CONCERNING HUMAN RIGHTS

and

BURMA'S ELECTION (2010)



(Analysis Report)

Human Rights Defenders and Promoters Network
2010 December

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Contents

1. Introduction	4
2. Methodology	7
3. A brief history of the HRDP	8
4. Actions of HRDP and responses from people	11
5. Pre-election period	15
(a) Eligible voter list	15
(b) Advanced vote	15
(c) Vote buying	21
(d) Pressuring and threatening	24
6. Election period	26
(a) Early voting	26
(b) Vote buying	29
(c) Voting for other people	31
(d) Voter intimidation	34
(e) Polling station officials	35
(f) Voting	36
(g) Vote counting	37
7. Post-election period	42
- Complaints and submission	42
8. Irregularities	48
9. Conclusion	50

1. Introduction

The State Peace and Development Council (SPDC) staged a coup on 18 September 1988 and has ruled Burma under military rule ever since. Authorities held multi-party general election on 27 May 1990. SPDC promised to convene for Parliament with elected MPs and issued announcement 1/90, which cited that elected MPs have the responsibility to write the Constitution for the country. The SPDC had never called on Parliament before except for the official announcement of the election results.

The SPDC held a "national convention" on 9 January 1993 with the aims of opposing the process for calling the people to Parliament and to continue ruling the country with a dictatorship. The National League for Democracy (NLD) and the Shan National League for Democracy (SNLD) boycotted and walked out of the NC because the authorities ignored their suggestions. The authorities failed to review the undemocratic process or to take into account the methods that were suggested by the NLD and the SNLD. However, the SPDC issued order 5/96 to take action on citizens who opposed and criticized the NC.

After 14 years long of the SPDC holding the NC, the Constitution Drafting Committee and the NC Holding Committee finally released a draft for the Constitution in 2008. The SPDC never allowed its citizens' involvement in a discussion about the Constitution draft nor did they take into consideration any suggestions regarding it.

Cyclone Nargis killed over one hundred thousand people in May 2008. When around two million people faced heavy damages and other difficulties, authorities took advantage of the nation's period of weakness to hold a national referendum on 10 May and 24 May 2008 to confirm the Constitution. On 29 May, authorities announced that 92.48% of eligible voters supported the Constitution. On 7 Nov 2010, the SPDC held a general election to approve the Constitution.

Burma is a member of the United Nations. Therefore, the Burmese government must follow the Universal Declaration of Human Rights. It is evident that many human rights violation have occurred in Burma since it gained independence in 1948. The SPDC has unlawfully arrested individuals and subjected them to threats, punishment, and imprisonment. Democratic activists and human rights defenders have been arrested. Some of them have died in Burma's notorious prisons. Human rights and civil rights violations were observed nationwide during the general election on 7 November 2010. These violations are mentioned in this report.

Article 21, Section 1 of the Universal Declaration of Human Rights states that, "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives." In addition, Article 21, Section 3 declares that "the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

The following standards are essential components of fair and free elections:

1. Basic standards for an election

- (a) Improper rules and regulations limiting people's participation in political processes, including the right to candidacy and the right to vote privately, shall be removed.
- (b) Electoral candidates and electoral programs shall be publicly announced to all citizens. Freedom of expression, freedom of speech, freedom of assembly, the freedom to campaign and so on, shall be respected and allowed.

2. The election results shall be respected; winning political parties or candidates must have the right to take office.

According to UDHR Article 7, "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination." However, Burmese citizens lost this right both during the 1990 election and the 2010 election. The aim of writing this report is to investigate current laws and laws enforced by the 2010 election and to contrast Burma's election with the UDHR and to the international standards for democratic elections.

According to UDHR Article 8, "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law." Burmese authorities violated this Article. In addition, the Union Election Committee (UEC) delays accepting electoral complaints. There are some limitations to the court's ability to prosecute on the basis of election fraud, irregularities, etc.

According to UDHR Article 10, "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." Authorities have not only ignored this principle but have also_committed biased sentencing in trial.

This report is based on the observations of eyewitnesses during the pre-election period, the election period and the post-election period in Burma.

2. Methodology

To write this report, our organization, the Human Rights Defenders and Promoters (HRDP) worked with human rights activists to observe the 2010 election process in designated divisions. HRDP closely followed and documented the 37 political parties that participated in the pre-election period. We documented the activities of the Election Commission and the polling station officials on the 7 November Election Day. We also recorded the authorities' actions, the voters' responses, and the political parties' complaints post-election.

To write this paper, HRDP conducted 30,000 interviews in 42 townships across 6 states and divisions. HRDP closely observed 400 polling stations and took systematic records. In addition to using interviews, HRDP also took citations from government's newspapers, websites, and journals. HRDP members are the article's primary resources because they interviewed voters and observed polling stations during the pre-election, Election Day and post-election periods. Burmese was the primary language we conducted interviews in.

We would like to give many thanks to the HRDP members, voters, candidates, and staff at polling stations, and to the independent candidates in the states and divisions who assisted us in producing this report.

3. A brief history of the HRDP



လူ့အခွင့်အရေးကာက္မယ်မြှင့်တင်သူများကွန်ယက်

Human Rights Defenders and Promoters Network (HRDP)

Yangon, Myanmar

Thirty five youth who are interested in human rights established the "Human Rights Guardians". The group was led by U Myint Aye, who was at that time, the chairperson of the National League for Democracy in Kyimyindine Township. In 2002, the Human Rights Guardians began circulating the Universal Declaration of Human Rights in the Rangoon and Irrawaddy divisions.

The group aimed to teach civilians about basic human rights to enable them to defend their rights. From the beginning of the group's activities, some youths were arrested and exiled. HRDP circulated UDHR extensively in Pegu, Mandalay, Sagaing, Arakan, Mon State and Shan State between 2003 and 2005.

Human Rights Defenders and Promoters (HRDP) was founded 21 October 2006. HRDP celebrated the 58th anniversary of International Human Rights Day in Bogale town in Irrawaddy division on 10 December 2006. This was the first time that International Human Rights Day was celebrated in Burma. HRDP held workshop about human rights and circulated the UDHR and human rights handbooks in states and divisions.

On 18 April 2007, HRDP members, led by U Myint Aye and U Maung Maung Lay, visited Oak Pon village in Henzada Township, Irrawaddy Division, and held a workshop about understanding human rights. U Myint Aye and U Maung Maung Lay were beaten by members of the government-backed Union Solidarity and Development Association. Both received serious injuries and were treated at the Neurological Department at Rangoon Hospital. U Myint Naing is

now serving a long prison term in Kalay Prison. Other human rights activists in Prome town and in the Pegu Division were arrested due to unfair laws and imprisoned.

Despite the government crackdowns, HRDP members continue to work for the promotion of human rights in Burma. HRDP members have worked with the International Labor Organization (ILO) in Rangoon to document cases of unlawful arrest, child soldiers, and extrajudicial killing.

In 2007, HRDP was allowed to hold an International Human Rights Day ceremony at U Myint Aye's home. In 2008, it was held at a restaurant in Rangoon.

HRDP was allowed to hold a session on understanding human rights in Irrawaddy Division in 2008.

Cyclone Nargis killed over one hundred thousand people and led to two million people facing heavy damages and other difficulties. Over 80 HRDP members helped Nargis victims who suffered from the 2 May 2008 cyclone in Bogale, Labutta, Ngapudaw, Dedaye, Bassein, Myaungmya, Moulmein Kyun, Ma U-Bin, Hlaingthaya, Twante, and Kunchangon Townships.

HRDP leader U Myint Aye often reported to the media about how bad the human rights situation is in Burma and he worked for the promotion of human rights in the county. When he helped Nargis victims in 2008, he was arrested and received a long prison sentence. He is currently serving his sentence in Loikaw prison in Kayah State.

In 2009, local authorities closed down a residence in Prome, Pegu Division from holding a ceremony for the HRDP sponsored 61st International Human Rights Day.

HRDP was again allowed to hold the International Human Rights Day ceremony in Prome, Pegu Division, in 2010. Over 200 HRDP

members attended the ceremony. Although authorities did not intimidate the participants during the ceremony, they ordered the teashop where the ceremony was held to relocate.

HRDP was officially founded in 2006, although it originated in 2002 as Human Rights Guardians. There are currently 40 HRDP members, including its leader U Myint Aye, have been put in Burma's notorious prisons.

4. Actions of HRDP and responses from people

HRDP members conducted a total of 30,000 interviews in 11 townships in Rangoon Division, 11 townships in Irrawaddy Division, 5 townships in Shan State, 1 township in Kachin State and 3 townships in Arakan State.

HRDP members asked 13 questions during their interviews with 30,000 people in 42 townships and in six States and Divisions. The questions were as follows:

Question 1: "Are you interested in the 7 November 2010 election?" 92% percent of the respondents reported they had "No interested in it" and 8% answered "We are curious to know if SPDC will lie again".

Question 2: "Do you know why you have to vote?" 65% answered "We don't know" and 35% answered "We know why". Among 35% of people, the majority of them said the voting had to take place to approve the 2008 Constitution, to change the government, and to choose their favorite candidate.

Question 3: "Has your government and have your officials explained why you have to vote?" 65% answered "No, they don't explain" and 35% answered "They sometimes explain it on radio and television but nobody is interested in it so they turn off the TV".

Question 4: "Is your favorite candidate able to run in the election?" 76% answered "No, they are not allowed to run in the election because they have been put in prison" and 22% answered "We do not know yet whether they will run or not".

Question 5: "Is your favorite political party running in the election?" 30,000 people answered "No". Among them, 85% said "My favorite party is not allowed to run in the election" and the remaining 15% answered "My (the) party is not contesting the election".

Question 6: "Do you think that candidates and political parties are able to campaign freely?" 75% answered "No, there is no freedom to campaign". When we asked them why this was, 85% answered "This depends on the laws and regulations, campaign period, funding, manpower and political power".

Question 7: "Do you believe your vote can oust the current ruling government?"

30,000 interviewees answered "Our vote cannot oust the current ruling government". Again, when asked to elaborate, they selected the answer, "They lied to people by rejecting the 1990 election results and lied again in 2008. They will lie again this time".

Question 8: "Do you think the political party sponsored by the ruling government will run in the election?"

100% answered "They will run in the election. Their party will be the Union Solidarity and Development Party (USDP)".

Question 9: "Do you believe there will not be any fraud in the collection of voter lists, voting and vote counting?"

