

FROM PRISON TO FRONTLINE

Portering for SPDC Troops
during the Offensive in Eastern Karen State, Burma,
September-October 2003.

Burma Issues

*“The lives of the porters are unlucky, no chance to survive
We have to carry unfair heavy loads
We have wounds on our shoulders and heads
We have to climb mountains and are beaten like cattle
We have to suffer from this powerlessness
They tortured us cruelly
All these problems are caused by the military government
Escaping to survive
Their power depends on their arms
They killed many of the porters
Many porters have sacrificed
We, the escaped porters, have hearts filled with hatred...
They beat and injured over one hundred of us porters
Don't cry porters
Together we will carry our loads until we reach the frontline
Along the way we saw many dead porters
Who died from landmines when they tried to escape
When we think of them we feel pain in our hearts
Porters run to escape and the soldiers try to shoot them
When we escape we feel grief for the porters who cannot escape
When we think of this we want to fight back to the military government...
Together we will struggle from now on!”*

A poem from one of the porters interviewed, November 2003.

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We must also acknowledge all the people of Burma, suffering under the SPDC regime, and to honour all the courageous people working on the ground, struggling alongside the grassroots people of Burma.

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This report is dedicated to all those who refuse to let oppression make them powerless.

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Executive Summary

A) Findings

In November 2003, in the wake of the joint military offensive by the SPDC (State Peace and Development Council) and the DKBA (Democratic Karen Buddhist Army), Burma Issues set about documenting the systematic use of prisoners as porters for military purposes. This practice constitutes an egregious human rights abuse. Research for the project began with interviews with twenty-two escapees who had taken refuge near the Thai-Burma border. We dealt with issues such as their prison lives, their journey to the conflict area, their treatment at the hands of the soldiers, their experiences in battle, and also their experiences relating to landmines. We then proceeded to conduct more in-depth research to supplement this invaluable first hand information. We have compiled the analysis and present our findings in this report.

In addition, three of the initial interviews which had been shot in video were edited to create two videos, one being specifically intended for the International Committee of the Red Cross (ICRC), both under the title 'From Prison to Frontline'. In both videos the porters describe their experience in prison, how they were harshly exploited by SPDC troops and how they finally escaped. Through video, the porters could express themselves in their own voices.

The 7th Brigade¹ Offensive (Pa-an District), which forms the backdrop for the subject of this report, originally started on July 23, 2003 when fighting broke out between the DKBA and the Karen National Liberation Army (KNLA), the armed wing of the Karen National Union (KNU). In September 2003, the DKBA asked for military reinforcements from Burmese troops. From then on, the offensive was marked by intensified fighting between the KNLA and the combined military forces of the SPDC and the DKBA. In addition to forcing many villagers from their homes, either into the jungle to become Internally Displaced Persons (IDPs) or across the border into refugee camps in Thailand, this offensive led to a marked increase in the prevalence of landmines in Karen state.

During the offensive, 800 prisoners were removed from prison and forced to carry equipment and supplies for the military. They were rarely

given adequate food, water, or rest, and were often made to carry out heavy manual tasks in addition to their portering duties. They were as, or more, endangered than the soldiers for whom they served, and placed in positions which rendered them vulnerable to artillery fire, opposition forces and, in particular, to landmines.

The SPDC may have believed that because they were using criminals as porters, not as much attention would be given to the human rights abuses involved. Indeed, some of the men involved had committed serious crimes before being recruited as forced porters. However, it is important to separate the issue of the prisoners' guilt from that of human rights violations by the government.

The porters' accounts of prisons in Burma describe corruption, abuse, and numerous contraventions of international conventions. Prisoners were beaten, forced to carry out hard manual labour and denied aid from, and forced to lie to, representatives of the International Committee of the Red Cross (ICRC) when they visited.

The range of sentences which they were serving reveals glaring inconsistencies in the Burmese judicial system. The majority of the sentences, of seemingly random duration, were for petty offences. Some even reported being taken directly from their homes to prison, and then to the offensive site, without ever being charged with or convicted of crimes. On the other hand, some of the escaped porters are convicted murderers who are now free.

The accounts of these porters serve to highlight a planned, premeditated campaign by the Burmese military to exploit prisoners as porters throughout the offensive. The only consistency seems to have been the methods of exploitation:

- All were forced to carry extremely heavy loads (on average, over forty kilograms per porter), for long periods with little or no rest and minimal food and water
- All were mistreated in similar ways, as soldiers resorted to tactics such as intimidation and physical abuse. Almost all interviewees were punched, kicked, beaten, or tortured by Burmese soldiers at some point during their time as porters

Forced portering, involving prisoners or anyone else, constitutes a form of forced labour under international law (International Labour Organisation Convention No. 29). Such forced labour is also banned by Burmese law (Order No. 1/99). Therefore in planning the role of forced porters in this offensive, the SPDC broke international conventions as well as laws proclaimed by its own government.

In addition to the ritual humiliation of forced portering, these people were extremely vulnerable to injury from landmines. Almost half of the porters interviewed witnessed the deadly effects of mines, seeing soldiers or fellow porters killed or injured. Mines were a major hazard during escape attempts, and interviewed porters reported witnessing other escapees killed or mortally injured by mines soon after their escape.

Moreover, as a matter of Burmese military policy, many porters were used as human minesweepers. In some cases, this meant walking ahead of soldiers over terrain suspected of being mined, so as to detonate mines before the soldiers reached them. In other cases, porters with no prior training or adequate equipment were forced to test suspected mine fields with sharpened bamboo, or even their bare hands, and then to remove the mines. Such 'atrocious demining' illustrates the lack of respect shown by the Burmese soldiers for the porters' humanity. It is also a severe violation of humanitarian and human rights law.

The offensive ended in November 2003. SPDC troops did not achieve their primary military objectives, but were able to take control of some areas where intense logging and forced labour is now taking place under DKBA and SPDC supervision.

B) Recommendations

Our recommendations fall into two categories: 1) those directed towards the SPDC government of Burma, and 2) those directed towards the international community.

For the former, above all else, Burmese law must be brought into line with international law, especially with respect to regulations regarding forced labour and respect for civilians in internal conflict. In some cases, such as forced portering, Burma already has appropriate laws; these laws must be much more rigorously enforced. Burma should also sign up to, and respect, several international treaties, including the Additional Protocols I and II of 1977 to the four Geneva Conventions, the Convention Against Torture of 1984, and the Mine Ban treaty of 1997. In addition, international monitoring bodies such as the Office of the United Nations High Commissioner for Human Rights (UNHCHR) must be given full access to the country to investigate human rights abuses.

For the international community, we have grouped our recommendations by international organisation.

- The International Labour Organisation (ILO) and the International

Committee of the Red Cross (ICRC) must increase their presence in Burma, especially in ethnic areas, as well as committing more staff to investigating labour law and human rights abuses.

- The Association of Southeast Asian Nations (ASEAN) must introduce certain human rights standards for its membership, especially given the fact that Burma is expected to take over the organisation's rotating presidency in 2006.

- The UN General Assembly should expel Burma altogether, on the model of the 1974 expulsion of South Africa, pending improvements in the human rights situation there. This would mean the expulsion of the Burmese administration from all agencies under UN auspices. At the very least, a coherent policy on Burma must be adopted by the General Assembly.

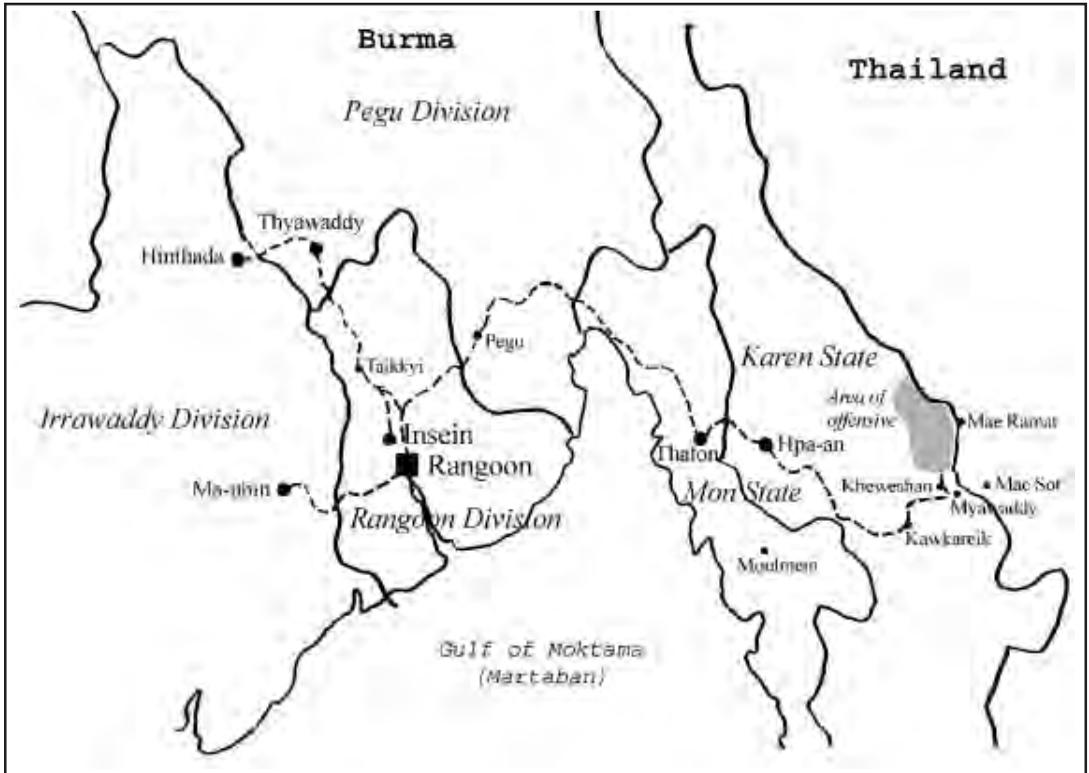


Editor's notes

- BI,# indicates an interview carried out by Burma Issues. For example, BI,#2 indicates interviewee #2. All interviews, except #23, were carried out in November, 2003. Full text of all of them can be found in Appendix 5.

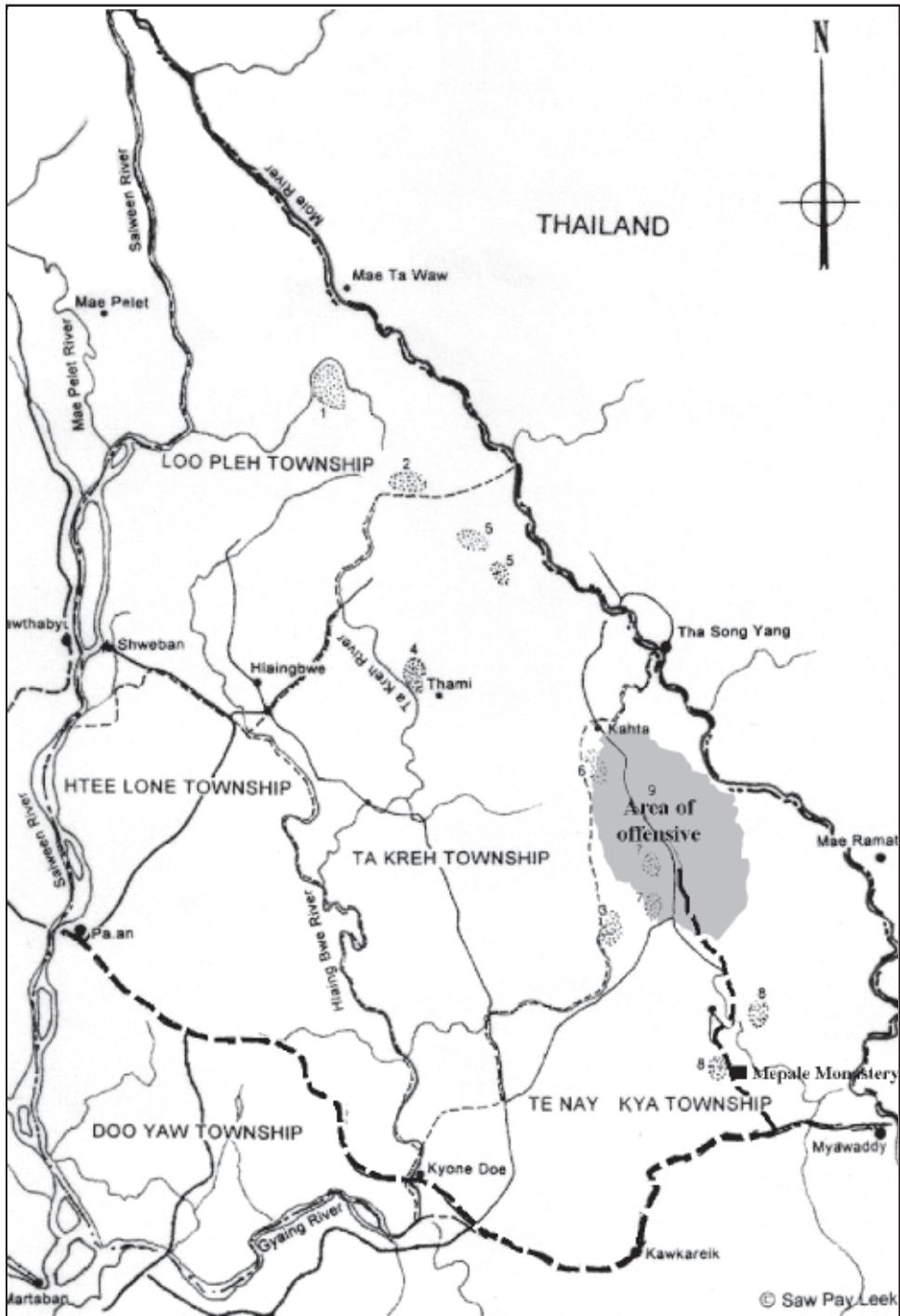
- The term "Brigades" as used in this report (e.g. "7th Brigade Offensive") refers to different areas within Karen State, used by the Karen National Union (not the Burmese government) as political divisions of the State. In order to place this report in context, it is not necessary to have more than a basic understanding of where in Burma the offensive took place. However, readers interested in more information may refer to Appendix 1.

Map 1) Porter paths to the offensive area



- Porters path to offensive area
- Prisons
- Capital City
- City

Map 2) Travel paths from Pa-an to the offensive area



1. Introduction

A) Brief History of the Karen Insurrection

❖ History

Karen State is located in eastern Burma near the Thai border. The idea of an independent Karen State first surfaced in the nineteenth century, and during the 1920's the notion of a free 'Kawthoolei', the historical Karen homeland, gained currency among the Karen population. During the Second World War, Karen nationalists acquired renewed hope, as they fought against the Japanese invasion and in return received promises from the British government that they would be given independence after liberation. At the end of the war, Karen leaders realised that they had been betrayed and that the British had no intention of honouring their promise. In 1947, just prior to Burmese independence, they began organised protests.

The Karen National Union (KNU) was formed in this political context in February 1947, by the Karen National Association (KNA), the Karen Central Organisation (KCO), the Karen Youth Organisation (KYO) and the Buddhist Karen National Association (BKNA). The newly created KNU was led by Saw Po Thein. The KNU boycotted the elections for the Burmese Constituent Assembly and Draft Constitution. On January 4, 1948, when Burma was granted its independence from Britain, the Karen raised the question of an independent Karen State to the founding government under U Nu. No clear answer was forthcoming, and full-scale war between the Karen and the Burmese government broke out in January 1949 when the government outlawed the KNU and asked them to surrender. At that time the KNU took over a large part of Central Burma.

In November 1953, the movement was reorganised to comprise a front organisation - the KNU, a vanguard political party - the Karen National United Party (KNUP) and an army - the Kawthoolei Armed Forces (KAF), later renamed the Karen Peoples Liberation Army (KPLA). Individual village defence units were also created, under the umbrella of the Karen National Defence Organisation (KNDO). In the early 1950s, the armed force of the group was made up of 10,000-12,000 soldiers.

After the collapse of peace talks between the KNU and the central government in 1963, the Ne Win dictatorial regime launched a widespread counter-insurgency campaign in KNU-controlled territories.

During the 1960s, the KNUP began to be strongly influenced by communist ideology. It caused an important split in the KNU, and in 1968, the eastern units broke away from the KNUP/KNU to become the Karen National United Front (KNUF) under the leadership of Mahn Ba Zan (Chairman) and General Bo Mya (Vice-Chairman).

Between 1965 and 1970, the conflict escalated dramatically between Ne Win's troops and both Karen factions. Lacking unity, the KNU forces suffered enormous human casualties. The western KNUP forces had to retreat further and further into the Karen mountains, eventually losing all their territories in the Delta region of Irrawaddy Division. KNUP survivors would regroup in KNUF-controlled areas in the east. In 1975, the KNU was reconstituted under General Bo Mya and Mahn Ba Zan, and both armed factions of the KNUF and KNUP army became known as the Karen National Liberation Army (KNLA) under the reunited KNU.

Thanks to this reunification, the KNU was able to strengthen its forces and consolidate its territorial positions during the next two decades (1975-1994). It was to become one of the most active of all Burma's insurgent groups. By this time, many other ethnic groups had launched their own wars against the Ne Win dictatorship and Burmese military expansion into ethnic territories. These armed ethnic groups such as the Kachin Independence Organisation (KIO), the New Mon State Party (NMSP) and the Karenni National Progressive Party (KNPP), were asking for independence for their respective territories, as had been promised after the Second World War.

Pa-an lands in Karen State are fertile. In earlier times, the economy of the area was dynamic and Pa-an district was one of the main income earners for the KNU. The Three Pagodas Pass in Duplaya District which overlaps with the territory claimed by the NMSP, was a major trading point. At its peak, collecting taxes on trade (teak, cattle, and luxury consumer goods) in this district was the biggest source of income for the KNU. Logging concessions also provided much income. In contrast, Burma had closed its own economy to any foreign investment, market, or company since Ne Win had come to power and begun to lead the country down the "road to socialism." The Burmese government soon realised that the KNU was becoming increasingly powerful because of border trade with Thailand and the subsequent purchase of arms.

Throughout the 1970's, KNLA troops were able to repel major Burmese army offensives directed at its key Thai-Burma border trade strongholds at Kawmoorah, the Three Pagodas Pass, Mae La, Palu, Maetawaw and Maw Pow Kay.

Nevertheless, during the 1980's, Burmese troops were able to expand their military campaign. The 1988 pro-democracy uprising gave the KNU a temporary reprieve as thousands of Burmese troops were withdrawn from the frontline to return to Rangoon. A massive influx of students fled towards the border areas and many arrived in Manerplaw, the KNU headquarters located close to the Moei river, in Pa-an District. With the creation of the All Burma Student Democratic Front (ABSDF) in 1988 and the alliance between the students and the Karen insurgency, the civil war on the Thai border became vastly more significant. However, since the Burmese government now had both these targets to fight in Karen area, it redoubled its military campaign there.

While the international community was showing more concern over the ethnic insurgency, the Burmese government was preparing for a massive military offensive, facilitated by huge arms purchases, mainly from China. Between January and April 1992, the KNU faced violent attacks on its strongholds of Kawmoorah and Manerplaw. A combined force of 20,000 Burmese troops advanced into Karen territory from the west but suffered heavy casualties from a strengthened and enlarged opposition. Outmaneuvered by the KNLA, the government declared a unilateral cease-fire.

