMBLY



## NATIONAL ASSEMBLY



### Political Parties Registration Law still threatens parties and MPs

Article 12 of the Political Parties Registration Law states that the Election Commission must dissolve parties that fail to expel a member who is convicted and sentenced to a prison term.<sup>11</sup> This provision, which still applies to newly elected MPs, is an additional tool used by the regime to silence lawmakers. MPs brave enough to speak out will have to consider the consequences for their parties.

### Parliamentary procedures controlled

The National Parliament must hold a regular session at least once a year and the interval between two regular sessions cannot exceed 12 months.<sup>12</sup> The National Parliament as

well as each Division and State Parliament can also convene for special sessions at the request of 25% of the MPs.<sup>13</sup> The USDP's sweeping victory in the polls ensured that at the national level the opposition cannot muster enough parliamentarians to call for an emergency session. At the Division and State level, a coalition of opposition parties can call for a special parliamentary session in only six out of the 14 States and Divisions.<sup>14</sup>

### Impeachment impossible

The USDP can block any parliamentary action directed at impeaching the President because such initiative requires that 25% of lawmakers initiate the proceedings.<sup>15</sup> At the Region and State level, the President appoints the Chief Minister and other key Ministers. Twenty-five percent of

parliamentarians can initiate impeachment proceedings against a Chief Minister or any other Minister.<sup>16</sup> However, opposition parties reach the 25% threshold in only six of the 14 States and Divisions.<sup>17</sup>

### Constitution hinders legislative efforts in ethnic areas

At the Division and State level, ethnic parties fared relatively better than at the national level. In Arakan State, the Rakhine Nationals Progressive Party won over 50% of the seats. [See below *Election results: A victory foretold for the USDP*]. However, the 2008 constitution gives little power to State Parliaments on local governance issues. Under the constitution the National Parliament retains exclusive power to legislate on critical issues such as: land use; extraction of natural resources; and budgetary matters affecting health; education; and the administration of justice.<sup>18</sup>

In addition, the SPDC Election Commission's earlier decision to deny party registration to several ethnic political parties in Northern Shan State and Kachin State that were not aligned to the USDA means that these ethnic areas were left without any genuine representation in the local Parliaments. [See below *Election Administration: Parties Excluded, Voters Disenfranchised*]

### Constitutional amendments monopolized

USDP MPs and the military-appointed parliamentarians constitute over 80% of the lawmakers in both houses of Parliament. This means that the USDP/military bloc can

unilaterally amend the 2008 Constitution for ordinary matters, which requires the approval of over 75% of the representatives of both houses of Parliament.<sup>19</sup>

<sup>1</sup> AP (31 Jan 11) Tight security as new Myanmar parliament opens; CNN (11 Jan 11) Myanmar parliament opens after 20-year lapse; Reuters (31 Jan 11) As Myanmar new parliament opens, junta's shadow looms large; DPA (31 Jan 11) Myanmar parliament elects military men as house speakers (Roundup); Al Jazeera (31 Jan 11) Myanmar parliament opens doors

<sup>2</sup> AP (10 Jan 11) Myanmar parliament set for 1st session in 22 years; Telegraph (11 Jan 11) Burma to hold first parliamentary session in 22 years; DPA (31 Jan 11) Myanmar parliament opens amid tight security

<sup>3</sup> Constitution of the Republic of the Union of Myanmar, Article 92 (a)

<sup>4</sup> Irrawaddy (20 Jan 11) Burma's Disciplined Democracy

<sup>5</sup> AP (10 Jan 11) Myanmar parliament set for 1st session in 22 years

<sup>6</sup> Irrawaddy (20 Jan 11) Burma's Disciplined Democracy

<sup>7</sup> Irrawaddy (20 Jan 11) Burma's Disciplined Democracy

<sup>8</sup> AP (10 Jan 11) Myanmar parliament set for 1st session in 22 years

<sup>9</sup> AP (10 Jan 11) Myanmar parliament set for 1st session in 22 years; Irrawaddy (20 Jan 11) Burma's Disciplined Democracy; Myanmar Times (24 Jan 11) Electronic devices banned in parliaments

<sup>10</sup> DVB (18 Jan 11) Rules for parliament released; Irrawaddy (19 Jan 11) Conditions Set for MPs to Attend Parliament; Mizzima News (19 Jan 11) EC asks MPs to wear national dress in Parliament sessions; Irrawaddy (20 Jan 11) Burma's Disciplined Democracy

<sup>11</sup> Political Parties Registration Law, Article 12 (a) (vi)

<sup>12</sup> Constitution of the Republic of the Union of Myanmar, Article 79

<sup>13</sup> Constitution of the Republic of the Union of Myanmar, Art. 84, 179

<sup>14</sup> Opposition parties reach the 25% threshold in Arakan, Chin, Kachin, Karen, Mon, and Shan States.

<sup>15</sup> Constitution of the Republic of the Union of Myanmar, Article 71 (b)

<sup>16</sup> Constitution of the Republic of the Union of Myanmar, Article 263 (b)

<sup>17</sup> Opposition parties reach the 25% threshold in Arakan, Chin, Kachin, Karen, Mon, and Shan States.

<sup>18</sup> Constitution of the Republic of the Union of Myanmar, Article 96, 188, 196, 216, 249

<sup>19</sup> Constitution of the Republic of the Union of Myanmar, Article 436 (a)

## INSTABILITY INCREASES AFTER POLLS

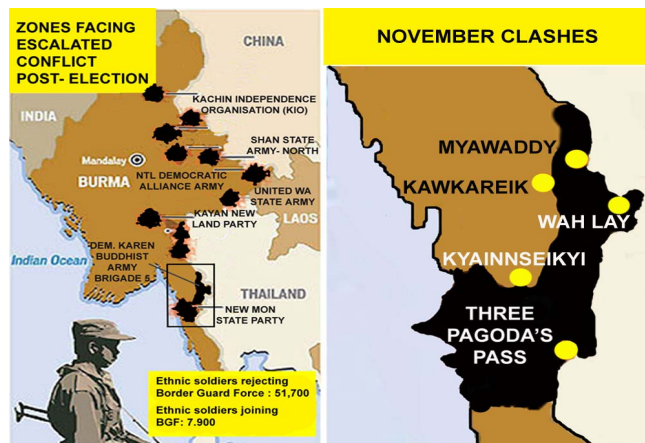
In the 48 hours after the 7 November vote, clashes between the SPDC Army and a breakaway faction of the Democratic Karen Buddhist Army (DKBA) caused more than 27,000 people in Southern Karen State to seek shelter in Thailand.

On 8 November, SPDC Army and DKBA Brigade 5 forces clashed in Myawaddy, Karen State, which caused around 20,000 civilians to flee across the border into Mae Sot, Tak Province, Thailand.<sup>1</sup> In Three Pagoda's Pass, Karen State - about 150 kilometers south of Myawaddy - SPDC Army and DKBA Battalion 907 forces clashed and caused about 5,000 civilians to flee into Thailand's Kanchanaburi Province. Thousands more are thought to have sought refuge in the jungles of Southern Karen and Mon State.<sup>2</sup>

It was also reported that the SPDC Army forcibly recruited around 500 civilians to carry supplies and to participate in the offensive against the DKBA.<sup>3</sup> Clashes between SPDC Army and DKBA forces were also reported in Kawkaeik and Kyainnseiki, Karen State, when the SPDC Army sent reinforcements to existing forces in Three Pagoda's Pass.<sup>4</sup> Junta forces shelled the DKBA base at Wah Ley along the Thai-Burma border in Myawaddy Township.<sup>5</sup>

In December, ethnic nationality groups fought back against SPDC Army aggression in Karen and Shan States<sup>6</sup> and refugees fleeing fighting in Karen State continued to seek shelter in Thailand.<sup>7</sup>

The SPDC's adoption of a new military conscription law in December heightened



fears of increased conflict and militarization in ethnic areas. The law stipulated that all males aged 18 to 45 and females aged 18 to 35 may be drafted to serve in the armed forces for two years. The service term can be increased to five years in times of national emergencies. The law also stated that those who avoid conscription can be imprisoned for up to five years.<sup>8</sup>

<sup>1</sup> AP (08 Nov 10) 15,000 refugees flee Myanmar post-vote fighting; Nation (09 Nov 10) Panithan: Nearly 20,000 Karen refugees flee into Thailand

<sup>2</sup> AAP (09 Nov 10) 20,000 flee fighting on Burma border; Irrawaddy (10 Nov 10) Junta Troops Retake Myawaddy as Residents Return; DVB (11 Nov 10) Burmese army takes DKBA stronghold

<sup>3</sup> Irrawaddy (08 Nov 10) DKBA Seizes Major Gov't Offices in Myawaddy; Mizzima News (08 Nov 10) Clashes continue between DKBA faction, junta troops

<sup>4</sup> Irrawaddy (07 Nov 10) DKBA, Tatamadaw Skirmish in Kawkaeik; BNI (12 Nov 10) Fighting Moves Karen Groups into Loose Alliance

<sup>5</sup> BNI (12 Nov 10) Fighting Moves Karen Groups into Loose Alliance

<sup>6</sup> Mizzima News (14 Dec 10) Renewed clashes between junta troops, DKBA faction kill nine; SHAN (20 Dec 10) Junta army, SSA 'North' at it again; Irrawaddy (20 Dec 10) Eight Reported Dead in Latest Karen State Clashes; Irrawaddy (27 Dec 10) Refugees Hide After Forced Repatriation

<sup>7</sup> AFP (06 Dec 10) Rights group slams Thai-Myanmar refugee 'ping pong'; Irrawaddy (06 Dec 10) More Refugees Flee Karen State Fighting; Irrawaddy (17 Dec 10) KNU Eye Manerplaw; Irrawaddy (20 Dec 10) Eight Reported Dead in Latest Karen State Clashes

<sup>8</sup> AP (10 Jan 11) Myanmar enacts military draft law for men, women

## LEGAL FRAMEWORK: UNFAIR ELECTION LAWS AGAINST INTERNATIONAL STANDARDS

- ☒ **The SPDC election laws were not in accordance with international standards and prevented the exercise of fundamental freedoms and political rights.**
- ☒ **The election laws barred over 2,000 political prisoners from being members of political parties. The NLD and other parties would have had to expel their imprisoned leaders, such as Daw Aung San Suu Kyi, to be eligible to participate.**
- ☒ **The election's legal framework did not receive a vote of confidence from key election stakeholders.**

### SPDC election laws impose restrictions and limit political participation

On 8 March, the State Peace and Development Council (SPDC) issued five laws:<sup>1</sup>

- The Election Commission Law
- The Political Parties Registration Law
- The People's Assembly Election Law
- The National Assembly Election Law
- The Region and State Assemblies Election Law

As with the 2008 constitution and the 2008 Referendum Law, the SPDC election laws were the result of a unilateral, non-transparent, and non-inclusive process. These laws ensured that the SPDC tightly controlled the entire electoral process through its hand-picked Election Commission members.

These laws contained blatant discriminatory provisions that restricted the right of citizens to stand for election or to actively participate

in political party activities. The SPDC Political Parties Registration Law excluded anyone convicted by a court *and* serving a jail term from forming or joining a political party.<sup>2</sup> As of November 2010, there were 2,203 political prisoners in Burma, and most of them were ineligible to stand for election or be a member of a political party.<sup>3</sup>

This provision adversely impacted existing parties. The National League for Democracy (NLD) faced the prospect of having to expel Daw Aung San Suu Kyi and over 370 other members from the party if it wanted to re-register and compete in the elections. This same scenario applied to other political parties whose leaders were serving prison terms, such as the Shan Nationalities League for Democracy (SNLD), which won the second largest number of parliamentary seats in 1990 after the NLD. Ominously, **Articles 4, 10, and 12 of this law stipulated that registered parties would also have to expel *any* member convicted and imprisoned in the future.**

The Political Parties Registration Law also excluded Buddhist monks, members of other religious orders, and civil servants from forming or joining a political party.<sup>4</sup> The People's Assembly Election Law, National Assembly Election Law, and Region and State Assemblies Election Law reiterated the ban on political prisoners, members of religious orders, and civil servants from standing for election, either as members of political parties or as independent candidates. Furthermore, the laws also banned members of religious orders and those serving prison sentences from voting in the elections.

The Political Parties Registration Law stated that the NLD and the other parties that participated in the 1990 elections would automatically cease to exist as legal entities if they failed to re-register to contest the

polls.<sup>5</sup> On 14 September, the SPDC Election Commission officially dissolved the NLD and the SNLD because they failed to re-register as political parties.<sup>6</sup> The two parties together won over 84% of the seats in the 1990 elections.<sup>7</sup>

After the promulgation of election laws, the newly-formed SPDC Election Commission issued further restrictive provisions:

- The Political Parties Registration Bylaws<sup>8</sup>
- Directive 2/2010<sup>9</sup>
- Notification 91/2010<sup>10</sup>
- Notification 98/2010<sup>11</sup>

These laws imposed severe restrictions on the political parties' freedom of expression, assembly, and movement. They also negatively impacted the political parties' ability to participate in the polls. [See *Election Campaign and Media*]

### Political parties slam election laws

The election's legal framework did not receive a vote of confidence from leaders of numerous political parties, including junta-aligned parties, who criticized the election laws.<sup>12</sup> On 29 March, the NLD announced it would not contest the polls because the election laws were "unfair and unjust."<sup>13</sup> Other political parties, including the SNLD and the other ethnic parties, followed suit. They all cited the elections laws as the main reason for their boycott.<sup>14</sup> On 5 August, the Union Democracy Party Chairman Phyo Min Thein resigned over the oppressive election laws.<sup>15</sup> After Phyo Min Thein's resignation, the party announced it would field only three candidates nationwide – the minimum required to remain as a registered

political party – to protest the unfair election laws.<sup>16</sup>

<sup>1</sup> AP (08 Mar 10) Myanmar enacts election laws, paving way for polls; AFP (08 Mar 10) Burma enacts first election laws

<sup>2</sup> Irrawaddy (09 Mar 10) Party Registration Laws Set NLD a Deadline

<sup>3</sup> AAPP (Nov 10) Monthly Chronology November 2010

<sup>4</sup> Political Parties Registration Law, Articles 4 and 10

<sup>5</sup> Irrawaddy (09 Mar 10) Party Registration Laws Set NLD a Deadline

<sup>6</sup> NLM (15 Sep 10) Union Election Commission issues Notification No. 97/2010

<sup>7</sup> The NLD and SNLD, together with parties previously dissolved by the SPDC, represent more than 90% of seats won in 1990

<sup>8</sup> NLM (18 Mar 10) Meeting (6/2010) of Union Election Commission takes place

<sup>9</sup> NLM (23 Jun 10) Union Election Commission issues Directive No. 2/2010

<sup>10</sup> NLM (19 Aug 10) Rights to assemble and canvass for Hluttaw candidates

<sup>11</sup> NLM (15 Sep 10) Union Election Commission issues Notification No. 98/2010

<sup>12</sup> Irrawaddy (11 Mar 10) Ethnic Leaders To Boycott Election; NDF (13 Mar 10) NDF Statement on Military Clique's Election Laws; KNU (16 Mar 10) KNU Statement on SPDC's 2010 Election Law; Mizzima News (01 Apr 10) New Rakhine party to register with EC; Narinjara News (12 Apr 10) Leading Arakanese Party Decides Not to Register for Election; Mizzima News (16 Mar 10) A one-sided and repressive law; Irrawaddy (22 Mar 10) Exiled Groups Seek UN Action on Burma; DVB (06 May 10) Political parties slam 'rule-breaking' PM; Irrawaddy (01 Apr 10) Mon Decide to Field no Election Candidates

<sup>13</sup> AP (29 Mar 10) Myanmar opposition party to boycott elections

<sup>14</sup> Irrawaddy (11 Mar 10) Ethnic Leaders To Boycott Election; Narinjara News (12 Apr 10) Leading Arakanese Party Decides Not to Register for Election

<sup>15</sup> Reuters (05 Aug 10) Opposition party chief quits; DPA (06 Aug 10) Chairman of Myanmar pro-democracy party bows out; AFP (05 Aug 10) Myanmar dissident quits as head of democracy party; Bangkok Post (05 Aug 10) Burma dissident quits as head of democracy party; RTTNews (06 Aug 10) Myanmar's Pro-democracy Party Leader Quits Over Harsh Election Rules; Mizzima News (06 Aug 10) UDP chief withdraws from upcoming polls, quits party; DVB (06 Aug 10) Burma opposition party chief quits; Irrawaddy (05 Aug 10) UDP Chairman Resigns, Citing Unfair Election; Radio Australia News (06 Aug 10) The head of a Burmese opposition party quits over unfair polls

<sup>16</sup> DVB (26 Aug 10) UDP blasts 'stubborn' election authority; Irrawaddy (26 Aug 10) Pro-democracy Parties to Avoid Clash

## ELECTION ADMINISTRATION: PARTIES EXCLUDED, VOTERS DISENFRANCHISED

- ☒ The SPDC Election Commission did not act in an independent, impartial, and transparent manner.
- ☒ Various political parties and candidates were barred by the Election Commission's discriminatory restrictions.
- ☒ The Election Commission's unreasonable financial requirements and the short deadline for candidate registration hindered the ability of political parties to field candidates.
- ☒ The Election Commission canceled the polls in more than 3,400 villages in ethnic areas, which disenfranchised around 1.5 million eligible voters.