87% answered "Fraud will occur because most voters do not believe this election."

Question 10: "Do you believe the Union Election Commission is free from bias?" 100% answered "No, we do not believe it is because the UEC is founded by the government. Government officials are members of it and party leaders are military generals". Among them, 90% answered "It is only for the USDP".

Question 11: "Is the election process implemented in accordance with basic human rights?"

85% answered "No". When we asked "Why?" they replied "The election process is not implemented in accordance with basic human rights" and "We do not understand what human rights are."

Question 12: "Do you think all political parties and all citizens are able

to participate in the electoral process?" 90% answered "No".

Question 13: "Will you vote in the election?"

46% answered "No, we will not vote in the election". Others responded they will vote in the election because "If we do not vote in the election, they (the SPDC) will vote in the election for us. Therefore we will go to vote for another party besides USDP."

The following data is comes from the 30,000 we conducted in States and Divisions:

State/Division	Township	Interviewees
Rangoon Division		
(14,251)	Alon	2,600
, ,	Kyimyindine	1,300
	Hlaing	2,800
	Hlaingthaya	2,080
	Tantabin	1,030
	Dagon	800
	Twante	760
	Kawhmu	1,200
	Kunchangon	560
	Insein	805
	Mayangon	416
Pegu Division		
(5,945)	Pegu	400
	Zigon	520
	Gyobingauk	380
	Oakpo	302
	Nattalin	380
	Tharawaddy	209

	Thegon Patigone Prome Padaung Shwedaung	482 520 2,010 280 362
Irrawaddy Division (10,899)	Kangyidaunt Bassein Ngwesaung Thabaung Ngapudaw Henzada Kyangin Laymetnhar Bogale Myinnka Kon Kadon Ayar	762 1,800 900 628 412 602 205 1,500 3,000 400 280
Arakan State (4,552)	Sittwe Manaung Taunggup	1,200 1,520 1,832
Shan State (4,373)	Taunggyi Nyaung Shwe Inn Lay Loilem Namsam	1,843 1,223 723 312 272
Kachin State (403)	Myitkyina	403
	Total	30,000

5. Pre-election Period

(a) Eligible voter list

At the time of the last official census in Burma, 31 March 1983, there was a population of 35,442,972. 20,818,313 eligible voters participated in the multi-party general election in May 1990. 27,828,827 voters were eligible for the constitutional referendum in 2008. The UEC determined that 29,021,608 people were eligible to vote in the 7 November 2010 Election.

The Ministry of Health reported that Burma has a population of 50,932,560 while the Ministry of Immigration and Population announced it was 51,271,649.

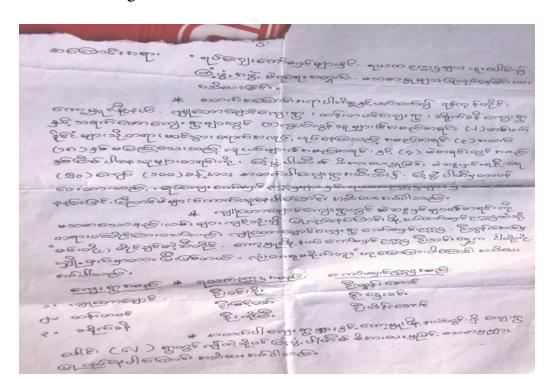
There has been no systematic data collection in Burma since 1983. Current population lists and eligible voter lists are based on the data collected by the UEC. Therefore, it is difficult to confirm the population and number of eligible voters. Voter lists are often intentionally inaccurate, which is a violation of Article 13 (c) of Electoral Law.

(b) Advanced vote

According to our observations, early voting influenced the election results. We discovered that early votes were collected in a variety of ways. For instance, polling station officers made a fraudulent voter list and closely monitored voting, collecting early votes in illegal ways, ordering that early voting to take place in 27 villages, illegally counted early votes, and collected the early votes to make sure their favorite candidate would win the election.

According to Election Law, early voters must be the family members of active soldiers, detainees, and hospitalized patients, people who are officially permitted to live abroad by the government, students, trainees, and other voters who are away from their constituencies.

However, the UEC and other ranked authorities violated Election Law, according to interviews and video records.



Rangoon Division: Polling officers made fraudulent voter lists

Village Peace and Development Council (VPDC) Chairmen U Win Soe, U Ko Gyi, Chairperson U Myint Zaw, U Htay Win in Htantapin village, and Commission Chairperson U Thein Aung in Kharik Khani village.

Village Election Commission Chairperson U Tun Aung in Kyutaw Chaung village and U Htay Win in Htantapin village.

Kawthmu township in Rangoon Division made fraudulent voter lists by using the names of dead people, of people working abroad, of people under 18 years old, and by using some people's names twice on the voters list.

A complaint letter was sent to township election commission chairman U Thinn Shwe.

တိုင်းရင်းသားစည်းလုံးညီညွတ်ရေးပါတီမှ သဲကုန်းမြို့နယ် တိုင်းဒေသကြီးလွှတ်တော်ကိုယ်စားလှယ်အဖြစ် ဝင်ရောက်ယှဉ်ပြိုင်ခဲ့သည့် ဦးခင်မောင်ဝင်း (ခုတိယဗိုလ်မှူးကြီး - ငြိမ်း) အား မေးမြန်းခြင်း

အန်ကယ်အနေနဲ့ ဒီရေးကောက်ပွဲမှာ ကိုယ်တိုင် တွေ့ ကြုံစံစားရတဲ့ ရေးကောက်ပွဲမယမာမှုတွေကို

ပြောရမယ်ဆိုရင်တော့ တော်တော်များများပဲပျ။ ဘာလဲဆိုတော့ ကျနော်ဝင္နီလည်းပဲ ဘာပဲပြောပြော ပြည်တွင်း နိုင်ငံရေးအခြေအနေး ပြည်ပနိုင်ငံရေးအခြေအနေပေါ့များ အာကုန်လေ့လာမှုပေါတယ်။ ဘယ်လုံပြောရမှန်းမှတောင်မှပဲ မသိတော့ပါသူး။ ဘာလို့လည်းဆိုတော့ ကျနော်တို့လည်းပဲ စီရေးကောက်ပွဲ ဝင်လာခဲ့တာက နိုင်ငံတော်ဝန်ကြီးမျှုပ် ဦးသိန်းစိန်း နိုင်ငံခြားရေးဝန်ကြီး ဦးဥာဏ်ဝင်းတို့ဟာ ကုလသမဂ္ဂ အစည်းအဝေးတွေ၊ အားထိယ်အစည်းအဝေးတွေမှာ ပြောစွဲတာပဲ။ လွတ်လပ်မြီးတော့ တရားမျှတတဲ့ ရေးကောက်ပွဲ ဖြစ်မယ်။ အကြံခံကြိမ် သူတို့ ကတိပေးခဲ့တာပဲ။ စနာက်ပြီးတော့လည်းပဲ ပြည်ထောင်စုကော်မရှစ် ရေးကောက်ပွဲ ဖြစ်မယ်။ အကြံခံကြိမ် သူတို ကတိပေးခဲ့တာပဲ။ စနာက်ပြီးတော့လည်းပဲ ပြည်ထောင်စုကော်မရှစ် ဥက္ကဒက အာပြာခဲ့သလဲဆိုတော့ ခံရေးကောက်ပွဲမှာ ပြည်စုံသလောက်ရှိခြစ်စေရမယ်လို့ ပြောခဲ့တာ။ အဲဒါတွေကို ယုံကြည်ပြီးတော့ ကျနော်တို့က ရေးကောက်ဂွဲမှာ ဝင်ခဲ့တာ။ ယုံကြည်သောအားဖြင့် ဝင်ပြီးတော့ ယှဉ်ပြိုင်ခဲ့တာပဲ ခြစ်တယ်။

ဖြစ်တယ်။ အဲဒီစေဘာ့ ဝင်ပြိုင်တဲ့အခါမှာ ဘာစတွေတွေ့ရသလဲဆိုတော့ ရွေးကောက်ပွဲမှာ ကမ္ဘာ့ရွေးကောက်ပွဲ စံနှုန်းနဲ့မညီသလို တာဆီယံနဲ့သော်လည်းပဲ လုံးဝမညီတာတွေ့ရတယ်။ ဘာတွေတွေ့ရလဲလိုတော့ ကျနော်စေစောက တင်ပြသလိုပဲ သူတို့ကျေညာထားချက်တွေပေါ့နော်။ ပထမဆုံးပြောရမယ်ဆိုရင် သက်ဆိုင်ရာ ရွေးကောက်ပွဲ နည်းဥပဒေ (၆၆) (ဂ) တွင် အောက်ပါဖော်ပြထားချက်များကို ပယ်ရမည်ဟု ဖော်ပြထားပါတယ်။ သဟင်းစာတွေမှာ ထည့်သွင်းဖော်ပြခဲ့တာပါ။ အဲဒီတော့ ဒီမှာ တွေ့ ရှိချက်အတိုင်းပဲ ဒီလက်မှတ်နှစ်စောင်ဟာ ခဲရုံထဲမှာ ပါပြီးတော့ ရွေးကောက်ပွဲတော်မရှင်က လက်မှတ် လုံးဝမပါပါဘူး။ အဲဒီမှာကစာည်းက ပွဲကြီးသွားပြီ။ ဘာလိုပြီးသွားလဲဆိုလို့ရိုရင်တော့ အားလုံးက မပါတဲ့အတွက်ကြောင့် တားလုံးဟာ ပယ်ပဲဖြစ်သွားပြီ။ ဘာလိုသူမှလည်း မနိုင်ဘူး။ ဘယ်သူမှလည်း မရှိတူ။ ခါဟာ ရှင်းရှင်းလေးပဲ။ ဒါပေမယ့်လည်း ဒီနေ ဒီခံတွေကို ဘာကြောင့် ပယ်ပဲမလုပ်သလဲ။ ကျနော်တို့က မေးစွန်းထုတ်ထားပါတယ်။ အဲဒီတော့ ရွေးကောက်ပွဲရလဒ်က ဒီလက်မှတ်တွေပြရင်တောင် တရြား ဘာမှပြောရောမလိုတော့ဘူး။

