



**Special Report
2003**

Uncounted

political prisoners in burma's ethnic areas

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**Uncounted: political prisoners in
Burma's ethnic areas**

**A report by Burma Issues and
Altsean-Burma**

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**ALTSEAN
BURMA**

ALTERNATIVE ASEAN NETWORK ON BURMA

PO BOX 296, LARDPRAO POST OFFICE, BANGKOK 10310, THAILAND

TEL [661] 850 9008

FAX [662] 939 0286

EMAIL altsean@ksc.th.com

Front and back cover drawings by Buu Chi

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Executive Summary

In Mr Paulo Sergio Pinheiro's report to the 59th Commission on Human Rights he stated,

"Political arrests since July 2002 have followed the pattern of un-rule of law, including arbitrary arrest, prolonged incommunicado detention and interrogation by military intelligence personnel, extraction of confessions of guilt or of information, very often under duress or torture, followed by summary trials, sentencing and imprisonment."

This report presents a sample of 46 cases that comply with the description in Pinheiro's statement but remain unrecognised as political arrests. They are people mostly in Burma's ethnic areas detained on accusations of supporting ethnic nationality opposition groups. The accusations range from offering support through food and accommodation, to knowledge of opposition group movements, to actually being a member of an ethnic nationality opposition group.

- ◆ 51% of cases included use of torture
- ◆ 91% of cases involved arbitrary detention
- ◆ In 22% of cases the victim was extrajudicially killed
- ◆ 40% were arbitrarily detained in a military base
- ◆ 40% were detained within their village

This report also finds that these people are targeted because the SPDC has zero tolerance for political pluralism and dissent. The SPDC tries to accomplish absolute power and the weakening and destruction of the people's movement through a range of violations intended to put fear into local communities.

This report explores the treatment received by those detained in such circumstances. It finds that in 51% of cases torture was used upon those detained. 91% of cases involved arbitrary detention and in 22% of cases the victim was extrajudicially killed. 40% of those who were arbitrarily detained were confined to a military base. Another 40% were detained in various structures within their village such as temples, schools and other villagers' houses. Victims either died or were killed in custody, or were detained for days, months or indefinitely, with some disappearing without a trace. All forms of treatment violated international legal instruments designed to protect people's basic rights. In many cases torture was used to extract information and confessions of guilt. It was also used as a deterrent.

This report finds that in all cases no legal or judicial procedures were complied with when carrying out these detentions. In only three of the 46 cases were those accused formally charged. These three, and the other 43 cases, received no fair trial. The ethnic areas of Burma are administered under an illegitimate military rule where the Burmese military acts as its own judicial and policing

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system. This allows the perpetration of numerous human rights abuses and political oppression within a culture of impunity.

Several well known cases of ethnic political prisoners such as U Aye Thar Aung, Dr Salai Thun Than and Pastor Gracy have been documented and acknowledged. However, this report is aimed at highlighting the hundreds, and possibly thousands of nameless, and voiceless prisoners that have been detained in unconventional locations and excluded from legal procedures.

The often remote nature of these areas and the lack of both attention by the international community and access for independent monitors, has allowed the military to defy both international and domestic laws in their attempts to eradicate this resistance.

People in Burma's militarized zones are especially vulnerable to detentions that fall outside legal jurisdictions. It is important to note that these ethnic areas are not technically subject to martial law. This vulnerability is due in part to the isolation of Burma's ethnic areas from international scrutiny and independent monitoring. The SPDC has frequently used the presence of armed and political opposition groups in these areas as justification for its abuses. The SPDC has deliberately targeted the civilian population in its attempts to eradicate these ethnic nationality opposition groups.

This report aims to create awareness of a group of detainees that continue to remain excluded from the current reporting system on political prisoners in Burma. This report provides a valid basis for their inclusion into this system. It is hoped that this report will encourage ethnic human rights documentation groups to be more conscious of politically motivated detentions. This report also demonstrates the SPDC's continued lack of tolerance for opposition despite their claims of genuinely working towards democracy and safeguarding national solidarity and peace. While the active efforts to eradicate opposition continue to exist, people in Burma, and in the context of this report those specifically in the conflict zones, will continue to remain vulnerable to politically motivated detentions.

Introduction

Burma's military regime is guilty of more than forty years of oppressive and abusive actions in the ethnic areas of Burma. The border areas of Burma cover Karen, Kachin, Chin, Arakan, Shan, Mon and Karenni States and the Tenasserim Division. These areas are administered under military rule due to perceived subversive elements that exist there, namely armed opposition groups. These areas consist of hundreds of ethnic nationality groups that make up

minority percentages of Burma's population. These are groups that have, particularly over the past forty years, struggled to maintain their identities and cultures while living under a brutal regime. The people living in these conflict zones are subjected to both offensive and defensive assaults from the Burmese military. The often remote nature of these areas and the lack of both attention by the international community and access for independent monitors, has allowed the military to defy both international and domestic laws in their attempts to eradicate this resistance.

This report presents cases of ethnic villagers who were detained on accusations of supporting the ethnic nationality opposition groups. It focuses on three interlocking themes:

1. The motivation behind the detention of people accused of supporting ethnic nationality opposition groups;
2. The treatment of these people while detained;
3. Whether there was a legal basis for these detentions.

At the same time it challenges people to rethink the criteria which govern the reporting of political prisoners in Burma so that it can include the cases outlined in this report. This is important, for while the issue of political prisoners languishing in Burma's prisons was of prominent concern throughout 2002, this group of people, also arrested and detained for political reasons, were relatively unheard of. The lack of visibility of these prisoners is compounded by their inaccessible locations and the limited capacity for documentation of the issue. As a result the Burmese military commit human rights abuses and political suppression with greater impunity.

This report documents cases of ethnic villagers who have been arrested, detained, tortured and killed. Some have just disappeared at the hands of the Burmese military. They were treated this way because they were accused of providing food, shelter, being a party to information, and being a member of ethnic nationality opposition groups. They were often detained at military bases and sometimes in structures within their village. In no cases were these people treated according to the law. In most cases the Burmese military acted with impunity and as a result the people in the cases documented in this report live in a state akin to limbo. They fall outside the protection of domestic law, they are relatively unrecognised by the international community and no-one has been able to guarantee the security of their livelihoods. If Burma is to reach a true and sustainable reconciliation, the severity of human rights abuses and the denial of political rights need to be acknowledged and addressed.

Scope of the report

This report is by no means an extensive list of the cases of politically motivated detentions in Burma's ethnic areas. Limitations exist with access to

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information in certain areas and either opportunity or capacity for information collection. While the report tries to cover most states more evidence was obtainable in some states than others. The cases present the gravity of the situation concerning ethnic political prisoners and politically motivated detentions in the ethnic areas. It is hoped that this report will encourage key groups to acknowledge and further investigate this problem.

Cases were taken from the years 2000-2002, unless there was extensive evidence from a particular case that fell outside this timeframe. Cases were taken from interviews conducted by Burma Issues human rights documenters, as well as reports and documentation groups relevant to the content of this report and had greater access to areas where Burma Issues did not. These sources are the Chin Human Rights Organisation, Shan Human Rights Foundation, Mergui-Tavoy Information Department of the KNU, Karenni News and Information Committee, the Mon Forum, Karen Human Rights Group, Narinjara and Kaladan Press Network.

Most interviews were conducted inside Burma and the remaining few came from accounts of witnesses who were able to reach the border. In most cases interviews were conducted with the survivors of detention themselves. In a few cases interviews were conducted with villagers who witnessed the incident. In cases where the victims died from their injuries, their stories were told by those who witnessed the event or had gained information about the event from credible sources. Names of those interviewed have either been changed or left out to protect the identities of many who still live under the oppression of the Burmese military. No exact locations of existing villagers has been used, instead the name of the Township is used.

The difficulty lay in trying to get a loose group of semi-autonomous ethnic groups to unify under a central government whilst maintaining their identity and culture.

Background

The recognition of the extent of the political issues governing the ethnic areas of Burma has always been a contentious one. The divisiveness of the ruling systems that have governed the ethnic areas and the plains of central Burma predate the current struggle for recognition by the ethnic nationality groups since gaining independence from Britain. During the British colonial era the ethnic areas had been left to govern themselves with little interference from the central administration. When Burma's independence was discussed after the Second World War, the drawing of boundaries became more important

as the ethnic areas were encouraged to come under a central administrative command. The difficulty lay in trying to get a loose group of semi-autonomous ethnic groups, some of whom in the past had been given the right to self-determination and were actively calling for this to be honoured, to unify under a central government whilst maintaining their identity and culture. The attempts by the post-independence government to form a governing body that was inclusive of the various ethnic groups and interests, only managed to force the ethnic groups underground. Many ethnic groups saw the only effective means for resolving their political struggle as one that required them to bear arms against a government they deemed as failing to address their political concerns.

In 1947 Aung San, the man primarily responsible for pushing Burma's transition to democracy, and representatives from the Shan, Kachin and Chin



Fighting for democracy

states signed the Panglong Agreement. Historically this agreement was seen as instrumental in getting the Burman majority and some of the ethnic nationality groups to agree on a unified country, the Union of Burma. It also made prominent the conspicuous absence of participation from the Karen, Karenni, Mon and Arakanese. This agreement never reached its full potential, hampered amongst other things by the assassination of Aung San in July of the same year. While some groups like the Shan continued to persevere with the political process until the late 1950s, many others like the Communist Party of Burma (CPB), Karen National Union (KNU), Arakan People's Liberation Party (APLP) and Mon National Defence Organisation (MNDO) decided to go underground in 1948-9. Burma's post-independence government, under the Prime Ministership of U Nu, found themselves confronted with a growing number of armed ethnic groups who were responding to the government's process of dealing with their political concerns.

By the time Ne Win staged his coup in 1962 the ethnic nationality opposition groups had formed strong roots of defiance. Ne Win and his Burmese Socialist Progressive Party responded with a policy of destroying any person or group that defied his military system of government, "The Burmese Way to Socialism". A system of divide and rule became the corner-stone of Ne Win's treatment of the ethnic nationality opposition issue. He augmented a series of tactics that helped to undermine the unity and organisation of the ethnic nationality opposition movement and deny their participation in any future political process. As a result accessibility to education has dropped to such degrading levels that 40% of Burma's children never attend school.¹ Learning ethnic languages has long been denied to students in ethnic areas unless they attended schools

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controlled by one of the ethnic nationality opposition groups. Costs of education and the imperative to work for a living also inhibit access to education in the ethnic areas. Health expenditure in 1996 was estimated at only 6.9 kyats (US\$1.00) per capita² and a large proportion of the ethnic areas rely on backpack medicavacs or sub-standard medical facilities and disproportionate pricing for any kind of medical treatment. Human rights abuses, forced labour, portering, forced relocations and development projects have all contributed to an environment lacking in standard infrastructure to complement basic rights, let alone allowing the formation and contribution of opposing political views and parties.

In a further attempt to deny the ethnic nationality opposition groups participation in the political process and to cut off the grassroots support to these groups, Ne Win instigated his “4 Cuts Policy” in the late 1970s. At this time the border areas were strongly under the control of the ethnic nationality opposition groups and the aim of this policy was to cut off communication, food, equipment and recruits to these groups. A result of this campaign was the division of these areas into three zones: The white zone, controlled entirely by the Burmese military, the black zone or “free fire zones”, controlled by the ethnic opposition groups, and the gray zones, those areas not controlled by either the opposition groups or the Burmese military. In the gray zone villagers were subjected to extreme difficulties, paying taxes and taking orders from both sides.

Documentation since has shown that this “4 Cuts Policy” has had more effect on the villagers in the conflict areas than those who are members of the opposition groups. Caught between the Burmese military and the ethnic nationality opposition groups the villagers are often used as pawns and are subject to the frustrations and wrath of the conflict between these two groups. The “4 Cuts Policy” also saw the first influx of refugees into Thailand, a pattern that continues today, with more than 130,000 refugees residing in camps along the Thai-Burma border. There are a further estimated 500,000 externally displaced people in Thailand, more than 20,000 Rohingya in Bangladesh refugee camps and very loose estimates of over a million Internally Displaced People (IDP's) in Burma itself. All of which can be partially attributed to the action taken by the Burmese military due to their lack of tolerance for the presence of ethnic nationality opposition groups.

People's militias (Hta Ka Sa Pa, anti-insurgency group in Burmese) began forming in 1976. Made up of people from existing villages, the aim of these groups was to give security to villagers in the conflict zones. In reality these groups created distrust and conflict between villagers and were used to find out information about the ethnic nationality opposition groups. If a village could not supply men to join the militia then they had to provide money. The

Burmese military supplied them with guns but no training and food and monetary support had to come from the villagers themselves. In effect villagers were forced to support those that were potentially dangerous to their continued existence. Militias were forced to fight other militias and the ethnic nationality opposition groups. Families and villages that had previously been on friendly terms became divided by these militias.

The ethnic nationality opposition groups received a further influx of support after the 1988 democracy uprising. Here support came not from their traditional grassroots base but from the urban, educated and predominantly Burman students who fled to the border areas after the violent suppression of their demonstrations. In March of 1988 cracks of unrest began to show in the universities of Rangoon and Mandalay where students demonstrated intermittently over the next 8 months. In July Ne Win announced his resignation and in a blatant show of combined opposition, thousands of students, monks and civil servant workers demonstrated around the country against the economic and humanitarian problems Burma had been facing with increasing detriment. This demonstration was violently quelled by Burmese military troops. Thousands were killed and many more fled to the relative safety of the border areas which were controlled by ethnic nationality opposition groups. For the first time these two significant movements were exposed to each others struggles.

After 1988 the military government changed its name to the State Law and Order Restoration Council (SLORC), later to become the current State Peace and Development Council (SPDC), and opened Burma's economy to foreign investment and trade. Prior to this Ne Win had operated a closed door policy, cutting Burma off from any international investment or trade, as well as scrutiny. Ethnic nationality opposition groups used their close proximity to the border areas to generate income from informal cross-border trade, that benefited their status and consolidated their strong control over the border areas. By opening the country up to investment the military government decreased the reliance on this border trade. They coupled this with attempts to get the border trade under their own control by attacking the border strongholds of the ethnic minority groups. Those living in the border areas experienced the repercussions of mass development projects the Burmese military undertook with foreign investment from outside countries. These development projects



The mostly agriculture based rural areas

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caused mass displacement and human rights abuses; they also helped finance the Burmese military's continued attacks against its own people.

Over the past forty years the ethnic nationality opposition groups have endeavoured to form various coalitions to carry forward a unified struggle for recognition and political participation. In 1959 six ethnic political groups formed the National Democratic United Front (NDUF) and in 1976 a number of ethnic nationality opposition groups joined together to form the National Democratic Front (NDF). In 1988 the Democratic Alliance of Burma (DAB) was also formed, the last two groups continuing to the present day. In 2002, eight ethnic political parties³ who had won seats in the 1990 election (except the Karen National Congress for Democracy) joined together with the main objective of promoting dialogue and coordination to resolve Burma's current political problems. The group was also established to prepare for eventual tripartite dialogue. These groups have had varying effects on the political scene of Burma and varying successes in highlighting the ongoing political concerns of the ethnic nationality groups. Many ethnic nationality groups have expressed genuine interest in federalism, tripartite dialogue and cease-fires. They have received mostly negative responses from the SPDC who continue to exclude them from political participation and offer no compromise in negotiating cease-fires. The need for political recognition of these ethnic nationality groups is not in doubt. The impact of their struggle on those who are members and also on the people who live in the conflict zones where they operate, leaves little doubt that resolving this conflict will require some legitimacy be given to the political struggle of these ethnic nationality groups.

Definitions and Regulations

This report challenges the international community and those concerned with Burma to take a renewed look at political prisoners and politically motivated detentions in Burma's ethnic areas. It may include ideas that run contrary to common assumptions. The following section therefore clarifies some definitions and understandings that are used in this report.

What is a political prisoner?

A commonly accepted criterion for what actually identifies a political prisoner has never really been addressed. Most international institutions hold varying opinions on what defines the status of a political prisoner. Amnesty International defines a political prisoner as a person who has committed criminal offences for political motives. Prisoners of conscience on the other hand are defined as people arrested for their own political or religious convictions. Definitions have ranged between those detained for their political convictions to those

who have committed criminal acts on behalf of their political convictions. The line for excluding someone convicted of a criminal offence but for a political conviction can become blurred, especially when, as in numerous cases in Burma, individuals are often accused of criminal offences as a way of excluding them from the international attention focused on political prisoners in Burma.