Around this time, the new cease-fire strategy launched by the Burmese government since 1989 started to pay off and left the KNU more and more isolated. Nearly ten other ethnic groups had agreed to cease-fires in other ethnic States. When the KIO, one of the leading organisations of the National Democratic Front (NDF), the opposition alliance, signed an agreement with the SPDC in 1993, KNU leaders felt totally betrayed.

Another element contributed massively to the weakening of KNU positions. Complaints by Buddhist soldiers over discrimination by the predominantly Christian KNU leadership erupted into open conflict. Finally, a large number of Buddhist KNU members split in 1994 and formed the Democratic Karen Buddhist Army (DKBA). Violating the cease-fire, the DKBA was used by the SPDC to attack KNU positions. They also provided intelligence information to Burmese troops. With help from the DKBA, the SPDC launched successful offensives against KNU positions in 1994-95. This resulted in the fall of the KNU headquarters in Manerplaw on January 27, 1995 and several other KNU strongholds such as Kawmoorah soon thereafter. These massive defeats forced KNU troops (a total of about 5,000 soldiers) to flee to Thailand along with almost 70,000

refugees. Disarmed by Thai authorities, many KNU troops were trapped on the border and suffered numerous attacks from the DKBA.

In 1996, several attempts to negotiate peace took place between the SPDC and KNU leaders, but all failed as the SPDC always refused to include human rights or political issues in the agenda. In early 1997, the Burmese army again launched a number of major offensives against KNU territory in southern Karen State and the Tenasserim Division, capturing the last large areas under KNU control.

The KNU, once a major challenge to Rangoon, switched from conventional warfare to mobile guerrilla tactics since losing their Manerplaw and Kawmoorah strongholds in 1995. Reorganised into a much smaller force of guerrilla units, the KNU was until recent cease-fire talks one of the only rebel groups still actively fighting SPDC troops in Burma, along with the KNPP and the Shan State Army South. In December 2003 and January 2004, two rounds of talks took place in Rangoon. There, the parties reached a “gentlemen’s” ceasefire agreement and started discussing issues such as territorial demarcations and the return of internally displaced Karen. Unfortunately, the third round of talks in late February in Moulmein ended after only two days, as KNU troops from the 3rd Brigade area attacked a Burma Army outpost. Hopes that talks would resume in early 2005 may have been dashed by recent SPDC attacks in Karen State.

❖ Military Strength and Controlled Territory

For decades the KNU, along with the KIO, was one of the most powerful ethnic rebel groups in Burma. At its peak in the 1970s and 1980s, the KNLA had an estimated military strength of between 8,000-10,000 soldiers, divided between seven main brigades and some special battalions. Today, it is estimated that 3,000-4,000 KNLA soldiers are on duty. The group brought immense support to various other rebel groups by providing training, weapons, ammunition, funds, food, and shelter. Groups which benefited from such support include the KNPP, the Kayan New Land Party (KNLP), the Pa-O National Organisation (PNO), the ABSDF, and the NMSP.

During its peak period, the KNU/KNLA controlled large areas of Karen State and Tenasserim Division as well as part of eastern Pegu Division. The KNLA was also operational in Tavoy, Thaton and Toungoo areas. Today, the KNU still maintains control over some of the Papun hills of northern Karen State and small areas of Tenasserim Division. However, KNU territory has declined dramatically and is presently scattered along the Thai border.

❖ Alliances

Allying with other groups, KNU leaders were among the founding members of the National Democratic Front (NDF) in 1976. Comprising nine non-communist ethnic insurgent groups, the NDF alliance was certainly the most significant government opposition group, gathering a combined force of over 25,000 soldiers. The purpose of the NDF was to provide military assistance to members under government attack and to work towards common political ends at the national level, while retaining local independence.

The KNU was also a founding member of the Democratic Alliance of Burma (DAB) in 1988. The DAB represents a non-ethnic alliance of a dozen rebel groups. KNU headquarters in Manerplaw were home to NDF and DAB headquarters as well as offices of various other democratic forces such as the National Coalition Government of Burma (government in exile) until 1995.

B) Brief History of Portering

In the rugged, mountainous terrain of eastern Burma, there are few methods of transporting materials overland. Roads are uncommon, and even most animals cannot move efficiently over long distances. Consequently, successive governments in Burma have turned to human labour to carry materials throughout the region. This is especially true of military materials, which must be carried to frontlines in great quantities, and usually at great risk to the carrier. For the same reasons, however, portering is difficult, unpopular work. In colonial days, the British Army often enlisted men (though these were usually paid) to carry supplies for them². Later, the governing SPDC and its predecessor governments took advantage of the practice, often justifying it as part of Burmese tradition and heritage, as “Lo-ah-pay”. “Lo-ah-pay” originally meant “voluntarily contributed labour,” and was used to describe a Burmese tradition of donating labour to worthwhile state and public works. However, this term has become so associated with forced labour and portering for the Burmese military that the SPDC has even tried to ban its use, although they continue to employ forced labour. In any case, it is hard to imagine portering ever being voluntary, especially given its inherent danger, and the negative feelings towards the government harboured by many Burmese.

There are several different types of portering that are common in Burma. *Operations porters* are used for specific operations carried out by the SPDC—usually military operations, but sometimes for public or private works as well. Most operations porters are kept as long as the spe-

cific operation lasts, until they escape, or until they die. Operations porters are usually required to perform extremely difficult manual labour, such as carrying loads of up to forty kilograms, and working very long days with little food or water. They are often physically abused by the Burmese soldiers for whom they work. *Permanent porters* are required by the government from each village, and their number depends on the size of the village—they are usually used as day-to-day manual labourers in military bases. These porters work “shifts” of several days at a time, at the end of which they must be replaced by other porters from their village. Although they are generally treated somewhat better than operations porters, this is still compulsory labour, and there are serious repercussions for villagers if they fail to meet their quota of permanent porters. *Porters of opportunity* are usually picked up arbitrarily if they happen to cross paths with soldiers, and forced to carry out whatever labour is necessary at that time and place. Sometimes these porters are released soon after, and sometimes they are kept on for much longer to become permanent or operations porters. *Paid porters* are the only kind of porter with some degree of legal status in Burma (and under international law). They are rare, despite the fact that soldiers frequently enter villages demanding “portering fees” from inhabitants, ostensibly to pay porters.

Finally, there are *prison porters*, the type of porter most frequently used in the 7th Brigade Offensive. These are porters taken from prisons seemingly at random (i.e. without regard for the convict’s specific crime or sentence) and used as porters, often until they are killed or escape. There are many possible reasons why the SPDC might choose to use prison porters, especially in the increasing numbers in which they have been reported recently³. For one thing, prisons provide a steady supply of individuals to serve as porters, especially given some of the petty crimes for which Burmese can be given long sentences. In addition, the legal rights of these particular porters are less clear than those engaged in other type of portering, and the SPDC may believe that their human rights will not be as vigorously defended by Burmese and external groups as those of civilian porters. However, the use of prison porters constitutes just as grave a breach of Burmese and international law as any other forced labour practice of the SPDC.

Porters are also used by opposition groups, such as the Karen National Union (KNU). These are mainly temporary porters, and reports say they are fed, given necessary medical assistance, and treated to the same standards as the soldiers they porter for (which is, however, quite a low standard). They are also not beaten, tortured, or used as human mine-sweepers, as they might be while working for the SPDC. Moreover, since opposition groups often have grassroots support, they may be working with family members and friends. Nevertheless, this is a dangerous job,

and is usually not paid. Such use of porters by opposition groups may seem less exploitative, but it is important to remember that such practices are still illegal.

Any porter who enters a battle zone is at risk of losing his or her life. The work is always dangerous and almost always compulsory. Even if the porters are not intended as human minesweepers, they are often killed or injured when they inadvertently step on mines during the course of their portering duties. Therefore the use of porters, under just about any circumstances, can be considered as a human rights violation.

C) Aims and Perspectives of this Report

Burma Issues received the information upon which this report is based, in the form of interviews with escaped prison porters, in late 2003. We felt that we would have to release this information publicly in some format, as it evidenced a departure from previously documented SPDC practices. The interviews with former prison porters provided a new kind of information about the conditions in both prison and military contexts in Burma. To our knowledge, no previous study has been released which synthesises consideration of the two, while also taking landmines into account, as well as the effect of this and similar offensives for local, civilian populations.

As far as we are aware, this is the first report which, from the grassroots perspective of the very people involved in and affected by SPDC military offensives, analyses in detail the transition from prisoner in Burma to forced labourer to witness of military atrocity, landmine-related or otherwise. We have attempted to trace the path of these prison porters through the hands of Burmese authorities. This process began with the initial arrests, in some cases for serious crimes, but more often for petty offences. Prisoners were then tried, in most cases, and given sentences which were wildly inconsistent. After this came the move from prisoner to porter, which involved massive corruption as those who could afford to do so bribed their way out of portering. The interviewees were then moved to the frontlines where their portering duties began. These duties involved massive hardships, in the form of prolonged carrying of heavy loads and other, miscellaneous duties, all with little rest or food. Interviewed porters also described the atrocities committed against them and their fellow porters, including beatings, physical abuse and, commonly, the use of porters as human minesweepers. The final step for the porters we interviewed was their escape, which in most cases involved flight through minefields.

We are aware that many of these processes have been documented elsewhere, by other organisations. However, we believe that the unifying perspective given to us by interviews with people who experienced this full spectrum of SPDC abuses allows a new view of SPDC thinking and procedures. They therefore provide a valuable new chance to understand what may be going on in Burma behind closed doors and in inaccessible areas, far from the prying eyes of the international community. Our aim is to bring to light these issues, and focus attention on the plight of the Burmese people. The people featured in this report may be convicted criminals, but this does not lessen their victimhood, nor does it mean that their story should not be told. By way of this report, we hope to contribute to the international effort to highlight the reality of the Burmese regime, while ensuring that it is the grassroots people of Burma who receive the benefit of exposure to the world community.



2. An Overview of the 7th Brigade Offensive

A) Logistic of the Offensive

The 7th Brigade offensive, in which eight hundred prison porters were reportedly used, began on July 23rd, 2003 when fighting broke out between the KNLA and the DKBA. In September 2003, the Democratic Karen Buddhist Army (DKBA) asked for support from Burmese troops. Only then did the SPDC strengthen its own presence in the area and send troops and supplies to the Mae Pleh area of Karen State's 7th Brigade, where the offensive took place. The offensive was named "Power Over the Land" by the SPDC/DKBA forces. Ten Light Infantry Battalions (LIB) from the Burmese Army were used, LIB 701-710, and two Infantry Battalions (IB), IB 28 and IB 338. Also involved was Special Battalion 999 of the DKBA, led by Maung Chit Thu⁴.

The offensive took place in the Eastern Dawna Mountain Range, in the Mae Pleh area of Pa-an District in Karen State. It encompassed an area of approximately twenty-five to thirty square kilometres, sixty percent of which is mountainous jungle formerly under the control of the Karen National Liberation Army (KNLA), the armed wing of the KNU. The offensive included an attack on the 7th Brigade Headquarters of the KNU.

Another key aspect of the offensive was the use of Mae Pleh Monastery as a base for porters after being taken from their prisons. It would seem that this location was used as a place to gather porters and organise them quickly. It is conveniently located for the SPDC's purposes, as it is near the front lines where the fighting took place. In addition, the physical arrangement of the monastery was probably convenient for the SPDC, because of the wide open space suitable for 'corralling' the porters, so they could all be moved together, at a moment's notice. All in all, it seems that the monastery was used for practical reasons, and no symbolic matters were at play in the use of this religious site for military reasons. Nonetheless, the use of this site for such purposes still represents a sacrilegious offence, and demonstrates the insensitivity of the Burmese military. Although it may seem like a minor issue, relative to the huge number of human rights abuses that took place during this offensive, it serves as yet

another sad example of SPDC effrontery to predominantly Christian Karen civilians.

Twelve villages were adversely affected by this offensive: Thay K'Tee, Hto Thoo Kee, Mae Pleh Wah, Day Law Pya, Lo Baw, Htee Wa Glay, Thay Mo Pa, Kwa Kya, Thi Wah Pu, Wa Klu Pu, Po Thwee Mu and Htee Kpi. Many of the villagers from these areas were forced to flee with little notice and few of their belongings. Many villagers were uncertain as to whether their homes were still standing and most were too afraid to return.

The offensive involved some typical elements of warfare. More than 2,500 Burmese military troops took part in the operation, bringing a high level of militarisation to the area. Extensive human rights abuses were also reported, such as the use of villagers for portering.

After gaining control of the Mae Pleh area and parts of the Eastern Dawna Range, the SPDC/DKBA contingent retreated from the area of the KNU's 7th Brigade Headquarters leaving behind an estimated three hundred Burmese Army/DKBA casualties and fifteen KNU casualties⁵. Most Burmese Army troops seemed to withdraw at that time and only DKBA soldiers stayed in the area. However, the Burmese government soon sent new SPDC troops to consolidate control over the gained territory. Today, there is a substantial presence of both SPDC and DKBA troops in Mae Pleh area where intense logging and forced labour is now taking place.

There are continued casualties from landmines, which were planted by both SPDC/DKBA troops as well as KNU troops during the offensive. Both sides have reportedly continued to lay landmines since the end of the offensive and this remains a concern for villagers and groups trying to administer medical assistance to casualties.

B) Objectives of the Offensive

Reports on the issue from sources inside Burma have varied, but it seems that the DKBA/SPDC's aims in carrying out this offensive included the following:

- Cutting communications between KNU 7th Brigade's eastern and western commands.
- Weakening KNU positions in the area so as to force them to par-take in ceasefire negotiations.
- Controlling the area for economic development - the DKBA began

logging in the area just after the end of the offensive, and reports indicate that extensive exploitation of the teak forests in the area as well as gem mining is now taking place.

- Weakening KNU dominance in this particular region – attacking the area could allow SPDC forces to take control of an important zone near the Thai border, thereby reducing KNU access to support from Thailand.

C) Always the Real Victims: Situation of the Villagers

It is estimated that 152 villagers, from 37 households in Thi Wah Pu, Wa Klu Pu, Po Thwee Mu and Htee Kpi villages, fled the fighting and crossed the border into Thailand. This group of people first took refuge at Tha Song Yang on the Thai border and were later moved to Mae La Refugee Camp.

It is also estimated that 1,000 to 1,500 villagers were unable to flee to Thailand and were forced to try to survive in the jungle as Internally Displaced Persons (IDPs). The majority of those displaced were women, children and the elderly. They faced a number of medical problems including malaria and skin infections. There was also considerable evidence of malnutrition⁶, as most IDPs were forced to live off little more than rice and salt. They had no access to health care, education, clean water, or adequate shelter. It was, and still is, extremely difficult for assistance to reach this area due to heavy landmine use and the continued presence of DKBA troops.

Approximately forty families returned to their homes just after the offensive finished. These people have continued to face ongoing hardships at the hands of DKBA and Burmese military troops. Reports suggest that villagers have been forced to work for DKBA troops as messengers, with each village having to send one or two people (depending on village size) who stay at military bases for up to five days acting as messengers for the troops. Villages have also been forced to provide porters to remaining DKBA troops.

Villagers have been denied access to their crops and many of those who have been allowed to attend to their crops are too afraid to do so because of the extensive use of landmines. Landmines have been planted, not only near military bases but also close to villages, in fields, and around cart roads. Most of these landmines have not been mapped. There have already been deaths and injuries to villagers and their animals.

Curfews have also been imposed on villagers preventing them from leaving their villages after 6 P.M.

D) The Role of Prison Porters in the Offensive

A striking aspect of the offensive is the sheer number of prison porters used: up to 800 porters were gathered at Pa-an Prison at the time, recruited from at least five different prisons throughout Burma, namely, Hinthada, Tharrawaddy, Ma Ubin, Thaton and Pa-an itself. It is not known what the destination of all the porters was but it is known that 300 were sent to Myawaddy. The purpose of the remaining 500 is unknown, but it is suspected they were to be used in other military campaigns. Most of these prisoners were taken from their respective prisons in early September 2003, the majority between the second and the seventh of the month. Some stayed at Pa-an Prison for three or four nights, others for almost a month. Another 300 were taken by car to Mae Pleh Monastery in Myawaddy Township, for the offensive. Most left the monastery for the offensive area on foot between September 30 and October 2. Almost all the porters interviewed escaped in late October, fleeing to areas close to the Thai border.

Reports and interviews have shown that two to five porters per soldier are typically used in offensives undertaken by the Burmese military. These porters are required to carry heavy loads that consist of ammunition, food and artillery.

These tasks have typically been forced upon villagers in the area of the offensive. Since the 1990s, however, there has been a significant increase in the use of prison porters. This has been mainly due to increased offensives along the Thai-Burma border, as the Burmese military tries to seize control of these areas from armed opposition groups. This increase in militarisation has resulted in a corresponding increase in the need for porters.

It is estimated that over sixty percent of porters used now come from prisons⁷. It is not a new phenomenon, but has been reported more frequently over the years as more groups document forced labour and human rights violations by the Burmese military against civilians. The close proximity of this offensive to the Thai border would also increase accessibility for human rights documenters to collect information about these types of violations. This may be one reason why the use of prison porters in this offensive appears so extensive.



3. Prison and the Judicial System in Burma

A) Circumstances of Arrests of Detainees

There were many inconsistencies evident in the process of arrest and sentencing according to the stories of the porters interviewed. Most of the porters were arrested by police forces in urban areas of Burma's central plains. Pegu, Irrawaddy and Rangoon Divisions were the most common areas of arrest. Most appeared before a judicial proceeding, although many could not speak in detail about this process. The most common threads throughout the twenty-two interviews were the inadequacy of the judicial system, the rampant corruption at all levels, and a complete disregard for the rule of Burmese law.

Involvement in the illegal lottery system was the most common cause of arrest. Many people in Burma either play the illegal lottery or are employed in the business. Its popularity stems mostly from an inadequate economy that favours business done on the black market or through illegal operations. “*After last year's harvest I had no employment so I started to sell the underground lottery. I had no work and was facing many difficulties such as food and my children's education*” (BI, #1). Although it has been outlawed by the SPDC and those found participating in it are arrested, the illegal lottery is a major source of income for the police and judiciary who either actively participate in it or accept bribes in return for allowing its continued existence.

Many of the porters interviewed claimed to have been arrested for petty offences. One recounted that he had borrowed a friend's bicycle, but the friend thought it had been stolen and therefore reported it to the police. The mistake was realised and the charge withdrawn but the authorities sentenced him nevertheless (BI, #8). Another man could not repay a loan and was sentenced to four years imprisonment (BI, #13). Another was arrested for misappropriating “*a little*” paint that belonged to his employer (BI, #12). These were quite minor offences that would usually entail a fine or a short jail sentence. Burma's Penal Code regulates criminal offences and outlines the length of sentencing for such crimes.

-Section 379 of the Penal Code covers punishment for theft, and states that, “*Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or both.*”⁸ Yet a porter was sentenced to four years for “stealing” a bicycle.

-Section 294A of the Penal Code states that “*whoever keeps an office or place for the purpose of drawing any lottery [or promoting or conducting any lottery] not authorised by Government shall be punished with imprisonment by either description for a term which may extend to six months, or with fine, or with both.*”⁹

Four of the seven porters jailed because of participation in the illegal lottery received sentences that ranged from eighteen months to two years, far above the six-month sentence prescribed by law.