အဲဒီလက်မှတ်နှစ်စောင်ကို အန်ကယ် ဘယ်လိုနည်းနှံ ရခဲ့တာလဲခင်ဗျ။

ဒီလက်မှတ်နှစ်စောင်ကို ကျနော် ရွေးကောက်၌သွားပြီးတော့ ကျနော်က (၇) ရက်နေ့မှာပေါ့နော်၊ မိုးစမ်းမဲရုံကို သွားပြီးတော ကြည့်ပါတယ်။ ကြည့်တဲ့အခါမှာ ဘာတွေ ရလဲဆိုတော့ ခဲ့စေနွှဲရှင် ဦးတောင်ကနေပြီးတော့ သူ့မိစင် ခေါ်ကြည်မြင့်စေတွက်ပါ သူက ဆန္ဒမဲပေးနေတာ တွေ့ရတယ်။ ကိုယ်စားပဲပေးနေတာတွေ့ရတယ်။ ဒါ

ခေါ်ကြည်မြင့်အတွက်ပါ သူက ဆန္ဒမမေးနေတာ မမန့္ျပေး ကျခနာ်ကိုယ်တိုင် မျက်မိန့် တွေ့တာနော်။ ကျခနာ်ကိုယ်တိုင် မျက်မိန့် တွေ့တာနော်။ နောက်တစါ ခုတိယအကြိမ် ထပ်ပြီးတော့ အဲဒီကျေးရွာမှာပဲ ခဲဆန္ဒရှင် ဦးညိုကနေပြီးတော့ ၎င်းရဲ့ သားဖြစ်သူ မောင်ဦးအတွက်ပါ ကိုယ်စားခဲမေးတာတွေ့ ရတယ်။ အဲဒါ ကျနော်က ကော်မရှင်နဲ့ ခဲရုံမျူးကို ခေါ် တယ်။ ခင်းချားတို့ကို မြို့နယ်ကော်မရှင်ကနေပြီးတော့ ဘယ်လို ညွှန်ကြားထားသလဲ။ ပြီးစတာ ခဲပေးရာမှာ တဦးထက်ပိုပြီး မံပေးလို့ရသလား မေးစတာ့မှ၊ အဲဒီကျတော့မှ သူတို့အချင်းချင်း သူရယ် ငါရယ်နဲ့ ပြောကြဆိုကြ

အများစုပါပဲ။ ကျနော်တို့လည်း ပါပါတယ်။ ဒီတာဝန်တွေတော့ မျှထစ်းကြတာပေါ့။ ခဲရုံမှာရှိတဲ့ ခဲဖေးပုံစနစ်ပေါ့။ ကေကပြောတဲ့ အဲဒီကာပြားတွေထုတ်ပြီးတော့ ခဲစလစ်တွေပြဦးတော့ ခဲတွေက တယောက်တည်းကနေ နှစ်ခဲထည့်လို့တည်။ ကိုယ်စားတည်လိုထည့်ပေပြစာ ရှုစ်ယှက်စေတီစနာတာပဲ။ ဒါ ကျနော်လက်တွေ့မြင်တာပဲ။ အဲဒီတော့ ဒီဟာတွေက ဘာဝဲပြောပြော ရေးကောက်ပွဲနည်းဥပေ။ ကော်မရှင်ဥပဒေဝေဝှန် စန်ကျိုင်နတယ်လေ ဗီလုပ်စုပ်တွေက။ နောက်တစုကတော့ ကျေးရွာတစုကို ကြိုတစ်ခဲ ၁၅၁ ကို အာကာပိုင်တွေက ကောက်ပိုင်းတဲ့ကိုစူ။ စန်ကတို ကျနော်ဝင်ပြိုင်ရတဲ့ တိုင်းစေသတို့ခုံနယ်မြေ (၂) မှာ ကျေးရွာပေပြင်း ၂၇ ရွာ၊ သဲကုန်းဖြို့နဲ့ ဘာနဲ့ဖိတော့ လိုတော့ ကျနော်ဝင်ပြိုင်ရတဲ့ တိုင်းစေသတို့ခုံနယ်မြေ (၂) မှာ ကျေးရွာပေပြင်း ၂၇ ရွာ၊ သဲကုန်းဖြို့နဲ့ ဘာနဲ့ဖိတော့ ၂၉ ၁ ထားပေါ့ရာ။ ၂၉ ဆိုတော့ အားလုံးပေပြီးလိုက်ရင် ကြိုတင်ခဲပေပါင်း ၇၅၀၀၊ ရာတော့ ဘာပဲပြောပြော သာဒီလာနာ ပြင်ချင်မြို့၏တဲ့ ခဲက အများရာသုံးပါတေတဲ့က သိကြားပေါက်ေး ၇၅၀၀၊ ဆိုတော့ ဘာပဲပြောပြော အမျိုးသားလွှတ်တော်၊ ကိုင်းစေသတြီးလွှတ်တော်ပေါ့။ လွှတ်တော်တာမှာ ခဲ ၇၅၀၀ ဆိုတော့ ဘာပဲပြောပြော ဆင်ချားစဉ်စားကြည့်နဲ့ ဒီရမှာ ကျနော်တို့ပြတ်တွေက သိကြားပေါင်းမပြောနဲ့ ပုခွမတ်စွာကျောက်သောကောင်မှ မနိုင်နိုင်ဘူး။ အဲဒီလောက်ကြီး အခြေအနေထိုးတာ။ မြီးတော့ ကြိုချစ်သေး ပေသာကိုလည်းပဲ ထဲချို့ရွာတော့မှာ သိုက်လောင်မျာ ရောက်ပြောတ်စာတဲ့သေးသလဲ။ ရယကာတရေးက ဒီခဲတွေကို အဆိုင်အမေသသို့မှာယ်မိုလေ။ ရယကာတရေးကို ဘယ်သူက စာရေးက လိုက်ကောက်တာရာ။ ကျနော်တို့မှာ အမ်ာသေတဲ့မှာ ကြိုမာရာလေးပဲ။ ဆကုန်လုံးကရာ ကျနော်ပြာရင်ရင်တော့ ဆုံးမှာမဟုတ်ဘူ။ ကျနော်သိတာက ကြုတင်ခဲဆိုတာ၊ အောက်လော်ကေးများမည်။ ပါတီက ကိုယ်စာကုလ်တွေပေါင်မှာ၊ အိတ်လူတွေပေါင်မှာ၊ သည်တောက်တဲ့မှာ စာကုန်လုံးကောက်ပြန်မှာ၊ လည်လေတဲ့သည်။ ရေးတက်ပြနောင်များမည်။ သည်တောက်ကို ရုံစိုတိတ်မယ်။ အဲဂိုတွေပေါင်မှာ၊ ဆန်ကို မိရိုအတိယ်။ အဲလိုတွေပေါင်မှာ၊ ဆန်ကို မိရိုအတိုကောင်မှာ၊ အာရန်လုံးကော ကိုမာရင်ကိုလည်။ အက်လောက်မှာ၊ တာတေသဲ မေးကောက် ပါမန်က ဘာလမှာလည်။ သည်တောက်မှာ အာရက်ပါပဲ။ သည်တောက်တေနဲ့ အများကြီးခဲ့သောက်မှာများအခဲ့ခဲ့တာသည်။ ဆက်လုံဝန်တဲ့သာတဲ့ တာလုန်ကို ကျနောင်အတိုက ကျနောင်ပြုမှာသေသဲ့ တောမ်ရင်ကိုသောက် ပါပေတောက် လေးမှာမှာတေတဲ့ အကုန်လိုကောင်မှာ မေးတဲတာရေအတွက်၊ သောမှာတိတဲ့ကို ရကြာပေသဲသောကေသဲ့။ သည်မောက်သဲသေသဲသော တောင်မြောကာပည်။ အခုခဲပေသဲတောင်ကို မေးမဲတာတေခဲ့တဲ့ သေးမှာတေသဲသောကေသဲ

Pegu Division: the invalidation of early votes and the forcible recollection of early votes

(see the complaint)

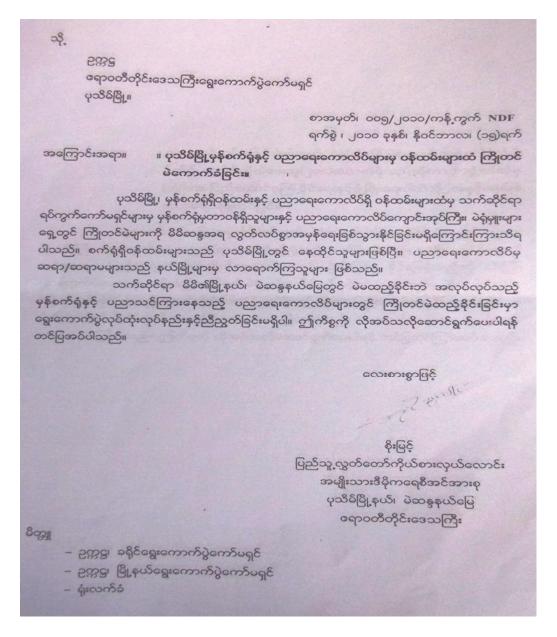
150 early votes were collected in Infantry Battalion no. 80 and on bases in Inn-Ma town on 6 November. The NUP candidate U Khin Maung Win (a retired lieutenant colonel), who ran in the election for divisional parliament in Thegon Township, won majority of votes and other candidates won only about 10 votes. The next day, Adjutant Officer Aung Thu Kyaw ordered all soldiers to vote for USDP.

According to information from Ko Khin Latt, a voter, when U Kyaw Kyaw Aung, who ran for National Parliament, and U Aung Naing Oo, who ran for the People's Parliament from the Union of Myanmar Federation of National Politics (UMFNP) party, searched Ko Tun Min Zaw's house, they found evidence of unlawful early vote counting. They informed the Paungtale police station. Police officer U Aung Myint Thein and his officers made photo records and police officers investigated Ko Tun Min Zaw. He confessed that Commission Chairman U Kyi Nyunt and clerk U Tin Htay Aung had ordered him to count the early votes prematurely. However, chairman U Kyi Nyunt and clerk U Tin Htay Aung denied this. According to U Nyan Hla, the district organizer of the UMFNP party, the officials found 114 advanced votes in an untied bag.

Irrawaddy Division: The forced casting of early votes (see the complaint)

U Soe Myint, the National Democratic Force candidate who ran for the People's Parliament in Bassein Township, Irrawaddy Division, sent a complaint letter to the Irrawaddy Divisional Election Commission Chairperson on 15 November 2010.

