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# BURMA

HUMAN RIGHTS YEARBOOK 2008



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**CHAPTER 6**  
**Trafficking and Smuggling**



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## 6.1 Introduction

The increase in the rates of trafficking and smuggling from Burma in 2008 is testament to the seriousness of the economic crisis that threatens to destabilize the country. More importantly perhaps, it is also indicative of a country in which corruption is widespread and lawlessness is pervasive. Lawlessness is especially apparent in ethnic rural areas suffering from conflict and in remote mountainous areas.<sup>1</sup> Transnational crime is estimated to be a multi-billion dollar industry; however, Burma's "extra-legal economy, both black market and illicit border trade, is reportedly so large that an accurate assessment of the size and structure of the country's economy is unavailable."<sup>2</sup> Live animals, commodities, drugs, arms, and people, particularly women and children, were all trafficked or smuggled within and from Burma in 2008.<sup>3</sup> Known trafficking and smuggling destinations included: Thailand, China, Bangladesh, Malaysia, Macau, South Korea, Pakistan, India, Laos, Vietnam, Cambodia, Indonesia, Brunei Darussalam, and Japan.<sup>4</sup>

In 2008, there were reported cases of trafficking of wildlife, including: tigers and other large cats, elephants, snakes and cattle.<sup>5</sup> These animals were frequently destined for Bangladesh, Thailand and China.<sup>6</sup> Cattle trafficking remained prevalent, causing a significant decline in the amount of cattle in Arakan State, which was detrimental to the agricultural sector.<sup>7</sup>

A large number of commodities were also smuggled to and from Burma in 2008, due in part to the exorbitant price increases on essential items during the year.<sup>8</sup> The most common items smuggled were fertilizer, motorcycles, timber, diesel, and alcohol. The fertilizer, diesel, and alcohol came primarily from Bangladesh. Motorcycles were smuggled from China, while timber was smuggled to China.<sup>9</sup> The large influx of motorcycles into Burma was due in part to the fact that the Burmese military regime decided to allow Burmese people to purchase licenses for unregistered motorcycles between 2 July and 31 October 2008.<sup>10</sup> Kachin, Arakan, and Karenni States reported the most incidents of smuggling of commodities.<sup>11</sup>

Burma was the world's largest supplier of opium for nearly two decades, until the late nineties. However, opium cultivation in Burma has been steadily decreasing since that time, and Afghanistan has become the current leading supplier of opium in the world.<sup>12</sup> Nevertheless, in 2007 Burma reversed the recent trend in the decrease of opium cultivation. According to the 2008 *World Drug Report*, published by the United Nations Office on Drug Control (UNODC), there have recently been significant increases in opium cultivation in eastern and southern Shan State.<sup>13</sup> Burma is not only the second largest supplier of opium for the global drug trade, but it is now believed to be the largest amphetamine producer in Asia, and possibly the world.<sup>14</sup> Amphetamine seizures in Burma in 2006 constituted six percent of the global total.<sup>15</sup> According to the UNODC 2008 *World Drug Report*, two of the most popular routes for drug trafficking in Asia are from Burma to China (primarily to Yunnan Province) and from Burma to Thailand. There were also frequent reports of *yaba* (a methamphetamine type stimulant) smuggling on the Bangladesh – Burma border.<sup>16</sup> There was a noticeable increase in drug trafficking arrests on the Thai-Burma border throughout 2008.<sup>17</sup> Furthermore, the UNODC reported finding eight methamphetamine manufacturing labs in Burma in 2006, the highest number ever reported by the UNODC.<sup>18</sup> The Burmese authorities confiscated opium, heroin, marijuana, *yaba*, and other stimulants in 2008.<sup>19</sup>

A wide array of arms was also trafficked regularly to and from Burma. The majority of arms smuggled into the country in 2008 reportedly came from China, India and Thailand.<sup>20</sup> Although, it was increasingly common for Burmese arm smugglers to traffic weapons to India for use by Indian rebels fighting their government.<sup>21</sup> Arms trafficking across Burma's borders continued to threaten regional stability.<sup>22</sup>

The grossly dehumanizing illegal trade of humans continues to impact a large number of Burmese people every year. Although reliable data on the extent of human trafficking worldwide is incredibly hard to obtain, “According to the US Department of State approximately 600,000 – 800,000 human beings are trafficked across international borders each year, approximately 80 percent are women and girls and up to 50 percent are minors.”<sup>23</sup> Burma has repeatedly been labeled a Tier 3 country by the annual U.S. Department of State *Trafficking in Persons* (TIP) report, which is the worst ranking a country may receive.<sup>24</sup> Numerous reports maintain that human trafficking in Burma is increasing.<sup>25</sup> Burmese people are primarily trafficked into the commercial sex industry, for domestic servitude, or for use as forced labour.<sup>26</sup> A persistent problem in 2008 was the trafficking of young women and girls for sex work.<sup>27</sup> Rohingya Muslims were also trafficked or smuggled by the hundreds on boats to Malaysia.<sup>28</sup> The substandard and inhumane conditions often present in the illegal trade of humans can result in death. More than 50 illegal Burmese migrants were killed in 2008 for instance, after they suffocated to death on a truck taking them from Kawthaung Town in Tenasserim Division, to the resort town Phuket, in Thailand.<sup>29</sup>

Burmese children continued to be regularly trafficked to Thailand in 2008.<sup>30</sup> The Kachin Women’s Association of Thailand (KWAT) also documented an increase in child trafficking to China.<sup>31</sup> Children were trafficked to second countries for any number of jobs including: work as beggars, for sex work and as forced labour in a multitude of industries. They may also be transported to different location within Burma to be used as child soldiers.<sup>32</sup> Trafficking children for the purposes of using them in the military is a blatant violation of the Convention on the Rights of the Child (CRC), which Burma is party to.<sup>33</sup> Regardless of obligations stemming from international law, multiple sources reported that children were increasingly being trafficked to join the SPDC army.<sup>34</sup>

Reports from 2008 indicated that trafficking of women from Burma was increasing. Women were most commonly trafficked to China or Thailand in 2008.<sup>35</sup> According to the KWAT *Eastward Bound* report, out of the 163 Kachin trafficking victims documented, 94 percent were trafficked to China.<sup>36</sup> The overwhelming majority of these women were sold as brides to Chinese men.<sup>37</sup> Moreover, the sex industry is said to be booming along the Thai-Burma border and trafficking increased to brothels in Three Pagodas Pass.<sup>38</sup> Unemployment was reportedly one of the main reasons trafficking of women was increasing.<sup>39</sup>

The devastation wrought by Cyclone Nargis in May 2008 left many people, particularly children, in desperate positions. There was reportedly a vast increase in the number of prostitutes in Rangoon after Cyclone Nargis.<sup>40</sup> The death toll resulting from the cyclone produced many orphans who were also increasingly susceptible to being trafficked in crisis situations such as this. The Burmese military regime forbade the adoption of orphans from the cyclone, in efforts to reduce trafficking.<sup>41</sup> Nevertheless, reports of attempted trafficking of cyclone victims persisted throughout the year.<sup>42</sup>

Since the passage of the new *Anti-Trafficking Law* in September 2005, there have been several reports of mistaken arrests, particularly of trafficking victims.<sup>43</sup> In 2008, the SPDC claimed they had rescued 471 victims of human trafficking since 2005.<sup>44</sup> However, the US Department of State (US DoS) TIP report, and the Convention on Elimination of Discrimination Against Women (CEDAW): *Shadow Report*, published by the Women’s League of Burma (WLB) in 2008, have both derided Burma’s progress in addressing trafficking.<sup>45</sup> The State Peace and Development Council (SPDC) stands accused of instituting token anti-trafficking programs that have actually increased human rights violations perpetrated against women by driving them into the clutches of unscrupulous traffickers and brokers while at the same time increasing the numbers of women arrested on false charges of trafficking.<sup>46</sup> Moreover, they have also been accused of forcibly recruiting an increasing number of child soldiers into the military.<sup>47</sup>

Burma is the second most corrupt country in the world, according to Transparency International's *2008 Corruptions Perception Index (CPI)*.<sup>48</sup> Corruption in Burma appears to be one of the main barriers to the reduction of trafficking. Organised criminal networks frequently operate with impunity because SPDC officials, including police, military, and political officials are also involved in trafficking to various degrees.<sup>49</sup> Corruption is deeply embedded in every level of the Burmese military regime.<sup>50</sup> Trafficking will inevitably thrive as long as the Burmese military regime continues to "[foster] a culture of corruption and disrespect for the rule of law and human rights."<sup>51</sup>

Trafficking and smuggling will be used interchangeably in this chapter to describe the illegal trade of live animals, commodities, drugs and arms. However, with humans, trafficking will be used in accordance with the United Nations (UN) definition (for more information, see Section 6.6 Human Trafficking) and smuggling will be defined as: "*the illegal movement of persons across international borders in order to obtain a financial benefit under the UN Smuggling Protocol.*"<sup>52</sup> It is often ambiguous as to whether an individual is a victim of trafficking or smuggling. The difference between the two ultimately depends on consent. While smuggling often implies consent and trafficking connotes force, it is a mistake to presume this is always the case. A smuggling case may very easily turn into a trafficking case if the individual is misled about their final destination. Thus, while the two terms will be used separately to describe different incidents, it should be noted that in some cases the delineation between trafficking and smuggling is not always clear.



A market on the China-Burma border selling exotic animal parts. Clearly visible in the photograph are the carcasses of a number of endangered pangolins and the horns of numerous and varied deer and buffalo. [Photo: © KNG]



## 6.2 Trafficking of Animals

The trafficking of live animals and animal body parts is a flourishing trade in Burma. Trafficking wildlife is a violation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which Burma voluntarily acceded to in 1997.<sup>53</sup> Nevertheless, there were numerous reported incidents of wildlife smuggling in 2008. Animals smuggled in 2008 included: several species of tigers and other large wildcats, elephants, snakes and cattle. These animals are usually transported via a number of smuggling routes to multiple locations along the border. Tigers and other large cats continue to be frequently smuggled from Kachin State, Burma to China through the border town of Laiza.<sup>54</sup> According to the World Wildlife Fund (WWF), surveys taken over the last 18 years found considerable evidence of tiger skin, claws and bones in border markets indicating that at least 1,158 tigers and other large wild cats have been smuggled from Burma for trade.<sup>55</sup> The WWF also reported that at least three of the four markets they monitored for their surveys were on the border with Thailand and China.<sup>56</sup> Tiger penis and bones are believed by some Chinese to enhance sexual potency and health and are used in Chinese traditional medicines.<sup>57</sup>

In the last decade, over 250 live elephants have also been trafficked out of Burma, marking it as one of the “*centre[s] of illegal trade in elephants and ivory.*”<sup>58</sup> The predominant trafficking route for live elephants and ivory is through southern Karenni State across Three Pagodas Pass into Sangkhlaburi, Thailand.<sup>59</sup> Elephant traffickers are reportedly able to cross into Thailand via roadways by bribing border officials, according to a report done by TRAFFIC, a wildlife trade watchdog organization.<sup>60</sup> Elephants are largely smuggled to Thailand for use in Thailand’s tourist trekking industry.<sup>61</sup>

While sources indicate only one major incident of snake trafficking in 2008, the consumer demand for snakes in China remains high, making it likely that other incidents went unnoticed. In December 2008, thousands of snakes were smuggled from Mandalay Division and Kachin State along the Myitkyina-Laiza road in Kachin State. The destination of the snakes was China, where snakes are considered to be a delicacy food item by many people.<sup>62</sup>

There were numerous reports of cattle trafficking in 2008. Cattle trafficking was especially prevalent in Arakan State and caused a significant decline in the number of cattle in northern Arakan State.<sup>63</sup> More often than not the cattle were trafficked to Bangladesh; however additional sources reported that around an average of 100 cows per day were also being smuggled into China.<sup>64</sup> Cattle headed for Bangladesh were frequently transported to a variety of villages along the border and then taken by boats via water routes in the Bay of Bengal and the Naf River.<sup>65</sup> Cattle are regularly smuggled to Bangladesh from Burma because they can be sold for a much higher price, especially during the Muslim Eid-ul-Azha festival.<sup>66</sup>

A report produced by TRAFFIC alleges that corruption in the form of bribes passed to state officials, is a major contributing factor to pervasive smuggling in Burma.<sup>67</sup> One of the most marked impacts of this illegal trade is the sharp decline in the wildlife population. Both elephants and tiger populations are declining rapidly in Burma and face the risk of eventual extinction.<sup>68</sup> Susan Leiberman, director of WWF contends, “*most of these species of [wildcats and tigers] have very low population numbers and will not be able to withstand the amount of poaching that is feeding this trade.*”<sup>69</sup> Vincent Nijman, the co-author of a report by TRAFFIC on elephant smuggling, concluded that the illegal trade of elephants “*...poses a significant threat to the survival of Asian elephants in Burma.*”<sup>70</sup> In addition to the reduction of wildlife populations which poses a threat to the survival of several of Burma’s rarer species, trafficking cattle from Burma to Bangladesh leaves less cattle to cultivate land in northern Arakan State, forcing local farmers to sell their remaining cattle for survival, thereby directly impacting livelihoods.<sup>71</sup>



## Trafficking of Animals – Partial list of incidents for 2008

### Bangladesh-Burma Border

On 17 October 2008, two cows and 14 buffalos were trafficked by Shew Maung from Buthidaung Township in Arakan State through Laongdonn village and Theraygondan village, and then escorted across the Naf River in a boat to Shapuri Dip, Bangladesh. Along the way, Shew Maung paid 24-year old Zubir, the son of Monir Ahmed, the Chairman of the Village Peace and Development Council (VPDC) 3,000 kyat per cow/buffalo to travel through the village and then paid 50-year-old Mohamed Yasin 5,000 kyat per cow/buffalo to cross the Naf River. In addition, Maung was also obliged to pay the Bangladesh Rifles (BDR) once he arrived in Bangladesh.<sup>72</sup>

On 1 December 2008 at around noon, NaSaKa forces confiscated 72 cattle, after they were transported via boat through the Bay of Bengal headed to Bangladesh. After NaSaKa forces ordered the boat to stop, they fired shots at the boat injuring one cow and killing another. The 19 persons on board the boat jumped into the water and tried to escape, but 12 Rohingya from Sittwe, Arakan State were captured, while the remaining 7 Arakanese were able to get away. The cow were believed to have been purchased for anywhere between 600 and 7,000 kyat per cow in Arakan State. The next day, the 12 Rohingya were released, but the cattle remained with NaSaKa.<sup>73</sup>

On 3 December 2008, eight cattle traffickers were escorting 50 cattle via boat to Bangladesh from Arakan State when they were intercepted by NaSaKa forces that fired at the boat as it entered their territory between Mae Kyi Chung and St. Martin Island in Bangladesh. The smugglers were arrested and the cattle were confiscated. One smuggler was critically wounded by the gunfire and was hospitalised at Maungdaw District hospital.<sup>74</sup>

On 5 December 2008, 10 cattle traffickers from Man Aung Township, Arakan State, were on their way to Bangladesh with 65 cattle, but were arrested by NaSaKa forces before they arrived.<sup>75</sup>

### Sino-Burma Border

On 6 December 2008, over 2,000 snakes were confiscated in the capital of Kachin State, Myitkyina, at Kawng Ra block in Shatapru quarter. The snakes were being transported to China in 200 crates in the back of a six-wheel Hino truck. Once the truck was seized, the police burned the snakes alive after unsuccessfully trying to beat them to death individually. The driver of the Hino truck managed to escape.<sup>76</sup>

### Indo-Burma Border

On 9 December 2008, 21 cattle traffickers were arrested by Kathar Township police for smuggling 92 cows earlier in the month in Sagaing Division, Burma. The smugglers from Kanbalu Township were charged with illegal trade and were said to be working for professional cattle trafficking gangs.<sup>77</sup>

## 6.3 Smuggling of Commodities

The current global economic crisis combined with Burma's domestic economic crisis exacerbated the smuggling of commodities across Burma's borders in 2008.<sup>78</sup> The poor state of the domestic economy makes it more expensive for goods to be imported legally into the country. Burma's export goods, conversely, are relatively cheap, and the combination of these factors continues to play a role in the growth of a burgeoning black market along Burma's borders. The import and export of goods along Burma's fringes was made possible by the high levels of corruption among authorities as well as Burma's extremely porous borders. SPDC collusion in smuggling has taken the form of a subtle game in which officials accept bribes to turn a blind eye to a shipment or truckload of timber leaving the country in return for a hefty bribe. At other times however, the authorities make a show of clamping down in order to obtain their bribes, or conversely impounding goods. It is highly suspicious that of all the reported arrests of smugglers throughout 2008, as well as the reported impounding of goods seized, there has been little to no mention of the fate of the goods involved, and it is more than likely that these have been sold on through SPDC authorities' networks for personal gain.