Classification of political prisoners has often been manipulated by governments and those wielding authority to benefit their own political interests. This has added to the difficulty of defining and protecting those who are arrested or detained based on their political conviction.

In Burma, those accepted and documented as political prisoners come from a relatively select group of people - those arrested, charged and detained in conventional centres. In many cases those detained are from legitimate political parties that participated in the 1990 elections, others are individuals who have exercised their basic rights through peaceful means.

In the context of Burma one of the aims of this report is to question this accepted informal criteria for political prisoners and to raise the question of legitimising and recognising the cases described in this report as politically motivated detentions and thus the detainees as political prisoners.

International and domestic regulations governing treatment

There are various international laws and covenants that cover the treatment of detainees and prisoners. These regulations can be seen as broad and lacking specific definition. They are nevertheless, indicators of how authorities should treat persons detained or imprisoned, and should be backed up by more specific national law that governs these areas. In Burma the implementation of such national law lacks adherence and current relevance, particularly to the conflict areas.

The very cause and nature of the conflict, and prevailing attitudes towards conflict and the lack of commitment for a political solution has to be addressed.

Burmese Law, as outlined in the Jail Manual⁴, offers codes of treatment and management within Burma's prisons system. Its implementation though, is far from satisfactory or adequate. Detention or imprisonment in the unconventional detention centres discussed in this report (military bases and villagers homes), is an area that lacks acknowledgement of both Burmese and international law. In both situations there are obvious serious flaws in the rule of law that governs Burma. This is compounded in the ethnic areas due to their heightened vulnerability to abuses and the impunity with which these abuses are carried out.

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One solution to reduce the instances of unjust and illegal treatment in places of detention in the ethnic areas may be the opening up of these areas to international monitoring bodies. However, this recommendation should not be interpreted as the sole solution for resolving the issues surrounding politically motivated detentions in Burma's conflict zones. The very cause and nature of the conflict, and prevailing attitudes towards conflict and the lack of commitment for a political solution has to be addressed. Burmese military authorities in the conflict zones continue to be allowed to act extrajudicially, with little effort being made to place Burmese monitoring and policing mechanisms in these areas. There is also little willingness to enforce adherence to laws governing treatment of detainees. In this environment there seems little chance of improvement for the treatment of those detained and imprisoned in Burma.

Within an international legal framework, the general treatment of human beings and the protection of those under any form of detention are well covered. Unfortunately Burma is a signatory to very few international legal instruments. Thus the question raised: Is it applicable to discuss international frameworks that the SPDC are not obligated to adhere to? This perhaps affects other countries' ability to use these instruments as standards to measure the SPDC's genuine interest in change, democracy and the protection of their citizens. But the universality of these instruments obligates the SPDC to establish and maintain adequate standards for protecting their own citizens. The SPDC is a signatory to the Convention on the Rights of the Child (CRC) and the Convention to Eliminate all Forms of Discrimination against Women (CEDAW). Implicit in these instruments is an obligation to uphold universal human rights standards. In addition, the Universal Declaration of Human Rights, to which Burma was a founding signatory, obligates the SPDC to be responsible for the acknowledgement, protection and promotion of human rights in their own country.⁶ Those working on Burma-related issues can also use this as a recommendation that applies pressure on the SPDC to become signatories to as yet unsigned international legal instruments.

Conflict Zones

For the purposes of this report we refer to the conflict zones as areas that have armed opposing forces actively fighting each other. This armed conflict is commonly between the Burmese military and armed ethnic groups but also exists between various opposing armed ethnic groups; notably, armed ethnic groups aligned with the SPDC against armed ethnic groups fighting the SPDC. The situation includes extensive military operations that result in extreme suffering for civilians living in the area. While the SPDC might resort to the use of fear or economic pressure and the covert use of force in more developed areas, it has used the actual and/or suspected presence of armed opposition groups in the ethnic areas to create conflict zones where physical abuse, intimidation and lawlessness has become endemic.



Military operations that destroy villagers' livelihood

Both the SPDC and the ethnic nationality opposition groups have their own, often-contradictory ideas of what the conflict is about. The SPDC will often refer to the conflict zones as havens for ethnic insurgents and terrorists. To the SPDC, the ethnic armed groups in these areas are illegal organizations that threaten the security and stability of the nation. Branding them as such allows the Burmese military to nullify the concerns of the ethnic nationality

groups and justify hostile military actions against ethnic communities. To the ethnic armed groups their struggle is a revolution, a struggle to correct an injustice. In between the two exists a conflict zone where human rights abuses are rampant, the exercise of basic rights is punished, political dissent is denied and where the fighting of two or more armies creates an insecure environment. These are the conflict zones covered by this report.

This report focuses on political detentions in conflict zones because they exist within the parameters of both armed and political opposition. Civilians are directly affected by Burmese military attacks on the opposition movement and the effects of the violence in these areas go predominantly under-reported in the international community. The treatment of civilians and political dissidents is largely carried out with far less regard for international and Burmese regulations than in the central areas of the country. This is due to the remoteness of the conflict zones and the culture of impunity associated with these actions.

Therefore, while pro-democracy supporters and political dissidents are extremely vulnerable to arbitrary detentions, torture and harassment by the military apparatus in central Burma, the condition of extreme personal insecurity is amplified in the non-Burman dominated conflict zones.

Cease-fire Zones and "Pacified" Areas

In some cases, specifically in Mon state, parts of Shan state and Arakan state, civilians were accused of supporting ethnic nationality opposition groups despite the existence of cease-fire agreements and/or the absence of a substantial armed opposition. Individuals were sometimes accused of supporting splinter groups, for example the Hongsawatoi Restoration Party in Mon State, groups whose small size and limited capacity as well as operating under patterns of low intensity conflict, make it obvious they are merely being used as an excuse to suppress political expression. People are being persecuted with accusations despite the fact that their locations fall outside the sphere of influence of these groups.

These types of accusations are representative of the SPDC's intolerance for political plurality. Cease-fire agreements designed to halt the negative effects of armed conflict upon villagers and allow various amounts of political and civil freedom have done little to stem the onslaught of political oppression. The Burmese military continue to operate as the sole authority in these areas, allowing little participation from the groups that signed the cease-fire agreements. Political acceptance of these groups and opportunities to actively participate in political, social and economic decision making is still a long way from reality. Armed groups continue to be used as an excuse for broad political suppression through the use of military force. This suppression has resulted in arbitrary detentions, torture and extrajudicial killings, as outlined in this report.

It is important to note that the existence of cases in these areas highlights the regime's overriding prerogative for suppression of political plurality and dissent. The reality of politically motivated detentions and violations in "pacified" areas that do not feature significant armed opposition prove that the SPDC's "security" justifications used in conflict areas are merely an excuse. If the detention of those included in the cease-fire or "pacified" areas is really a security issue of protecting Burma from subversive armed elements, how does it stand up when those subversive elements don't exist, or at least exist in such a limited capacity that it doesn't effect the immediate population. The existence of cases in these areas can only strengthen the assertion that armed groups are used as an excuse for the suppression of political dissent across the board.

Support and perceived support for armed groups

In his most recent report to the UN Commission on Human Rights, Special Rapporteur Paulo Sergio Pinheiro stated:

*"This kind of warfare [armed conflict in the ethnic areas] affects civilians as the distinction between combatants and non-combatants is very difficult to make. What is dramatic is the fact that the civilian population in the areas of ethnic insurgency in Myanmar, in spite of their individual choices, are inevitably drawn into the conflict."*⁶

While confronting the ethnic opposition movement, the Burmese military intentionally attack the civilian population that live in these conflict zones as well. In many cases they are innocent targets caught in the middle of two warring parties, used by the Burmese military as pawns in their pursuit of ethnic armed combatants.

The identities of the armed and political wings of these ethnic opposition groups is often used interchangeably, especially by those in remote areas who only experience the repercussions of fighting and are not familiar with the political drive behind it. For example many villagers interviewed referred to

the armed Karen group, the KNLA, as the KNU, technically the political wing of the Karen opposition movement. In many cases, what started off as a political group almost as quickly became an armed group, with the differences and distinctions often lost in the process. To exclude these people because of the armed aspect of this opposition would be to invalidate and undermine the political concerns of the ethnic opposition movements.

Two reasons regarding the lack of applicable laws and justice systems available to those accused justify the recognition of these cases as politically motivated detentions. On one level are the unjust reasons for the detention: Accusations that deny the presence of opposition to the Burmese military and accusations that lack evidence. On another level, the flawed system of justice: No formal procedures are observed in the arrest of individuals, no attempt is made to explain to those arrested what they are charged with, and few charges are ever laid. The right to a judicial process is often denied and fair treatment is an alien concept.

This scenario occurs throughout Burma's flawed and in some places, non-existent judicial system where human rights violations are perpetrated by the Burmese military, not only in the ethnic areas but throughout Burma's central plains as well, with little regard for formal judicial regulations. When looking at the inadequate legal options available to those in this report one must also acknowledge the illegal human rights violations perpetuated against the general population of Burma. Neither are justifiable actions of a legitimate government.

Politically motivated detentions in the conflict zones

A Summary

This section of the report summarizes the collected case samples of politically motivated detentions in Burma's ethnic areas. It focuses specifically on the accusations made by the Burmese military, the locations of detention for those accused, and if any formal charges or procedures were followed.

Accusations

Accusations used to justify politically motivated detentions are related to various degrees of alleged support for ethnic nationality opposition groups; being members or having relatives associated with ethnic nationality opposition groups and having knowledge or information regarding ethnic nationality opposition groups. In many cases no conclusive evidence for the accusations existed. Accusations commonly included the words "rebel", "armed group", "resistance group" and "spy". By using these accusations the Burmese military

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reinforce the illegality of these ethnic nationality opposition groups and their reliance on armed or violent opposition to the Burmese military.

The accusations can be classified into the following types:

1. Providing support to ethnic nationality opposition groups in the form of:
 - Food
 - Accommodation
2. Being a member, or a relative of a member of an ethnic nationality opposition group
3. Having knowledge of the movement and location of ethnic nationality opposition groups

Supporting an ethnic nationality opposition group

Villagers are often accused of hiding opposition group personnel in their houses or merely providing them with shelter for the night. In many cases the person they accommodated was a family member as villagers have become increasingly wary of sheltering strangers due to the potential harassment they may face from the Burmese military. The Burmese military, through its military operations, has exacerbated the climate of distrust amongst villagers in the ethnic areas by encouraging and enforcing a culture of informing against those supporting ethnic nationality opposition groups. This climate of distrust now permeates almost every level of the community. Villagers commonly find themselves accused and arrested for harbouring ethnic nationality opposition group personnel, usually through information provided to the Burmese military by their fellow villagers and sometimes even family members.



Injuries sustained after being accused of supporting an ethnic nationality opposition group

An elderly woman in Chin state was arrested after the Burmese army raided her house on a tip-off that her son, a member of the Chin National Front (CNF), was staying in the house. Due to the mother's age, her daughter was later allowed to replace her in custody. The daughter, along with three other men present in the house at the time, were then taken to an army base in Haka and charged under the Unlawful Associations Act.⁷ They were held indefinitely while awaiting sentencing.⁸

Supplying food to opposition groups was also a common accusation. If villagers were found with a substantial amount of food it is presumed that they are supplying food to ethnic nationality opposition groups. Most of these cases involved villagers returning from their paddy fields and farms where

they had cultivated their crops, or when they planned to stay at their farms for an extended period of time and had therefore taken enough provisions to feed themselves. One such case in Shan state involved 7 villagers who were detained upon returning from their farm.

"The seven villagers had gone to help weed the rice farm of a fellow villager. As the villagers were returning to their town they ran into a patrol of about 50 troops from LIB#520. The SPDC troops accused the villagers of having gone to provide food for the Shan soldiers and arrested them. They were all taken to the military base and detained there for 4 days".⁹

Membership/family membership of ethnic nationality opposition group

The Burmese military often accuses villagers of having a relative who is a member of an ethnic nationality opposition group. The accusation implies that families should take responsibility for other family members' actions. This creates division amongst families and uses family members as bait to capture those who are members of ethnic nationality opposition groups. Villagers are repeatedly targeted if they are known to have a relative who is a member of an ethnic nationality opposition group. They are often drilled for information regarding the activities and movements of the relative and his/her group. Many villagers revealed that this continual harassment caused them to flee their villages and was a major cause for family displacement. Families would be split up and those that were members were often restricted in their ability to see their families again.

A plantation owner in Tenasserim Division was detained and tortured because his son-in-law was a Karen soldier. Originally the Burmese military asked the man to send his daughter back to her husband (the Karen soldier) in the hope that they could follow her and track down the son. After the villager sent her away the Burmese military detained the man.

"After that they arrested me and questioned me about my daughter. The Burmese troops asked me, "Tell us the place where you have sent your daughter?" I replied that I had only taken her half way. They said I lied. They repeated "Show me the place where your daughter is?" He wasn't satisfied with my answer and tied my hands behind my back, tied up my neck and my legs and then pushed me to the ground".

Later he was questioned again.

"Fortunately he only asked how old my son-in-law is? How many children did he have? How old is my daughter? They said not to contact my son-in-law. If they (my daughter and son-in-law) returned I had to inform them."¹⁰

The detainee was also commonly accused of being a member of an ethnic nationality opposition group. Direct membership of these groups fall within the ambit of the Unlawful Associations Act. The SPDC has declared a long

list of organizations illegal and therefore subject to punishment under this Act. From the cases gathered for this report there are very few where charges under this Act were actually laid upon the accused. Disregarding those cases where people were actually members of an ethnic nationality opposition group (17.6%)¹¹, these allegations tended to have no foundation to them and were based on very broad assumptions that linked a random unrelated event to an accusation of supporting ethnic nationality opposition groups.

Two village headmen from Ye Township were arrested whilst drinking coffee in a neighbouring village. The Burmese military had been told that Mon rebels were in the village and had gone there to arrest them.

*"However the Mon rebels did not come to that village. But when the Burmese soldiers went to that village they found one man who wore army trousers and another village headman. The Burmese military accused them of being Mon soldiers and suddenly arrested them."*¹²

Despite telling the Burmese military that they were merely village headmen the two men were detained and taken to the battalion's army base in Ye Township.

Knowledge of movement/location of ethnic nationality opposition group

The military periodically undertakes intense campaigns to eradicate the ethnic nationality opposition groups that are seen as the main obstacle to gaining complete control of the border areas. Most active armed groups now rely on guerrilla tactics and the Burmese military are constantly looking for information regarding the location and size of these groups. The Burmese military regards the most common source of this information as the civilian population. The Burmese military therefore targets these people to obtain specific information about opposition groups' numbers and movement. In many cases villagers are randomly accused of supporting ethnic nationality opposition groups after the Burmese military incurs losses in battle. Villagers are accused of failing to alert the Burmese military to the danger of opposition groups in the area. Such arrests and detentions should be seen as an act of politically-motivated retaliation, even revenge, for the loss of Burmese soldiers.

Most active armed groups now rely on guerrilla tactics and the Burmese military are constantly looking for information regarding the location and size of these groups.

In May 2002, the Burmese military executed 10 villagers in Mergui district after they were accused of supporting the Karen resistance group. The execution was reportedly in retribution for an ambush by Karen soldiers on Burmese troops from LIB#559 that resulted in heavy casualties. The soldiers came to the village the next day and executed 10 villagers, including the village headman and the Reverend.¹³

Another such case involved a villager who encountered a roving patrol of SPDC troops when returning to a relocation camp with his bullock cart full of charcoal. At that time they did not stop nor question him. Later in the day the SPDC troops had a skirmish with Karen soldiers and came to the relocation camp and arrested the villager.

"They accused me of having knowledge of KNU movement in the area and concealing this information from the SPDC battalion. I told them they had never asked me about KNU movement and therefore I never had a chance to tell them. The commander ordered me to be tied up and placed in a hole in the ground. They left me there the whole night".¹⁴

From the information gathered in this report, detention coupled with the accusation of knowing opposition movement occurred most predominantly in Shan state. Here, villagers were often detained and asked specific questions about battalion numbers, names and whereabouts. A representative example is the case of a village headman from Murng-Ton Township who was taken to a military base in Shan state where he was interrogated. Troops forced him to tell how many Shan State Army (SSA) soldiers were in the area, who their leaders were and who provided them with food. They severely tortured him in their attempts to squeeze the information from him.¹⁵

Accusations Lacking Proof

Most accusations had no credible basis to them and the Burmese military do not feel compelled to supply any evidence to back up the accusations. Most accusations were used to justify acts of brutality and detention based primarily on the political intention of ridding the ethnic areas of all opposition.