### Election Commission ensures SPDC control over elections

The SPDC-drafted Election Commission Law empowered the junta to handpick the Election Commission, which presided over all aspects of the electoral process.<sup>1</sup> As a result, the Election Commission served as a rubber-stamp for the regime.

On 11 March, the SPDC appointed the 17-member Election Commission (15 men and two women).<sup>2</sup> The majority of the Commission members were retired civil servants who served under the junta. Commission Chairman Thein Soe was a former Major General who served as a military judge.<sup>3</sup> Thein Soe and fellow Commission member, Tin Aung Aye, are on the EU sanctions blacklist.<sup>4</sup>

The SPDC Election Commission		
	Member	Background
1.	Thein Soe	<ul style="list-style-type: none"> <li>• Election Commission Chairman</li> <li>• Vice Chief Justice of Burma's Supreme Court</li> <li>• Former Army Major General and military judge</li> <li>• On the EU blacklist</li> </ul>
2.	Zaw Naw	<ul style="list-style-type: none"> <li>• Kachin national</li> <li>• Former district law officer in Myitkyina, Kachin State</li> <li>• Served on the SPDC Constitution Drafting Commission</li> </ul>
3.	Khin Maung Nu	
4.	Ba Hlaing	
5.	Ba Maung	<ul style="list-style-type: none"> <li>• Former Director-General of the Historical Research Department</li> </ul>
6.	Nyunt Tin	<ul style="list-style-type: none"> <li>• Former Secretary of the Myanmar Institute of Strategic and International Studies</li> </ul>
7.	Maung Tha Hla	
8.	Kham Hlaing	
9.	Aung Myint	<ul style="list-style-type: none"> <li>• Former member of the Civil Service Selection and Training Board</li> </ul>
10.	Myint Naing	<ul style="list-style-type: none"> <li>• Former Deputy Attorney General</li> </ul>
11.	Tin Aung Aye	<ul style="list-style-type: none"> <li>• Justice of Burma's Supreme Court</li> <li>• Former professor and rector of Rangoon University</li> <li>• On the EU blacklist</li> </ul>
12.	Myint Kyi (F)	<ul style="list-style-type: none"> <li>• Former chairperson of the Myanmar Women's Affairs Federation</li> <li>• Formerly head of the Department of International Relations at Rangoon University</li> </ul>
13.	Khin Hla Myint (F)	
14.	Tha Oo	
15.	Maung Htoo	<ul style="list-style-type: none"> <li>• Retired professor</li> <li>• Former rector of Monywa University, Sagaing Division</li> </ul>
16.	Tha Htay	
17.	Win Kyi	

At the State/Division, Township and local levels, civil servants and members of junta-backed social organizations received preferential treatment in being appointed to Election Sub-commissions.<sup>5</sup> In many cases, Election Sub-Commissions were inadequately funded and members lacked

sufficient training and knowledge of electoral procedures.<sup>6</sup> As a result of insufficient funds, local SPDC officials forcibly collected money from villagers to fund travel and other expenses for the Election Sub-commissions.<sup>7</sup>

### **Ethnic parties excluded, candidates rejected**

The SPDC Election Commission failed to act fairly and impartially with regard to the formation of political parties.

The Commission arbitrarily and unfairly denied party registration to the Kachin State Progressive Party, the United Democracy Party (Kachin State), and the Northern Shan State Progressive Party. The three parties submitted registration papers in April, but the Commission never issued a decision on their application. In contrast, the Commission approved the party registration for the Unity and Democracy Party of Kachin State (UDPKS), led by former local SPDC official and USDA patron Khet Htein Nan, just two weeks after the party filed registration papers.<sup>8</sup>

The Commission never gave an official reason for its failure to consider the ethnic parties' registration application. However, it was widely believed that the Commission's refusal stemmed from their alleged ties with ceasefire groups that refused to join the SPDC's Border Guard Force (BGF) scheme. On 12 July, this belief was partially confirmed when SPDC Minister of Industry-1 Aung Thaung revealed that the Kachin State Progressive Party would not be able to register for the elections because of its ties with the Kachin Independent Organization.<sup>9</sup>

The Commission also rejected the application of 14 Kachin State Progressive Party members and one Northern Shan State Progressive Party member who applied to run as independent candidates after their parties were unfairly denied registration.<sup>10</sup>

<b>Election comparison</b>		
	<b>2010</b>	<b>1990</b>
<b>Eligible voters</b>	29 million	20.8 million
<b>Total Seats</b>	1,171	492
<b>Registered Parties</b>	47	235
<b>Contesting Parties</b>	37	93
<b>Female candidates</b>	114 (3.7%)	84 (3.6%)
<b>Female elected</b>	45 (3.8%)	15 (3%)
<b>Pro-junta candidates</b>	+2,200	About 500
<b>Other candidates</b>	About 650	About 1,800

The Commission's use of double standards with regard to candidate registration was further illustrated by its treatment of the largest opposition party, the National Democratic Force (NDF). After approving its application for party registration, the Commission arbitrarily added an additional requirement for four NDF leaders in order for them to stand for elections. On 30 July, the Commission told the four NDF leaders that they had to seek pardons for their past political activities if they wanted to participate in the polls. The four NDF leaders were elected in the 1990 elections and subsequently served and completed prison sentences for their opposition to the military regime.<sup>11</sup>

### **Party and candidate registration hindered**

On 17 March, the SPDC Election Commission issued the Political Parties Registration Bylaws. The Bylaws set a non-refundable 500,000 kyat (US\$550) registration fee for each candidate - the equivalent of one year's salary for a Burmese civil servant or factory worker.<sup>12</sup>

For a political party to field candidates for all the 1,154 seats in the elections, it would have to spend over US\$600,000. Many political parties voiced concerns over the exorbitant costs, which effectively prevented their candidates from standing in the election.<sup>13</sup>

On 13 August, the Election Commission set a 30 August deadline for political parties to submit their list of candidates for the election.<sup>14</sup> Various party leaders criticized the short deadline for candidate registration because political parties had insufficient time to organize and recruit candidates to field in the elections.<sup>15</sup>

Due to time and financial constraints, numerous parties had to reduce the number of candidates they planned to field.<sup>16</sup> The Commission dissolved five parties because they failed to register at least three candidates – the minimum required to contest the polls.<sup>17</sup> Thirty-three of the 37 political parties managed to field a number of candidates which amounted to less than 5% of the total number of seats in the National and Regional Parliaments. The largest pro-democracy party, the National Democratic Force (NDF), and the largest ethnic party, the Shan Nationals Democratic Party (SNLD) fielded only 170 and 157 candidates respectively. In sharp contrast, the USDP fielded 1,141 candidates.

In addition, the SPDC election laws stated that no election would be held in constituencies where there was only one candidate. In that case, the relevant State or Division Election Sub-Commission would declare the sole candidate the winner.<sup>18</sup> As a result, the USDP won in 38 constituencies where its candidates ran unopposed.

<b>Villages excluded from the elections</b>			
<b>State</b>	<b>Village-tracts</b>	<b>Villages</b>	<b>% of the total</b>
Kachin State	68	479	16.6%
Karen State	155	974	47.2%
Karenni State	9	74	11.9%
Mon State	9	49	4.1%
Shan State	237	1,825	10.7%
<b>Total</b>	<b>478</b>	<b>3,401</b>	<b>14.3%</b>

The Election Commission's failure to act in an independent, transparent, and impartial manner with regard to party and candidate registration provoked strong criticism by numerous election stakeholders.<sup>19</sup> On 26 August, National Democratic Force leader Khin Maung Swe said he would not stand for election because of the Commission's restrictions.<sup>20</sup> In early September, the Myanmar Democracy Congress decided to boycott the polls because of the SPDC Election Commission's "unacceptable and unsatisfactory" actions.<sup>21</sup>

### **Ethnic voters disenfranchised**

The Election Commission Law gave the Election Commission the authority to scrap polls in areas, where "security reasons" prevented the vote from being free and fair.<sup>22</sup> The obvious intent of the law was to allow the SPDC to cancel elections in ethnic nationality areas where there was strong opposition to the SPDC.

On 16 September, the Commission announced that polls would not be held in over 400 Village-tracts in Kachin, Karen, Karenni, Mon, and Shan States because they were "in no position to host free and fair elections."<sup>23</sup> As a result, the regime excluded from voting more than 3,400 villages in ethnic nationality areas. These areas comprised nearly 50% of Karen State, most of the areas in Kachin State under the control of the Kachin Independence Organization, and four of the six townships in the Wa Self-Administered Division. The Wa region was one of the very few areas in Burma which officially recorded a majority of "No" votes in the 2008 constitutional referendum.<sup>24</sup>

The SPDC's decision not to hold elections in these areas disenfranchised an estimated 1.5 million voters in ethnic areas, increased the likelihood of armed conflict, and made the chances of genuine national reconciliation even more remote.<sup>25</sup>

<sup>1</sup> AFP (09 Mar 10) Myanmar vote unfair but hope for change remains: analysts

<sup>2</sup> NLM (12 Mar 10) Formation of Union Election Commission; Mizzima News (11 Mar 10) Burmese regime discloses Election Commission members; Chinland Guardian (11 Mar 10) Burma Appoints Election Commission as Canada Slams Junta

<sup>3</sup> Irrawaddy (12 Mar 10) Election Commission Members from Various Backgrounds

<sup>4</sup> Mizzima News (02 Apr 10) Chairman of Burma's Election Commission on EU blacklist

<sup>5</sup> Irrawaddy (09 Apr 10) Gov't Officials Training for Polls; NLM ((08 Apr 10) UEC opens Election Laws, Rules and Manual Guide Course; Irrawaddy (01 Jul 10) USDA Members Favored for Election Sub-Commissions

<sup>6</sup> KIC (01 Sep 10) Lack of voter education for Karen State people; Narinjara News (03 Sep 10) Village Level Election Commissions Suffer Poor Funding; Mizzima News (16 Sep 10) Democratic Party to focus efforts on lower house, leader says

<sup>7</sup> Kanatarawaddy Times (28 Sep 10) Villagers forced to contribute to election funds; Kaladan News (04 Oct 10) Village Council Collects Funds from Villagers for Election Commission

<sup>8</sup> Kachin News Group (20 Jul 10) UDPKS gets 50 million Kyat from junta-backed USDP

<sup>9</sup> Mizzima News (13 Jul 10) Kachin party ineligible to form, junta minister says

<sup>10</sup> Irrawaddy (16 Sep 10) EC Rejects Individual Kachin Candidates; Kachin News Group (21 Sep 10) Kachin parties, independents denied EC approval

<sup>11</sup> Irrawaddy (31 Jul 10) NDF Leaders Told to Appeal Past Treason Charges

<sup>12</sup> Irrawaddy (18 Mar 10) Newly-registered Parties Face Financing Problems; Reuters (10 Mar 10) Western sanctions fuel rare strikes in Myanmar; NLM (18 Mar 10) Meeting (6/2010) of Union Election Commission takes place

<sup>13</sup> AFP (22 Aug 10) Restricted Myanmar opposition says govt poll victory ensured; Mizzima News (04 Jun 10) Public interest in polls dims: political parties; Irrawaddy (15 Jun 10) Political Parties Can't Afford Campaign Material; Irrawaddy (16 Jul 10) USDA 'Abolished': Official; Irrawaddy (17 Jun 10) PM's Party, Gov't 'All Mixed Up'; Irrawaddy (06 Aug 10) Election Chance for Change; Mizzima News (17 Aug 10) Political parties face old foes of time and money; Narinjara News (17 Aug 10) RNDP to Contest in 15 Townships in Arakan; Irrawaddy (20 Aug 10) Chin Party Struggling to Pay Candidates' Fees; DVB (23 Aug 10) Cho Cho Kyaw Nyein: 'We'll not shy away'; Khonumthung News (06 Sep 10) CNP hemmed in by fund constraints and time; Myanmar Times (13 Sep 10) Democracy Congress 'finished': founder

<sup>14</sup> AP (13 Aug 10) Myanmar Schedules Elections; AP (13 Aug 10) Myanmar sets November 7 poll date

<sup>15</sup> AP (22 Aug 10) Veteran Myanmar politician says govt party to win; IMNA (14 Aug 10) Election date announcement pressures opposition parties; Irish Times (14 Aug 10) Suu Kyi's party to boycott Burma poll in November; Irrawaddy (16 Aug 10) Opposition Parties Spread Election Forces Thinly; BreakingNews.ie (13 Aug 10) Burmese election date 'too soon' for Suu Kyi's party; Mizzima News (26 Aug 10) Parties call for electoral watchdog to delay polls

<sup>16</sup> AP (22 Aug 10) Veteran Myanmar politician says govt party to win; Narinjara News (04 Sep 10)

Arakanese KNPP Party Submits 6 Candidates to UEC; Myanmar Times (13 Sep 10) Election just the 'initial step'; Myanmar Times (13 Sep 10) Parties enter campaign mode; Myanmar Times (13 Sep 10) Yangon party falls short of election expectations; Myanmar Times (13 Sep 10) Democracy Congress 'finished': founder

<sup>17</sup> NLM (15 Sep 10) Union Election Commission issues Notification No. 97/2010