This fluctuating system of bribery, collusion and the occasional clampdown has served to perpetuate a system that allows smugglers to continue operating, allows soldiers in outlying posts to supplement incomes and allows the SPDC to maintain the image of keeping order. A corollary of the system of corruption in law enforcement has been that the regime authorities are involved in so many cases of smuggling, and indeed the practice is so widespread in general, that authorities are routinely able to falsely accuse whomsoever they choose as a further way of extorting cash from the general population. On 28 July 2008 for example, a Rohingya teashop owner, identified only as 'Mohamed', from Maungdaw Township, Arakan State was said to be falsely accused of illegal cattle trading. The report claimed that it was widely known that the man habitually stayed in his teashop working and had had absolutely nothing to do with cattle smuggling. Nevertheless, the Maungdaw police arrested him and ordered his family to pay 300,000 kyat for his release.<sup>79</sup> Given the lack of reliability and transparency within the Burmese justice system, there are few avenues through which those who suffer extortion are able to seek any redress.

There were a wide variety of commodities smuggled in 2008 including: timber (teak), fertilizer, diesel, alcohol, shrimp, hair, plastic, dried fish, saccharin, birth control pills, soybean oil, motorcycles, rice, a rare species of shark, and a number of other goods. Although not widely reported on in 2008, the illegal smuggling of gems is thought to constitute a massive trade which allegedly involves members of the Burmese military regime.<sup>80</sup>

Figures from the early to middle part of 2008 give some idea of the proportions of the black market trade along Burma's borders. It is possible to assume from the amount of arrests and interceptions of trafficked goods and the subsequent lack of prosecutions for these offences, that the SPDC authorities have been heavily complicit in the perpetuation of the illegal trade in a variety of commodities. In April and May 2008, BDR Battalion #42 seized a large quantity of goods being smuggled to and from Burma. In April, total confiscated goods smuggled to Burma from Bangladesh were valued at 5,210,008 taka and goods smuggled in the opposite direction were worth 4,334,695 taka. In May, the goods confiscated on their way to Burma were worth 3,706,185 taka and those seized while being smuggled to Bangladesh were valued at 807,208 taka. Approximately 170 cases of smuggling went unprosecuted in April and May 2008.<sup>81</sup> It should also be noted that a later report dated 21 July 2008 calculated different totals for the value of contraband seized in April/May. The report also included the value of the goods seized in June. Accordingly, the seized goods in April were valued at 9,500,000 taka, while 1,700,000 taka worth of goods were seized in May, and 5,600,000 taka worth of goods were seized in June.<sup>82</sup>

Military collusion in the trafficking of any number of commodities was a common theme to come out of many reports in 2008, and there were even suggestions that this has been a sanctioned form of soldiers supplementing low and inconsistently paid salaries.<sup>83</sup> This system of bribery has much in common with the manner in which the SPDC has instructed its cadres in the outlying rural conflict zones to 'live of the land'; an edict which has translated as a simple military code for extortion of the general populace.

The trafficking of commodities was prolific in 2008, especially between Burma and Bangladesh. In the months of April and May alone there were 170 cases brought against traffickers, 16 of whom evaded charges.<sup>84</sup> Fertilizer and alcohol continue to be popular goods smuggled in the illegal trade between Burma and Bangladesh. Illegal trade between Burma and Malaysia also took place, with seven Burmese smugglers thwarted from attempting to traffic diesel to Malaysia in March 2008.<sup>85</sup> In August, Bangladeshi Coast Guards confiscated 250 sacks of fertilizer before it reached Burma.<sup>86</sup> In May, the Bangladesh Coast Guards seized 620 bottles of foreign liquor valued at 1,700,000 taka.<sup>87</sup>

Motorcycles continue to be another commodity frequently smuggled into Burma. It was reported in October that since July 2008, 1,000 motorcycles have been smuggled into Burma from Thailand and China every day.<sup>88</sup>

The SPDC's neglect of the economy has affected all areas of Burmese life. The healthcare system is reportedly in disrepair and suffers from chronic under-funding. It is therefore unsurprising that there were even reports throughout 2008 of the smuggling of medical supplies into Burma. It is a sad indictment of the SPDC's lack of concern for the healthcare sector that the black market has to take on some of state's responsibilities, even if it is with a view to making a profit. On 4 July 2008, 200 birth control pills, Depo injections (a contraceptive) and 1,000 other pills from Baharsara in Whylong were seized in Teknaf, Bangladesh by BDR troops led by Sub-Inspector Muzenmal Hoque. The smuggler, Nurul Islam (80), was smuggling the pills from Chittagong, Bangladesh to Burma.<sup>89</sup>

## Timber and Other Natural Resources

Besides trade in manufactured goods, traffickers also did a brisk trade in natural resources. Timber for example was one of the most prevalent natural commodities trafficked to China in 2008.<sup>90</sup> Burma's forests contain 75 percent of the teak reserves in the world, and this precious resource continues to be targeted by smugglers seeking profits.<sup>91</sup> Burmese smugglers have reportedly transported timber to China for quite some time now. From 2001 to 2004, Global Witness reported that 98 percent of timber exports to China, constituting US \$200,000,000 profit, were illegally smuggled. The unregulated draining of these precious resources should be of concern to the authorities and the general population who are losing much needed revenue from state-owned resources, however, many reports continue to suggest that SPDC officials are intimately involved in the trade and selling off of Burma natural resources for personal gain.

On 13 May 2008, around 60 trucks smuggling timber entered Sangkhlaburi, Thailand at 5 am, after crossing through Three Pagodas Pass Township in Burma. Although the border gate at Three Pagodas Pass has been periodically closed since the Democratic Karen Buddhist Army (DKBA) kidnapped two Thai policemen in May 2005, the trucks were allowed to enter after a number of bribes were paid. The truck drivers paid Daw Saw Khin (a woman affiliated with the Lieutenant-Colonel Hla Min from the border checkpoint in Three Pagodas Pass) the day before they entered Thailand. Customarily, owners of ten-wheeled trucks pay 50,000 baht, while those with six-wheel trucks pay 30,000 baht. The total taxes collected for Hla Min were around 1,200,000 baht. The smuggled timber, thought to weigh well in excess of 100 tonnes, was headed for Bangkok.<sup>92</sup>

On 1 February 2008, 40 trucks smuggling Teak and Tarmalan (another Burmese hardwood) to China through Bhamo District in Kachin State were seized by multiple government agencies including SPDC Light Infantry Battalion (LIB) #236 and SPDC LIB #142, forestry, immigration, police departments and the leaders of township and village peace and development councils in Namlim Pa, Mungding Pa and Jesawn logging areas. Sources claimed that it was common for those smuggling timber to China to pass through two checkpoints at Kai Htik and Man Win Gyi near the Sino-Burma border, whereupon bribes would be paid to authorities. It was suggested that this was one of the methods by which troops could supplement low incomes. The troops were said to be rotated in and out of their deployment every three to four months, presumably so that the benefits of bribery could be shared around. The report made note of the fact that the military had impounded the timber but did not make clear what plans had been made for it.<sup>93</sup>



Chinese-registered trucks carrying heavy loads of valuable teak and Tarmalan from Bhamo District, Kachin State across the Sino-Burma border. [Photo: © KNG]

The teak trade was not confined solely to the north of the country, however, as teak also fetches much higher profits when it is smuggled to Bangladesh from Burma.<sup>94</sup> On 3 March 2008, Mohammed Hassan (25), as well as seven others from Maungdaw Township, Arakan State, attempted to smuggle teak in a rowboat across the Naf River to Bangladesh. However, the Maungdaw Township police were notified and went to the mouth of the Amtolipara River, where the boat was docked. Upon arriving, they fired six shots in the air and all of the smugglers escaped except for Mohammed Hassan. The police confiscated the teak and the boat. It was later reported that Mohammed Hassan was arrested and beaten severely by the police and secretly photographed. At the time of reporting, the victim had not been seen since the arrest and his family believed that the police had murdered him.<sup>95</sup>

Smugglers travelling from Burma to Bangladesh frequently travel through northern Arakan State along the waterways such as the Naf River or the Bay of Bengal via boat, to a variety of transit points on the Burma-Bangladesh border.<sup>96</sup> A common transit point is Teknaf, Bangladesh. This route is used by smugglers of a wide range of commodities. In May, June, and July, the Bangladesh Rifles (BDR) confiscated 16,800,000 taka worth of smuggled goods in the region.<sup>97</sup> Goods trafficked to Thailand or China are often transported in trucks overland, passing through porous borders. The Three Pagodas Pass connecting southern Karenni State to Sangkhlaburi, Thailand is a common entry point for timber being smuggled to Thailand.<sup>98</sup> To the north, trucks transporting smuggled timber into China often drive through the Nong Dao gate in Kachin State to Ruili, China, a trading town on the Burma-China border.<sup>99</sup>



Economics is clearly the main motivation that drives smuggling and trafficking to and from Burma.<sup>100</sup> According to a Bangladeshi official, the price of fertilizer is twice as much in Burma, so it is regularly smuggled in from Bangladesh.<sup>101</sup> Farmers in Arakan State are particularly dependent on the fertilizer supply from Bangladesh, which is needed to be able to cultivate enough rice for the year.<sup>102</sup> Furthermore, the quality of Bangladeshi fertilizer is far superior to the fertilizer from Burma, and in Arakan State it is cheaper to buy one sack of smuggled fertilizer for 30,000 kyat than one sack of legal imported fertilizer for 40,000 kyat.<sup>103</sup> The impact of smuggling fertilizer from Bangladesh is that it largely depletes the supply of fertilizer for Bangladeshi farmers, thereby forcing them to import tons of fertilizer from other countries for their own use.<sup>104</sup> This creates a cycle of dependency on imports for both countries. Furthermore, *“the illegal nature of almost all trade between Burma and Bangladesh makes it highly profitable but also pretty dangerous.”*<sup>105</sup>

The amount of money to be made from fertilizer smuggling made it a commonly reported activity in 2008. On 24 January 2008, a fishing boat smuggling urea fertilizer from Bangladesh to Maungdaw Township was confiscated in the Naf River by BDR Battalion # 23 from Teknaf, Bangladesh. The smugglers abandoned the trawler and then disappeared into Burma after they saw BDR forces on the Burmese border.<sup>106</sup>

Around 27 August 2008, a boat smuggling 250 sacks of fertilizer from Bangladesh to Burma via the Naf River was seized by the Bangladeshi Coast Guards. The smugglers escaped from the coast guards. It is unclear what was done with the confiscated goods.<sup>107</sup>

Smugglers such as those described above who are involved in taking commodities across borders regularly risk robbery and death, as law enforcement is typically absent.

## Diesel Fuel

Diesel is also regularly smuggled from Bangladesh into Burma because in Burma it sells for 70 taka per litre, whereas in Bangladesh, diesel is only 45 taka per litre.<sup>108</sup> Smuggling is not only profitable; it is also critical for the livelihoods of some Burmese. Moreover, the need for affordable diesel is imperative for the Burmese peoples' daily existence, and was in large part the driving force behind the uprisings in August/September 2007. Public dissatisfaction at that time stemmed partly from the exorbitant price of fuel, which increased by 500 percent overnight and the price of diesel, which doubled in the same period.<sup>109</sup>

On 2 March 2008, it was reported that an organised syndicate was responsible for smuggling 36 litres of diesel, sold for a profit of 200 taka per litre, from Moulvi Bazaar and Wabrang, Bangladesh to Burma the Union of Nila, Teknaf. Upon return to Bangladesh, the traders smuggled a variety of goods including clothing, pickled vegetables, batteries, methamphetamines and other commodities from Burma.<sup>110</sup>

On 23 March 2008, the Officer-in-Charge of Teknaf police station in Bangladesh, led a raid on Burmese smugglers preparing to take 400 litres of diesel from Shapuri Dip, Bangladesh to Malaysia, via the Bay of Bengal. Seven smugglers were arrested, while the others managed to escape. The arrested included:

1. Rustam Ali, male, age 22;
2. Eliayas, male, age 25;
3. Abul Kalam, male, age 27;
4. Shaber Ahamed, male, age 37;
5. Mahamdul Hasan, male, age 25;
6. Dil Mohammed, male, age 24; and
7. Yasin, male, age 23.<sup>111</sup>

On 19 May 2008, the BDR arrested Shamsul Alam (32), a Bangladeshi smuggler at the Nila entry point in Cox's Bazaar District, Bangladesh for attempting to smuggle 130 litres of diesel fuel to Burma. The BDR, led by Company Commander Kholirul Rahaman from Nila, were unable to capture the four additional smugglers but filed a case against them at Teknaf police station.<sup>112</sup>

## Motorcycles

Apart from fuel, hundreds of motorcycles are also smuggled daily from China and Thailand, because the motorcycle industry is virtually non-existent in Burma and motorcycles are a popular mode of transportation. Moreover, the Burmese military junta decided to allow the issuance of licenses to unregistered motorcycles on the second day of July 2008, causing the sale of unregistered motorcycles smuggled to Burma to increase from 300 to 1,000 per day in Jie Gao, China. The military junta announced that they would stop issuing licenses to unregistered motorbikes on the 21 October, though this date was later extended until the end of October.<sup>113</sup> Depending on the brand, motorcycles cost anywhere from 500,000 kyat (US \$420) to 2,000,000 kyat (US \$1,700).<sup>114</sup>

In June 2008, more than 70 unlicensed motorcycles smuggled from China were seized in Mangshi, China. SPDC soldiers in Kutkai shot and killed one smuggler and injured two others. The exact date of the incident in Kutkai was not reported, but the source indicates that it occurred sometime in June 2008.<sup>115</sup>

On 29 October 2008, four Burmese youth from Tawnzang and Tidim Townships in Chin State, Burma were arrested in Seling village, outside of Aizwal, the capital of Mizoram State in India, for smuggling two stolen Pulsar bikes from Mizoram to the Indo-Burma border. Apparently, Indian-made Pulsar bikes are very popular in Kaleymo, Sagaing Division and Burmese people will pay a lot more for this brand. The Burmese youth arrested were identified as:

1. Thangkhankap, male, age 21;
2. Malsawmdawnga, male, age 20; and
3. Nghinchhuankap, male, age 31.<sup>116</sup>



These motorcycles were confiscated by police in Myitkyina of Kachin State in May 2008 after having been earlier smuggled from China. Hundreds of motorcycles are smuggled into Burma every day from neighbouring China and Thailand where they can fetch prices of up to two million kyat. [Photo: © KNG]