The letter alleges that staffs from the glass factory and education college in Bassein were forced to cast early votes in front of a local college president and polling station officers in their colleges and factories, respectively, and were not able to vote freely. While the glass factory staff lives in Bassein, the college lecturers were from other towns but they were not permitted to cast their votes in the districts.

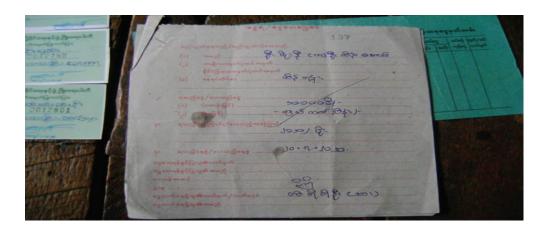


Authorities were ordered to collect 150 early votes from each village out of 27 villages in Thegon Township and in Kon town. Thitchopin village peace and development council chairperson, U Pauksa, and school teacher, U Aung Win, collected 150 advanced votes in Kyel Lay village in Prome Township, Pegu Division.

On 6 November 2010, USDP members and the Election Commission marked ticked boxes for the Lion symbol (USDP's logo) for people over 60 years old living in wards in Taunggyi, Shan State, because

they were worried that these elderly people would make wrong choice. There were 60 votes per ward. Therefore, there were a total of 400 advanced votes.

Using loudspeakers, Election Commission and USDP party members collected early votes in monasteries and schools in the Tak-kon District, Naypyidaw, on 5 November 2010.



Kachin State: Early voting

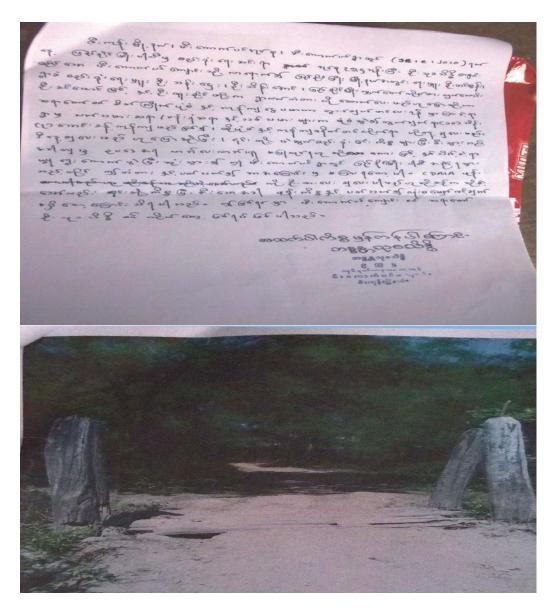
The Election Commission and USDP bought early votes from students in Nursing Science University, Kachin State, on 3 November 2010. USDP gave 20,000 Kyat to each student who made an early vote for their party.

As shown above, the Election Commission and USDP systematically partook in buying, forcibly collecting, and counting the advanced votes.

According to the People's Parliament Electoral Law, Chapter 9, Article 43, all voters shall be able to vote privately except for early voters. Representative voting shall not be allowed. Therefore, the authorities violated Election Law.

(c) Vote buying

According to the following allegations, authorities bribed voters during the election period through the use of money and power.



Pegu Division: corruption and bribery

On 19 September 2010, the USDP Zegon Township Secretary, U Tin Tun, and party campaigners U Than Htay and U Thein Aung, and party candidates U Khin Maung Myint and U Htoo Khine visited Mee Kauk Pin monastery in Mee Kauk Pin village, Zegon Township. The party members promised to build a bridge in the village while campaigning there. They asked the abbot what type of bridge they wanted and how much it would cost to build. Yet after the election they went back on their promise by not building the bridge in accordance with electoral law. Moreover, during the election period they also promised to provide CDMA phones but they forgot their promise after USDP won in the election.

On 6 November, USDP Central Executive Committee member Ko Aung Kyaw Oo and campaigner Aung Ko bought early vote in Yaysin village, Monyo Township. They bought the early votes at 2,000 Kyat per vote. They also marked the Lion symbol (USDP's logo) on senior citizens' ballots. Ko Min Min Lat, Ko Aung Myint Soe, Ko Than Oo and Ko Aung Than Zaw wore USDP party shirts and walked door-to-door, persuading people to vote for USDP in the election. They also told voters that if the USDP party won the election, the villagers would be given a reward.

Rangoon Division: Buying early votes

On 10 September 2010, the USDP candidate Dr. Khin Maung Lay and Ko Kyaw Kyaw Lin told Ma Aye Aye Maw (a) and Ma Shwe Lon at Daw Htay Htay Hlaing's house that if one person became a USDP member, the USDP party would people 50,000 Kyat at an interest free rate for becoming a USDP party member. Ko Kyaw Kyaw Lin's wife took the name of 300 people who signed up for the loans and to become new party members. They did not give the money and membership cards immediately but told the new members they would receive the loans and cards that evening. However, the people who had signed up only ended up getting membership cards.



According to the allegations above, the USDP party participated in illegal election campaign activity including vote buying. It is also apparent that the Election Commission was aware of this illegal activity.

Based on this information, the Election Commission and USDP violated Election Law (SPDC's order 3/2010), Article 66 (a). According to the Code of Law, these cases of corruption violated Article 171 (e). People or parties who partook in illegal election activity violated Article 171 (f).

(d) Pressuring and threatening

Threats and intimidation were used during the election period, according to the following information.

To implement these actions, USDP and other authorities misused money and power.

Directors of government departments, police officers, and village headman U Aung Soe and U Nyunt Wai threatened villagers to oust them from their golf carrier jobs if they did not vote for the USDP party in the Teetud Sanpya District of Prome Township.

Daw Sanda Aye, an engineer in the municipal department of Nattalin Township, pressured Daw Cho, another municipal department staff member, and her family members, to vote for USDP. Daw Sanda Aye threatened Daw Cho that if she and her family members did not vote for USDP, she would be ousted from her job.

The chairman of the Village Peace and Development Council (VPDC) and the USDP called a member from each family in Myitkam village, Pyapon District, Irrawaddy Division on 16 October 2010 to warn the villagers that they must vote for USDP; if the villager would not vote for USDP, the village would be sentenced to six months in prison and a fine of 200,000 Kyat.

On 23rd Oct 2010, campaigners from USDP, village chairmen and officers from Myanmar Agriculture and Development Bank said 100,000 Kyat would be lent to every villager in Kwin Chaung Gyi and Lay Daung Kan villages in Tantabin Township in Rangoon. Every villager was ordered to sign the USDP's party membership application paper. Officers from the USDP arrived at the villages the following week and took villager's photos as a record of their membership. Then they collected early votes from villagers and they also threatened to fine them 100,000 Kyat if they did not vote for their party. However, they said if the villagers did vote for USDP, they said they

would be rewarded.

On 6 November 2010, the day before the election, USDP party members came to the village with sticks and knives. Officers from the Township Peace and Development Council (TPDC) and the Village Peace and Development Council (VPDC) intimidated villagers into voting for USDP in the Minya constituency in Arakan State.

According to these reports, the USDP party and government authorities threatened and intimidated villagers into voting for USDP, thereby violating the Union's Election Law, Article 61 (a) on election campaigning.

6. The Election Period

(a) Early Votes

Persuading voters with incentives, vote buying, threatening, unlawful campaigning, transferring votes, and campaigning in restricted areas are all violations found to have occurred during the election period. Violators conducted these illegal activities through the use of money and political power.

According to observers at polling station no. 4 in Nyaungon village group in Thegon Township, 16 early votes were made. However, they announced there were only 15 early votes had been cast. The USDP won 72 votes for the People's Parliament, 18 votes for the National Parliament and 15 votes for the Divisional Parliament. In total, the USDP party won total 105 votes. The National Democratic Force won 1 vote for the People's Parliament and 1 vote for National Parliament. In total, the NDF party won 2 votes. The National United Party won 2 votes for the People's Parliament, 1 vote for the National Parliament, and 5 votes for the Divisional Parliament. In total, the NUP party won total of 8 votes. Therefore, the original number of votes was different from the announced number votes. Most early votes were for USDP.

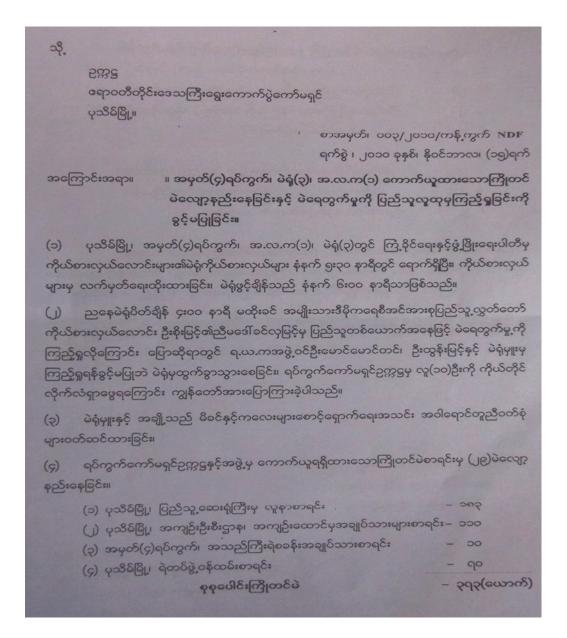
Irrawaddy Division: losing advanced votes/different amount of advanced votes

There was a difference in 29 early votes between the polling station officer and the Village Election Commission Chairperson who collected the early votes.

The Village Election Commission reported having collected a total of 373 early votes, including 183 from patients in a hospital in Bassein town, 110 from detainees in jail, 10 from detainees in Athegyi jail, and 70 from police in Bassein town.

However, the polling officer announced having recorded a total of 344 early votes, including for the NDF candidate U Soe Myint

who got 52 votes, the NUP candidate U Myat Aung who got 69 votes, and the USDP candidate, U Than Tun, who got 223 votes. Therefore, 29 early votes were not registered.



When 32 people including U Sein, from the Pai Muya Ward in the Ywarbel village, Prome Township, requested ballot papers from ward Chairman U Tin Myint, U Tin Myint replied that the name list was lost and that their names were included on the early voter list. He

also said "If you want to vote, you can vote at the polling station with someone else's ID card."

