

# HUMAN RIGHTS VIOLATIONS IN BURMA'S 2010 ELECTIONS



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Printed in Thailand

Date of publication: April, 2011  
Publisher: Network for Human Rights Documentation - Burma  
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Supported by National Endowment for Democracy, Open Society Institute and Norwegian Burma Committee.

## **ACKNOWLEDGEMENT**

We are very much grateful to the interviewees who have courage to speak the truth, ND-Burma member organizations and their field workers who collected the information under the great risk circumstance.

We would like to express our gratitude to the numerous people and institutions that provided critical support and input for the production of this report.

We especially would like to thank National Democratic Institute (NDI) for the technical contributions, ND-Burma working group for researching and writing pre and post-election reports, Deniel James from Burma Partnership (BP) for reviewing and editing, David Lawson (BVP) volunteering at Burma Issue, Amy Alexander, Margarida Silva from Voluntary Services Overseas (VSO), Patrick Pierce from International Center for Transitional Justice (ICTJ) and Ko Aung Khaing Min (VSO) at Assistance Association for Political Prisoners (Burma) for translating the reports into English and Burmese and assisting case analyses.

We would also like to thank National Endowment for Democracy, Open Society Institute and Norwegian Burma Committee for their generous financial support which made this report possible.

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## PREFACE

The Network for Human Rights Documentation - Burma (ND-Burma) includes 12 member organizations, collectively using the truth of what communities in Burma have endured to challenge the regime's impunity for human rights violations through advocacy and to prepare for a peaceful democratic transition.

Despite these restrictive conditions, human rights groups, political organizations, media and ethnic groups from both inside and outside of Burma (including ND-Burma) managed to collect information on violations related to the 2010 elections. As a human rights network, ND-Burma monitored the elections primarily in terms of human rights violations. The findings of this report demonstrate the elections-related human rights violations are consistent with the ongoing violations committed by the military personnel and their proxies as they carry out military campaigns, as they secure areas for development projects, and whenever and wherever civilians dare to challenge the military's illegitimate authority. The human rights violations committed by the regime and its proxies during and just after Election Day did not have the same intensity as the 2003 massacre at Depeyin, the attacks on villages in eastern Burma, or the beating and killing of monks during the crackdown on demonstrations in September 2007. Any authoritarian regime that exercises repression effectively does not need dramatic violence on Election Day to guarantee its desired results. It will have controlled the process sufficiently already. The SPDC used repressive elections laws and severe restrictions on the freedom of assembly and expression so that severe elections-day violence was unnecessary.

On Election Day, members of the Union Solidarity and Development Party (USDP), the political party backed by the ruling State Peace and Development Council (SPDC), committed violations, such as interfering with the voting process by entering into polling stations, threatening and forcing people to vote for USDP, and pretending to help elderly people in order to manipulate their votes for USDP. Furthermore, in ethnic regions where the regime was confident that residents would not vote in their favor, USDP withheld voting cards and arranged for advance votes to go to their party.

Political parties that contested the elections stated their intention to file complaints regarding the misuse of early voting to the Union Elections Commission (UEC). Some parties are also preparing to sue the Commission.

The findings of this report indicate that the elections held on 7 November in Burma failed to meet basic standards of free and fair elections.<sup>1</sup> USDP used fraud, advance

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<sup>1</sup> The Institute for Democracy and Electoral Assistance published "International Electoral Standards" in

votes, abuse, and other forms of intimidation to win in the elections.

During the elections process, numerous cases of intimidation, threats, coercion, voting fraud, vote stealing, vote rigging, and counting scandals occurred. Furthermore, strict prohibitions against elections observers, neglect of disagreements and complaints, abuse of state revenue, failure to uphold internationally-recognized elections standards, purposefully making inaccurate voter lists, unlawful canvassing, and impediments to free media's access to elections-related information occurred nationwide.

This report, along with those published by other human rights monitoring groups and media organizations, amplify the voices from the people of Burma to expose unfairness, to reveal the truth, and to defy unjust rules.

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2002 based on human rights treaties, accords and conventions. This publication detailed basic norms for conducting a free and fair elections in accordance with international electoral standards.

## ABOUT ND-BURMA

ND-Burma formed in 2004 in order to provide a way for Burma human rights organizations to collaborate on the human rights documentation process. The 12 ND-Burma member organizations, from different areas across Burma, seek to collectively use the truth of what communities in Burma have endured to challenge the regime's power through present-day advocacy as well as prepare for justice and accountability measures in a potential transition.

ND-Burma conducts fieldwork trainings; coordinates members' input into a common database using Martus, an open-source software developed by Benetech; and engages in joint-advocacy campaigns.

When possible, ND-Burma also collaborates with other human rights organizations in all aspects of its work.

### VISION

Seeking truth and justice for a peaceful democratic transition in Burma

### MISSION

Collaboration on a common human rights database

### SHORT-TERM GOAL

Make available high-quality and high-volume data for ND-Burma members and other advocacy groups

### LONG-TERM GOAL

Develop an accurate historical record that can be drawn from for potential transitional justice mechanisms in a future democratic Burma.

### ND-BURMA MEMBER ORGANIZATIONS (2011)

- Assistance Association for Political Prisoners – Burma (AAPP-B)
- All Arakan Students' and Youths' Congress (AASYC)
- Burma Issues (BI)
- Chin Human Rights Organization (CHRO)
- EarthRights International (ERI)
- Human Rights Education Institute of Burma (HREIB)
- Human Rights Foundation of Monland (HURFOM)
- Kachin Women's Association – Thailand (KWAT)
- Lahu Women's Organization (LWO)
- Palaung Women's Organization (PWO)
- Ta'ang Students and Youth Organization (TSYO)
- Yoma3 News Service (Yoma3)



## BACKGROUND

On 8 November 2010, ND-Burma released a report on pre-elections conditions, predicting that the 7 November 2010 elections held by the military regime in Burma would be neither free and fair nor democratic. The report, titled “Intimidation, Imprisonment and Repression: the Road to Military Victory in the 2010 Elections,” documents human rights violations in Burma from January to October 2010 and details the military regime’s use of intimidation, coercion, and threats to get advance votes and to force people to vote for the military regime-backed USDP. The report explores the military regime’s bias in favor of the USDP in allowing it to use government revenue and resources as well as government and religious buildings to canvass the population while denying other political parties’ freedom of movement, organization, assembly and expression. Forced labor and forced collection of money also occurred during USDP campaigns to construct USDP polling stations and compile voter lists. SPDC controlled and restricted media, impeding independent media from obtaining accurate information regarding the elections. Threats and arrests resulted from prohibitions on freedom of expression.

## METHODOLOGY

ND-Burma has been systematically documenting human rights violations committed by the regime and its supporters since 2003.

For this report, ND-Burma has focused on documenting elections-related violations by the regime and its organizations, like the USDP and its predecessor, the regime-backed Union Solidarity and Development Association (USDA) against the people of Burma in the lead up to and aftermath of the 7 November 2010 elections.

ND-Burma field workers gathered interviews from Chin, Kachin, Shan, Karen, Karenni, Mon, Arakan States, Yangon and Irrawaddy Division. Due to increased security risks as government has mounted pressure on communities, field workers relied largely on networks of their own individual contacts for information; many of these individuals within the fieldworkers’ network were responsible for gaining contacts and conducting interviews with village leaders and government staff members. While these accounts are gathered based on opportunity as they occurred to field workers and their network, ND-Burma believes these interviews provide a fair account of personal opinion amongst villagers within the townships targeted, and areas within which SPDC forces have conducted 2010 elections preparations and perpetrated abuses in relation the elections.

These civilians were the predominant eyewitness observers to the on the ground operation of the elections in Burma. These detailed accounts provide information that confirms concerns of widespread government elections manipulation and ballot

fraud practiced by Burmese government staff, soldiers, and the key government-backed party, the USDP.

ND-Burma provided training, with help from the National Democratic Institute (NDI), to member organizations' field workers, who collected information and documented violations inside the country, ND-Burma field workers put themselves at great risk to document human rights abuses. Human rights workers are routinely targeted by the regime and face surveillance, intimidation, arrest, and imprisonment. As the monitoring cannot take place openly, the list of violations is in no way exhaustive but reflective of the human rights situation in Burma. This report includes cases from all over the country and covers a range of human rights violations and other elections-related irregularities. It is the research collected by these field workers that forms the basis of this report.

# INTERNATIONAL ELECTORAL STANDARDS AND THE ELECTIONS LAW

## INTERNATIONAL ELECTORAL STANDARDS

The International Institute for Democracy and Electoral Assistance (IDEA) identifies 16 norms for conducting free and fair elections<sup>2</sup>. According to IDEA, these standards should be used to ensure that all citizens have equal access to the elections and that no particular group of people is excluded or marginalized from electoral or political processes. The 16 norms as identified by IDEA are as follows:

1. The basis of internationally recognized electoral standards
2. Structuring the legal framework
3. The electoral system
4. Boundary, delimitation, districting or defining boundaries of electoral units
5. The right to elect and to be elected
6. Electoral management bodies
7. Voter registration and voter registers
8. Ballot access for political parties and candidates
9. Democratic electoral campaigns
10. Media access and freedom of expression
11. Campaign finance and expenditure
12. Balloting
13. Counting and tabulating votes
14. Role of representatives of the parties and candidates
15. Electoral observers
16. Compliance with and enforcement of the law

These norms were used as guiding principles to assess irregularities and violations committed during the elections on 7 November 2010. Although all steps are key to ensure free and fair elections, this report contributes to the increasing body of evidence on the non-compliance with international standards for free and fair elections, with individual accounts of human rights violations and other irregularities, such as those occurring during the electoral campaign, collection and counting of votes and violation of the right to vote, under the following headings:

1. The right to elect and to be elected
2. Voter registration and voter registers
3. Ballot access for political parties and candidates

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<sup>2</sup> [<http://www.idea.int/publications/ies/index.cfm>] accessed on 23 February 2011

4. Democratic electoral campaigns
5. Media access and freedom of expression
6. Balloting
7. Counting and tabulating votes
8. Compliance with and enforcement of the law

## THE ELECTORAL LAWS

The electoral laws are based on the constitution adopted in 2008. The Constitution breaches a number of democratic standards and perpetuates the power of the military regime.<sup>3</sup>

The laws governing the elections were adopted by the SPDC on 8 March 2010. The elections laws were developed and designed by the military regime in a way that excluded longstanding opponents of the regime to contest the elections.<sup>4</sup> The electoral laws required parties to register or reregister in order to contest the elections. However, in order to do so, parties could not have, within its membership, people who were imprisoned or under detention orders. The registration issues led to extensive discussions within leading opposition groups, which ended with many major opposition parties choosing not to contest the elections and risk being disbanded.

Some of the key issues of the electoral laws, which are contrary to international standards, include:

**Party Registration:** In order to be allowed to register, parties could not have within their membership people that were imprisoned or under detention orders. Parties were subject to deregistration if they had direct or indirect links with armed groups. Finally, registration fees were far too high for most opposition parties to be able to pay candidate registration fees e.g. if a political party contests for seats in all constituencies, the party must spend US \$580,000 for 1163 constituencies in Burma.<sup>5</sup>

**Campaigning:** The elections laws did not protect the rights of candidates and parties to campaign freely. The laws spelled out extremely strict criteria for candidates to campaign for the elections. Travel restrictions limited parties' ability to freely campaign in their respective constituencies. Although parties had access to the media, i.e. TV and radio, this access was also restricted.