<sup>18</sup> Pyithu Hluttaw Election Law, Art. 41(a); Amyotha Hluttaw Election Law, Art. 41(a); Region Hluttaw or State Hluttaw Election Law, Art. 41 (a)

<sup>19</sup> IMNA (30 Jul 10) USDP claims to have "same goals" as Mon political party; Irrawaddy (10 Aug 10) Walking Away from an Unfair Election; IMNA (14 Aug 10) Election date announcement pressures opposition parties; Irrawaddy (26 Aug 10) Many Voters Left with No Option but Boycott; Mizzima News (07 Sep 06) 1990 winners' committee announce vote boycott; Mizzima News (16 Sep 10) Democratic Party to focus efforts on lower house, leader says

<sup>20</sup> Reuters (26 Aug 10) Myanmar opposition in disarray as polls approach; Mizzima News (25 Aug 10) NDF leader gives up on polls citing bureaucratic obstacles

<sup>21</sup> Mizzima News (07 Sep 06) 1990 winners' committee announce vote boycott

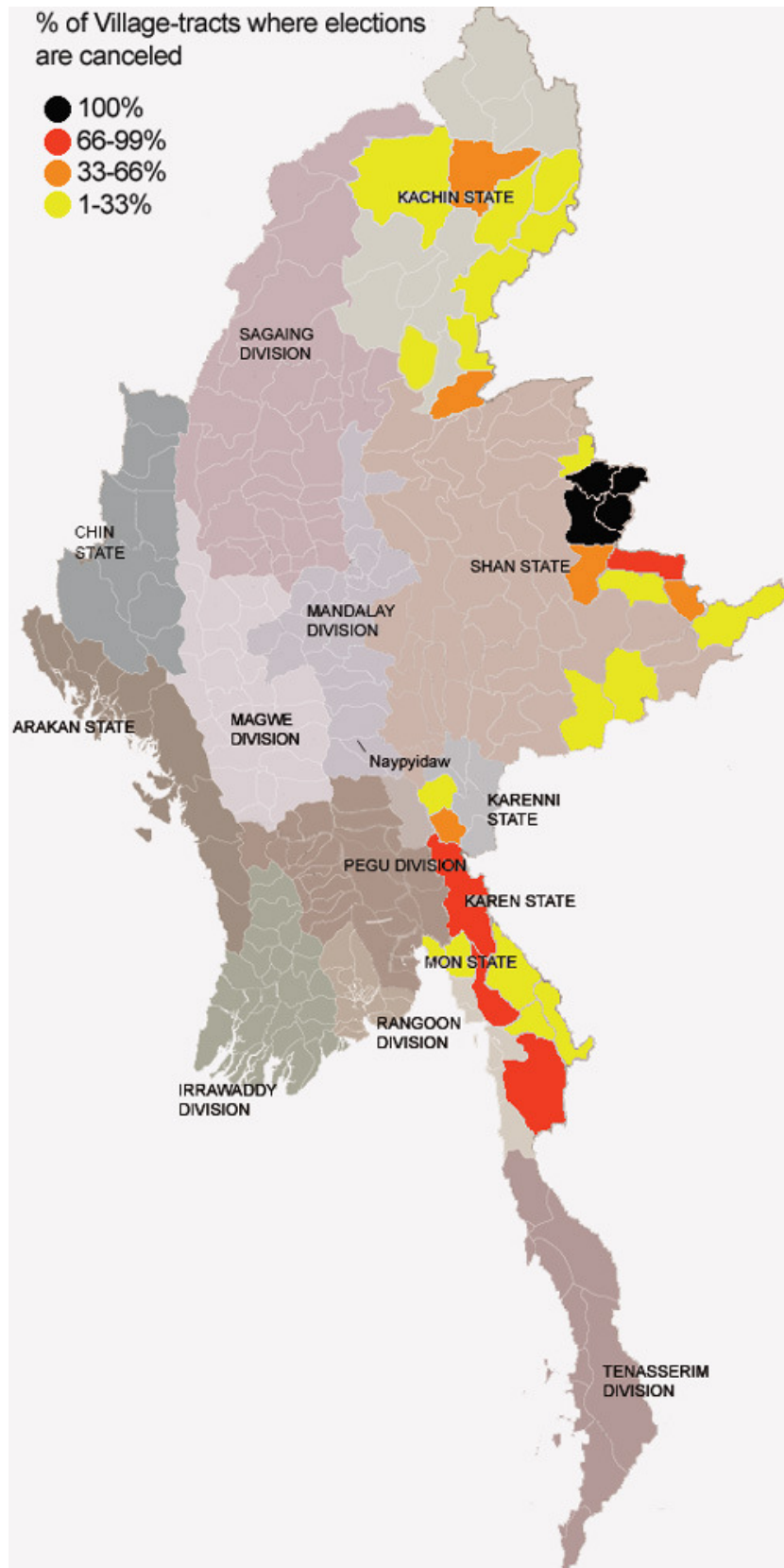
<sup>22</sup> Reuters (09 Mar 10) Myanmar junta unveils first of five election laws

<sup>23</sup> NLM (17 Sep 10) Union Election Commission issues Notification No. 103/2010, NLM (17 Sep 10) Union Election Commission issues Notification No. 102/2010, NLM (17 Sep 10) NLM Union Election Commission issues Notification No. 101/2010, NLM (17 Sep 10) Union Election Commission issues Notification No.100/2010, NLM (17 Sep 10) Union Election Commission issues Notification No. 99/2010

<sup>24</sup> Nation (24 Apr 09) Twenty Years on, the Wa-Burmese Cease-fire looks shakier

<sup>25</sup> This is an estimate based on the number of villages where the elections have been canceled multiplied by the average number of eligible voters per village.

Candidates fielded by political parties							
	Party	Total	People's Assembly	National Assembly	Local Parliaments	Elected	Seats contested
1.	Union Solidarity and Development Party	1,141	330	160	651	77.39%	98.87%
2.	National Unity Party	996	316	152	528	6.32%	86.30%
3.	National Democratic Force	170	104	44	22	9.41%	14.73%
4.	Shan Nationals Democratic Party	157	45	15	97	36.30%	13.60%
5.	Independent candidates	82	40	7	35	7.32%	7.10%
6.	Union of Myanmar Federation of National Politics	50	28	12	10	0.00%	4.33%
7.	Rakhine Nationals Progressive Party	48	11	10	27	72.92%	4.16%
8.	Democratic Party (Myanmar)	46	21	9	16	6.52%	3.99%
9.	88 Generation Student Youths (Union of Myanmar)	42	28	8	6	2.38%	3.64%
10.	Kayin People's Party	42	8	5	29	14.28%	3.64%
11.	All Mon Region Democracy Party	37	10	9	18	43.24%	3.21%
12.	Chin Progressive Party	37	7	13	17	32.43%	3.21%
13.	New Era People's Party	34	7	5	22	0.00%	2.95%
14.	Chin National Party	23	7	7	9	39.13%	1.99%
15.	National Democratic Party for Development	21	6	5	10	9.52%	1.82%
16.	Democracy and Peace Party	20	13	5	2	0.00%	1.73%
17.	Phalon-Sawaw Democratic Party	18	5	4	9	50.00%	1.56%
18.	Wa Democratic Party	17	8	1	8	35.29%	1.5%
19.	National Political Alliances League	16	8	4	4	0.00%	1.47%
20.	Taaung (Palaung) National Party	15	4	2	9	40.00%	1.30%
21.	Kayan National Party	12	2	3	7	16.67%	1.04%
22.	Lahu National Development Party	12	3	8	1	8.33%	1.04%
23.	Rakhine State National Force	12	2	2	8	0.00%	1.04%
24.	PaO National Organization	11	3	1	7	90.91%	0.95%
25.	Mro or Khami National Solidarity Organization	10	1	1	8	0.00%	0.87%
26.	Kaman National Progressive Party	9	3	1	5	0.00%	0.78%
27.	Kokang Democracy and Unity Party	9	3	1	5	0.00%	0.78%
28.	United Democratic Party	9	4	4	1	0.00%	0.78%
29.	Unity and Democracy Party of Kachin State	9	2	3	4	44.44%	0.78%
30.	Difference and Peace Party	7	3	2	2	0.00%	0.61%
31.	Inn National Development Party	5	1	1	3	60.00%	0.43%
32.	Wunthanu NLD	5	5	0	0	0.00%	0.43%
33.	Ethnic National Development Party	4	0	1	3	25.00%	0.35%
34.	Kayin State Democracy and Development Party	4	0	2	2	50.00%	0.35%
35.	Wa National Unity Party	4	3	1	0	0.00%	0.35%
36.	Khami National Development Party	3	0	3	0	0.00%	0.26%
37.	National Development and Peace Party	3	0	2	1	0.00%	0.26%
38.	Union Democracy Party	3	2	1	0	0.00%	0.26%



## ELECTION CAMPAIGN: RESTRICTIONS, THREATS, AND INTIMIDATION

- ☒ **The SPDC severely restricted the ability of political parties, candidates, and their supporters to campaign. Regime authorities detained those who spoke out against the polls.**
- ☒ **Regime officials harassed, intimidated, and coerced party candidates and their supporters and engaged in vote buying schemes.**
- ☒ **The junta-proxy Union Solidarity and Development Party (USDP) liberally used state resources and relied on state institutions, civil servants, and SPDC officials for the party's campaign activities.**

### **Freedom of expression, assembly, and movement heavily restricted**

On 23 June, the SPDC Election Commission issued Directive 2/2010, which imposed severe restrictions on political parties' freedom of expression, assembly, and movement.<sup>1</sup> According to Directive 2/2010:

- Political parties that wanted to hold gatherings outside their headquarters had to apply to the local Election Sub-Commission for permission a week in advance.<sup>2</sup>
- Political parties could not chant slogans, march or carry flags as part of their rallies.<sup>3</sup>
- Political parties could not give speeches or publish materials that "tarnished" the image of the state or the armed forces, criticized the constitution, or harmed "security and community peace."<sup>4</sup>
- Political parties were required to avoid causing "any disturbances" near government offices, factories, markets,

schools, sports grounds, hospitals, and religious places.<sup>5</sup>

- Political parties that wanted to hold gatherings at their own party headquarters or branches had to notify the Election Sub-commissions seven days in advance. The directive added that speakers had to be identified and approved.<sup>6</sup>
- Assembly permits could be amended or revoked for the sake of security.<sup>7</sup>

On 19 August, the Commission issued Notification 91/2010, which prescribed the rules for election campaigns by candidates and political parties. Notification 91/2010 repeated almost all of the prohibitions contained in Directive 2/2010.<sup>8</sup>

SPDC authorities did not implement these campaign regulations in an impartial manner. While the regime strictly enforced the Commission's directives to prevent most parties from carrying out an effective campaign, USDP candidates blatantly violated the Election Commission's directives with impunity.<sup>9</sup>

SPDC authorities also arrested activists and jailed a Buddhist monk for their anti-election activities:

- **1 September:** SPDC authorities in Dala Township, Rangoon Division, briefly detained an NLD organizer for distributing leaflets that urged people not to vote in the elections.<sup>10</sup>
- **17 September:** Police in Rangoon's North Okkalapa Township arrested six university students for distributing leaflets that called for an election boycott.<sup>11</sup>
- **27 September:** An SPDC court in Rangoon's Insein prison sentenced monk Uk Kong Sah (28) to 15 years in prison with hard labor for campaigning against the polls.<sup>12</sup>

- **23 October:** SPDC authorities in Rangoon arrested at least two Buddhist monks who were handing out anti-election pamphlets near the Shwedagon pagoda.<sup>13</sup>
- **3 November:** Police and Swan Arr Shin thugs in Rangoon's South Dagon Township briefly detained NLD member Aye Thwin for distributing leaflets that urged voters to boycott the elections.<sup>14</sup>
- **6 November:** Police in Rangoon's Thaketa Township briefly detained seven NLD members for distributing leaflets that called for an election boycott.<sup>15</sup>

### Harassment, coercion, and vote buying

Opposition parties and candidates encountered restrictions, surveillance, intimidation, threats, and harassment by SPDC authorities, pro-junta militias, USDP organizers, and Swan Arr Shin thugs. They included:

- Monitoring events held at political parties' offices.<sup>16</sup>
- Questioning and intimidating voters after they met with party canvassers.<sup>17</sup>
- Forcing the closure of businesses owned by members, officials and candidates of political parties.<sup>18</sup>
- Monitoring, harassing, intimidating, and attacking party members and candidates during their campaign activities.<sup>19</sup>
- Threatening voters with punishment if they refused to vote for the USDP.<sup>20</sup>
- Intimidating party members by visiting their homes and questioning them.<sup>21</sup>

In addition, SPDC authorities and USDP members pursued a systematic campaign to coerce voters into joining the junta-sponsored party.<sup>22</sup> USDP officials also resorted to widespread vote-buying and other forms of enticement, including:

- Providing low interest loans to farmers.<sup>23</sup>
- Offering free healthcare.<sup>24</sup>
- Building roads and constructing houses.<sup>25</sup>
- Making financial and material donations.<sup>26</sup>

- Promising ID cards, travel permits, and other official documents.<sup>27</sup>

### Unfair allocation of state resources

While most parties were unable to raise enough funds to participate in the polls and denounced the prohibitive costs of the election process, the SPDC made sure that the USDP had access to all the financial resources it needed. In mid-July, the SPDC granted permission for the pro-junta mass organization Union Solidarity and Development Association (USDA) to dissolve and transfer all of its assets to the USDP.<sup>28</sup>

In addition to massive state resources allocated to the USDP, SPDC high-ranking officials and SPDC Army Regional Commanders actively and illegally campaigned across Burma to gain support for the USDP.<sup>29</sup>

<sup>1</sup> NLM (23 Jun 10) Union Election Commission Issues Directive No. 2/2010; AP (23 Jun 10) Myanmar: No chanting to drum up political support; AFP (23 Jun 10) Myanmar restricts political activity ahead of polls; Xinhua (23 Jun 10) Myanmar issues directive for election campaigning by political parties

<sup>2</sup> AFP (23 Jun 10) Myanmar restricts political activity ahead of polls

<sup>3</sup> AFP (23 Jun 10) Myanmar restricts political activity ahead of polls

<sup>4</sup> AP (23 Jun 10) Myanmar: No chanting to drum up political support

<sup>5</sup> AP (23 Jun 10) Myanmar: No chanting to drum up political support

<sup>6</sup> Xinhua (23 Jun 10) Myanmar issues directive for election campaigning by political parties

<sup>7</sup> Xinhua (23 Jun 10) Myanmar issues directive for election campaigning by political parties

<sup>8</sup> AP (19 Aug 10) Myanmar lays down stringent campaign rules for November election; DPA (19 Aug 10) Myanmar announces restrictions on election campaigning; NLM (19 Aug 10) Rights to assemble and canvass for Hluttaw candidates; Al Jazeera (19 Aug 10) Myanmar announces strict poll rules; Xinhua (19 Aug 10) Myanmar sets procedures for parliamentary candidates for canvass

<sup>9</sup> Irrawaddy (06 Oct 10) USDP Blatantly Flouts Election Law; SHAN (28 Aug 10) Rigged constitution, vague laws and dirty tricks; Irrawaddy (20 Aug 10) USDP Opens Headquarters and Offices Nationwide; UPI (05 Nov 10) Junta Breaks Campaign Laws, Groups Say; Irrawaddy (26 May 10) USDP Handing Out 'Incentives' in Shan State