Many of the porters’ stories relate to being arrested for petty offences and receiving inappropriate sentences for the crime they had allegedly committed. It was also suggested that civilians were targeted for minor offenses, often without evidence, and then charged, sentenced and almost immediately sent to be porters. In some interviews people were charged with a minor transgression and sent straight to the offensive area without even going to prison or after staying in prison for just one or two nights. “*One night at 11 P.M. when I was*

asleep, approximately 40 SPDC troops came and knocked at the door. I woke up and opened the door. The SPDC ordered that I go with them. I asked them what was the matter, what was wrong with me. They answered that I would know it when we arrived at their base camp. I thought that the military had come to take me to prison because my shop license had expired. When I arrived at the prison, the prison governor asked me why I had been sent to jail. I answered that I thought it was because my shop license had run out. He asked if I

The Illegal Lottery in Burma

”All the people who lived in my village had to work hard. If you worked one day you got money for one day - you were only paid for the days you worked. So the villagers found it very difficult to earn money. Most villagers played the lottery but the government didn’t allow it. If the police caught anyone playing the lottery, they would send them to prison. The people who ran the lottery had a lot of money and would bribe the Township leaders and police so that they didn’t get into trouble. They could open the lottery twice a month. The villagers played the lottery for a long time. Some people, who played the lottery, sold their belongings so that they were able to carry on playing. I couldn’t see the people playing the lottery becoming wealthy. I sold the lottery tickets for the lottery owner. I got 20% of the ticket sales.” BI, #16

had brought him money and how much. He told me that if I didn't give him money then he would send me to the police ... They took me in a car and we traveled all day until 9 P.M. when we arrived at Thaton prison ... After I had eaten they told me to get into the car ... We were driven for a whole day in a car to Mae Pleh Monastery" (BI, #4).

These reports show people being arrested solely on the basis of fulfilling quotas for porters and with little respect for justice and the law. "On September 22, 2003 at approximately 11 P.M. I was asleep in my house when the SPDC troops came and arrested me and put me in handcuffs and sent me to Tharrawaddy Prison. I stayed two nights in prison and then in the morning they put me in a car and sent me to the Myawaddy Township, Mae Pleh Village" (BI, #5).

"While I was waiting at the bus stop, two soldiers approached me and asked me to show them my ID card. I told them I didn't have one. They told me that then they would have to arrest me and I would be sent to prison. They gave me the option "You can go to prison or you can join the army." They told me that people of my age, I was 12, were welcome in the army."
BI, #2

Another area of concern is the release of major criminals into the general population. Four of the porters interviewed were convicted murderers; they are now at large within the general public. There is no state liability for this existence of serious criminal offenders outside the regulated penitentiary system. While SPDC authorities can deny their complicity in directly releasing these men from the prison system, they are nonetheless responsible for putting them in positions where supervision structures are limited and the ability to escape apparent.

There were also inconsistencies in the sentences given to those who had committed murder. Some were given sentences equal in length to those who had committed minor offences. Section 302 of the Penal Code clearly states that murder requires a sentence of up to seven years. Two of the four men jailed for murder were given sentences ranging from two to four years, equal in length to sentences for the man who stole a bicycle and the man who sold illegal lottery tickets. This hardly seems like a fair application of justice. One other man charged with murder received a life sentence. The inconsistency of a system where one man receives two years and another receives a life sentence for a similar crime, and for the same charge, illustrates serious flaws in the judicial system, which evidently encourages corruption.

❖ “Law and Order”: Judicial and Policing Procedures

Many of Burma’s laws relevant to policing and judicial procedures date back to the colonial era. While some of these laws are referred to in this report it should be acknowledged that they are not necessarily good indicators of the standards of law that the Burmese government should be adhering to. Some of these laws need to be reviewed and changed to bring them up to date with international standards. Once this is done, Burma also needs to address and correct the implementation of these laws through mechanisms that adhere to international standards.

The process of arrest and sentencing, as revealed by the porters interviewed, showed inconsistencies in how these systems are administered. While most porters did not speak in depth of the actual judicial process they went through, their reports did indicate serious flaws in the system. Their stories are of common experiences with common problems.

❖ Procedures and Rule of Law

There are international guidelines that define the rule of law. General principles include an independent judiciary system in which no one is above the law, equality before the law, and the right to a public hearing and a public trial. These basic features are missing from Burma’s policing and judicial procedures.

The independence of the Judiciary in Burma is provided for under the Judiciary Law¹⁰ (2000). Chapter II of the Judicial Principles states that “*The administration of justice is based upon the following principles; - (a) administering justice independently according to law;... (e) dispensing justice in open court unless otherwise prohibited by law;... (f) guaranteeing in all cases the right of defence and the right of appeal under the law...*” The independence of the judiciary is undermined, however, when the ruling authoritarian military regime has sole responsibility for choosing judicial officials at every level. The SPDC arbitrarily appoints the Attorney-General (the chief state magistrate), the thirteen members of the Supreme Court, all ministers, and all judges, without any oversight procedures¹¹. This ensures complete control of the judicial system by the SPDC. It is difficult to see how a fair and public trial can take place under these circumstances. It is also difficult to see how an independent judiciary can be guaranteed when there is no possibility of judicial review and the practices of the Supreme Court are reportedly based on corruption. People accused of crimes therefore have no real recourse when wronged.

There are other standards that should govern the rule of law. Burma’s Code of Criminal Procedure (1898) covers the arrest and detention of

individuals. This law details the appropriate processes surrounding arrests and detentions, which in reality are rarely put into practice.

There are also international regulations governing the arrest and detention of persons. Article 10 of the International Covenant on Civil and Political Rights (1966, entered into force in 1976) stipulates that “*all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.*” Standard Minimum Rules for the Treatment of Prisoners are also detailed in Resolution 2076 (LXII) passed by the Economic and Social Council of the United Nations (UN) in 1977. In addition, Principle 10 of the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment (adopted by the UN General Assembly, December 9, 1988) states, “*Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him.*” Principles 11, 12 and 13 also cover procedures for arrest and detention. Many Burmese prisoners are often illiterate and unaware of the charges that have been brought against them.

Burma has not signed the International Covenant on Civil and Political Rights, and is not bound by the principles enumerated therein. The Body of Principles of the General Assembly for the protection of detainees are similarly lacking in binding force. However, Article 10 of the Universal Declaration of Human Rights (UDHR), which is considered universal, customary law, states that “*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 of any criminal charge against him.*” The government of Burma should, at the very least, respect this minimum standard.

B) Inhumane and Inappropriate: Conditions inside Burmese Prisons

❖ How Convicted Criminals are Treated

Before being sent to the frontlines and forced to be porters, all the interviewees were serving jail sentences in one of five different state prisons: Tharrawaddy, Hinthada, Thaton, Ma Ubin and Pa-an. Some of them were in jail for only a few weeks before being sent to the 7th Brigade area, while others had been there for years. Many porters spoke of the effect of corruption inside the prisons and how by bribing the warders one could receive better treatment. However, it is clear that they all suffered under the same difficult living conditions that seem to prevail in every Burmese prison.

Among the thirteen porters who shared their experiences about prison, most reported that they suffered from a lack of appropriate and sufficient food in terms of quality (both nutrition and taste), diversity and quantity. The common meal for a prisoner consisted of rice and uncooked fish paste, given in small quantities. Prisoners rarely ate vegetables or meat: “they fed us meat three times every two weeks” (BI, #10). Sometimes they were lucky enough to get some soup made with leaves and salt. After a few weeks under such a dietary regime, most of the prisoners admitted that they were weaker and were more vulnerable to various diseases.

Health and hygienic conditions in prison were also appalling. Prison authorities only provided one pair of clothes to each prisoner. Without a supportive family, prisoners were not able to receive proper food and clothes, “It was never enough, so my family would come and bring me food ... and clothes” (BI, #3). If a prisoner became sick, prison doctors would use nothing more than standard pain-killers. Therefore family members often brought medicine as well, if and when they were allowed to visit.

An alarming practice which has been reported involves prison authorities providing discriminatory medical treatment depending on the offence the prisoner had committed: “There were many diseases in the prison but there was no medicine or treatment for these prisoners, this was very serious for them. If you were in a very serious condition they would check what you were charged with and this would determine whether they would get you treatment or not. If you were charged with a specific offence like 17/1 of the Unlawful Associations Act then they were more likely to send you to a hospital, if you were in jail for a drug offence they weren’t likely to send you to a hospital. Even if you were sent to the hospital there was not enough medicine to deal with all the illnesses” (BI, #23).

“The fish paste was so black that at first I could not eat it. If the prisoners could not eat it they would feed it to the pigs.”
BI, #2

Regular prisoners were usually authorised to communicate with others, especially during communal exercise time. However, they were never allowed to speak about politics nor to criticise the prison system. Regular prisoners stayed in cells with bars and were not able to meet political prisoners, who were segregated in cells with solid walls. One porter reported that political prisoners were always kept separately and chained (BI, #3).

Prisoners were not allowed to read any printed material such as books, newspapers, or magazines. “It was like being blind inside the prison, there was no way for them [the prisoners] to hear about what was going on outside prison” (BI, #23). It was forbidden for families to bring such items, or to

bring stationery such as pens and notebooks. If a prisoner was found with reading material, he would be sent to solitary confinement in the “dark jail,” a small room with solid walls and no light.

Within prison, the use of both physical and psychological torture was commonplace. If prisoners broke the rules of the prison, they were usually beaten and tortured. Many other inhumane treatments were also common practice. One porter reported he had been kept in chains while he was in Ma Ubin Prison. He was also kept with fetters on his feet for a prolonged period (BI, #15).

❖ Before Portering: Forced Labour in Prison

Many of the porters interviewed told of being forced to work while still in prison. Tasks included making incense sticks (twenty thousand sticks per day) or working in paddy fields “*they do not use oxen or buffalo, but they use humans who walk in line with hoes to dig up the ground*” (BI, #2). Work also included cleaning and repairing prison buildings, cooking, and working in the prison garden. Some porters were making mats “*because the prison authorities said that they didn’t have enough mats*” (BI, #1) Some also had to make bricks, carrying cement to make three hundred bricks per day.

The revised edition of the Jail Manual¹² outlines the regulations that govern the use of labour in Burma’s prisons. It stipulates that a prisoner should not be made to work more than nine hours per day. It determines the levels of labour as “hard”, “medium” and “light” and classifies the required amounts of tasks in each level. For example, a prisoner should only make four to five hundred bricks per day if they are deemed a “medium” level prisoner.

Most porters interviewed spoke sparingly of their labour experiences whilst in prison so it is difficult to say whether the porters were treated according to laws governed by the Jail Manual, in regards to prison labour. However, it should be noted that the Jail Manual dates back to the British colonial era, with frequent references to the Government of India and fines referred to in Indian Rupees. It is not necessarily an adequate model for how prisoners should be treated.

Some porters reported the use of prisoners as spies, guards and disciplinarians over other prisoners. Section 28 (1) of the Standard Minimum Rules for the Treatment of Prisoners¹³ states that “*No prisoner shall be employed, in the service of the institution, in any disciplinary capacity.*” The use of prisoners in this manner directly contravenes this international legal regulation.

❖ **Prison Visits: Experiences with the International Committee of the Red Cross**

The International Committee of the Red Cross (ICRC) is a neutral, international organisation which works towards enforcing the Geneva Conventions of 1949, and protecting and assisting victims of armed conflict. Due to its independence, it can work in many areas where other organisations are not permitted to go. The ICRC is independent from states it works in. It maintains dialogue with state governments, but only on humanitarian issues. All information gathered by the ICRC remains completely confidential, except information which could encourage state governments to treat people more humanely, and in this situation, the confidentiality of sources is always guaranteed.

Working from their national head office in Rangoon, the ICRC is the only organisation authorised by the Burmese government to visit prisoners serving their terms and detainees working in labour camps. They have been present in Burma since 1986 for humanitarian purposes, beginning with a project to construct prosthetic limbs for landmine victims, and support for these victims still constitutes much of their activities in the country. They also provide safe drinking water and medical supplies and training throughout Burma, mostly in ethnic minority areas such as Shan, Mon, Kachin, and Karen states. Recent projects include the training of nurses in rural areas, where doctors are rare, to act as midwives, and a childhood vaccination program. Many such projects aim to support villagers caught in the ongoing civil war in Burma.

In 1999, the ICRC expanded its mandate to include more numerous and detailed prison-visits. In 2002, the organisation was monitoring nearly 2800 prisoners in forty-four places of detention throughout the country (these numbers are not likely to have changed drastically since that time). They include security detainees, minors, foreigners and ordinary detainees in need of protection. During prison visits, food is supplied to prisoners, along with blankets, medical supplies, and health education materials. A medical and health assessment of prison facilities is usually carried out. The ICRC also attempts to support correspondence between prisoners' and their families. Finally, they will speak to prisoners in confidence, in places where they cannot be overheard by prison authorities, and will report their findings, taking care to protect the anonymity of informers, to the appropriate authorities within Burma.¹⁴

Of the thirteen porters who shared their experiences in prison, nine of them reported visits from the ICRC while in jail. The ICRC organises

visits once or twice a month. One porter (BI, #8) reported that while he was in prison for six months, the ICRC came three times, meeting three or four prisoners at each visit.

All nine porters reported that it was extremely difficult to speak freely to ICRC delegates. An atmosphere of fear and mutual mistrust hangs over the detainees in Burmese prisons. Many porters were briefed about the ICRC and threatened by prison warders prior to visits. Prison authorities usually warned prisoners not to say anything to the ICRC about the real conditions in the prison. *“We were told not to tell the ICRC about the true conditions of the prison and the way we were treated. So when the ICRC asked us questions, we just said yes, we are treated well, we get enough food”* (BI, #3). Another confirmed *“Actually we had many things to tell them but we were too afraid of the prison warder so we dared not express them. If we had told the truth we would have been punished more”* (BI, #10). One porter (BI, #18) remembered that he was ordered by prison warders to tell the ICRC that everything in prison was comfortable. He explained also that years ago some prisoners told the truth to the ICRC and that the prison authorities put them in the “dark jail.” If prisoners spoke openly to ICRC delegates, they were frequently tortured by prison warders subsequently. It was reported that *“if we told the truth, the prison authorities tortured us and put us in dark jail ... We could not express any of our feelings; we could only tell the ICRC what we were ordered to tell”* (BI, #3).

“The jailer sentenced the prisoners who had told the truth (to the ICRC) to do heavy work using a machine to break up rocks. I know that in Mon State there are three or four industries like this. Many prisoners die in that industry because the military makes them do this heavy work.”
BI, # 22

Prisoners would usually receive better food during ICRC visits. One porter who was jailed in Thaton Prison reported that *“When the ICRC visitors came, the prison made a nice curry for the prisoners. If the ICRC asked ‘have you ever eaten this nice curry?’, we had to say ‘yes’”* (BI, #22).

In many cases, it appeared that prison warders discovered what was discussed between prisoners and ICRC delegates during face-to-face interviews, although this should be strictly confidential. One prisoner (BI, #22) from Thaton explained that at the beginning of ICRC visits, some prisoners told the truth and accurately described living conditions inside the prisons, *“but some prisoners told the jailer about those who had answered the truth, because they thought that the jailer would reduce their sentence.”* The ones who spoke freely were later punished, though the ones who had supplied these names never received reduced prison terms¹⁵. This is the climate of mutual mistrust and retribution which forced prisoners to re-

main silent. The fact that prison authorities used prisoners to spy and guard other prisoners worsened this tense atmosphere.

During visits, the ICRC usually brought supplies to the prisoners such as kitchen materials, water barrels, cups, plates, and especially food, clothes and medicine.

Nevertheless, most of the prisoners reported that they never really benefited from supplies brought by the ICRC. *“In 2001, ICRC visited our prison and brought medicine like vitamins and many others medicines, and food, buckets, soap and dishes for the prisoners and left enough for the prisoner to use. But when they had back pain, stomach ache, fever or malaria and they asked for medicine all they were given was paracetamol.”* This is due to a lack of monitoring of the redistribution of supplies brought by the ICRC. One porter reported that *“after the ICRC left this time, the military didn’t give us any medicine or clothes”* (BI, #18). Another one claimed *“later we couldn’t see anything that the ICRC had given used in the prison”* (BI, #21). One prisoner from Tharrawaddy Prison reported that the ICRC had even brought a television set. *“They [the ICRC] gave money to the jailer to buy a television for each room ... but after they had gone we didn’t see anything”* (BI, #19). The prison authorities never bought a television set for prisoners, so when the ICRC came back to visit Tharrawaddy again, a set was rented from outside, then put into one cell and shown to the ICRC delegates. Prison authorities even collected 6000 kyat from the prisoners to rent this TV for the ICRC visit.

One of the porters answering the question, *“What would you say to ICRC if you were to meet them now?”*, said he would share all his feelings and experiences with them, though he felt he could not do so while still in prison (BI, #3). This is not to say that ICRC visits are ineffective; ICRC visits are crucial for prisoners in many aspects. During 2002 alone, the ICRC carried almost 13,000 messages between detainees and their families¹⁶. Maintaining communications between members of a family is a fundamental task. It brings support to the detainee and hope to the broken family. The ICRC also helps cover the cost of transport to help family members visit prisoners held far from their homes.

In addition, the ICRC works directly with the prison authorities at all levels. The ICRC maintains a permanent dialogue with prison officials to share its findings and possible ways of solving problems noted during its visits. They also frequently meet with the Ministry of Home Affairs and the Ministry of Health to discuss health issues in detention facilities. The ICRC delegates’ ability to convince and influence the highest authorities to improve living conditions in prison requires tenacity and patience. This is a long term process which will sooner or later lead to encouraging results.

In Burma, the ICRC's presence in the prison environment is just one approach to promoting respect of prisoners' human dignity. Its actions must be carried out in cooperation with other human rights agencies whose mandates focus on public opinion campaigns. This complementary collaboration could ultimately push the highest authorities to change their political will.

C) Greasing the Wheels: Corruption as the Basis of Burmese Procedure

❖ **Corruption in Judicial and Policing Systems**

Corruption is an integral part of Burma's judicial and policing systems as well as its prisons. It is a common practice that appears to have become an accepted form of behaviour. It permeates every level of the infrastructure that governs Burma's policing and judicial procedures. Judges, police force members, local authorities, district authorities, prison wardens and lawyers are all involved or somehow implicated in this corrupt system.

The porters interviewed told of the culture of bribery where they could pay off police or township authorities to overlook their complicity in illegal activity. A common example was the bribery of authorities, which allowed the continued existence of illegal lottery operations (BI, #9). There were some reports that these authorities were even directly involved in this activity. If people failed to pay the appropriate bribes to the authorities they were immediately arrested and imprisoned. On the other hand, a bribe paid would often ensure your safety and the continued operation of your illegal activity.

One porter interviewed worked for a woman by selling illegal lottery tickets for her. *"She had to give this money to the township leaders and police chiefs - around 500,000 kyat a year. I sold enough one time to get more than 10,000 kyat in commission (for 100 kyat the commission was 20 kyat, 20%). I gave 12,000 kyat to the police one time. One month I should have paid 12,000 kyat but I could only pay 10,000 kyat which left me 2,000 kyat short. When the police found out they arrested me and put me in jail"* (BI, #9).

The same porter went on to say that in order to get his case dropped by the court, he tried to bribe his lawyer, the township leader and the police chief. His case lasted for more than two months, in which time he paid more than 500,000 kyat in bribes, and still he went to prison. This type of extortion is common. Some bribes are paid and not honoured as authorities abuse their positions of power to extort money for their own

personal benefit. Another porter who was arrested on a false charge was directly told to give money to the prison authority.