## 6.4 Drug Trafficking

The opium trade first started spilling over the border of Yunnan, China into Kokang, and then into the Wa hills of Burma, in the late 19<sup>th</sup> century.<sup>117</sup> It expanded rapidly in the early 20<sup>th</sup> century and by 1948, when Burma received its independence from Britain, the annual production of opium totalled some 30 tonnes.<sup>118</sup> By 1993, Burma had become the largest producer of heroin in the world.<sup>119</sup> Towards the end of the 90s though, the demand for amphetamines had replaced that of heroin. Amphetamine pills continue to be frequently produced by the United Wa State Army (UWSA) and various other groups and then trafficked over the border to Thailand.<sup>120</sup> Burma is no longer the number one producer of opium in the world, having been surpassed by Afghanistan.<sup>121</sup> Instead, Burma is now the leading distributor of *yaba* (which is a Thai word for 'speed' or 'methamphetamine') in Asia.<sup>122</sup> Some sources even claim Burma produces the largest amount of amphetamines in the world.<sup>123</sup> That said, it is worth mentioning that opium trafficking is still rife in Burma, and Burma continues to be the second largest producer of opium in the world.<sup>124</sup> According to the UN World Drug Report 2008, Burma not only remains a constant supplier of *yaba*, but also saw an increase in opium cultivation in 2008, which in previous years had subsided. (For more information, see Ch 5: Production and Trade of Illicit Drugs).<sup>125</sup>

In 2008, Burmese authorities seized opium, heroin, marijuana, *yaba* and a number of other stimulant tablets from drug traffickers.<sup>126</sup> While production of opium increased in Shan State, *yaba* continued to be widely trafficked along the Burma-Bangladesh border and there were a number of huge seizures of *yaba* tablets from traffickers in 2008.<sup>127</sup> In May, Burmese authorities confiscated 93,867 stimulant tablets after arresting 245 drug traffickers.<sup>128</sup> Then, in July, Burmese authorities arrested 385 drug traffickers and seized 138,550 stimulant tablets.<sup>129</sup> In early August, police seized a further 4,000 *yaba* tablets from two drug traffickers in Arakan State.<sup>130</sup> During the month of May the Burmese authorities confiscated 76.78 kg of opium and 1.19 kg of heroin.<sup>131</sup> In July, Burmese police, customs, and military, seized 105 kg (231 lb) of opium and 1.6 kg of heroin.<sup>132</sup>

The majority of drug traffickers arrested in 2008 originated from the Wa hills in the Wa Special Regions of Shan State and Arakan State. Since 2003, the UWSA has arguably been the single largest drug-producing organisation in South-East Asia.<sup>133</sup> It is well known that the UWSA is one of the biggest producers of methamphetamines in Burma and the group frequently smuggles drugs into Thailand.<sup>134</sup> Many drug traffickers also come from northern Arakan State.<sup>135</sup> Unemployment in Arakan State is certainly a contributing factor to drug trafficking, as well as the state's proximity to the adjoining border of Bangladesh.<sup>136</sup> It is reported that many people in Maungdaw Township (including SPDC officials) participate in the drug trade.<sup>137</sup> Although the incidents of drug trafficking reported in 2008 suggest the traffickers originated from Arakan State and the Wa hills, this should by no means imply that drug trafficking does not occur elsewhere along Burma's porous borders, or that these are necessarily the most common drug-producing regions in Burma. The reports are only indicative of the traffickers that were caught and arrested by the police; there are presumably many other groups and individuals who managed to avoid arrest by paying hefty bribes.

In 2008 drug trafficking was reported in Bangladesh, Thailand, China and India. The most frequent incidents of trafficking came out of Bangladesh and Thailand. There were a number of Burmese arrested along the Burma-Bangladesh border as they attempted to traffic *yaba* into Bangladesh. Nevertheless, *yaba* is prolific in Bangladesh and smuggling continues.<sup>138</sup> There were increasingly high numbers of Rohingya people from Arakan State arrested on the Burma-Bangladesh border in 2008 for smuggling. In August, two drug traffickers from Maungdaw Township, Arakan State were arrested for attempting to traffic 4,000 WY *yaba* tablets across the border to Bangladesh.<sup>139</sup> While police agencies, such as BDR and the Rapid Action Battalion (RAB), from Bangladesh, are trying to halt drug trafficking, it is evident that *yaba* tablets are flowing into the country regularly.<sup>140</sup>

Thailand has long been regarded as a major transit country for drugs trafficked out of Burma.<sup>141</sup> It has even been argued that Thais often tolerate the opium trade because they benefit economically from the practice.<sup>142</sup> Drug trafficking gangs in Burma are producing and shipping several hundred million-amphetamine pills per year to Thailand and China, according to the US.<sup>143</sup>

Throughout 2008 there was a sharp increase in drug trafficking arrests along the Thai-Burma border.<sup>144</sup> A police officer from Sanghklaburi, a small town located 15 km from the Burma border in Kanchanaburi Province, Thailand reported that at least one drug trafficker was arrested daily on the Thai-Burma border, or in Sanghklaburi town itself.<sup>145</sup> In May, a drug trafficker was arrested near Three Pagodas Pass on the way into Sanghklaburi. The trafficker was believed to be affiliated with a Karen cease-fire group active along the border.<sup>146</sup> The following month, two drug traffickers were killed in a gunfight with police after being tricked into selling crystal methamphetamines in northern Thailand, near Chiang Rai. These traffickers were suspected members of the Red Wa guerrilla group, which have a reputation for drug trafficking in northern Thailand.<sup>147</sup>

While there were not as many reports of smuggling drugs into China in 2008, the drug trade between Burma and China has a long history, stretching back decades.<sup>148</sup> While there may not have been a lot of arrests reported along the China-Burma border, according to the UNODC's World Drug Report 2008, production of opium increased by 46 percent in southern Shan State, indicating a large demand for the product.<sup>149</sup> Although China has recently become more outwardly vocal against drug trafficking from Burma, it remains to be seen what effect this will have on production levels of opium based drugs in Burma.<sup>150</sup>

As mentioned earlier, one of the most fundamental reasons for drug trafficking from Burma is poverty. Due to increasingly high unemployment rates and the sharp rise in the price of commodities, Burmese are regularly involved in the drug trade for sheer survival.<sup>151</sup> This is only likely to increase as the world economic crisis worsens. Another major reason the drug trade is prevalent in Burma is because of the exceedingly high profits that come with smuggling drugs as opposed to common subsistence agricultural pursuits. In the Wa hills, the most profitable business is opium. Opium poppy grows readily there, while rice does not grow at all, according to Jiao Wei, the colonel responsible for UWSA's publicity and head of the Wa television station.<sup>152</sup> Furthermore, some villages are completely dependent on opium cultivation as a viable income to sustain their livelihoods.<sup>153</sup> *Yaba* also rakes in high profits and takes "little effort" to produce.<sup>154</sup> In Three Pagodas Pass in Burma, a *yaba* pill is worth around 90 baht, whereas if traffickers take it over the border into Sanghklaburi, Thailand, a single *yaba* pill sells for almost double (at 150 baht). The further traffickers go into Thailand, the more valuable methamphetamine pills become.<sup>155</sup> In Bangladesh, one *yaba* tablet can be sold for 500 taka (US \$7) in Teknaf, whereas in Maungdaw, Arakan State, it is only worth 1,200 kyat (or US \$1). As with Thailand, the further it is trafficked into Bangladesh, the more valuable a *yaba* pill becomes costing 800 taka in Chittagong and 1500 taka in Dhaka.<sup>156</sup>

Perhaps a less openly acknowledged reason for drug trafficking was stated in the UNODC report last year. The UNODC attributed the rise in opium production to "...high-level collusion, corruption and porous borders."<sup>157</sup> Corruption amongst the Burmese authorities is not new. Close relationships between notorious drug traffickers and Burmese police officials have existed for decades.<sup>158</sup> The corruption is often manifested in the form of bribes. Burmese authorities in Three Pagodas Pass were said to frequently accept bribes from major drug traffickers.<sup>159</sup> These bribes (or 'taxes' as the authorities call them) extended beyond the traffickers to the heroin refineries and the opium farmers.<sup>160</sup> Sometimes authorities were even involved in the trade itself. One commentator contends that the Burmese military regime "[cannot] afford to eliminate the money generated from drug-trafficking..."<sup>161</sup> In addition to an unwillingness to enforce the law, the "...underdeveloped conditions, isolation, civil war and continual amendments to laws regarding opium have made it impossible to enforce the law [in Burma]."<sup>162</sup>



In the majority of cases of drug smuggling in the year 2008, the main methods of transport utilised were motorcycles, cars or trucks. Though, there were also many cases of drug trafficking across the Naf River in boats to Bangladesh.<sup>163</sup> A Thai officer from Sangkhlaburi, Thailand said there were frequent cases of youth trafficking drugs from Burma on motorbikes across the Thai-Burma border.<sup>164</sup> A trafficker from Bago Division was arrested in May for possession of 3200 amphetamine pills as he crossed a checkpoint near Three Pagodas Pass on his motorbike.<sup>165</sup> Several traffickers were arrested in Bangladesh in 2008 for smuggling *yaba* pills in a private car from Arakan State.<sup>166</sup> Although China has recently cracked down on trafficking, and the UWSA reduced their role in the opium trade, the UWSA have trafficked tons of opium in trucks from Panghsang to Yunnan for many years and continued to do so in 2008.<sup>167</sup>

The drug trade has far-reaching implications that can be analysed on a variety of levels. Firstly, there are the physical impacts resulting from drug trafficking and drug use. Drug use itself can be physically harmful and in some cases even fatal. Drug use can lead to debilitating addictions or the spread of life-threatening diseases such as HIV/AIDS, which is becoming a problem of increasing concern in Burma.

Furthermore, the physical act of drug trafficking is an occupation filled with risk. In *Burma in Revolt: Opium and Insurgency Since 1948*, Bertil Lintner writes, “...rivalry, betrayal, and assassinations have always been the very essence of opium politics...”<sup>168</sup> In February, Thai police killed a drug smuggler and confiscated 200,000 methamphetamine pills after a 10 minute gunfight with a gang of drug smugglers believed to be affiliated with the UWSA in Wiang Haeng District, Chiang Mai, Thailand.<sup>169</sup> Several months later in June, Thai police tricked two drug traffickers into selling them crystal methamphetamine, after which they were shot and killed by the Thai police in a gun battle initiated by the traffickers.<sup>170</sup> (For more information see Ch 5: Production and Trade of Illicit Drugs)

The cultural impact of drug abuse and addiction is pronounced. As drugs become more accessible and remain profitable, drugs become more popular with the youth market. Thai police recently reported a dramatic increase in the amount of youth using drugs along the Thai-Burma border, indicating a spill over from Burma’s drug production; a situation which poses a problem of international concern.<sup>171</sup> In addition to use, the average age of drug smugglers that were arrested in border areas in 2008 was between 14 and 35.<sup>172</sup>

Finally, perhaps one of the most complex impacts of the drug trade is the perpetuation of a system rooted in corruption. Even though Burma has signed several UN conventions in regards to illicit drugs, in particular, the 1988 Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances, without effective law enforcement, these conventions are meaningless.<sup>173</sup> In Burma, corruption is part of daily existence.<sup>174</sup> Many SPDC officials in Maungdaw Township for example are known to be involved in *yaba* trafficking.<sup>175</sup> As long as the drug trade continues to “*line the pockets*” of local officials however, it will flourish unhindered.<sup>176</sup> Corruption is endemic in Burma, and the drug trade “...comes dangerously close to the upper echelons of power” in society. Previous research has uncovered the direct involvement of SPDC generals in drug related activities. It is apparent in this case that for the problem of drug production and trade to be addressed fully within the country, there must first be a political solution to the current crisis.<sup>177</sup>

## Drug Trafficking– Partial list of incidents for 2008

### Bangladesh-Burma Border

On 15 January 2008, Bangladeshi authorities from RAB # 7, led by DAD Massod, arrested Alison (42), a refugee from Tal camp in the Dumdumea area of Teknaf for possession of 32 *yaba* pills. Many of the refugees from the camp did not believe that the drug possession charges against Alison were warranted; in fact it was believed that groups which opposed the arrested man's interest in becoming leader of the Tal refugee camp were behind a plan to have him arrested by having police plant drugs on the individual concerned.<sup>178</sup>

On 31 January 2008, three drug traffickers from Burma were given 20 years in prison each for trafficking *yaba* pills to Bangladesh from Maungdaw Township, Arakan State.<sup>179</sup>

On 5 February 2008, Issaque (28), a Burmese man from Maungdaw Township, Arakan State, was arrested by BDR Battalion #23 in south Zaliyapara village, in Teknaf, Bangladesh at 8pm for trafficking 205 *yaba* tablets from Burma. Issaque had apparently been smuggling *yaba* to Bangladesh and Phensedyl (a type of cough syrup) to Burma for two years.<sup>180</sup>

On 5 February 2008, Mohamad Alir, a Burmese man from Arakan State, was arrested in Zaliya village in Teknaf, Bangladesh on the Bangladesh-Burma border for possession of 205 *yaba* tablets.<sup>181</sup>

On 13 March 2008, SPDC Drug Enforcement Agency (DEA) officials from Buthidaung Township arrested Ma Than Tin at the Buthidaung jetty at 6:00 pm for trafficking 700 *yaba* pills, 100 grams of heroin, and medicine used in hospital operations inside a Buddha statue made of copper. The medicine alone was valued at 5,000,000 kyat. Two men identified as Sha Shu and Mohammed Rashid, who were working at the jetty were also arrested for assisting Ma Than Tin with her bags. Ma Than Tin's husband, Sergeant Zaw Lwin, who was the police officer responsible for monitoring Maungdaw Township's four-mile gate on the Maungdaw-Buthidaung road, was arrested as well. Those arrested included:

1. Ma Than Tin, female, Mon national, wife of Sergeant Zaw Lwin;
2. Sergeant Zaw Lwin, male;
3. Sha Shu, male, aged 45;
4. Mohammed Rashid, male, aged 40.<sup>182</sup>

On 2 August 2008, four Maungdaw District police, including Sergeant Maung Kye, arrested two drug smugglers from Bomu Para in Maungdaw Township, Arakan State for possession of 4,000 WY branded *yaba* pills. Since one of the smugglers, U Than Lwin, was regularly used by Maungdaw District police to traffic drugs to Bangladesh, the smugglers were able to pay a 1,000,000 kyat bribe to the police, and were then released. The smugglers were also given money by Sergeant Maung Kye (reportedly) for the pills. The police confiscated all of the pills.<sup>183</sup>

On 3 November 2008, five drug smugglers from Teknaf, Bangladesh were arrested by Teknaf police, led by Komurul Azam, at the Whykong checkpoint on their way to Cox's Bazaar, Bangladesh. The drug smugglers were carrying 900 *yaba* tablets in a private car from Teknaf Upazila, Bangladesh. The pills were originally trafficked from Arakan State. Those arrested were identified as:

1. Nobiu Alam;
2. Abdul Aziz;
3. Mohammed Rofique, aged 25;
4. Ibrahim, aged 24;
5. Yunus, aged 22.<sup>184</sup>

### Thai-Burma Border

On 5, February 2008, Thai authorities from the Naresuan Task Force seized 200,000 methamphetamine pills and an AK-47 assault rifle after a 10-minute gunfight with a drug trafficking gang on the Thai-Burma border in Wiang Haeng District, Chiang Mai, Thailand. One of the traffickers, an ethnic Wa man, was killed and the other four to five gang members escaped.<sup>185</sup>

On 5 February 2008, Chatree Chanton (46) from Mae Rim District and Ja-ea Jalorbu, a Lisu man from Chiang Dao District, were arrested by Thai police in an undercover operation for smuggling 38,000 speed pills to police posing as drug dealers on the Chiang Mai-Mae Taeng road in Chiang Mai, Thailand. One of the men, Ja-ea Jalorbu, admitted he was affiliated with a drug organisation from the southern Wa hills and also oversaw a drug storage unit in Nakawngmu village, Burma across from Chiang Dao District, Thailand.<sup>186</sup>

In May 2008, a police officer from Sangkhlaburi, Thailand reported that an average of one drug trafficker was arrested every day at border checkpoints on the Thai-Burma border or in Sangkhlaburi (located approximately 15km's from the Burmese border). The drug traffickers arrested were all male, aged 14 to 35, and from a variety of ethnic groups including Karen, Burmese, Mon and Thai.<sup>187</sup>