One incident tells of a man working in his paddy field. He had his shirt off and a roving Burmese military battalion spotted him, accused him of being a member of a rebel group because of a scar on his stomach, and after torturing him, shot him dead. The scar had been a remnant of a gastric operation he had undergone in Thailand.¹⁶ Incidents like these make it important to look at the underlying political motivation behind such arrests and detentions for the immediate accusation has no rational basis.

Accusations are usually based on spontaneous assumptions that are subject to change. The Burmese military will often change their accusation depending on the situation and how much or little information they are garnering from the accused.

"The military battalion saw an escaped porter run past (X) house and then he disappeared. They accused (X) of hiding the porter and arrested him. After torturing him they realised that he didn't have any information or knowledge about the escaped porter so they changed the accusation saying that he had lived in this village for many years and that he must therefore have knowledge of KNU people who live in the village".¹⁷

In many cases, obtaining specific information never seemed to be the intention of detentions. Accusations are thrown up randomly and repeatedly allowing the Burmese military to treat those detained with impunity.

Village members or village headmen would often have to vouch for those detained by confirming they were just “normal villagers”. In some cases this was enough to get them released; in other cases it had no effect on the outcome of their detention. Those that were released after receiving the confirmation of a village headmen or member were usually detained on baseless charges. There never seemed any intention to actually get substantial information out of them and they are usually released after the Burmese military has made a symbolic example of them. Those that are not released quickly are usually cases where the Burmese military are confident of extracting information or extorting money or other benefits from the prisoners in question.

Two villagers from Ye Township were arrested on suspicion of being rebel supporters.

“When their families arrived to the detention centre to explain that they were not rebel soldiers, they found both men severely beaten. The families discussed with the commander for the release of the men. The commander agreed that if the families paid 500,000 kyat for each of them he would release them.”¹⁸

A village elder in Tenasserim was detained at a military base in Htee Hpawah after giving KNU related information to the Burmese military.

“The officer ordered the man to be put into confinement. He was kicked, bit and beaten in the confinement. Hearing of the incident the village headmen came to the military camp and requested the duty officer to release his colleague. The officer let him sign the recommendation paper and released his colleague”.¹⁹

The issue of whether those accused are actually guilty of the offence or not should be addressed briefly. Guilt is not the primary focus of this report. It is the failure to recognise these people as political prisoners, the basis of these detentions, and the treatment of these individuals whilst detained that remains the primary focus. But, it should be acknowledged that in many cases those accused are merely innocent villagers with no political or armed group affiliation. The Burmese military's actions show no acknowledgement of this in the accusations made and treatment given to such villagers. “Guilt” does not need to be proven since it seems to be of little importance. The ultimate objective

When their families arrived to the detention centre to explain that they were not rebel soldiers, they found both men severely beaten. The families discussed with the commander for the release of the men. The commander agreed that if the families paid 500,000 kyat for each of them he would release them.

**Locations of detentions
documented in this
report**



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of targeting innocent villagers is to terrorise them into disassociating themselves from political and/or armed opposition.

Places of detention

The locations of detention offered two contrasting reasoning and purposes. Those detained in the villages they were arrested in were often kept and tortured there as an example to others of the punishment given to those who may support ethnic nationality opposition groups. Such places of detention were often only used for a few days and the main function was as a deterrent. Torture and detention were intentionally performed in front of other villagers; these acts were meant to be witnessed.

Detentions in military bases operate in a closed environment. The actions of torture go unseen by the outside world and the Burmese military fail to hold personnel accountable for their actions, not only within the confines of their military bases but also in the general community. The military are free to punish at will and extract information by whatever means they desire.

Military Bases

Detention at military bases poses many problems for those wanting to document human rights abuses in Burma. It also poses many problems for those trying to encourage an active and responsible system of legal practice. What goes on behind the walls of military bases is entirely up to military commanders and their soldiers. It is an impenetrable wall to both the outside community and villagers. The military are free to act with impunity in reaching their purpose.



Burma rates poorly for treatment in its' detention centres

The International Committee for the Red Cross (ICRC) has gained access to detainees in conventional centres under Burma's Ministry of Home Affairs such as prisons and some labour camps and police stations. They have been given some freedom to monitor the treatment of detainees in such centres, although this still encounters some problems and limited access, making it a far cry from the ideal situation. Unfortunately, even this limited mandate does not currently

extend to those detained in the military bases of Burma's border areas. These areas remain inaccessible to all, except the Burmese military itself. The lawlessness of the ethnic areas and in particular the military camps are worrying. Military bases are often used as centres for human rights abuses, among them

torture and rape, abuses perpetrated upon a largely civilian population. Of the 46 cases included in this report 21 of them involved detention at military bases. In all but three of these cases, (two were killed and the other disappeared), torture and interrogation were used on those detained. In some cases those detained required hospital treatment afterwards. The soldiers who carried out this treatment did so with impunity.

An added problem is the structure of the Burmese military and the rotating battalions that come and go from these military bases. A battalion responsible for detention, torture and killing may not necessarily be resident at the same base the next month. In 42% of cases included in this report, detentions were carried out by officers from Light Infantry Battalions. These Light Infantry Battalions will come to an area for a short period of time: a week, a month, and then move on to other areas. In only 24% of cases were detentions carried out by officers from Infantry Battalions. These battalions are based at permanent camps.²⁰ When villagers complain of actions by the military they will be confronted with denials that the accused battalion was even in the area at the time. At the same time military personnel will often deny that the detainee is even at the military base. This makes it hard to bring perpetrators to justice, even if the inclination of capable and responsible parties was there to begin with.

Very few descriptions of conditions inside the military camps by those who were detained there were available for this report. Most people interviewed focused on the torture and mistreatment inflicted upon them whilst in the camp. Some detainees spoke of being fed rotten food, if they were fed at all. Often family members or fellow villagers would come to the military camps and try to see those who were detained. In no cases were they ever allowed to see those who were detained. However some family members were able to negotiate a release for those detained by paying a bribe to the commanding officer. In some cases the military denied they were there, in a few cases they told worried family members they had been sent away for portering service, or as in one case that he had gone on a holiday to the south of Burma.

Prisons and police stations

The cases collected for this report that included detention in conventional centres occurred only in Chin state, where those accused were detained in Thantlang police station and Kalaymo Jail. Despite being detained in more formal structures, there still remained serious flaws in the implementation of legal procedures. Some cases saw detainees kept in the prison for months before any charges were laid, while others were never charged at all, but held until monetary payment could be extracted for their release. Family visits were often denied unless they paid the commanding officer money and many relatives expressed concern over the poor health of those detained.

Other locations

If those detained were not taken away to military bases then they were usually detained in various places in their village. These included their house or another villager's house, the village temple, chicken coops, holes in the ground and public spaces such as the village football ground. These unconventional centres of detention revolved around the use of degrading treatment and the making of symbolic examples. Tying a man up naked and then tying his penis to his neck, all in full view of surrounding villagers, is subhuman. Putting a man in a hole in the ground with red ants and denying him food is reprehensible. These acts are intentionally degrading, to subdue and destroy human dignity, and directly contravene a human being's right to be treated with respect and humanity.

The strategic locations in which these acts take place have an intended purpose: To reinforce the power and authority of the military over villagers. It compounds the fear of the villagers and is an obvious example of what will happen to them if they are accused of or found to be supporting ethnic nationality opposition groups. The key objective for the Burmese military when they detain and torture a civilian within view of his or her neighbours and family is the effect it will have on those who witness it.

In some cases military personnel chose to drag detainees to other villages where they were being tortured or killed. The reasoning behind this seems uncertain. Most villagers believe it was to ensure that family and people from his own village would not witness the brutal acts of the military. They also believed it was part of mental torture, the family never knowing what exactly had become of the detainee and in fatal cases, not being able to give them a proper burial.

Were charges laid?

Because few cases included in this report involved formal charges under any law, it is hard to draw conclusive results on this section from the research gathered. There can be little doubt though that cases do exist where formal charges were laid upon those accused of supporting ethnic nationality opposition groups and that some discussion on this issue is warranted.

Formal charges were laid in only 4 of the 46 cases included in this report. There are various factors that contribute to this. Many accusations were made verbally with no charges actually laid down on paper. The lack of evidence to back up the charges is a major factor in the absence of the Burmese military committing charges to paper and an adequate legal procedure. There is often a language barrier: Many villagers do not understand Burmese and the Burmese military make no attempt to translate the accusation or charge. Many villagers also are less literate so that any written charges are unreadable and not understood.

Charges - Unlawful Associations Act

The few charges that were laid were under Section 17/1 of the Unlawful Associations Act that reads:

“Who ever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term [which shall not be less than two years and more than three years and shall also be liable to fine]”.

Unlawful associations have been deemed anything that opposes or threatens the Burmese military. Gatherings of more than a few people in Burma have often been deemed illegal meetings of unlawful associations. The majority of ethnic nationality opposition groups are classified by the Burmese military as unlawful associations, both the armed and political factions. Any support, meetings or membership of these ethnic nationality opposition groups has been termed “rebel”, “resistance” and “illegal”, implying that any type of opposition to the Burmese military incurs an unlawful tag placed upon your organization.

While most accusations documented in this report could have been filed under the Unlawful Associations Act, the reality is that few people included in this report were actually formally charged under this Act. It places the validity of these accusations into question. The Burmese military tend to limit charges under this Act to those who have more substantiated evidence of being guilty of the accusation made against them. It also includes those who are from areas that have greater access to judicial procedures and those areas that have a greater level of monitoring of the treatment of people detained for offences.

All the cases included in this report, which were charged under this Act, received no fair trial and were either awaiting sentence, for an undefined period of time, or were sentenced without access to representation or having their cases heard before a judiciary.²¹ This is of course, a similar scenario across the breadth of Burma. Whether you are accused, charged and detained for political reasons in Burma's urban areas or whether you are accused and detained for political reasons in the ethnic areas, your right to a fair trial is routinely denied.

In Burma there are a set of laws commonly referred to as Special Laws. These include such acts as the State Protection Law (1975), the Emergency

The broad and often ambiguous nature of these laws has allowed them to be used against opposing political party members and groups, activists, protestors, villagers, ethnic armed groups and political parties, journalists and many more ordinary civilians.

Uncounted: political prisoners in burma's ethnic areas

Provisions Act (1950) and the Printers and Publishers Registration Act (1962). They are laws that are commonly used to suppress the exercise of basic rights and public dissent to the incompetent governance of the SPDC. The broad and often ambiguous nature of these laws has allowed them to be used against opposing political party members and groups, activists, protestors, villagers, ethnic armed groups and political parties, journalists and many more ordinary civilians. In short it has allowed the SPDC to prosecute anyone who threatens their authority. This report would suggest that all of these laws, including the Unlawful Associations Act, need to be seriously reviewed and/or abolished.

Accused and imprisoned without charge

91% of cases in this report involved some kind of imprisonment²², usually in unconventional detention centres such as military bases and peoples houses. There are also four cases where those accused were imprisoned in conventional centres: police stations and jails. They were often held indefinitely without being charged nor sent to trial. In one case a Chin woman was charged and sent to a forced labour camp with no chance for representation and little knowledge publicly available about the judicial procedures followed when charging and sentencing her.²³

Another example comes from four village headmen who were detained in Thantlang police station for four months without trial. Villagers were asked to pay 700,000 kyat for their release but even after the payment was made the headmen were not released. The Major in charge of the police station asked for more money before he would agree to their release.

*"The detainees are denied to be visited by their families and relatives. The family members are worrying for their health. If they can give more money to the Major the family members are allowed to meet with them. But the families are not in a position to afford paying more money to him."*²⁴

In another case in Chin state, three village chairmen were detained in Thantlang police station without trial.

*"The arrested persons were not directly sent to police custody but the army let them follow with their column for 5 days. When the army column arrived in a village, the schoolteacher requested column commander, Major Khin Maung Yee to release the arrested persons and instead of releasing them they were sent to Thantlang police custody where they were awaiting trial."*²⁵

This report finds the following issues need to be addressed regarding accusations, detentions and charges.

1. The political nature of the accusations made in this report are based on varying degrees of support to ethnic nationality opposition groups. The

recipients of these accusations therefore need to be recognised as victims of politically motivated detentions and included in the current reporting of political prisoners in Burma.

2. The Burmese military targets innocent civilians by accusing them of supporting ethnic nationality opposition groups. It is recommended that the SPDC abide by international human rights and humanitarian law in their treatment of unarmed civilians.
3. Ethnic areas are administered under the authority of military rule. As no martial law is currently declared nor emergency status proclaimed, the ethnic areas should be governed under the existing judicial laws that govern the rest of Burma. The SPDC should therefore clarify the administration of these areas and abide by international standards when administering these areas. Burma's current judicial and policing laws should also be reformed to meet international and human rights standards.
4. Military bases are used as quasi-detention centres which lack accountability and both internal and external monitoring. This report suggests that the Burmese military need to implement internal monitoring of their military personnel and hold those members who abuse their status accountable to appropriate punishment. At the same time this report also suggests the need for external, independent and safe monitoring of those detained in military bases.
5. Any formal charges laid must adhere to both domestic and international regulations regarding the right to fair trial. Undefined detention periods, denial of trial before an impartial jury and release upon monetary extortion are not acceptable actions. Burma's right to fair trial and policing procedures need to be updated and then their implementation enforced.
6. Villagers are targeted for their support of ethnic nationality opposition groups. The existence and participation of opposition groups needs to be accepted as a legitimate part of the political process. The SPDC, NLD, ethnic nationality groups and other relevant parties must all work towards political dialogue and regime change.
7. That all Special Laws, including the Unlawful Associations Act, the State Protection Law, the Emergency Provisions Act and the Printers and Publishers Registration Act be seriously reviewed and either amended or abolished.

Treatment of detainees and outcomes of detentions

Arbitrary Detention

"No-one shall be subjected to arbitrary arrest, detention or exile." Article 9, Universal Declaration of Human Rights

arbitrary. the exercise of power is called 'arbitrary' when no independent reason can be given for its exercise which has weight for anyone other than the person who wields it.

Across Burma people are arbitrarily detained on suspicion of supporting illegal associations. In Burma's conflict zones these arbitrary detentions are inextricably linked to accusations of support to ethnic nationality opposition groups. In the cases presented in this report those accused are detained, tortured and sometimes killed with no warrant, charge or legal process. The Burmese military will often execute these arbitrary detentions with no justifiable reasoning beyond their own whims and the intention of destroying opposition to their hold on power. This is the nature of arbitrary detention in Burma: that the Burmese military exercise detention of individuals with an impunity that denies any consideration of legal and humanitarian regulations.

The Four Cuts program, which was instigated by the Burmese military in the 1970s, also plays a major part in the reasoning behind these detentions. The people included in this report face the direct results of the Burmese military's Four Cuts program: cutting off food, information, recruits and financial support to the ethnic nationality opposition groups. In practice this policy makes no distinction between combatants and civilians. The people in the ethnic areas are confronted with arbitrary detention, interrogation, torture, death and other human rights abuses on a regular basis.

Extrajudicial killings and torture are usually linked to these arbitrary detentions. Individuals detained for longer periods of time are usually instances when the Burmese military are confident that the accusation is justified and the person actually has useful information. These people are more susceptible to being tortured for information. Extended detentions are usually a strategy by the Burmese military to obtain greater information about numbers, names and areas of movement. It has been common for those detained to be used as symbols to create fear amongst the general population, to be released quickly after torture or killed straight away. These people have also been subject to horrific acts of torture.

The cases of arbitrary detention included in this report feature a varied list of mostly unconventional detention centres. Some are arbitrarily detained in

the places they are originally arrested, their home, another villager's home or the village temple. Others are taken to military bases and detained there. The important and common factor is that they are detained in these places arbitrarily. The length and place of detention are not defined in international regulations relating to arbitrary detention such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. However, according to the UN Working Body on Arbitrary Detention, the deprivation of liberty is arbitrary when a case falls into three categories: when there is no legal basis to justify the deprivation of liberty, when the deprivation of liberty violates certain articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and when international norms relating to the right to fair trial are ignored or only partially observed.²⁶

The deprivation of liberty is arbitrary when a case falls into three categories:

- When there is no legal basis to justify the deprivation of liberty,
- When the deprivation of liberty violates certain articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights
- When international norms relating to the right to fair trial are ignored or only partially observed

Cases of arbitrary detention included in this report violate articles 7, 10, 19 and 21 of the Universal Declaration of Human Rights and articles 19, 21, 22, 26, 27 of the International Covenant on Civil and Political Rights, as determined in the second criteria of the Working Bodies definition of arbitrary detention. They also violate the Working Bodies third criteria of the right to a fair trial. The working body also makes no mention of guidelines governing detention places and timeframes of detention. The unconventional centres in which people in this report are detained, and their sometimes short detention periods should therefore not exclude these people from being classified as arbitrarily detained and therefore covered by such international instruments as outlined above. The most important factor for the inclusion of these people as political prisoners and the recognition of their detentions as politically motivated must lie with the political reasoning behind these accusations and detentions. This should, in effect, make detention places and timeframes redundant.