Bribes would often mean a reduction in one's sentence as well. One porter told how he killed a man who had declared his love for the porter's sister, and then bribed the judge to get a reduced sentence. *"One day when she went to school a young man followed her and gripped her hand and expressed how he would love to fall in love with her. I saw it and stabbed him with my knife in his stomach and he died. So I became a criminal. Our parents gave a bribe to the judge of 300,000 kyat, and the judge reduced my prison sentence to four years"* (BI, #20).

❖ Corruption within Prison

In the prisons, bribery and corruption are often the only way to receive adequate treatment. Many prisoners pay bribes to the prison authorities for more lenient treatment such as not being forced to do hard labour, or for the use of a clean toilet instead of a filthy one. They would also pay bribes not to be interrogated and beaten by prison authorities.

Many prisoners were also able to pay bribes to be excused from becoming porters. The porters interviewed told how the prison authorities would call up more porters than were needed, ensuring that those who had money could offer bribes not to go. In most prisons 50 porters were required, yet prison authorities would call up 100-150 prisoners. In this way the military gets the number of porters required and the prison authorities get personal monetary benefit. *"One day the prison authorities came with a list of prisoners. There were 150 names on it [of people who were to become porters]. At the time we did not realise what we would have to do. 100 people paid 20,000-40,000 kyat per person [to get out of portering]. Those who could not pay were moved to a different part of the prison [to become porters] and we were chained."*(BI, #1).

Corruption is always a discriminatory practice. In most cases the amounts of money needed for bribery are far beyond the reach of the average citizen in Burma. For a farmer who may earn five thousand kyat per month, forty thousand kyat is an unfathomable amount of money. Only a select few such as landowners and businessmen can afford this.

Bribery was also the only way to receive medical treatment from the prison authorities. Medical supplies were provided by the ICRC for distribution amongst prisoners, and the prison authorities' responsibility to provide adequate medical treatment is also clearly outlined in the Jail Manual¹⁷. One porter told how, although the ICRC brought medical supplies to the

prison, the prisoners never received this unless they could pay for it. “*If your family has money and pays 1000-1500 kyat to the guard then they will get the proper medicine*” (BI, #2). Many porters said that they never received this medicine and that they believed that the prison authorities kept it for themselves.

Corruption continues unabated not only within society but also within the very structures that are supposed to uphold the principles of justice. Corruption breaks down the fabric of social and economic structures and creates a system of justice that can be bought. The continued lack of accountability and punishment for those who participate in corruption, especially those in positions of authority, makes a mockery of justice and of Burma’s sincerity in its professed attempts at bringing its judicial and policing procedures up to international standards.





*Airplane
view of
Insein
Prison,*

*Rangoon,
Burma,
August
2001*



*Injured porter, Thai-Burma border, FTUB
November 2003*



*Injured foot of one porter,
Thai -Burma border, November 2003*



*Injured porter,
Thai-Burma border, November 2003*



Skin disease, escaped porter, Thai-Burma border, November 2003



Wounded shoulder of one porter, Thai-Burma border, November 2003



Skin disease, escaped porter, Thai-Burma border, November 2003

4. Forced and Dangerous

Labour: Porterage for SPDC Troops

A) Conditions in which Porters are Forced to Operate

❖ Duties Imposed and Treatment of Porters by Soldiers

Of the twenty-two escaped porters interviewed in this report, all but four reported what they carried, and eleven reported how many days they were forced to porter. The results, along with information about the weight of carried items, showed that the average load carried by the porters was slightly more than 41.8 kilograms (in cases where porters reported a range of weights, the lowest weight in the range was used). The average number of days spent carrying these loads was almost nine, and it should be recalled that many of the porters reported long days of carrying, with extremely inadequate amounts of rest. One recalled “*for three days and nights we didn’t sleep*” (BI, #5).

Porters were responsible for carrying a wide range of equipment for soldiers. The most commonly reported items were shells, ammunition (bullets), rice and other food supplies, soldiers’ personal items, and injured soldiers. Other items included landmines, electric equipment, and cooking equipment. Porters carried large, heavy amounts of each. For example, a typical box of bullets would contain five thousand bullets, and weigh sixteen kilograms; shells ranged from two to five kilograms, and porters carried many at a time; rice would be carried in baskets, each of which would contain two tins, (each tin contains sixteen kilograms of rice, so each basket would weigh at least thirty-two kilograms); and of course, one injured soldier might weigh anywhere from fifty kilograms to much more¹⁸. All of these items would have had to have been carried great distances at a time, over mountainous terrain and in inhospitable climates.

In addition, most porters reported having to perform several other tasks for soldiers. These included carrying water from faraway sources to camps, digging trenches or bunkers, cutting wood to build fences in which the porters themselves might then be enclosed, or cooking food. As one said, “*We cut wood, looked for vegetables, carried water,*” and as if that was not enough, they “*had to massage the officers*” (BI, #11).

Porter Statistics

❧	Total number of porters reporting	22
❧	Minimum average number of days spent portering by all porters who reported	8.9
❧	Minimum average weight carried by all porters who reported	41.8 kg
❧	Battalions represented by interviewed porters who reported	~ LIB 701: 5 ~ LIB 702: 4 ~ LIB 703: 1 ~ LIB 705: 3
❧	Number of porters who reported lack of food or water	12
❧	Number of porters who reported lack of adequate rest	9
❧	Number of porters who reported being beaten/tortured	18
❧	Number of porters who reported witnessing other porters killed or left to die by Burmese soldiers	6
❧	Number of porters forced to serve as human minesweepers	5

Some of these tasks, especially trench-digging and cooking, sometimes had to be done while under fire from opposition forces, putting the porters' lives further at risk. However, the trips away from camp to get water or wood often provided the porters with their chance to escape. Although the soldiers tried to ensure that this would not happen, by making threats that any escapees would be killed if they were found by opposition groups, many of the porters were so exhausted that they felt they would die anyway if they remained with the soldiers.

There were frequent reports of physical abuse. Eighteen of the twenty-two porters reported being punched, kicked, tortured, or beaten in other ways. One porter recalled *"I was very weak and I slipped over beside the path and a soldier stepped on my neck. I suffered a great deal of pain and the soldier gave orders to leave me to die"* (BI, #13). After their exhausting work and physical abuse, they still received very small amounts of food or water—twelve reported receiving little or no food and water, the most common amount of food being one small serving of rice with salt per day, shared among two or even four porters—an amount ranging between two or three cups of rice (500 g) is normally needed for an average person.

"A porter actually confronted a soldier and said we are one, we come from the same country, is it fair to treat us like this? The Lance Corporal said to him, are you confronting me? And then he shot him dead."

BI, #2

Of the porters interviewed, six reported seeing fellow porters left to die—one remembered *"one old man who was 50 years old had his hands and legs tied up and then he was tied to a tree at the side of the path,"* (BI, #19) or even murdered (shot) in cold blood by soldiers who felt that the porters had outlived their usefulness, since they had become so worn out from the work. As several porters claimed, the soldiers had utterly dehumanised them—this can be seen, for example, in the experience of the porter who witnessed soldiers marching right over those who fell down from exhaustion: *"those who fell down and could not walk were beaten with guns and the soldiers stood on their necks"* (BI, #19). All the evidence leads us to believe that the soldiers no longer saw them as fellow Burmese, or even as fellow human beings, but as animals or tools to be used and then summarily discarded. One porter commented: *"it was shocking how inhumane they were to kill us like animals"* (BI, #14).

❖ Patterns in the Recruitment and Organisation of Porters

In studying the many different porters' claims, several patterns emerge, especially in the uniform ways in which they were recruited,

organised and treated while they were serving, and in the tasks they performed. This was a well-planned and efficiently executed campaign to systematically dehumanise and exploit these porters, with no regard for their rights, safety, or health. A degree of forethought and planning must have gone into obtaining the services of so many prison porters. To arrange the procurement of, and find transport for, this amount of porters over such vast distances and from such a variety of prisons shows a necessarily high level of organisation.

“I was asleep in my house when the SPDC troops came and arrested me and sent me to Tharrawaddy Prison. I stayed two nights in prison and then in the morning they put me in a car and sent me to Mae Pleh Village.”
BI, #5

There was no clear pattern in the crimes that the porters had committed prior to being taken out of prison, and it would appear that there were certain quotas that had to be met for the number of porters taken. This emerges from the reports of porters four and five, who both claimed to have been taken directly from their home to their portering duties, merely stopping by the prisons on the way. Both were taken in similar ways, from their homes, by large numbers of SPDC troops, at around eleven o'clock at night, and neither was ever actually charged with a crime. From there on, however, their accounts closely match those of most of the other porters interviewed.

After being removed from one of the five prisons, they mostly report being taken overland to the town of Pa-an, and then to a monastery in nearby Mae Pleh. There, equipment and provisions were already organised and laid out so that it could all be divided up immediately, seemingly anticipating the arrival of the porters. Once the porters were with their assigned battalions, the duties performed were largely the same for each group. Thus, apart from the heavy loads they all had to carry, common duties included digging trenches, cooking, and very often, being used as human minesweepers. Even the eventual escapes mostly took place in similar ways, as porters ran away after being ordered to cut bamboo or collect water for the soldiers, despite having been told that KNU soldiers would kill them if they were found.

Judging by the uniformity of all this, someone in power had given specific instructions on how the porters were to be recruited and used. Except one who noted that *“the military battalion approached the prison and told them they needed 50 porters and then the prison authorities chose the prisoners to become porters”* (BI, #1) none of the porters were able to say who had given the authority for them to be taken (understandably, since this obviously happened without anyone giving them a voice in the planning process). But it seems to have been a military operation from start to finish, given the logistical scale of the whole project, with orders being

given and executed at high ranks. Two porters described having been taken by military forces, and one other claimed to have witnessed a military battalion approach the prison demanding porters. As such, it seems to have been a premeditated campaign organised by the military government.

❖ Both Criminals and Victims: The Use of Prison Porters

Prison porters have been used by the Burmese military for some time. However, in recent years, observation of this phenomenon has increased, probably for a variety of reasons. One, mentioned in the introduction, is that as military offensives grow closer to the Thai border, it becomes easier for human rights groups outside of Burma to access and document such activities. However, another important reason may be the perception of using prisoners for labour. The criminal element associated with porters taken from prisons may imply to some that they deserve less sympathy for being the recipients of human rights abuses. Prison porters are in a precarious position in that they do not have the perceived innocence of civilians, yet they are still victims of human rights abuses. The SPDC may believe that human rights defenders will find it more difficult to justify defending the rights of those who have committed crimes, or to arouse sympathy for them. This would probably be ideal for the SPDC, as they attempt to improve their international image: without sacrificing the free labour from which the Burmese army profits so much, and without actually improving conditions, they may be able to portray porters merely as criminals being rightly punished for their crimes. Even if this becomes well known, the SPDC might avoid, or at least decrease, international embarrassment.

Some of these porters have undoubtedly committed serious crimes. Among the porters interviewed, there were four admitted murderers, with prison sentences ranging from three years to life—these criminals are now walking freely and may still constitute a danger to society. However, there were far more porters convicted of seemingly minor crimes, from stealing paint to the seven (out of twenty-two—nearly a third) who were involved with the illegal lottery. In addition, there were two who were never charged with any crime, but merely taken from their homes directly to prisons, soon to be forced into portering—seemingly just to fill military quotas.

In any case, be they murderers, petty thieves, lottery-players, or civilians, the use of porters constitutes a violation of human rights. *“Contrary to claims made internationally by the SPDC, the use of convict porters on operations and at the frontline camps in no way lessens the forced labour burden of the villagers. Rather than being seen as an alternative to civilian forced labour,*

the use of convicts for portering and other forced labour in Burma should be seen for what it is: an additional, unnecessary, and particularly brutal form of human rights abuse."¹⁹ The issue of the prison porters' guilt must be clearly separated from that of the SPDC's human rights violations: some porters may be guilty of serious crimes, but that does not change the fact that they are victims of the Burmese military junta.

❖ Porter Solidarity: Hope among the Condemned

Despite all their suffering while serving the military forces, we found that there was a remarkable element of solidarity and mutual support between many of the porters. The porters would often help each other when they became overcome with fatigue and exhaustion, and when they escaped together would even risk their lives to save one another. One porter recalls escaping with another porter. "*When we escaped, I had no strength left at all but he took care of me very well. When I could not walk, he carried me on his back*" (BI, #18). This man could have gotten away more quickly on his own, but he would not abandon his friend to be caught by the SPDC soldiers, and probably tortured or killed for trying to escape.

Another porter also escaped with a friend. "*We hadn't gone very far when my friend stood on a landmine and his leg was blown off. I carried him for a distance and then we saw a hut so I put him in there. When I was carrying him I also stood on a landmine but luckily it wasn't alive ... I was very weak and left my friend in the hut as I didn't have the strength to carry him. I continued my escape*" (BI, #8). He would later meet KNU troops, who took care of him and went back to save his friend. Tragically, the friend had already died from loss of blood, but this shows how committed the porters were to one another. Another porter escaped with three other friends. Again, one was severely injured by a landmine. "*He told us to run for our lives and not to worry about him,*" (BI, #2) recalls this porter, but they nonetheless carried him as far as their exhaustion would allow. After finding a small hut in which to place him, they too found help for him, only to return too late to save their friend.

Although not all these instances of mutual support were successful—many porters died despite their friends' and fellow porters' best efforts to save them—they illustrate the bond that seemed to develop among the porters. It shows that although the SPDC is doing the best they can to dehumanise prisoners and porters alike, they cannot truly penetrate the good that exists in each person, and the natural tendency to help others, even in the most difficult circumstances, even if it sometimes means sacrificing oneself. This characteristic of the Burmese people shows that there is a spirit of solidarity, even among the most marginalised of people in

Burma, and that there is hope for future resistance to the SPDC and its unfair, unlawful tactics.

B) Labour Crimes: Forced Labour

The use of prisoners and villagers as porters during military offensives is a common practice in Burma. All porters' testimonies offer proof that the use of portering and forced labour is still widespread in Burma. Despite massive international condemnation of such practices and the presence of the International Labour Organisation (ILO) in the country, Burma's Army and government persist in using forced labour.

❖ Definition of Forced Labour under International Law

Forced or compulsory labour is characterised in international law as when any person:

- is required to work or provide a service that he or she has not voluntarily offered to carry out; and
- has reason to believe that he or she will suffer a penalty for not carrying out the work service. Whether this person receives payment or not is irrelevant since the person cannot refuse to work without risking some form of punishment.

The Convention Against Forced Labour ILO No. 29²⁰, states that:

Article 1(1): Each member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

Article 2(1): For the purposes of this Convention the term "forced or compulsory labour" shall mean all work or service which is exacted from any person under the menace of any penalty and which the said person has not offered voluntarily.

Article 4 (1): The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

❖ History, Use, and Procedures of Forced Labour in Burma

Burma has been a signatory of the Convention Against Forced Labour since 1955 and is bound by related obligations under international law. Although there have been many well-documented reports on forced labour in Burma, the SPDC still denies that the practice exists. Government officials categorically refute the validity of those reports or in any case defend the practice by disguising forced labour practice as an important part of Burma's cultural heritage.

The Burmese Army is made up of nearly 400,000 soldiers. To pay and feed their troops, the army often relies on unpaid labour and extortion. Forced labour is also used as a counter-insurgency tool for controlling the rural population and diverse non-Burman ethnic groups.

Many different forms of forced labour exist in Burma. A non-exhaustive list might include:

- Portering
- Construction and/or repair of military camps and facilities
- Sweeping for landmines
- Other support for military camps (guides, messengers, cooks...)
- Income generation for the military (military plantations)
- Building or maintaining national or local infrastructure projects
- Cleaning and “beautification” of rural or urban areas
- Militia duty²¹

Usually unpaid men, women and children are conscripted as manual labourers on road and railway construction, or in government fields. Children are often recruited to do such work when the number of adults requested by Burmese authorities is not reached, which indeed happens frequently, especially during harvest time.

To be used as a porter during Burmese military operations is the most feared form of forced labour in Burma, from which even children and especially teenagers are not exempt.

❖ **Unfair Treatment: The Impact of Forced Labour on the People**

The impact of forced labour on local people is disastrous. Forced labour leads to a loss of income, food, the opportunity to go to school, and poverty. In many cases, people are so frightened of forced labour, and especially portering, that their only way to escape is to flee into the jungle to become an IDP, or to cross a border and ask for refugee protection.

As forced porters, people suffer first from physical exhaustion and illness from heavy workload, lack of rest and food, and also from physical injury due to frequent torture, rape and beating. If they manage to survive, emotional and psychological trauma can be severe, which often causes depression and leads to violence towards others. *“I think the Burmese Army has a very negative effect on the villagers. Because the villagers receive unfair treatment and they live under many years of oppression the villagers have changed from good to bad. The treatment of the villagers has changed the character of the villagers, they only see violence and oppression. For example the villagers only see the soldiers deal with things through money and violence so whenever the villagers have a problem they deal with it in the same way ... because it’s the only way they see the Burmese Army treat people. It is destroying the unity of the community and it is mostly exacerbated by the SPDC”* (BI, #2).

Despite Burma’s ratification of ILO Convention No 29, Burmese authorities have stated for years that the provisions of the Village Act (1908) and the Town Act (1907), which empower headmen and rural policemen to impose compulsory labour on residents of the labouring class, allow them to use “voluntary labour”, in case of “urgent necessity” in accordance with the following provisions: (a) section 8(1)(g),(n), and (o) of the Village Act, (b) section 9(b) of the Town Act. Every headman shall be bound to perform the necessary range of duties, and residents bound to assist him upon his request. Sections of the Village Act and the Town Act specifically refer to the supply of guides, messengers, porters, labourers to repair roads, etc. Under both laws, the authorities were able to force people in the village to do anything they like, calling it “*Lo-ah-pay*” or “voluntary contributed labour.”

During the early 1990’s, the use of forced labour dramatically increased in Burma because of “development” projects and counter-insurgency military campaigns in ethnic areas.

“Burmese troops often came to my village and asked for porter fees and for free labour, they never paid us anything for this labour. We had to work on government projects like irrigation projects. We usually had to go for 22-25 days per month. So it was very difficult for us to survive, concerning food, health, and shelter.”
BI, #1

❖ Burma's Official Stance on Forced Labour

In 1998, the ILO's Commission of Inquiry found widespread and systematic use of forced labour in Burma²² and took unprecedented measures against the country, including barring Burma from ILO events and assistance which is not aimed at supporting the recommendations of the Commission.

Under such international pressure, Burma approved two orders in regards to forced labour, Order No 1/99 (May 14, 1999) and the Order Supplementing Order No 1/99 (October 27, 2000). Both orders officially restricted the use of forced labour in Burma by instructing government officials not to exercise certain powers that are contained in the Village Act and the Town Act. After continued pressure from the ILO, the SPDC passed two additional orders that officially outlaw all forms of forced labour in Burma. Section 374 of the Penal Code provides for punishment of anyone guilty of using unlawful forced labour: one year imprisonment or a fine, or both.

Reports from many human rights organisations, however, have attested that all these Orders, especially No 1/99, are far from sufficiently known or understood by the population, particularly in ethnic areas where access to information is poor.

In 2001, a team from the ILO visited Burma and found that despite small improvements the situation was still alarming and forced labour remained widespread.