Moreover, Maung Kyaw Sithu Win (ID number 7/Pa Ma Na (naing) 1408872) went with his father to vote at the polling station. However, polling station staff did not allow him to vote because he name was on the early voting list. Therefore, he was not able to vote at the polling station. When he explained to the staff that he has not voted yet, the staff told him that USDP may have been preventing him from doing so. The staff also told him that he should inform a higher officer about the situation and that Maung Kyaw Sithu Win would be back at the polling station at 2pm. Therefore, Maung Kyaw Sithu Win returned home without having been able to vote in the election. 30-40 people faced the same problem that day. According to Maung Kyaw Sithu Win, the authorities received early votes.

U Ohn Maung, age 62, from Kyarsu village, Phayargon village group in Zekon Township was killed by hypertension disease because he was not permitted to cast his early vote. He died from hypertension at the polling station when he put his ballot paper into the People's Parliament ballot box.

Rangoon Division: Government departments coerced into voting (based on an interview)

The Election Commission in North Dagon Township received early votes, which came from Burmese embassies abroad, at 4pm on Election Day. 20-30 early votes were discarded because the ambassador signed his signature in the place where the polling station officers are meant to sign.

It was observed that even though early votes with ambassador's signature were discarded, early votes without signatures are eligible (in Burma) according to Burmese law.

15% of votes collected in Ward No. (47) were early votes. From the total of over 1,000 votes, over 100 were early votes. Daw Cho, who cast an early vote whild she was off-duty, had arrived at the polling station at 2:30 pm on Election Day.

The recorded election violations in Rangoon Division are as follows: door-to-door collection of early votes, only one person collecting early votes, authorities voting for people themselves, voters voting for others, voters being unable to vote freely, government staff not being able to cast their votes in their district and instead being forced to cast an early vote. According to these reports, authorities violated election laws and forcefully collected early votes.

People's Parliament Election Law (SPDC order 3/2010) Article 43 states that all voters shall be able to vote privately except for early voters. Authorities violated the laws that prohibit voters voting in the place of others. According to the code of law, this practice violated the Article 171 (e). If a party or person used illegal method in the election, it violated the Article 171 (f).

(b) Vote buying

There were reports of voter bribery and of vote buying occurring during the election period by authorities who used money and political power to get votes.

Phyu Gyi, Thar Gyi (a) Thet Naing Oo, and Min Nyo transported voters to polling station No. 8 in the Muyar Pin ward, Yarbel constituency in Prome Township with vehicle. The USDP party's members were full deployed inside the polling station. At around 10am, the USDP party's campaigner, Kyaw Lwin, and other six campaigners waited at the entrance of the polling station and urged voters to vote for the Lion logo (USDP party's logo). Likewise, polling station staff U Soe Aung and U Aung Myo Nyunt urged voters to vote for USDP.

Daw Moe Lay, USDP's campaigner, said if she won in the election, U Aung Kyi Thein, her husband, would be appointed as ward headman and would help to all party supporters. Then she urged voters to vote for her party.

U Aung Kyi Thein and 20 USDP members waited at the entrance of the polling station. They walked with voters into the station and urged voters to vote for USDP.

USDP members were in Teetud constituency no. 2 in Prome Township. USDP member, Ma Moe Moe San, walked into the polling station with elderly voters and urged them to vote for USDP and pointed to the Lion logo on the ballot paper. She made correction marks on her friend's ballots, even though candidates from other political parties complained to polling station officials. Staff at the polling station did not say anything to her about her actions.

U Myo, a polling station officer in Phayar Myo village in Zegon Township, also pointed to the Lion logo and urged voters to vote for USDP. U Than Htay, the Democracy Party (Myanmar) representative at the polling station, reported this to U Htay Win, the chairman of the Election Commission. U Myo, the polling station officer, intimidated U Than Htay and tension between them occurred but the Election Commission Chairman, who merely recorded the offense and U Myo did not take any action.

Almost all of the staff of District no. 1 in the Ywama Ward in Nattalin Township USDP party members. Ma New Ni Kyaw, a Village Peace and Development Council office clerk, a member of the Women's Affairs Association, and the sister-in-law of U Tin Lwin, the USDP candidate for Divisional Parliament, urged voters to vote for the USDP party. U Aye Myo, U Naing Lin Kyaw, and three other USDP members stood at polling station no. 1 in Zinbyunhon village in Gyobingauk Township, Pegu Division and urged voters to vote for the USDP party.

USDP put the campaign posters within 30 yards of the polling stations in Phakant region in Kachin State. USDP members voted in the place of illiterate people.

USDP members were in full uniform and played election campaign songs from vehicles parked 30 yards from the polling station on the west road of Taunggyi.

To point the Lion logo to encourage voters to vote for the USDP party is a violation of the People's Parliament Law Article 61 (a). According to Article 66 (a-2), intimidation is a violation of Election Law. According to Article 171 (c), using illegal power is also a violation of election laws. Based on Article 171 (f), people who use power illegally during an election time face judicial action.

(c) Voting for other people

According to the following reports, individuals voted in the place of others and used money and political power to do so.

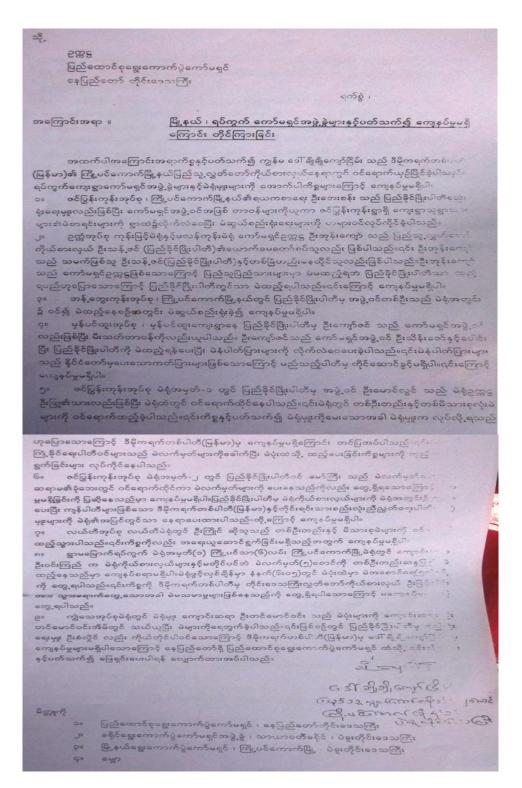
Ma Kyi Kyi Mar said she voted for her friend Phwe Phwe (a) Ma Hinn Su Phwe without an ID card in polling station no.8, Muyarpin ward in Ywarbel District, Prome Township.

U Aung voted for her mother at Ma-U Pin Kan polling station in Tangundai village group, Inn-ma sub-township, Thegon Township and U Nyo voted for his son. U Khin Maung Win, a USDP candidate, informed the Township Election Commission Chairman and the polling station officer of this but they did not take any action. U Khin Maung Win also complained twice about votes made by Ma Nay Chi Thwin. Polling station officers explained that she had voted twice to vote for her parents. U Hla Kyi, a USDP member, voted for his son in polling station no. 2 at Inn-ma high school. He and his son quarreled about this when his son arrived at the polling station.

At polling station no.1 in Twepingon ward in Paungde Township, U Than Chaung requested a paper ballot for his son Kyaw Kyaw but he did not receive it. Ma San Lay, a clerk for the Village Peace and Development Council, told U Than Chaung to tell Ko Ye, his younger son and the younger brother of Ko Kyaw Kyaw, to come to polling station. Ko Ye came in to vote for himself and for his brother. Ko Soe Pai voted at the polling station for himself, Kaw Khin Aye and Daw Myint Ohn.

At the polling station no.1, Zinbyungon village group in Gyobingauk Township, USDP's campaigner U Maung Maung Lwin, son of the polling station's chairperson U Phyu, voted at the station for himself and his family members. When people inquired about it, polling station officers said that he was allowed to vote at the polling station for himself and his family members.

According to the People's Parliament Election Law (SPDC's order 3/2010) Article 43, all voters shall have the right to vote in the polling stations privately, with the exception of early voters. Authorities violated the laws saying "voters cannot vote for other voters". According to the Code of Law, authorities had violated the election laws.



Polling Station no.1, Zinbyungon village group, in Gyobingauk Township: Daw Cho Cho Kyaw Nyein's complaint letter

(d) Voter intimidation

According to the following information, USDP bribed and intimidated voters by using political power and money.

The former Chairman of Village Peace and Development Counsel photographed voters who came to vote at the polling station and intimidated them into voting for USDP at the polling station no.1 in Pyinpin Ward, Magyibingon village group in Paungde Township. Former VPDC Chairmen threatened to punish voters if they would not vote for the USDP.

Gaw Gyi, a campaigner of for USDP, fed voters lunch near the polling station and urged them to vote for the USDP. Gaw Gyi lives in Han Thar Chaung village, Shartaw village group in Moe Nyo Township in Pegu Division. He also threatened that if voters would not vote for the USDP party, voters would face troubles.

At the polling station no.2 in Inn-ma district in Thegon Township USDP members Ko Soe Maung and Ko Aye Thaung stood near the polling station and urged voters to vote for their party. Moreover, they entered the polling station and urged villagers to vote for the Lion logo. At polling station no.3 in Sanpya village in Nyaunggon village group, Daw Khin Marlar Win, the polling station's first officer, U Tin Soe, the second officer, and USDP member U Myint Soe pointed to the Lion logo and urged Daw Thaung Kyi and other villagers to vote for it. Therefore, polling officers urged voters to vote for USDP in the polling room.

According to Article 66 (a-2), this lack of privacy while voting is a violation of Election Law.

(e) Polling station officials

Most polling station officials were USDP and Women's Affairs Association members. They were therefore biased during the election period, according to the below evidence. The following things were implemented using money and political powers.

Irrawaddy Division: polling station officer bias (based on field observations)

USDP members Daw Le Le Moe, the polling station official, Daw Su Su Hlaing, the second polling station official, U Kyaw Win, local authority, and Ma Phyu Phyu Thinn, polling station official at the polling station no.2, ward 3, constituency 1 in Bogale Township, were in the polling room while voters cast their votes, leading to voter intimidation.

Daw Tin Tin Win polling station official, Daw Khin San Yin, Daw Aye Aye Oo, Daw Cho New Aye and Daw Thinn Cherry Naing, polling station official, and U Hla Myint and U Myint Htay local authorities reported that the election was not free and fair.