On 16 May 2008, Moe Win (38), a Karen ethnic minority trader, was arrested near Three Pagodas Pass late in the evening for trying to traffic more than 3,000 amphetamine pills from Burma to Thailand. A member of the New Mon State Party (NMSP), a Burmese ceasefire group, made the arrest as Moe Win traveled through a checkpoint on his motorbike. He had in his possession over 16, 200-pill packets, filled with WY and R stamped pink pills from Bago Division. Each pill would sell for around 90 baht in Three Pagodas Pass and 150 baht in Sangkhlaburi, Thailand.<sup>188</sup>

On 30 June 2008, two drug traffickers, Amnuay Wiboonpoonsap and Puengsue Laesur, from the ethnic Aka hilltribe, were killed by Thai police in a gun battle that lasted ten minutes near Doi Pami Mountain in Mae Sai District, in Chiang Rai, Thailand. The men had been tricked into attempting to sell 3,500,000 baht worth of ice (a methamphetamine type substance) to the Thai police. Apparently, the men were affiliated with a drug gang aligned with the group known as the Red Wa guerrillas from Burma.<sup>189</sup>

In late July 2008, Thai police arrested Thet Naing, Managing Director of the BME1 nightclub in Bangkok, Thailand on suspicion of drug trafficking. In the first week of August, he was transported to Burma and sent to Insein prison. Thet Naing, a Chinese-Muslim man in his forties, is a close associate of Wa ethnic leader, Aik Huak, from the UWSA. After Thet Naing met Aik Huak, his club, BME1, started to regularly distribute and then sell, ecstasy, and methamphetamines to patrons.<sup>190</sup>

### Indo-Burma Border

On 23 September 2008, a Burmese drug smuggler shot and killed a Lance-Corporal of the Burmese Army's Infantry Battalion #87, who was monitoring smuggling in Leilet village in Falam Township, Chin State near the Indo-Burma border. The smuggler apparently escaped to Mizoram, India, but a Mizoram youth caught the suspect in Saikhum village in Mizoram and he was taken to Champhai police station, where he was detained.<sup>191</sup>

## Trafficking Inside Burma

On 29 May 2008, Aung Zaw Ye Myint, son of the chief of the Bureau of Special Operations, Lieutenant-General Ye Myint, was arrested in Rangoon for drug trafficking at his office in Yetagun Tower in Kyeemyindaing Township. The anti-narcotics division of the police force that arrested him found illegal drugs and six guns in his possession according to *Irrawaddy*. However, *Mizzima News* reported that in addition to drugs, one gun, handcuffs, and several millions of kyat were found. Aung Zaw Ye Myint is the owner of Yetagun Construction Company and his arrest for drug trafficking led to his father's forced resignation from the military.<sup>192</sup>

On 31 May 2008, Maung Weik (35), Managing Director of Maung Weik & Family Co. Ltd., and one of the wealthiest men in Burma with close connections to the military, was arrested for drug abuse and participation in drug trafficking in Rangoon.<sup>193</sup>

During May 2008, Burmese authorities arrested 245 persons (201 men and 44 women) for drug trafficking in 158 separate cases. The military, police and customs officials confiscated the following items: 76.78 kg of opium, 1.19 kg of heroin, 3.43 kg of marijuana, 93,867 stimulant pills and several other drugs.<sup>194</sup>

In July 2008, the *New Light of Myanmar* reported that Burmese authorities had recently arrested 385 drug traffickers (317 men and 68 women) in 236 separate cases. Burmese police, customs, and military seized 105 kg (231 lbs) of opium, 1.6 kg of heroin, 138,550 *yaba* pills and a variety of other drugs.<sup>195</sup>

On 13 November 2008, the US Treasury's Office of Foreign Assets Control (OFAC), under President George W. Bush, froze the assets of 26 individuals and 17 businesses linked to drug trafficking in Burma, and forbade US citizens from doing business with them. Specifically, under the Foreign Narcotics Kingpin Designation Act, the US treasury office named the suspected drug traffickers: "*Specially Designated Narcotics Traffickers*," and said, "*its action freezes any assets the 43 designees may have under US jurisdiction and prohibits US persons from conducting transactions or dealings in the property interests of the designated individuals and entities.*" The US treasury department noted that members of the UWSA were particularly targeted because the UWSA was considered "*a major producer and exporter of synthetic drugs, including methamphetamine...*" according to the OFAC. Partial list of the 'Specially Designated Narcotics Traffickers' named by the OFAC:

1. Wei Hsueh Kang, senior UWSA commander;
2. Wei Hsueh Lung, brother of Wei Hsueh Kang;
3. Pao Yu Hsiang;
4. Ho Chun Ting, charged with money laundering and narcotics trafficking in 2005 by US government, arrested in Hong Kong 2007 for alleged partnership with Wei Hsueh Kang;
5. Shih Kuo Neng, charged with money laundering and narcotics trafficking in 2005 by US government, manager of Hong Peng companies named by the OFAC; and
6. Pao Yu Hsiang.<sup>196</sup>



## 6.5 Arms Trafficking

Arms have been trafficked into Burma for decades. According to some sources, prior to the onset of World War II, tungsten ore was smuggled from the wolfram mines in Mawchi, Karenni State into Thailand in exchange for arms and ammunition.<sup>197</sup> Later, from the late 1960s until the late 1970s, China was said to be a major supplier of arms to insurgent groups supporting the Communist Party of Burma (CPB).<sup>198</sup> Around this time, the Kakweye (KKY), a defence militia supported by the Burma Socialist Program Party (BSPP; the military regime which ruled Burma from 1962 until 1988) became heavily involved in the smuggling of both opium and weapons on the Vietnam War black market.<sup>199</sup>

While the SPDC has a stated desire to have half a million men at arms, Burma's domestic arms industry is grossly insufficient to supply its needs. The military regime has thus long looked abroad for additional sources of arms to equip its ever-growing armed forces. Luckily for them, there has been no shortage of arms dealers who have been willing to ignore the ways in which the SPDC has used their weapons to oppress unarmed civilian villagers.

SPDC-allied ceasefire groups and armed opposition groups, however, are also in need of weapons and ammunition. As non-state actors however, these groups do not enjoy the same access to the international arms market as the SPDC and have needed to acquire arms smuggled into the country via the clandestine arms market. For example, it has been reported that resistance groups such as the Karen National Union (KNU) have frequently used their positions along the Thai-Burma border since the 1970s to allow them access to arms markets both within neighbouring Thailand and internationally.<sup>200</sup> The same may be said of numerous other non-state groups operating along Burma's frontiers. Today, the majority of weapons are smuggled into Burma from China, India, and Thailand.<sup>201</sup> Some of the more common weapons smuggled across these borders into Burma include cheaply-made assault rifles, machineguns, landmines and rocket-propelled grenades (RPGs).<sup>202</sup>

Meanwhile, across the border in the northeastern Indian states of Assam and Manipur, armed resistance groups operating in opposition to the central Indian Government have acquired weapons, ammunition and explosives from Burmese Non-State Armed Groups (NSAGs) and indeed the SPDC itself.<sup>203</sup> In this manner, arms have been smuggled in both directions across the Burma-India border.

On 9 June 2008, five members of the Indian insurgent group, the United Liberation Front of Asom (ULFA) were arrested by police near Durlung in Lakhimpur District of Assam in India's Northeast. According to Brigadier General J Sahni of the Indian Army's 2<sup>nd</sup> Mountain Division, the five men were involved in trafficking arms into Assam from Burma by routing money from Bangladesh to buy weapons which had been smuggled into Burma from China. The army reportedly seized an equivalent of US\$100,000 from the men which they believed was going to be used to purchase a consignment of small arms. While the original report failed to elaborate, it is quite possible that the weapons had originally been smuggled from China, through Burma and into India by the UWSA.<sup>204</sup>

On 19 September 2008, two Burmese nationals were arrested in the Indian state of Assam on arms trafficking charges. The pair was identified as Libtung, 29, and Sawang Kanyak, 21, both from Louis Bast village in Hkamti Township, Sagaing Division. They were reportedly arrested in the possession of 114 "packets" of ammunition and five "packets" of explosives, along with the muzzle and trigger assembly of an unspecified firearm. The original report did not mention the size of the packages nor the type of explosive. One of the officers from the Sonari police station involved in their arrest told the media that, "*Both of them are now detained in Sibsagar prison and have been charged under the Arms Act and the Foreigners Act*". No further information regarding the pair has since emerged.<sup>205</sup>

On 20 December 2008, an unidentified Indian from Manipur, rumoured to have been an arms smuggler, was shot dead by gunmen in a residence he rented in Kalemyo, Sagaing Division. According to local sources, the man was affiliated with an unspecified Indian armed opposition group and was in Kalemyo to liaise with SPDC army officers and procure arms for his Manipur-based organization. Another source, reportedly involved in the arms trade maintained that the majority of insurgent groups operating in northeast India relied on Burma for their supply of arms and ammunition, adding that a Chinese-made Type 56 assault rifle (a Chinese copy of the Soviet AK-47) costs only 1.5 million kyat in Kalemyo, yet the same rifle would fetch at least three times that amount across the border in India.<sup>206</sup>

On 22 December 2008, it was reported that a number of armed opposition groups operating along the Thai-Burma border were facing an ammunition shortage for one of their favoured weapons. The Soviet-made Kalashnikov AK-47 is one of the most widely preferred assault rifles on the planet for its *“extreme ruggedness, simplicity of operation and maintenance, and unsurpassed reliability even in worst conditions possible”*. Since first entering mass production in 1947, an estimated 90 million units are believed to have been produced worldwide. Not only is the AK-47 one of the most widely used weapons in the world, but it is also arguably the world’s most emulated assault rifle, with over 50 known copies or variants worldwide, produced in no fewer than 20 different countries. The AK-47 is chambered for the Soviet 7.62x39 mm calibre, rather than the more common 7.62x51 mm NATO round. Despite the popularity of the AK-47, the global proliferation of assault rifles chambered for the smaller bored 5.56 mm round has led to a decrease in the availability of 7.62x39 mm ammunition. In concurrence with this, an unidentified Karen National Liberation Army (KNLA) spokesperson has asserted that *“We stopped buying AK-47 rifles because there is nowhere to get ammunition for them”*. Meanwhile, an unnamed representative of the New Mon State Party (NMSP) has stated that, *“It is difficult to buy AK-47 ammunition in Thailand because the Thai Army only uses M-16 [assault rifles, chambered for 5.56 mm ammunition]”*. The scarcity in the supply of ammunition for the AK-47 has in turn inflated prices considerably. One source has maintained that at the end of 2008, ammunition for the AK-47 was priced between 10 and 15 baht per bullet on the black market, while the rifle itself would fetch 10,000 to 15,000 baht each.<sup>207</sup>

It has been speculated that the dearth of ammunition for what is conceivably both the most popular and best suited weapon among NSAs has presented a number of business opportunities in northern Burma. Not only have arms traffickers attempted to obtain ammunition from other markets such as China, but according to some sources, this has prompted some groups to embark on manufacturing their own.<sup>208</sup> One such group known to have started manufacturing its own ammunition for the AK-47 is the SPDC-allied United Wa State Army (UWSA). However, a former member of an unspecified Palaung armed group operating in Shan State has stated that while bullets for the AK-47 manufactured by the UWSA are readily and cheaply available, costing only 10 baht (US\$0.30) per bullet, they are of much lower quality than those manufactured internationally. Meanwhile, in spite of the availability and the low cost, the opposition Karen National Union (KNU; the political wing of the KNLA) has asserted that they *“would not buy weapons or ammunition from the UWSA”*.<sup>209</sup>

On 16 December 2008, it was reported that in addition to the manufacture of ammunition, the UWSA had developed the capacity to produce its own factory-manufactured small arms. According to a spokesman for the opposition Shan State Army-South (SSA-S), the UWSA had for the past year been *“manufacturing AK-47 rifles similar to those made in China”* in a munitions factory located at Kunma, close to the Chinese border.<sup>210</sup> A second report added that the factory was also capable of producing *“replicas of the ... Chinese M-23 light machine-gun, as well as the 7.62-millimeter [Sic.] ammunition that is used by both weapons”*. It was also alleged that the Wa had plans to further *“diversify production in the near future to include 9 mm handguns and ammunition”*.<sup>211</sup>

An unnamed source reputed to be close to the UWSA added that the UWSA had developed this capability with help from the Chinese, who had up to this point been their sole supplier of arms.<sup>212</sup> According to an article carried in the *Asia Times*, the UWSA had received a “*large arms consignment*” from China one month before the factory reportedly became operational. In addition to a variety of small arms, the shipment reportedly included 60 mm, 82 mm and 120 mm mortars, 14.5 mm ZPU heavy machineguns, and an unspecified low-level anti-aircraft weapons system.<sup>213</sup>

It has been alleged that the UWSA has been long involved in arms trafficking throughout the region, selling arms to other Non-State armed groups operating in Burma as well as anti-government forces in neighbouring countries. International clients have reportedly included Naga insurgents in Northeast India and Maoist rebels in Nepal. Security analysts have maintained that the UWSA “*has surpassed Cambodia’s notorious arms bazaars in trade volume*”.<sup>214</sup> Earlier reports by the authoritative *Jane’s Intelligence Review* maintained that the UWSA had turned to arms production to supplement its already-considerable income generated from drug and arms trafficking. According to those reports, the UWSA has served as an intermediary, “*buying from Chinese arms manufacturers, then reselling the weapons to Indian insurgent groups and the Kachin Independence Army [KIA]*”.<sup>215</sup>

It has been further reported that the arms and ammunition produced at the UWSA factory in Kunma have not only been issued to UWSA soldiers, but have also been sold to other Non-State armed groups operating in Shan State. Unnamed Thailand-based military analysts have alleged that the “*Kunma arms factory is most likely an export-oriented joint venture between the UWSA and Yunnan-based mafia organizations consisting of ex-PLA personnel,*” and that the “*production line was set up and is now managed by recent engineering graduates from Chinese universities, whose studies were sponsored by Pangshang*”.<sup>216</sup> However, the validity of such claims remains to be proven. Either way, while numerous Non-State Actors (NSAs) operating in Burma have had the capacity to manufacture their own landmines for some years now (For more information, see Chapter 4: Landmines and Other Explosive Devices), this troubling development represents the first case of a Burmese NSA developing the means of manufacturing their own small arms.<sup>217</sup>

For years now, there have been numerous reports discussing Burma’s nuclear ambitions. Indeed, Burma first commenced a nuclear research program as early as the mid-1950s with the institution of the Union of Burma Atomic Energy Centre (UBAEC), though the program halted when the military took control of the country in 1962.<sup>218</sup> The nuclear program remained stalled for next 35 years until 1998 when it was “*revitalized shortly after Pakistan’s first detonation of nuclear weapons in May 1998*” when “*Senior [G]eneral and junta leader Than Shwe signed the Atomic Energy Law on June 8, 1998*”.<sup>219</sup> Soon after, in February 2001, Russia’s atomic energy agency, Rosatom, declared that it would build a 10-megawatt nuclear research reactor in central Burma, after which Burma’s Deputy Foreign Minister, Khin Maung Win, publicly announced the SPDC’s intention to build a *nuclear research reactor*, “*citing the country’s difficulty in importing radio-isotopes and the need for modern technology as reasons for the move*”.<sup>220</sup> This statement prompted numerous commentators to question the need for such a facility:

*“While Burma suffers from chronic power shortages, the need for a research reactor, used mainly for medical purposes, is unclear. Radioisotopes allow imaging of the brain, bones, organs, lungs and blood flow, advanced technology for Burma’s basic health services”*.<sup>221</sup>

In spite of this seemingly obvious truth, in July 2001, the SPDC created the Department of Atomic Energy.<sup>222</sup> Later that year, representatives of the International Atomic Energy Agency (IAEA) visited Burma “*to assess the country’s preparedness to use and maintain a nuclear reactor safely*”. However, its report “*was highly critical of the country’s general*

standards, which were 'well below the minimum the body would regard as acceptable', even for conventional power plants".<sup>223</sup> The program then once again stagnated due to "financial difficulties".<sup>224</sup> It was not until May 2007 that the agreement was finally signed and the program once again started to move ahead. According to a statement released by Rosatom:

*"The sides have agreed to cooperate on the establishment of a centre for nuclear studies in the territory of Myanmar [Burma]. The centre will comprise a 10-megawatt light water reactor working on 20 per cent-enriched uranium-235, an activation analysis laboratory, a medical isotope production laboratory, silicon doping system, nuclear waste treatment and burial facilities. The centre will be controlled by IAEA".*<sup>225</sup>

However, the IAEA claimed it had no knowledge of Burma's intent to move ahead to build the reactor, adding that "as a signatory to the Non-Proliferation Treaty, Burma is required to allow inspections of any nuclear facilities".<sup>226</sup>

Though Burma's nuclear ambitions are clear, there is still considerable disagreement over its motivations and its current nuclear capacity. While some commentators have claimed that the SPDC wishes to acquire nuclear weapons, including some highly questionable reports maintaining that they already have, others are not so easily convinced. According to Andrew Selth, all such claims to the effect that the SPDC is planning on developing nuclear weapons are highly unlikely and based upon speculative evidence at best:

*"They have been encouraged by unsubstantiated rumours, inaccurate and often alarmist news reports, and some questionable strategic analysis. There is probably also an element of deliberate misinformation, designed to fuel concerns that Burma has become a proliferation risk. These stories, however, are made more credible by the military government's history of provocative and seemingly irrational behaviour, including an apparent disdain for international opinion and the accepted norms of conduct".*<sup>227</sup>

Regardless of the SPDC's motives, or its current capacity, there have been incidents, perhaps encouraged by the rumours of a nuclear weapons program, of attempts to smuggle uranium into the country. For example, it was reported that on 3 November 2008, two Indian nationals were arrested during a raid on their hotel room in Champai of Mizoram State, India as they were attempting to smuggle what they claimed was a sample of uranium into Burma for sale. The pair, identified as 20-year-old Tawia and 58-year-old Sangkhuma, was apprehended by a joint task force of the Mizoram Police and Assam Rifles in possession of a "bottle filled with gray [Sic.] material", which they had later admitted was uranium obtained in the neighbouring state of Meghalaya.<sup>228</sup> It remains unclear who their intended clients were, if what they carried was indeed uranium, and if so, which isotope it was or if it was enriched (weapons grade).