Following the establishment of a permanent ILO presence in the country in June 2002, Burmese authorities have had to be more discreet in using forced labour. One porter interviewed in 2002 (BI, #23) was asked if he was aware of the ILO order banning the practice of forced labour and portering. He said he was aware of the order but it didn't really make a difference. He said that the military troops force the village headman to sign a paper saying that the military does not use forced labour or portering. They always have this paper prepared for any ILO visits and the military only allows the ILO to visit the villages they want them to.

❖ Legal Limbo: Prisoners as Forced Labour

The use of prisoners as porters is not specifically referred to under Burmese Law. This state of limbo, having neither recognition nor protection, makes the use of prisoners as porters an attractive alternative to civilian porters, from the military perspective. However, the Jail Manual does outline the use of prisoners for labour and development, especially labour that requires travelling some distance from the jail. Chapter 14,

Section 1040 of the Jail Manual stipulates that labour on minor works and larger public works are not regarded as “*normal forms of convict labour*”. It is allowed, however, when there is insufficient free (voluntary) labour available to carry out the task, and in this situation the prisoners must be paid rates of wage prevailing at the places concerned. Prison porters used in military offensives are often made to work on road construction, trench-digging projects, and the building of military bases as well as government development projects. While the use of prison porters in the above mentioned circumstances may be regarded as for the purposes of public works, there is no specific reference that enables prisoners to be used as porters by military personnel. To forcibly send prisoners to be porters for the military is therefore not sanctioned by law. In the interviews conducted in this report, prisoners were given no other option, barring the ability to offer bribes, but to go and be porters.

Some porters were told that if they agreed to be porters they would have their prison sentences reduced or commuted altogether. One porter (BI, #23), interviewed in September 2002, said he had been told that his sentence would be reduced by six months and that he would be paid forty-five kyat per day if he agreed to become a porter, but he never received any of this payment during his time as a porter. Another porter told a similar story: “*The prison warder told us that if we became porters for the military we would not have to go back into prison. We knew that porters do not get released from the military and that nothing would change, there would be no benefit to us. It would be like pouring water onto sand*” (BI, #10).

❖ Alternative Supply: The Use of Village Porters

Although this report details interviews from porters taken from prisons, it is also important to note the limited use of village porters in the offensive. This is another ongoing human rights violation that is inextricably linked to military operations within Burma.

Many villagers will talk of being taken four or five times per year to be porters for the Burmese military, a practice that adversely affects their ability to earn a livelihood for themselves and their family. The fact that they receive no payment for this service also hinders the villagers’ abilities to create a source of income. There is little doubt that this practice continues to occur despite recent laws barring the use of forced labour. The laws concerning labour (Order 1/99 and the Order Supplementing 1/99) have had some effect on the discontinuance of forced labour in some areas but portering, which is a violation of these laws, does continue to occur, along with other forms of forced labour.

During the offensive, villagers were mainly used as guides due to their intimate knowledge of the surrounding terrain. The Burmese military would take villagers when they were working on their crops or collecting water, and force them to act as guides for the military troops. *“The next day I saw them catching seven more porters from a village near the mountains. I saw that their loads were twice as heavy as our loads. In that place three soldiers from IB 338 escaped and joined the KNU. Because the military were afraid of the three soldiers who had escaped, they went to Kler Day Village and got ten more porters. I think that they were caught from the field because they brought with them some pumpkin and vegetables. Later I heard from a soldier that he had pointed his gun at them as he knew that they would run away”* (BI, #22). One porter interviewed, who was a Burmese Army deserter, told of other ways they forced villagers to become porters: *“We would call people from the villages, we caught or arrested people who were travelling along the road, and we would enter teashops and forcibly arrest men and put them on our truck. And we would just take people whenever we went through a village”* (BI, #2).

He also told how the soldiers were given permission to shoot any porters who tried to escape. *“We had permission to shoot any porters that tried to flee because they didn’t want the KNU to get any information about the Burmese Army”* (BI, #2).

C) Uses of and Experiences with Landmines

❖ Landmine Practices by Both Sides of the Conflict

Burma’s military forces and ethnic rebel groups have used landmines extensively throughout the civil war. Nine out of fourteen states and divisions in Burma are mine-affected, with a heavy concentration in Eastern Burma²³.

Myanmar Defense Products Industries (Ka Pa Sa) produces at least three types of antipersonnel mines: the MM1, the MM2, and a Claymore-type, directional landmine²⁴, which are used by SPDC forces, and have been known to be distributed to pro-government armed groups such as the DKBA. Burmese troops have also used antipersonnel mines of Chinese, Israeli, Italian, Russian, American, and unidentified manufacture. The Burmese Army uses landmines to defend approaches to their military camps, but also offensively, laying mines close to areas of civilian activity to prevent people from returning to their native villages after forced evictions during counter-insurgency campaigns. Many villagers are injured within half a kilometre of village centres²⁵.

During 2003, mines were laid by Burmese troops extensively in Karen State. The Dawna Range, where the offensive took place, and the banks of the Moi River, close to the Thai-Burma border, where many escaped porters fled, are reportedly heavily mined.

The KNLA, the armed wing of the KNU, is also known to be one of the largest mine-users of all the ethnic rebel groups active in Burma. Since 1995 the SPDC has been able to field a greater number of troops. To make up for its numerically smaller force the KNLA has deployed self-constructed, captured, and purchased anti-personnel landmines on a massive scale to deter incursions by the Burmese Army.

The KNLA uses Claymore-style mines that are sometimes factory-made, sometimes purchased on the regional black market, but mostly self-manufactured. These mines are used in ambushes of SPDC columns in which both SPDC troops and people taken for forced military portering are killed and injured. The KNLA also uses anti-vehicle mines on roads, both against the SPDC and to control the roads for taxation purposes.

The KNLA produces and uses its own handmade landmines using bamboo, empty bottles, milk cans, and PVC piping for casing, and scrap metal and shotgun pellets for shrapnel. Explosives and detonators are purchased from commercial rock quarries in Thailand. If the mine uses an electronic detonator, its lifespan is limited by the battery. The handmade mines are difficult to lift, so the KNLA does not use them for perimeter defences and protection of their mobile camps at night. They use factory-made mines for that purpose.

The KNLA claims to use landmines to protect routes for IDP and/or fleeing refugees from pro-government forces. However, since they do not mark their mined areas, if IDP or refugees are not accompanied by KNLA units, they can just as easily be victimised by these mines. Like the SPDC, the KNLA uses mines to protect supply roads and to limit movement opposing military units, who avoid areas known to be mined. The KNLA claims that it does not lay mines randomly in the forest or along village paths. They focus their landmine use on specific spots that are known to host Burmese army traffic.

Neither the SPDC, the DKBA, nor the KNLA mark their mine fields, or where they put their mines other than those around the perimeters of army camps, if the perimeter is marked by a bamboo fence. In addition, anti-junta groups heavily mine military bases that they are forced to abandon to prevent any other military group from using them. The result of the use of such strategies, by insurgent groups and SPDC forces, is that some mountainous regions have been declared “no go” areas due to severe mine contamination.²⁶

❖ Porters' Experience with Landmines

During the offensive, many porters encountered landmines on their way to the front. Nearly half of the 22 porters interviewed witnessed other porters, or Burmese soldiers, being injured or killed by landmines.

In all the interviews, no information was provided about the type of mines, manufactured or handmade, that were encountered. One porter testified that “*At 706 base camp we travelled backwards and forwards for a long time and a landmine exploded. Eleven people were injured, including some military leaders*” (BI, #22).

Another porter was “lucky” enough to step on a defective landmine. He explained that “*When I was carrying him [a porter already injured by a landmine], I also stood on a landmine but luckily it wasn't live. I knew this because there was no cap showing*” (BI, #8). It may have been a handmade mine, which are more susceptible to failure in humid weather conditions and battery failure, over time.

“If I had stepped on a mine I wouldn't have cared because I felt that if I died it would be better than staying with the soldiers and being a porter.”

BI, #11

The recurrent theme in all the interviewed porters' testimonies is the indiscriminate and inhuman destructive effects of such weapons. At least seven porters witnessed friends being injured by mines during their time as porters in the forest, or while they were escaping. With the lack of adequate medical assistance, many injuries resulted in death for the porters: “*When we arrived at one place one of the porters had to take a rest under a bamboo tree. When he sat down a mine exploded and half his buttocks were blown away. He died later*” (BI, #20).

Among the nine porters who witnessed landmine casualties, most of them testified that Burmese soldiers and officials were among the victims, sometimes in large numbers. One porter (BI, #19) recalled that “*suddenly a mine exploded*” when some Burmese soldiers were inspecting an abandoned KNU checkpoint and bunkers: “*one corporal and one officer were wounded and a sergeant died immediately. We buried him on the hill. Later on another mine exploded - two soldiers lost legs and one of the men was injured in the thigh. When we were carrying the injured soldiers one porter stood on a mine and also died. Also another sergeant was wounded and died the day after.*” In a single afternoon, eight Burmese soldiers and porters stepped on landmines; three died immediately.

❖ Atrocity Demining

Because of this highly risky situation and the lack of any mine clearance official operations, the Burmese army often requires porters to carry out demining duties. Indeed, SPDC units operating in areas suspected of being contaminated have repeatedly forced porters to walk in front of patrols, so as to detonate mines with their own bodies²⁷. In such circumstances, porters also serve as “human shields” in the event of an attack by ethnic troops.

Weakened, beaten, tortured and often killed on the way if they tried to escape, porters were also used during this offensive as human mine-sweepers. Among all twenty-two interviewed, five porters confirmed that the Burmese troops forced them and others to walk ahead in mined fields.

Many of them were also ordered to do manual demining without adequate training or tools, using sharpened bamboo sticks to prod the ground and remove by hand any mines found. One porter (BI, #13) with Battalion No. 701 was ordered to disarm landmines in an area to make a path. Another one with Battalion No. 702 explained that “*the soldiers gave orders for me to clear the mines around that area. I stayed for three days clearing the mines ... I couldn't believe that the Burmese soldiers could treat other human beings like this*” (BI, #16). Another porter also pointed out that though “*we were told to go find the landmines,*” (BI, #1). He “*did not even know what a landmine looked like,*” and he “*did not know how to clear landmines*”. So he escaped with several other porters who were told that the following day they would be required to do demining. All of them claimed that they had nothing to lose in the face of such an inhuman situation.

“We were all Burmese. It was shocking how inhumane they were to kill us like animals. It makes me feel ill”
BI, #14

❖ Human Minesweeping as a Violation of International Human Rights Law and Customary Law

The use of civilians or prisoners as human minesweepers is a clear violation of basic human rights set out in the UDHR (1948). Article 5 of the UDHR forbids the use of torture or cruel, inhuman or degrading treatment or punishment. Slavery or servitude is also a violation of human rights as stated in Article 4. This declaration is considered as international customary law and must be respected by all states, even non-signatories such as Burma. In international law, it is considered that some human rights are fundamental and therefore must be respected in any given cir-

cumstances, whether the conflict is international or internal. These are recognised as “inviolable rights” or “jus cogens” in the international community. Those rights protect any individuals and are applicable at any time, in any place. At this universal level, the International Covenant on Civil and Political Rights (1966) also states in its Article 4 that some human rights must be strictly respected in any circumstances such as the prohibition on the use of torture and inhuman treatment (Article 7), and of slavery or servitude (Article 8).

Burma has repeatedly refused to sign the Additional Protocol II to the four Geneva Conventions of 1977 which enumerate the rights of civilians during intra-state conflict. Nevertheless, in 1992, Burma ratified the four Geneva Conventions (1949) which provides protection to soldiers and civilians during international conflict. Humanitarian law recognises that the Common Article 3 of the four Geneva Conventions is universal law and therefore must be respected by all countries. In this Common Article 3 it is stated that in case of armed conflict not of an international character occurring in a territory, each party to the conflict must not target people not directly active in the conflict and must prohibit any violence upon life and personal dignity such as murder, torture or inhuman treatment. This is especially relevant in the case of Burma’s long, destructive civil war.



5. Conclusions and Recommendations

The use of civilians as porters and/or human minesweepers by Burmese troops during any military offensive is a violation of fundamental human rights and must be condemned by the international community and international organisations such as the United Nations.

The offensive ended in November 2003. Reports state that the Burmese army did not succeed in cutting all communications between eastern and western KNU commands, but were able to get control over some areas where intense logging is now taking place under DKBA supervision. It seems that the DKBA started logging in this area as soon as the offensive ended. This is taking place north of Tawokyma village where some previously untouched teak forests still exist. Other reports²⁸ suggest that the DKBA plans to log twenty thousand teak trees from the area. It is also reported that the DKBA has already made agreements with local Thai businessmen regarding contracts for this logging.²⁹

As a result, the presence of the DKBA has dramatically increased in the region, along with rising discrimination against the Christian Karen community. Reports show that many villagers are now being forced to evacuate if they refuse to convert to Buddhism.

Another important issue to note is that the offensive led to a dramatic increase in the number of landmines in the area. All groups, SPDC troops, the DKBA, and the KNLA used landmines extensively to “protect” their mobile units, to ambush their enemies, or to transform areas such as abandoned bases into “no go” areas. This region was already infested by landmines, along with much of the Thai-Burma border area, but this military offensive further increased the number of landmines and the risk of civilian injury.

Finally, the use of forced labour has not ended in 7th Brigade area. It has been reported that SPDC troops have started to build new roads and bridges in the Eastern Dawna Range in 7th Brigade, forcing villagers to work on the project as well as providing food and other supplies to SPDC troops based in the area.

Currently, the political situation between the SPDC and the KNU remains very tense. Following three rounds of “peace talks” held by General Khin Nyunt, former Prime Minister of the SPDC, and a KNU delegation led by General Bo Mya, Vice Chairman of the rebel group, fighting should have ceased in KNU areas. The first two rounds took place in Rangoon, in December 2003 and January 2004. During those talks, both parties agreed to a “gentlemen’s” ceasefire agreement and started discussing issues such as territorial demarcations and the return of Karen IDP. Unfortunately, the third round of talks in late February in Moulmein ended after only two days, following an attack by KNU troops on a Burma Army outpost. A number of skirmishes have taken place since then. Hopes that talks would resume early this year seem to have been dashed following recent attacks by SPDC troops near the Thai border. It would also appear that, following October’s internal coup, the more hard-line junta is less willing to negotiate a ceasefire with the rebels.

The use of prisoners for forced portering or labour has remained a common practice in Karen State. In March-April 2004, the SPDC built a new road near Sukali in the 6th Brigade area. Because of the cease-fire agreement, Burmese troops had stopped at that time using villagers’ labour in this area. However, villagers remarked that the SPDC had forcibly recruited more than one hundred prisoners for these roadworks³¹.

More recently, increased fighting has been reported in Kawkereik Township, Duplaya District (6th Brigade). According to sources inside Karen State, SPDC forces have once again engaged prison porters to transport military supplies.

The continuing use of prison porters in both military and development operations shows a complete lack of intention, on the part of the Burmese government, to put a real end to human rights abuses.

❖ Recommendations to the SPDC

First and foremost, Burmese law must be changed to accord with international law, including the international conventions to which Burma is already a signatory, as well as universally accepted human rights law. For example, it should be accepted that the UDHR and Common Article 3 of the four Geneva Conventions supersede all domestic law, and must be respected in all cases, regardless of any ongoing internal or international conflict, or any other circumstances. This would mean that civilian populations may never be targeted, by any side, in any kind of violent conflict.

Additional changes to Burmese law that must be implemented include an update to the Village Act and the Jail Manual, which were insti-

tuted in the colonial era and have become obsolete (with fines listed in rupees, for example). We urge that existing Burmese law, where it is already appropriate, should also be much more effectively enforced. The most significant case is Order 1/99, which bans the use of forced portering. Since Burma already has this necessary legislation in place, all that needs to be done is to ensure that it is adhered to much more closely.

Burma must also sign up to some of the most important international conventions that have become common among other countries. The most significant, for the purposes of this report, are the Additional Protocols I and II to the four Geneva Conventions (1977), the Convention Against Torture (1984) and the Mine Ban Treaty (1997). In addition, international monitors must be granted full access to the country. UN Special Rapporteur of the Commissioner on Human Rights to Burma, Paulo Sergio Pinheiro has not been inside Burma since November 2003.

Finally, the Burmese authorities must accept the principle of common responsibility. A government (especially a military government) is responsible for all the actions of its soldiers, even when these actions are not strictly in keeping with any officially recorded orders. The SPDC must acknowledge and take responsibility for forced portering, as well as any other human rights abuses known to have taken place at the hands of SPDC soldiers.

By following these recommendations, the Burmese government has much to gain. Besides bringing Burmese human rights practices more into line with international norms, there would be many side-benefits for the Burmese people and their economy. Such efforts to improve the human rights situation in the country would almost certainly be recognised by the international community, in the form of greater economic integration into world markets, for example. Surely this is one of the SPDC's main goals, at this time, and these recommendations provide a concrete framework for achieving it.

❖ Recommendations to the International Community

• *International Labour Organisation (ILO)*

Under the auspices of the United Nations, the ILO formulates international labour standards and monitors labour practices. The organisation has already expelled Burma, thus cutting off funding except technical assistance aimed directly at meeting labour standards and fulfilling ILO requirements. However, more can be done.

The ILO should maintain offices along the Thai-Burmese border, near the areas where most of the abuses described in this report took place. Such a geographical location would facilitate travel to these areas, as well as increasing access to victims of abuses who may be living near the border or in refugee camps in Thailand.

Surprise visits to villages within Burma, to ensure the enforcement of Order 1/99, would increase the effectiveness of that law. The knowledge that surprise visits could happen at any time would also help villagers gain confidence to stand up to SPDC forces who still attempt to conscript forced labourers. Confidential interviews with village headmen, so long as anonymity could be guaranteed, would also be very helpful in ascertaining whether or not violations were taking place, and if so, where.

More ILO staff should be assigned to investigate abuses within Burma, since these seem to be constantly increasing in number, despite current ILO efforts to stop them. ILO personnel should also continue, and reinforce, their lobbying efforts at the international level, which aim to persuade other international agencies and organisations, as well as member states, to create or stiffen sanctions against Burma, until such time as conditions there improve.

- ***International Committee of the Red Cross (ICRC)***

The ICRC carries out humanitarian work throughout the world, maintaining a neutral position wherever it exists. For the purposes of this report, their main task is investigating and reporting on prison conditions, to ensure that basic standards of health and dignity are upheld. To this end, they make periodic, announced visits to various prisons throughout the country, on an ongoing basis.

Regarding the disastrous situation inside Burmese prisons and the total lack of redistribution of the goods provided by the ICRC, ICRC representatives should phase in a process of surprise, unannounced visits and implement a comprehensive follow-up program, to ensure the adequate distribution of food and medicine, among other supplies. It also seems necessary to enhance the ICRC's presence in ethnic areas, and especially in prisons based in those regions.

Such initiatives would require a significant increase in the number of ICRC staff in Burma, since the tasks it performs may be too overwhelming for the approximately two hundred people currently working for the organisation there.

- ***Association of Southeast Asian Nations (ASEAN)***

ASEAN is a mainly economic group, which aims to promote peace and stability among its member-states. It aims at further integration of ten countries within the region, but maintains a position of non-interference in their internal affairs.

Burma is scheduled to take up the rotating presidency of ASEAN in 2006. ASEAN must introduce certain human rights and accountability measures for the position of President, or better yet, for any admission into the organisation. The current position of ASEAN, that it is not intended to meddle in any internal affairs of sovereign states, is unsustainable in this era of increased human rights awareness and globalised standards of good government. Therefore, before Burma is allowed to take up its presidency role, it must be required to live up to minimum standards of democracy and human rights.