At the polling station no.2 in Inn-ma constituency, The Kon Township, USDP party members Ko Soe Maung and Ko Aye Thaung, stood near the polling station and urged voters to vote for their party. Moreover, they entered into the polling room and urged Ma Khin Win and other villagers to vote for USDP. At polling station no.3 in San Pya village, Nyaung Kon village group, the first polling station officer, Daw Khin Mar Lar Win, the second polling station officer U Tin Soe and party member U Myint Soe urged Daw Thaung Kyi to vote for USDP by pointing to the Lion logo. This demonstrates that polling station officials urged voters to vote for USDP in the polling room.

At polling station no.2 in Teetud constituency in Prome Township, staff including Ma Pa Pa Win, Ma May Thinzar Soe, Ma Thet Lwin Oo, Ma Wah Wah Oo, Ma Le Le Khaing (voter list holder) and Ma Phyu Phyu (a paper ballot issuer) were USDP members.

According to Election Law, Article 171 (c), action must be taken against them because they were violating election laws.

(f) Voting

Voter intimidation, collection of early votes, and lack of privacy in the polling stations occurred during the election period, according to the following evidence.

Pegu Division: lack of privacy in the voting stations and voter intimidation (field observations)

- There was no privacy in the polling station no.3 in ward no.8, constituency no.1 in Bogale Township. Voters were visible from the outside of the station. USDP members urged voters to vote for USDP.
- Voters could not vote secretly at the polling station no.2 in ward no.3, constitution no.1 in Bogale Township.
- Armed forces were deployed within 500 yards of polling station no.1, in ward no.9, constituency no.1, in Bogale Township and political parties campaigned near the polling station.
- Voters could see one another from within the polling room and talked to each other inside polling station no.1 in ward no.4, constituency no.1 in Bogale Township. Thus, there was no privacy within the polling stations.

At polling station no.2 in Ywarbel village, Prome Township, Ko Aung Ninn Moe, a member of the Union of Myanmar Federation of National Politics party, his wife, and Ko Min Htin Kyaw were unable to vote in the election because their names were removed from the eligible voter list. When they complained to village council chairman, U Pho Khin, but he and an officer informed them that they were not allowed to vote.

Ko Aye Min Soe voted three times for the Divisional Parliament at polling station no.2 in Teetud constituency, Prome Township.

Polling stations that lacked voter privacy, which can lead to voter intimidation, is a violation of Article 66 (a.2)

(g) Vote Counting

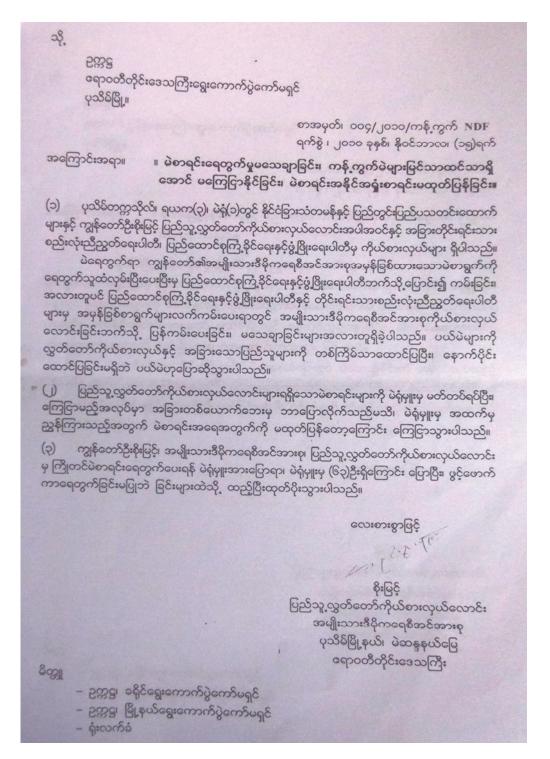
Party representatives and other people were not permitted to observe the votes being counted. Votes were counted behind closed doors. Therefore, there was a lack transparency in vote counting, according to the following evidence.

Irrawaddy Division: vote counting

Foreign diplomats, correspondents, and U Soe Myint (a candidate for the People's Parliament) observed vote counting at the polling station no.1, the polling station in Ward 3 and Bassein University.

- Votes for the NDF party were transferred to the USDP in addition to votes for USDP and NUP being transferred to NDF. Therefore, vote counting was not systematic or reliable.
- Null votes were shown to the public once. Even though the officials acknowledged they were null votes, they did not show the public null votes again.
- When the polling station officer announced the results, a person sitting beside him told him something and then the polling station officer did not announce the results.

- When party representatives requested that the polling station announce the number of early votes, the polling station officer announced that there had been 63 early votes without opening the ballot box. Then the early votes were taken away.



Pegu Division: the coercion of government staff (based on field observations)

Authorities did not publicly count votes at polling station no.1 in Ward no.9, constituency 1, Bogale Township.

At polling station no.3, in Ward no.9, constituency 1 in Bogale Township, a USDP representative said they were able to handle the vote counting process themselves, without outside interference. Authorities counted votes in front of ten eyewitness, including USDP representatives, USDP family members, and people without election knowledge.

At polling station no.1 in high school no.4, Ywarbel area in Prome Township, a UMFNP party representative asked the polling station officer U Min Than about the number code number 400 on the paper ballots, U Min Than replied that the code is written the paper ballot issuers, adding that he cannot take responsibility for the ballots. Most polling station staff had not attended the election training but they were members of the USDP party. Some staff was hired for 5,000 Kyat per day.

According to an observer, Ko Pho Thet, eyewitnesses who attended the vote counting were USDP members. These eyewitnesses included U Myo Oo, U Aung Kywe, U Aung Soe, U Tint Lwin, U Myint Swe, a campaigner, and Ma Moe Moe San, who had campaigned inside the polling station.

At polling station no.2 in Pantaung Township, USDP was two votes short of winning a seat in National Parliament. When the township Election Commissioner arrived at the polling station, USDP had been given the two votes they needed. In addition, when null votes arrived to the township's Election Commission, they were changed into eligible votes for USDP.

No one was permitted to observe the vote counting at the polling stations in Hintha Chaung village group and O-bogon village group in

Monyo Township, Pegu Division, but USDP party agents were allowed to stand 15 feet away from the vote counting. However, polling station staff stood close to the vote counting; therefore, not everyone could clearly see the votes being counted. When other party agents requested to watch the votes being counting, the polling station officer said "You can complain in a court or to whomever."

At polling station no.4 in Lin Lae village, constituency no.5 in Thegon Township, Pegu Division, they had not shown observers the ballot box prior to make sure that nothing had been put in it before the voting started. There were many complaints when the votes were counted. However, authorities did not record them but said that they would do their best. The eyewitnesses present while the votes were counted were USDP staff and party members.

At the polling station in Htainthay village group in Nattalin Township, Pegu Division, when votes were being counted, U Win Zaw, a school teacher, kept the null votes in his hands without showing them to other people. He attempted to shuffle an eligible vote for the Democratic Party (Myanmar) into the pile of null votes, but was unable to do so when another school teacher saw him.

At a polling station in Zegon Township in Pegu Division, an erroneous mark on the paper ballot was counted as a vote for the USDP party. In another case, the mark on a paper ballot was upside down so it was counted as a vote for the USDP party even though a representative of the Democratic Party (Myanmar) requested that it be counted as a null vote. At the Hlapa Chin village polling station, 220 null votes were changed to eligible votes, which were all given to the National Unity Party. Election commissioner U Khin Hlaing and USDP party member U Aung Myaing Tun lied by saying that the USDP party was Daw Aung San Suu Kyi's party; voters believed them so according to a voter, they voted for the USDP.

At polling station no.4 in Ward 2 and the polling station no.2 in Ward 3 in Hlaing township, Rangoon Division, the wrong mark on a paper

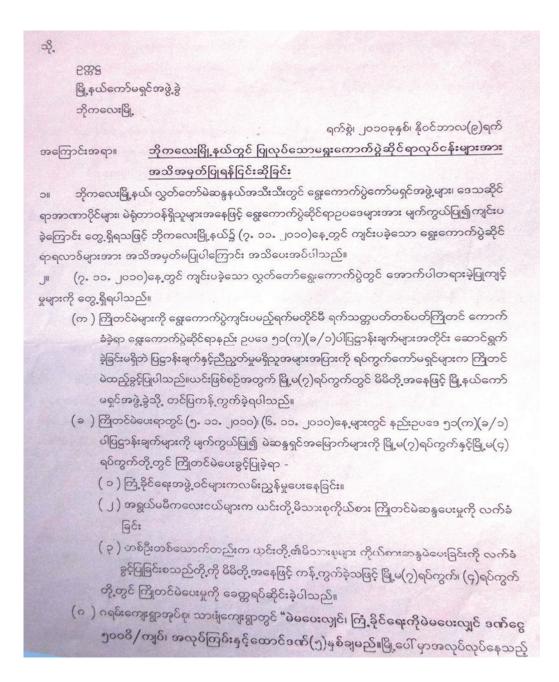
ballot were not become spoil votes but these votes became for the USDP party and the NDF party, according to an eye witness.

Vote transferring, failing to issue the results, and vote counting occurring without the presence of the political party representatives is a violation of Election Law, Article (48-b), which states that vote counting shall be made in front of public.

7. Post-election period

- Complaints and submission

Complaint letters were submitted against vote counting procedures, early voting, and polling official bias, according to our team's observations.



Irrawaddy Division: complaint letters submitted by candidates (based on complaint letters)

U Soe Myint, the NDF party's candidate, from Bassein Township, sent complaint letters. The following are some examples of complaint letters:

- (a) On 15 November 2010, letter number-101/2010/complaint/NDF, requested that action be taken against illegal activity during the election.
- (b) On 15 November 2010, letter number-102/2010/complaint/NDF, complained against the ballot box and that the polling room were too close together.
- (c) On 15 November 2010, letter number-103/2010/complaint/NDF, complaint against reducing advanced votes and not permitting public to see vote counting.
- (d) On 15 November 2010, letter number-104/2010/complaint/NDF, complained against illegal vote counting, hidden null votes, and not making the results public.
- (e) On 15 November 2010, another letter complained about the collection of advanced votes from Bassein Glasses Factory and Education College staff.

The National Democratic Front sent complaint letters to the Irrawaddy Divisional Election Commission.

Pegu Division: complaint letters submitted by candidates (based on complaint letters)

Daw Cho Cho Kyaw Nyein, a DP (M) candidate sent a complaint letter to the Union Election Comission (UEC) in Nay Pyi Daw. She was not satisfied due to unfair in the election and in the Township Election Commissions.