<sup>10</sup> Irrawaddy (02 Sep 10) Only State Proxy Parties to Compete in Naypidaw

<sup>11</sup> Mizzima News (30 Sep 10) Student unions condemn 'unlawful' arrest of activists urging poll boycott; Irrawaddy (29 Sep 10) Students Arrested for Urging Election Boycott

<sup>12</sup> AFP (18 Sep 10) Jailed for anti-election activity; Irrawaddy (28 Sep 10) Monk Jailed for Anti-Electioneering; DVB (28 Sep 10) Anti-election monk sentenced to 15 years

<sup>13</sup> Irrawaddy (23 Oct 10) Security Tight in Rangoon Amid Rumors of Protests

<sup>14</sup> Mizzima News (03 Nov 10) NLD poll-boycott activist held, junta 'thugs' seize camera, pamphlets; Irrawaddy (03 Nov 10) NLD Activist Arrested over 'Boycott' Flyers

<sup>15</sup> Irrawaddy (06 Nov 10) Distributing Boycott Pamphlets Illegal

<sup>16</sup> Narinjara News (07 Aug 10) RNDP Opens 11 Township Offices in Arakan State; AFP (19 Aug 10) Myanmar opposition widens reach before poll

<sup>17</sup> SHAN (12 Aug 10) Elections in Shan State East to be 'one way ticket'; Mizzima News (14 Aug 10) USDP gives loans to farmers who sign their votes away; SHAN (06 Oct 10) Local junta authorities, Shan party at odds

<sup>18</sup> Kantarawaddy Times (25 Aug 10) NUDP chairman's business ventures closed; Kantarawaddy Times (02 Sep 10) USDP intimidates ethnic party in Karenni State; Kantarawaddy Times (18 Sep 10) NUDP not to contest elections in Burma

<sup>19</sup> Mizzima News (11 Jun 10) Mon party to push for free market, development; Irrawaddy (14 Jul 10) Political Parties Struggle On; Irrawaddy (23 Aug 10) Election Results will be Predictable; NMG (30 Aug 10) UMFNP members intimidated in Bago region; Kaladan News (14 Sep 10) TPDC authority order new law for election campaign in Maungdaw; Narinjara News (29 Sep 10) People Avoid RNDP Rally; IMNA (11 Oct 10) VPDC prohibits Mon Party from public campaigning

<sup>20</sup> Kachin News Group (01 Oct 10) KDA pressures people to vote for USDP; SHAN (01 Oct 10) Border residents ordered to vote for junta party; Kaladan News (11 Oct 10) USDP targets day laborers ahead of elections; Kaladan News (07 Oct 10) USDP candidates and supporters threaten voters in Arakan State

<sup>21</sup> Irrawaddy (11 Aug 10) Democratic Party Complains of Intimidation

<sup>22</sup> SHAN (27 May 10) Work cut out for Shan party; Kantarawaddy Times (18 Jun 10) USDP recruits members forcibly, charges Kyat 1000; Khonumthung News (21 Jun 10) One member per family to enroll in USDP in Chin state; IMNA (06 Jul 10) Headmen pressured to handpick for USDP membership; SHAN (09 Aug 10) Junta provide ID cards to Chinese citizens to cast votes; Mizzima News (25 Aug 10) Parents forced into USDP in return for polio shots; Narinjara News (08 Sep 10) Villagers Forced to Join USDP; IMNA (24 Sep 10) USDP collects voter signatures

<sup>23</sup> Irrawaddy (28 Jun 10) USDA Hands Out 'Loans' to Poor; DVB (12 Jul 10) PM's party flashing money at supporters; Mizzima News (14 Aug 10) USDP gives loans to farmers who sign their votes away; Irrawaddy (06 Oct 10) USDP Blatantly Flouts Election Law

<sup>24</sup> SHAN (01 Sep 10) USDP to provide free health care during its campaigns

<sup>25</sup> Khonumthung News (02 Aug 10) Chin people reject metalled road offer by USDP

<sup>26</sup> Kachin News Group (25 Jun 10) USDP offers cash for votes in Puta-O; Irrawaddy (22 Sep 10) Generals Distribute Phones for Election Support; Irrawaddy (07 Oct 10) Illegal USDP Campaign Tactics

<sup>27</sup> DVB (24 Jun 10) PM's party enticing Muslims; SHAN (01 Sep 10) USDP to provide free health care during its campaigns; Kachin News Group (11 Sep 10) USDP woos voters with free NRC in Kachin State

<sup>28</sup> Irrawaddy (16 Jul 10) USDA 'Abolished': Official

<sup>29</sup> SHAN (11 Mar 10) Junta tries to win over people with ethnic officers; Kachin News Group (08 Apr 10) Naypyitaw officials visit Kachin churches with donations; Mizzima News (05 May 10) Defence ministry Chin tour urges 'successful polls'; Khonumthung News (27 May 10) Junta donates to churches in Hakha

Despite the pervasive climate of oppression in the run-up to the polls, Burmese activists remained defiant and expressed their opposition to the elections.

- **7 July:** A group of university students in Rangoon's Kamayut Township distributed leaflets that urged people to boycott the upcoming elections.<sup>1</sup>
- **Early July:** Activists distributed leaflets in Muse and Namkham, Shan State, which urged people not to participate.<sup>2</sup>
- **6 August:** Activists in Kyaukpyu, Arakan State, posted posters and distributed leaflets that urged people to boycott the elections.<sup>3</sup>
- **12 August:** Generation Wave kicked off its anti-election campaign in Rangoon by putting up posters and distributing leaflets that urged people not to vote.<sup>4</sup>
- **15 August:** Villagers in Manaung Township, Arakan State, put up posters that expressed opposition to the Union Solidarity and Development Party (USDP) and National Unity Party (NUP).<sup>5</sup>
- **5 September:** Shan community leaders began distributing one thousand VCDs with interviews and music opposing the elections.<sup>6</sup>
- **21 September:** Activists distributed anti-election posters in Maungdaw, Buthidaung, Rathidaung, and Akyab Townships in Arakan State.<sup>7</sup>
- **20 September:** Youth groups mailed more than 1,000 postcards to businessmen and civil servants across the country that urged them to boycott the elections.<sup>8</sup>
- **3 October:** An abbot from Ma Kyi Myint Monastery in Akyab, Arakan State, refused to provide space in the monastery for the USDP to hold a political rally.<sup>9</sup>
- **5 October:** Youth activists posted signs that urged people to boycott the elections in 15 villages across Arakan State.<sup>10</sup>
- **20 October:** Local activists distributed about 50 anti-election leaflets around Myitkyina, Kachin State.<sup>11</sup>
- **23 October:** At least two Buddhist monks handed out pamphlets protesting the election near the Shwedagon pagoda in Rangoon.<sup>12</sup>
- **26 October:** NLD members distributed election boycott leaflets in Rangoon's Insein and Mingaladon Townships.<sup>13</sup>
- **27 October:** Around 1,200 people from over 150 villages protested the elections in Ye and Thanbyuzayat Townships in Mon State and Kyainnseikyi Township in Karen State.<sup>14</sup>
- **30 October:** Activists spray-painted anti-election graffiti on the walls of Sinthaykan railway station near Kyaukpadaung, Mandalay Division.<sup>15</sup>
- **31 October:** SPDC riot police surrounded "no-vote" campaigners in Rangoon's North Okkalapa Township when they attempted to distribute election boycott leaflets.<sup>16</sup>
- **31 October:** Over 500 people from 10 villages took part in the anti-election campaign between Ye and Thanbyuzayat Township in Mon State.<sup>17</sup>
- **1 November:** Over 200 people from five villages in Kyainnseikyi Township, Karen State staged anti-election demonstrations.<sup>18</sup>
- **2 November:** Over a 100 people from areas of Kyainnseikyi Township, Karen State, staged an anti-election demonstration.<sup>19</sup>
- **2 November:** Local youths distributed "no-vote" T-shirts in Yenanchaung Township, Magwe Division.<sup>20</sup>
- **2 November:** Local residents in Zeegone Township, Pegu Division, refused to allow USDP members to put up campaign signs outside their homes.<sup>21</sup>
- **2 November:** Imams at mosques in Rangoon's Mingala Taungnyunt Township ignored an SPDC request to urge Muslim voters to support USDP candidate Aung Kyi in the election.<sup>22</sup>
- **4 November:** USDP members threatened and confiscated anti-election materials from NLD members in Bogale, Irrawaddy Division, while they were distributing anti-election pamphlets.<sup>23</sup>
- **4 November:** Activists distributed 1,000 posters and stickers opposing the election in Myitkyina, Kachin State.<sup>24</sup>
- **6 November:** NLD member and political prisoner Kyaw Kyaw Naing started a hunger strike in Hpa-an prison, Karen State, to protest the election.<sup>25</sup>
- **6 November:** Activists in Rangoon distributed anti-election cartoons.<sup>26</sup>
- **6 November:** NLD members in Rangoon's Thaketa Township distributed leaflets that called for an election boycott.<sup>27</sup>

- <sup>1</sup> Mizzima News (08 Jul 10) Students make risky public call for right to form unions
- <sup>2</sup> SHAN (09 Jul 10) Ethnic parties gaining support in Northern Shan State
- <sup>3</sup> Narinjara News (13 Aug 10) Anti-Election Campaign in Arakan
- <sup>4</sup> Chinland Guardian (15 Aug 10) Vote-No Campaign Posters Distributed In Rangoon
- <sup>5</sup> Narinjara News (19 Aug 10) Handwritten Posters Opposing USDP
- <sup>6</sup> Irrawaddy (18 Oct 10) Anti-Election Video Popular in Shan State
- <sup>7</sup> Narinjara News (22 Sep 10) Anti-Election Posters Distributed on International Peace Day in Arakan
- <sup>8</sup> Mizzima News (26 Sep 10) Five youth organisations form poll-boycott alliance
- <sup>9</sup> Narinjara News (04 Oct 10) Monastery Refuses Space for USDP Rally
- <sup>10</sup> Mizzima News (07 Oct 10) Arakanese activists post notices urging poll boycott
- <sup>11</sup> Kachin News Group (20 Oct 10) People use posters to show they reject election in Northern Burma
- <sup>12</sup> Irrawaddy (23 Oct 10) Security Tight in Rangoon Amid Rumors of Protests
- <sup>13</sup> Irrawaddy (26 Oct 10) Election Boycott Leaflets Distributed
- <sup>14</sup> New Zealand Herald (28 Oct 10) Villagers defy regime with boycott call
- <sup>15</sup> Mizzima News (05 Nov 10) Anti-poll graffiti sprayed at Mandalay anti-junta village train station
- <sup>16</sup> Mizzima News (01 Nov 10) Riot police surround 'no-vote' campaigners in Rangoon
- <sup>17</sup> KIC (03 Nov 10) Anti-election demonstration over two days
- <sup>18</sup> KIC (03 Nov 10) Anti-election demonstration over two days
- <sup>19</sup> KIC (03 Nov 10) Over 100 people protest poll cancellation
- <sup>20</sup> Irrawaddy (02 Nov 10) T-shirts Send No-vote Message
- <sup>21</sup> Irrawaddy (02 Nov 10) USDP Members Not Allowed to Post Signs
- <sup>22</sup> Irrawaddy (02 Nov 10) Imams Reject USDP
- <sup>23</sup> Irrawaddy (04 Nov 10) USDP Threatens NLD Members
- <sup>24</sup> Kachin News Group (05 Nov 10) Activists spread 1,000 posters opposing election and dam
- <sup>25</sup> Irrawaddy (07 Nov 10) NLD Political Prisoner on Hunger Strike
- <sup>26</sup> Irrawaddy (07 Nov 10) Political Cartoons Distributed in Rangoon
- <sup>27</sup> Irrawaddy (06 Nov 10) Distributing Boycott Pamphlets Illegal

## **MEDIA: CENSORSHIP, HARASSMENT, AND PROPAGANDA**

### **Private media silenced**

The SPDC Censorship Board systematically barred private news outlets from publishing any news, commentary or analysis of the elections which did not conform to the regime's views. A veteran editor at a weekly journal reported that the SPDC Censorship Board's restrictions on domestic media were "tighter than ever before."<sup>1</sup>

The SPDC Censorship Board routinely suppressed:

- Any comment or analysis of the election laws that did not conform to the regime's views.<sup>2</sup>
- Opinions and interviews of members of political parties not aligned with the junta.<sup>3</sup>
- Reports on political parties that refused to participate in the polls.<sup>4</sup>
- Any coverage that criticized the formation of the USDP.<sup>5</sup>
- Criticism of the SPDC Election Commission's decision to hold the election on 7 November.<sup>6</sup>
- Reports that Daw Aung San Suu Kyi had the right to vote in the elections.<sup>7</sup>

On 20 July, the Censorship Board issued a directive that media outlets that failed to correctly quote the constitution, the electoral laws, and other election rules would have their publishing licenses revoked.<sup>8</sup>

The Censorship Board suspended the publication of two journals for two weeks. In July, the Board suspended the publication of the journal *Voice* for publishing an article that said the SPDC's 2008 constitution was "hard to explain to Burmese."<sup>9</sup> In October, the Board suspended the publication of the Rangoon-based weekly journal *Favourite* for publishing a cartoon of the USDP.<sup>10</sup>

- ☒ **The SPDC Censorship Board limited the ability of independent media to report on election issues and developments. This included heavy and systematic censorship of election-related news and suspension of media outlets.**
- ☒ **The junta barred foreign journalists from entering Burma to observe the polls. The regime's restrictions and harassment considerably limited the ability of domestic reporters to observe the election process.**
- ☒ **The SPDC Election Commission regulations tightly limited the political parties' access to state-run media and prevented them from freely presenting their programs.**
- ☒ **State-run media provided a biased and imbalanced political coverage that favored the regime and its proxy Union Solidarity and Development Party (USDP).**
- ☒ **State-run media failed to provide sufficient information to enable voters to make an informed voting decision.**

### **Foreign journalists barred, domestic reporters harassed**

The SPDC excluded foreign journalists from monitoring the polls. In addition, the junta's restrictions and harassment considerably constrained domestic reporters' ability to observe the electoral process.

On 18 October, SPDC Election Commission Chairman Thein Soe said that foreign journalists would not be allowed to cover the elections.<sup>11</sup> On 7 November, police in Myawaddy, Karen State, detained Japanese journalist Toru Yamaji, 49, on charges of illegal entry into Burma.<sup>12</sup>

On 7 November, the SPDC Information Ministry arranged for state-sponsored tours for local journalists to travel to various locations across Burma with members of the diplomatic community.<sup>13</sup> However, reporters had to remain at least 50 meters away from polling stations.<sup>14</sup>

As Election Day approached, the regime stepped up harassment of local journalists. On 2 November, supporters of USDP candidate for the People's Assembly in Rangoon's Tamwe Township Lei Lei Win Swe forced two Burmese journalists from AFP and Tokyo Broadcasting to leave her campaign rally in Tamwe Township.<sup>15</sup> On 8 November, Election Sub-Commission officials in Rangoon's South Okkalapa Township arrested two female reporters from the privately-owned weekly True News.<sup>16</sup>

#### **State-run media: Censorship, threats, and 15 minutes of fame**

State-run media granted political parties and candidates a limited and tightly-controlled space to inform the public about their policies and programs. According to the SPDC Election Commission Notification 98/2010, issued on 14 September, parties that wanted to campaign on TV or radio had to submit a message transcript to the Election Commission at least seven days in advance for approval.<sup>17</sup> Provided the script was approved, a one-off 15-minute

campaign message was broadcast on state-run radio and TV and published in state-run newspapers.