- ***UN High Commissioner for Human Rights (UNHCHR) and General Assembly***

The Office of the United Nations High Commissioner for Human Rights aims to inform governments and the world community on the human rights situation throughout the world, as well as in specific areas. It can make recommendations to other United Nations bodies, including the General Assembly, or to state governments.

Although we are aware that the UNHCHR already monitors the human rights situation in Burma, much could be achieved by increased monitoring. For example, if the SPDC was aware that UN observers were paying careful attention to rural villages, with an eye to forced labour and the many related abuses, these activities would almost certainly be reduced.

The United Nations must also campaign for the imposition of further embargoes and sanctions against Burma. Although many states have imposed sanctions unilaterally, their moral and economic force would be significantly increased with the backing of the United Nations.

Finally, Burma must be expelled from the General Assembly, until such time as the human rights situation is meaningfully improved. The UNHCHR, along with supportive member-states, should campaign for this expulsion, on the model of the expulsion of South Africa in 1974. In that situation, the General Assembly voted not to accept the credentials of the South African representatives. After the participation of these delegates was repeatedly and consistently refused by General Assembly members, it was considered that South Africa had been effectively

expelled. This action entailed exclusion from all international organisations and conferences under the auspices of the United Nations, and stood as a symbol of the world's rejection of South African policies. Moreover, and critical to the case of Burma, this action was taken *without the adoption of a Security Council motion* (since three permanent Council members vetoed it). Since the General Assembly consistently upheld the effective motion (by refusing South African delegates' credentials), the expulsion was taken as granted.

We are aware that expulsion is not a matter to be taken lightly. However, the human rights abuses documented in this report, along with the overwhelming amount of abuses uncovered in the recent history of the SPDC are reason enough for such a step to be taken. This would require at least a two-thirds majority in a General Assembly vote, but with the support of the UNHCHR and the many countries around the world that support human rights and desire an improvement in the situation in Burma, an expulsion motion could be passed. The consequent exclusion from any international organisation in cooperation with, or under the auspices of, the United Nations would put intense pressure on the Burmese government to make appropriate changes. At the very least, the General Assembly must take a coherent stance on Burma. UN Special Envoy to Burma, Razali Ismail, recently conceded that there is no clear UN strategy currently in place.



Appendices

- ❧ **Appendix 1** Glossary of Acronyms, Exchange Rates Information and Military Brigades
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Appendix 1:

❖ Glossary of Acronyms

- ABSDF**—All Burma Student Democratic Front
ASEAN—Association of Southeast Asian Nations
BI—Burma Issues
BKNA—Buddhist Karen National Association
DAB—Democratic Alliance of Burma
DKBA—Democratic Karen Buddhist Army
FTUB—Federal Trade Union of Burma
ICRC—International Committee of the Red Cross
IB—Infantry Battallion
IDP—Internally Displaced Person
ILO—International Labour Organisation
KAF—Kawthoolei Armed Forces
KCO—Karen Central Organisation
KHRG—Karen Human Rights Group
KIO—Kachin Independence Organisation
KNA—Karen National Association
KNLA—Karen National Liberation Army
KNLP—Kayan New Land Party
KNPP—Karenni National Progressive Party
KNU—Karen National Union
KNUF—Karen National United Front
KNUP—Karen National United Party
KPLA—Kawthoolei People’s Liberation Army
KYO—Karen Youth Organisation
LIB—Light Infantry Battallion
NCGUB—National Coalition Government Union of Burma
NDF—National Democratic Front
NMSP—New Mon State Party
PNO—Pa-O National Organisation
SPDC—State Peace and Development Council
UDHR—Universal Declaration of Human Rights
UN—United Nations
UNHCHR—United Nations High Commissioner for Human Rights

❖ **Exchange Rates**

At time of publication (January, 2005) ~898kt=\$1*, ~23kt=1 baht

At time of offensive (September, 2003) ~990kt=\$1*, ~25kt=1 baht*

- Officially, the Burmese kyat is fixed at 6.9kt/\$1. However, for practical purposes, the common exchange rate is usually set by black market traders at a much larger number.

❖ **Military Brigades**

No	KNU Terminology	SPDC Terminology
1	Brigade 1 = Du Tha Htu District	Thathon District
2	Brigade 2 = Taw Oo District	Toungoo District
3	Brigade 3 = Kler Lwee Htu District	Nyaung Lay Bin District
4	Brigade 4 = Mergui-Tavoy District	Tavoy District
5	Brigade 5 = Mu Traw District	Pa Pun District
6	Brigade 6 = Duplaya District	Kyaiw Seik Kyi District
7	Brigade 7 = Pa-an District	Pa-an District

Appendix 2: Endnotes

- 1 - See Appendix 1 for military brigade terminology.
- 2 - Karen Human Rights Group, “Summary of Types of Forced Porterage”, April 11, 1995/ KHRG #95-13.
- 3 - BI informal discussion with Burma Lawyer Council, Mae Sot, Thailand, February 5, 2004.
- 4 - From interviews and BI internal discussion, Mae Sot/Bangkok, Thailand, December 2003 - March 2004.
- 5 - BI internal source, November, 2003.
- 6 - Free Burma Rangers, “Emergency Relief Mission, Pa-an District, Karen State, Burma, 26 September to 2 October 2003” and “Pa-an District update, October 21, 2003,” Mae Sot, Thailand, October - November 2003.
- 7 - BI Informal Discussion with Burma Lawyer Council, Mae Sot, Thailand, February 5, 2004.
- 8 - The Penal Code (1860) India Act XLV.
- 9 - Inserted by Act XXXII, 1960 of the Penal Code.
- 10 - “The Judiciary Law, 2000”, SPDC Law No. 5/2000, Burma, June 27, 2000.
- 11 - BI Informal discussion with Burma Lawyer Council, Thailand, February 5, 2004.
- 12 - Jail Manual, Manual of Rules for the Superintendence and Management of Jails in Burma (Revised Edition), Burma, 1950.
- 13 - Resolution 2076 (LXII) passed by the Economic and Social Council of the United Nations in 1977.
- 14 - International Committee of the Red Cross, “Annual Report 2002”/ “Myanmar” Chapter, June 19, 2003.
- 15 - Although there is no evidence that prison authorities were also using covert electronic monitoring, it would not be a first for the SPDC if they were. During an interview with Burmese prisoners at Insein prison in March 2003, UN Special Rapporteur on Human Rights Paulo Pinheiro discovered a hidden microphone in the room. See “UN envoy in Burma bugging row,” BBC, March 24, 2003.
- 16 - International Committee of the Red Cross, “Annual Report 2002”/ “Myanmar” chapter, June 19, 2003.

- 17 - Jail Manual, Manual of Rules for the Superintendence and Management of Jails in Burma (Revised Edition), Burma, 1950.
- 18 - Please see charts in appendix 4 for a full list of what each porter reported carrying and the corresponding weights.
- 19 - Taken from a Karen Human Rights Group (KHRG) document, "Human Rights Yearbook 2002-2003 Burma", National Coalition Government of Burma, Human Rights Documentation Unit, Nonthaburi, Thailand, 2003.
- 20 - Convention concerning Forced or Compulsory Labour (ILO No.29), adopted June 28, 1930, 39 U.N.T.S. 55 (*entered into force* May 1, 1932)
- 21 - Earth Rights International, "General Forced Labor and ILO 4 Pages Report", Chiang Mai, Thailand. Last update March 26, 2003.
<http://www.earthrights.org/pubs/forcedlaborenglishword.doc>
- 22 - International Labour Organisation, "Forced Labour in Myanmar (Burma): Report of the Commission of Inquiry appointed under Article 26 of the Constitution of the International Labour Organisation to examine the observance by Myanmar of the Forced Labour Convention, 1930 (No 29)", Geneva, Switzerland, July 2, 1998.
- 23 - Nonviolence International, "Landmine Monitor Report 2000, Burma-Myanmar," Bangkok, Thailand.
- 24 - Ibid
- 25 - Ibid
- 26 - Information in *landmine section* thanks to informal discussion with Yeshua Moser-Puangsuwan, Nonviolence International, Bangkok, Thailand, May 2004.
- 27 - Nonviolence International, "Atrocity Demining in Burma 1999-2003 Landmine Monitor Special Report", Bangkok, Thailand, 2003.
- 28 - BI Internal sources, Mae Sot/Bangkok, Thailand, January 2004.
- 29 - BI Internal Source, Mae Sot, Thailand, December 2003.
- 30 - BI Internal Source, Mae Sot, Thailand, April 2004.
- 31 - BI Interviews with villagers from Kawkareik Township, 6th Brigade, Karen State, Burma, March 23, 2004.

Appendix 3: Summary of Information in Porter Interviews

Porters	Age	Ethnicity	Crime/ Sentence Length	Prison	Prison Experience	Battalion	Weight/ Days Walking	Porter Experience	Additional forced labour
Porter # 1	45	Burman	illegal lottery =1.6 yrs	Tharrawaddy	-lack of food/medicine -hard labor -received ICRC visit, but could not speak freely, did not receive their food/medicine	?	48 kg for 8 days	-lack of food/water -lack of sleep (2h/night) -beaten	-dug bunker
Porter # 2	24	Burman	deserter soldier =3 mths	Hintahada	-lack of food/medicine -hard labor -received ICRC visit, but could not speak freely, did not receive their food/medicine	?	48 kg ?	-beaten	-cooked for soldiers during fighting
Porter # 3	46	Burman	illegal lottery =6 mths	?	-lack of food/medicine/books -witnessed political prisoners separated and enchained. - received ICRC visit, but could not speak freely, did not receive their food/medicine	?	?	?	?
Porter # 4	35	Karen	no reason or sentence given	Thaton	-arrested and sent straight to the offensive area	?	>35 kg, for 15 days	-lack of food/water -witnessed extrajudicial killing of other porters	-dug trench -carried wa
Porter # 5	38	Burman	no reason or sentence given	Tharrawaddy	-arrested and sent straight to the offensive area	?	>50 kg for >4 days	-lack of food/water -3 days with no sleep -beaten and threatened	- dug bunker
Porter # 6	27	Unknown	murder =life sentence	Tharrawaddy	-given life sentence but was taken as a porter the same day	?	35 kg for >4 days	-lack of food, for entire days at a time -beaten -bound with rope	?

Porter # 7	27	Burman	unknown ?	Tharrawaddy	?	LIB # 701	? for 3 days	-lack of food -lack of sleep -beaten -threatened	-dug -carried
Porter # 8	20	Karen	stole a bicycle =4 yrs	?	-lack of food -received ICRC visit, but could not speak freely	LIB # 702 (with 80 other porters)	>30 kg ?	-lack of food/water -lack of sleep (2h/night) -beaten	-carried
Porter # 9	31	Burman	illegal lottery ?	Ma Ubin	-witnessed corruption and bribery	LIB # 701 (with 150 other porters)	42 kg 4 days	-beaten -witnessed porters being beaten, kicked, punched	?
Porter # 10	23	Burman	murder ?	Thaton	-lack of food/medicine -received ICRC visit, but could not speak freely	LIB # 705	>50 kg ?	-tortured, beaten -witnessed weak porters being left on path to die -lack of medicine	?
Porter # 11	24	Burman	sold state-owned items =6 mths	Thaton	?	LIB # 705 (with 25 other porters)	40 kg 4/5 days	-lack of food/medicine -beaten with guns -witnessed 60 civilians forced into portering -witnessed weak porters being left on path to die	-cut wo -built sr -bamboo -carried -foragec -vegetab -massag -officers
Porter # 12	19	Burman	stole some paint from his work =2 years	Ma Ubin	?	LIB # 701	48 kg ?	-beaten	;

Porters	Age	Ethnicity	Crime/ Sentence Length	Prison	Prison Experience	Battalion	Weight/ Days Walking	Porter Experience	Addi fort lab
Porter # 13	26	Burman	failed to pay back debt =4 yrs	Hinthada	?	LIB # 701	50 kg ?	-beaten (neck stepped on by soldier) -lack of food/sleep/medicine	-carried
Porter # 14	29	Burman	receiving stolen goods ?	Tharrawaddy	?	LIB # 702	48kg, then 20 kg 4 days	-witnessed porters being gagged, tied to trees, and left to die -witnessed shooting of weak porters on soldiers' orders	?
Porter # 15	22	Burman	bought a lottery ticket ?	Ma Ubin	-feet fettered -hard labor	?	>30 kg for 6 days	-lack of food -tortured, beaten with bamboo, punched	?
Porter # 16	45	Burman	illegal lottery =18 mths	Tharrawaddy	?	LIB # 702	?	-beaten with guns and green bamboo -witnessed weak porters left on the path to die	?
Porter # 17	25	Burman	murder =3 yrs	Ma Ubin	-feet fettered while in transport	LIB # 701	50 kg for 9 days	-lack of food/sleep -tortured, punched and kicked -threatened	-carry v -dig bur
Porter # 18	46	Burman	illegal lottery =18 mths	Tharrawaddy	- received ICRC visit, but could not speak freely (on threat of being sent to "dark cell"), did not receive their food/medicine	LIB # 702	?	-suffered same experiences as other porters in LIB #702	?

Porter # 19	44	Burman	deserter =7 yrs	Tharrawaddy	- received ICRC visit, but could not speak freely, did not receive their food/medicine, or the TV they offered	LIB # 703	40 kg 27 days	-lack of food/sleep -beaten with green bamboo, tortured (neck stepped on if he fell) -witnessed porters being gag, tied to trees, and left to die -lack of sleep -beaten	-carry v
Porter # 20	20	Burman	murder =4 yrs	Hinthada	?	?	40 kg 19 days	-tortured, beaten and kicked	?
Porter # 21	32	Burman	illegal lottery =2 yrs	Ma Ubin	-received ICRC visit, but could not speak freely, did not receive their food/medicine	?	?	-witnessed 30 civilians being forced into portering -beaten with green bamboo -threatened	-sentry -cut bar for 3 da -cookec soldiers
Porter # 22	20	Burman	?	Thaton	-hard labour -received ICRC visit, but could not speak freely, did not receive their food/medicine	LIB # 705	?	-lack of food/sleep/ medicine	

Acronyms

LM: Landmines

HMS: Porters used as human minesweepers by SPDC troops

Appendix 4: Porter Loads, Weight Table

Porters	Loads to carry	Total weight
Porter # 1	bag of : - shell - ammunitions	40 kg
Porter # 2	pack of ammunitions	48 kg
Porter # 3	unknown	unknown
Porter # 4	2 tins of 0.5 bullets 1 soldiers kitbag <i>Later:</i> 1 tin of bullet 1 soldier kitbag ½ sac of rice	35 kg 43 kg
Porter # 5	military supplies OR injured soldiers	50kg over
Porter # 6	6 big shells 1 soldiers backpacks	35 kg
Porter # 7	munitions food supplies	unknown
Porter # 8	6 larges shells and 3 small shells <i>Later:</i> Boxes of bullets	48 kg + 30 kg
Porter # 9	6 big shells 6 pyi of rice	42 kg
Porter # 10	6 injured soldiers (one at a time) rations	50 kg over
Porter # 11	rations and weapons	+ 40 kg

Porter # 12	bag of shells of 30 viss weight <i>Later: injured soldiers</i>	48 kg + 50 kg
Porter # 13	6 big shells ½ bag of rice <i>Later: injured soldiers</i>	50 kg
Porter # 14	1 battery charger 30 landmines 10 electric cables <i>Later: 1 ½ tin of rice</i>	48kg 20 kg
Porter # 15	2 large shells	20-30 kg over
Porter # 16	unknown	unknown
Porter # 17	10 big shells <i>Later: rations and injured soldiers</i>	50 kg
Porter # 18	unknown	unknown
Porter # 19	1 rice pot rations (for one person)	40kg
Porter # 20	8 big shells	40 kg
Porter # 21	unknown	unknown
Porter # 22	2 backpacks	20 kg
Porter # 23	unknown	unknown

Appendix 5: Porter interviews

❖ INTERVIEW #1

Age: 45

Lived: Kyaw Pin Kaw District, Pegu Division

Ethnicity: Burmese

Religion: Buddhist

Marriage status: married with six children, wife deceased, youngest two children studying

Occupation: seasonal labourer, works during harvest time but after harvest is unemployed

Q: Can you tell me a little of your background?

A: Burmese troops often came to my village and asked for porter fees and for free labour, they never paid us anything for this labour and on top of that we had to support ourselves whilst doing the labour. For example, we had to bring our own food. For this free labour we had to work on government projects like irrigation projects. We usually had to go for 22-25 days per month. So it was very difficult for us to survive concerning food, health and shelter. And in the summertime we had to pay taxes to the SPDC for our crops.

Q: How do they choose people to be porters?

A: Those villagers who have money can pay not to go and do this free labour, but people like me who have no money have to go and do the free labour. One person from each family has to go and do this free labour.

Q: What were you convicted for?

A: After last year's harvest I had no employment so I started to sell the underground lottery. I had no work and I was facing many difficulties such as food and my children's education. But then the police arrested me. They brought me to the police detention centre. They sent me to Kyone Pei Kauk detention centre. They arrested me on the 11th, 2003. After that they sent me to Kyone Pei Kauk court. On the 13th, they sentenced me to 1.6 years, to punish me. The next day they sent me to Tharrawaddy Prison. The prison authorities came and interrogated me.

Q: You said you were sent to prison on the 13th, 2003, but which month was this?

A: In March 2003, oh no, I remember, in January, 2003.

Q: Can you tell us about the situation in prison when you arrived there?

A: If I was slow to answer their questions they would beat me. They asked me for my home address and my parents' names. If people had money they could pay 500 kyat

Pictures from the video
 “From Prison to Frontline: Portering for SPDC Troops”
 Burma Issues, January 2005



Interview of Porter #1, Thai-Burma border, November 2003

Interview of Porter #3, Thai-Burma border, November 2003



Interview of Porter #2, Thai-Burma border, November 2003

Location of interviews, Thai-Burma border, November 2003



All people in this video are made unrecognizable, as sharing their stories can put their lives in danger

not to be interrogated and beaten. When I was in prison, we had to make bricks. I had to carry cement to make 300 bricks, every day. We would work from 7 to 10 in the morning. Then we would stop for breakfast. Then we worked from 12 until 4 in the afternoon.

Q: Were you given enough food?

A: We were given enough rice but not enough fish paste and it was fresh, not cooked fish paste. They never gave us any vegetables or meat. Sometimes the ICRC would come to visit, but prison authorities told us that if we had anything to report to the ICRC we should first tell them. So when the ICRC actually came we were not allowed to say anything. When the ICRC visited, the prison authorities prepared good food for us. But when they left, they took all the food away again. The ICRC was told that the prisoners get this food every day. But we never really received it. The ICRC left things such as cups and soap for prisoners. But we never got to use these things. The food they served when the ICRC came was curries and bean dishes, every other day we just got rice and bad fish paste. The ICRC also brought us soap, toothpaste, dishes and cutlery but the prison authorities took all this away once the ICRC had left.

Q: How long were you in jail for?

A: Over 4 months. During that time I also spent 1.5 months making mats because the prison authorities said they didn't have enough mats. I also had to make incense, each day I had to make 20,000 sticks. At night they would also make some prisoners spy or keep guard on the other prisoners.

Q: Can you tell us how you became a porter?

One day the prison authorities came with a list of prisoners. There were 150 names on it. At that time we did not realise what we would have to do. 100 of the people on the list paid between 20,000-40,000 kyat per person. Those who could not pay were moved to a different part of the prison and we were chained. The next day we were given a blue convict's uniform. Then we truly realised we would become porters.