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<sup>3</sup> Various reports have highlighted the undemocratic nature of the constitution. A Burma Fund report highlights a number of serious concerns: the President being effectively above the law, impunity for past and present crimes by government officials, a total suspension of 'fundamental rights' during indefinite and undefined states of emergency, and 25% of seats in the new Parliament reserved for serving military officers. A report by the International Center for Transitional Justice (ICTJ), "Impunity Prolonged: Burma and its 2008 Constitution," (2009) identifies four major flaws: the impunity clause and parliamentary seats identified in the Burma Fund report as well as lack of civilian judicial oversight of the military and overly burdensome procedures for amending the constitution.

<sup>4</sup> Burma Fund UN office, Burma's 2010 Elections: a comprehensive report, p. 8; National Democratic institute, Burma's 2010 Electoral framework: fundamentally undemocratic, p. 2-8.

<sup>5</sup> Burma News International, Elections report 2010: pre-elections observations, p. 77.

**Right to vote:** Religious leaders and members of religious orders, persons serving prison terms, anyone convicted of breaking the elections law, among others, were excluded from voting lists.

**Observers:** The elections laws did not include provisions for non-parties or international elections observers to monitor the elections. Foreign journalists were not granted visas to observe the elections.<sup>6</sup>

**Elections Administration:** The elections laws provided the Union Electoral Commission with large power. The UEC was handicapped by the military regime and was granted powers to manage the electoral process, as well as to arbitrate elections disputes that arose.

During the campaigning period a number of violations of international standards occurred. A major violation was the cancellation of the elections in some ethnic areas, which violates the right to vote.

The Constitution and the electoral laws adopted by the SPDC are undemocratic, and do not comply with basic international standards as defined by IDEA. They accentuate the spirit of repression of freedoms that have been experienced in Burma over the past two decades. Despite optimism among some quarters of Burmese society that the elections marked a significant shift in how the country would be governed, human rights violations occurred throughout the elections process and continue unabated, even as the new parliament begins to meet. The restrictions on freedom of expression that political parties experienced during the elections period are now being imposed on members of parliament, and open debate about human rights violations is severely curtailed. With increased armed conflict on the eastern border and increased tension between the Burma Army and armed opposition groups in Kachin and Shan State, the human rights situation in post-elections Burma is likely to deteriorate rather than improve. The violations that took place during the elections period did not mark the end of impunity for the military in Burma, but rather demonstrate that with an entrenched military still playing a leading role in the political life of the country, human rights violations continue much as they have.

Burma is a member of the United Nations and, as such, should comply with the clauses of the Universal Declaration of Human Rights. The 2010 electoral process failed to adhere to basic human rights norms or to meet standards for free and fair elections, such as constitution of government based on the will of people, freedom of movement, assembly and association, freedom to stand for elections and set up of an impartial elections administration.<sup>7</sup>

This report compiles information and individual accounts of human rights violations

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<sup>6</sup> 'The Elections Commission said there was no need to grant visas for foreign reporters because there are local reporters in the country who work for foreign media. The Commission also reiterated that it was not necessary for foreign observers to monitor the elections'. Burma News International, Elections report: pre-elections observations, p. 75; [[http://www.irrawaddy.org/article.php?art\\_id=20026](http://www.irrawaddy.org/article.php?art_id=20026)] accessed on 1 April 2011

<sup>7</sup> National Democratic Institute, Burma's 2010 Electoral framework: fundamentally undemocratic, p. 6-7

related to the elections. Through the collection of data on human rights violations this report contributes to the body of evidence available showing that the elections did not comply with the most basic international standards for free and fair elections.<sup>8</sup>

## RESEARCH FINDINGS

### HUMAN RIGHTS VIOLATIONS REGARDING THE 2010 ELECTIONS

ND-Burma collected data on a number of human rights violations related to the elections. The following cases are examples of different violations ND-Burma has documented from different areas inside Burma.

#### ND-BURMA SAMPLE TABLE OF ELECTIONS-RELATED HUMAN RIGHTS VIOLATIONS IN 2010 ELECTIONS PERIOD

	CATEGORY OF THE HUMAN RIGHTS VIOLATIONS	FREQUENCY
1	Denial of the right to freedom of movement	1
2	Denial of the right to freedom of expression, assembly, and association	5
3	Fraud in advance votes	17
4	Forced collection of money	1
5	Forced labor	1
6	Forced relocation (driven away by offensive)	1
7	Other forms of coercion	21
8	Prevented from making an informed decision	3
9	Denial of the right to vote	10
10	Threats	20
	<b>TOTAL</b>	<b>80</b>

The next section of the report provides readers with specific information on the human rights violations committed in the lead up to the elections. Selected accounts show that at every step of the elections process, the Elections Laws adopted by the

<sup>8</sup> Examples include sources used in this report

regime, as well as basic international standards for free and fair elections, were breached and human rights violations committed.

Section A provides information on irregularities that occurred during the electoral campaign, including intimidation and threats, illegal donations and interference with a candidate's right to campaign. Section B includes accounts of violations committed before the elections. In order to repress demonstrations, curfews were imposed in some areas limiting freedom of movement, assembly and association. Voters were also continually threatened and coerced into voting for the USDP, and forced to cast advance votes. The right to vote and the exclusion of constituencies from the elections is the focus of Section C. Elections were cancelled in some areas and irregularities with voter lists and procedures led many to lose the right to vote. The two largest sections (D and E) of the report are dedicated to the events on 7 November 2010. Advance votes played a key role in the outcome of the elections and many violations committed on Election Day breached the elections laws and international standards. Section D covers the collection and casting of advance votes and the many irregularities and fraud committed. Section E focuses on the violations committed on Election Day. A large number of irregularities happened at polling stations. Voters were subject to pressures to vote for the USDP and there is evidence that there was vote-buying and vote-stealing. The announcement of the elections was confusing and changes to the authorities' announcements were published in the State run media on the days that followed the elections. Section F provides examples of cases of candidates who won after the vote counting but lost when results were announced or early-votes were added in. Section G of the report looks into other forms of human rights violations committed during the elections period and the beginning of violence after the elections. Ultimately, the various accounts collected in this report show that there was no improvement in the human rights situation in Burma before, during, and after the elections. On the contrary, violations were consistent with the continuous violations committed by the military regime.



**Villagers fleeing the fighting after the Election Day - 8 November 2010**

Photo by Burma Issues

# **HUMAN RIGHTS VIOLATIONS REGARDING THE ELECTIONS**



## SECTION A ELECTORAL CAMPAIGNS

International standards highlight the importance of the electoral laws to put in place clear rules and procedures to allow free and fair elections. The electoral laws should establish the procedures to ensure that all aspects of the electoral process, including campaigning, proceed in a transparent manner; and all citizens and candidates, as well as political parties, are given the opportunity to participate freely, fairly and equally in the electoral process. In Burma, however, the Electoral Laws spelled out a number of rules and procedures that set the background for an uneven contest.

A number of factors contributed to limiting parties' capacity to campaign equally and effectively. The period between the adoption of the elections laws and announcement of the elections provided opposition parties with little time to organize themselves i.e. identify candidates and find the necessary funds to campaign to participate in the contest. UEC Directives also limited political parties' freedom of association and expression. The UEC Directive No 2/2020 indicates that 'political parties cannot chant slogans, march or carry flags as part of their campaigns; parties have to apply for permission a week in advance to hold gatherings outside their own headquarters; parties cannot 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'. Furthermore, and as described in a report by Burma News International, political parties had to ask permission to the UEC to distribute leaflets and, although parties had access to the radio and TV, a copy of their speeches had to be sent to the Commission before broadcasting. In addition, unclear and broad laws adopted over the past 30 years limiting freedom of expression and assembly in Burma also had an impact on the opposition parties' electoral campaign. Reports and complaints filed by parties indicate that the military regime did not allow political parties to campaign freely as opposition political parties and their supporters were prevented from traveling.<sup>9</sup> Pressure on political parties' representatives, vote buying, and intimidation and threats contributed to further creating an unequal capacity of parties to campaign freely and effectively in the run-up to the elections.

During the campaigning period, USDP members interfered with candidates' right to campaign, apprehending other parties' campaigning materials, such as bulletins, campaigning leaflets, party signs and flags. Voters were advised against joining and voting for opposition parties. Voters and opposition candidates were threatened and intimidated by USDP members and military officials. Threats included physical violence, forced relocation and the seizing of belongings. USDP also used a number

<sup>9</sup> Burma Fund UN office, Burma's 2010 Elections: a comprehensive report, p. 20; Burma News International, Elections report 2010: pre-elections observations, p. 78

of approaches, such as illegal monetary and in-kind donations to communities and voters, to buy support and votes. The level of fear surrounding the campaigning period and number of violations committed is well described by a resident in the 87<sup>th</sup> Ward of South Dagon Seikkan Township:

“We want to inform the media about the elections. We want to share what we know about elections frauds, intimidations, vote buying, and threats. But we don’t dare to because we will definitely be imprisoned if we do so.”<sup>10</sup>

Events during the electoral campaign period violated the right to freedom of expression, assembly and association. They also directly violated basic international electoral standards.

#### ACCOUNT 1: Irregularities during campaigning

U Yai Tun, an organizer from USDP, and members of USDP took from civilians sample voting cards and polling station voter lists distributed by Ta-aung (Palaung) National Party (TNP). The sample voting cards were designed as a tool to educate people on the voting process. Villagers informed TNP about the incident. When TNP officials asked USDP members to return the sample voting cards, USDP members refused to answer. A member of TNP recalled as follows:

“TNP distributed those examples of voting cards and voter lists in villages such as Panku and Mang Mao villages with the intention of allowing people to conveniently vote on the Election Day. However, on the 17<sup>th</sup> of October, a villager from the region visited the TNP office in Kutkhai and asked for more sample cards. When asked, he replied that U Yai Tun and USDP members visited his village, asked to see the sample cards for a minute but never returned them back, instead, they took all of them from villagers, and threatened villagers to vote only for USDP.”<sup>11</sup>



**USDP built a road to buy votes and forced residents to support the Party, Mon State**

Photo by HURFOM

Residents of Palaung villages in Shan State stated that when U Yai Tun and USDP members campaigned in Palaung villages, they frequently insulted TNP and urged

<sup>10</sup> Excerpt of Account 3

<sup>11</sup> TSYO Interview

villagers to vote for USDP.<sup>12</sup>

#### ACCOUNT 2: USDP interference with a candidate's right to campaign

U Khun Myat, a USDP candidate who contested the elections in Kutkhai constituency, Muse District, Northern Shan State, harassed and threatened U Ei San, a TNP candidate for Pyithu Hluttaw, during campaigns.

On 17 September 2010, by the order of U Khun Myat, five militia from Kalan Militia Base led by the second in command U Win Myint arrived at Panlau village, Honaung village group and threatened U Ei San and other TNP members who were campaigning in the village with the permission of the Township Elections Commission. U Ei San and the other TNP members were told to stop the canvassing and get out of the village.



**The army commander from the front line troops organized a public event with USDP members to urge villagers to vote for USDP in Kawkareik, Mon State**

Photo by HURFOM

On 28 September 2010, five TNP members led by TNP candidate U Kyaw Aye and U Ei San were campaigning in Mangton Palaung village in Nachan village group with permission from the Township Elections Commission.

U Ko Jun, commander of Nampamone Militia Base sent a message dated 27 September 2010 to the chairperson of the Mangton Village Peace and Development Council, threatening the chairperson and villagers with arrest should they allow TNP to canvass in the village.

USDP also took and destroyed TNP policy bulletins, party signs and flags. Ta-aung ethnic people were also threatened against joining the party and voting for TNP. USDP warned residents that anyone who joined TNP would be forced to relocate to Mangton and Namsam regions and their belongings would be seized.