However, Notification 98/2010 also stated that political parties could not give speeches or publish materials that "tarnish" the image of the state and the armed forces, criticize the constitution, or harm "security and community peace."<sup>18</sup> The Election Commission used this vaguely formulated provision to further limit the political parties' access to state media and prevented them from freely presenting their programs.

The Election Commission rejected the transcripts submitted by the Democratic Party (Myanmar), the Union of Myanmar Federation of National Politics, the 88 Generation Student Youths (Union of Myanmar), and the Difference and Peace Party.<sup>19</sup> The Election Commission also censored portions of the transcripts submitted by several political parties. The Commission censored the portion of the Chin National Party's message that said the party would advocate for religious freedom, the right to learn Chin language in public schools, and the right to establish NGOs in Chin State.<sup>20</sup> The Commission also removed the All Mon Region Democracy Party's reference to "genuine" federalism in Burma,<sup>21</sup> and it took out the Shan Nationals Democratic Party's reference to the 1947 Panglong Agreement.<sup>22</sup>

<b>Time and space allocation in political coverage by state-run TV and newspapers<sup>1</sup></b>					
	Myanmar TV	Myanmar TV 4	Myawaddy TV	Kyemon	Myanma Ahlin
<b>4-31 August</b>					
SPDC officials	93%	92%	92.2%	52.9%	80.7%
Election Commission	4.7%	5.5%	5.9%	43.5%	14.8%
Than Shwe	2.3%	2.5%	1.5%	3.4%	3.9%
<b>1 September - 25 October</b>					
SPDC officials	80%	78.6%	79%	77%	70%
Election Commission	6.8%	6.7%	8.6%	12%	14.3%
Than Shwe	9%	10%	6%	7%	6%
Than Shwe's wife	3.7%	5%	6%	3%	3.5%

### Propaganda and threats “yes”; information “no”

In addition to the Election Commission's heavy censorship, state-run media failed to provide sufficient information on political parties to enable voters to make an informed choice on the elections through news reports, analysis, and voter education initiatives.

State-run media concentrated their political coverage on the activities of regime officials, many of whom were also USDP candidates in the elections. [See table *Time and space allocation in political coverage by state-run TV and newspapers*] They completely ignored the campaign activities of political parties and failed to promote debate on social, economic, and political issues.<sup>23</sup>

In addition, the junta used state-run newspapers to attack the NLD's decision to boycott the polls and threaten those who wanted to do the same. State-run newspapers published numerous commentaries that threatened jail for anyone who incited people to protest the elections or not to vote.<sup>24</sup>

<sup>1</sup> Mizzima News (06 Apr 10) Censorship at peak but for pro-poll coverage

<sup>2</sup> Mizzima News (12 Mar 10) Election analysis barred in Burmese publications; Irrawaddy (13 Mar 10) Junta Bans Election News; DVB (17 Mar 10) Election views blocked in Burmese media; Irrawaddy (29 Mar 10) NLD Will be Gagged: Media Sources; Irrawaddy (08 Nov 10) Weekly Eleven Journal Ordered to Remove Election News; RSF (08 Nov 10) Burma: Poll without witnesses – Japanese journalist, two Burmese reporters arrested; Irrawaddy (01 Nov 10) Junta Censors Election Fraud News

<sup>3</sup> DVB (17 Mar 10) Election views blocked in Burmese media; Mizzima News (06 Apr 10) Censorship at peak but for pro-poll coverage; Mizzima News (07 Jul 10) Media outlets expect drop in junta propaganda

<sup>4</sup> Irrawaddy (29 Mar 10) NLD Will be Gagged: Media Sources

<sup>5</sup> Irrawaddy (05 May 10) Tight Censorship on Reporting USDP

<sup>6</sup> Irrawaddy (17 Aug 10) Junta Censors Complaints on Election Date

<sup>7</sup> Irrawaddy (01 Oct 10) Censors Bar Reporting of Suu Kyi's Voting Right

<sup>8</sup> Mizzima News (27 Jul 10) Censorship rule puts electoral laws, constitution off-limits, editors say

<sup>9</sup> Irrawaddy (21 Jul 10) Journal Closed Following Article on Constitution

<sup>10</sup> Irrawaddy (04 Oct 10) Journal Suspended For Cartoon

<sup>11</sup> AP (18 Oct 10) Foreign media barred from covering Myanmar vote; Reuters (18 Oct 10) Myanmar bars foreign monitors and reporters from poll; DPA (18 Oct 10) Myanmar refuses to invite foreign election observers; AFP (18 Oct 10) Myanmar bars foreign monitors, media for election; AP (18 Oct 10) Myanmar: Foreign Journalists Barred from Covering National Elections; Xinhua (18 Oct 10) Myanmar to hold free and fair election: election commission; VOA (18 Oct 10) Burma Bars Foreign Observers, Journalists From Elections; Irrawaddy (18 Oct 10) Government Bars Foreign Media and Observers From Poll; DVB (18 Oct 10) Foreign media barred during polls

<sup>12</sup> DVB (07 Nov 10) Japanese reporter for AFP arrested; Irrawaddy (07 Nov 10) Japanese Journalist Arrested in Burmese Border Town; CNA (07 Nov 10) Japanese journalist arrested in Myanmar; Asahi Shimbun (08 Nov 10) Japanese journalist held in Myanmar; RSF (08 Nov 10) Burma: Poll without witnesses – Japanese journalist, two Burmese reporters arrested; Irrawaddy (08 Nov 10) Japanese Journalist Charged with Illegal Entry; Japan Times (08 Nov 10) Police detain Japanese journalist

<sup>13</sup> Reuters (31 Oct 10) Myanmar to keep close watch on media before poll; Xinhua (01 Nov 10) Myanmar arranges foreign diplomats, newsmen to observe polling process; Irrawaddy (01 Nov 10) Regime Allows Outside Visits to Selected Polling Stations; NLM (05 Nov 10) Foreign diplomats, UN representatives, journalists invited to study casting votes and counting of votes in November 7 elections; NLM (09 Nov 10) Diplomats of foreign missions, mediemen visit polling stations in Monywa Township; NLM (09 Nov 10) Diplomats of foreign missions observe voting process in Kachin State; NLM 909 Nov 10) Diplomats observe voting process in Mawlamyine; NLM (09 Nov 10) Diplomats of foreign missions visit polling stations in Magway, Magway Region; NLM (09 Nov 10) Diplomats, journalists observe casting votes in Haka and Falam; NLM (09 Nov 10) Diplomats of foreign missions, mediemen visit polling stations in Loikaw; NLM (09 Nov 10) Diplomats of foreign missions visit polling stations in Hpa-an Township; NLM (08 Nov 10) Diplomats, journalists observe polls in Nay Pyi Taw District; NLM (08 Nov 10) Diplomats of foreign missions and journalists observe voting process in Ayeyawady Region; NLM (08 Nov 10) Diplomats of foreign embassies observe voting process of Multiparty Democracy General Elections 2010 in Bago; NLM (08 Nov 10) Diplomats led by Nepalese Ambassador, correspondents of MFCC and reporters of journals view casting votes and counting ballots in Lashio; NLM (08 Nov 10) Ambassadors, correspondents observe voting process in Mandalay Region; NLM (08 Nov 10) Diplomats, media men observe casting votes in Sittway Township; NLM (08 Nov 10) Foreign diplomats visit voting in Taunggyi; NLM (08 Nov 10) Diplomats, journalists visit polling stations in Yangon Region; NLM (08 Nov 10) Multiparty Democracy General Elections 2010 held in Shan State (East); NLM (08 Nov 10) Diplomats observe casting votes in Pyay; NLM (08 Nov 10) People freely cast votes for candidates for

respective hluttaws; NLM (08 Nov 10) Foreign diplomats, UN representatives and journalists observe casting votes; NLM (08 Nov 10) Diplomats observe casting votes in Kachin State; NLM (08 Nov 10) Diplomats and journalists observe voting process in Monywa Tsp

<sup>14</sup> Reuters (31 Oct 10) Myanmar to keep close watch on media before poll

<sup>15</sup> Mizzima News (02 Nov 10) Tarmway USDP candidate ejects reporters from foreign agencies

<sup>16</sup> RSF (08 Nov 10) Burma: Poll without witnesses – Japanese journalist, two Burmese reporters arrested; RSF (10 Nov 10) Japanese journalist and two Burmese journalists freed

<sup>17</sup> NLM (15 Sep 10) Union Election Commission issues Notification No. 98/2010

<sup>18</sup> Election Commission Notification 98/2010, Article 6

<sup>19</sup> Irrawaddy (23 Sep 10) Burma's EC Rejects Democratic Party Campaign Ad; Mizzima News (24 Sep 10) Party canvassing on state media heavily censored; (29 Sep 10) More parties cancel election broadcasts; Mizzima News (05 Nov 10) PDP pulls broadcasts after electoral watchdog cuts texts

<sup>20</sup> Khonumthung News (01 Oct 10) CNP's TV poll campaign censored

<sup>21</sup> Irrawaddy (30 Sep 10) Ethnic Campaign Ads Censored

<sup>22</sup> Irrawaddy (30 Sep 10) Ethnic Campaign Ads Censored

<sup>23</sup> MEMO 98 (15 Oct 10) Monitoring of the media coverage prior to 7 November elections in Burma - Report n.1 (August 2010); MEMO 98 (05 Nov 10) Monitoring of the media coverage prior to 7 November elections in Burma - Report n.2 (1 September – 25 October 2010)

<sup>24</sup> AP (04 Aug 10) Myanmar sends poll warning; Reuters (10 Sep 10) Myanmar tells baffled voters to do their duty; Reuters (10 Sep 10) Govt urges Myanmar to vote; AP (10 Sep 10) Myanmar media denounce those who push vote boycott; AFP (18 Sep 10) Myanmar 'issues warning to Suu Kyi party'; AP (19 Sep 10) Suu Kyi's party warned over election criticism; AFP (18 Sep 10) Myanmar 'issues warning to Suu Kyi party'; AP (19 Sep 10) Suu Kyi's party warned over election criticism; AFP (31 Oct 10) Myanmar state media warns poll boycott blocks democracy; AFP (31 Oct 10) Myanmar citizens told to vote as fears grow over poll

## VOTING AND POST ELECTION: FRAUD, IRREGULARITIES, AND RETALIATION

### Fraud, irregularities, threats, and harassment

Widespread evidence of fraud, irregularities, and lack of independent monitoring characterized the vote:

- In the days before the election, local SPDC officials, polling station officials, and Union Solidarity and Development Party (USDP) members throughout the country solicited advance and proxy votes for the USDP.<sup>1</sup>
- Widespread evidence emerged of irregularities and lack of transparency in the vote count, particularly with regard to the advance votes. In many races, the number of advance votes for the USDP tipped the balance in favor of its candidates.<sup>2</sup>
- Local SPDC officials, Election Sub-commission and polling station officials, and USDP members detained, harassed, threatened, intimidated, and discriminated against members and supporters of “opposition” parties and prevented them from effectively monitoring the vote.<sup>3</sup>
- SPDC officials and local Election Sub-commission members actively campaigned for USDP candidates. USDP members campaigned in the vicinity of, and sometimes inside, polling stations, directly violating the SPDC election laws.<sup>4</sup>
- Polling station officials failed to act in a professional, transparent, and impartial manner. In many cases, polling station officials cast proxy votes, denied voters the right to vote, and invalidated votes for “opposition” parties.<sup>5</sup>
- Booths at polling stations did not allow voters sufficient privacy to cast their votes. Ballot boxes at polling stations were not adequately secure.<sup>6</sup>
- Large numbers of eligible voters in ethnic nationality areas were excluded from voter lists.<sup>7</sup>

- ☒ **Widespread evidence of fraud and procedural irregularities characterized the vote, including:**
  - Threats, harassment, and intimidation;
  - The widespread abuse and illegal use of advance voting;
  - Proxy votes;
  - Lack of voter privacy;
  - Stuffing ballot boxes;
  - Ballot invalidation; and
  - Lack of transparency in the vote count.
- ☒ **The SPDC barred international election monitors from observing the polls. In many cases, SPDC authorities, polling station officials, and USDP members denied domestic observers free access to monitor polling activities,**
- ☒ **Political parties, by and large, condemned the polls. The exorbitant fees set for challenging election results coupled with the possibility of jail time and the lack of any expectation of actual redress discouraged political parties from contesting the results.**
- ☒ **In the days and weeks after the elections, SPDC authorities in ethnic nationality areas retaliated against people who they believed failed to vote for the USDP.**

- The SPDC barred international election monitors from observing the polls.<sup>8</sup> In many cases, SPDC authorities, polling station officials, and USDP members denied domestic observers free access to monitor polling activities, including vote counting.<sup>9</sup>

**“I got many votes at the polling stations but found that I had lost when I arrived at the election commission office in Kyaikmaraw Township because they added 5,000 advance votes that were in a bag. I asked them to investigate and count the 5,000 advance votes in the bag, but they refused to do it.”** - All Mon Region Democracy Party Chairman Ngwe Thein.<sup>10</sup>

**“A relative of a polling station official even took a ballot box with him to his home.”** - Democratic Party (Myanmar) Executive Secretary Cho Cho Kyaw Nyein.<sup>11</sup>

**“The polling booth officials [...] are sitting near the voters while they are voting [...]. So there is no security for them. I think this is deliberate [...]. This is not a secret ballot.”** - Difference and Peace Party candidate in Kyimyindine Constituency, Rangoon Division, Aung Myo Oo.<sup>12</sup>

### Political parties slam polls

Political parties by and large condemned the polls. Even politicians who had genuinely believed that the elections would create more political space in Burma expressed their outrage at the blatant violations and vote rigging that took place on 7 November.