The Right to Fair Trial and the lawless borders

In a press conference following their February 2003 visit to Burma, Amnesty International stated, "*policing, trial procedures and conditions of detention fall short of international law and standards*".²⁷

In the conflict areas of Burma this is particularly relevant. People accused of supporting ethnic nationality opposition groups are given no recourse to a

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fair trial and no legal or judicial procedures are followed. Remnants of colonial law exist in Burma in regards to detention and treatment of prisoners. It remains outdated and flawed and no implementation of these laws exists in the conflict zones.

Many villagers remain ignorant of what they are accused of or charged with and the Burmese military does little to remedy this. Many villagers of non-Burman background do not understand the Burmese language and the Burmese military offers no translation service. Warrants, evidence or even an explanation of what they are accused of is rarely given. All are required actions under both Burmese and international law.

The structure of authority in the conflict zones is primarily a military one. The Burmese military used the possible presence of armed ethnic groups to justify their administration, akin to martial law, in these areas. The Burmese military continue to refer to the ethnic areas as havens for ethnic insurgents and revolutionaries who threaten the security and stability of the nation. It is, they say, a war zone. Yet there is no current declaration of martial law in the

ethnic areas of Burma, nor has it been declared an area of emergency. There is therefore, no legal justification for the military to act outside the existing legal structures on arrest, detention and treatment that cover the rest of Burma. The current state of these existing legal structures, and the rampant corruption and abuse that dominate them, hardly makes this a preferred alternative. So while the ethnic areas of Burma should be administered under the laws that govern the rest of Burma, there is also a need for those laws to be brought up to international



“Never hesitating always ready to sacrifice blood and sweat is the tatmadaw”

standards, for the benefit of all. Until this occurs, and reforms in its implementation are also introduced, the Burmese military will continue to act as its own policing and judicial authority and to do so with impunity.

Options after arrest and detention are limited. Police stations and judicial chambers are limited in the conflict zones and the Burmese military never sends those detained to areas where legal processes can operate. Arrests, detention, interrogation and punishment all lie in the hands of the military and there is no real monitoring body to oversee their actions. Burmese military personnel often act outside the law and are secure in their ability to get away

with it. Those in authoritative positions often force lower ranks to carry out orders and do little to bring into line those who act independently in detaining, interrogating and torturing villagers in the ethnic areas.

In some cases villagers and village headman have tried to approach local military authorities through formal complaint procedures in attempts to hold the military accountable for their actions. This has received mixed responses. In many cases the military will simply ignore the request for action against military violators and in some cases added harassment and abuse will occur against the person who has dared to question the Burmese military's authority. In a few cases those detained have eventually been released after complaints by village headmen or proof that the person they have detained is not guilty of the accusation. Still, there continues to be a complete lack of punishment or accountability held upon perpetrators of arbitrary detention, torture and extrajudicial killings. All of this has contributed to a state of lawlessness that continues to allow numerous politically motivated arrests, detentions and human rights abuses to occur in the name of suppression of groups that threaten the security and stability of the nation.

The following are some examples of arbitrary detention included in this report:

A village headman in Murng-Ton Township was detained at the military base of IB#65 for 3 weeks. During that time he was tortured and interrogated for information regarding SSA soldiers and their support network in the area. He was badly beaten around the head and was released after three weeks only after a local people's militia guaranteed his innocence.²⁸

In Tee Lon village tract, IB#54 arrested villagers they suspected of being involved with the KNPP. The villagers were forced to gather at the local football ground where the military battalion read out a list of names. Those whose names were read out were forced to come in front of the crowd where they were tied up and tortured in the presence of the crowd. While this was taking place some soldiers went from house to house in the village, taking gold, chickens and pigs. Some villagers were later released while others were taken to a military base where they were detained.²⁹

A villager told of Du Nu Po, a man who was arrested for spying on IB#704. The villager had been returning from his farm where he had been tending his rice crop.

"He was accused of spying on them [IB#704] and they kicked him on his breast twice. He fell to the ground and they repeatedly hit him with their rifle butts...He was then imprisoned in the chicken coop of another villager. After being forced to stay like this for one day the village elder came and redeemed him."³⁰

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In many cases villagers are released if the village headman comes and redeems them. This could be seen as the military's reluctance to detain people when an official approach has been carried out by a village authority. In some cases though the approach of a village headman does not change anything and positive responses to these official approaches are more likely to be random and at the whim of the commanding officer. In Dooplaya district a villager was accused of hiding Kawthoolei (KNU) personnel. A soldier who came across the man told his story.

"He was tied up and kicked on the chest with ammunition boots until he dropped to the ground...he was propped up and boxed in the face until he was bleeding and then they pushed the barrel of a gun in his mouth and withdrew it. He was tied up at Kalee Hkee Hill Military Station for nine days and fed with stinking food. He was told that if the village headman did not come and redeem him he would be killed."³¹

Another man was arbitrarily detained after buying sugar, milk and other food items for his wife who had just given birth. The battalion and its commander Yan Myo Aung accused the man of buying food for Karen soldiers. After being tortured and detained in another villager's house he was released and taken to a hospital in Tavoy.³²

In October 2000, LIB#427 went to Kaylya Township in Karenni State and arrested 6 villagers and two village chiefs. They were taken to the village's primary school where they were detained and tied up. They were accused of having connections with the KNPP and the two village chiefs were put in rice sacks and beaten. The battalion stayed in the village for two nights and upon leaving took two baskets of rice, 50 chickens and blankets and shoes from the villagers.³³

Torture

"No-one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Article 5, Universal Declaration of Human Rights

torture. any form of violence that causes, and is intended to cause, acute mental or physical pain to the victim. torture may be used as a form of punishment, or as an act of vengeance upon defeated enemies. in its more institutionalized forms, however, torture is to be distinguished from punishment, being a means of coercion of the victim, intended to illicit evidence or confession.

The Universal Declaration of Human Rights addresses the use of degrading treatment upon human beings and the right of human beings to be treated in a humane context. Torture employs degrading treatment to the very extreme. They are acts that deliberately degrade, humiliate and intimidate their victims. In the conflict zones of Burma, villagers are routinely detained, interrogated and tortured for their support or non-support of ethnic nationality opposition groups.

The use of torture on those detained or imprisoned in Burma has been well documented in both urban and rural areas. Its prevalence throughout Burma's conventional and unconventional detention centres continues to occur, largely unchecked. In the conflict areas of Burma the use of torture has a two-pronged effect. It is used as a means of extracting information from those detained. In the cases of this report, about ethnic nationality opposition group movement, numbers and names. This includes 'breaking' those who are actual members of ethnic nationality opposition groups as well as villagers in the areas of conflict that could have, or potentially could have, information regarding the ethnic nationality opposition groups. This report found it is often used as a form of punishment for failing to inform Burmese soldiers about information regarding ethnic nationality opposition groups. In these cases it is a form of enforcing cooperation with their interrogators and is most often used where the Burmese military are sure of the detainee having the required information.

He was tied up with his hands behind his back and placed in a hole in the ground. The soldiers put coconut shavings in the hole with him to attract red ants.

A village in Shan state was accused of harbouring Shan rebels.

*"When they found the headman the SPDC troops arrested him, took him into the compound of the village temple and interrogated him, forcing him to tell them where the Shan rebels were. When the headman said he had not seen any Shan rebels, the SPDC troops accused him of being a Shan rebel and ordered him to hand over his pistol and walkie-talkie. When he said he did not have anything like that, the troops beat his head and his body with a stick until he was soaked in blood and lost consciousness."*³⁴

In another incident four men from Myitta Relocation Camp were accused of supporting the KNU. They were detained by Major Theung Kyi from Military Intelligence (MI) and had plastic bags placed over their heads to suffocate them. The soldiers then rolled bamboo along their shins and afterwards kicked them in the shins. They were tortured like this for two days. Another man was accused of knowing KNU movement in the area. He was tied up with his hands behind his back and placed in a hole in the ground. The soldiers put

coconut shavings in the hole with him to attract red ants. He was left like this for one night.³⁵

Torture is also used as a means of instilling fear in the villagers, to deter them from supporting the ethnic nationality opposition groups. In this case it is a preventive measure to ensure that villagers see the outcome of potential support for ethnic opposition groups. This is particularly evident in the cases where groups of people were detained, tortured and ultimately killed but one of the group was always allowed to survive and was released as a messenger. Their role: to inform others of the treatment awaiting them if they support the ethnic opposition groups. In these cases the Burmese military do not expect them to actually have information but use torture more as a tool for creating fear.

In Murg-Kerng of Shan state, LIB#514 arrested 13 villagers before shooting 12 of them dead and releasing the other person.

*"[The Burmese military] arrested all the 13 farmers, tied them up with ropes and interrogated them about Shan soldiers in the area. The troops wanted to know how many Shan soldiers were in the area, where they were, and who their leaders were but all the farmers said they did not know. Commander Kyaw Hlaing then singled out one villager, aged 60, who was the oldest in the group and said to him, "You are the oldest in the group. You must return and tell all the villagers not to help and support the Shan soldiers. From now on we will shoot to death all those who do not listen to us." The troops then shot the other 12 dead in a group. The villager, however, was detained for 2 more days before being released, and he duly related the incident to the villagers in the area."*³⁶

Other cases show the traumatic affects that witnessing these incidents of torture can have on others. A villager described an incident involving a fellow villager.

*"The Burmese soldiers arrested him, questioned him and tortured him. The soldiers burnt his chest with a cigarette (Cheerot), dropped candle liquid on him, rolled bottles on his legs and knees, punched him, beat him, kicked him, slashed his knee with a bayonet, and then suffocated his head with a plastic bag. He was tortured almost the whole night. The next morning the soldiers brought him to a villager's house and tortured him again. In the house were a mother and her daughter. They saw the torture and they were terrified"*³⁷

There is also an element of sadistic manipulation and exploitation that is evident in the actions of the Burmese military. These cases are hard to assess in their intention and even harder to fathom in their enactment, as their brutality is the most prominent aspect of it. In a case in Tenasserim Division a villager was accused of supporting the KNU.

"He (Major Theung Kyi) ordered him to be strung to two trees like a hammock, face down, with his legs tied to one tree and his arms to the other. He was left strung

*like this for two days during which time Major Theung Kyi forced soldiers and villagers to sit on him like a hammock. After two days of this he died and then they threw his body into a rock hole near the relocation camp.*³³⁸

At the same time the man's 2-year-old daughter was tied up by her legs and hung upside down. They then lit a fire under her. She was eventually cut down but she did suffer burns.

In another case a villager in Myitta Relocation Camp was tortured after being confronted with three different accusations as it became apparent that he wasn't guilty of each accusation.

*"They tied a rope linking his penis to his neck so that if he lifted his head he would experience severe pain. After it became apparent he didn't have any knowledge or information... they spread his legs and tied them to two posts. They tied his scrotum with rubber straps and then burnt his scrotum and penis off."*³³⁹

Types of torture

The Burmese military uses many forms of degrading torture to intimidate and create fear amongst those it arrests and detains. In many cases the aim of these forms of torture is to deliberately inflict physical harm on the person detained. There is also a mental aspect that is very rarely discussed but is highly contributive to the long-term impact of torture on its' victims. People who experience torture are both mentally and physically affected, the mental scars often outlast the physical, and the Burmese military rely on the long-term mental effects on victims to get across their strongest message of what happens when one supports ethnic nationality opposition groups.

Types of torture include a diverse list of cruel acts. Some of the more common forms include rolling bamboo or bottles along people's shins, placing plastic bags over people's heads and then filling the bags full of water until victims suffocate or drown.

*"They covered my face with a plastic bag and squeezed it tightly. Then they poured water in the plastic. I suffered the suffocation. They continued questioning me two or three times and poured more water in the plastic bag. The pain is awful and I cannot stand the pain..."*³⁴⁰

They placed people in sacks and then beat them, fired weapons close to peoples heads and bodies, poked and slashed people with knives and severed body parts.

He ordered him to be strung to two trees like a hammock, face down, with his legs tied to one tree and his arms to the other. [The Commander] forced soldiers and villagers to sit on him like a hammock.

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"A witness later saw the mans dead body which had an ear cut off and broken bones."⁴¹
Beatings are administered to all areas of the body: torso and heads the most common, and use the forms of rifle butts, army boots, bamboo rods and cane sticks. In specifically horrendous cases one man had a gun stuck in his mouth and in another case a man had his scrotum and penis burnt off. Another common form of torture is placing people in holes in the ground and then placing various antagonists (ants, rodents) in the pit with the person. Many victims also suffered burning to parts of their bodies, usually from dripping candle wax or cigarettes.

The physical injuries often incur long recovery periods. Many victims spent many months recovering from the abuses, time that doesn't allow them to work for their living. Some victims also required hospital treatment which results in enormous debt that most villagers find hard to repay. In some cases the physical effects are so severe that victims can never function to their previous capabilities. This creates a burden upon their families in trying to care for the victim. As many victims are heads of households or the main breadwinners, the loss of ability to provide sufficient food and income for their families also becomes a burden.

Even those who willingly provide information to the Burmese military are not guaranteed safety from acts of torture. Compliance to their demands shows little likelihood of actually stopping or reducing acts of torture. In a case in Mergui District a village elder gave information to a nearby Burmese army camp that a KNU group had entered his village.

"The duty officer, Major Yee Htway asked how many men are in the enemies troops, what do they do in the village, what weapons they are carrying, where they are now. The village elder could not answer all the information the officer wanted so the officer became angry with the village elder. He ordered the soldiers to put the man into confinement. The soldiers saw their angry officer and kicked, beat and hit the village elder while he was in confinement".⁴²

Extrajudicial killings

Extrajudicial killings or summary executions are common outcomes for political detainees accused of supporting ethnic nationality groups. It is a worrying trend. Most killings are undertaken with no formal arrests, charges or judicial proceedings followed. Those who carry out the killings are able to do so with impunity. In some cases the killings are explained away as "accidents" but in most cases the killings are carried out with intent and little explanation. The lack of accountability placed upon the perpetrators leads to a climate where extrajudicial and arbitrary killings are an accepted action.

In many cases extrajudicial killings follow the torture of villagers. Those accused are held for a certain amount of time and when it becomes obvious

they have no information they are killed. Others are accused and killed soon after arrest. Those that are detained for an extended period of time and not killed are usually people the Burmese military feel they can get information from. Those killed on the spot are usually innocent victims and as with the case of torture, are used as a warning to others of what could possibly happen to them.

In a case in Karenni state a village headman was detained and accused of supporting the Karenni rebels by withholding information about them. He was interrogated and tortured until he finally led them to suspected rebel hideouts. After leading them to these hideouts he was shot dead by KNPLF⁴³ troops. A village headman from Teelon village tract was also arrested over accusations of knowing KNPP movement.

*"The troops stayed for three nights in the village and interrogated him about the Karenni force movement and tortured him when he didn't have any knowledge about the Karenni forces. Finally the troops killed him."*⁴⁵

In May 2002, as an act of revenge rather than because they actually possessed information, the Burmese military executed 10 villagers *en masse* after accusing them of supporting the Karen resistance group. The killings happened a day after Burmese troops suffered heavy losses against Karen soldiers. The Burmese military, LIB#559, entered the village and accused both the village headman and the village reverend of supporting the Karen resistance. They then arrested eight other villagers and executed them all.⁴⁶

In another case a villager from Kya-inn-seiky Township was accused of being a KNLA soldier and arrested. Soldiers from LIB#548 then interrogated, tortured and finally killed the man. The Burmese soldiers then went on to arrest 10 other people from the village and accused them of being relatives of KNLA soldiers.