In Kyaukpon Village, Ngaputaw Township, Irrawaddy Division, the Chairperson of the Elections Commission stopped and threatened members of National Democratic Force (NDF) with violence when they attempted to distribute campaign leaflets in the village. Chairperson U El Soe told the NDF members present,

“Next time, I’ll take you to the police lock-up.”<sup>13</sup>

<sup>12</sup> TSYO Interview

<sup>13</sup> AAPP Interview

### ACCOUNT 3: Intimidation and threats during the electoral campaign

At a teashop run by Ko Aung Moe in the 87<sup>th</sup> Ward of South Dagon Seikkan Township, USDP members urged Ko Aung Moe to post a letter on a wall of the teashop declaring that he is a member of USDP. When Ko Aung Moe refused, the leader of the USDP group ordered his followers to break the legs of members of other political parties if they campaigned in the ward. The USDP leader also assured his followers that authorities would not arrest them for the attack.<sup>14</sup>

One villager articulated the level of fear around reporting on the elections, saying,

“We want to inform the media about the elections. We want to share what we know about elections frauds, intimidations, vote buying, and threats. But we don’t dare to because we will definitely be imprisoned if we do so.”<sup>15</sup>

### ACCOUNT 4: Unlawful campaigning in South Okkalapa Township

Residents of Kounbaung 11<sup>th</sup> Street, 6<sup>th</sup> Ward of South Okkalapa Township, were renovating the Thitsar Mandine religious building. On 3 November, U Aung Thein Lin visited the worksite, so residents asked him to donate cement. According to a trustee from the building, U Aung Thein Lin promised to donate 2 million kyat worth of cement if residents could persuade others to join USDP.<sup>16</sup>



**USDP campaign poster in Yangon. During the campaigning period, opposition parties were not allowed to campaign freely. The election law restricted their rights to campaign and freely distribute campaign materials, such as leaflets and posters**

**Photo by AAPP**

<sup>14</sup> AAPP Interview

<sup>15</sup> PWO Interview

<sup>16</sup> AAPP Interview

**ACCOUNT 5: Illegal Monetary Donations**

U Aung Than Oo, who stood to be the Region and State Parliament representative from Tanyin Township, instructed local authorities to urge nine people from each village in Tanyin Township to attend his 3 November 2010 political campaign at the rice mill of U Tin Mya. He persuaded people by compromising to give 500,000 kyats to any village in which he won more than 90% of the vote, and 400,000 kyats if he won by at least 75%. He also agreed to give 100,000 kyat to each village elections commission member and 2 million kyats to each rice mill in the area. U Aung Than Oo then provided 3 million kyat to the Chairperson of the District Elections Commission, Ret. Lt. Col Myat Soe (navy), 500,000 kyat to the Tanyin Township Elections Commission Chairperson and 100,000 kyat and two shirts to each village elections commission member.<sup>17</sup>



**USDP gives donations and in kind contributions to elders to buy their support, Mon State**

Photo by HURFOM

<sup>17</sup> AAPP Interview

## SECTION B PRE-ELECTIONS VIOLENCE

The previous section of this report noted that according to international standards all citizens and candidates should be given the opportunity to participate freely, fairly and equally in the electoral process. Voters should feel they are free to express and to form an opinion about political parties and candidates independently, free of violence and/or interference of any kind. In November 2010, ND-Burma published a report that documented 247 elections-related human rights violations, including intimidation and coercion, the denial of the right to make an informed decision, and the denial of the right to freedom of expression, assembly and movement.<sup>18</sup> The present report publishes further accounts of threats, intimidation and coercion incidents reported in the run-up to the elections.

Accounts recorded by ND-Burma show that in some rural areas residents were prohibited from traveling and curfews were imposed by the military regime, in part to prevent a recurrence of anti-elections demonstrations, which took place on 1-2 November 2010. A villager who participated in the demonstration said,

“we demonstrated because we believe the elections are not for the people of Burma, not free and fair. We do not want that kind of fake elections so we demonstrate against the elections.”<sup>19</sup>

Other forms of pre-elections violence, mainly threats, intimidation and coercion, were committed to influence voters decision and recruit support for the USDP, as well as to force citizens to vote on Election Day. These violations included government official's threats to fire employees and farmers threatened with land confiscation if they did not support the USDP. Voters and residents were also threatened with imprisonment, fines and forced relocation if they did not vote and support the USDP on Election Day.

### ACCOUNT 6: SPDC obstruction of villagers' movement prior to the 2010 elections

The commander Hla Phyto from the Military Operations Command (MOC) 32 issued an order to Light Battalion 283 and 284 to thoroughly search any residents from Takhakhee village, Karen State travelling to Kyi Inn Seik Kyi before and up to the

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<sup>18</sup> ND-Burma, Intimidation, Imprisonment and Repression: The Road to Military Victory in the 2010 Elections, November, 2010

<sup>19</sup> Account 16 provides further information on the reasons behind the demonstration, the main one being the loss of voting rights. Demonstrators also called for free, fair and genuine elections.

end of the elections. Furthermore, those two battalions and village authorities issued a curfew from 5:30 pm to 5:30 am. Troops were stationed at the monastery, which was also the site of a polling station for the village, to prevent a recurrence of anti-elections demonstrations that occurred on 1 and 2 November 2010. Moreover, the military troops prohibited residents of villages along the road from Three Pagoda Pass to Kya Inn Seik Kyi, including Tadar Oo, Chaung Nhakhwa, Takhakhee, Takhaklo and Kyikedon villages, from travelling until the end of the elections.<sup>20</sup>

#### ACCOUNT 7: Threatened and coerced into voting for USDP

On 6 November 2010, USDP members and the Chairperson and members of Mahte village Peace and Development Council, Kyikemaraw Township, Mon State, visited Mon families in the village and issued such threats as,

“You vote for USDP. If you don’t vote for USDP, you will be moving out from this village. If you don’t vote for USDP, you don’t blame me later.”<sup>21</sup>

#### ACCOUNT 8: USDP threatened a voter

U Khin Tun, a local authority of Kan Oo village group, Ingapu Township, Irrawaddy Division, visited a resident on 6 November 2010 - U Kyaw Maung - and threatened,

“You might be arrested if you do not vote tomorrow on Election Day.”<sup>22</sup>



**Training of Militias in preparation for the Election Day, Mon State**

Photo by HURFOM

<sup>20</sup> Burma Issues Interview

<sup>21</sup> HREIB Interview

<sup>22</sup> Yoma3 Interview

**ACCOUNT 9: Forced to support USDP in Myaypon**

In Myaypon Township, Sittwe District, Arakan State, local authorities and USDP members threatened residents, who were victims of Cyclone Giri, not to support RNDP but rather to support USDP.<sup>23</sup>

**ACCOUNT 10: Military forced people to cast advance votes**

A Tantabin based a troop under the command of Light Battalion 73 based in Zayatkyi Township, Karen State, forced residents of Paehti region to cast their votes as advance votes. The troop also threatened residents with a 100,000 kyat fine each for those who would not vote.<sup>24</sup>

**ACCOUNT 11: Village Chairperson threatened villagers to vote for USDP**

On 5 November 2010, U Sandam, the Chairperson of Loilam Village Peace and Development Council, Muse Township, Shan State, threatened villagers, saying

“you must vote for USDP, you will receive three years imprisonment if you didn’t vote for USDP.”<sup>25</sup>

**ACCOUNT 12: Municipal supervisor’s threat to fire employees**

On 5 November 2010, Capt. Soe Naing Oo, the Director of the Municipal office near the market in Tanyin Township, Rangoon Division, instructed employees from his office to cast advance votes. He also ordered and threatened the employees, stating,

“Check next to the Lion.<sup>26</sup> I will be watching you when you do that and I do not care about any organization or anyone else. You will be fired if you do not do as I told you.”<sup>27</sup>

**ACCOUNT 13: Village authority threatens farmers who wouldn’t vote for USDP with land confiscation**

While eligible voter lists were taken in East Kyisu Village, Kyimyindine Township, Rangoon, the Village Peace and Development Council chairperson issued threats to residents, such as,

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<sup>23</sup> AASYC Interview

<sup>24</sup> Burma Issues Interview

<sup>25</sup> PWO Interview

<sup>26</sup> The lion is the symbol used as a logo by the USDP.

<sup>27</sup> AAPP Interview



“You all must vote for USDP. You all know that 6000 acres from this area were seized in 2009 and if you don’t vote for USDP, 4000 more acres will be seized. That’s the direct order from Maj. Gen. Win Myint, the Commander of Rangoon Division Command.”<sup>28</sup>



USDP members gathered for a meeting, Kyaik Mayaw Township, Mon State, July 2010

Photo by HURFOM

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<sup>28</sup> AAPP Interview

## SECTION C

# CONSTITUENCIES AND THE RIGHT TO VOTE

The right to vote is a basic civic and political right. A major violation of international electoral standards was the electoral laws' provisions on the right to vote. Religious leaders and members of religious orders, persons serving prison terms, anyone convicted of breaking the elections laws, among others, were excluded from the voting lists. The cancellation of the elections in some ethnic areas was another major violation of voter rights and international standards. On 16 September 2010, the UEC issued 5 notifications announcing that voting would not be held in some areas of Kachin, Karenni, Karen, Shan and Mon States. The notifications affected about 32 townships in ethnic areas. On 2 November 2010, the UEC announced that another 12 villages groups, 6 constituencies in Loikaw Township, Kayah State, would be excluded from the elections. Ethnic leaders criticised the announcement, suggesting that the military regime was excluding opponents from ballots in areas where the USDP would not win. Yet USDP still received advance votes in those areas.

A number of irregularities with voting lists, with eligible voters being excluded from the lists, and voting procedures led many to lose the right to vote. In some cases the wrong voter list was used and/or voter lists were used to collect advance votes. In Northern Shan State, residents' names and ID numbers were taken based on the 2008 referendum voter lists and reused and added as advance votes. At the No2 polling station, 53<sup>rd</sup> Ward, Southern Dagon, Myo Thit, Rangoon, some polling station officials threw away voter lists. As a result, some villagers lost their right to vote. There were also cases where the authorities distributed voting tokens only to take them back as the Election Day approached.

On 1 and 2 November 2010 villagers and residents demonstrated over the right to vote. One demonstrator said,

“we protested against the elections because most of our names were not in the eligible voters list.”<sup>29</sup>

The public demonstrations led the military regime to impose curfews, reinforcing the repressive environment felt in some of the areas of Burma right before the elections. The sequence of events on 1-2 November 2010 shows the disappointment and distrust voters had for the electoral process. As a resident said,

“all of our neighbours received the papers required to vote but we didn't get any ... . Without the papers I couldn't go to the polling station, couldn't get a ballot and couldn't vote. So I lost my right to

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<sup>29</sup> Excerpt of Account 16

vote for the first elections in 20 years.”<sup>30</sup>

**ACCOUNT 14:** Advance votes collected based on 2008 referendum voter lists

U San Hline, the Chairperson of Namsam Township Peace and Development Council, Kyaukmae District, Northern Shan State, visited Man Lawe village group and collected advance votes by using the list of voters in the 2008 referendum.

On 24 September 2010, national ID numbers and the list of voters who voted for the 2008 referendum were posted, those voters were required to gather at one place and have their photos taken. A resident said as follows:

"People saw names and national ID numbers were posted on walls but they didn't know what those were for. When they asked the Chairperson later, he replied that they were lists of voters who voted to agree on the 2008 referendum on the constitution and the lists would be needed again for the 2010 elections."

Residents' names and national ID numbers were taken based on the 2008 referendum voter lists and photos of voters, and were reused and added as advance votes for USDP.<sup>31</sup>

**ACCOUNT 15:** Exclusion of constituencies

On 2 November 2010, the Union Elections Commission made an announcement regarding the exclusion of 12 village groups in 6 constituencies of Loikaw, Demorhso, Pruso, Bawlakhe, Phasaung and Shadaw townships in Karenni State.

A resident from Telon village group stated that those areas were excluded from the elections because the Light Infantry Division 503 required residents from three village groups in Loikaw Township to be present at the battalion base in order to collect advance votes from them.