- National Democratic Force (NDF) Chairman Than Nyein said: “We never expected that this election would be free and fair. We all accepted lots of restrictions from the election laws to campaign rules. But what we have faced is far more than we anticipated.”<sup>13</sup>
- Democratic Party (Myanmar) Executive Secretary Cho Cho Kyaw Nyein said that “the ugliest and most extreme level of vote-stealing” had taken place.<sup>14</sup>
- Independent candidate in Rangoon’s South Okkalapa Township Saw Naing said that “nowhere else in the world do the authorities change the election results so much.”<sup>15</sup>
- National Unity Party (NUP) official Aye San said that the election process was “absolutely unfair.”<sup>16</sup>

- Democracy and Peace Party Chairman Aung Than said his party “requested the EC to dissolve [the USDP] and also not to recognize the winning USDP candidates.”<sup>17</sup>
- All Mon Region Democracy Party (AMRDP) Chairman Nai Ngwe Thein said his party did not “recognize this election result.”<sup>18</sup>

Various political parties considered challenging the validity of the election results.<sup>19</sup> The SPDC election laws granted candidates and political parties the right to challenge the results.<sup>20</sup> However, the Election Commission set a staggering non-refundable fee of one million kyat (about US\$1,110) to file a complaint.<sup>21</sup> In addition, the election laws stated that candidates who unsuccessfully challenged the election results could be sentenced to up to three years in prison.<sup>22</sup> The hefty fee, possible jail time, and the highly unlikely prospect that the Commission would rule in favor of the complaining party, effectively discouraged political parties from pursuing that course of action.<sup>23</sup>

### Post-election retaliation

In the days and weeks after the elections, SPDC authorities in ethnic areas retaliated against people who allegedly failed to vote for the USDP. Villagers reported harassment and punishment in various townships in Arakan, Chin, Kachin, and Shan States.<sup>24</sup> In some parts of Arakan State, local SPDC authorities withheld aid to survivors of cyclone Giri.<sup>25</sup>

The most blatant act of retaliation occurred on 8 November, when SPDC authorities from the Irrigation Department in Pauktaw Township, Arakan State, destroyed an embankment that was constructed to prevent salt water from entering paddy fields in Kan Chaung Village. The majority of villagers there voted for the Rakhine Nationals Progressive Party. Nearly 1,000 acres of paddy farms were flooded with saltwater and destroyed as a result.<sup>26</sup> Prior to the

election, SPDC officials had threatened the villagers with punishment if they did not vote for the USDP.<sup>27</sup>

<sup>1</sup> SHAN (02 Nov 10) Forced voting for junta party taking place in Shan State North; IMNA (03 Nov 10) Pre-vote at Three Pagodas Pass; SHAN (03 Nov 10) Advance voting continue on outlying areas of Shan State; Irrawaddy (04 Nov 10) Immigration Workers Ordered to Vote USDP; Irrawaddy (05 Nov 10) Advance Voters Describe Lack of Secrecy; Irrawaddy (03 Nov 10) Advanced Votes for Ma-Hta-Tha; Irrawaddy (04 Nov 10) Gov't Staff Ordered to Report to Township; DVB (06 Nov 10) Insein detainees cast advance vote; Mizzima News (05 Nov 10) Bogale police voters had to hand ballots to commanders; Mizzima News (05 Nov 10) Advance voting fraud emerges in Kachin State capital; Irrawaddy (06 Nov 10) More Gov't Workers Ordered to Vote USDP; Irrawaddy (07 Nov 10) Mandalay Ballot Boxes Stuffed with Advance Votes; Chinland Guardian (05 Nov 10) Government Servants Refuse to Cast Advance Ballot; Chinland Guardian (05 Nov 10) Government Servants Refuse to Cast Advance Ballot; Kachin News Group (05 Nov 10) Ethnic Kachin voters forced to give advance votes for junta proxy party Narinjara News (07 Nov 10) USDA Candidate Buys Victory at the Polls; Narinjara News (07 Nov 10) USDA Candidate Buys Victory at the Polls; Kaladan News (05 Nov 10) Advance voting begins in Maungdaw; Khonumthung News (06 Nov 10) Young voters defy poll officer's diktat to vote USDP; Irrawaddy (05 Nov 10) Advance Votes Rigged in Shan State; Irrawaddy (06 Nov 10) Soldiers Forced to Vote for USDP; Mizzima News (07 Nov 10) USDP uses back of electoral biodata forms in campaign; IMNA (07 Nov 10) USDP collects pre-votes and ticks for itself; SHAN (06 Nov 10) Vote buying, Vote cheating, forced voting of junta party across Burma; Khonumthung News (06 Nov 10) CNP requests election commission to stop advance voting; SHAN (07 Nov 10) Elections update; Narinjara News (08 Nov 10) 500 Arakanese Unable to Vote in Buthidaung; Kantarawaddy Times (08 Nov 10) Few vote in Karenni State because of advance votes; Irrawaddy (08 Nov 10) Favored Shan Candidates Lose in Rigged Vote; KIC (11 Nov 10) KPP victorious in Taung-Oo

<sup>2</sup> AP (08 Nov 10) 15,000 refugees flee Myanmar post-vote fighting; Irrawaddy (08 Nov 10) NDF Candidates Refuse to Acknowledge Election Results; Kachin News Group (09 Nov 10) USDP wins polls with advance votes in Kachin State; Irrawaddy (07 Nov 10) Electoral Irregularities Rampant; SHAN (08 Nov 10) Junta party candidate blows top in Namkham; Kachin News Group (09 Nov 10) USDP wins polls with advance votes in Kachin State; Irrawaddy (08 Nov 10) NDF Candidates Refuse to Acknowledge Election Results; Irrawaddy (17 Nov 10) Mon Leader Accuses EC of Vote Fixing; DVB (10 Nov 10) Anger at 'fraudulent' vote rages on; Kaowao News (19 Nov 10) AMDP Wins Opposition Party in Mon State

<sup>3</sup> Irrawaddy (03 Nov 10) Nasaka targets NDPD supporters for arrest; Irrawaddy (03 Nov 10) Independent Candidates Harassed; Irrawaddy (03 Nov 10) Thugs Return to Rangoon; Irrawaddy (03 Nov 10) Kachin NDF Candidate Embarrass USDP; Irrawaddy (03 Nov 10) Military Officers Threaten Villagers; Mizzima News (03 Nov 10) NLD poll-boycott activist held, junta 'thugs' seize camera, pamphlets; Irrawaddy

(03 Nov 10) NLD Activist Arrested over 'Boycott' Flyers; Irrawaddy (02 Nov 10) Suu Kyi Pamphlets Confiscated; Irrawaddy (04 Nov 10) USDP Threatens NLD Members; Kaladan News (06 Nov 10) Nasaka arrest seven NDPD supporters in south Maungdaw; Irrawaddy (06 Nov 10) Pro-Democracy Party Set to Win Big?; Irrawaddy (06 Nov 10) Pro-Junta Group Urges Insein Residents to Vote; Kaladan News (06 Nov 10) USDP uses religious leaders to ensure election victory; SHAN (06 Nov 10) Vote buying, Vote cheating, forced voting of junta party across Burma; DVB (07 Nov 10) Mandalay authorities remove NUP posters; Irrawaddy (06 Nov 10) Distributing Boycott Pamphlets Illegal; Irrawaddy (07 Nov 10) USDP Blocks NUP Supporters from Voting; Kaladan News (07 Nov 10) Violations of election law reported in Arakan State; Chinland Guardian (07 Nov 10) Electoral Violence and Intimidation in Tedim Township, Chin State; Irrawaddy (07 Nov 10) Poll Irregularities May Thwart SNPD; IMNA (07 Nov 10) Polling stations empty over election disillusion, authorities scramble; Kachin News Group (08 Nov 10) Junta's USDP steals votes in Kachin State; Kaladan News (08 Nov 10) NDPD wins unofficial landslide in Maungdaw; CHRO (08 Nov 10) Electoral violence and intimidation in Tedim Township, Chin State; Chinland Guardian (08 Nov 10) USDP Leading in Tedim Township Amidst Accusations of Intimidation and Fraud; SHAN (10 Nov 10) Junta official: If Shan party wins, Shan State will be subjugated by China; Kaladan News (10 Nov 10) Rohingya fear reprisals for NDPD victory

<sup>4</sup> Irrawaddy (07 Nov 10) Calm Pervades as Voting Begins in Burma; Irrawaddy (07 Nov 10) EC Officials Urge Voters to Turn Out; Irrawaddy (06 Nov 10) Pro-Junta Group Urges Insein Residents to Vote; Irrawaddy (06 Nov 10) Vote for the USDP and Get an ID Card; KIC (08 Nov 10) USDP likely to win in Karen state by unfair means; DVB (07 Nov 10) Rangoon voters allege harassment

<sup>5</sup> Irrawaddy (07 Nov 10) Electoral Irregularities Rampant; Kaladan News (07 Nov 10) Violations of election law reported in Arakan State; DVB (07 Nov 10) Rangoon voters allege harassment; Mizzima News (07 Nov 10) Booth staff are failing to check voters' ID in Mayangone, official says; Irrawaddy (07 Nov 10) Low Turnout in Mon State; IMNA (07 Nov 10) Mistakes at polling stations invalidate voters in Thanphyuzayart and Moulmein Townships; Khonumthung News (07 Nov 10) Voting trend in Chin state and Kalemyo; Kachin News Group (08 Nov 10) Junta's USDP steals votes in Kachin State; Narinjara News (08 Nov 10) 500 Arakanese Unable to Vote in Buthidaung; IMNA (08 Nov 10) USDP interferences in the election throughout Mon state; IMNA (08 Nov 10) Counting Ballots in Mudon; Kaladan News (08 Nov 10) NDPD wins unofficial landslide in Maungdaw; Chinland Guardian (08 Nov 10) USDP Leading in Tedim Township Amidst Accusations of Intimidation and Fraud; Kaladan News (10 Nov 10) Rohingya fear reprisals for NDPD victory; SHAN (16 Nov 10) Taang party demands Union Election Commission to act on polls frauds

<sup>6</sup> Irrawaddy (06 Nov 10) Voters Cast Ballots under Eye of Election Commission; Irrawaddy (07 Nov 10) Electoral Irregularities Rampant; DVB (07 Nov 10) Rangoon voters allege harassment; Kachin News Group (08 Nov 10) Junta's USDP steals votes in Kachin State

<sup>7</sup> Kachin News Group (02 Nov 10) Ethnic Voters Left Out in Jade Mining Area; Mizzima News (03 Nov 10) Third of Thandway's eligible voters missing from roll; Kaman candidate; Mizzima News (05 Nov 10) NDF scores in Kachin State mock vote, USDP trounced; IMNA (07 Nov 10) USDP collects pre – votes and ticks for itself; Irrawaddy (04 Nov 10) Mon Candidate's name, Ballot Box Withheld; Kachin News Group (05 Nov 10) Voter list irregularities in Myitkyina; Narinjara News (07 Nov 10) Demonstrators Dismissed from Voter Lists; SHAN (07 Nov 10) Elections update; Narinjara News (08 Nov 10) 500 Arakanese Unable to Vote in Buthidaung

<sup>8</sup> AP (18 Oct 10) Foreign media barred from covering Myanmar vote; Reuters (18 Oct 10) Myanmar bars foreign monitors and reporters from poll; AFP (18 Oct 10) Myanmar bars foreign monitors, media for election; Xinhua (18 Oct 10) Myanmar to hold free and fair election: election commission; VOA (18 Oct 10) Burma Bars Foreign Observers, Journalists From Elections; CNN (18 Oct 10) Myanmar blocks international monitors for elections; Irrawaddy (18 Oct 10) Government Bars Foreign Media and Observers From Poll; DVB (18 Oct 10) Foreign media barred during polls

<sup>9</sup> Irrawaddy (10 Nov 10) A Reporter's Election Day Notes Narinjara News (11 Nov 10) USDP Wins in Arakan's Maungdaw After Closed-Door Vote Tally; Kachin News Group (15 Nov 10) USDP won all major townships in Kachin State; Kaladan News (08 Nov 10) NDPD wins unofficial landslide in Maungdaw

<sup>10</sup> Irrawaddy (17 Nov 10) Mon Leader Accuses EC of Vote Fixing

<sup>11</sup> Irrawaddy (09 Nov 10) 'Three Princesses' Lose Bids for Parliament

<sup>12</sup> Mizzima News (07 Nov 10) Officials look over voters' shoulders at Kyimyindine polling station

<sup>13</sup> Irrawaddy (09 Nov 10) 'Three Princesses' Lose Bids for Parliament

<sup>14</sup> Irrawaddy (09 Nov 10) 'Three Princesses' Lose Bids for Parliament

<sup>15</sup> Irrawaddy (11 Nov 10) Recounts Favor USDP

<sup>16</sup> AP (10 Nov 10) Colleague: Suu Kyi set to probe Myanmar vote fraud

<sup>17</sup> Irrawaddy (17 Nov 10) DPP Calls for Dissolution of USDP

<sup>18</sup> Irrawaddy (15 Nov 10) Ethnic Leaders Back Suu Kyi's Call for Panglong 2

<sup>19</sup> FT (09 Nov 10) Burmese consider challenge to junta's poll win; DVB (17 Nov 10) Election complainants risk jail term; Irrawaddy (20 Nov 10) Main Ethnic Parties Plan to Sit in New Parliament; National (11 Nov 10) Parties condemn 'daylight robbery'

<sup>20</sup> Pyithu Hluttaw (People's Assembly) Election Law (No. 3/2010), Art.67; Amyotha Hluttaw (National Assembly) Election Law (No. 04/2010), Art. 67; Region Hluttaw or State Hluttaw Election Law (No. 5/2010), Art. 67

<sup>21</sup> DVB (10 Nov 10) Anger at 'fraudulent' vote rages on; Mizzima News (16 Nov 10) Parties decry cost to lay electoral fraud charges; DVB (17 Nov 10) Election complainants risk jail term

<sup>22</sup> Pyithu Hluttaw (People's Assembly) Election Law (No. 3/2010), Art.64; Amyotha Hluttaw (National Assembly) Election Law (No. 04/2010), Art. 64; Region Hluttaw or State Hluttaw Election Law (No. 5/2010), Art. 64

<sup>23</sup> Myanmar Times (15 Nov 10) Independent plans to exit politics; Mizzima News (16 Nov 10) Parties decry cost to lay electoral fraud charges; Irrawaddy (18 Nov 10) USDP Wins 76.5 Percent of Vote; Irrawaddy (20 Nov 10) Main Ethnic Parties Plan to Sit in New Parliament; Irrawaddy (23 Nov 10) Warnings Silence Opposition Candidates; Kaowao News (19 Nov 10) AMDP Wins Opposition Party in Mon State; Irrawaddy (23 Nov 10) Warnings Silence Opposition Candidates

<sup>24</sup> Irrawaddy (15 Dec 10) Ethnic Villagers Face Threats for Not Voting USDP; Chinland Guardian (16 Dec 10) Internet Users Frustrated by Continuing Interrupted Connections; Narinjara News (03 Dec 10) NDPD Voters Face Fines

<sup>25</sup> Irrawaddy (15 Dec 10) Ethnic Villagers Face Threats for Not Voting USDP

<sup>26</sup> Narinjara News (12 Nov 10) Authorities Break Paddy Field Embankments of RNDP Voters

<sup>27</sup> Narinjara News (12 Nov 10) Authorities Break Paddy Field Embankments of RNDP Voters

## ELECTION COMPLAINTS: NO REDRESS FOR ELECTION VIOLATIONS

The SPDC legal framework did not provide political parties or candidates with effective remedies in the case of election law violations or infringement of their political rights. The Political Parties Registration Law stated that the SPDC Election Commission's judgment regarding political parties is "final and conclusive" and is not subject to appeal in any court.<sup>1</sup>

When the NLD challenged the election laws before Burma's Supreme Court based on claims that the provisions that exclude Daw Aung San Suu Kyi and other political prisoners from the party were unlawful,<sup>2</sup> the Supreme Court refused to hear the challenge.<sup>3</sup> In addition, the Supreme Court rejected two NLD challenges that sought to prevent the dissolution of the party.<sup>4</sup>

The election laws allowed political parties and candidates to file formal complaints only if they wanted to challenge the validity of the election results. However, the SPDC Election Commission imposed requirements and conditions that effectively prevented political parties from contesting the results.<sup>5</sup> [See *Voting and Post Election*]