*"The villagers were brought to the LIB#548 base for one week. The village headman tried to get them back by bribing the commanders but no-one was released. After seven days the old woman could escape and explained that seven of the villagers had been killed. They also released two children before they killed the villagers, after they received 200,000 kyat ransom from the relatives of the children."*⁴⁷

A villager from Myitta Relocation Camp told of a fellow villager who was accused of supporting the KNU. "

*They tied him up, hung him upside down and placed a plastic bag over his head to suffocate him. They left him like this for two days. After two days they threw his body into a ravine near the relocation camp."*⁴⁸

The reasoning behind a lot of extrajudicial killings also show a degree of paranoia from Burmese military troops. In June 2002 a Shan villager who was forced to act as a guide to IB#246 was accused of working for the Shan

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resistance and shot dead. He had spent seven days with the troops, guiding them through the area of Kun-Hing Township. He was confronted by a Burmese soldier and accused of working for the Shan resistance by collecting information for them. The Burmese soldier told him he knew the routes in the area so well that he must be working with the Shan resistance. The villager then told the Burmese soldier that he knew the routes so well because Burmese troops had forced him to act as their guide many times over the past 3-4 years. The Burmese soldier then took him aside and shot him. His body was later found by some porters.⁴⁹

Disappearances

In some cases villagers who were taken away by Burmese troops simply disappeared. This outcome was not as common as torture, extrajudicial killings or arbitrary detention. Villagers mostly expressed the belief that those who disappeared were actually killed. Some cases reported also showed that the Burmese military would often send those detained to be porters in the field, leaving relatives with no knowledge of what happened to them or where they had been sent. In most cases the villagers are rarely informed of the whereabouts of those who are taken away by Burmese troops. Enquiries as to the status of these people are often met with denials or rejections of knowledge of whom they are talking about.

A villager from Myitta relocation camp told the story of two men who were taken from his village after being accused of having contact with the KNU.

"They had their hands tied behind their backs and were dragged for over a mile to a river bank. From there they were dragged to the military base headquarters at Myitta Relocation Camp where they were kept for 1 night. They weren't given the chance for the village headmen to vouch that they weren't KNU informers. The next day our village was told that the military would use the two men as guides and they were never seen again. We, the villagers, assumed they had been killed."⁵⁰

This report determines the following factors need to be addressed regarding the treatment of those detained in this report:

1. In all cases included in this report those accused were arbitrarily detained. This issue needs to be investigated by the UN Working Body on Arbitrary Detention and other relevant international bodies. Pressure should also be applied for the SPDC to cease the use of this practice.
2. Torture is frequently used against those detained as a means of punishment, deterrence and extraction of information. This contravenes international human rights law on the use of torture and should be

investigated by relevant authorities. Pressure must also be applied to the SPDC to discontinue the practice of torture in conventional and unconventional detention centres and to investigate those who continue to use torture.

3. The SPDC should acknowledge the role of the military and military training in forcing soldiers to administer brutal and unjust treatment upon people in Burma's conflict zones. These practices should be stopped and their institutionalisation eradicated. Future national reconciliation in Burma will depend upon the ability of all parties to deal with distrust and hatred among the various nationalities that these practices have exacerbated.
4. Military personnel carry out arbitrary detention, torture and extrajudicial killings with impunity. There is neither accountability nor monitoring of soldiers who use these practices. The SPDC need to reform their system of administering justice and build mechanisms of public accountability for abuses committed by military personnel. International and domestic regulations and laws need to be enforced to show that this is unacceptable behaviour.
5. Pressure should be applied to the SPDC to ensure safe, responsible and independent monitoring and access to the conflict areas to ensure that accountable and fair treatment is given to those arrested and detained in Burma's conflict areas.

Political Motivations behind detentions

With the documentation and acknowledgement of this issue must come a concerted discussion on the motivations behind these arrests and detentions. While it is obvious that the eradication of armed groups in the ethnic areas is a very real motivation for the Burmese military's actions it is equally as obvious that the execution of such actions hides a motivation of eradicating any opposing political movement. Across Burma the SPDC consistently threaten and destroy those who offer opposing alternatives to its power. In the ethnic areas of Burma this consists of violent suppression of the civilian population in their attempts to destroy a unified people's movement and eradicate armed opposition. In effect the political movement, its attempts to offer multi-party choices and the disillusionment with how far diplomacy could get them, spawned the armed movement to begin with.

To find the root cause of the Burmese military's actions must therefore consist of some discussion on the political motivations behind it.

Weakening/destruction of the people's movement

Intolerance for cultural and political pluralism

The main motivation behind the arrests, detentions and killings in this report is the weakening of the people's movement and more specifically the ethnic nationality political movement. The Burmese military has implemented many policies combined with brutality in their attempts to weaken firstly the support for these movements and then the ultimate destruction of the movement altogether. At the heart of the conflict in Burma is the continued denial of the political, economic and social needs of the people and this is particularly evident in the actions carried out upon Burma's ethnic nationality groups.

Burma remains under the control of an authoritarian military regime. Representation of the various ethnic political groups is denied, indeed representation by any alternative political group is routinely denied in Burma. The ethnic groups of Burma have struggled to have their identities, cultures, traditions and social needs represented at a national level. Instead of a remedy, their basic social, economic and human rights have disintegrated to a state of blatant denial and active destruction.

Access to education and health has been hampered by inadequate resources and military operations that deliberately cut off the civilian population from these basic rights. The military government denies ethnic groups an education based in their native languages, it employs policies of forced relocation in ethnic areas and it disallows associations or gatherings of groups that represent political alternatives. The Burmese military have employed actions aimed at degrading and destroying the identities of the ethnic groups through rape, torture and various other human rights abuses. The Burmese military denies citizenship to some ethnic minority groups, restricts freedom of movement to others, persecutes the practice of religions other than Buddhism and deliberately targets civilians based on their ethnicity.

Both ethnic and Burman-majority people and their parties have been directly targeted and punished for daring to represent their people and policies democratically. Burma's prisons are full of democratically elected parliamentarians who were denied their positions after the 1990 elections. This is partially the reason ethnic nationality groups first formed political groups and is justifiable reasons for the need of ethnic nationality opposition groups to offer alternative parties that can represent their concerns.



*Healthcare administered by backpack
medi-vacs*

The actions and accusations of the Burmese military that are documented in this report contribute to the climate of destruction and fear used to weaken the ethnic nationality opposition movement. As part of the process to eliminate opposition the Burmese military denies the authenticity of the concerns of the ethnic nationality groups. The Burmese military directly targets both the armed factions and innocent civilians in their attempts to destroy both the opposition groups and the support base of these groups. The legitimacy of the ethnic nationality opposition groups needs to be strengthened by their inclusion in any national reconciliation process and political dialogue.

The military government has consistently denied appeals by the NLD, ethnic nationality groups, UN representatives and international bodies to commence dialogue with both the NLD and ethnic nationality opposition groups. This includes finding a resolution with those ethnic groups that have not already signed cease-fire agreements with the SPDC. It has highlighted the Burmese military government's interest in pursuing the disarmament of the ethnic nationality groups but their disinterest in pursuing any dialogue on meeting the political needs of the ethnic nationality groups. Any effective reconciliation in Burma will only be achieved when the political needs of the ethnic groups are acknowledged and joint dialogue on these issues pursued.



Voices ready to be heard

Attacking the civilian population

The Burmese military has blatantly embarked upon a drive of attacking civilians as a means of undermining armed groups. It is a move that directly contravenes the Geneva Convention on appropriate behaviour during armed conflict, especially in relation to unarmed civilians. Both the Four Cuts Policy and the Divide and Rule Policy that the Burmese military initiated, are directed at cutting off existing and potential support to the ethnic armed groups. These policies are aimed at dividing the ethnic armed and political groups from the general population and have had a more direct affect upon the civilian population than the armed groups. The theory behind the Four Cuts Policy, aimed at cutting off financial, food, recruitment and information support from the armed groups, can only be practiced through targeting the civilian population in the areas that the ethnic armed groups operate.

Accusations of support for the ethnic nationality opposition groups, whether it be food, information or actually being a member, is therefore a direct targeting

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of the civilian population. Most ethnic armed groups have been reduced to guerrilla army tactics and remain a relatively elusive target for the Burmese military. Consequently the Burmese military has found the most effective way to attack the ethnic armed groups is through the civilian population that lives amongst them and offers them various levels of support. Ethnic villagers find themselves the recipients of degrading treatment, arbitrary detention and extrajudicial killing, justified by the Burmese military with accusations of supporting the ethnic nationality opposition groups. In some areas the attacks on the ethnic villagers is showing signs of fulfilling the Burmese military's intentions. Villagers will often plead with ethnic armed groups to stay away from their villages while members of ethnic nationality opposition groups are often met with unwelcoming distrust.

A united people's movement

Underlying most of the Burmese military's actions is the fear of what a united people's movement could do. There are many ethnic political and armed groups struggling for their needs to be met in Burma. There are many more factions within these groups that continue to struggle, not only against the central SPDC power, but also amongst themselves. The Burmese military has exploited the division amongst these groups to exacerbate the lack of unity in the people's movement. Their Divide and Rule policy has undermined the effectiveness of what a united movement could do. By pitting family members against each other, communities and villagers against each other, village headman against their villagers, militias against the general population, dividing rural communities from urban communities, and the democracy movement from the ethnic nationality movement, the Burmese military has created a community of distrust and disunity. They have enlisted a variety of tactics and players to keep the ethnic political movement divided and excluded.

By directly accusing people of supporting the ethnic nationality opposition groups, and subsequently inflicting harsh punishment upon those accused, the military places a wedge between the civilian population and the armed groups. The civilian population are encouraged to believe that without the presence of the armed factions their lives would actually be peaceful and prosperous. It is a deceit. While there is little doubt that the presence of armed groups in the ethnic areas of Burma contribute to the abuses enacted upon the civilian population, there is little evidence to suggest that the economic and social conditions of the ethnic nationality communities would change if these armed factions didn't exist. At present one of the main purposes of the Burmese military is to maintain a division between all players who could create an effective and united peoples' movement and offer a constructive political alternative to that of the current regime.

Power and absolute control

Burma has existed under an authoritarian military regime for the past forty years. The actions of the Burmese military over this time have complemented their dictatorial policies of destroying all opposition to their form of governance. One of the biggest threats to the absolute control of the Burmese military is the continued resistance of various ethnic groups in Burma's border areas. In his 2003 Army Day address, Senior General Than Shwe accused the ethnic nationality groups in Burma of threatening the stability of the nation, their sectarian views he said, would cause the collapse of national unity.⁵¹ It is an accusation that he reiterates each year in an attempt to lay the blame of Burma's problems squarely upon the shoulders of the various ethnic nationality groups. The accusation intends to stimulate nationalistic fever among the general population against groups he accuses of threatening the stability and security of their livelihoods.

The ethnic nationality groups of Burma have historically controlled the border areas, areas that the Burmese military has never been able to gain complete control over. The mistreatment of civilians in these areas is due partially to the zero tolerance of the presence of opposition groups, both political and armed, and the acceptability of accusing and then punishing people for their alleged involvement with these groups. They are tactics used by the Burmese military to gain complete control over the population of Burma, especially these border areas that continue to throw up resistance to the central regime's system of governance.

The path to absolute control for the Burmese military has been littered with oppressive measures of violence and denial of basic rights that attempt to weaken the peoples' movement while strengthening the military. The free reign of the Burmese military continues to allow the prevalent use of forced relocations and human rights abuses that include torture, arbitrary detention and rape; the denial of basic social services such as access to education and health; the economic decay of the country and the proliferating existence of starvation and food scarcity; the whittling away of people's spirits and the exacerbation of distrust amongst communities; the use of propaganda and the complete control over media within Burma. All of this contributes to the SPDC's strict control over the population and their ability to maintain power.

The Burmese military's obsession with power has affected the ethnic areas most prominently at the local or community level. Accusations of support for the ethnic nationality opposition groups are a tool used to enforce the ruthless actions of the powerful oppressor over the weaker communities. Power is paraded through the actions of brutal and degrading punishment and through clever tactics of forcing people into positions where their daily struggle revolves around escaping military operations and where to find their next

meal. Fear of the punishment given to those who are accused of supporting ethnic nationality opposition groups compounds a climate of disunity, distrust and helplessness. Precisely the type of environment that is conducive to the Burmese military's attempts to create absolute control and power over the general population.

Burma is an authoritarian regime, a country where opposition is routinely denied and destroyed. Yet they continue to play the international stage where they offer concessions and promises of a democratic and free Burma. After the release of Aung San Suu Kyi, the Burmese military regime acknowledged the need for democratic change in Burma but that it had to be done on their own terms. If they moved towards democracy too quickly, they said, the multi-ethnic country would disintegrate.⁵² Their promises and the reality of the situation never quite met up as evidenced by Black Friday, the lethal attack on Daw Aung San Suu Kyi's entourage and the subsequent detentions of NLD leaders, supporters and Daw Suu herself. The actions and policies of the Burmese military clearly show a regime intent on absolute power, not a force for a multi-party, democratic and people orientated system of governance.

Eradication of armed forces

Even the seemingly obvious reason of eradicating the armed ethnic groups that exist in Burma's border areas belies a political motive. The existence of

It is used to justify the astronomical amount of government spending on the Burmese military, 44.8%, by far surpassing the amounts they spend on education and health combined, 14%.

armed factions has provided the single biggest headache for the Burmese military. It is used to justify the astronomical amount of government spending on the Burmese military, 44.8%, by far surpassing the amounts they spend on education and health combined, 14%.⁵³ The presence of armed ethnic nationality groups also implies a country's inability to deal with internal unrest and maintaining a secure environment for its people. It is a reputation Burma is constantly reminded of by the consistent amount of reporting and documentation surrounding its internal problems,

but hardly one they want to encourage as they attempt to gain more acceptance and credibility from some international entities.

There are other, less political and more economically orientated reasons. Ethnic armed groups have traditionally occupied areas of abundant natural resources and access to trade and investment. It is a lucrative business the Burmese military are keen to control. Development, trade, investment and ultimately money, will all be available to the Burmese military on the removal of the ethnic armed groups that occupy and control these areas. In the early 1980s the Burmese military began taking control of border checkpoints to

Thailand that ensured them a steady income from taxes on the illegal cross-border trade that had traditionally funded the activities of the KNU. There has been an obvious proliferation in investment on development projects by the Burmese military regime, especially since the opening of the economy to foreign investment in 1988. Areas like Tenasserim Division, Karenni State and Shan state have seen an increase in the development of dams, power stations, highways and mining projects, mostly made possible by investment from foreign sources that also fund the continued power of the Burmese military regime. These investment projects have come with high costs for villagers living in the ethnic areas. They have been subjected to forced relocations, forced labour and numerous other human rights abuses. The development projects are often undertaken without the approval of the ethnic nationality groups whose land they traverse and are used as excuses for added attacks upon the ethnic armed groups and the civilian population.



"Development projects" have left visible scars

The Burmese military's actions could suggest that the removal of the ethnic armed groups means the removal of ethnic unrest and political opposition. The 4 Cuts Program has attempted to systematically attack, weaken and destroy the ability of the armed groups to offer any type of resistance to that of the Burmese military. Many armed ethnic groups have agreed to cease-fires in their attempts to halt the destruction caused by armed fighting in the ethnic areas and to gain some kind of political and economic benefits. Unfortunately, the overall constructive benefits for the communities of those who have signed these agreements have been minimal. The Burmese military has met varying successes and losses over the past forty years in trying to rid the ethnic areas of the resisting ethnic armed groups. There can be little doubt that while they have the opportunity these actions will continue.

Other Motivations

In a small amount of cases the detention and punishment had no real political motivation behind it at all. The actions of the Burmese military were usually immediate responses to something they wanted or needed. The Burmese military central command's policy of making battalions "self-sufficient" is often a motivator for the looting raids on villages to grab villagers' animals, food and money. Arrests and detentions sometimes go hand-in-hand with the Burmese military's extortion, robbery and looting. If a battalion needs more money they

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will rob or “tax” villagers. If a battalion needs food, they will loot it from the villagers. If a battalion needs workers to build their military base, they will commandeer them from the villages. Analysis of the structure and actions of the Burmese military and also documentation of abuse in the ethnic areas, suggests that it has become an encouraged and therefore acceptable practice for the Burmese military to supply their needs through the criminal exploitation of the villagers.⁵⁴

Extortion

Linked to this is the detention of villagers for ransom. In these cases the accusation and detention are used as the justification to extract money from the local communities. It was more common for those who have been detained at military bases to find themselves held as hostages for extortion. Commanding officers would often send out word that if the victim’s family or the village headman agreed to pay, they would be released. In Mon state, two village headmen were detained at the military base of IB#61. Their families were summoned to discuss with the commander the conditions of their release. They finally released the two men after their families were able to pay 500,000 kyat for each of them.⁵⁵

In some cases, even after payment, the victims would not be released and further money was demanded. In Chin state 6 villagers were held at the Thantlang police station. Major Khin Maung Yee demanded 700,000 kyat from the villagers for their release. After they had paid the money the Major told them it was not enough and they would have to find more.⁵⁶ These are obvious cases where the real motive is to extort money from the villagers.