The resident said,

"Village authorities, government employees such as teachers, health department employees and residents were required to have their photos taken. Their national ID numbers were also taken. After that, they were told that they wouldn't need to vote because it had been used for an early vote."

In addition, authorities used false voter education as a means of gaining votes for USDP.

On 16 September 2010, authorities announced constituencies for Karekhe, Mosakhe, Kwakhe, Kawthudoe and Bahanlao village groups in Phasaung Township. Kekaw,

<sup>30</sup> Excerpt of Account 17

<sup>31</sup> TSYO Interview

Thothipho, Rawdorkhor and Domosaw village groups in Pruso Township, Kayah State were excluded from the elections.

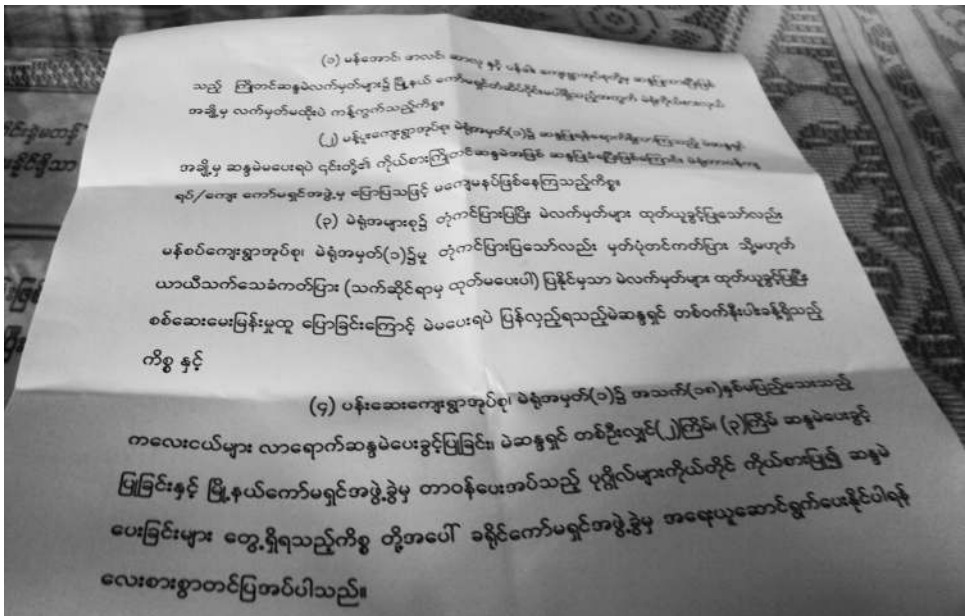
Telon, Hteehsekha and Loilinlay village groups in Loikaw Township and Dawtamagi, Nanmaekhon, Loinanpha and Lobakho village groups in Demorhso Township were also excluded from the elections.<sup>32</sup>

**ACCOUNT 16: Public protest over the loss of voting rights**

At about 9 am on the 1 November 2010, an anti-elections public demonstration of about 200 villagers broke out in Duplaya District, Kya Inn Seik Kyi Township, Karen State. The demonstrators were from Takhakhee, Takhaklo, Kya Inn, Kogoklo and Takukhee villages. They marched with posters, on which the following demands were written:

1. No 2010 elections, for the elections would not be free, fair or democratic
2. To hold free, fair and genuine elections
3. For all ethnic nationalities to have rights to vote
4. To establish a genuine federal union

A villager who participated in the demonstration said, “We demonstrated because we believe the elections are not for the people of Burma, not free and fair. We do not want that kind of fake elections so we demonstrated against the elections.”



**Complaint to the UEC denouncing irregularities with voter list and the loss of the right to vote, Shan State**

Photo by PWO

<sup>32</sup> Burma Issues Interview

Furthermore, another anti-elections demonstration of about 100 villagers, from Tada Oo, Kyun Wyne, Wama and Payalay Seik villages, broke out for about an hour from 11 am to noon on the 2 November 2010. The demonstrators demonstrated against the elections shouting the slogan, “We do not want unfair 2010 elections.”

A demonstrator said,

“We protested against the elections because most of our names were not in the eligible voters list.”<sup>33</sup>

**ACCOUNT 17: Five couples didn’t get chance to vote themselves**

The following is the list of five couples from Chawtalam Ward, Tedim Township, Chin State, who could not vote in person on Election Day:

1. Kamkhanmang and Ching lian khuk
2. Suantauhman and Ngaithangvung
3. Chinkhanmang and Suanlunching
4. Dokhanmang and Yahahung
5. Maenchin and Paungaihchuan

Ngaithangvung said,

“All of our neighbors received the papers required to vote but we didn’t get any. Polling station officials asked me if I could go to the polling station on the Election Day and even though I replied that I doubted I could, I wasn’t given any paper for advance voting. Without the paper, I couldn’t go to the polling station, couldn’t get a ballot and couldn’t vote. So, I lost my right to vote for the first



**In some areas, villagers demonstrated against the elections and displayed "No Vote" posters, Karen State**

Photo by Burma Issues

<sup>33</sup> Burma Issues Interview

elections in 20 years.”<sup>34</sup>

**ACCOUNT 18:** Lost the chance to vote because voting tokens were thrown away

At No. 2 polling station, 53<sup>rd</sup> Ward, Southern Dagon, Myo Thit, Rangoon, some polling station officials threw away some voting list papers, so some voters could not vote. Generally, officials distributed voting list papers before the elections as tokens and people could only go and vote with those tokens. Some of them were never distributed but thrown away and some polling stations were merged as one.<sup>35</sup>

**ACCOUNT 19:** 94 voters lost their right to vote

Some villagers from Nyaunglain village group, Labutta Township, Irrawaddy Division lost their right to vote as their names were not on the eligible voter lists. Out of 1454 households in Nyaunglain village group, 94 people lost their right to vote.<sup>36</sup>

**ACCOUNT 20:** About 1000 people from Buthidaung were not allowed to vote

About 1000 people from Buthidaung Township, Maungdaw District, Arakan State, lost their right to vote because their names were not on the eligible voter lists.<sup>37</sup>

**ACCOUNT 21:** Authorities purposefully exclude people from voting

Ten households in Mong Na village, Winemaw Township, Kachin State, lost their rights to vote. Authorities distributed voting tokens to those ten households before the elections but took them back as the Election Day approached.<sup>38</sup>

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<sup>34</sup> CHRO Interview

<sup>35</sup> Yoma3 Interview

<sup>36</sup> Yoma3 Interview

<sup>37</sup> AASYC Interview

<sup>38</sup> KWAT Interview

## SECTION D ADVANCE VOTES<sup>39</sup>

The collection and casting of “advance votes” (or “early votes”) were subject to many irregularities and fraud during the elections. By law, voters who for various reasons (including being hospitalised, being military personnel on-duty or training, and being a voter living abroad) could cast their votes before Election Day. Advance votes are played a key role in determining the outcomes of the elections and irregularities observed are considered to have seriously undermined the credibility of the elections.<sup>40</sup>

“As far as I observed, in most advance votes, USDP members checked as votes for USDP. There are also other incidents in which USDP used local authorities to force people to vote for USDP under the eyes of the authorities. So, when votes were counted, they had already secured over 60% of votes,” a resident from Kamawet Village in Mudon Township, Mon State said.<sup>41</sup>

Irregularities, such as collection and casting of advance votes on behalf of voters without their consent and/or knowledge and breaching the right to vote in secret were observed during the elections. A villager reported, “On 3 and 4 November 2010 authorities forced some villagers to cast their votes as advance votes in places that were not official polling stations ... . Voting was not systematic or organized at all because voting occurred not at an official polling station but at a residence. Voting was not confidential because people saw each other and thus who voted for what party.”<sup>42</sup> Authorities also collected advance votes by stealing votes and switching votes. USDP members collected advance votes in some areas of Rangoon by disguising the activity as a census.

Additionally cases of forcing people to vote for USDP with threats and intimidation occurred. Government officials were coerced to cast advance votes in favour of the USDP. Authorities also instructed employees to vote for the USDP and submit votes to departmental supervisors with open envelopes. A voter also expressed confusion as to why his village had been asked to cast advance votes, saying

“We are not government employees, we were not away from our homes on election day, we were not in bad health ... . I don’t know

<sup>39</sup> The information regarding early votes was primarily collected from soldiers and government employees.

<sup>40</sup> Burma Fund UN office, *Burma’s 2010 elections: a comprehensive report*, p. 29; Transnational Institute, *A changing Ethnic landscape: analysis of Burma’s 2010 polls*, p. 2.

<sup>41</sup> Excerpt of account 30

<sup>42</sup> Excerpt of account 22

why the Elections Commission asked us to cast advance votes.”<sup>43</sup>

The counting of advance votes has raised questions regarding the credibility of the elections. Authorities announced candidates as winners only to reverse the decision the next day, after advance votes were received. In Ramree Township, Arakan State, a retired rector contesting the elections in the Rakhine Nationalities Development Party (RNDP) won after the counting but lost by seven votes when local fishermen’s advance votes were added.<sup>44</sup> The Democratic Party called on the UEC to solve the problems of advance votes added in favour of USDP, emphasizing that advance votes were meant only for those voters who could not go to the ballot station on Election Day.

#### **ACCOUNT 22: People were forced to cast early votes at night time**

On 3 and 4 November 2010, in Mang Aung Village, Namhkam Township, Muse District, Northern Shan State, authorities forced some villagers to cast their votes as advance votes in places that were not official polling stations.

“People had to go to non-polling stations to vote in the evenings of 3 and 4 of November. At nighttime, people had to go and vote at a house. In Namhkam, only government employees were required to cast advance votes. Many government employees had to be at polling stations as officials so they were required to vote early. But for ordinary people – we are not government employees, we were not away from our homes on Election Day, we were not in bad health – we were all available to go to polling stations on the 7<sup>th</sup>. I don’t know why the elections commission officials asked us to cast advance votes,” one resident said.

These voters did not have access to polling stations and ballot boxes. When they voted they were next to each other so everyone saw how other people voted. After voting, U Nyi Set and U Sam Tee (USDP representatives) brought advance votes in envelopes.

“Voting was not systematic or organized at all because voting occurred not at an official polling station but at a residence. Furthermore, voting was not confidential voting because people saw each other and thus who voted for what party. Votes were put into envelopes and U Nyi Set and U Sam Tee took those advance votes. No one really knew the procedure. They were worried that their votes were announced for USDP even if they didn’t vote for them. What we heard this morning is that in Mang Aung, half of the eligible voters were forced to cast their votes as advance votes.”<sup>45</sup>

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<sup>43</sup> Ibid.

<sup>44</sup> ND-Burma found that on occasions actual winners eventually lost after authorities added advance votes and announced results. More detailed information on advance votes count and announcement of results can be found on Section F of this report.