Various political parties lodged informal complaints with the Election Commission for alleged violations of the election laws by SPDC authorities, election officials, and Union Solidarity and Development Party members.<sup>6</sup> In the overwhelming majority of cases, the Election Commission ignored these complaints. Political parties and candidates strongly criticized the Election Commission's failure to address their grievances throughout the election process.<sup>7</sup>

- ☒ **The SPDC's legal framework did not provide political parties or candidates with effective remedies in cases where violations of the election laws or infringement of their political rights took place.**
- ☒ **The SPDC Election Commission by and large failed to address the multitude of complaints lodged by political parties and candidates of alleged violations of the election laws by SPDC authorities, election officials, and Union Solidarity and Development Party members.**

<sup>1</sup> Political Parties Registration Law, Article 20 (a), (b)

<sup>2</sup> DPA (23 Mar 10) Myanmar court rejects opposition challenge to election laws

<sup>3</sup> AP (23 Mar 10) Opposition to sue Myanmar junta over election laws; Mizzima News (08 Apr 10) NLD protests rejection of lawsuit against Than Shwe; Irrawaddy (09 Apr 10) NLD Takes Than Shwe Lawsuit to Chief Justice

<sup>4</sup> AFP (05 May 10) Myanmar's Suu Kyi fails to prevent party dissolution; DPA (06 May 10) Last day for Myanmar opposition party, NLD official says; AFP (22 Nov 10) Supreme Court rejects Suu Kyi's lawsuit over party dissolution; DPA (22 Nov 10) Myanmar supreme court rules against restoring NLD's party status; Irrawaddy (23 Nov 10) Supreme Court Rejects NLD Appeal to be Reinstated

<sup>5</sup> Pyithu Hluttaw (People's Assembly) Election Law (No. 3/2010), Art.67; Amyotha Hluttaw (National Assembly) Election Law (No. 04/2010), Art. 67; Region Hluttaw or State Hluttaw Election Law (No. 5/2010), Art. 67

<sup>6</sup> Mizzima News (10 Aug 10) Authorities question Democratic Party members; Irrawaddy (11 Aug 10) Democratic Party Complains of Intimidation; SHAN (12 Aug 10) Elections in Shan State East to be 'one way ticket'; Mizzima News (24 Aug 10) Ethnic Arakanese party leaders' families harassed; Mizzima News (26 Aug 10) NUP lodges complaint against USDP; Kantarawaddy Times (02 Sep 10) USDP intimidates ethnic party in Karenni State; Kantarawaddy Times (02 Sep 10) USDP intimidates ethnic party in Karenni State; Kachin News Group (21 Sep 10) Kachin parties, independents denied EC approval; Kaladan News (16 Oct 10) USDP supporters destroy rival party's campaign billboard; Khonumthung News (23 Oct 10) CPP's defamation case against independent candidate; Kachin News Group (28 Oct 10) NDF sign destroyed by USDP member; Irrawaddy (29 Oct 10) Voters 'Urged to Cast Advance Ballots'; Kachin News Group (02 Nov 10) Ethnic Voters Left Out in Jade Mining Area; DPA (04 Nov 10) Election fraud complaint lodged against Myanmar junta's party; Irrawaddy (06 Nov 10) NDF Calls for Cancellation of Unfair Advance Votes; AFP (05 Nov 10) Myanmar opposition accuse pro-junta party of

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election fraud; DVB (06 Nov 10) Fraud allegations ignored by election body; Irrawaddy (05 Nov 10) Advance Votes Rigged in Shan State; Irrawaddy (06 Nov 10) NUP Files Complaint Against USDP Vote Rigging; Mizzima News (07 Nov 10) USDP uses back of electoral biodata forms in campaign; Khonumthung News (06 Nov 10) CNP requests election commission to stop advance voting; Reuters (07 Nov 10) Myanmar votes in first election in 20 years; Al Jazeera (09 Nov 10) Myanmar parties concede poll defeat; VOA (09 Nov 10) Pro-Military Party Claims Almost 80 Percent of Votes in Burma Election; Irrawaddy (10 Nov 10) One-Horse Race to One-Party Rule?; Irrawaddy (07 Nov 10) Poll Irregularities May Thwart SNDP; IMNA (07 Nov 10)

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AMDP complains about missing vote; Kachin News Group (08 Nov 10) Junta's USDP steals votes in Kachin State; SHAN (16 Nov 10) Taang party demands Union Election Commission to act on polls frauds; Irrawaddy (17 Nov 10) Mon Leader Accuses EC of Vote Fixing; Irrawaddy (17 Nov 10) DPP Calls for Dissolution of USDP; SHAN (19 Nov 10) Shan party to revise voters' lists; Mizzima News (14 Dec 10) Electoral fraud cases 'in legal limbo'  
<sup>7</sup> Irrawaddy (29 Oct 10) Voter List Fraud Exposed; Irrawaddy (18 Nov 10) USDP Wins 76.5 Percent of Vote; AP (06 Nov 10) Complaints Mount on Eve of Election

## ELECTION RESULTS: A VICTORY FORETOLD FOR THE USDP

- In total, the USDP won 883 (76.5%) of the 1,154 seats at stake in the election.
- In the **People's Assembly** (Lower House), the USDP won 259 (79.7%) of the 325 seats. The USDP dominated in the ethnic Burman-dominated Divisions. It won all seats in Mandalay and Tenasserim Divisions, and over 90% of the seats in Irrawaddy, Magwe, Pegu, and Sagaing Divisions. In ethnic States, the USDP won about 63% of the seats, with results ranging from a low 46% in Shan State to 100% in Karenni State.
- In the **National Assembly** (Upper House), the USDP won 129 (76.8%) of the 168 seats. The USDP dominated in the ethnic Burman-dominated Divisions. It won all seats in Irrawaddy, Magwe, Mandalay, Pegu, and Tenasserim Division and over 90% of the seats in Sagaing Division. In ethnic States, the USDP won about 60% of the seats, with results ranging from a low 41.6% in Arakan State to 100% in Karenni State.
- In the **Division and State Parliaments**, the USDP won 495 (74.9%) of the 661 seats. Again, the USDP dominated in the ethnic Burman-dominated Divisions. It won over 90% of the seats in Magwe, Mandalay, Pegu, and Tenasserim Divisions, and over 80% of the seats in Irrawaddy, Rangoon, and Sagaing Divisions. In ethnic areas, the USDP won about 55% of the seats, with performances ranging from a low 40% in Arakan State to 100% in Karenni State.
- Fifteen of the 37 political parties that contested the polls did not win any seats. Of the 22 parties that won at least one seat, 15 of them won less than 1% of the seats.
- Seventeen of the 24 ethnic-based parties that participated in the polls won at least one seat. In total, they accounted for 15.7% of the seats.
- The second largest vote winner, the pro-junta NUP, won only 63 seats (5.5%) despite fielding 996 candidates.
- The largest opposition party, the NDF, won 16 seats (1.4%).
- After initially claiming that the voter turnout was 73.8% and even reached over 102% [*sic*] in some constituencies,<sup>1</sup> on 7 December, the SPDC Election Commission said that over 76% of eligible voters had cast their vote in the polls.<sup>2</sup> However, in some areas independent sources reported turnout as low as 35%.<sup>3</sup>

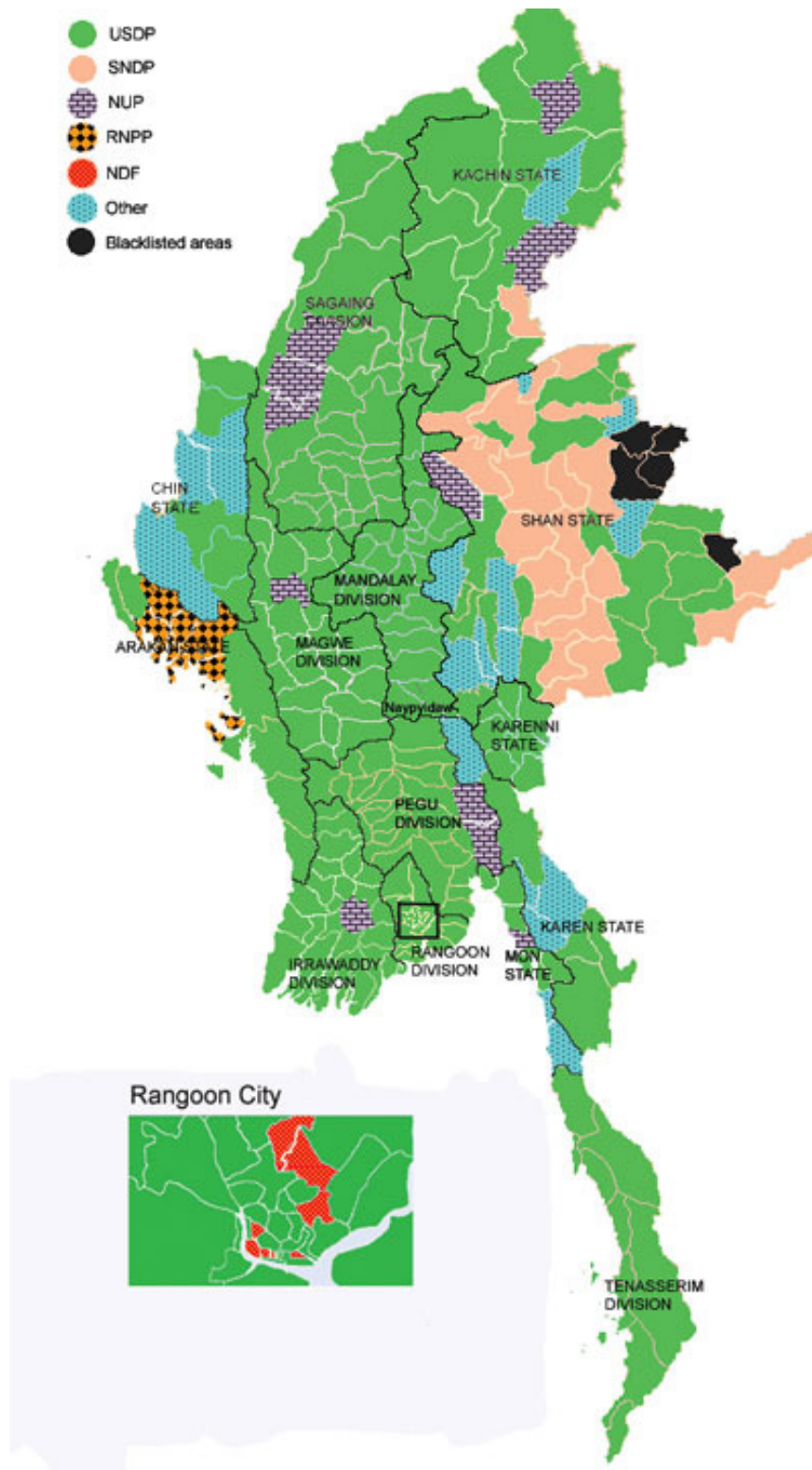
<sup>1</sup> DPA (09 Nov 10) Pro-junta party heads for victory in Burma's election; Irrawaddy (19 Nov 10) Election Results a Joke

<sup>2</sup> NLM (08 Dec 10) Figures of multiparty democracy general elections for respective hluttaws; AP (08 Dec 10) Voter turnout at 77%: Myanmar; DVB (08 Dec 10) Burma claims 76% voter turnout; Myanmar Times (13 Dec 10) Election turnout higher than 1990

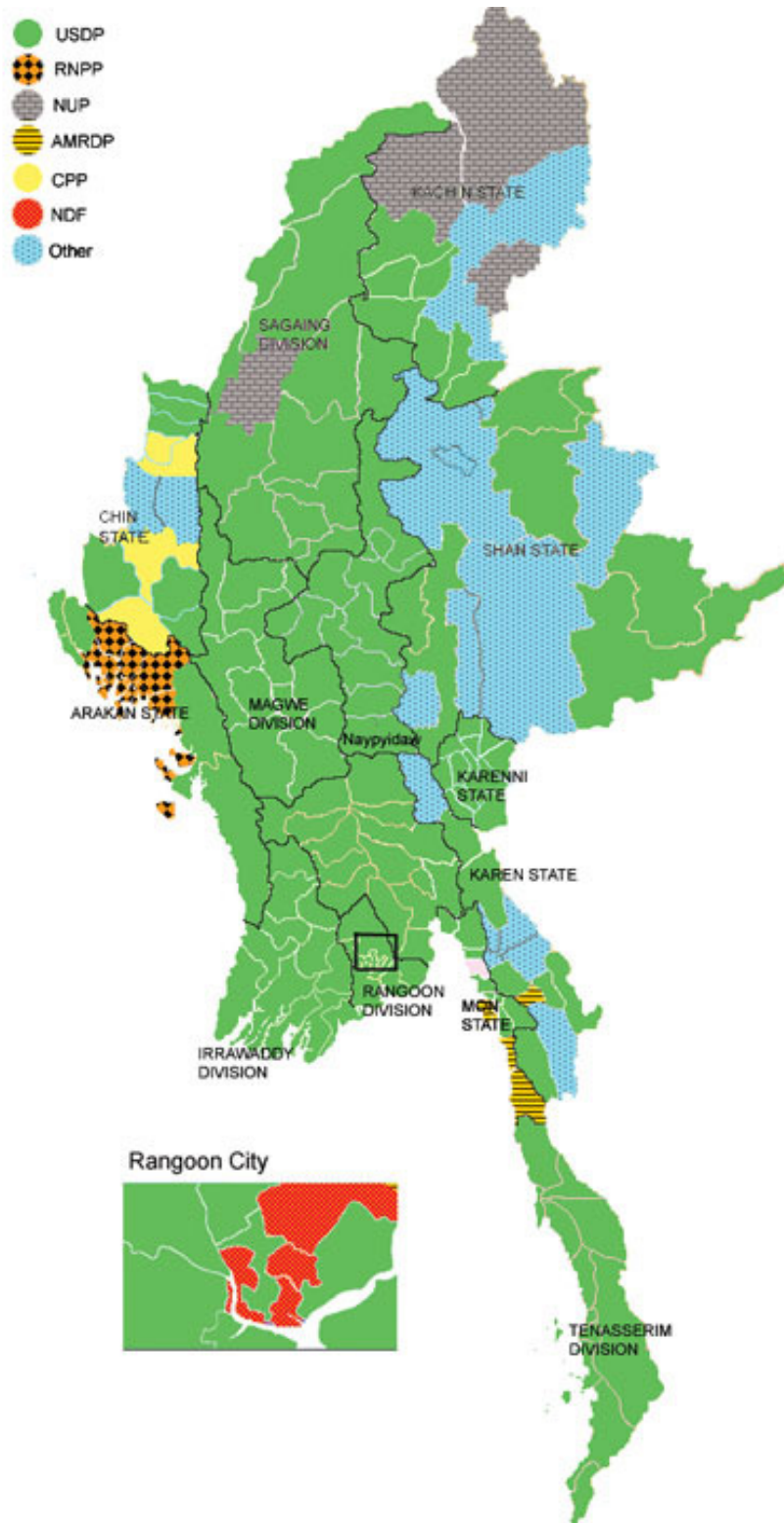
<sup>3</sup> WSJ (08 Nov 10) Burma's hollow election; IPS (10 Nov 10) Few Surprises in First Poll in 20 Years