Extortion can often be linked to the deprivation of livelihood in certain areas. In areas where food and money are hard to find the Burmese military is more prone to extortion and robbery. Both villagers and Burmese military personnel are looking for food and money to survive. The Burmese military is often the victor because they have the force and the fear factor to back up their quests. Remoteness of location is also a common characteristic for extortion. There are less authoritative structures to monitor the implementation and uses of the practice.

Despite the criminal nature of such practices by the military, it is important to remember the political and policy implications. Robbery, state-endorsed kidnap and looting, not to mention rape, torture



Military operations have caused mass displacement

and other human rights violations, have long been accepted by all levels of military command. Such crimes have been on the increase in recent years due to the central command's "self sufficiency" directive. This has caused greater economic and security pressure on local communities. Ultimately, villagers' capacity to feed themselves have been either destroyed or severely constrained. Savings, even land rights and other forms of economic security have been grabbed.

In the eyes of military commanders this wipes out the local communities' potential capacity to provide material support to opposition groups.

Cover-up for other purposes

In some cases it was also obvious that the accusation and detention, and more often actual killing, were used as a cover-up for something else. In these cases it simply required the villager to merely be in the wrong place at the wrong time. For example two men in Shan state were accused of being Shan rebels and beaten to death. They had gone to gather bamboo and had stumbled across what was locally known as an SPDC drug refinery. It is more likely they were killed because of this then because they were actually Shan rebels.⁵⁷

Deterrent to others

The Burmese military often used the treatment of those accused of supporting ethnic nationality opposition groups as a symbolic warning to deter others from similar courses of action. In these cases the Burmese military personnel didn't seem to be serious about the arrests, they were usually released relatively quickly after suffering acts of torture and became examples to others. They were an effective instrument of deterrence.

If villages exist in areas that are known to have active ethnic armed groups operating nearby then the Burmese military will often forcibly relocate them.

In cases where no solid evidence to back up the accusation was available the Burmese military would often inflict punishment in full view of family members and other villagers. In direct contrast to those who suffered punishment in the confinement of the military bases, these people were deliberately punished in an environment conducive to instilling fear in others. It was a strong and effective way of saying; "this is what will happen to you if you support the ethnic nationality opposition groups". In some cases that involved the arrests of groups of people, most would be killed while one person was always released as a messenger, a reminder of what the Burmese military is capable of.

Secondary Effects

There are often secondary effects experienced by communities in relation to accusations of supporting ethnic nationality opposition groups. More orientated towards groups than the individual; these effects can also be linked to a wide range of human rights abuses. While not a focus point of this report these issues should also be acknowledged. The most common secondary effect occurs against villages or communities. If a village is known to have ethnic nationality opposition persons residing there, or to have relatives of an ethnic opposition member living there, or to simply be suspected of supporting the ethnic nationality opposition groups, then the Burmese military will forcibly relocate that village. If villages exist in areas that are known to have active ethnic armed groups operating nearby then the Burmese military will often forcibly relocate them. They are moved to areas closer to Burmese military bases to inhibit potential support they could offer to these ethnic armed groups. Forced relocations, a prevalent trend throughout Burma, is often a result of the Burmese military's attempts to cut off support to ethnic nationality opposition groups. Villagers are taxed or forced to give chickens and pigs as fines for supporting ethnic nationality opposition groups and the Burmese military will often use villagers as human shields. Punishment like this on families and villages often has an adverse effect on people's livelihood, their ability to produce a sufficient and stable food source and directly uproots and dismantles the family structure.

Secondary effects are usually the burden of entire communities. They are not directly linked to individual accusations of support to the ethnic nationality opposition groups but act more as an enforcer for compliance to military rule. This kind of treatment has contributed to feelings of distrust among villagers as the Burmese military continue to make communities responsible for the behaviour of individuals. The most obvious link between secondary effects and accusations of ethnic nationality opposition support is its contribution to the Burmese military's destruction of a united people's movement. It also fails to recognise the rights of villagers who play no part in the political or armed conflict.

This report identifies the following key issues that summarise the political motivations of detentions in Burma's conflict zones:

1. The SPDC fails to recognise the political concerns of the ethnic nationality groups and allow their participation in the political process.
2. The SPDC pursue a system of absolute power that allows no tolerance for opposition to their system of governance.
3. The SPDC deliberately carry out actions that divide and weaken peoples' movements. Their actions have directly contributed to distrust amongst

- communities, mass displacement, deterioration of basic infrastructure, food scarcity, and a climate of fear and lack of security of livelihood.
4. The SPDC deliberately target the civilian population in their attempts to eradicate ethnic nationality opposition. They fail to recognise civilians who play no part in the political or armed conflict.
 5. The SPDC consistently denies attempts by the NLD, ethnic nationality opposition groups, UN representatives and international governments to pursue joint tripartite dialogue and genuine moves towards democracy.

Inclusion in existing reporting

In his statement made to the 59th session of the Commission on Human Rights, Mr Paulo Sergio Pinheiro reiterated his understanding of the definition of a political prisoner.

*“They are not limited to politicians only; in fact, the majority of them are students, teachers, lawyers and other individuals arrested arbitrarily under security laws in connection with a peaceful exercise of their basic civil and political rights and subjected to judicial procedures falling short of the basic requirements for trial fairness and due process.”*⁵⁸

The statement was made in response to an SPDC comment that there are only 101 political detainees remaining who are members of political parties.

Mr Pinheiro reaffirmed in the same statement to the Commission on Human Rights, that he placed the number of political prisoners between 1200-1300, while the Assistance Association for Political Prisoners (Burma) (AAPPB) reports 1409⁵⁹ cases of political prisoners. The issue of political prisoners has maintained a high profile in the international arena with both Pinheiro, in a letter dated October 2002, recommending the SPDC take concrete steps for “...the immediate and unconditional release of political prisoners, refraining from new arbitrary arrests, the initiation of a review of current legislation criminalizing the exercise of basic rights...”,⁶⁰ and Aung San Suu Kyi stating:

*“Until all our political prisoners are free, none of us can say that Burma is now truly on the road towards democratic change. Because of that, we would like to call upon everybody who cares for the future of Burma to support the request, the demand for the release of all political prisoners, speedily and unconditionally.”*⁶¹

“Until all our political prisoners are free, none of us can say that Burma is now truly on the road towards democratic change.”

Uncounted:
political prisoners in burma's ethnic areas

These statements and the repeated call for the release of political prisoners in Burma, make no reference to the thousands of ethnic villagers who have been subject to politically-motivated arrest and detention. A contributing factor to this could be the perceived difficulty in documenting these cases in the ethnic areas. Places of detention are unconventional and access to detainees for information and monitoring of their treatment is very limited. Unlike the central regions, prisoners are usually not subject to any type of legal process and are not charged under any type of law.⁶² Detention for a prolonged period of time often doesn't occur making it difficult for the international community to grasp an obvious course of action, such as campaigning for the release of the prisoner.

Organisations such as the Assistance Association for Political Prisoners - Burma (AAPPB) have done increasingly important documentation and advocacy work for political prisoners in Burma. This recognition and documentation now needs to be extended to include people accused and detained for politically motivated reasons in Burma's ethnic areas. The first step is the acknowledgment of this group of people and their inclusion in future discussions on political prisoners. As Mr Pinheiro says, political prisoners are not just politicians, they are lawyers, teachers, and in addition villagers, and farmers.

This report does not intend to create a division between already recognised political prisoners and the cases of ethnic political detention submitted in this report. It is in fact a call for cases such as those shown in this report to be recognised for their political motivation and included in the existing reporting and discussion of political prisoners in Burma.

The following table intends to show the similarities between the cases of political prisoners already documented and recognised by international entities and those cases of politically motivated detentions in Burma's conflict zones. In most cases the accusation, despite the lack of official charge, falls within the perimeters of violations of the Unlawful Associations Act. In some cases the actual charge is the same, a violation of this Act. Detentions and treatment, as discussed elsewhere in this report, remain on differing levels.

Uncounted
political prisoners in burma's ethnic areas

| | Accusation | Charge | Place of activities | Treatment |
|--------------------|---|-----------------|---|---|
| *Soe Htat Khaing | Arrested on account of his brothers political activities | UAA 17/1 | Toungoo Prison | imprisonment |
| ** Wei Reh | Contact with Karenni opposition group | UAA 17/1 | Place of detention and release date unknown | Unknown |
| * San San Nwe | Contact with government in exile and allegedly conspiring to smuggle "fabricated news" out of the country | UAA 17/1 | Insein Prison | Imprisonment |
| ** Saw Poe Myat | Son-in-law is a member of the KNLA | No charge given | Military base of LIB#402 | Detained at the military base for 30 days and tortured |
| * Ma Khin Khin Leh | Arrested in connection with her husbands activities at a protest march | UAA 17/1 | Insein Prison | Imprisonment |
| ** Sung Nawn | Contact with her son who is a member of the Chin National Front | UAA 17/1 | Army base of LIB 266 in Haka | Awaiting sentence |
| ** Winter Moo | Hiding KNU personnel in his house | No charge given | KaleeHkee Hill military station | Tortured, gun placed in his mouth and detained at base for 9 days |

Information for this table is taken from AAPPB, Amnesty International and cases included in this report.

UAA - Unlawful Associations Act

* Cases of political prisoners taken from AAPPB and Amnesty International recognised lists

** Cases of politically motivated detentions in the ethnic areas as recognised by this report

By leaving these cases unrecognised there exists are certain failure in realising the importance of the political motivations behind these detentions. It is risky to view the problems in the conflict zones of Burma as purely a military

Uncounted: political prisoners in burma's ethnic areas

instigated security issue. Throughout Burma political opposition and human rights abuses have gone hand in hand. It is important for the future of Burma that the feeling of victimisation that human rights abuses inevitably bring are linked the political issues that go with them.

Emphasis on the political aspects will also invite the use of political means as a long-term remedy to the situation, instead of increased armed conflict based on ethnicity. Recognition therefore is not only the responsibility of the international community but also the different political entities involved in the conflict in Burma's ethnic areas. Most villagers interviewed saw themselves only as the victims of human rights abuses because armed groups operated in their area. They were unaware of the political aspect of these armed and opposition groups that produced such effects upon them. Both the armed and political factions of these groups must also acknowledge the lack of awareness amongst the general population about the political aspect of ethnic nationality opposition groups.

The Bigger Picture

The issues raised in this report are not just about the ethnic communities, the ethnic armed groups or the ethnic nationality political parties. This report covers issues relevant to the democratic rebuilding and national reconciliation of Burma and should also be viewed with this broader context in mind.

Burma under military rule has deteriorated on many different levels. The maintenance and improvement of basic infrastructure has been ignored in preference to increased spending on the military. Spending that has allowed an increased militarization, especially of the ethnic areas, and oppressive abuses placed upon the general population. Judicial and policing procedures across the country are outdated, lack adherence, and fail to comply with international law and standards. While the failure of these procedures in the ethnic areas is highlighted in this report they can also be recognised in similar circumstances across most of Burma. The continued denial of the right to exercise basic fundamental rights such as freedom of association, movement and the right to take part in the government of the country occurs at both the local and national level. Democracy continues to be an elusive ideal and dialogue between the NLD and the SPDC remains stagnant. The inclusion of ethnic minority groups in this dialogue continues to take second place. Interaction between the SPDC and ethnic armed groups who have not signed cease-fires is riddled with demands and compromises that both sides are unwilling to give.

Security of livelihood remains an alien concept to the SPDC; in fact it can be argued that they are a direct threat to it, in both policy and practice. With

these issues remaining unresolved any political resolution on Burma's future will remain elusive and problematic. The Burmese military will continue to persecute those who are members or suspected supporters of these opposition groups. These opposition groups will continue to exist while there is a need for peoples concerns to be met on a political, social and economic level. The lack of tolerance for those who offer any kind of dissent to the SPDC's flawed governance is an integral indicator of the SPDC's reluctance to participate in genuine change that will benefit all of Burma.

Conclusion

Research conducted for this report clearly shows that arbitrary detention, torture and extrajudicial killings are commonly used against those accused of supporting ethnic nationality opposition groups and that these detentions are politically motivated.

The environment in Burma's conflict zones can be seen as one of zero tolerance. This fact can be visible in the length and breadth of Burma where any group or individual that exercises an opposing view to that of the SPDC is routinely arrested, punished and often imprisoned. Political opposition continues to be systematically eradicated and people, regardless of proof of membership of opposition groups, are routinely persecuted on charges of supporting these opposition groups. The Burmese military consistently employ devices to weaken and destroy the peoples' movement in Burma as it fears of what a united movement could do. While the SPDC continues to refuse to participate in dialogue with the democracy opposition as well as the ethnic nationality opposition there seems little hope for resolving the political injustices in Burma.

Burma's conflict zones house a group of people who are extremely vulnerable to human rights abuses and political oppression. Persecution based on supporting ethnic nationality opposition groups routinely consists of acts of arbitrary detention, torture and extrajudicial killings. This is carried out by the Burmese military within a culture of impunity that pervades every level of Burma's ethnic areas. Against this backdrop millions of civilians in Burma continue to struggle against a repressive regime, and it is these pockets of peaceful resistance that give hope to a future Burma based on peace and justice.

The rule of law in Burma remains a matter of grave concern. The SPDC rule Burma through a severely compromised legal system that defies international law and standards on civil freedoms and human rights. Burma's ethnic areas are not even given the option of this deficient and archaic legal system. Here, the Burmese military rule through a system lacking in

accountability and adequate policing and trial procedures. Treatment during arrest and under detention violates both domestic and international regulations.

So where does the future of Burma lie? Burma continues to be embroiled in a long and hard struggle for democracy. The issue of politically motivated detentions in Burma's conflict zones is but a part of the mosaic that constitutes that struggle. Political participation, civil economic and social rights and freedom of expression and assembly are all inherent to empowering people to realise and enjoy the political freedom that is the basis of this struggle. Any struggle for democracy and political freedom must involve the consultation and participation of the people. In Burma this will entail a transformation of character that embodies dialogue based on respect. Ultimately Burma's future must include the whole of society and the rights of that society to have free and participatory representation in a new transformed system of governance.

Recommendations

This report therefore makes the following recommendations:

In general

1. That instances similar to the cases in this report be recognised as politically motivated detentions and therefore the victims as political prisoners. To include this group of people in the existing reporting of political prisoners in Burma.
2. For all parties, including the SPDC, NLD, ethnic nationality groups and the democratic opposition, to work together on political dialogue and genuine moves towards democracy.

For the SPDC

1. To take immediate steps to implement a nation-wide cease-fire and to immediately halt the militarization of Burma's ethnic areas.
2. To reform the justice system and build mechanisms of accountability for abuses committed by Burmese military personnel. These should meet international and human rights standards.
3. To clarify the rule of law in the ethnic areas. As neither martial law nor a state of emergency is currently declared for the ethnic areas the Burmese military must adhere to international legal standards in their administration of these areas.
4. To end continuing violations in the treatment of those detained in detention centres. Arbitrary Detention, torture and extrajudicial killings are all violations of international and domestic laws and should be stopped immediately.

5. To review and abolish existing laws that oppress the people's exercise of basic freedoms, specifically the 'special laws': the Unlawful Associations Act, the Emergency Provisions Act, the State Protection Law and the Printers and Publishers Registration Act.
6. To allow safe, responsible and independent monitoring and access to the conflict areas to ensure that accountable and fair treatment is given to those arrested and detained in Burma's conflict zones.
7. To legalise opposition political parties and allow them to operate and participate freely in a democratic system of governance in Burma.
8. To begin tripartite dialogue with representatives from ethnic nationality groups and the democratic movement for the benefit of the country's political future.
9. To respect their obligations under international humanitarian law in their treatment of unarmed civilians as the Burmese military deliberately targets innocent civilians in their attempts to eradicate ethnic nationality opposition.

For the international community

1. For international regulatory bodies like the United Nations to reinforce the SPDC's obligations to adhere to international legal instruments they are signatories to and to pressure them to sign and adhere to regulations they have not already signed. For example the International Covenant on Civil and Political Rights which protects amongst other things the right to liberty and security of person and not to be subjected to arbitrary arrest or detention.
2. For UN agencies and international NGOs that work inside Burma to pressure the SPDC to allow them greater access to ethnic areas and to establish a presence in these areas for safe, independent and responsible monitoring.

For other parties engaged in the armed conflict

1. To communicate with the grassroots communities, who are often the direct targets of the Burmese military's suppression of ethnic nationality opposition groups; of the political aspect of the struggle that is often the cause of their suffering. Villagers in the conflict zone have expressed ignorance of the political motivations of the armed conflict and see themselves only as targets for human rights abuses. People in the conflict zones should be given knowledge of the political movement and its' ideologies which can provide them with choices for empowering their own lives.
2. To devise strategies and engage in activities that minimise harm to non-combatants in the conflict areas.