Q: Who gave the authority to choose you to be porters?

A: The military batallion approached the prison and told them they needed 50 porters and then the prison authorities chose the prisoners to become porters. On September 7, we left prison to become porters. We stayed in Thaton for one night. The next day we travelled to Pa-an where we stayed at the military base. During this journey we were kept chained all the time. We were chained for 23 days. Then they unchained us and took us to be porters. We left Pa-an and then went to Mae Pleh. We arrived at Mae Pleh monastery where the troops gathered us.

Q: What load did they ask you to carry?

A: We were allowed to eat at 5 P.M., and then we were given enough rice for two people, but actually we had to share it with 5 people. Then they gave us bags with

ammunition and supplies. I had to carry ammunition for a rocket launcher. It was too heavy for me to carry.

Q: How much did it weigh?

A: The bag weighed over 30 kilograms. That night we left the monastery. We were only allowed to sleep for 2 hours that night and then we had to get up and continue to travel. At 12 P.M. we were allowed to stop and eat, then we had to cook for the soldiers. We then continued to travel until nightfall. The people who could not carry the bags were beaten and kicked. On the way I saw three porters, who were beaten and left in the forest. We wanted to go help them, but the soldiers would not allow us. We walked like this, with these heavy bags, for 8 days. Then we arrived at the military base at Maw Pa Thu Mountain. There we could finally put down our bags. All along the way, we were so tired. But we were not allowed to rest or drink.

Q: Did they beat you too?

A: Yes, they did. They beat all of us. They beat me three times with the butt of their rifle.

Q: Why did they beat you?

A: Because I was too tired to go on.

Q: Did they give you enough to eat?

A: No, they didn't. When we finally arrived at the top, we had to wait a long time. We were so hungry. Finally they just gave us only one cup of rice and some salt to eat.

Q: How many days did it take you to arrive at the base?

A: From Mae Pleh monastery it took us 8 days and when we finally arrived at the base they made us dig a bunker straight away. We had to work on this day and night. At this time the KNLA was firing on the Burmese base and the Burmese troops took cover in the bunker that we had dug. We had to take care of ourselves outside the bunker. We were forced to dig a bunker, but we never got enough to eat, we were never given enough food to eat or water to drink. The next day, another platoon came to our platoon, number 4. We were told that we would go to a landmine field and that we would have to go in front. I realised that if I did this, I would die, because I had seen other porters who had died of landmines. I didn't want to die for the Burmese Army so I thought it was better to try and escape. I escaped with my friend. On the trip from Mae Pleh to the Burmese base I saw many dead porters from stepping on landmines and this scared me, I did not want to end like this.

Q: How many porters were there?

A: At the monastery, 300 porters went to Mae Pleh. The rest went elsewhere.

Q: To where?

A: The other 300 went to Myawaddy.

Q: *To Myawaddy?*

A: Yes, 300 went to Myawaddy.

Q: *Did you see any porters get killed during the fighting?*

A: Yes. Many were shot in fighting and also many stepped on landmines. On the journey from Mae Pleh to the Burmese military base, I saw many dead porters from stepping on landmines. This really scared me.

Q: *How did you escape?*

A: We were told to go find the landmines but I did not even know what a landmine looked like. I also did not know how to clear landmines. When they told us that we would just have to walk in front, I decided to escape. We ran for three days without food and water before we reached the KNU base.

Q: *Did the SPDC soldiers threaten you?*

A: Yes, they did.

Q: *How?*

A: The Burmese soldiers told us: 'You are porters and you have to carry our loads as we order you to do. Even if you can't carry it anymore, you just have to do as you are told.' They always made us walk in front of them.

Q: *How did the SPDC soldiers threaten you before you escaped?*

A: Four porters had escaped before we did and the Burmese told us that their throats had been cut by the KNU. So if any of us tried to escape, a similar fate would await us. They said this to deter us from escaping.

Q: *How would you describe the way you were treated?*

A: Unjust, inhuman. They treated us worse than dogs. We all come from the same country, the same religion, the same ethnicity. I do not know why they treated us like this. It is unfair and unjust.

Q: *Do you plan to go back to Burma?*

A: If I go back now they will arrest and torture me so now I chose not to go back.

❖ INTERVIEW #2

Age: 24

Lived: Ler Poh Dan Township, Pegu division

Ethnicity: Burman

Religion: Buddhist

Occupation: Shopkeeper

Marriage status: Married, no children

Q: Before you joined the Burmese Army what did you do?

A: I stayed with my family and my parents. Two years after my father died I had a fight with my mother and told her I was going to visit my aunt in Ler Poh Dan. While I was waiting at the bus stop in Ler Poh Dan two soldiers approached me and asked me to show them my ID card. I told them I didn't have one and they told me that if I didn't have one then they would have to arrest me and I would be sent to prison. They gave me the option: "You can go to prison or you can join the Army?" They told me that people my age, I was 12, were welcome in the Army, and that they give you good food in the Army and if I didn't enjoy it then I could just stay for 5 years and then leave. At that time I thought it was a good idea, I didn't want to go to prison and I was angry with my mother so I didn't want to go home. I stayed for one day with the soldiers in Ler Poh Dan and then I was sent to Mingaladon, the main military base near Rangoon.

I was arrested on the 9th of November 1990, I was 12 years old, and on November 10, they made me sign a document that I had joined the military of my own free will. They told me again that if I didn't enjoy it then I could leave after 5 years, they also included this point in my agreement paper. After I signed this document they sent me to Mingaladon military base.

On December 6, 1990 I started military training at the training centre. In April 1993 they sent me back to Mingaladon from the training centre. After that I was stationed with a battalion in Thaton. LIB 118. As I was a new soldier I had to do everything the older soldiers told me to. When the platoon commander got drunk he would always make me do things for him. If I tell him I don't have time to help him then he would beat me up. The Sergeants always ask the new soldiers to work for them and they always tell us that the next day they will give us coffee or tea but we never receive it. They fed us good rice but we never got food like curries. They would tell us that on weekends we can go to town but we were never allowed to do this, we had to work every day. If we weren't patrolling then we would have to grow vegetables for the battalion, there were never any holidays. I stayed at Thaton for three months.

Q: What was your experience during this time?

A: I was treated unequally because the older and higher ranked soldiers would always treat the newer soldiers badly. The higher ranked soldiers would always drink together and if they weren't satisfied with you then they would just beat you up or if you said something back to them they would report you to the higher commander or detain you.

After 3 months we moved to Mae Tha War in Pa-an District for an offensive on the border at the Moei River. As I was a new soldier I felt very scared as it was my first time at the frontline. We passed through many villages to get to the border area. We stayed in these villages for 5-6 days, to study them and the area, and to find out about the KNU and their activities. We had no permanent base at this time, we just roved around, sometimes patrolling, sometimes fighting.

We had one particular fight with the KNU where four SPDC soldiers died. While we were fighting we had no idea where the bullets were coming from or how to fight back, we were very new and very afraid and didn't really know how to fight. We had no experience and we had no idea who was shooting at whom. Because we fought so badly, after the fight the commander beat us up, he beat me until I bled. When the fighting broke out I only shot when I was told to shoot. We patrolled this area for 2 months, after this we returned to a village but our platoon had run out of food. The commander ordered me to go to the village headman and get rice and chicken from him for us to eat. After 1 day the village headman came with the food but it was only enough for the higher-ranked soldiers to eat so we stole food from the villagers. The people who really suffer in this are the villagers.

Q: Did you experience any villagers killed by Burmese troops?

A: Yes. Villagers were accused of being KNU spies and are killed by the Burmese troops. One time a villager was killed when he met us on the path. Some of us didn't want to kill him but others said he might give information to the KNU and then we would get in trouble from our superiors so it was better to kill him. The Village Headman told us this man had no connection to the KNU, that once the KNU had come to their village but they had left again without any contact with the villagers. After this we went to another village and arrested a young boy and accused him of being a spy for the KNU. His mother came first and swore that he wasn't a KNU spy. They tied him up nevertheless and when his older sister also came to swear for his innocence one of the Commanders, Wey Lin, raped her. They only released the boy after they had raped his sister and beaten him up so that he had many wounds. I think it is inhumane to treat people like this.

After patrolling in Mae Tha War, they sent me back and then sent me on to a new place, Maw Po Kay in Mae Tha Lit are of Karen State. I stayed here for 4 months. While patrolling we would go in and out of many villagers, usually staying for 1-2 days. The villagers would tell us that the KNU were in such and such village but when we got to that village there was no KNU so we would just patrol the jungle. In the jungle there were many landmines. During the 4 months we were there, seven Burmese Army soldiers were killed and 11 injured by landmines.

Q: What is the relationship between the Burmese Army and the villagers?

A: When we entered the villages, the commander would talk with the Village Headman and the soldiers would always demand food and chickens etc. If they didn't give the soldiers the food then they would beat them up. Sometimes the commander didn't know that his soldiers were stealing from and beating the villagers, especially the commanders that were at the bases, not with the roving patrols. After operating here

for 4 months they sent us back and then to a new base at Kaw Moo Rah. I went to this base in 1994 and we exchanged positions with Division #44. Division #44 had left and we needed to replace them. We stayed here for 3 months. While at this base there was artillery fire from the KNLA. The Burmese soldiers retaliated but most of their shells didn't explode so it wasn't very effective. Some SPDC soldiers were killed during this battle. For example a Burmese soldier might fire 3 shells but only 1 would actually explode. Every day we had to dig bunkers and sometimes we would only eat once a day. During this time 2-3 Burmese soldiers would be killed every day.

Q: Did you use porters for this operation?

A: Yes. We called people from the villagers, we arrested or captured people who were travelling along the road, we would enter teashops and forcibly arrest men and put them on our truck. And we would just take people whenever we went through a village.

Q: How did you treat the porters?

A: Sometimes when the soldiers were tired they would just hand their equipment to the porters. Soldiers usually didn't have enough food so they would never share it with the porters, so the porters never had enough to eat.

Q: Did you see any porters shot or killed?

A: Yes. We had permission to shoot any porter that tried to flee because they didn't want the KNU to get any information about the Burmese Army. I personally experienced 3 porters being killed by Burmese soldiers. One porter couldn't bare the burden of his pack anymore so he asked to go home but they forced him to keep going and after we had climbed another mountain he tried to flee and a soldier just shot and killed him. Another porter actually confronted a soldier and said we are one, we come from the same country, is it fair to treat us like this? The Lance Corporal, his name was Kyaw Oo, said to him, are you confronting me? And then he shot him dead. With the last porter, in the night one of the guards fell asleep and the porter tried to flee. But there was another guard who was awake who saw him and shot him dead.

Q: Did you use prison porters or villagers?

A: They were all villagers, captured and forced to become porters. But at the Kaw Moo Rah base they used prison porters. When we were on patrol we used villagers as porters.

Q: How long were you in the army?

A: From 1992-1996 and then in 1996 I ran away.

Q: Why did you run away from the Army?

A: After the Kaw Moo Rah offensive I went back to the base and got treatment for my

wounds for one month and then I was sent to Maw Poh Keh base in Karen State. After that I was sent to Moo Tha Weh again and then I went home to visit my family. My mother urged me to leave the army because my father, when he was alive, hated the Army. She said to me that if I was determined to stay in the army then I should go and visit my uncle. But instead I went back to my battalion where I fought with my Commander's nephew and was put into a cell for 3 months.

After 1.5 months the Commander released me. At this point I started to think about listening to my mother and going home. I sold my 15,000 future bonus to someone for 8,000 kyat in cash and I went home. I stayed at home for 6 years. 6 years after I deserted, I went to another village to visit family. There was a military base in this village and they stopped me. They questioned me and asked me if I was a soldier deserter. Those 6 years I had always felt uneasy, like I could always be caught and like I was always on the run. So when they stopped me I simply said yes. I asked them to send me to Battalion 51 at Myan Aung. I stayed for 1.5 months and then they sent me to Hinthada Prison.

Q: How did they treat you in prison?

A: In prison they didn't torture or beat me but there was never enough food. The food they gave us in prison only weighed 0.25kg per person. The soup they gave us was made of salt and leaves, and the fish paste was so black that at first I could not eat it. If the prisoners could not eat it they would feed it to the pigs.

Older prisoners told us that in 2001 the ICRC visited our prison and brought medicine, like vitamins and many other medicines, and food, buckets, soap and dishes for the prisoners, and left enough for the prisoners to use. But when they had back pain, stomach-ache, fever or malaria and they asked for medicine all they were given was paracetamol. If your family has money and pays 1,000-1,500 kyat to the guard then they will get the proper medicine.

Q: Did ICRC bring food for the prisoners?

A: I don't know about this, only about the medicine and soaps.

Q: Did you have to work in prison?

A: Yes. I worked in the paddy field. They do not use oxen or buffalo, but they use humans who walk in line with hoes to dig up the ground. We also had to plant vegetables. Those of us who worked on plantations finished at 11 A.M. for lunch and started again at 2 P.M.-5 P.M.

Q: How many prisoners were in the prison?

A: When I left to be a porter there were 380 prisoners in the prison.

Q: How long did you stay in the prison?

A: I stayed in prison for one month.

Q: What happened after this month?

A: After this month, the prison authorities called us together and told us that we were to be taken to be porters. They selected a group of 40 men. Anyone who paid 30,000-40,000 kyat could stay in the prison, but those who could not were taken as porters. On September 6, 40 prisoners were taken to be porters. They first took us to Insein prison in Rangoon that day. We stayed there for one night. On September 7, they took us to Pa-an prison, where we arrived at night. We stayed there for one month.

Q: What did you do there?

A: We did not do anything there. They just kept us chained. But then the troops came and they took us with them.

Q: Where did they take you?

A: On September 30, we began our journey together with these soldiers. On October 1 we stopped at the foot of the Dawna Range. Then we went to Mae Pleh area. We had to carry a pack of ammunition that weighed 30 viss (48kg). Those who could not carry the packs got beaten. I didn't witness any porters being killed by the Burmese soldiers but many were beaten. We received only one cup of rice per person at every meal. Sometimes we would get one or two meals per day. Even from this one cup of rice the soldiers would try and grab a handful from each porter's cup. In the morning they would make us porters bring food to the frontline soldiers. Because it was in the middle of fighting, one porter and two soldiers got killed. I saw them lying behind me. One of the soldiers was a medic. After the fighting, they made us clear landmines. They also made us dig their bunkers. In the evening, when the fighting started again, we had to cook for the soldiers. When we returned to the base they beat me because the rice was not good enough. They did not care if we got killed during fighting. They just made us do all these things for them. And we were beaten, as they were never satisfied with our work.

Q: Can you remember the date and month when you deserted the army?

A: I fled the military in November 1996 and was arrested on June 7, 2003.

Q: How did you escape from being a porter?

A: They ordered us to carry heavy loads, but they never gave us enough food. I decided that if I would continue in this way, I would certainly die. So it would be better to try to escape. If I would be killed while on the run, so be it. At least I would have a chance to survive. Before we left Pa-an prison, other prisoners had told us to escape and run to the KNU. But the SPDC soldiers told us that the KNU would kill us. So I thought I would be lucky if I could reach the KNU. We ran away when we were cooking for the soldiers. We even took all the cooking pots, so they could not cook anymore. When we were escaping, one of our friends stepped on a landmine. He was badly injured, so we tried to carry him until we reached KNU. But he told us to leave him behind. As he was an SPDC deserter, he knew it was not far. He told us to run for our lives. He told

us, 'I am nearly dying.' Some KNU soldiers went back to get our friend but he had already died.

Q: What do you think about the SPDC?

A: When I was in the Army I thought what they did was good and I believed that what they did was always right. But now I learn that the activities of the Burmese Army become worse and worse. When I was a porter in the frontline I saw how they treated us and when I lived in my village I saw all the human rights violations they did. And now I think the Burmese Army has a very negative effect on the villagers as well. Because the villagers receive unfair treatment and they live under many years of oppression the villagers have changed from good to bad. The treatment of the villagers has changed the character of the villagers, they only see violence and oppression. For example the villagers only see the soldiers deal with things through money and violence so whenever the villagers have a problem they deal with it in the same way. Whoever has the most money wins or whoever kills the other wins. Villagers deal with their problems like this because it's the only way they see the Burmese Army treats people. It is destroying the unity of the community and it is mostly exacerbated by the SPDC.

Q: Can the farmers freely sell their rice?

A: After the harvest the villagers have to sell an amount of rice to the government who pay them a very low price for it. For some people who don't have enough rice they have to borrow from somewhere else so that they can sell it the government. For one tin of rice the government pays 500 kyat, but if people don't have rice to sell then they get fined 2,000 kyat per tin. After they have finished selling the rice to the government then they are free to sell for themselves. But in reality they have to sell to the government and then they have to keep some for themselves, so they don't really have any left to sell and make money for themselves. For those who cannot sell the amount of rice to the government then the government will confiscate their land and sell it to those who can pay money for it. After the SPDC came to power the people faced many difficulties, people don't have enough to eat and they can't afford to buy anything. A woman can earn 350 kyat for a day's work, a man maybe 500 kyat, but 1 viss of rice will cost them 325 kyat.

Nobody, nobody at any level needs this government. The government never does what it says it will. They say they will bring democracy. But they never gave us democracy and they never will.

❖ INTERVIEW #3

Age: 46

Lived: Tharrawaddy Township

Q: Can you tell us your story, why did you have to go to prison?

A: My crime was selling illegal lottery.

Q: *How long have you been in prison?*

A: I spent one month in detention and 5 months in prison.

Q: *Did the ICRC ever visit you in the prison?*

A: Yes I had experience with the ICRC. We would get enough rice – twice per day – but never enough fish paste. Every day, in the morning we would get yellow bean soup and in the evening we would get porridge and a small amount of fish paste. It was never enough so my family would come and bring me food as well. They would only give us one pair of clothes so my family had to also bring me clothes. If my family could visit then I would have enough to eat but if they couldn't visit then there was never enough. For every visit my family had to pay 200 kyat and they could only stay for 15 minutes.

Q: *Did you have anything to read, like books?*

A: There was nothing to read.

Q: *Did you meet any political prisoners?*

A: No, never. We stayed in cells with bars but the political prisoners stayed in cells with closed-in walls. They were always kept separately and they were chained.

Q: *What kind of support did the prisoners receive from the ICRC?*

A: The ICRC brought soap, medicine, food, and other things. But the prison authorities brought these things out only on the day when ICRC visited. When ICRC left, the authorities took everything away again.

Q: *Did they also bring medicine?*

A: ICRC also brought us medicine. But we never received it.

Q: *Is that the same for soap?*

A: It was for all things that they brought. They didn't give us any clothes.

Q: *Why did the prisoners not get the ICRC supplies?*

A: I don't know.

Q: *Who got these supplies?*

A: The prison authorities. They just shared it among themselves.

Q: What did you say to ICRC when they visited the prison?

A: When the ICRC visited the prison, they could choose anyone to talk to without the prison authorities listening. But before they came, the prisoners were told not to tell them the truth. So when they asked us questions we said that we were treated well, and that we had enough to eat.

Q: So you didn't dare to tell the truth?

A: No, because if we did, they would torture us. They put us in dark jail. The day of an ICRC visit we always got better food but no one ever dared to tell the truth to the ICRC.

Q: Did the ICRC get to see their supplies?

A: Yes, they got to see it. When the ICRC visited, we got good food, but only just for one day. When they left again we got the same meals as before, with uncooked fishpaste.