<b>Election results</b>							
	<b>Party</b>	<b>Total seats</b>	<b>%</b>	<b>People's Assembly</b>	<b>National Assembly</b>	<b>Regional Parliaments</b>	<b>Uncontested seats</b>
1.	Union Solidarity and Development Party	883	76.52	259	129	495	38
2.	National Unity Party	63	5.46	12	5	46	1
3.	Shan Nationals Democratic Party	57	4.94	18	3	36	-
4.	Rakhine Nationals Progressive Party	35	3.03	9	7	19	-
5.	All Mon Region Democracy Party	16	1.39	3	4	9	-
6.	National Democratic Force	16	1.39	8	4	4	-
7.	Chin Progressive Party	12	1.04	2	4	6	-
8.	PaO National Organization	10	0.87	3	1	6	6
9.	Chin National Party	9	0.78	2	2	5	-
10.	Phalon-Sawaw Democratic Party	9	0.78	2	3	4	-
11.	Kayin People's Party	6	0.52	1	1	4	-
12.	Taaung (Palaung) National Party	6	0.52	1	1	4	6
13.	Wa Democratic Party	6	0.52	2	1	3	3
14.	Unity and Democracy Party of Kachin State	4	0.35	1	1	2	-
15.	Democratic Party (Myanmar)	3	0.26	-	-	3	-
16.	Inn National Development Party	3	0.26	1	-	2	-
17.	Kayan National Party	2	0.17	-	-	2	-
18.	Kayin State Democracy and Development Party	2	0.17	-	1	1	1
19.	National Democratic Party for Development	2	0.17	-	-	2	-
20.	88 Generation Student Youths (Union of Myanmar)	1	0.09	-	-	1	-
21.	Ethnic National Development Party	1	0.09	-	-	1	-
22.	Lahu National Development Party	1	0.09	-	-	1	-
23.	Independent candidates	6	0.52	1	1	4	-
	<b>Total</b>	<b>1,154</b>	<b>100%</b>	<b>325</b>	<b>168</b>	<b>661</b>	<b>55</b>

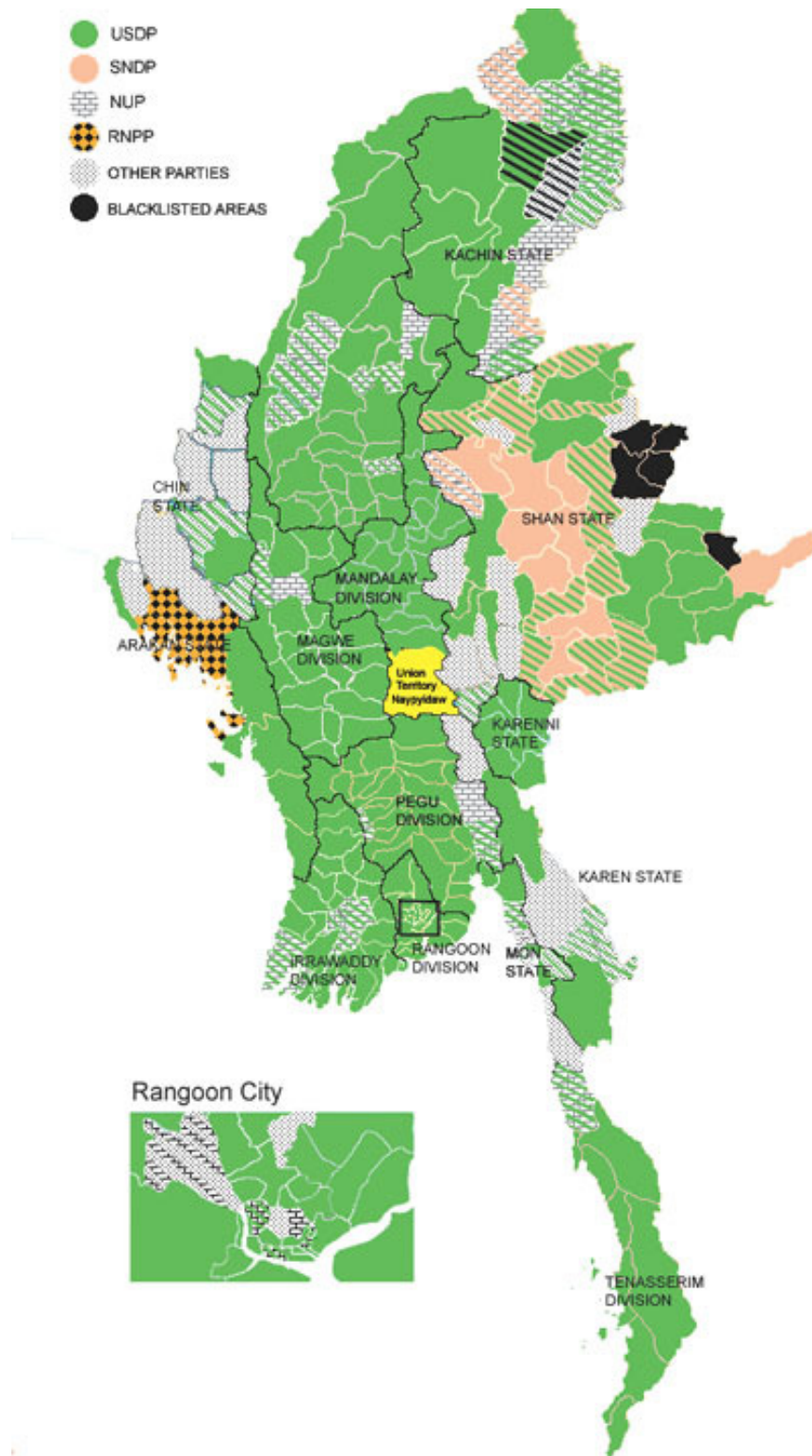
### PEOPLE'S ASSEMBLY



### NATIONAL ASSEMBLY



### REGIONAL PARLIAMENTS



## **INTERNATIONAL REACTIONS: POLLS MET BY WIDESPREAD CONDEMNATION**

### **ASEAN welcomes the election; Manila and Jakarta note concerns**

While ASEAN welcomed the election, the Philippines, Indonesia, and regional MPs expressed serious concerns over the SPDC's failure to provide inclusive and transparent elections and over allegations of election fraud.

On 8 November, Vietnam, in its role as ASEAN Chair, issued a statement that welcomed the 7 November polls as "a significant step forward". The statement encouraged the SPDC to "continue to accelerate the process of national reconciliation and democratization."<sup>1</sup>

In contrast, Indonesia's FM Marty Natalegawa said Burma still had "a long way to go in terms of meeting democratic standards of inclusiveness, transparency and fairness."<sup>2</sup> Philippines FM Alberto Romulo called the elections "non-inclusive."<sup>3</sup> The ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC) called on the international community to "reject the election" and said the polls were "an ugly display of power by the regime" and "marred by massive fraud."<sup>4</sup>

### **UN: Election not free, fair, or transparent**

Top UN officials and the UN General Assembly rejected the SPDC's elections as flawed and lacking transparency.

UN Sec-Gen Ban Ki-moon said voting conditions were "insufficiently inclusive, participatory, and transparent."<sup>5</sup> Four UN Special Rapporteurs, including the Special Rapporteur on the human rights situation in Burma Tomás Ojea Quintana, said the polls "did not meet international standards."<sup>6</sup>

In addition, on 24 December the UN General Assembly adopted a resolution on Burma that stated the SPDC "did not take the necessary steps to ensure a free, fair, transparent and inclusive electoral process."<sup>7</sup>

### **US: Election "unacceptable"**

US President Barack Obama was highly critical of the SPDC's elections. Obama said the polls "were neither free nor fair, and failed to meet any of the internationally accepted standards associated with legitimate elections." He said the elections "demonstrated the regime's continued preference for repression and restriction over inclusion and transparency."<sup>8</sup> Obama said it was "unacceptable" to "steal elections" and "hold the aspirations of an entire people hostage to the greed and paranoia of bankrupt regimes."<sup>9</sup>

### **EU: Election in a "climate of fear" and results "a forgone conclusion"**

The EU and its member states rebuked the SPDC elections as not being free or fair and held under very repressive conditions.

EU High Representative for Foreign Affairs and Security Policy Catherine Ashton expressed the EU's "regrets" that the SPDC "did not take the necessary steps to ensure a free, fair and inclusive electoral process." She said the elections were "not compatible with internationally accepted standards [...]."<sup>10</sup> The EU Parliament resolved that the polls "were conducted in a climate of fear, intimidation and resignation."<sup>11</sup>

UK FM William Hague called the results of the elections "a foregone conclusion" as they "were not free, fair or inclusive."<sup>12</sup> German FM Guido Westerwelle said there was "clear evidence of considerable manipulation [...] during the counting of the

votes” and that the process could not be called a free, fair, and inclusive one.<sup>13</sup>

### **Japan: SPDC fails to fulfill “expectations”**

Japan’s Foreign Ministry press secretary Satoru Sato said Japan was “deeply disappointed” that Tokyo’s wish that the regime hold free, fair, and open elections “was not fulfilled.”<sup>14</sup>

### **Rest of the ‘West’ slams the polls**

Canada’s FM Lawrence Cannon said that Canada was “deeply disappointed that the regime did not live up to its own commitment to hold a free and fair election.”<sup>15</sup>

Australia’s FM Kevin Rudd called the polls “far from free and fair.”<sup>16</sup> Deputy Liberal Party leader Julie Bishop said the regime’s “behavior in rigging this election by suppressing the opposition has reinforced its reputation as one of the worst regimes on earth.”<sup>17</sup>

New Zealand’s FM Murray McCully said the elections “were neither free nor fair.” He stressed that the SPDC election laws “included significant impediments to the full participation of opposition parties, including restrictions on registration, campaigning and access to a free press.”<sup>18</sup>

### **China: Polls a “critical step”**

As usual, China remained the SPDC’s strongest supporter. China’s Foreign

Ministry spokesperson Hong Lei called the election a “critical step [...] in the transition to an elected government, and thus is welcome.” Hong said the election had been carried out in a “steady and smooth manner.”<sup>19</sup>

<sup>1</sup> NLM (11 Nov 10) ASEAN stands ready to assist Myanmar - ASEAN Chairman issues statement on Myanmar General Elections

<sup>2</sup> Jakarta Globe (16 Nov 10) Indonesia Praises Release of Suu Kyi, But Says Burma Far From Democracy

<sup>3</sup> AFP (08 Nov 10) Philippines says Myanmar vote ‘non-inclusive’

<sup>4</sup> Asian Tribune (23 Nov 10) Investigate abuses, reject election and support Aung San Suu Kyi, urges AIPMC

<sup>5</sup> Secretary General's Statements (08 Nov 10) UN - Statement attributable to the Spokesperson of the Secretary-General on Myanmar elections

<sup>6</sup> OHCHR (12 Nov 10) UN experts urge Myanmar to release Aung San Suu Kyi and other prisoners of conscience

<sup>7</sup> UNGA 65<sup>th</sup> session, Third Committee draft Resolution, Situation of human rights in Myanmar, 15 November 2010, UN Doc A/C.3/65/L.48/Rev.1

<sup>8</sup> White House Press Secretary (07 Nov 10) Statement by President Obama on Burma’s November 7 Elections

<sup>9</sup> Mizzima News (08 Nov 10) Obama calls out India for abandoning Burma

<sup>10</sup> European Union Press Release (08 Nov 10) Declaration by the High Representative Catherine Ashton on behalf of the European Union on the elections in Burma/Myanmar

<sup>11</sup> European Parliament (25 Nov 10) Human rights: Burma, Iraq, Tibet

<sup>12</sup> Nuneaton News (07 No 10) Hague slams ‘unfair’ Burma election

<sup>13</sup> DPA (11 Nov 10) “Manipulation” after Myanmar election, says German foreign minister

<sup>14</sup> AFP (08 Nov 10) Japan ‘deeply disappointed’ by Burma vote

<sup>15</sup> Canada Ministry of Foreign Affairs (08 Nov 10) Minister Cannon Expresses Concern over Burmese Elections

<sup>16</sup> Irrawaddy (09 Nov 10) Obama Accuses India of ‘Shying Away’ Over Burma

<sup>17</sup> Australia News Network (09 Nov 10) Australia’s opposition calls for tougher sanctions against Burma

<sup>18</sup> Press Release: New Zealand Government (08 Nov 10) NZ disappointed by election process in Burma

<sup>19</sup> AFP (09 Nov 10) China praises Myanmar polls

## **ALTSEAN-BURMA**

### **VISION**

We are committed to a free and democratic Burma where all the people enjoy human rights in accordance with the principles of the Universal Declaration of Human Rights.

We are dedicated to the creation of a society of empowered individuals and communities in charge of their own destiny.

This can be realized through genuine national reconciliation, regional cooperation and mutual respect.

### **MISSION**

We are a regional network engaged in advocacy, campaigns and capacity-building to establish a free and democratic Burma.

We work with the democracy movement and its supporters to produce resources and create opportunities for:

- Building and strengthening strategic relationships among key networks and organizations from Burma, ASEAN and the international community.
- Implementing innovative strategies that are responsive to emerging needs and urgent developments.
- Inspiring and building confidence for empowerment among activists, particularly women and youth from the different ethnic groups of Burma.

### **VALUES**

- Adherence to the fundamental principles of human rights guides all our actions. In striving for a free and democratic Burma we are committed to:
- Reform through non-violent means.
- Non-discrimination, particularly with regard to gender equality and ethnic diversity.
- Idealism in thought and realism in action.
- We believe in the importance of education for the purposes of empowerment, especially for women.
- We value creativity, innovation and adaptability in achieving our goals.

### **GOALS**

- Contributing to efforts to achieve democratic transition in Burma.
- Advancing ASEAN reforms that will uphold democracy and human rights amongst members, particularly Burma.
- Contributing to a more effective regional Burma movement.
- Supporting meaningful participation of women and youth from Burma in the movement.
- Enhancing capacity-building programs to address the human resources and strategic needs of Burmese organizations.
- Promoting mutually reinforcing advocacy messages and strategies by the Burma movement.
- Consolidating and strengthening the effectiveness of the secretariat.

## **LEARN MORE**

Altsean-Burma publishes a monthly review of events in Burma, the "Burma Bulletin", as well periodic briefers on emerging issues. Have them delivered to your inbox by emailing [publications@altsean.org](mailto:publications@altsean.org)

Log on to our website at [www.altsean.org](http://www.altsean.org) and discover our online resources and advocacy tools

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Cover Photo Montage from  
Mizzima: Sen Gen Than Shwe casts his ballot  
Mizzima: Daw Aung San Suu Kyi holds up her "ballot" (I Also Love the People)  
Mizzima: Crowd gathers for Aung San Suu Kyi Rally  
Uncredited: Monk Protest  
Leonard Shinra: Ethnic Children

# ALTSEAN BURMA

ALTERNATIVE ASEAN NETWORK ON BURMA  
CAMPAIGNS, ADVOCACY & CAPACITY-BUILDING FOR HUMAN RIGHTS & DEMOCRACY

P O BOX 296, LARDPRAO POST OFFICE, BANGKOK 10310, THAILAND

TEL [6681] 850 9008 FAX [662] 275 4261 E-MAIL [altsean@altsean.org](mailto:altsean@altsean.org)  
[www.altsean.org](http://www.altsean.org) [www.unscburma.org](http://www.unscburma.org) [www.butterfly3.org](http://www.butterfly3.org)