Uncounted
political prisoners in burma's ethnic areas

For NGOs

1. To promote human rights education amongst grassroots communities and encourage greater documentation of this issue amongst the grassroots communities and other relevant parties working inside Burma.
2. To increase efforts to provide assistance to displaced communities who are vulnerable to human rights abuses and politically motivated detentions.
3. To devise and implement activities that offer peaceful alternatives to the armed conflict.

For Governments

1. To ensure the security of people fleeing from Burma, for the reasons documented in this report, regardless of their legal status.
2. To pressure the SPDC to demilitarize the ethnic areas and discontinue the targeting of civilians that this militarization has allowed.

Endnotes

1. *Myanmar's Expenditures on the Military, Health and Education*, Nonviolence International, August 2002
2. *Myanmar's Expenditures on the Military, Health and Education*, Nonviolence International, August 2002
3. The 8 political parties are: Arakan League for Democracy (ALD); Chin National League for Democracy (CNLD); Kachin State National Congress for Democracy (KNCD); Karen National Congress for Democracy (KNC); Kayah State all Nationalities League for Democracy (KNLD); Mon National Democratic Front (MNDF); Shan Nationalities League for Democracy (SNLD); and Zomi National Congress (ZNC).
4. *Manual of Rules for the Superintendence and Management of Jails in Burma* [Prescribed by the Government of Burma] 1950. The manual covers such matters as the general disciplining of prisoners, administration of prisoners, punishment of prisoners, the classification of different prisoners, treatment of prisoners and regulations regarding bedding and diet.
5. The Voice of the Hungry Nation report describes this idea in greater detail: *"At the same time the Government of the Union of Myanmar has not acceded to most international legal instruments, including the International Covenant on Economic Social and Cultural Rights. This raises the question of applicability. The Tribunal's view is that a distinction can be made between the legal instruments of human rights as the letter of law, and the universal truths about human society which these laws help to articulate...Failing to ratify an international treaty may preclude other governments' right to censure in certain forums, but it does not exempt Myanmar from the obligation to respect and establish basic human rights."* Voice of a Hungry Nation; The People's Tribunal on Food Scarcity in Burma, AHRC, 1999
6. Report on the situation of human rights in Myanmar, submitted by Mr. Paulo Sergio Pinheiro, Special Rapporteur, to the 59th session of the Commission on Human Rights
7. 17 (1) of The Unlawful Associations Act reads, *"Whoever is a member of an unlawful association, or takes part in meetings of any such association, or contributes or receives or solicits any contribution for the purpose of any such association, or in any way assists the operations of any such association, shall be punished with imprisonment for a term [which shall not be less than two years and more than three years and shall also be liable to fine]."*
8. *Burmese Soldiers Arrested a Dying Elderly Woman*, Rhododendron, Vol V, No.1
9. SHRF Monthly Report, November 2002, Shan Human Rights Foundation
10. Burma Issues Interview, T#1, November 2002
11. 8 of the 45 cases included in this report involve people who were accused of being members of an ethnic nationality opposition group. Four of those were accused of being members of a political opposition group, the remaining four were accused of being members of an armed opposition group.
12. The Mon Forum, Issue No.12/2002
13. Mergui-Tavoy Information Department, May 2002
14. Burma Issues Interview, T#9, March 2002
15. SHRF Monthly Report, September 2002, Shan Human Rights Foundation
16. Burma Issues Interview, T#12, November 2001
17. Burma Issues Interview, T#8, January 2000
18. The Mon Forum, Issue No.12/2002
19. Burma Issues Interview, T#4, May 2001
20. The remaining cases were carried out by Military Intelligence (less than 1%) and in 26% of cases the identity of the perpetrator was unknown.

Uncounted:
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21. Only 2 cases received formal charges against them. 1 from Chin state and 1 from Karenni state. Both were charged under section 17/1 of the Unlawful Associations Act. Refer to cases C1 and KN2 in the Table Summary of Cases.
22. 40% detained in military bases; 40% in various village structures; 8.8% in conventional centres (police station, jail); 11.2% were killed without detention
23. Rhododendron, Jul-Aug 2001
24. Chin Human Rights Organization, Human Rights Information, January-June 2002
25. Chin Human Rights Organization, Human Rights Information, January-June 2002
26. The UN Working Body on Arbitrary Detention determines its' criteria for what constitutes the deprivation of liberty as:
 - a) *When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him) (Category I);*
 - b) *When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and,, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26, and 27 of the International Covenant on Civil and Political Rights (Category II);*
 - c) *When the total or partial non-observance of the international norms relating to the right to fair trial, spelled out in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (Category III).*
27. *Amnesty urges release of all political prisoners after first Myanmar trip*, Agence France Presse, Feb 10 2003
28. SHRF Monthly Report, Sep 2002, Shan Human Rights Foundation
29. Karenni News and Information Committee, KN#10, 2001-2002
30. Burma Issues Interview, K#8, 2001
31. Burma Issues Interview, K#6, 2001
32. Burma Issues Interview, T#2, 2002
33. Karenni Information Committee, KN#9, 2000
34. SHRF Monthly Report, Aug 2002, Shan Human Rights Foundation
35. Burma Issues Interview, T#7 & T#9, Mar 2002
36. SHRF Monthly Report, Sep 2002, Shan Human Rights Foundation
37. Burma Issues Interview, T#2, 2002
38. Burma Issues Interview, T#6, 1999
39. Burma Issues Interview, T#8, 2000
40. Burma Issues Interview, T#1, 2002
41. *Myanmar Ethnic Minorities: Targets of Repression*, Amnesty International, June 2001
42. Burma Issues Interview, T#4, 2001
43. The KNPLF was set up in 1978 after its leaders broke with the KNPP. The KNPLF signed a cease-fire with the SPDC in 1994. Like many cease-fire groups it is seen as a puppet to the SPDC, often carrying out attacks on the Karenni 'rebel' groups still operating in Karenni State.
44. Karenni Information Committee, KN#1, 2001-2002
45. Karenni Information Committee, KN#6, 2001-2002
46. Mergui-Tavoy Information Department, May 2002
47. The Mon Forum, Issue No.8/2002
48. Burma Issues Interview, T#11, 1999
49. SHRF Monthly Report, Sep 2002, Shan Human) Rights Foundation
50. Burma Issues Interview, T#10, 2001

51. *Junta warns against ethnic strife*, Irrawaddy, March 27 2003
52. *Suu Kyi gets down to work at Myanmar opposition HQ*, Reuters, May 8 2003
53. *Myanmar's Expenditures on the Military, Health and Education*, Nonviolence International, August 2002
54. For further reading on this topic see, *Psychology of Warfare* by John M. Drescher. Interviews conducted by Burma Issues with Burmese army deserters, describe the conditions inside the Burmese Army that deprive them of basic necessities. They also describe encouragement given by superior officers to obtain these necessities from innocent villagers.
55. The Mon Forum, Issue No,12/2002
56. Chin Human Rights Organisation, Human Rights Information, Jan-Jun 2002
57. SHRF Monthly Report, November 2002, Shan Human Rights Foundation
58. Statement by Mr. Paulo Sergio Pinheiro, Special Rapporteur on the situation of human rights in Myanmar, 59th Session of the Commission on Human Rights, Item 9, Geneva, 31 March 2003 - The full statement and report can be found at www.unhchr.ch or www.burmalibrary.org
59. Assistance Association for Political Prisoners (Burma), Political Prisoners List, Last updated 15 October 2002. Available at www.aappb.org
60. Statement by Mr Paulo Sergio Pnheiro to the 59th Session of the Commission of Human Rights, March 2003
61. Message from Daw Aung San Suu Kyi for the Free Political Prisoners in Burma Campaign, August 2002, produced by Altsean-Burma
62. Most recognized political prisoners have been charged under or accused of offending one or more wide-ranging security laws such as the 1950 Emergency Provisions Act, 1957 Unlawful Associations Act, 1975 State Protection Law and the 1962 Printers and Publishers Registration Law.

Appendix 1
Summary of cases

Uncounted
 political prisoners in burma's ethnic areas

| Case Ref | Date | People involved | Accusation | Punishment | Location of detention | Source | Perpetrator |
|-----------|---------|-----------------|--|--|---|-----------------------------|-------------------------------|
| S5 | 08/2002 | 2 | Spying; being Shan rebels | Detained for a day and then beaten to death | Murug-Pan Township, Shan State | SHRF 11/2002 Monthly Report | LIB#332 |
| S6 | 08/2002 | 7 | Providing food to Shan soldiers | Detained at military base for 4 days and "fined" 10,000 kyat each for their release | Military base of LIB520 in Murug-Pan Township, Shan State | SHRF Monthly Report | Captain San Win LIB#520 |
| S2 | 06/2002 | 13 | Supporting Shan rebels, information regarding numbers and movement | All 13 were tied with ropes and interrogated, 12 villagers were eventually shot to death, the other villager was later released after being detained for 2 days. | Murug-Kerug township, Shan State | SHRF 09/2002 Monthly Report | Commander Kyaw Hlaing LIB#514 |
| S3 | 06/2002 | 1 | Working for the Shan resistance; collecting information and providing food | Used as a guide and then interrogated because he knew the routes so well. Detained for 7 days and then shot to death | Kun-Hing Township, Shan State | SHRF 09/2002 Monthly Report | IB#246 |
| S4 | 07/2002 | 1 | Knowledge of SSA troop movement and providing them with food | Detained and interrogated at military base for 21 days, beaten and tortured resulting in a swollen and fractured head. | Military base of IB65 in Murug-Ton township, Shan State | SHRF 09/2002 Monthly Report | Captain Han Sein IB#65 |

| | | | | | | | |
|-----------|---------|---|---|--|---|---|---------------------|
| S1 | 03/2002 | 1 | Harbouring Shan rebels and being a Shan rebel | Arrested and detained in village temple and interrogated. Was beaten with a stick until he lost consciousness. He was locked up in Kaeng Tawng military base for 10 days. He was sent south for a month and then released. | Kaeng Tawng army base in Murg-Nai township, Shan State | SHRF 08/2002 Monthly Report | |
| S7 | 10/2000 | 1 | Being a spy for the SSA-South | Was severely beaten and tortured, one ear cut off, his skull fractured and bones broken. His body was left where he was killed. | Murgkerng township, Shan State | Amnesty International 06/2001 Report on Ethnic minorities | |
| T4 | 05/2001 | 1 | Not supplying required information about KNU movement | Confined at a military base and kicked, hit and beaten. | No.3 Strategic Command HQ Military base at Htee Hpowah, Tenasserim Division | BI Interview 07/2001 | Major Yee Htway |
| T6 | 12/1999 | 1 | Supporting the KNU | Strung to two trees like a hammock while the commander ordered soldiers and villagers to sit on him. Detained like this for 2 days. after he dies they throw his body in a rock hole | Myitta Township, Tenasserim Division | BI Interview 11/2002 | Major Theung Kyi MI |

Uncounted: political prisoners in burma's ethnic areas

| | | | | | | | |
|-----------|---------|---|---|---|--------------------------------------|----------------------|----------------------|
| T7 | 12/1999 | 4 | Supporting the KNU | Plastic bags put over their heads to suffocate them and bamboo was rolled up and down their shins. Detained and tortured like this for 2 days and released on payment of 400,000 kyat | Myitta Township, Tenasserim Division | BI Interview 11/2002 | Major Thueng Kyi MI |
| T8 | 01/2000 | 1 | Knowledge of KNU movement and KNU members | Detained in the village where soldiers tied a rope linking his penis to his neck so that he couldn't lift his head without excruciating pain, spread his legs and tied them to two posts. They tie his scrotum with rubber straps and then burnt his scrotum and penis off. | Myitta Township, Tenasserim Division | BI Interview 11/2002 | Major Theung Kyi MI |
| T9 | 03/2002 | 1 | Concealing information about KNU movement | Tied up with his hands behind his back and placed in a hole in the ground. SPDC troops put coconut shavings into the hole to attract red ants and then left him there for 1 night. The next day he was forced to be a porter for 2 weeks | Myitta Township, Tenasserim Division | BI Interview 11/2002 | Commander Nen Da Eng |

| | | | | | | |
|------------|---------|---|---|---|--|--|
| T10 | 04/2001 | 2 | Contact with the KNU | Tied up and dragged to the Military base at Myitta and detained for 1 night. The next day the two men were taken as guides and never seen again. | Myitta Township, Tenasserim Division | BI Interview 11/2002 |
| T11 | 12/1999 | 1 | Supporting the KNU | Taken to the military base, tied up, hung upside down and a plastic bag is placed over his head. They detain him like this for 2 days after which they throw his dead body into a ravine. | Myitta Township, Tenasserim Division | BI Interview 11/2002 |
| T5 | 08/2002 | 2 | Collaborating with the Karen resistance | Detained at the military camp and released later the same day. | Military camp of IB 280, Thayetchaung Township, Tenasserim Division | Mergui-Tavoy Information Dept - Situation Report 08/2002 |
| T1 | 11/2002 | 1 | Son-in-law is a karen soldier. | His hands were tied behind his back, and joined to his neck and his legs. His face was covered with a plastic bag and filled with water. Detained at military base for 3 days. Asked to show a KNU base which he could not. Was detained for a further 30 days. | Military camp of LIB#402, Thayetchuang Township, Tenasserim Division | BI Interview 11/2002 |

Uncounted:
political prisoners in burma's ethnic areas

| | | | | | | | |
|------------|---------|----|---|---|---|--|--|
| T2 | 11/2002 | 1 | Supplying materials to Karen soldiers | Arrested in his village, burnt on the chest with cigarettes, had candle liquid dripped on him, bottles rolled along his legs, punched and kicked, knee slashed with a bayonet and his head put in a plastic bag and suffocated. | Tavoy Township, Tenasserim Division | BI Interview 11/2002 | Commander Yan Myo Aung, LIB# 402 |
| KN1 | 05/2002 | 1 | Supporting Karenni rebels and withholding information. | Detained in the village where he was tortured and made to take KNPLF troops to rebel hideouts which he had no knowledge of. He was later shot dead. | Loikaw Township, Karenni State | Karenni News and Information Committee - Human rights abuses | Commander Poe Reh |
| KN2 | 08/2002 | 1 | Violation of Act 17/1 (contact with illegal groups) | Arrested by LIB# 302, detention place unknown as is his release date | Arrested at Shadaw Relocation Camp, Karenni State | Karenni News and Information Committee - Human rights abuses | LIB#302 |
| KN4 | 02/2001 | 2 | Failing to report Karenni forces activities in the area | Arrested and detained at a military base in Deemawso Township. Release date unknown. | Military base, Deemawso Township, Karenni State | Karenni News and Information Committee - Human rights abuses | IB#72 IB#54 |
| KN5 | 11/2001 | 14 | Helping the KNPP | Arrested in their village and then transferred to the MI Unit No.27 base. Release details unknown | MI Unit#27 base, Karenni State | Karenni News and Information Committee - Human rights abuses | IB#72, Military Intelligence Unit #27 |

| | | | | | | | |
|------------|---------|----|-------------------------------------|--|---|--|----------------------------|
| KN6 | 01/2002 | 1 | Knowledge of Karenni force movement | Detained and tortured in his village where the troops stayed for 3 nights. Eventually killed when they couldn't get any information from him. | Loikaw Township, Karenni State | Karenni News and Information Committee - Human rights abuses | LIB#261 |
| KN7 | 02/2002 | 2 | Supporting the KNPP | Arrested and taken to Loilin Lay military base. One managed to escape on the way to the base while the other escaped after spending one night at the base. | Loilin Lay military base, Karenni State | Karenni News and Information Committee - Human rights abuses | Colonel Poe Shein IB#261 |
| KN8 | 01/2000 | 24 | Supporting the Karenni forces | 2 villagers were shot dead, 22 other villagers were arrested, badly tortured and detained at Linphon military base. Access by their families was denied. | Linphon military base, Karenni State | Karenni News and Information Committee - Human rights abuses | LIB#516 |
| KN9 | 10/2000 | 8 | Connections with the KNPP | Arrested and detained at the village primary school where 2 of the 8 were put in rice sacks and beaten by the troops. The remaining 6 were also beaten. The troops continued this for 2 days and then let the detainees go and left the village. | Kaylya Township, Karenni State | Karenni News and Information Committee - Human rights abuses | Commander Htin Paw LIB#427 |