## 6.6 Human Trafficking

Arguably the most socially devastating form of illegal trade across Burma's borders is that of human trafficking. The UN Protocol to Prevent Trafficking in Persons defines human trafficking as:

*"...the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs..."*<sup>229</sup>

Trafficking in humans violates various human rights, in particular, the right to be free from slavery and servitude.<sup>230</sup> It also violates numerous international laws and conventions that Burma is party to, including: the UN Protocol to Prevent, Punish and Suppress Trafficking in Persons especially Women and Children. This protocol was established in 2003 to 'prevent and combat' trafficking in persons. Burma is also party to the UN Convention on Organized Transnational Crime, created in 2000, which deems trafficking to constitute an international crime.<sup>231</sup> Many victims of trafficking end up being used as forced labour, which is a violation of the UN International Convention on Civil and Political Rights (ICCPR), a covenant widely accepted as international law.<sup>232</sup>

Generally, Burmese people are trafficked for use as forced labour, domestic servants, or for the purposes of working in the commercial sex industry.<sup>233</sup> Trafficking, especially of women who end up as prostitutes, is considerably profitable and provides a continued incentive, especially considering the general economic situation that prevails in Burma.<sup>234</sup> Women and children are generally trafficked for reasons related to gender and age. Women are overwhelmingly trafficked into the commercial sex industry as prostitutes and also sold as brides (in many cases to Chinese men).<sup>235</sup> KWAT reported throughout the year that there had been a significant increase in Kachin women being trafficked to China as brides.<sup>236</sup>

Children are at risk of being trafficked for a number of different jobs including: begging, agricultural work, fish processing work, construction, forced labour, domestic services, prostitution and when trafficked inside Burma, for use as child soldiers.<sup>237</sup> Since reasons for trafficking differ depending on sex and age, this section will be divided into multiple subsections to reflect the different motives for trafficking.

Burma is a major point of origin for trafficking victims in Southeast Asia. Burmese people are trafficked to the surrounding countries including; Thailand, China, Bangladesh, Malaysia, Macau, South Korea and Pakistan.<sup>238</sup> It was reported in 2008 that approximately 100 Burmese people were being trafficked from Kawthaung in Tenasserim Division to Malaysia and Thailand every day.<sup>239</sup> It is conceivable that even more women may be trafficked to China daily, as the SPDC reported that out of 471 trafficking victims rescued between September 2005 and December 2007, 80 percent were destined for China, while only 15 percent were headed to Thailand, and five percent were trafficked internally.<sup>240</sup> While many Burmese people are trafficked outside of the country, trafficking is still pervasive within Burma and people are frequently taken from their homes in rural villages to work in urban areas, agricultural estates and industrial areas for work in the commercial sex industry.<sup>241</sup> The traffickers often operate independently and generally tend to use local villagers to bring victims to more established brokers in neighbouring countries.<sup>242</sup>



The majority of reports from 2008 indicate that trafficking from Burma is increasing, especially in light of the global economic crisis, and Burma's own deteriorating economic situation. The sad reality is that many trafficking incidents are able to occur because those trafficked face a dire economic situation and see no alternative but to take the risks inherent in trusting brokers. Evidence suggests trafficking to Thailand has steadily increased over the last few years, particularly due to the growing commercial sex industry, which is said to be developing rapidly.<sup>243</sup> This trend only continued in the aftermath of the devastating tropical cyclone Nargis in May 2008. The impact of the storm left tens of thousands dead and hundreds of thousands without homes.<sup>244</sup> It was in this environment of overwhelming loss that many children were left without parents. Without guardians, surviving children became vulnerable to exploitation by traffickers. While it is difficult to ascertain whether trafficking did increase after Cyclone Nargis, there were several reports of attempts being made to traffic survivors through the lure of jobs and security.<sup>245</sup>

In terms of protecting the population against the threat of trafficking activities, the Burmese military regime made announcements to the public after the cyclone advising them to report trafficking cases.<sup>246</sup> Along with warnings to the general public, Burmese domestic law contains some very harsh penalties for human traffickers, which should serve as a deterrent to brokers. Some of the current penalties for trafficking include: 10 years to life for trafficking women and children, five to 10 years for trafficking men, 10 years to life for trafficking with an organized criminal group, and 10 years to life, with the possibility of death, for serious crimes involving trafficking.<sup>247</sup> These penalties come from a relatively recent anti-trafficking law that the Burmese military regime passed in September 2005 to combat trafficking of humans in Burma.<sup>248</sup>



This 18-year-old Pa'O woman Kawkareik Township in southern Karen State was trafficked to Thailand where she got a job as a domestic worker in a wealthy Thai household where she was paid 3,000 baht per month. However, her broker took 2,000 baht of her salary every month for two years to 'reclaim' the debt of taking her there; a total of 48,000 baht – more than it could possibly have cost to send her there in the first place. *[Photo: © WCRP]*

Regardless of the penalties mentioned above, the breakdown of the Burmese economy, coupled with increasingly repressive conditions, stemming in part from the 2007 Saffron Revolution, have led to an influx of population flows across the Thai-Burma border.<sup>249</sup> The severity of the penalties has not served as a strong deterrent to traffickers however, which indicates that the financial incentives of trafficking humans are greater than the possible punishments involved should brokers get caught. As more and more Burmese people opt to place their lives in the hands of brokers, neighbours, or even friends, in the hope of

improving their economic situation, escaping conflict, or persecution by the SPDC, they potentially risk being sold into exploitative and life-threatening work by human traffickers.<sup>250</sup> Unfortunately, economic conditions are so grave that this is a risk many Burmese are willing to take every day.

There were repeated cases in 2008 of Burmese citizens willing to risk their lives by travelling on un-seaworthy vessels in order to escape from Burma. Hundreds of Rohingya Muslims were smuggled or trafficked from Burma, making the dangerous voyage to Malaysia by boat. From 7 to 11 November, five separate boats predominately filled with Rohingyas, left Shapuri Dip, Bangladesh for Malaysia. Three of those boats carrying 100, 60 and 80 persons respectively, successfully arrived in Malaysia, but two carrying 100 and 150 respectively, were forced to abort the trip citing engine trouble. All of the people on the boats managed to escape.<sup>251</sup> In addition to seeking better economic opportunities, the prevalence of Rohingyas fleeing to Malaysia was indicative of *“people unable to bear the Burmese military junta’s persecution in Arakan State, given the restrictions on movement, marriage, business, religious persecution and education...”*<sup>252</sup> (For more information, see Ch. 18: Ethnic Minority Rights) In June 2008 it was reported that conditions around the Kawthaung area were such that there were reportedly 100 people brought from Kawthaung into Thailand and Malaysia every day.<sup>253</sup>

Forced labour and commercial sex work are among the most commonly cited purposes for trafficking in humans, according to the TIP report published by the US Department of State in 2008.<sup>254</sup> Others destinations for those trafficked included, but were not limited to, domestic servitude, work in the tourism industry, use as child soldiers, and being sold as brides for Chinese men.<sup>255</sup> In the 2008 TIP report, China, Bangladesh, Thailand, Pakistan, India, Macau, South Korea, and Malaysia were all listed as destination countries for Burmese trafficking victims.<sup>256</sup> There was at least one reported incident of trafficking to Japan as well in 2008.<sup>257</sup>

Trafficking to Thailand has increased steadily over the last several years due largely to the worsening economy within Burma.<sup>258</sup> The notoriously porous Thai-Burma border makes it a relatively simple task for Burmese to slip into Thailand and work illegally. In April a report emerged detailing how more than 30 girls had been trafficked into a brothel in the Thai-Burma border town of Three Pagodas Pass.<sup>259</sup> Many of these illegal immigrants would end up working in various locations in the southern Thai islands as lowly paid workers in the tourism industry or would go to work in the many industries that use cheap Burmese labour, such as the fishing and agriculture industries. In June, the Thai government, concerned about the rising numbers of trafficking victims in the country, passed a new law aimed at eradicating trafficking in Thailand, but critics contend the new law does not adequately protect economic migrants and fails to address the root causes of trafficking.<sup>260</sup>

The KWAT report, *Eastward Bound*, published in 2008 focused on the plight of Burmese trafficking victims in the northern parts of the country. The report found that of the total cases of trafficking documented by the organisation, two-thirds of the women and children were from Kachin State and one-third of the women and children came from Shan State. The overwhelming majority of the victims were destined for China, with *“the majority of women and girls....coming from the poor quarters of larger towns such as Myitkyina, Wai Maw, Bhamo in Kachin State and Kutkai in Shan State.”*<sup>261</sup> According to a private weekly magazine, the SPDC claims to have saved more than 450 victims of trafficking since 2005, emphasising that the majority of those were destined for China as well.<sup>262</sup> Shortly before the Beijing Winter Olympics in 2008, Chinese police rescued 100 Burmese trafficking victims and not long after an additional 18 were retrieved from fishermen in Fujian Province, China.<sup>263</sup> A human trafficking operation, led by a woman identified as Ma Phyu, was exposed in October and disbanded only after more than 20 Burmese women had been sold as sex partners or brides to men in China.<sup>264</sup>

In addition to China, Malaysia is also a common destination for people who are smuggled out of Burma. This is particularly true for members of the Rohingya ethnic minority from Arakan State, of whom hundreds were smuggled or trafficked to Malaysia via boat in 2008.<sup>265</sup> Travelling by boat involves considerable risk and many boats do not make it to Malaysia. On 31 January 2008, a boat with 60 people capsized near Teknaf on the way to Malaysia and the passengers escaped to Bangladesh.<sup>266</sup> Towards the end of the year in December 2008, more than 300 people, (believed to be mostly illegal migrants) travelling to Malaysia from Bangladesh and Burma, were feared to have drowned after Thai authorities refused to let them enter Thai territory in the Bay of Bengal.<sup>267</sup>

Aside from the use of boats to transport illegal migrants, there was at least one reported incident of Burmese migrants being smuggled overland by truck to Malaysia through Hat Yai, Thailand in February 2008.<sup>268</sup> There were also several cases of Burmese being trafficked into Bangladesh, but Bangladesh is more commonly a transit country for Burmese people headed to Malaysia. This is due in part to strict security measures that prevent many Burmese people from entering Bangladesh.<sup>269</sup>

Reports from 2008 indicated that most victims were trafficked from those states that are located close to Burma's international borders, namely; Kachin State, Shan State, Arakan State, Karenni State, Mon State and Tenasserim Division.<sup>270</sup> This list is certainly not comprehensive as it is most likely that many more trafficking cases went unreported. The cases reported over the course of 2008 usually fit a pattern whereby traffickers tended to utilise the same locations, ports and routes for transporting people out of Burma. Those trafficked from Arakan State in the west for instance, were frequently brought to Shapuri Dip or Teknaf, Bangladesh; both common transit points for boats leaving to Malaysia along the Bangladesh-Burma border.<sup>271</sup> In the south of the country, Burmese people were often transported from Kawthaung Town in Tenasserim Division to Thailand via the town of Ranong in Thailand.<sup>272</sup> In the north, Kachin and Shan women were frequently trafficked to Ruili, China on the China-Burma border, before being trafficked deeper into China.<sup>273</sup>

The majority of trafficking victims in Burma were not kidnapped, but rather willingly consented to accompany traffickers, only to find out later that they had been deceived. One of the most significant reasons why Burma has such high trafficking rates is the sheer number of people forced to travel across Burma's borders every year in search of work.<sup>274</sup> Traffickers take advantage of people who are economically vulnerable by telling them they will *"provide jobs with good salaries in Malaysia and China."*<sup>275</sup> Traffickers commonly seek out their victims in urban ghettos or impoverished rural areas.<sup>276</sup> Burma is one of the poorest countries in Southeast Asia and consequently hundreds of people leave each day to improve their economic conditions.<sup>277</sup> The majority of those seeking work in another country also have to support their families back in Burma.<sup>278</sup> In order to do this many consent to exploitative types of work. The line between trafficking and smuggling becomes increasingly blurry, as it is almost impossible to discern whether consent truly exists for those people who find themselves in dire economic situations.

Another major reason people left Burma in 2008 was to flee persecution. Although exact numbers are unclear, many Mon people continue to be trafficked or smuggled from Ye Township every year to Malaysia to escape gross human rights violations committed against them by the SPDC.<sup>279</sup> Even though the New Mon State Party has a ceasefire agreement with the SPDC, there is still a heavy SPDC army presence in Mon State. Breaches of the ceasefire zones by the SPDC have resulted in multiple human rights violations including heavy arbitrary taxation, land confiscation and forced labour, among others. Such burdens on an already impoverished population have forced many to flee to the perceived economic security of foreign countries. Likewise, many of the ethnic Rohingya population of Arakan State, desperate to escape increasing persecution by the SPDC, were trafficked to Malaysia from Arakan State in 2008, after being promised better lives by traffickers.<sup>280</sup>

Corruption in Burma continues to hinder any realistic chances of reducing trafficking. SPDC officials are frequently involved in human trafficking operations thereby undermining the rule of law in Burma. Even if officials are not directly involved in trafficking, there have been reports that officials are not above taking bribes in order to let traffickers abscond or obtain release from custody. As with so many other areas of Burma's civil service, employees' salaries in the law enforcement and other sectors that are involved in smuggling are low and irregular, increasing the incentive to supplement incomes by accepting bribes. Local residents from Kawthaung in the southern division of Tenasserim, a well known trafficking transit point, reported that Burmese authorities often colluded with human smugglers.<sup>281</sup> Moreover, in Arakan State in western Burma, local Burmese authorities profited immensely from trafficking in February 2008. Mohamet Shafi (35), a trafficker, was reported to have paid the authorities a hefty bribe so that he could send more than 500 people to Malaysia.<sup>282</sup>

Even when high-level SPDC officials are charged or tried for trafficking, their cases are inadequately investigated and they are likely to be dismissed.<sup>283</sup> In fact, KWAT contends that corruption is pervasive throughout every level of the justice system and bribes must be paid to at least three witnesses, police, lawyers, and even the judge, if a trafficking victim wants their case heard.<sup>284</sup> The problem of corruption is compounded when police in neighbouring countries, such as Thailand and China are also involved in trafficking, or demand money for repatriating Burmese trafficking victims.<sup>285</sup>

The 'commodification' and exploitation of human beings for the purposes of trafficking violates some of the most fundamental human rights afforded by the Universal Declaration of Human Rights (UDHR). Human trafficking is an egregious violation of many human rights including: the right not to be subjected to slavery or servitude, the right to fair and favorable working conditions, the right to health, and the right to dignity and security of persons.<sup>286</sup> Trafficking victims face physical and mental abuse from traffickers, exploitative working conditions, rape, disease, torture, wrongful imprisonment when they return to Burma, and sometimes death.