<sup>45</sup> PWO Interview



**ACCOUNT 23:** Use of coercion to cast advance votes in favour of USDP

In Pauktaw, Myaypon and Ponnakyun townships in Sittwe District, Arakan State, authorities instructed government employees to cast advance votes in favor of USDP. Township peace and development councils instructed department officials to collect advance votes and deliver those to the Elections Commission.<sup>46</sup>

**ACCOUNT 24:** Elections fraud of No. 1 Constituency for State Parliament, Tedim Township, Chin State

U Thangpi, a CNP representative contesting in the elections for State Parliament, stated that in Tedim No. 1 constituency, USDP members and USDP representative from State Parliament from No. 1 constituency forced U Winmang and neighbors to cast advance votes for U Winmang.<sup>47</sup>

**ACCOUNT 25:** Government employees denied opportunity to cast advance votes secretly

In Maungtaw, Buthidaung and Yathetaung townships in Maungtaw District, Arakan State, authorities instructed government employees to cast their votes as advance votes on 4 November 2010 by departments. Authorities also instructed employees to vote for USDP and submit votes to departmental supervisors with open envelopes.<sup>48</sup>

**ACCOUNT 26:** Advance votes without the knowledge of voters

U Gamkhola, aged 35, resident of Dukahtaung Ward, Myitkyina Township, Kachin State, lost his right to vote because someone else cast his vote as an advance vote on 6 November 2010 without his knowledge.<sup>49</sup>

**ACCOUNT 27:** RNDP representative for People's Parliament lost by advance votes

In Ramree Township, Arakan State, a retired rector from Department of Geography U Tun Shwe Khaing, who contested in the elections for People's Parliament representing Rakhine Nationalities Development Party (RNDP), won after the counting but lost by seven votes when local fishermen's advance votes were added.<sup>50</sup>

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<sup>46</sup> AASYC Interview

<sup>47</sup> CHRO Interview

<sup>48</sup> AASYC Interview

<sup>49</sup> KWAT Interview

<sup>50</sup> AASYC Interview

**ACCOUNT 28:** Advance votes were taken as false census in Dawpon Township

From the middle of September 2010, U Win Naing, the Secretary of Dawpon USDP and the owner of Gandawin Restaurant, USDP organizer (1) U Myint Swe, organizer (2) U Han Thein, organizer (3) U Kyaw Naing and some other USDP members; Naing Lin Aung, Hla Aye and Hla Moe Kyaw collected advance votes from Bo Teza, Bo Min Yaung, Bo Suanpat, Bo Aung Kyaw, Bo Tun Myat, Metta, Thisa, Min Nanda and Bo La Yaung streets in Bo Tun Zan Ward of Dawpon Township, Rangoon. They collected advance votes by disguising the activity as a census. On 17 September 2010, they visited households in Bo Teza Street, checked household lists and asked breadwinners to sign on behalf of every eligible voter over the age of 18. They gave explanations to residents, such as,

“If you want to travel, you can go anywhere. Your signature is for the elections and you don’t need to vote on the Election Day.” They also told some families, “If you sign here, you don’t need to go and vote on the Election Day. You don’t need to skip your work to vote.” USDP members avoided family members of NLD when collecting advance votes.<sup>51</sup>

**ACCOUNT 29:** Forced to cast advance votes

Local authorities twice forced Daw Moah Khao Rah from Dukahtaung Ward, Myitkyina, Kachin State, to cast her vote in advance. She was healthy and did not have any plans to travel anywhere on Election Day. Likewise, authorities forced Daw Luja and three family members from the same ward to cast their votes as advance votes. They were healthy, had no plans to travel, and none of them were government employees.<sup>52</sup>

**ACCOUNT 30:** Village Chief voted on behalf of villagers

Nawpala and Huehwe villages in Mong Khun village group, Kengton Township, have 40 and 42 households of Lahu and Akha nationalities. On 4 November, U Shamwe Lashe, from Kengton USDP office, came to the villages with USDP members and police personnel and campaigned. He threatened residents not to vote for the Lahu party saying that the Lahu party wouldn’t do anything for them. If they did vote for the Lahu Party, he threatened that residents would no longer receive any support. On the same day, authorities forced all eligible voters at the age of 18 and above to cast their votes as advance votes for USDP. Family members also had to vote for people on trips. On the Election Day, no residents were required to go to Panli village, in which the polling station was opened for Mong Khum village group, and instead a village chief brought 110 votes for Nawpala village and 100 votes for Huehwe village for USDP.<sup>53</sup>

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<sup>51</sup> AAPP Interview

<sup>52</sup> KWAT Interview

<sup>53</sup> KWAT Interview

"As far as I know, polling station officials did not give any voting cards to voters. Furthermore, Min Oo, a member of USDP, stated that the votes of those voters were already added as advance votes for USDP even though they were not given any chance to vote. As far as I observed, in most advance votes, USDP members checked as votes for USDP. There are also other incidents in which USDP used local authorities to force people to vote for USDP under the eyes of the authorities. So, when votes were counted, they had already secured over 60% of votes. What I want to say is USDP won but it's not praise worthy. I mention this as what really happened, not exaggerating anything," a resident from Kamawet Village in Mudon Township, Mon State, said.<sup>54</sup>

#### **ACCOUNT 31: Only USDP advance votes allowed**

In Lamzang Village, Tonzang Township, Chin State, local authorities refused an elderly person's advance vote because the vote was not for USDP. Nungaichim, an elderly woman at the age of 60, wanted to cast her vote as an early vote for CNP but the chief of the village replied that the advance votes had already run out. She is a member of CNP and hosted party campaign events at her house.<sup>55</sup>

#### **ACCOUNT 32: Illiterate people and children were forced to vote early in Mang Hkam village group**

In Mang Hkam village group in Namhkam Township, Shan State, the chief of the polling station voted on behalf of the elderly. In Mang Hkam village group, most eligible elderly voters were illiterate, so the chief of the polling station signed for their voting cards.

Authorities also allowed children aged six to eight to vote on behalf of elderly voters who couldn't go to polling stations.

"Since last night, the voting began in Mang Hkam. Especially elderly voters went to vote. They were allowed to go to vote and cast an early vote because tomorrow, on the Election Day, there will be many people. Most of them were illiterate, with poor eyesight and hearing. Because they were illiterate, polling station officials had to write their names and signed for them and those officials pointed out spaces for them to vote. For some elderly people officials voted instead of them. For other elderly people, children from 6 to 8 years old went to polling stations and voted on their behalf. The polling station chief was a Palaung national from Namhkam township," a voter from Mang Hkam said.<sup>56</sup>

<sup>54</sup> HURFOM Interview

<sup>55</sup> CHRO Interview and Documentation

<sup>56</sup> PWO Interview

This practice of proxy voting, with very little oversight, demonstrates the likelihood and ease with which the vote count could be manipulated.

**ACCOUNT 33:** Democratic Party (Myanmar), urged the Elections Commission to solve the problem of advance votes added in favor of USDP

Democratic Party (Myanmar) urged the Elections Commission to solve the problem of advance votes added in favor of USDP. U Thu Wai, the Chairperson of Democratic Party (Myanmar), said they submitted an objection letter against unlawful advance votes to the Union Elections Commission. In this letter there were four facts stated to point out USDP's use of local authorities to get advance votes by intimidation and bribery even though the Union Elections Commission announced that advance votes were only for people who couldn't go to ballot stations.<sup>57</sup>

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<sup>57</sup> AAPP Interview

## SECTION E ELECTION DAY

On 7 November 2010, various violations and irregularities related to the elections occurred. Reports documented by ND-Burma show that the elections laws and international standards were breached on Election Day, and human rights violations were committed. Documented violations and elections irregularities included restrictions on access to polling stations, casting of votes on behalf of the voters without their knowledge and the use of intimidation to force voters to cast votes. Voters were also subject to pressure from USDP members and representatives, as well as from military officials, to vote for USDP.

Accounts collected show that a feeling of confusion at polling stations, intimidation and fear surrounded the elections. Voters were forced to cast votes and, as a number of accounts documented in this report shows, pressure was put on voters to support USDP. A resident of Nyaunggon village, Mon State reported that authorities instructed polling officials to force voters to vote for the USDP. In Sinkuwagone village, Irrawaddy Division, loud speakers were used to threaten voters; and a local authority in Rangoon Division “visited households door to door and threatened (voters) saying that they would have to solve problems after the elections if they did not vote for the USDP.”<sup>58</sup>

Many other irregularities happened at polling stations. Events breached the elections law and international standards related to polling stations accessibility, accurate reporting and secrecy of ballots. Reports documented show that there was a large presence of USDP members and representatives and local authorities at the polling stations. Given the large number of people at the polling stations, it was not clear who was a USDP member or who was a polling station official. Cases of “campaigning” were reported, even though the elections law prohibited political parties to be active within 500 yards of polling stations. At a polling station in Setyonesen Ward, Arakan State, around 1500 USDP members surrounded the polling station and harassed voters. In some areas, USDP members waiting at the polling station forcefully took voting cards from voters, checked next to the USDP symbol and voted on voters’ behalf. In Changzon, Mon State, authorities only allowed eligible voters who brought voting lists with USDP campaign leaflets to vote. At that polling station,

“no representatives from other political parties were present, so USDP was in total control to commit fraud” an observer said.<sup>59</sup>

Multiple voting and vote-buying were other violations committed on Election

<sup>58</sup> Excerpt of Account 52

<sup>59</sup> Excerpt of Account 49

Day. Problems with and misuse of voter lists observed during advance votes also continued on the day of the elections. In Rangoon Division, Tanyin Township, some voters went to the polling station to vote but they did not have voting tokens so were not allowed to vote. They brought ID with them but were still not allowed to vote. The Chief of the polling station in Kamano village, Mon State did not allow villagers to vote saying that their names were not on the eligible voters lists, even though villagers had IDs. In Mong We and Mong Pu villages in Namkham township, Northern Shan State, a resident stated that a USDP organizer kept 500 ballots in case USDP needed them. The same organizer illegally forced children to vote for him and made some people to cast duplicate votes on his behalf.<sup>60</sup> At polling-station No. 2 in Aung Metta Ward, Shan State, a candidate gave 7500 kyat to 150 people to vote for him; and on Election Day more people voted than were on the voter lists—over 150 more than the actual 4068 eligible voters.<sup>61</sup>



**Local Authorities told residents to vote for the USDP, Mon State**

Photo by HURFOM

Forced membership of parties and violation of polling stations opening hours and accessibility were also observed on Election Day. In Laitui village, Chin State residents were threatened with physical violence if they did not vote for the USDP and were forcefully provided with USDP membership cards.

Several parties and individuals have filed complaints regarding the irregularities with the UEC. However, opposition candidates have little faith in the complaint process fairly arbitrating disputes, as most of its members are also members of the UEC.<sup>62</sup> U Tin Oo, representative for an NUP candidate, prepared a report for NUP leadership documenting fraud committed by USDP on Election Day. U Tin Oo stated that the UEC simply ignored any complaints about USDP elections fraud, and violations of electoral law. Not only has the elections commission ignored the complaints, but USDP officials have remained quiet, avoided the media and have refused to comment on complaints.<sup>63</sup>

## POLLING STATIONS

**ACCOUNT 34:** U Tin Oo, the polling station representative for NUP, spoke out about USDP behavior

U Tin Oo, the polling station representative for NUP candidate U Kaung Myat San

<sup>60</sup> For more detailed information please see Account 43

<sup>61</sup> For more detailed information please see Account 40

<sup>62</sup> Burma Fund UN office, Burma's 2010 elections: a comprehensive report, p. 36

<sup>63</sup> Excerpt of Account 34

from Pegu, recalled the fraud committed by USDP members, which he witnessed:

"When I entered the polling station at Mazin Aywan 6<sup>th</sup> Street, elections commission officials with name tags were standing in the entrances of places used to collect votes for the National Parliament, State and Region Parliaments and the Ethnic Parliament. When voters came they told people to "vote for the lion (USDP)." And when elderly people came and didn't know how to vote they just pretended that they were helping them, but actually they used their votes for USDP. Polling Station officials, local authorities and even other officials from the elections commission should prohibit this from happening. But they replied that they didn't know of any fraud, they didn't see any irregularities and that the people involved did it on their own accord".

He described a similar occurrence in another polling station in which local authorities violated electoral laws and urged people to vote for USDP:

"I was informed that a similar incident occurred in the polling station in Aywan 2<sup>nd</sup> Ward, Pegu, where the polling station sign says 1135. When we observed the polling station the situation was very chaotic. A person called U Shafee was telling voters inside the polling station to vote for USDP. He said, "vote for the lion, USDP," but when I tried to stop him from doing that he replied "Who are you? Who do you see checking on other people's voting cards?" There was another person involved in similar activities. When I asked polling station officials the name of the other person, they didn't answer. Polling station officials could be identified by their name and logo tags and they themselves urged people inside the station to vote for USDP. In another polling station in the same ward local authorities entered with Elections Commission logo tags and urged people inside to vote for USDP."