Uncounted
political prisoners in burma's ethnic areas

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|-------------|---------|----|--|---|--|--|------------------------------|
| KN10 | 01/2000 | 32 | Connections with the KNPP | All villagers were made to go to a football ground in a village in Tee Lon village tract where a list of names were read out. Those on the list were taken to the military base of IB#54 and detained. Some were later released while others remained in detention. | Loikaw Township, Karenni State | Karenni News and Information Committee - Human Rights Abuses | Captain Myint Naing IB#54 |
| C2 | 02/2001 | 1 | Sympathiser and supporter of the Chin National Front | Detained in Haka army camp and then reportedly imprisoned for 2 years at Mawlaik-Kalay Hard Labour Camp | Haka Army Camp, Mawlaik-Kalay Akyin Htawng labour camp near Kalaymyo in Sagaing Division | Rhododendron, Jul-Aug 2001 | |
| C1 | 01/2002 | 4 | Contact with her son, who is a member of the Chin National Front, and he being present in her house. | Army raided the house and took into custody the old woman (later replaced by her daughter due to serious illness of mother) and 3 men present at the time of raid. Taken to LIB# 266 army base at Haka where they were detained and interrogated. Charged under Unlawful Associations Act 17/1. | Arrested in Thantlang, detained at LIB# 266 army base in Haka, Chin State | Rhododendron, Jan-Feb 2002 | LIB#266 |

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|-----------|---------|---|-----------------------------------|---|--------------------------------------|-------------------|------------------------------|
| C3 | 10/2001 | 6 | Harbouring a CNA member | Detained at Thantlang police station for four months without trial. Family members denied access to see them. The commander demanded villages pay him 700,000 kyat for their release. After payment he still refused to release them saying the amount wasn't enough. | Thantlang Police Station, Chin State | CHRO Jan-Jun 2002 | Major Khin Maung Yee LIB#266 |
| C4 | 11/2002 | 1 | CNA member arrested in his house. | Arrested and sentenced to 6 months in jail. The commander offered his release if villagers paid 260,000 kyat, after money was paid he was still detained. Relatives were not allowed to visit him in jail. | Kalamyo Jail, Chin State | CHRO Jan-Jun 2002 | Major Khin Maung Yee LIB#266 |
| C5 | 06/2002 | 5 | Supporting CNA | Arrested after losses to Burmese army in fighting CNA. Forced to follow the army column for 5 days and then sent to Thantlang police station where they are awaiting trial. | Thantlang police station, Chin State | CHRO Jan-Jun 2002 | Major Khin Maung Yee LIB#266 |

Uncounted
political prisoners in burma's ethnic areas

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|-----------|---------|---|--|---|---|---------------------------------|-------------------------------------|
| M2 | 12/2000 | 1 | Providing support to the Mon armed group | Interrogated, tortured and detained for one night. Tied with a rope, beaten with a rifle butt and cane stick by 10 different people. Had a rod placed on his back and 2 soldiers stood on either end, knife poked in his chest, put in a hole in the ground and beaten again with bamboo, tied to a coconut tree and beaten | Yepyu township, Karen State | Amnesty International June 2001 | LIB#273 |
| M1 | 12/2002 | 2 | Being rebel supporters | Arrested and taken to military base. Interrogated and beaten severely. Released on payment of 500,000 kyat each. Spent 2 days in hospital for treatment. | Detained at IB#61 military base, Ye Township, Karen State | The Mon Forum Dec 2002 | IB#61, led by Major Tin Aung Khaing |
| K8 | 01/2001 | 1 | Spying for KNU | Kicked in the breast and beaten with rifle butts until blood came from his mouth - then imprisoned in a chicken coop | Kya-In Township, Karen State | BI Interview 07/2001 | Major Soe Moe Oo IB#704 |
| K6 | 01/2001 | 1 | Hiding KNU personnel | Tied up at the military base for 9 days, fed rotten food, kicked on the chest with combat boots and his chest stamped upon, his face beaten and a gun stuck in his mouth and later withdrawn. | Kalee H-kee Hill military base, Kya- | BI Interview 01/2002 | Commander Kyaw Zwa |

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|-----------|---------|---|---|---|--|----------------------|-----------------------------------|
| K3 | 02/2001 | 5 | Supporting and knowing the movement of KNLA soldiers | Detained in village for one day, then the village was given one month to relocate. One man had his face and hands covered with plastic sheets, he was beaten and submerged in a stream; another was also tortured and then forced to dig his own grave; 2 others were tortured with water and plastic sheets. | Kya-in township, Karen State | BI Interview 11/2001 | Commander Nay Myo Win IB#62 |
| K4 | 02/2001 | 1 | That he is the village head of the KNU | Detained and interrogated, punched and tortured resulting in a head wound. Detained like this for 1 night. | Kyaukkyi Township, Karen State | BI Interview 02/2001 | Lt Byat Kyeh O LIB#349 |
| K3 | 02/2001 | 1 | Contact with the KNU and in possession of a walkie-talkie | Placed in foot cuffs, interrogated, had a rifle shot close to his head, was repeatedly beaten with an AK47. Detained like this for one night. | Kyaukkyi township, Karen State | BI Interview 07/2001 | Lt Byat Kyeh O LIB#349 |
| K2 | 06/2001 | 1 | Being a KNU member | Was detained, bound with ropes and interrogated. They beat him and sliced his throat. He was later released after his village headman vouched for him. | Kali Kee Military base, Kya-in Township, Karen State | BI Interview 02/2002 | Major Soe Tin LIB#456 |

Uncounted
political prisoners in burma's ethnic areas

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|------------|---------|----|---|---|---|-----------------------|---------------------------------------|
| K7 | 06/2001 | 1 | Supplying food to the KNU | He was detained and interrogated, during which time he was severely beaten. He was later released after his village headman vouched for him. | Kya-in township, Karen State | BI Interview 02/2002 | Major Zaw Win LIB#456 |
| K1 | 11/2000 | 3 | Having information about KNLA operations and whereabouts | The 3 villagers were tortured, the mens' heads were bound, they were beaten and the soldiers poured gallons of water down their throats. They were then forced to lead the soldiers to a KNLA camp. | Army camp of Light Infantry Battalion #1, Karen State | KHRG 03/2001 | LIB#1 |
| K10 | 04/2002 | 10 | Being relatives of KNLA soldiers | Arrested and detained at the military base for 7 days. After 7 days 7 of the villagers were killed, 1 old woman was released and 2 children were released after their relatives paid a 200,000 kyat ransom. | LIB#548 military base, Pha-ya-nyote, Karen State | The Mon Forum 08/2002 | Major Ah Nyunt, Major Taw Taw LIB#548 |
| A1 | 12/2002 | 2 | Members of a dissident group that laid landmines, killing members of a Nasaka unit. | Arrested and detained for being involved in a landmine blast that killed members of Nasaka. Detained for on month and tortured. Never went before court and after one month they were summarily executed. | Nasaka Military Base, Sector 2, Maungdaw Township, Arakan State | Kaladan News 12/2002 | Nasaka Sector 2 |

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|-----------|---------|---|--|--|--------------------------------|-------------------------|-----------------------|
| A2 | 12/2002 | 1 | Contact with his son, a dissident living in Saudi Arabia | Detained at the immigration office for 1 day where he was ordered to pay a bribe of 10,000 kyats. He refused and was severely beaten, leading to his death. | Minyba Township, Arakan State | Kaladan News 12/2002 | |
| A3 | 07/2002 | 1 | Defaming Military Intelligence Personnel | Reported MI personnel who were stealing from villagers. Was detained at the military base over night, tortured and then released on payment of 10,000 kyats. | Akyab Township, Arakan State | Kaladan News 08/2002 | MI #10, Akyab Station |
| A4 | 02/2002 | 8 | Being muslims and travelling without permission | The eight people had identity cards but no permission from local police to travel outside Arakan state. The eight were arrested and sentenced to 7 years imprisonment. Their detention place is unknown. | Thandwe Township, Arakan State | Mizzima News 02/2002 | |

Uncounted
political prisoners in burma's ethnic areas

Appendix 2

Ethnic political/armed groups

| Political organisation/ army | Leader | Year it began | Cease-fire Year | Comment |
|--|---|------------------|-----------------------------------|---|
| Arakan Liberation Party /Army (ALP/ALA) | Khaing Ye Khaing | 1972 | | |
| Arakan People's Liberation Army (APLP) | U Sein Da | 1945 | | U Sein Da and 400 followers surrendered in 1958 |
| Chin National Front/Army (CNF/CNA) | Thomas Thangnou | 1985/1988 | | |
| Communist Party of Burma (CPB) | Thein Tin (the last leader before the party ceased to exist) | 1939 | | The party ceased to exist after a mutiny in 1989 when it broke into four separate armies |
| Communist Party of Burma- Arakan (CPB-A) | Saw Tun O | | 1997 | |
| Democratic Karen Buddhist Organisation/ Army (DKBO/DKBA) | U Thuzana | 1995 | 1995 | Broke from the KNU in late 1994 and is supported by the SPDC |
| Hongsawatoi Restoration Party (HRP) | | 2001 | | Broke away from the NMSP |
| Kachin Defence Army (KIO 4 th Brigade) | Mahtu Naw | | 1991 | 4 th Brigade of the KIO broke away and signed a cease-fire in 1991 |
| Kachin Independence Organisation/Army (KIO/KIA) | Zau Mai | 1961 | 1994 | |
| Karen National Union/ Karen National Liberation Army (KNU/KNLA) | Bathein/ BoMya | 1947 | 1995-6 talks broke down | |
| Karen Peace Army (Karen Peace Force) | Tha Mu Hei | | 1997 | Ex-16 th Batallion of the KNU |
| Karenni National Progressive Party (KNPP) | Hte Buphe/ Aung Mya | 1957 | 1995 cease- fire broke down | |
| Karenni National Defence Army | Lee Reh | | 1996 | Splinter group from the KNPP |
| Karenni State Nationalities Liberation Front (KNPLF) | Tun Kyaw | 1978 | 1994 | |
| Kayan National Guard (KNG) | Htay Ko | | 1992 | Broke away from the KNLP |
| Kayan New Land Party (KNLP) | Shwe Ayo | 1994 | | |

| | | | | |
|--|--------------------------------|---------------|------|---|
| Lahu National Organisation/Army (LNO/LNA) | Paya Ja Oo | 1985 | | |
| Mon Mergui Army Heang | Ong Suik Heang | | 1997 | Splinter group from the NMSP |
| Mongko Peace Land Force (MPLF) | Mong Hsala | | 1995 | Kokang splinter group |
| Mong Tai Army | Khun Sa | | 1996 | Disbanded after cease-fire |
| Mon National Defence Organization (MNDO) | | 1948 | | The first Mon rebel army, no longer in existence |
| Myanmar National Democratic Alliance Party/Army (MNDAP/ MNDAA) | Pheung Kya-shin | | 1989 | |
| National Unity Party of Arakan (NUPA) | Shwe Tha | | 1988 | |
| National Democratic Alliance Army (NDAA) | Lin Ming Xian | | 1989 | |
| National Socialist Council of Nagaland • NSCN (East) • NSCN (Main Faction) | Khaplang Isaac/Muivah | 1980 | | |
| New Democratic Army - Kachin (NDA-K) | Ting Ying | | 1989 | |
| New Mon State Party /Mon National Liberation Army (NMSP/MNLA) | Nai Shwe Kyin | 1958 | 1995 | |
| Palaung State Liberation Party/Army (PSLP/PSLA) | Aik Mone | 1986 | 1991 | |
| Pao National Organisation/Army (PNO/PNA) | Aung Kham Hti | 1976 | 1991 | |
| Rohingya National Alliance • Arakan Rohingya Islamic Front (ARIF) • Rohingya Solidarity Front (RSO) | Nurul Islam Mohammed Yunnus | 1986 1982 | | Both these groups broke from the RPF. They joined together in 1995 to make the Rohingya National Alliance (RNA) |
| Shan State Army/ Shan State Progressive Party (SSA/ SSPP) | Sai Nawng | 1964/ 1971 | 1989 | |
| Shan State Army - South | Yawd Serk | 1996 | | Formerly the SURA, this groups is made up of those from the MTA that didn't want to surrender with Khun Sa |

Uncounted
 political prisoners in burma's ethnic areas

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|---|---------------|-----------|-----------------------|--|
| Shan State Nationalities People's Liberation Organization (SNPLO) | Tha Kalei | | 1994 | |
| Shan State National Army (SSNA) | Gun Yawd | | 1995 | |
| United W Sate Party /Army (UWSO/UWSA) | Pauk Yo Chang | 1989 | 1989 | Also known as the Myanmar Solidarity Party |
| Wa National Organization /Army (WNO/WNA) | Maha San | 1969/1974 | 1997 talks broke down | |

- This list covers most of the major ethnic nationality armed and political groups but is by no means an exhaustive list.
- Political parties are in bold
- *Burma: Insurgency and the politics of ethnicity* by Martin Smith and *Burma in revolt: Opium and insurgency since 1948* by Bertil Lintner and *Myanmar Backgrounder: Ethnic Minority Politics*, International Crisis Group, May 2003 were all used when collating this list. Updates and changes were added.

Appendix 3 Laws and Regulations

General

- “In those states in which ethnic, religious and linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their groups, to enjoy their own culture, to profess and practice their own religion, or to use their own language” - **Article 27, International Covenant on Civil and Political Rights**

- “Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.
To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above mentioned persons:
 - a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - b) taking of hostages;
 - c) outrages upon personal dignity, in particular humiliating and degrading treatment;
 - d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples” - **Article 3 (1) Convention (IV) relative to the Protection of Civilian Persons in Time of War**

Torture

- “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” - **Article 5, Universal Declaration of Human Rights**

- “No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstance whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment” - **Principle 6, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**

Arbitrary Detention

- “No one shall be subjected to arbitrary arrest, detention or exile” - **Article 9, Universal Declaration of Human Rights**

- “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as established by law” - **Article 9 (1), International Covenant on Civil and Political Rights**

Unaccounted
political prisoners in burma's ethnic areas

- “All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for inherent dignity of the human person” - **Principle 1, Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**

Right to Fair Trial

- “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.” - **Article 9 (2), International Covenant on Civil and Political Rights**
- “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful” - **Article 9 (4), International Covenant on Civil and Political Rights**
- “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him” - **Article 10, Universal Declaration of Human Rights**

Right to Freedom of Association

- “Everyone has the right to freedom of peaceful assembly and association” - **Article 20 (1), Universal Declaration of Human Rights**
- “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice” - **Article 18 (3), International Covenant on Civil and Political Rights**

List of resources and contributors

Assistance Association for Political Prisoners in Burma (AAPPB)

Po Box
PO Box 93
Mae Sot, Tak
Thailand 63110
e-mail: aappb@cscoms.com

Chin Human Rights Organization

11331 Morning Gate Drive
Rockville, MD 20852
USA
e-mail: chokhlei@hotmail.com

Human Rights Foundation of Monland

PO Box 11
Ratchaburana Post Office
Bangkok 10140
Thailand
e-mail: hurfom2003_04@yahoo.com
mforum@np.anet.net.th

Karenni News and Information Center

PO Box 19
Mae Hong Son 58000
Thailand
e-mail: ooreh@cm.ksc.co.th

Shan Human Rights Foundation (SHRF)

Po Box 201
Phrasingh P.O.
Chiangmai 50200
Thailand

Amnesty International

www.amnesty.org

Asian Human Rights Commission

www.ahrchk.net

Earth Rights International

www.earthrights.org

Myanmar government

www.myanmar.com

International Committee for the Red Cross (ICRC)

www.icrc.org

Burma Lawyers Council

PO Box 29
Hua Mak Post Office
Bangkok 10243
Thailand
e-mail: blcsan@ksc.th.com

Committee for Internally Displaced Karen People (CIDKP)

PO Box 22
Mae Sot, Tak
Thailand 63110
e-mail: kidpc@cscoms.com

Karen Human Rights Group (KHRG)

Box 73
Mae Sot, Tak
Thailand 63110
e-mail: khrg@khrg.org

KNU Mergui-Tavoy Information Department (MTDID)

PO Box 11
Kanchanaburi 7100
Thailand
e-mail: ehna@ksc.th.co

Shan Womens Action Network (SWAN)

PO Box 120
Prasing Post Office
Chiang Mai 50200
Thailand
e-mail: kenneri@loxinfo.co.th

National Coalition Government of the Union of Burma (NCGUB)

www.ncgub.net

Online Burma Library

www.burmalibrary.org

The Burma Campaign UK

www.burmacampaign.org.uk

The Irrawaddy Magazine

www.irrawaddy.org