There were several cases of Burmese people falsely accused of trafficking in 2008. In June, two Rohingya falsely accused of trafficking were tortured by Burmese NaSaKa forces in northern Arakan State. The NaSaKa forces accused the men of travelling frequently to Bangladesh and after checking their phones, argued that calls made by the pair to Malaysia and Saudi Arabia were further evidence of trafficking. However, after NaSaKa extorted 800,000 kyat from both of their families, they were let go, casting doubt over the motivation behind the initial questioning. If the pair were seriously suspected of human trafficking, they should have been thoroughly investigated and kept in custody, instead they were released and fined heavily, which is suggestive of the fact that authorities were simply seeking a convenient means of extorting money from the pair.<sup>287</sup>

In another case reported by KWAT, a woman who had been convinced to move to China with her friend so they could both work as chefs in Yin Jang, was instead taken to Shandong where the two women were sold as brides to Chinese men. The women escaped independently and when they returned to Burma the two were apprehended and one woman was charged with trafficking the other. She was consequently imprisoned for two months and forced to pay 1,000,000 kyat (US \$800) in bribes to be released.<sup>288</sup>

Human trafficking involves a great many risks to those being transported. Often traffickers will go to great lengths to move their human cargo as rapidly as possible to avoid detection by the authorities, often in unsanitary and unsafe conditions. Perhaps one of the greatest smuggling tragedies reported in 2008 was in April when 54 Burmese migrants died of suffocation while being smuggled in a container truck from Kawthaung to Phuket, Thailand.<sup>289</sup> At times authorities have posed just a great a danger to those being trafficked as the traffickers themselves, as was evidenced in February 2008 when Thai police opened fire on a truck smuggling 28 illegal Burmese migrants into Malaysia; several migrants were injured, while a ten-year old Arakanese boy was killed in the incident.<sup>290</sup>

In addition to the negative impact trafficking has on its victims, human trafficking from Burma ultimately threatens regional stability.<sup>291</sup> Despite the undocumented and unregulated flow of illegal migration across the borders of the nations in the region, there has been little done to seriously tackle the issue. In Thailand, which is home to hundreds of thousands of Burmese migrant workers, the reason seems fairly transparent. Migrant workers, who are not covered by Thailand's labour laws and who work for much lower wages and without any security, are propping up many industries such as the fishing, agriculture, textile manufacture, tourism, domestic and construction industries by providing cheap labour. It is simply not in Thailand's short-term interest to take any measures that would curtail the supply of such an abundant source of cheap labour.

## Child Trafficking

The available evidence on trafficking indicates that approximately fifty percent of all victims of trafficking in Burma are children.<sup>292</sup> World Vision reports that Burmese children are often trafficked as sex workers, flower sellers, beggars, domestic servants, and to be used as forced labour in agriculture, fishing and the construction industries.<sup>293</sup> Children are also increasingly being trafficked into the military by the SPDC.<sup>294</sup> Even though the Burmese military regime claim their official policy prohibits the conscription of children for the military, the UN Special Representative Radhika Coomaraswamy reported in 2007 that the UN had repeatedly received reports regarding *"...violations of international humanitarian law, human rights law, and military directive resulting in the recruitment and use of children by some government military units and several nonstate actors..."* Furthermore, the report indicates that recruitment of children by the SPDC is increasing, but that the UN is not able to determine to what extent, because of the limited access to areas experiencing civil strife, and the inability to protect victims or witnesses.<sup>295</sup> Throughout 2008, at least four other reports from Human Rights Education Institute of Burma, Watchlist on Children in Armed Conflict, Karen Human Rights Group and Human Rights Watch substantiated the continuation of these policies.

Child trafficking from Burma to Thailand is commonplace, and has been occurring for years.<sup>296</sup> The Kachin women's group, KWAT reported that child trafficking along the China-Burma border increased in 2008. Despite the decrease, the group still collected evidence of at least 18 cases of child trafficking by December 2008.<sup>297</sup>

One increasingly common way children are subject to trafficking is through brokers. It is quite common for poor families who are desperate for work to contact a broker to aid them in their search. While families may agree to let their children go with brokers for work in Thailand, they are typically unaware that their agreement involves the eventual use of their children for forced labour, sex work or other exploitative jobs.<sup>298</sup> Moreover, children are easier targets for traffickers because they are physically and mentally more vulnerable. If parents are working and their children are unsupervised, the children are often at increased risk of being trafficked.<sup>299</sup> Orphans from Cyclone Nargis in May 2008 continue to be particularly vulnerable to trafficking (for more information, see Trafficking in the Wake of Cyclone Nargis below).<sup>300</sup> Research has shown that another vulnerable group that has been targeted by traffickers is young Shan girls who are taken to Thailand for prostitution.<sup>301</sup> The fact that children are often too young to find their own way home or contact their families once they have been trafficked, makes it increasingly likely for the traffickers to get away with these crimes.

Trafficking of children is a violation of various human rights. Burma is party to several international conventions regarding the protection of children including: the Convention on the Rights of the Child (CRC) and the International Labor Organization (ILO) convention 182



concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. The CRC explicitly prohibits prostitution of children under the age of 18. The ILO convention 182 mandates that countries implement policies or laws protecting children from the worst forms of child labour, such as prostitution, and that these children be provided with free education.<sup>302</sup> (For more information, see Ch. 16 Rights of the Child) Despite the guarantees afforded by these agreements, many children in Burma continue to be deprived of the protection that should be provided by the state.

## Trafficking of Women

Concerns over the number of women trafficked from Burma every year have been expressed for almost two decades. As far back as 1993, the Human Rights Watch report entitled: *A Modern Form of Slavery: Trafficking of Burmese Women and Girls into Brothels in Thailand*, reported that an estimated 20,000 Burmese women were working in Thai brothels, and another 10,000 new Burmese women entered Thai brothels each year.<sup>303</sup> While completely accurate data is impossible to attain, numerous reports contend that trafficking in women from Burma increased in 2008. In the five years between 2000 and 2004, KWAT documented 63 cases of female trafficking with at least 85 female victims.<sup>304</sup> A number of factors, such as the deteriorating economic and political situation in Burma have contributed to a myriad of disturbing trends including a general influx in the trafficking of women from Burma.<sup>305</sup> KWAT also highlighted an increase in the sex industry along the Thai-Burma border in Three Pagodas Pass and a significant increase in the number of prostitutes in Rangoon.<sup>306</sup> Lastly, recent research has shown a marked increase in the trafficking of women to China, more than likely to be sold as brides for Chinese men.<sup>307</sup> The 2008 KWAT report found that the women trafficked were predominately teenagers. Around 25 percent of the trafficking victims from the report were under 18, and two incidents involved babies.<sup>308</sup>

Multiple reports suggest that many Kachin, Shan, Palaung, Burmese, and Chinese women are trafficked from Kachin and Shan States.<sup>309</sup> Although the situation is less commonly documented, there are also reports of women being trafficked from Arakan State.<sup>310</sup> Shan women and girls are often trafficked north into China, while Karen and Mon women are commonly trafficked south.<sup>311</sup> In 2008, sources indicated that the majority of women trafficked came from Kachin, Shan and Arakan States. That said, it is important to note that women continue to be trafficked from a variety of other places including Taichelek, Myawaddy, and Three Pagoda's Pass across Burma's eastern border into northern Thailand, often going unnoticed through underground channels and facilitated by a series of bribes to local officials.<sup>312</sup> According to reports from 2008, these women are largely destined for China and Thailand.<sup>313</sup> Towards the end of the year, approximately 200 women were arrested in China after being trafficked into the country.<sup>314</sup> Apart from China and Thailand, there are also accounts of Burmese women being taken to Bangladesh and Japan.<sup>315</sup> Other known trafficking destinations included Malaysia, South Korea and Pakistan.<sup>316</sup>

Burmese women are trafficked for a multitude of purposes. The most commonly cited are: work in the sex industry, forced labour, domestic servitude, and as brides for Chinese men. According to KWAT's *Eastward Bound* report, the primary reason Kachin women were trafficked in 2008 was for marriage to Chinese men.<sup>317</sup> It is worth mentioning that although 37 percent of the 163 Kachin women that were documented as being trafficked to China in 2008 were in fact sold as brides, an additional 46 percent disappeared in China and it was unclear for what purpose they were trafficked.<sup>318</sup> Chinese men pay on average 13,000 yuan (US \$1,900) for a bride, and Kachin women were sold for anywhere between 5,000 yuan (US \$730) and 24,000 yuan (US \$3,500) in 2008 according to KWAT.<sup>319</sup> The majority of Chinese men who buy Kachin women are poor farmers, which consequently means that these women are not only forced to be sexual partners, but may also be used as forced

labour to work on farms.<sup>320</sup> In early 2008 a case was documented involving the trafficking of two young women to China to be sold as brides. The women, both university students, were taken from Lashio in Burma to Chinshwehaw in China, whereupon they were sold to a Chinese man from the northern province of Anhui for 20,000 RMB (approximately US\$2,900).

After being held for three months, the two women were sold to two Chinese men as brides and were forced to live with the strangers for six months, during which time one of the women was burned with cigarettes for refusing to sleep with her 'husband', a 60 year old man.<sup>321</sup>

In the report by *Mizzima* detailing the plight of the two university students, the conditions under which the Muse Human Trafficking Prevention Task Force operates was also laid out. The taskforce which was set up by the SPDC in Muse, close to the Chinese border, is forced to operate on a very limited budget and the report claimed that;

*"Deprived of adequate funds, the Muse Task Force has to collect money from businessmen to feed victims when they arrive back to their homeland. Moreover, to provide clothing, female colleagues are forced to share their uniforms with the victims. And on occasion, victims have to wait for about six months to accumulate the transport fare necessary for them to get back to their hometowns."*<sup>322</sup>

The decrepit state of the taskforce impedes the efficiency that it might have had in combating trafficking and robs the public of its confidence in the authorities to prevent cases of trafficking. It also demonstrates that the SPDC authorities are not taking seriously their obligations to combat trafficking in the region.

One of the predominant reasons women are trafficked is so that they can be put to work within the sex industry. Sometimes these women are trafficked into karaoke bars and made to dance, while more commonly they are trafficked into brothels for prostitution.<sup>323</sup> It was reported in April 2008 that more than 30 of the women working at a new brothel in Three Pagodas Pass named Kaday Kadar had been trafficked as prostitutes.<sup>324</sup> These women made around 120 baht (US \$4) per night.<sup>325</sup> Prostitutes in brothels in Rangoon make around two to three dollars for selling their bodies, while the guesthouses accommodating them can make anywhere from 700,000 kyat (US \$590) to 1,000,000 kyat (US \$800) per night.<sup>326</sup>

The conditions for Burmese women trafficked into Thai brothels are poor. On average, the women work 10-18 hours per day, seven days a week, servicing approximately five to fifteen clients daily. These women have little or no access to health care or birth control, and pregnant women are sometimes forced to abort when they are several months into their pregnancies so they can continue working.<sup>327</sup>

Women were also trafficked into a number of other industries for use as forced labour, although KWAT reported the number of Kachin women trafficked for forced labour was significantly lower, constituting only 10 percent of the 163 trafficking victims documented in 2008.<sup>328</sup> Kachin women trafficked into China were sometimes forced to work as dancers in bars such as the Hei Hua (Black Flower) bar in Hang Zhou, and worked regularly from 5pm until dawn. They were given one meal per day and often had no additional money for food, as they were required to pay living costs to the woman who had trafficked them from Mangshi, China. Furthermore, they were forbidden from going outside or receiving medical treatment when they were sick.<sup>329</sup> In another case of forced labour, one Kachin woman known as 'M' was tricked by her friend into going to Laiza in China to work as a cleaner. Her friend left her with a widower and his family, promising to return to negotiate the woman's salary. The friend never returned and a year later, the woman discovered that she had been sold for 25,000 yuan as an unpaid domestic servant.<sup>330</sup>

It is not just in neighbouring countries that trafficked women can find themselves; in another case, five Burmese women were smuggled to Japan in 2008 by Hideo Kobune (69) and Izumi Omori (58). Hideo Kobune “[admitted] making them work in restaurants.”<sup>331</sup>

Women who have become victims of trafficking have often sought work in other countries because of trying economic times, and ended up falling prey to traffickers who posed as brokers with promises to find them work. These traffickers often use the lure of a good-paying job offering 100,000 -150,000 kyat per month (US \$85- US \$430), to convince these women to go with them.<sup>332</sup>

One woman living in a refugee camp in Loi Tai Leng, Shan State said that on 13 December 2002, a female broker named Nang Hseng Heng, came to her house and asked if she would give her 11-year old daughter and her niece to a broker who would take them to work as cleaners in a Thai woman’s home in Mae Hong Son, Thailand. Although the woman was reluctant because of the girl’s young age, she eventually let them go with the broker due to lack of opportunities in the village, and increasing exploitation by the SPDC. Even though the broker said she would bring the girls back to the village every three months, her daughter was never allowed to return. In 2005 a local Chinese woman traveled to Bangkok, Thailand and saw the woman’s daughter. It was discovered she had been working in a bar as a prostitute. The woman recalled that in 2002 the broker had given her 500 baht (US \$15) for her daughter. She said, “*I now realized that she has bought my daughter for that amount and my heart aches when ever I think about that.*”<sup>333</sup>



This 23-year-old Mon-Burman woman from Nyaunglebin in Pegu Division was trafficked to Thailand as a domestic worker for a Thai couple in Bangkok by a Burmese broker in Mae Sot, Tak Province. When the couple was unable to become pregnant after she had been working there for five months, she was raped by her employer and forced to bear his child in order to repay the 20,000 baht that the broker had allegedly stolen from them. She later gave birth to twin boys, but they were taken away from her when they were only ten days old, never to see them again. [Photo: © WCRP]

In another case, a group of four Kachin women were tricked by a friend into believing that if they were to join the Kachin Culture Group in Mang Shi they would be able to participate in performing a cultural dance in the Beijing Winter Olympics in China in 2006.<sup>334</sup> In return the friend told them that would receive 600 yuan per month as well as food, clothing and accommodation. The women were eventually trafficked to Hang Zhou in China where they were put to work in restaurants and in bars as dancers.<sup>335</sup>

Less common, but still problematic, were cases in which traffickers kidnapped their victims outright. Two Rohingya girls were kidnapped on 10 March 2008 near the Bangladesh-Burma border after they crossed the border with their families in a boat, coming from Zimman Khali under Ukhiya union. The two girls, identified as Fatema Khatun (16), and Somuda Begum (14), were abducted by 3 Bangladeshi fisherman after they had promised to give the families directions to find the Teknaf-Cox's Bazaar roadway. At the time of the report the fate of the two girls was unknown.<sup>336</sup>

A multitude of factors worked together to perpetuate the trend of increasing numbers of Burmese women trafficked to other countries in 2008. Essentially, the economic conditions that continue to exist inside the country were so dire that women and girls were often forced to migrate to survive, but as the SPDC has made it considerably harder for women to travel alone, they were often left vulnerable to traffickers promising to facilitate their travels. For instance, the SPDC law that people must carry identity cards to travel has left a lot of ethnic women dependent on brokers to travel, as they do not normally possess identity cards.<sup>337</sup> Another restrictive SPDC law that was supposedly designed with the intention of reducing trafficking has been criticized by Burmese women's rights groups as being merely a means for SPDC backed organizations to extort money from civilians. Women between the ages of 11-25 in Shan State for example, are not allowed to go to the Thai-Burma border without being accompanied, and also carrying a permit or letter from the Myanmar Women's Affairs Federation (MWAFF) that costs 200,000 kyat (US \$200).<sup>338</sup> These repressive laws are compounded by a lack of education about the risks of trafficking.<sup>339</sup> Thus, it is no wonder increasing rates of Burmese women are trafficked, when they are forced to rely on individuals who can clandestinely bring them across borders and provide their transport fees.