ဆို့ ဥက္ကဋ္ဌ မြည်ထောင်စုရွေးကောက်ပွဲကော်မရှင် နေမြည်တော် တိုင်းဒေသကြီး အကြောင်းအရာ ။ မြို့နယ် ၊ ရပ်င ကြောင်း တိုင်

မြို့နယ် ၊ ရပ်ကွက် ကော်မရှင်အဖွဲ့ခွဲများနှင့်ပတ်သက်၍ ကျေနပ်မှုမရှိ ကြောင်း တိင်ကြားခြင်း

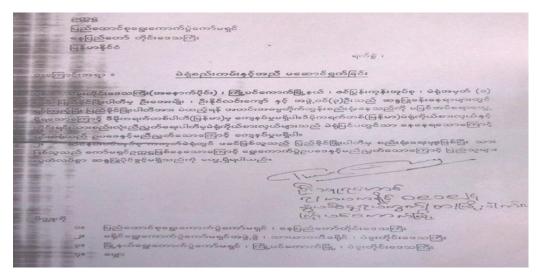
ရက်စွဲ ၊

အထက်ပါအကြောင်းအရာကိစ္စနှင့်ပတ်သက်၍ ကျွန်မ ဒေါ် ချို့ချိုကျော်ငြိမ်း သည် ဒီမိုကရက်တစ်မ (မြန်မာ)၏ ကြို့ပင်ကောက်မြို့နယ်ပြည်သူ့လွှတ်တော်ကိုယ်စားလှယ်နေရာကွင် ဝင်ရောက်ယှဉ်ပြိုင်ခဲ့ပါသည်။ ရပ်ကွက်ကျေးရွာကော်မရှင်အဖွဲ့ခဲ့များနှင့်မဲရုံမျှူးများကို အောက်ပါကိစ္စများကြောင့် ကျေနပ်မှုမရှိပါ။ ဇင်ပြွန်းကုန်းအုပ်စု ၊ ကြို့ပင်ကောက်မြို့နယ်၏ရယကစာရေး ဦးဘေးစန်း သည် ပြည်ခိုင်ဖြိုးပါတီသေး ရုံးရေးမျူးလည်းဖြစ်ပြီး ကော်မရှင်အဖွဲ့ ဝင်အဖြစ် တာဝန်များကိုယူကာ ဇင်ပြွန်းကုန်းရွာရှိ ကျေးရွာသုရွား များ၏မဲဘရင်းများကို ရွာထဲ၌လိုက်လံဝေပြီး မဲဆွယ်စည်းရုံးရေးများကို ဟများဝင်လုပ်ကိုင်ခဲ့ပါသည်း ဥက္ကံအုပ်စု ကုန်းမြင့်မဲရုံနှင့်ဖလန်ကုန်းမဲရုံ ကော်မရှင်ဥက္ကဋ္ဌ ဦးအုန်းကျော် သည် ပြည်သူ့လွှတ်ေ ကိုယ်စားလှယ် ဦးသန့် ဇင် (ပြည်ခိုင်ဖြိုးပါတီ)၏မောက်ခမတော်စပ်သူလည်း ဖြစ်ပါသည်။၎င်း ဦးအုန်းကျော် သည် သမက်ဖြစ်သူ ဦးသန့် ဇင်(ပြည်ခိုင်ပြုံးပါတီ)နှင့်တစ်ခြံဟည်းနေထိုင်သူလည်းဖြစ်ပါသည်။ဦးအုန်းကေ့ိ သည် ကော်မရှင်ဥက္ကဋ္ဌဖြစ်သောကြောင့် ပြည်သူပြည်သားများမှာ မဲမထည့်ရဲဘဲ ပြည်ခိုင်မြို့ပါတီသာ တည့် ရပည်ဟုပြောသောကြောင့် မြည်ခိုင်မြိုးပါတီတွင်သာ မဲထည့်ရပါသည်။၎င်းကြောင့် ကျေနပ်မှမရှိပါ။ ဘန့်တွေးကုန်းအုပ်စု၊ ကြို့ပင်ကောက်မြို့နယ်တွင် ပြည်ခိုင်ဖြိုးပါတီမှ အဖွဲ့ဝင်တစ်ဦးသည် မဲရံအတွင်း ၌ ဝင်၍ မဲထည့်နေစဉ်အတွင်း မဲဆွယ်စည်းရုံးခဲ့၍ ကျေနပ်မှုမရှိပါ။ မှန်ပင်ထူးအုပ်စု ၊ မှန်ပင်ထူးကျေးရွာနေ ပြည်ခိုင်ဖြိုးပါတီမှ ဦးကျော်စင် သည် ကော်မရှင်အဖွဲ့ ိ လည်းဖြစ်ပြီး မီးသတ်တာဝန်ကိုလည်းယူပါသည်။ ဦးကျော်ဇင်သည် ကော်ရှင်အဖွဲ့ဝင် ဦးသိန်းလော်နှင့်ပေါင်း မြီး ပြည်နိုင်ဖြိုးပါတီကို မဲထည့်ရန်ပေးပြီး မဲနံပါတ်ပြားများကို လိုက်လံေပေးခဲ့ပါသည်။၎င်းမဲနံပါတ်ပြားများ သည် နိုင်ငံတော်မှပေးသောကတ်ပြားများဖြစ်သောကြောင့် မည်သည့်ပါတီမှ ကိုင်ဆောင်ခွင့်မရှိပါ။၎င်းကြောင့် ကျေနုပ်မှုမရှိပါ။

တုမြောသောကြောင့် ဒီမိုကရက်တစ်ပါတီ(မြန်မာ)မှ ကျေနှင့်မှုမရှိကြောင်း တင်ပြအပ်ပါသည် 🦿 ကြံ့ခိုင်ရေးပါတီဝင်များသည် ခဲလက်မှတ်များကိုခေါက်ပြီး ခဲပုံးထဲသို့ ထည့်ပေးခြင်းကိစ္စများကို ကွည့် ရွက်ခြင်းများ လုပ်ကိုင်နေပါသည်။ **ဇင်ဖြန်းကုန်းအုပ်စု မဲ**ရုံအမှတ်-၂ တွင် ပြည်ခိုင်ဖြိုးပါတီဝင် မော်ကြီး သည် မဲလက်မှတ်။ ဆရာမ၏ခဲ့ဘေးတွင် ဝင်ရောက်ထိုင်ကာ မဲလက်မှတ်များကို ပေးနေသည်ကိုလည်း တွေ့ရှိရသောကြော မွမနိုငြန်းကို ပြဆိုနေသည်မှာ ကျေနပ်မှုမရှိပါ။ပြည်ခိုင်ဖြိုးပါတီမှ မဲရုံကိုယ်စားလှယ်များကို မဲရုံအတွ ်း ပေးပြီး ကျွန်ပါတီများဖြစ်သော ဒီခိုကရက်တစ်ပါတီ(မြန်မာ)နှင့်တိုင်းရင်းသားစည်းလုံးညီညွှတ်ရေးပါတီ မှူးများကို မဲရုံ၏အပြင်တွင်သာ နေရာပေးထားပါသည်။ထို့ကြောင့် ကျေနပ်မှုမရှိပါ။ လယ်တီတုပ်စု လယ်တီမဲရုံတွင် ဦးကြိုင် ဆိုသူသည် တစ်ဦးတည်းနှင့် မိသားစုမဲများကို ထည့်သွားပါသည်။၎င်းကိစ္စကိုလည်း အရေးယူဆောင်ရွက်ခြင်းမရှိသည့်အတွက် ကျေနပ်မှုမရှိပါ ၈။ ရွာမမြောက်ရစ်ကွက် ခဲရုံအမှတ်(၁) ကြို့ပင်သာ(၆)လမ်း ကြို့ပင်ကောက်ခြို့ခဲရုံတွင် ကျောင်း ဦးဝင်းကြည် က ခဲရုံကိုယ်စားလှယ်များနှင့်မတိုင်ပင်ဘဲ ခဲလက်မှတ်(၅)တေင်ကို တစ်ဦးတည်းဆန္ဒြ ထည့်နေသည်မှာ ကျွေနှစ်စရာမရှိပါ။မဲရုံဖွင့်လှစ်ချိန်မှာ နံနက်(Goog)တွင် မဲပုံးထဲမှာ မဲအစောင်ရေ(၅ ကို တွေ့ရပါသည်။၎င်းကိစ္စကို ဒီမိုကရက်တစ်ပါတီမှ တိုင်းဒေသကြီးလွှတ်တော်ကိုယ်စားလှယ် ဦးမြ ား သွားရောက်တွေ့သောတခါ မဲမသမာမှုများဖြစ်နေသည်ကို တွေ့ရှိရပါသောကြောင့် မဂေ တွေ့ရပါသည်။ ကျွဲသေတုပ်စုခဲရုံတွင် မဲရုံမျှး ကျောင်းဆရာ ဦးတင်မောင်ဝင်း သည် ခဲမုံးများကို ဧက ောင်မောင်စင်းကိုမ်ကွင် လည်း ကိုယ်တိုင်ပါဝင်သောကြောင့် ဒီမိုကရက်တစ်ပါဘီ(မြန်မာ)မှ ဒေါ် မို့ ေ့ ေကျွန်ုိင္ငံျပါတီမှ ေ စိမ္အများမရှိပါသောကြောင့် နေပြည်တော်ရှိ ပြည်ထောင်စုရွေးကောက်ပွဲကော်မရှင် ထံသို့ ၎င်းလိ နှင့်မတ်သက်၍ ဖြေရှင်းပေးပါရန် လျှောက်ထားအပ်ပါသည်။ 32 = 4 = 13 ट डी भी भी हर्मिं (25235 38 Me (Centedis) 3.48 mores 413 ပြည်ထောင်စုရွေးကောက်ပွဲကော်မရှင် ၊ နေပြည်တော်တိုင်းခေသကြီး ခရိုင်ရွေးကောက်ပွဲကော်မရှင်အဖွဲ့နွဲ ၊ သာယာဝတီခရိုင် ၊ ပဲခူးတိုင်းစေသကြီး မြို့နယ်ရွှေးကောက်ဖွဲ့ကော်မရှင်၊ ကြို့ပင်ကောက်မြို့ ပဲခူးတိုင်းခေသကြီး

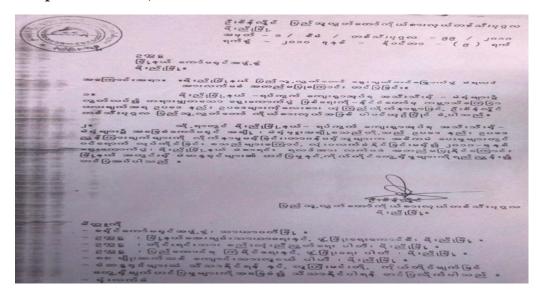
၅။ ဇင်ဖြန်းကုန်းအုပ်စု မဲရုံအမှတ်-၁ တွင် ပြည်ခိုင်ဖြိုးပါတီမှ အပွဲ့ဝင် ဦးမောင်လွင် သည် မဲရုံဥက္ကဋ ဦးဖြူ၏သားလည်းဖြစ်ပြီး မဲရုံထဲတွင် ဝင်ရောက်ထိုင်နေပါသည်။၎င်းမဲရုံတွင် တစ်ဦးတည်းနှင့်တစ်မိသားစုလုံးမဲ များကို ဝင်ရောက်ထည့်ခဲ့ပါသည်။၎င်းကိစ္စနှင့်ပတ်သက်၍ မဲရုံမျူးကိုမေးသောအခါ မဲရုံမျူးက လုပ်လို့ရသည်။

Pegu Division: voter intimidation and coercion (based on complaint letters)



U Thura Aung, a Democratic Party (Myanmar) candidate, sent a complaint letter to the UEC in Nay Pyi Daw. He was not satisfied with the unfair and illegal election proceedings.