**Polling Station Officer tells a resident to vote for USDP**

**Photo by HURFOM**

U Tin Oo stated that NUP documented such fraud and prepared a report for its leadership. The Union Elections Commission simply ignored any complaints about USDP elections fraud and violation of electoral laws. Not only has the elections commission ignored the complaints, but USDP officials have remained quiet, avoided the media and have refused to comment on complaints.<sup>64</sup>

<sup>64</sup> AAPP Interview

**ACCOUNT 35:** No rest place for voters waiting for their turn

Mae Kaw Wan Middle School in Mong Ko village, Tachileik township, was closed before the elections - from 1 to 5 November, 2010 - because the school was used as a polling-station. People from Mae Kaw Wan and 13 surrounding villages were designated to vote there, so there were more voters than the station could handle. U Chan Mya, a local USDP leader, ordered all people including government employees and Christian religious leaders (except senior pastors in Christian villages) to cast their votes on Election Day. Village heads were officially instructed to help voters coming from surrounding villages to cast their ballots, but people did not have any convenient place to wait.



**Polling Station Officers add early votes after the closure of the polling station, Mon State**  
- Photo by HURFOM

Other amenities were lacking and the people who were waiting for their turn to vote outside the polling station had no food, no water and no toilets.<sup>65</sup>

**ACCOUNT 36:** Polling stations were not opened at the duly announced time in Hakha, Chin State

In Hakha, Chin State, polling stations were supposed to be open from 5 am to 5 pm on Election Day (out of respect for a religious affair). However, polling station officials violated the instruction and opened stations two hours late. The Election Day was on a Sunday, which was a religious holiday for Christian Chin nationals. Due to this, Chin nationals did not have time to go and vote before going to church.

A female Chin resident said,

“I thought I would go to the church for Sunday prayer and then go to the polling station to vote in the afternoon. However, when I went to the polling station first in the morning to vote, I couldn’t vote. When I arrived at the church, the Sunday prayer session had already begun at 9 am. Thus, in the morning we had to cook and do house chores so we didn’t have time to vote. The other problem is that at polling stations, nothing was organized. Voters had to find their names in eligible voters’ lists and our priority was the church, so we returned without voting.”<sup>66</sup>

<sup>65</sup> LWO Interview

<sup>66</sup> CHRO Interview



**ACCOUNT 37:** Crowded with USDP members in polling stations

Voters from Mudon Township, Mon State, couldn't tell USDP members from polling station officials in polling stations because there were so many USDP members there. Voters also were uncomfortable and worried about the consequences of not voting for USDP.

A resident from Seintaung Ward, Kamawet Village, Mudon Township, Mon State, said,

“Many incidents of vote rigging happened in Kamawet region. The main problem is that nobody can tell who is a USDP member and who is polling station official. Many female teachers were assigned as officials and were in clothes very similar to USDP uniforms. People had already recognized USDP members as trouble makers so when they couldn't tell USDP members apart from polling station officials, they were worried. They were worried about the consequences that would occur if someone found out that they didn't vote for USDP.”<sup>67</sup>

**VOTE BUYING AND VOTE STEALING****ACCOUNT 38:** U Kyaw Myint bribed voters to switch votes

In Man Mai and Man Pein village, Parlin region, Namkham Township, Muse District in Northern Shan State, Pan Sae- U Kyaw Myint bribed and asked people to change voting cards they had already cast for SNDP to him. A resident stated that U Kyaw Myint provided 5000 kyat for anyone who would change their votes in his favor.<sup>68</sup>

**ACCOUNT 39:** Unlawful proxy voting

At the No. 4 polling station in Phaung Oo Chaung village track in Nyaungdon Township, U Nyunt Thike was appointed as the chief of the polling station and U Sithu Aung as the deputy chief. USDP, NUP and one of the Karen ethnic parties contested the elections in the constituency. U Aaung, USDP representative to the polling station, voted on behalf of: 1. Ma Soe Soe, 2. Ko Ko Win, 3. Naw Lay Phaw and 4. Ko Aung Gyi; and U Toe, another USDP representative, voted on behalf of: 1. Daw Aye Kywe, 2. Daw Tin Tin, 3. Daw Than Htay, 4. U Nyunt Maung, 5. Ko Aung Myo Naing and 6. Maung Kyaing.<sup>69</sup>

<sup>67</sup> HURFOM Interview

<sup>68</sup> PWO Interview

<sup>69</sup> AAPP Interview

#### **ACCOUNT 40: Bribery to gain unlawful extra votes**

At polling-station No. 2 in Aung Metta Ward, Namkham Township, Shan State, Pan Sae Kyaw Myint bribed people to vote for him. On Election Day more people voted than were on the voter lists, over 150 more than the actual 4068 eligible voters. These 150 people were from Namkham and Pan Sae village. According to a resident, Pan Sae Kyaw Myint gave each of those people 7500 kyat to vote for him in No. 2 polling station in Aung Metta Ward.<sup>70</sup>

#### **ACCOUNT 41: USDP members stole voting cards**

USDP members committed elections fraud in polling stations in Mudon Township. A resident from Kawkhalae village recalled his experience:

At the polling station in Kawkhalae village, Mudon Township, USDP members forcefully took voting cards from voters, checked next to the USDP symbol (which means voting for USDP) and voted on their behalf. Those USDP members were waiting at the entrance of the polling station and in some occasions some of them entered the polling station to do so. So, it was not clear who was a USDP member or who was a polling station official. What I saw was that USDP members took voting cards from people. That happened at 7:40 in the morning.<sup>71</sup>

#### **ACCOUNT 42: Ballot officials voted on behalf of voters**

Polling station officials of Phalin village, Namhkam Township, Northern Shan State, voted on behalf of elderly people and illiterate voters.

A resident at the age of 60 said,

“I don’t know how to write so I told officials to cast my vote for Palaung Party. I don’t know what party they voted for on my behalf because they didn’t show me the voting card.”

She also stated that polling station officials voted on behalf of other elderly voters.

In Phalin village, USDP, SNDP, NUP and TNP contested the elections. Officials also voted on behalf of voters in other villages as well. Furthermore, USDP provided a Palaung resident with 500,000 kyat to buy 1000 votes for USDP.<sup>72</sup>

#### **ACCOUNT 43: Authorities kept 500 ballots as insurance**

In Mong We and Mong Pu villages in Namhkam Township, Muse District, Northern Shan State, TNP, USDP, NUP and SNDP contested the elections. A resident stated

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<sup>70</sup> PWO Interview

<sup>71</sup> HURFOM Interview

<sup>72</sup> TSYO Interview

that USDP organizer, U Kyaw Myint, known as Pan Sae Kyaw Myint, kept 500 ballots in case USDP needed them.

Furthermore, Pan Sae Kyaw Myint illegally forced children to vote for him. A resident stated that U Kyaw Myint made some people cast duplicate votes on his behalf, explaining

“Yesterday, during the voting, Pan Sae Kyaw Myint made children, who were not eligible, vote for him. Moreover, he made some people vote for him repeatedly.”<sup>73</sup>

#### **ACCOUNT 44: USDP bought votes**

In Mang Aung village, Namhkam Township, Muse District, Shan State, USDP provided 10,000 kyat to each resident, in order to secure their votes. A polling station official stated,

“This evening, after the voting, USDP bought 300 votes with 10,000 kyat for each vote. I can say that because villagers wanted to, and intended to, vote for TNP so USDP bought their votes. After the voting, USDP could secure 300 more votes by buying.”<sup>74</sup>

## **INTIMIDATION, COERCION AND THREATS**

**ACCOUNT 45:** USDP candidate and his polling station representative unlawfully persuaded people to vote for him

USDP members and township elections commission members inappropriately persuaded voters in polling station No. 4 of the 8<sup>th</sup> Ward in Thaketa Township, Rangoon Division, to vote for USDP. They took the names of voters who were present at the polling station then went to the households of absent eligible voters and urged them to go and vote. The polling station chief was the wife of a USDP member. She simply followed her husband’s instructions.<sup>75</sup>

**ACCOUNT 46:** Intimidation and violation of electoral laws in Tedim Township, Chin State

At the polling station in Buan village, Tedim Township, Chin State, USDP members were guarding the entrance of the polling station and were checking names against an eligibility list. They also asked voters who they would vote for. They then only allowed voters who replied that they were intending to vote for USDP to enter. They drove away anyone else who replied that they would vote not for USDP but for other political parties.

<sup>73</sup> TSYO Interview

<sup>74</sup> TSYO Interview

<sup>75</sup> HREIB Interview

Voters who were refused entry made complaints to CNP officials. When officials from Chin National Party and Chin National Progressive Party went to polling stations to stop USDP members from doing this, a quarrel broke out between Chin party members and USDP members.<sup>76</sup>

**ACCOUNT 47:** Polling Station official forced voters to vote for USDP

A resident of Nyaunggon village, Mudon Township, Mon State, stated that authorities instructed polling station officials to force voters to vote for USDP. Voters had to vote for USDP while under pressure from officials:

"Daw Htay Hla, a polling station official assigned to provide voting cards to voters of No. 2 polling station, Nyaunggon village, urged voters to vote for USDP. I heard it. Voters were afraid of the consequences so some of them had to vote and some didn't even have to go inside the voting places but just checked where Daw Htay Hla pointed to vote. It's not acceptable that a polling station official forced voters to vote for USDP. It was very clear that polling station officials were instructed to make USDP get votes."<sup>77</sup>

**ACCOUNT 48:** Abuse of power in forcing voters to vote for USDP in Meh Keh village, Nan Kaw Hmu Township

On 7 November 2010, U Hla Maung, the Secretary of Nan Kaw Hmu Township Peace and Development Council, issued an order stating that all people who were above 18 years of age had to vote in the 2010 elections. Authorities then forced everyone to vote for USDP. On Election Day, U Sai Lat, the Chief of Mong Haya village group, and U Tin Win, a Lahu Party leader, acted as a watch dog and observed people casting their votes in the polling station.<sup>78</sup>

**ACCOUNT 49:** Elections Commission and USDP's abuse of power in Chaungzon, Mon State

In Chaungzon, Mon State, authorities only allowed eligible voters who brought voting lists with USDP campaign leaflets to vote. USDP members distributed voting lists on 6 November with USDP campaign leaflets. Voters needed to bring the USDP leaflets to the polling station. When polling station officials provided ballots to voters at the station they distributed them, already faintly marked in USDP boxes, in envelopes. At that polling station no representatives from other political parties were present, so USDP was in total control to commit fraud.<sup>79</sup>

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<sup>76</sup> CHRO Interview

<sup>77</sup> HURFOM Interview

<sup>78</sup> LWO Interview

<sup>79</sup> HREIB Interview

**ACCOUNT 50:** Polling station officials forced voters to vote for USDP

In Namseit village, Mang Sat village group, Muse District, Shan State, as many residents voted for TNP, a polling station official forced voters to vote for USDP to compensate. He also checked USDP symbols on ballots.<sup>80</sup>

**ACCOUNT 51:** Authorities and USDP members forced voters in polling stations to vote for USDP

Before the elections, people in Mon state pledged that no other parties except Mon Ethnic Party would win in the elections so USDP would find it difficult to win. On Election Day, most of the residents of Mudon Township, Mon State, voted for AMRDP, so USDP and local authorities entered polling stations and threatened people to vote for them. Min Thet Naung, a resident from Wettae Village, Mudon Township, Mon State, stated that even though people voted for the Mon Party, USDP used advance votes to secure their win.<sup>81</sup>