Trafficking is inextricably tied to the political and economic crisis in Burma. Perhaps one of the fundamental reasons for trafficking is unemployment, both for the women trafficked and the traffickers.<sup>340</sup> *"Under the pressure of abject poverty in Burma, young Burmese women become easy and vulnerable targets for traffickers as many future brides for sale are seeking greener pastures and better economic opportunities by leaving their native homes."*<sup>341</sup> These women were not only seeking economic opportunities for themselves, but often for their entire families.<sup>342</sup> In addition, Cyclone Nargis, which hit in Burma in May 2008, only exacerbated the number of women forced to seek out exploitative work elsewhere. *"The number of 'fragrant flowers' walking the streets and working the bars of Burma's major city has reportedly soared since Cyclone Nargis ripped into the Irawaddy Delta and tore families apart (for more information, see Trafficking in the Wake of Cyclone Nargis below)."*<sup>343</sup>

The economic crisis in Burma existed well before the current global economic crisis. At the heart of the economic crisis is fundamental mismanagement at the highest levels of the SPDC; the effects of which have been particularly evident in the utter absence of social services in favor of military spending.<sup>344</sup> It is consistently argued that trafficking is yet another byproduct of failed policies implemented by the SPDC. The annual TIP report published by the US Department of State claims that laws regarding trafficking are arbitrarily enforced and high-level officials involved in trafficking cases are repeatedly released.<sup>345</sup> In *Eastward Bound*, KWAT reported that charges were only brought in six of the 70 cases they documented after the passage of the September 2005 *Anti-Trafficking Law*. Of these six cases, two women were falsely accused of trafficking and four traffickers were released after paying bribes.<sup>346</sup>

The trafficking of women is a gross violation of human rights (For more information, see Chapter 17: Rights of Women). Trafficked women are forced to endure extreme mental and physical abuse. Typically, this involves debt bondage, imprisonment, forced labour, rape, exposure to HIV/AIDS, violence and sometimes murder.<sup>347</sup> Debt bondage is the common practice by which the trafficked woman is forced to work until she pays back the amount for which she was sold. Many of the Burmese women trafficked to Thailand are never told how much they were sold for to begin with and therefore have no idea how much they truly owe.<sup>348</sup> Regardless of whether they know or not, it is very rare that debts are ever paid off as many debts contain excessive interest rates and the miserly salaries the women receive hardly cover the costs of living, let alone debt repayment.<sup>349</sup>

Debt bondage is a violation of the Supplementary on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1949.<sup>350</sup> It also violates international laws against forced labour referred to in articles four and five of the UDHR and article eight of the ICCPR.<sup>351</sup>

Imprisonment in brothels or other areas is common practice and women are typically forbidden from leaving the premises unless they are escorted. This is in clear violation of article five of the ICCPR which states: “*No one shall be arbitrarily deprived of liberty...*”<sup>352</sup> Exposure to HIV/AIDS is also a common risk that Burmese women and girls face. Clients are typically not forced to wear condoms and in addition, many women are exposed to infection when unsterilised needles are used on them and others for birth control injections.<sup>353</sup> Of the 30 women interviewed in the *Modern Slavery* report, 50-70 percent of them were found to be HIV positive.<sup>354</sup>

Some of the particularly harrowing effects of trafficking are illustrated by Wah Wah’s story. Wah Wah, an 18-year old girl from Syriam, Burma was trafficked to Ruili, China and sold as a bride by Ma Phyu, to a Chinese man in Sandong, China for 20,000 yuan (approximately US \$2,900). After several weeks Wah Wah escaped from Sandong, China and was able to find her way back to Ruili, but upon her arrival she had nowhere else to go but back to the initial traffickers. They tried to sell her as a bride a second time, but she refused, so instead several traffickers took her to a paddy field near Namkhan where she was raped and then stabbed to death.<sup>355</sup>

The risks faced by trafficked women and girls are only intensified by the fact that the law in Burma does not protect trafficking victims. In fact, Burmese women are instead re-victimised by the very trafficking laws that are designed to protect them. Even if the women are able to free themselves from the traffickers, and return to Burma, they are increasingly likely to be falsely accused of trafficking under the September 2005 *Anti-Trafficking Law* and imprisoned yet again.<sup>356</sup>

## Human Trafficking in the Wake of Cyclone Nargis

After Cyclone Nargis swept through Burma leaving behind a trail of debris and obliterated infrastructure, many of the Burmese people in the areas affected by the cyclone, such as the Irrawaddy Delta, were forced to reside in makeshift camps that were crowded and unregulated, leaving children and young women vulnerable to traffickers. An aid worker from Save the Children, who anticipated an increase in trafficking attempts said, “[*Trafficking is*] an absolute standard thing in the fallout of an emergency like this.”<sup>357</sup> In mid-June, more than 80 women and children were rescued from the hands of human traffickers after they had been taken from the Irrawaddy Delta to the Thai-Burma border.<sup>358</sup>



Orphans from the cyclone were placed at considerable risk for long periods following the impact of the cyclone. The general confusion in the wake of the tragedy put children at risk of being forced into joining Burma's army, being trafficked for forced labour or sex work.<sup>359</sup> Following natural disasters, children already face incredible hardships such as trying to obtain enough food and water just to survive, so it is easier for them to be manipulated into believing they will be given job assistance, or a better life, as any opportunity seems desirable in their situation.<sup>360</sup> There were at least two cases of children being held by traffickers in May according to the Human Rights Education Institute of Burma (HREIB).<sup>361</sup> Another NGO reported that it intervened to stop seven separate attempts of trafficking involving several children in June.<sup>362</sup> As a countermeasure, the Burmese military regime barred individuals from adopting orphans from Cyclone Nargis to reduce the risks of trafficking.<sup>363</sup>

In December 2008, the Chief of Communications of the United Nations Children's Fund (UNICEF), Mark Thomas, argued that there was no proven correlation between Cyclone Nargis and reports of trafficking increasing, especially since there was an absence of reliable data on the number of trafficking cases prior to the storm.<sup>364</sup> That said, there was a dramatic increase in the number of prostitutes in Rangoon after Cyclone Nargis, but it is unclear as to whether these women were trafficked or not.<sup>365</sup> Several suspected traffickers, though, were trying to convince families to hand over their girls for work in domestic servitude in some of the camps in the delta areas.<sup>366</sup> Also, an aid worker from Social Action for Women, an NGO based in Mae Sot, Thailand, said that trafficking is a daily occurrence in Mae Sot and reported seeing approximately 100 women trafficked there from the delta areas after they were hit by the cyclone.<sup>367</sup> The reality is that, due to extreme circumstances, women were more likely to agree to leave the cyclone-ravished areas in search of better jobs elsewhere, often without full knowledge of where they were going or the nature of the work. In an assessment of the situation in the Irrawaddy Delta, published 23 July 2008, it was reported that in three of the camps in Labutta, girls aged 15-25 that had lost their parents in the cyclone were offering sex for money.<sup>368</sup>



These two young women from Thaketa Township in Rangoon, aged 17 and 22, each paid a broker 50,000 kyat to take them to Thailand to work in a factory. However, upon arrival in Thailand, they were sold to a brothel in Three Pagoda Pass for 5,000 baht each. [Photo: © WCRP]

## SPDC Efforts to Combat Trafficking

*“The SPDC has claimed that [Burmese] women are protected [from trafficking] by [Burmese] customs as well as by existing laws, including its anti-trafficking measures.”<sup>369</sup>*

There are already several laws in place in Burma in regards to trafficking and related issues. In addition, prostitution and child prostitution are both prohibited by law.<sup>370</sup> There are also laws against the recruitment of children under 18 by the SPDC forces, dating back to 1974.<sup>371</sup> Specific laws relating to trafficking have become more severe over the years as reports of the trafficking problem have increased. In 2003, Burma signed the UN Convention on Transnational Organized Crimes (CTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children.<sup>372</sup> Perhaps the most specific law the Burmese military regime passed was the September 2005 *Anti-trafficking in Persons Law* that included harsh penalties for traffickers including 10 years to life in prison, and the possibility of death.<sup>373</sup>

Stricter laws to prevent trafficking have not necessarily been beneficial. In 1997, the SPDC made it illegal for women in Shan State, aged 16-25, to travel alone to the Thai-Burma border. This has made it extremely difficult for women in search of work since they now have to pay increasingly excessive bribes to the Burmese border guards to cross over to Thailand. Since the establishment of this new trafficking law in 2005, the SPDC has cracked down on people, particularly females traveling to Thailand.<sup>374</sup> The restrictions on movement are oppressive and may be having an inverse effect.<sup>375</sup>

In separate legislation aimed at reducing trafficking passed in 2008, the SPDC outlawed the adoption of orphans from Cyclone Nargis, in an effort to reduce trafficking.<sup>376</sup> The Thai parliament also created a new trafficking law in 2008 that expanded their previous definition of human trafficking, offering more hope for potential victims trafficked into Thailand.<sup>377</sup>

Aside from the formal laws that the SPDC has introduced to combat trafficking, there have been a number of informal mechanisms put into place over the years to prevent trafficking from occurring and to provide assistance to victims of trafficking. As the flow of Burmese women trafficked to neighbouring countries for the sex industry drew criticism, the military regime has sought to improve its image by attending and hosting several international conferences in the late nineties. The SPDC also created a national mechanism that focused on a top-down approach to combating trafficking in women in 1998.<sup>378</sup>

By 2004, Rangoon was host to the Coordinated Mekong Ministerial Initiative attended by six neighbouring countries.<sup>379</sup> In 2007, the SPDC increased the presence of anti-trafficking units in nine separate areas frequented by traffickers.<sup>380</sup> Prevention mechanisms such as the Bilateral Liaison Office (BLO) were established in Muse, on the China-Burma border. The SPDC also made an effort to warn people about the dangers of trafficking with billboards, notices and 306 public awareness campaigns that reached more than 28,000 people.<sup>381</sup> Moreover, the SPDC conducted trafficking seminars with the assistance of the UN Inter-Agency Project on Human Trafficking (UNIAP), for national, state, and local-level authorities. The SPDC also appointed a Ministry of Social Welfare official and a Ministry of Foreign Affairs official to work closely with UNICEF to address the forced recruitment of children as soldiers for the military.<sup>382</sup>

These new measures have not necessarily had an impact upon the practice of human trafficking in Burma. For example, the Muse Human Trafficking Prevention Force, a five-year program to eradicate trafficking, is indicative of a serious problem on the China-Burma border that has escalated significantly over the last several years. As mentioned earlier the task force

is vastly under-funded and reflects a lack of real political will in addressing the problem of trafficking in northern Burma.<sup>383</sup> Throughout year of 2008, the Burmese authorities reported they had rescued more than 450 people smuggled into China since 2005.<sup>384</sup> A number as high as this, combined with the operational restrictions on the Muse taskforce is enough to draw speculation about how many cases went undiscovered over the course of that year. Though the SPDC made efforts to protect victims of trafficking once they returned to the country, these measures were largely said to be oppressive as they mandated that victims stay in training centers for at least one month before returning to their homes.<sup>385</sup>

Overall, the progress made on combating trafficking is said to be limited, according to a recent report on trafficking released by the US Department of State in 2007.<sup>386</sup> It has also been said that, “*SPDC measures have been more punitive than protective*” as women who have been trafficked to other countries are often arrested when they return to Burma for leaving the country illegally.<sup>387</sup> These arrests increased even after the new *Anti-Trafficking Law* was passed in 2005.<sup>388</sup> It is therefore questionable whether the SPDC truly intends to eradicate trafficking as they say, or is instead merely using trafficking to impose increasingly repressive conditions on the Burmese people.<sup>389</sup> Perhaps the most telling indication that the SPDC has not made progress in its efforts to reduce trafficking is the reported increase in human trafficking by the KWAT.<sup>390</sup> This increase is evidence of the SPDC’s failure to take the human trafficking problem seriously.

According to the 2008 US Department of State report on trafficking, the SPDC did not even meet the minimum standards necessary to control trafficking and was making no concerted efforts to do so. The report also claims that the SPDC rarely enforces trafficking laws and perpetrators are frequently released.<sup>391</sup> Corruption undoubtedly plays a huge role in the SPDC’s arbitrary enforcement of domestic law. NGOs consistently report that the reason trafficking laws are not enforced is because officials in the Burmese military regime are regularly complicit in trafficking.<sup>392</sup> One woman had to pay an SPDC official US \$500 or face a four year and four month prison sentence for illegally leaving Burma, after she returned from being forcibly trafficked. Many more women do not report trafficking incidents to the police because SPDC officials are commonly in collusion with traffickers and these women fear violent repercussions.<sup>393</sup>

Even though there are laws in place to address the trafficking crisis in Burma, corruption is essentially institutionalised. In essence, this prevents all hope of eradicating a practice that is condoned and perpetuated by the SPDC; the very organization designed to protect the people. These conditions further support the notion that the only realistic way out of the trafficking crisis is through fundamental change to the political system.