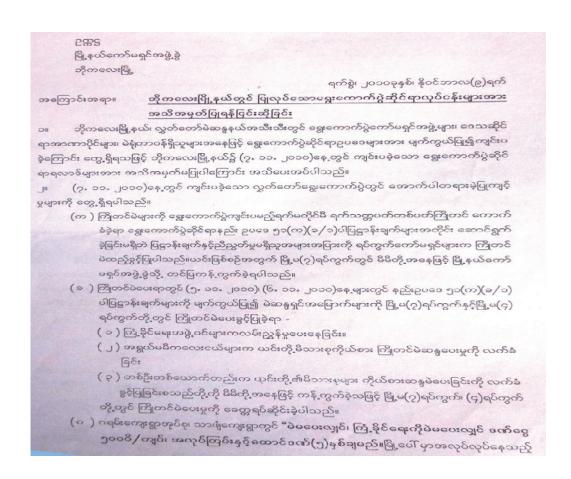
Pegu Division: voter intimidation and coercion (based on complaint letters)

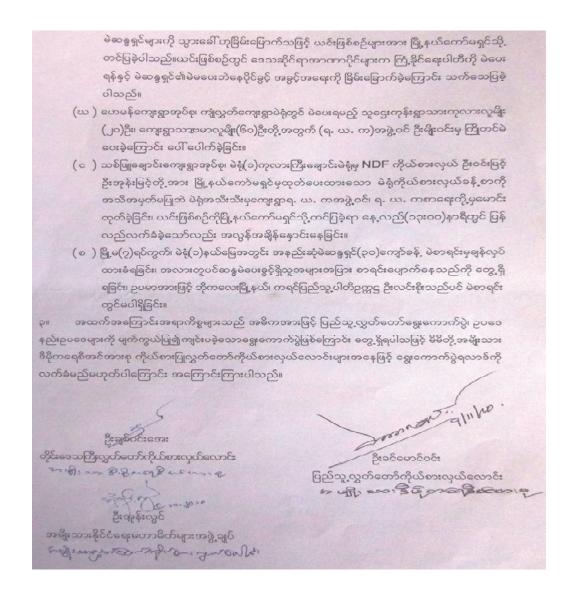


U Sein Hlaing, an independent candidate, sent a complaint letter about the election results to the Township Election Commission Chairman in Monyo Township. He was not satisfied with the election results due to unfair election laws and procedures.

Pegu Division: voter intimidation and coercion (based on complaint letters)

U Khin Maung Win (a candidate for the People's Parliament), U Chit Win Aye (a candidate for the Divisional Parliament), U Ohn Lwin (a candidate for the National Parliament) from NDF party sent a complaint letter to the chairman of the Bogale Township Election Commission. They were dissatisfied with the election processes in Bogale Township. (see attached file)





Pegu Division: voter intimidation and coercion

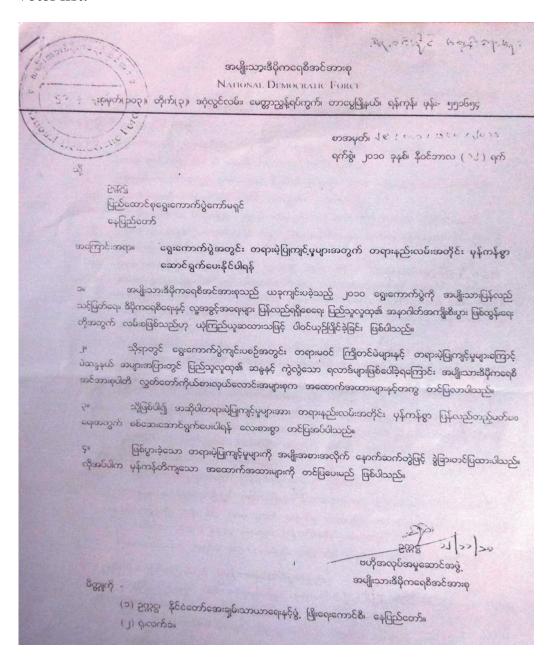
The Chairman of the NDF party sent a complaint letter to the Chairman of the UEC in Nay Pyi Daw on 12 November 2010. The title of the complaint letter was "To solve the problem against illegal actions during the election period". (details can be read in the attached file)

According to the above evidences, it is difficult to accept that the election was free and fair.

8. Irregularities

Many irregularities were found when we evaluated all levels of the election process, according to the following evidence.

Ko Aung Naing Win, who lives in Ward no.44 in North Dagon Township, Rangoon Division, said his name appeared twice on the eligible voter list.



At the polling station at Kyar Ni middle school in Thegon Township, Ma Nay Chi Thwin voted twice. U Khin Maung Win, a retired Lt. Col and a NUP candidate for the Divisional Parliament, saw Ma Nay Chi Thwin take two paper ballots.

At the polling station in Koethaung primary school in Ywarbel area, Prome Township, Ko Khin Zaw (5635) and Chit San Maung (4022) waited to be eyewitnesses during the vote counting but the polling station officer did not permit them to see the counting. Authorities allowed their followers to see the vote counting but did not permit others to see it. U Pauk Sa, who lives in the Kyun Daw ward, said votes for the People's Parliament were finished being counted at 9pm and votes in the remaining boxes were finished being counted at 3:30am.

Until now, U Khin Maung Win, a retired Lt. Col and a candidate of the NUP in Thegon Township, has not signed on the form (19) of agreement the result.

At the polling station no.1 in high school no. 4 in Ywarbel area in Prome Township, Daw Moe Lay, a USDP party campaigner, sat beside U Min Than, the polling station officer, and ordered him what to do. While votes were being counting, electricity was cut off during 7 minutes, from 11:15pm to 11:22pm.

According to the above evidence, vote counting was not made in front of the public in accordance with election laws. This was a violation of Election Law, Article 48 (b).

Voting twice is a violation of Election Law, Article 59 (g). Some voters' names appeared on the voter list twice, with is a violation of Election Law, Article 19 (b). Paper ballots being issued twice to the same voter is a violation of Election Law, Article 44.

9. Conclusion

According to evidence in this report, the State Law and Order Restoration Council, which took power 18 September 1988, and the State Peace and Development Council, which changed its name to SPDC 15 November 1997, committed various types of human rights violations during the period they ruled Burma, including the forced recruitment of child soldiers, extra-judicial killings, forced labor, arrests, threats, beatings and sentencing unjustly long prison terms. Furthermore, authorities violated civil rights during Election Day on 7 November 2010.

We have observed and recorded systematic irregularities and cases of fraud, including the forced collection of early votes, bribery, vote buying, threats, intimidation, and biased polling station officials during the pre and post-election periods and on Election Day.

The UEC announced the election results from 8 to 17 November through state-owned media. According to our information, over 100% of people voted in some constituencies. After the UEC announced the USDP's victory in the Inn-janyan constituency no.2 and Suamprabum constituency no.2 in Kachin State, when in actuality, these constituencies did not hold an election, the UEC re-announced a "correction about the result". Thus it became clear that the UEC had made many mistakes.

At the United Nations on 18 November, a submission was made to denounce Burma's 7 November 2010 election. The results were that 96 countries agreed to denounce the elections and to disregard its results, 28 countries were against the denunciation and 60 countries did not vote. Therefore, the international community's condemnation was a result of the authorities' actions and their disregard for their people's desires. The report pointed out that the authorities had gone against their civilians' wishes on many occasions, including with the 2008 constitutional referendum and the 2010 elections.

There is not specific legislation regarding basic human rights in the

2008 Constitution. But Chapter 8, Citizen, Fundamental Rights and Duties of the Citizens, uses vague phrasing about fundamental rights, which intentionally limits citizen's ability to practice their democratic rights in Burma. For instance, Article (354) describes that every citizen shall have liberty in the exercising of their rights, if it is not contrary to the laws enacted for the Union's security, the prevalence of law and order, community peace and tranquility or public order and morality:

- (a) to express and publish freely their convictions and opinions;
- (b) to assemble peacefully without arms and to hold procession;
- (c) to form associations and organizations.

Burma's citizens cannot practice the UDHR Article 18, which states that everyone has the right to freedom of thought, conscience and religion, Article 19, which states that everyone has the right to freedom of opinion and expression, or Article 20, which states that everyone has the right to freedom of peaceful assembly and association, because the military junta imposed the laws to limit these rights in Burma. Therefore, the 2008 Constitution poses limitations to the promotion of human rights in Burma.

Political activists and human rights activists, including members of the Human Resources Development Program (HRDP), have been pressed and detained in Burma. HRDP members systematically record cases of human rights violations, child soldiers, and violations of the 2010 electoral process. According to these findings, it can be seen that Burmese citizens have lost their basic human rights.

We write this report from human rights approach. This report demonstrates that there are many cases of human rights violation in Burma. We, the HRDP, will work together with human rights observers, activists, promoters, defenders, and organizations from inside and outside the country. We will try our best to promote and defend human rights in Burma.



Human Rights Defenders and Promoters Network (HRDP)

Yangon, Myanmar