**ACCOUNT 52:** Local authority's threat to residents to vote

U Myint Aye, a local authority on Maungmakan Street, 19<sup>th</sup> Ward, South Dagon Myothit Township, Rangoon, visited households door to door and threatened them saying that they would have to solve problems after the elections if they didn't vote for USDP.<sup>82</sup>

**ACCOUNT 53:** Authorities threatened voters

According to a villager in Kada village, Chaungzon Township, Mon State, U Sein Than and two other members of the village Peace and Development Council yelled at and threatened villagers to vote for USDP while they voted at No. 1 constituency.<sup>83</sup>

**ACCOUNT 54:** USDP's threats to residents in Henzada, Irrawaddy Division

On 5 November 2010, U Htay Win, a member of Henzada USDP, Irrawaddy Division, provided 80,000 kyat loans to trishaw drivers. On Election Day, those trishaw drivers were guarding polling stations with full police uniforms. In addition, military security troops acted as sentries at crowded places and were placed throughout the whole town.<sup>84</sup>

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<sup>80</sup> PWO Interview

<sup>81</sup> HURFOM Interview

<sup>82</sup> AAPP Interview

<sup>83</sup> HREIB Interview

<sup>84</sup> HREIB Interview

## VOTING LISTS

**ACCOUNT 55:** Could not vote without voting tokens

Ko Tun Myint and Ma Ni Ni Maw from Bogyoke village, Tanyin Township, Rangoon Division, went to No. 3 polling station to vote but they did not have voting tokens so were not allowed to vote. They brought national IDs with them but were still not allowed to vote. Some other residents also faced the same problem.<sup>85</sup>

**ACCOUNT 56:** Eligible voters from Kamamo village were not allowed to vote

On Election Day, U Saw Hla Shein, the Chief of the polling station in Kamamo village, Chaungzon Township, Mon State, did not allow villagers to vote, reasoning that their names were not on the eligible voter lists. Those villagers were born and grew up in the village and held national IDs.<sup>86</sup>

## OTHER VIOLATIONS

**ACCOUNT 57:** Threatened for complaining about voting twice

On 7 November 2010, in Kanalo village polling station in Kyikemaraw Township, Mon State, Mi Saihtaw, the AMRDP representative at the polling station complained that the USDP Township Secretary voted twice. The USDP Township Secretary threatened her in public saying, “You be careful. I’ll see you later.”<sup>87</sup>

**ACCOUNT 58:** Forced to join USDP

U Dalkhatmung, the CNP representative at Laitui polling station, stated that in Laitui village, Chin State, USDP members threatened residents with physical violence if they would not vote for USDP, and also forcefully provided USDP member cards to residents.<sup>88</sup>

**ACCOUNT 59:** Sittwe USDP showed force in threatening way

At the polling station of Setyonesu Ward, Sittwe, Arakan State, around 1500 USDP members surrounded the polling station and harassed people who came to vote. RNDP officials complained to the chief of the polling station, but no action was taken. RNDP filed a complaint to the Elections Commission.<sup>89</sup>

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<sup>85</sup> AAPP Interview

<sup>86</sup> HREIB Interview

<sup>87</sup> HREIB Interview

<sup>88</sup> CHRO Interview

<sup>89</sup> AASYC Interview

**ACCOUNT 60: Threat of the Chairperson of Loikhaw village**

At about 6 in the evening on Election Day, U La Sai, the Chairperson of Loikhaw, Kachin State Peace and Development Council, ordered U Naw Aung to use his taxi to deliver votes in ballot boxes to Myitkyina Elections Commission. U La Sai, the Chairperson, threatened the taxi driver to accept just 1500 kyat. He said, “That’s an order. You must take it and drive for us.”<sup>90</sup>

**ACCOUNT 61: Voting for USDP through ruse of helping voters**

On Election Day, USDP members were present and showing their strength by pushing the people indirectly. They were pretending to help voters on the road to polling stations in Kankalay, Kangyi and Kyonepike villages in Mudon Township, Mon State, and used the disguise of helping voters to make sure USDP received votes.<sup>91</sup>

**ACCOUNT 62: Strategic Commander forced people to vote**

Strategic commander Myo Hla of Military Operation Command 7 based in Bawgali and U Than Win, the Chairperson of Peace and Development Council, Bawgali sub-township, Thandaung Township, Pegu Division, forced residents of Bawgali village group to vote at the High School in Bawgali as mandatory.<sup>92</sup>

**ACCOUNT 63: Openly threatened with loud speakers**

On Election Day, Myo Nyunt, a member of the village Peace and Development Council and member of USDP in Sinkuwagone Village, Kanyintawgyi village group, Nyaungdon Township, Irrawaddy Division, threatened residents using loud speakers, stating that anyone on the eligible voter list who didn’t vote in the elections would suffer the consequences.<sup>93</sup>

**ACCOUNT 64: Forcing people to go to polling stations**

In Wabogon village, Kya Inn Seik Kyi Township, Karen State, even though the Elections Commission opened the polling station at 6 am, no one came to vote until well past 7am. Thus, U Kyi Thein, the Chairperson of the Township Peace and Development Council, and other authorities went door to door and forced people to go to polling stations to vote. Over 100 people were made to vote in this manner.

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<sup>90</sup> KWAT Interview

<sup>91</sup> HURFOM Interview

<sup>92</sup> Burma Issues Interview

<sup>93</sup> AAPP Interview

There were 305 eligible voters in that village but no one was interested in the elections.<sup>94</sup>

ဖြစ်စဉ်မှတ်တမ်း

မဲရုံအမှတ် ( ၄ )  
 ရပ်ကွက် .....  
 .....  
 ရွေးကောက်ပွဲတွင်ပညာရေးရက် 7-11-10

ပဲခူးမြို့နယ် - ရွေးကောက်ပွဲအဖွဲ့  
 စာအုပ် - ပြည်ထောင်စု  
 မြို့နယ်

စဉ်	အချိန်	ဖြစ်စဉ်အကျဉ်းချုပ်
		<p>ပြည်နိုင်ငံခြား ကိုယ်စားလှယ်များမှ လာရောက်သည့် မဲဆန္ဒရှင်များအား အဖွဲ့အစည်းများဖြင့် မဲဆွယ်ခင်းရုံးခြား ထုတ်ပြန်သော မဲဆန္ဒရှင်များအား "ကျေးဇူးတင်တော် ပြန်လျှင်" စသဖြင့် အားပေးခြင်း၊ နားထောင်လှူဒါန်းစကားလုံးများ ပြောဆိုခြင်း၊ ပြည်နိုင်ငံခြား ကိုယ်စားလှယ်များသည် ဆန္ဒမဲဖြင့် ပီပီယူများကို အရေအတွက် မှတ်သားခြင်း ဆက်ပတ်ထားသည့် စာရွက်စာတမ်း မပြုမီပေးပါက ၎င်းကိုယ်စားလှယ် (ပြည်နိုင်ငံခြား) များက ဆန္ဒမဲဖြင့် ကျန်ရှိသေးသော လူဦးရေ အရေအတွက်ကို ရေးသားစာရွက်ဖြင့် မဲဆွယ်ခင်းရုံးရှိ ၎င်းဆန္ဒမဲစာရွက် (မဲဆွယ်ခင်းရုံးရှိ) လာရောက်ထည့်ပြီး နှိပ်ပြန်ပညာ မဲဆန္ဒရှင်ကား လမ်းမရှိသို့ လာရန် ဆန္ဒမဲစာရွက်ဖြင့် တစ်ဆင့် ပြောဆိုပြီး လာနိုင်ခြင်း၊ နှိပ်ပြန်ပညာ ပြည်နိုင်ငံခြား ကိုယ်စားလှယ် မှ နားထောင်စကားပြော ပြော၍ ၎င်းပြောသော ယူများ ကျန်သေးကြောင်း ကော်မရှင် မှ ယူများက ပြောဆိုခြင်း၊ မဲဆွယ်ခင်းရုံးတွင် မပါဝင်ဘဲ လာရောက် ထည့်ပေးသည့် ယူများကား နောက်တိုး ဖြစ်စေ ထည့်ပေးခြင်း၊ မဲရုံအဖွဲ့ အဖွဲ့အစည်းများ အဖွဲ့အစည်းများဖြင့် ပြည်နိုင်ငံခြား ကိုယ်စားလှယ် ဖြစ်စေ နားထောင်ခြင်း၊ ၎င်းကိုယ်စားလှယ်မှ မဲရုံအဖွဲ့ အဖွဲ့အစည်းကား ကော်မရှင် ဖြစ်စေ ပြည်နိုင်ငံခြား</p>

ကိုယ်စားလှယ်လက်မှတ် .....  
 အမည် .....

**Complaint filed by a voter denouncing USDP violations committed at a polling station, Yangon**

**Photo by HREIB**

<sup>94</sup> Burma Issues Interview



## SECTION F

# VOTE COUNT AND ANNOUNCEMENT OF RESULTS

**T**ransparency, accuracy and fairness in vote counting and tabulating is a key element for free and fair elections. Many irregularities linked to the vote count were registered, which seriously undermine the credibility of the results announced and published in the State media.

Advance votes played a key role in determining the outcome of the elections and in many constituencies were decisive in giving victory to USDP candidates. The process of casting and counting of advance votes was non-transparent and advance votes were used to manipulate the outcome of the elections. In Seikkyi village, Karen State votes were taken in bags to an unknown location without any announcement of the results. On occasions, advance votes arrived to the polling stations after the official closing time. In some cases, authorities announced candidates as winners only to reverse the decision the next day.

Accounts published in this report show that civil servants, soldiers and villagers were forced to cast advance votes for USDP. Local authorities, military officials and USDP members and representatives collected the votes. They also cast advance votes without voters' consent and/or knowledge.

A large number of corrections to the results were published in the days that followed the elections, raising doubts regarding the vote counting procedure and final results. These "corrections" were necessary when authorities announced winners in constituencies excluded from the elections, as well as announcements of over 100% turnover in some constituencies.

Research carried out by the Irrawaddy media organization shows that there were at least 60 confirmed cases of candidates losing after advanced votes were added to the total number of votes.<sup>95</sup> In some cases, authorities announced candidates as winners only to reverse the decision the next day. In Ramree Township, Arakan State the Development Party (RNDP) won after the counting but lost by seven votes when local fishermen's advance votes were added.<sup>96</sup>

Political parties and candidates announced and/or expressed an intention to challenge the elections results, even though the UEC warned those involved in the elections that challenges of the outcomes could result in 3 years imprisonment.<sup>97</sup> The UEC warning reinforces the oppressive environment in which the elections took

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<sup>95</sup> Burma fund UN office, Burma's 2010 elections: a comprehensive report, p. 2010

<sup>96</sup> Excerpt of Account 27

<sup>97</sup> The Burma Fund report notes that the NDF announced legal challenges to the outcomes of the elections

place.

#### **ACCOUNT 65: Announcement of Results**

Dr. Saw Naing, who contested the elections as an independent candidate in South Okkalapa Township No. 1 in Eastern Rangoon, was ahead in the polls after votes from polling stations were counted. However, he did not win the seat according to the Township Elections Commission. When he submitted a complaint, the Township Commission conceded that he won the elections, but when the results were announced, he lost again.

On many occasions, actual winners eventually lost after authorities added advance votes and announced results. Because of those uncountable advance votes, the percentage of voter turnout was at times higher than the actual number of eligible voters. The state-run newspaper had to make corrections because of announcements of over 100% voter turnouts in some constituencies. The state-run *The Mirror* published corrections regarding the elections results due to the huge number of advance votes:

**In appendix page (2)** of the newspaper dated November 13, 2010, a correction was made to No (37) Kyaukpadaung Constituency, reporting 205,785 voters instead of 152,614 voters representing 74.16% of the Kyaukpadaung constituency instead of 100%.