## Human Trafficking – Partial list of incidents for 2008

### Thai-Burma Border

On 3 July 2008, Burmese border officials rescued more than 80 women and children victims of Cyclone Nargis, who had been trafficked from the Irrawaddy Delta to the Thai-Burma border, on 11 to 14 June 2008. The victims were supposedly tricked into believing the traffickers were aid workers.<sup>394</sup>

On 23 January 2008, DVB reported that Ma Noe Noe, a 17-year old Burmese girl from Myawaddy, Karen State, was sold by her mother, Khin San Wai, to human traffickers from Mae Sot, Thailand. Though the exact date was unclear, it is believed the incident occurred sometime in January. Ma Noe Noe said that the human smuggler came to her house and gave her mother 500,000 kyat (the amount Ma Noe Noe was sold for), and when she asked her mother about the money, her mother said she was only borrowing the money. Ma Noe Noe, reflecting on her mother's decision, said: *"I feel very sad when I look at other families. My mother sold me to the traffickers because she had no money to eat."*<sup>395</sup>

On 26 February 2008, a truck carrying 28 illegal Burmese migrants to Malaysia entered Thailand from Kawthaung in Tennasserim (Tanintharyi) Division. Thai police fired upon the truck when it passed through Hat Yai, Thailand without stopping at a checkpoint. Several of the Burmese passengers were injured, while Maung Oo Min Soe, 10-year old Arakanese boy, was killed. The driver of the truck refused to take the injured to the hospital and left the boy's body on the side of the road. The injured included one Arakanese man, and one Mon.<sup>396</sup>

On 9 April 2008, approximately 54 illegal Burmese migrant workers suffocated to death while they were being smuggled in a seafood container truck from Kawthaung Town, Tenasserim Division, to Phuket, Thailand. Initially, the group comprised 121 illegal Burmese migrants but only 67 migrants, 14 of which were minors, survived the incident.<sup>397</sup>

On 23 April 2008, it was reported that more than 30 trafficked girls were being held in a brothel named Kaday Kadar in Three Pagodas Pass. The girls reportedly made around 120 baht (approximately US \$4) per night.<sup>398</sup>

From 19 to 24 June 2008, 200 Burmese people preparing to enter Thailand illegally were arrested in hotels in Kawthaung in Tenasserim Division. The smugglers, a hotel owner, his wife, a manager, and six others, were also arrested.<sup>399</sup>

On 3 July 2008, it was reported that eleven ethnic Padaung 'long-neck' people living in Mae Hong Son, Thailand disappeared. The Padaung people, originally from Karenni State, reportedly left for southern Thailand with a Korean businessman to work as a tourist attraction. One source claimed the Padaung most likely left because they had not received adequate pay and the tourist industry in Mae Hong Son was declining. However, the deputy governor of Mae Hong Son said that if an investigation proved they had been trafficked, charges would be brought.<sup>400</sup> It was reported that the 11 Padaung people still had not been found as of 16 July 2008.<sup>401</sup>

On 14 August 2008, it was reported that at least 200 illegal Burmese migrants were being arrested every day in a human smuggling crackdown in Kawthaung, Tenasserim Division. Burmese authorities had closed down six hotels, including the Shwe Kawthaung, Han and Htun Taunt hotels, for their involvement in smuggling operations and arrested two smugglers. Local residents claimed that approximately 500 illegal Burmese migrants enter Ranong, Thailand from Kawthaung every day looking for jobs in Thailand.<sup>402</sup>

## Sino-Burma Border

On 7 May 2008, two girls trafficked from Kutkai Township, Shan State several months prior, were rescued by Burmese authorities from Muse Township. A trafficker named Ma Bya Muwu, from Homon ward, Muse, initially sold the girls, and two others, for 400 yuan each to a Chinese resident named Shauk Twom. They were trafficked for forced labour and sexual exploitation. Coordinated efforts between Chinese and Burmese officials led to their rescue in Tarkwom village in China. The girls were identified as Ma Kai Kyan (15) and Ma Kyan May Chin (16).<sup>403</sup>

On 21 October 2008, Chinese police rescued two Mandalay University students after they were trafficked from Lashio to Chinshwehaw by Ma Phyu, a member of a human trafficking syndicate. They were then sold to a Chinese citizen from Anhui for 20,000 yuan, who sold them again three months later. One girl was sold as a bride for a deaf and mute man, while the other was sold as bride for a man more than 60 years old. Both girls stayed with these men for approximately six months and faced innumerable hardships, including physical and sexual abuse. The girls were found after a human trafficking crackdown before the Olympics.<sup>404</sup>

On 21 October 2008, Chinese police discovered 100 Burmese trafficking victims in the lead-up to the Olympics. The victims included the two girls from Mandalay University described in the preceding incident. It was also reported that 18 additional women, between the ages of 18-30, were rescued from fishermen in Fujian Province, China. The young women were returned to Burma and reportedly transferred to the Muse Human Trafficking Prevention Force.<sup>405</sup>

On 28 October 2008, Aung Kyaw Zwa, a Burmese businessman on the China-Burma border reported that approximately 200 Burmese women were arrested for violating Chinese smuggling laws. The women were tricked into being smuggled into China by human traffickers. Aung Kyaw Zwa also reported that two days earlier, 24 Burmese women had been deported back to Burma. One of the women deported said that she was initially promised 150,000 kyat (US \$121) per month if she agreed to be smuggled into China. However, she was instead forced to marry a 60-year old Chinese man who broke two of her teeth and cut her hair while she living with him, so other men would not take her away from him.<sup>406</sup>

On 28 October 2008, it was reported that Chinese police arrested Ma Phyu, a woman involved in a human trafficking syndicate in Ruili, China. Ma Phyu, from Syriam, Burma, reportedly trafficked more than 20 young Burmese women to China as forced sexual partners or brides. Her victims, usually aged between 18 and 22, were often tricked into believing they could earn 100,000 - 150,000 kyat (approximately US \$85 - \$130) per month in China. The human trafficking syndicate was disbanded and its members were arrested after a trafficking victim, Shwe Shwe, managed to escape her Chinese buyer and fled to Ruili, China where she aided the police in capturing the traffickers. Chinese police arrested approximately 12 traffickers, and on the 14 October 2008, Kyaw Tun, Ma Phyu and her 13-year old son were transferred to the Muse Human Trafficking Prevention Task Force in Burma. Those arrested included:

1. Ma Phyu, female, from Syriam;
2. Kyaw Tun, male;
3. Kyaw Swa, male; and
4. Bo Bo, female, Kyaw Swa's wife.<sup>407</sup>



## Bangladesh-Burma Border

On 29 January 2008, BDR Battalion #23 arrested three Burmese nationals and Mohammed Amin, a Bangladeshi human trafficker that was helping the Burmese men from Buthidaung Township, Arakan State cross into Bangladesh on the Naf River. The arrest took place in Leda under Teknaf union, Cox's Bazaar District, Bangladesh. The Burmese men were eventually allowed to go back to Burma, but the trafficker was held for further questioning. Those arrested included:

1. Mohammed Amin, Bangladeshi male, aged 28, trafficker;
2. Mohammed Mostafa, Burmese male, aged 30, trafficked;
3. Mohammed Yasin, Burmese male, aged 20, trafficked; and
4. Zaker Hussain, Burmese male, aged 25, trafficked.<sup>408</sup>

On 30 January 2008, a gang of Bangladeshis kidnapped Alizuhar, a human trafficker in Teknaf, Bangladesh who had recently been part of a trafficking operation that involved sending 60 boat people to Malaysia. The boat was ship-wrecked on the way to Malaysia and all of the passengers escaped into Bangladesh. The Bangladeshi authorities learned that another human trafficker, Ayub Ali Majee, from Teknaf, Bangladesh, was working with Alizuhar, and had initially trafficked the boat people into Thailand. The police were reportedly looking for the traffickers and the gang of Bangladeshis.<sup>409</sup>

On 20 February 2008, Mohamet Shafi (35) trafficked 531 people via boat from Gwaylayar village in Arakan State to Malaysia, charging 100,000 kyat per person, some of which was reportedly paid to the local authorities. Sources contend that the immigration department, police, SaYaPha (military intelligence) and SPDC officials from Arakan State, were all involved in trafficking.<sup>410</sup>

On 25 February 2008, at around 2:00 am, four Burmese girls were rescued by RAB in Teknaf, Bangladesh after having been trafficked by a 50 year-old Burmese woman named Massoda Khatun. The girls were taken from Maungdaw Township across the Naf River to Massoda Khatun's 25-year old son, Mohammed Yunus, in Hari Para of Teknaf, Bangladesh. RAB raided Mohammed Yunus' home on 25 February and arrested him as well as the Commissioner of Teknaf Upazila, Bangladesh, a man identified only by the name Akram, who was later released. Two other traffickers identified as Basha, from Maungdaw Township, and Zago, from Teknaf, Bangladesh, managed to escape. The victims were identified as:

1. Taslim Fatema (alias Ragi), female, aged 15, from Ward #2;
2. Rashida Begum, female, aged 17, from Ward #5;
3. Taslima Begum, female, aged 12, from Ward #4; and
4. Mostafa Bi Bi, female, aged 10, from Ward #3.<sup>411</sup>

On 28 February 2008, at around 8:00 pm, Omar Abbas (35) from Shita Purika smuggled 45 Rohingya people from Shapuri Dip, Bangladesh to Malaysia via boat. The victims, originally from the Buthidaung and Maungdaw Townships in Arakan State, were required to give Omar Abbas 20,000–25,000 taka per person, depending on how much they had. Once they reached Malaysia, they were required to pay an additional 2,500 to 3,000 ringgit per person. The Rohingyas were mostly seeking work to support their families, and also fleeing from persecution.<sup>412</sup>

On 10 March 2008, at around 10pm, two Burmese girls, from Nga Kyi Dauk village tract of Buthidaung Township in Arakan State, were kidnapped from their families by three local Bangladeshis working in the shrimp projects on the Bangladesh-Burma border. The families were crossing the border in hopes of finding work and had asked the Bangladeshi shrimp workers where Teknaf - Cox's Bazar, the main road in Bangladesh, was. The girls, Fatema Khatun (16), and Somuda Begum (14), were taken in front of their family members and their whereabouts were unknown at the time of reporting.<sup>413</sup>

On 6 June 2008, two Rohingya men from Lake Ya village in Maungdaw Township, Arakan State were tortured and falsely accused of human trafficking by Burma's border security force, NaSaKa. The two men, Ahmed Ullah (27), and Osman (28), were arrested by NaSaKa personnel from sector #3 in Maungdaw Township. They were accused of frequently traveling to Bangladesh, and NaSaKa forces confiscated their mobile phones and alleged that phone calls to people in Malaysia and Saudi Arabia were related to trafficking. The men were tortured and then their families were each forced to pay 800,000 kyat for their release.<sup>414</sup>

On 27 June 2008, two young Rohingya males were suspected of trafficking two young NaTaLa (model villages established by the SPDC) girls from Loung Don NaTaLa village of Bawli Bazaar village tract in Maungdaw Township, to Bangladesh. Initially, the young men, Noor Khobir (22) from Loung Don village, and Mohammed Yousha (23), from Kazir Bill village, and the two girls (who had not been identified at the time of the report) were arrested by NaSaKa forces. The group members paid a 150,000 kyat bribe however, and were allowed to enter Bangladesh. Upon their arrival, they took shelter at a ferryman's house in Hansur Para village, Bangladesh. The two young men were sent away to get money for their family, and the girls were left with the ferryman. The whereabouts of the girls were unknown as of July 2008, and the Burmese police have filed a case in Burma against the Rohingya youths. The young men were said to be in love with the girls and were fleeing to Bangladesh because they were forbidden to marry in Arakan State.<sup>415</sup>

On 14 October 2008, at around 8:00 pm, NaSaKa security forces in sector #6 along the Bangladesh-Burma border arrested a member of a human trafficking syndicate, Abdu Sukur (42), from Ponzapinpru village tract in Maungdaw Township, Arakan State. Abdu Sukur was accused of trafficking people from Arakan State to Malaysia and China. It was reported he charged 20– 50,000 kyat per person for the service. He had been hiding at the house of his friend, Moulana Syed Ahmed (35), in Ponzapinpru, but Moulana Syed Ahmed, a Rohingya man, was an informer for the NaSaKa and reported that he was there. NaSaKa forces were also using other Rohingya informers identified as Ayas (37), and Alam (30) from Ponzapinpru, to obtain information about their village. Upon his arrest, Abdu Sukur paid the NaSaKa officials a large bribe and was released shortly thereafter.<sup>416</sup>

On 9 November 2008, approximately 120 boat people left for Malaysia from Moshkhali in Cox's Bazaar District, Bangladesh, but ended up abandoning ship after three days in Naya Para, Teknaf Union, Bangladesh on 10 November. All of the passengers managed to escape and the leader of the expedition went into hiding. On the same day from Shapuri Dip, Bangladesh, approximately 100 boat people left for Malaysia. On November 10 approximately 140 more boat people left from Shapuri Dip, also headed for Malaysia, on two separate vessels. On 11 November an estimated 150 boat people left from Shapuri Dip, also headed for Malaysia, but were forced to turn around and return to Shapuri Dip after the vessel suffered engine trouble. All of the passengers arrived safely and escaped arrest.<sup>417</sup>

On 13 November 2008, it was reported that from 7–11 November 2008, five motorboats from Shapuri Dip, Teknaf, Bangladesh carrying hundreds of boat people, left for Malaysia, but only three boats arrived. November is a common time of year for boat people to leave for Malaysia, because of the good weather. The boats were carrying predominately Rohingya people and some Bengalis. The people were fleeing to Malaysia to avoid persecution by the SPDC, and also to find work to support their families. Sources also reported that Dolu Hussain from Shapuri Dip, Bangladesh was allegedly involved in the powerful human trafficking syndicate that facilitated the trips to Malaysia, and had connections with Malaysian authorities. Additionally, eight Rohingya people were arrested and sent to Cox's Bazaar jail on suspicion of being boat people, but locals reported they were cattle traders, and had been falsely arrested.

On 15 November 2008, U Maung Ni, a trader who deals in cattle, teak and rice, was arrested on charges of human trafficking at a private clinic in Than Pain Chaung Ward of Kyauk Pyu Township, Arakan State. U Maung Ni was suspected of trafficking two or three people from Kyauk Pyu Township to Bangladesh. The Burmese police also confiscated contraband including birth control tablets and injections. The mother and child clinic was owned by U Maung Ni's wife, Dr. Ma Hla Khin (38), and although not arrested, police shut down her clinic after the incident.<sup>418</sup>

On 23 November 2008, four people from Thain Ban Chaung Ward were arrested in Kyauk Pyu, Arakan State for their alleged involvement in trafficking Muslim people from Arakan State to Rangoon and Malaysia for huge profits. A local resident said the Muslims were required to pay between 300,000 and 500,000 kyat for travel to Rangoon and 1,000,000 kyat for travel to Malaysia. Those arrested included:

1. Ma Khin Hla, Muslim, nurse;
2. Maung Ni, Muslim, Ma Khin Hla's husband;
3. Maung Maung Tin, Buddhist;
4. Pho Than, Buddhist, Maung Maung Tin's spouse.<sup>419</sup>

On 23 December 2008, more than 200 Rohingya boat people travelling to Malaysia from Shapuri Dip, Bangladesh lost their way at sea and were caught by authorities off the coast of Bassein in Irrawaddy Division. They were sent to Rangoon for questioning and then taken back to Arakan State and released in Buthidaung and Maungdaw Townships, by VPDC officials.<sup>420</sup>

On 28 December 2008, it was reported that more than 300 boat people, on their way to Malaysia from Shapuri Dip, Bangladesh were thought to have drowned after Thai navy personnel denied entry to the boat as it attempted to land on the coast of Thailand, near the Andaman and Nicobar islands in the Bay of Bengal. The boat people, mainly Bangladeshis, and a few Burmese, had become lost after travelling for 45 days in six boats. Those on board were originally destined for Malaysia and had not intended to land in Thailand but were forced to after they ran out of gas and food. The Thai navy sent two boats near Kuraburi, Thailand, with 180 and 108 people respectively, back to sea according to sources from Thailand and India.<sup>421</sup>

## Japan

On 10 December 2008, two Japanese men, Hideo Kobune, male, aged 69, president of NPO Wellness Network 21 and Izumi Omori, male, aged 58, public notary, were arrested for smuggling five Burmese women into Tokyo, Japan. A 27-year old Burmese female broker who reportedly facilitated the transaction was also arrested. The Burmese women paid Hideo Kobune 1,500,000 yen each to go to Japan, and were provided with forged graduation certificates from a Japanese language school in Burma and fake employment certificates from software companies he owned so they could gain residency status. He then forced them to work in restaurants.<sup>422</sup>

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The Human Rights Documentation Unit (HRDU) is the research and documentation division of Burma's government in exile; the National Coalition Government of the Union of Burma (NCGUB). The HRDU was formed in 1994 to document the human rights crisis confronting the many and varied peoples of Burma, and to defend and promote those internationally recognised human rights that are inherent and inalienable for all persons irrespective of race, colour, creed, ethnicity or religion. To this end, the HRDU published the first *Burma Human Rights Yearbook* in 1995 to comprehensively document the systematic and egregious nature of the human rights abuses being perpetrated in Burma throughout the previous year. This report, the *Burma Human Rights Yearbook 2008*, represents the 15<sup>th</sup> annual edition of the *Burma Human Rights Yearbook*, which, combined with all previous editions collectively comprise well over 10,000 pages of documentation and provide an unbroken historical record spanning the past one and a half decades.

All editions of the *Burma Human Rights Yearbook* and all other reports published by the HRDU can be viewed online on the NCGUB website at <http://www.ncgub.net> as well as on the Online Burma Library at <http://www.burmalibrary.org>. Any questions, comments or requests for further information can be forwarded to the HRDU via email at [enquiries.hrdu@gmail.com](mailto:enquiries.hrdu@gmail.com).

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