**In the appendix page (25)** of the newspaper dated November 15, 2010, a correction was made to No. 187; from 26,065 voters to 37,886 voters; and instead of 104.28% voters, 71.74% in Ann No. 1 constituency.

**In the appendix page (28)** of the newspaper dated November 15, 2010, a correction was made to No. 235; from 1082445 voters to 108,197 voters and instead of 6.51%; 65.09% in South Dagon Myo Thit No. 1 constituency

**In the appendix page (28)** of the newspaper dated November 15, 2010, a correction was made to No. 236; from 867,956 voters to 102,864 voters and instead of 8.15%; 68.79% in South Dagon Myo Thit No. 2 constituency

**In the appendix page (17)** of the newspaper dated November 15, 2010, a correction was made to No. 45; from 74,645 voters to 76,535 voters. The newspaper corrected the 102.09% voter turnout to 99.57% in Taungoo No. 1 constituency.

**In the appendix page (17)** of the newspaper dated November 15, 2010, a correction was made to No. 46 from 84,537 voters to 82,647 voters and instead of 85.64% voter turnout, the correction was 87.60% in Taungoo No. 2 constituency.

In some areas, authorities announced USDP representatives as winners of constituencies that had been excluded from the elections. On 17 November 2010, announcements in state-run newspapers declared U Bran Shaun as the winner of No. 2 constituency, Injanyan Township, Kachin State, and U Mon Paun Naw as the winner of No. 2 constituency, Sumprabum Township, Kachin State. However,

on 18 November 2010 state-run newspapers published corrections for those announcements, as those constituencies had been excluded from the elections and no voting occurred.

**ACCOUNT 66:** Advance votes inappropriately influence elections results in USDP favor

On 24 November 2010, an announcement was made for the Sakawlam Ward, Northern Chin State that the USDP won the elections against the Chin National Party (CNP) due to the inclusion of an additional 122 advance votes for the USDP.

A CNP member said, “By our observation, CNP gained 5,542 votes and USDP received only 5,162 votes from the whole constituency, but when the result was announced, USDP was the winner. When we investigated the case, it was discovered that Light Battalion No. 64 had cast 500 advance votes for USDP, so CNP became the loser.”<sup>98</sup>

U Nokhanmang, a CNP organizer, said,

“At about 6 in the evening of 6 November 2010 at the residence of Zamnghenthang, the Chairperson of the Elections Commission, there were lists of voters by wards, advance votes, and empty voting cards all over the place, not organized and not securely kept.”<sup>99</sup>

USDP candidate U Kyawt Myint (Pan Sae), who is also a local militia leader and well-known drug lord, won a seat for Shan State Parliament through voting fraud in constituency 2 of Namkham Township, Shan State. According to the Namkham Township vote-counting result and the Elections Commission’s result, U Saw La from SNDP won initially. However, U Kyawt Myint obtained illegal votes through vote buying, forcing people to vote for USDP three or four times, and bringing in people who already voted in one village to another village to vote again for USDP. USDP also used advance votes to change the elections results.<sup>100</sup>

**ACCOUNT 67:** No announcement of results

On 7 November, in Ward 6, Seikkyi village, Kya Inn Seik Kyi Township, Karen State, the No. 1 polling station was closed at about 4 pm in the afternoon. After counting, votes were taken in bags to an unknown location without any announcement of the results.<sup>101</sup>

<sup>98</sup> The incident highlighted in this account took place in Teddim Town. Documenters interviewed a CNP member who learned the information from the local polling officer. According to his information, 500 early votes were cast from the army camp, when in fact the number of soldiers and eligible members of their families in that camp was about 280.

<sup>99</sup> CHRO Interview

<sup>100</sup> HREIB Interview

<sup>101</sup> Burma Issues Interview

## SECTION G

# OTHER THREATS, INTIMIDATION AND COERCION

**M**ilitary abuses and human rights violations have been routinely used in Burma, to perpetuate the power of the military regime. Intimidation, coercion and threats were widely used in the elections run-up period. In some constituencies, villagers were forced to give a monetary contribution towards the construction of polling stations and in other constituencies villagers were forced to actually participate in the building of polling stations without payment.

In the Thephahtaw village, villagers were told to vote by a battalion under the command of the Light Infantry Division 22. Despite the warning, villagers did not go to polling stations to vote on Election Day. In retaliation, the same battalion torched down the village.<sup>102</sup> This event marked the beginning of human rights violations and violence that followed the elections in Burma.



Fighting broke in Karen State right after the elections and was then extended to Mon, Shan and Kachin State. In Karen State, the Brigadier of the 5<sup>th</sup> Brigade of Democratic Karen Buddhist Army (DKBA) Maj. Gen. Saw La Pwe seized strategic locations in Myawaddy, Karen State, alleging problems with the elections. DKBA and SPDC troops also clashed in Three Pagoda Pass region, causing thousands of refugees to flee to Thailand. The skirmishes, in which SPDC troops used heavy artillery, caused many civilian casualties. Human rights violations, such as the forced use of civilians as porters and human shields, also occurred. Human rights violations also occurred as a result of the armed conflict and flocks of refugees flowed onto Thai soil.

**Military officers coercing local residents to vote for USDP in Mon State. The military regime, including its proxy political party, USDP, committed an array of human rights violations against the people of Burma in a deliberate attempt to ensure their victory at the polls.**

Photo by HURFOM

**ACCOUNT 68:** Forced collection of money for building ballot stations

Authorities from Wuyan Village, Winemaw Township, Myitkyina District, Kachin

<sup>102</sup> For detailed information please see Account 70

State, forcefully collected money from every household; 1000 kyat each from each household, for building ballot stations.<sup>103</sup>

**ACCOUNT 69:** Villagers had to build a polling station with no fee

On 12 October, 2010, U Than Win, the Chairperson of Township Peace and Development Council, Taungu Township, Pegu Division, ordered residents of Kleh Lah Village from Thandaung Gyi village track to build a polling station at the Kleh Lah high school for the elections.<sup>104</sup>

**ACCOUNT 70:** Villages were burnt down for not voting in the elections

A battalion under the command of the Light Infantry Division 22 ordered residents from Thephahtaw, Quetawthu, Soahhta and Quinkalay villages in Myawaddy Township, Karen State, to vote on Election Day. However, villagers did not go to polling stations to vote on the Election Day so soldiers from the same battalion torched Thephahtaw village in the evening then stationed themselves there. Therefore, villagers from that village had to move to other villages and some had to move to the foothills of the Hpawee Hills. Out of 70 houses in the village, over 20 houses on the bank of the stream were destroyed. Naw Ghila, whose house was among those destroyed, had to move to another place but she did not receive any help from the SPDC troops. SPDC troops raided in a surprise attack and torched houses and drove villagers away so villagers did not have any chance to bring their belongings.<sup>105</sup>

**ACCOUNT 71:** Investigation of USDP losses

The Chairman of the Chin State Peace and Development Council (SPDC), Ret. Gen. Hung Ngai, ordered local authorities to open an investigation into the voting behavior of civil servants during the elections. The order came out after the USDP lost all contested seats in three Townships of northern Chin State.<sup>106</sup>

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<sup>103</sup> KWAT Interview

<sup>104</sup> Burma Issues Interview

<sup>105</sup> Burma Issues Interview

<sup>106</sup> CHRO Interview

## CONCLUSION

The 2010 elections were designed as a step along the military regime's roadmap to "disciplined democracy," following the referendum on the 2008 constitution. The elections were held not to provide the citizens of Burma with a government of their choice, but to gain international legitimacy for the regime's extended rule in Burma. The people of Burma as well as the international community expected that the elections results would be a sham and not free and fair. ND-Burma's findings confirm expectations showing that actions taken in the pre-elections period were consistent with ongoing violations committed by the military regime, to legitimize and perpetuate its power.

The elections in Burma, the first in 20 years, were not free and fair and did not meet even basic international standards. ND-Burma collected hundreds of cases of violations related to the elections. This report includes a number of key selected accounts that illustrate the human rights violations and irregularities that occurred in the lead up to the elections, and the experience of repression and fear lived in Burma. Perpetrators of those violations were authorities and USDP members. The victims of those threats were the people of Burma. Due to the numerous threats people faced difficulties, disappointment, frustration and fear during the elections process and had to vote against their will.

The regime's proxy party, USDP, employed cunning tactics and intimidation to win the elections. The elections law announced by the UEC breached a number of democratic standards and human rights by putting in place restrictions to party registration, limiting freedom of expression, assembly and association and denying the right to vote to many, through ways of intimidation, threat, fraud, vote buying and vote rigging. The UEC laws set the background for an uneven contest. The extensive use of threats, coercion and intimidation throughout the elections period constitutes one of the main violations committed and reinforced the uneven playfield in which the elections took place.

Restrictions to freedom of movement, freedom of expression, assembly and association, imposed by the elections laws and unclear laws adopted over the past 30 years, seriously limited opposition candidates' capacity to campaign freely, fairly and effectively. Restrictions of travel prevented opposition political parties and their supporters from traveling; and curfews were implemented to crack down on public demonstrations against the elections and reduce movement of people.

Opposition candidates and representatives, voters and villagers were pressured by authorities, military officials and USDP to support the USDP and forced to vote; and, on occasions, were denied the right to vote. On 16 September and 2 November 2010, the UEC announced that voting would not be held in some areas of Kachin, Karenni, Karen, Shan and Mon States. Irregularities with voter lists and the cast of votes without voter consent and/or knowledge violated their right to vote. It is

believed that the denial of the right to vote and misuse of voter lists was deliberately used to exclude opponents to the regime from ballots.

Many irregularities linked to vote count were registered, which seriously undermines the credibility of the results announced and published in the State media. Advance votes played a key role in determining the outcomes of the elections and irregularities observed are considered to have seriously undermined the credibility of the elections.

The restrictions on freedom of expression imposed during the elections period continue to be felt by current members of the parliament. Clashes with armed groups, which broke straight after the elections results were announced, and the building of tensions over the Border Guard force are likely to deteriorate the human rights situation in Burma rather than improve.

This report highlights SPDC and the proxy party's reality. The elections did not bring any positive hopes and changes to Burma. Many high ranking perpetrators from the military regime, who have committed a series of human rights violations, are in the newly formed cabinet. Thus, the new government will consist of old perpetrators of human rights violations. They will take office and will implement what is stated in the 2008 constitution, ensuring the continuation of military rule, the impunity for perpetrators and the mandate to commit more human rights violations.

The elections did not represent a significant change in the human rights situation in Burma and impunity remains entrenched. ND-Burma will continue to monitor human rights violations to give a voice to the people of Burma and to expose unjust policies and practices of the military and their proxies.

## APPENDIX 1: ACRONYMS

AAPPB	Assistance Association for Political Prisoners - Burma
AASYC	All Arakan Students' and Youths' Congress
CNP	Chin National Party
DKBA	Democratic Karen Buddhist Army
ERI	EarthRights International
HREIB	Human Rights Education Institute of Burma
HURFOM	Human Rights Foundation of Monland
IDEA	The International Institute for Democracy and Electoral Assistance
KWAT	Kachin Women's Association Thailand
LWO	Lahu Women's Organisation
NDF	National Democratic Force
NUP	National Unity Party
PWO	Palaung Women's Organisation
RNDP	Rakhine Nationalities Development Party
SPDC	State Peace and Development Council
TNP	Ta-aung (Palaung) National Party
TPDC	Township Peace and Development Council
TSYO	Ta'ang Students and Youth Organization
USDA	Union Solidarity and Development Association
USDP	Union Solidarity and Development Association
UEC	Union Elections Commission
Yoma3	Yoma3 News Service



## APPENDIX 2: SOURCES

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<sup>107</sup> Burma Network for Human Rights (BNHR) is a network of the human rights activists based inside Burma.