Q: Did prisoners suffer from it?

A: Yes, they do.

Q: Did any of the prisoners dare to tell the truth to ICRC?

A: No, no one.

Q: Did the ICRC visit the prison often?

A: Sometimes twice or once a month.

Q: How did you feel when the ICRC visited?

A: We could not share our ideas or feelings with the ICRC. If we did, the SPDC would put us in dark jail and they would torture us as well. We could not express any feelings, we could only tell what they order us to. The ICRC could choose any prisoner they wanted to talk to. From all prisoners, ICRC chose who they wanted to talk to, and then took this person to a 'safe' place.

Q: Did any other organisations visit you?

A: No. The ICRC came sometimes once a month sometimes twice.

Q: What would you say to the ICRC if you were to meet them now?

A: I would share all my feelings and experiences with them, the things I could not share when I was in prison.

❖ INTERVIEW #4

Age: 35

Ethnic origin: Karen

Religion: Buddhist

Employment: Shopkeeper

Lived: Lepudan Township, Pegu Division

Experience

One night at 11 P.M. when I was asleep, approximately 40 SPDC troops came and knocked at the door. I woke up and opened the door. The SPDC ordered that I go with them. I asked them what was the matter, what was wrong with me. They answered that I would know when we were at their base camp. I thought that the military had come to take me to prison because my shop license had expired.

When I arrived at the prison, the prison governor asked me why I had been sent to jail. I answered that I thought it was because my shop license had run out. He asked if I had brought him money and how much. He told me that if I didn't give him money then he would send me to the police. At 4 A.M. I got up and dressed in waterproof shoes and a hat. They also gave me a small plate. The SPDC gave me rice in a leaf and told me to eat it. They took me in a car and we traveled all day until 9 P.M. when we arrived at Thaton Prison. I hadn't eaten for the whole day and night. That night I slept in prison and in the morning the SPDC gave me one cup of boiled rice and they told me to eat that. After I had eaten they told me to get into the car.

One person from Myai Ga Lay had been caught by the SPDC as well and he had been handcuffed and his feet tied with wire for twenty-eight days. We were driven for a whole day in a car to Mae Pleh Monastery, and arrived at 5 P.M. They let us rest for just a few minutes and then the SPDC brought the loads for the porters to carry. After they had divided the loads, I had to carry two tins of 0.5mm bullets and a soldier's kitbag. We then had to follow the SPDC soldiers. On the way we just ate rice twice a day. When we arrived at Bhuha Hill I left one tin there and then had to carry half a sack of rice. After that we had to cross two or three mountains. At the top of the mountain, troops were fighting very heavily. Two soldiers and two porters died. One soldier and one officer - the leader of 100 troops - were injured. Porters had to carry the injured soldiers back to Bhuha Hill. They brought back milk, sugar and other food on their way back to the frontlines. Then we had to cross another mountain and we saw some porters in front of us who were with the injured soldiers.

I traveled like this for fifteen days and on the way I saw five porters who had already died. Sometimes I got a meal and sometimes I didn't. When I did get a meal it was not enough so I became weak. I saw with my own eyes the SPDC shoot and kill one of the porters. It tugged my heartstrings and I wanted to bury him but I didn't get the chance because the SPDC told me to dig a trench for them to hide in.

Usually when the SPDC gave us rice they only gave us three spoonfuls - as that wasn't enough we mixed it with banana shoots before eating it. My leg was hurt and

also my shoulders were rubbed raw and smelt bad. I couldn't work and I couldn't sleep but in this place I had to carry water four times every day. Whenever I carried the water I had to walk for one hour and half. With four other porters we discussed escaping. On October 24 at 7 A.M. when we went to carry water we managed to escape from the SPDC. Before we escaped from the SPDC we discussed the fact that if we had spent any more time in that place we would have died. The SPDC had told us that if we tried to escape they would shoot and kill us and that the KNU would kill us as well. But we didn't care about what they said.

The place that we escaped from had four porters left. All of them were old and were not strong so they could not work hard. I think that these four old men will die. I know that three porters had already died, one was Soe Min and another was Kyaw Myit who lived in Rangoon. The third one was Karen but I do not know his name.

❖ INTERVIEW # 5

Age: 38

Marital status: Married with three children

Ethnic origin: Burman

Religion: Buddhist

Employment: Farmer

Lived: Mei Hla Township

Experience

On September 22, 2003 at approximately 11 P.M, I was asleep in my house when the SPDC troops came and arrested me, put me in handcuffs and sent me to Tharrawaddy Prison. I stayed two nights in prison and then in the morning they put me in a car and sent me to the Myawaddy Township, Mae Pleh Village. At 5 P.M. I arrived at Mae Pleh. After dinner the chief officer divided the loads among the porters. At 8 P.M. we started to travel on foot with the SPDC troops.

For three days and nights we didn't sleep. We had to climb up and down mountains without enough food or sleep. Our loads were so heavy and our legs were so tired that we could not walk any more. The SPDC troops shouted at the porters who weren't walking hard enough. Even though we were tired and could not walk, the SPDC punched and kicked us and forced us to walk. If any porters could not work and fell down on the way, the SPDC would throw water in their faces and tell them that they were pretending to be weak. After that the porters struggled to carry on. But some of them could not stand up and said to the SPDC troops 'If you really want to kill me, then kill me now'. Some of the porters complained to the SPDC, who just kicked them. Some days they gave us food once a day, but on other days they didn't give us any. When we arrived at the troop camp we had to dig a bunker for the troops. Whenever the troops got injured they had to be carried to the back camp by the porters, who then had to return to the frontline carrying supplies back with them.

Because we had to work without rest we didn't care about life or death. We discussed escaping. On October 24, 2003 at 8 A.M. we escaped and are now safe.

Finally, I want to express that the SPDC do not care at all about the porters.

❖ INTERVIEW # 6

Age: 27

Religion: Buddhist

Employment: Casual daily worker

Lived : O Po Township, Pegu Division.

Experience

On September 10, 2003 I was sent to Tharrawaddy Prison for stabbing a man to death. I was given a life sentence but on that same day I was taken by car with 40 other prisoners to Mae Pleh Village in Myawaddy Township. At approximately 5 P.M. we arrived and after dinner the SPDC collected the porters and divided out the ammunition and tents between them. I had to follow the SPDC troops as a porter carrying six large shells and a soldier's backpack.

After three or four days my shoulders were rubbed raw and had a bad smell. Also I could not walk fast as my leg was injured. I complained but the SPDC just beat and kicked me - they did this for the whole of the journey. The other porters also suffered like me. Some days we weren't given any food, but if we did get food we had to share a small amount of rice between four or five of us. Because of the situation, we were all weak and tried to find banana shoots to eat with our rice. Because the SPDC were aware that we might try to escape, they tied us to a tree with rope.

When we arrived at the foot of the mountain the SPDC told us that in twenty-eight days time they would let us go. They said they would be getting new porters to replace us. But we did not believe them and our spirits were down and we did not feel well. Therefore we decided to escape. On October 22, 2003 at 8 A.M. when we went to fetch the water, four of us escaped.

❖ INTERVIEW #7

Age: 27

Ethnic group: Burman

Religion: Buddhist

Employment: Casual daily worker

Lived: O Po Township, Pegu Division

Experience

Because the SPDC troops needed porters, they asked the police to let them have prisoners. I had been a prisoner for nine months at Tharrawaddy Prison when I was taken from the prison and sent to Pa-an District. We started our journey for Pa-an District and the Mae Pleh Monastery after dinner at 7 P.M. I had to carry large munitions and I don't know what time we arrived. On the way we only rested for half an hour before continuing our journey.

I followed the troops for three days and my shoulders were rubbed raw. Because we didn't have enough sleep or enough food, I was very tired and my legs lost their strength so I could not walk fast. The SPDC troops beat and kicked us but we had to carry on. We had to climb up and down many mountains. I was hungry so I tried to find banana shoots to eat. Before we escaped we had to carry munitions and food supplies, and dig bunkers for the soldiers. We never rested.

When the big shells exploded soldiers and porters were injured and killed. Because of this I didn't care about dying. The SPDC said that if we escaped, the KNU would kill us anyway, but we didn't care. There were just eight porters left. Four of them could not work and I felt that they would soon die. We discussed how we could escape. At 8 A.M. the following morning, we escaped when we went to fetch the water. We arrived at the bank of a stream which we followed down to the Moei River. I felt very lucky that I had been able to escape and had not died. The troops that I followed were 701 Column.

❖ INTERVIEW # 8

Age: 20

Ethnic origin: Karen

Religion: Christian

Employment: Worked in a sawmill before he went to prison

Education: 4th grade

Lived: Pa-an Township, Karen State

I borrowed a bicycle from my neighbour to get to work on. When my neighbour found out he reported me to the police as he had not understood that I was just borrowing it. When my neighbour did understand the reason, he asked the police to let me go but they wouldn't, so I was sent to prison for 4 years.

Experience as a porter

In prison I was the head cook. On October 2 the prison governor told me that I was going to be used as a porter to carry military equipment. Forty prisoners were taken from the prison and the military car took us to Kaw Ke Raink. We slept that night in Aut Bo Del. The journey took about four hours. The next day we traveled to Thin Nga Nyi Nang and Mae Pleh and arrived in the evening. We had dinner and then the

military divided the equipment for the porters to carry. At around 8 P.M. we left and started our journey to the jungle.

I was carrying six large shells and three smaller shells which weighed more than 30 viss each (48kg). We walked all night until 3 A.M. when we were allowed to sleep. We were woken at 5 A.M. At dawn we entered one village and rested in a monastery. We left the shells in that area and then had to carry boxes of bullets into the jungle, up and down mountains, for three days. We arrived at another military camp on the frontline where we slept. Again the soldiers divided equipment up between the porters. When we arrived, eighteen porters had to fetch and carry water up the mountain. When we came back one of my friends and I escaped.

We hadn't gone very far when my friend stood on a landmine and his leg was blown off. I carried him for a distance and then we saw a hut so I put him in there. When I was carrying him I also stood on a landmine but luckily it wasn't live - I knew this because there was no cap showing. I was very weak and left my friend in the hut as I didn't have the strength to carry him. I continued my escape. I walked for many days until I saw some Karen soldiers and I told them my story. They went back to get my friend but he had already died as he had lost too much blood. He was aged 30, a Burmese Buddhist, who lived in Pegu Division. His crime was that he had killed a man and he had spent over two years in prison. We escaped on October 10, 2003. The troops that we were porters for belonged to Column 702. In all there were eighty porters.

The porters who could not walk and carry as they were too weak were persecuted by the military who tortured them by beating and kicking them. I was also beaten. All the time I was tired and weak - we didn't have enough food, water or sleep. Sometimes we were given no food all day so we had to eat leaves, banana shoots etc. I saw some porters who had been killed by landmines just lying at the side of the road.

Experience in Prison

I spent two months in a police jail and six months in prison. When I went into jail they taught me how to behave in prison so that I would not be beaten. When I was in jail, the ICRC came three times. When they came the warders gave us good curry to eat on that day only. When they didn't come we didn't have good food. When they came they met with three or four prisoners but I don't know what they spoke about. While in prison I had to cook and the others did agriculture, cleaning and building.

❖ INTERVIEW # 9

Aged: 31

Ethnic origin: Burman

Religion: Buddhist

Marital status: Single

Employment: Painter

Education: 4th Grade
Lived: Rangoon Township

I worked selling illegal lottery tickets. I would give the numbers and the money from the sale of the tickets to my employer from Ma U Bin town. She had to give this money to the township leaders and police chiefs - around 500,000 kyat a year. I sold enough one time to get more than 10,000 kyat in commission (for 100 kyat the commission was 20 kyat, 20%). I gave 12,000 kyat to the police one time. One month I should have paid 12,000 kyat but I could only pay 10,000 kyat which left me 2,000 kyat short. When the police found out they arrested me and put me in jail.

When I was arrested I wanted them to drop my case so I tried to bribe (with money) the lawyer, township leader and police chief. They advised me to just show an example of a ticket in court and not the ledger. My case lasted more than two months and cost me 500,000 kyat and they didn't let me off.

When I arrived in prison I gave money - about 40,000 kyat - so that I did not have to do hard labour and could also use a good toilet. When they said I was going to be a porter I asked for my money back but the prison governor said 'No' and I couldn't do anything about it.

Porter Experience

We left Ma U Bin Jail and went to Pa-an, later from Pa-an to Kawkareit, Thin Ga Nyi Naung, and then we arrived at Mae Pleh Monastery. After dinner the soldiers divided the supplies and shared the loads between the porters to carry. I carried six big bombs. On the way they insisted that I bring six pyis of rice as well. The military column that we followed was Column 701. There were approximately 200 soldiers and 150 porters. The farmer's harvest had ended and the military crossed their fields. We travelled two or three days and then we arrived at The Ka Yah camp. They usually called this place 'Strategy Hill'. When we arrived there I fell down because my load was so heavy. Because I could not carry any more, my friends had to carry 2,000 cartridges each. Because we lost our strength the soldiers beat us. Then three porters and I discussed escaping. We escaped immediately. I was a porter for just four days. When I was portering I saw some porters being beaten, kicked, bruised and punched. Those were porters who could not work and I had to carry them. Some porters were brought to the DKBA camp and I saw some faint. I saw this truth with my own eyes.

❖ INTERVIEW #10

Age: 23 years
Ethnic origin: Burman
Religion: Buddhist
Marital status: Married
Employment: Farmer
Lived: Na Mau Township, Magway Division

First of all I was a prisoner in Thayat prison. I was then moved to Thaton Prison and after that I lived and worked in a work camp outside Thaton Prison. I was taken from there to be a porter. I stayed in Thaton Prison for one and a half months and then in Pa-an Prison for four days. I went as a porter with military troop 705 to Hlain Bwe, Wain Htaw and Shan Yar Thit, Kler Day Military Camp. In that area I had to carry wounded soldiers. I had to carry six wounded soldiers including a column leader and a sergeant back to the base camp. I also carried rations. Two soldiers and one government worker (a teacher) died. The teacher had been used as a porter and his name was Aye Min Oo, aged about 20 years. He died in a landmine accident.

In Kyunpin Kauk Township, Pegu District, I saw some of the porters who could not carry any more at the side of the path. I did not know their condition or whether they would die or not. The soldiers tortured the porters and kicked and beat them. Among these porters was one called U Khin Thaung aged about forty. He was thirsty and had no energy and I heard him say to the soldiers 'If you want to kill me, you can. Kill me.'

I had a fever and had no energy or strength and I asked for some medicine to take but the soldiers replied 'we don't have any medicine for you.' I felt depressed and my spirits were down so I decided to escape. On October 4, 2003 I asked permission to go to the toilet and I fled.

Reason for imprisonment

I became a killer through my own mistake. I killed a cow to eat and had a lot to drink. When I was drunk I accidentally killed a man with a knife. The village that I used to live in had about 150 households and mostly these people were farmers.

Experience in prison

In the first prison they fed us meat three times every two weeks and if we became ill they only gave us paracetamol. The prison warders told us when the ICRC were coming to visit us and told us that if the ICRC asked about the situation in prison we should answer that 'everything is going well with us'. Actually we had many things to tell them but we were too afraid of the prison warder so we dared not express them. If we had told the truth we would have been punished more.

The prison warder told us that if we became porters for the military we would not have to go back into prison. We knew that porters do not get released from the military and that nothing would change, there would be no benefit to us. It would be like pouring water onto sand.

Life before prison

Some villagers in my village had to sell their farms and move to another village. The reason was that they were not happy with the situation. If we had 100kg of rice then we had to sell 50kg to the government very cheaply. If we hadn't enough to sell to them then they would take our fields by force. Even though we were ethnic Burmese

the Government treated us in a similar way to the Karen and other ethnic people. This is the experience I lived through. We did not have educated people in our village - either young or old. Mostly these people liked to drink but I never saw them using drugs. I have heard that rich people in the city use drugs.

❖ INTERVIEW # 11

Aged: 24 years

Ethnic origin: Burman

Religion: Buddhist

Employment: Industrial labourer

Education: 8th Grade

Address: Kyiet Hto Town, Mon State

Prison: Thaton

On September 7, the Burmese military troops (IB #28) took myself and other prisoners and sent us to Pa-an Prison. We stayed at Pa-an Prison for nearly one month. On October 2, the Burmese troops sent us to Ling Bweh Township, and the villages that we moved around in were Phi Nhew Htaw, Whing Daw, Kyaw Ta Lay and Shan Ywa Thit where the Burmese military headquarters were. We became porters and carried rations, weapons and other items for the Burmese military. They divided our porters between two battalions - 25 went with LIB 705 and 85 to another. In each column there were 60 soldiers. The commander was called Ba Lay.

When we had been carrying things for four or five days, the soldiers caught 20 villagers from Whing Htaw to become porters. The Burmese commander divided 20 porters for LIB 705 First Column, 20 porters for LIB 705 Second Column and 20 porters for LIB 710.

On October 7, we carried our loads to near the headquarters at Ying Kwe Thaug with LIB 705 Second Column. There was fighting between Burmese soldiers and Karen soldiers. Nine Burmese soldiers were wounded and one was killed. Also one of the porters was wounded.

When we stayed with LIB 705 First Column, we cut wood, looked for vegetables, carried water, and at night time had to massage the officers. We did not get enough food, they just gave one small tin (25g) of rice between two people. Sometimes we mixed it with banana shoots. Many days we were weak and tired and couldn't carry the things.

When we couldn't work, they beat us with their guns. The soldiers made the porters who did not carry anything follow them. And I saw two soldiers dragging a porter who could not carry. I thought for a moment that the porter was dead as he didn't move. He was left at the side of the path and I know that if the local villagers didn't see him he would die.

When we were ill, they didn't give us medicine. When I looked at the soldiers, out of 100, about 50 of them were ill. I was very unhappy about this experience and felt that I would like to escape. If I had stepped on a mine I wouldn't have cared because I felt that if I died, it would be better than staying with the soldiers and being a porter.

On October 18, they gave me the order to cut the bamboo and build small huts. I was then able to start my escape.

Reason for imprisonment

I sold state-owned items illegally for 8,000 kyat from where I was working. The owner reported me to the police and I was sent to prison for six months.

❖ INTERVIEW # 12

Age: 19

Ethnic origin: Burman

Religion: Buddhist

Employment: Painter

Lived: Rangoon Township

I was working for a wealthy person painting his house and I got 700 kyat a day.

One day I made a mistake and gave my friend a little paint. My wealthy employer went to complain to the police and so I was sent to Ma Ubin Jail for two years. I was in jail for just seven months when on September 2, 2003 the military came and took me and another prisoner to be a porter. First we were sent to Pa-an Prison where we spent one month.

On October 3, the military took the prisoners from Pa-an Jail and sent us to Kawkareit, Thine Ngah Nyi Naung and Mae Pleh village. The column that I followed to Mae Pleh was 701 Column. This column officer's name was A Pa Gee.

I had to carry a bag of shells which weighed over 30 viss (48kg). We carried our loads through the forest. If we couldn't carry on then the soldiers would kick us and intimidate us. I couldn't go on but there was another porter who also couldn't go on and I carried him to the nearby DKBA military camp at Lack. I also had to carry injured and dying soldiers to the camp.

I saw another porter who the soldiers had wounded who was demoralised and could not manage to go on. We discussed escaping and on October 11, 2003 my friend and I ran away from the military camp which is called Bhuha Hill.

❖ INTERVIEW # 13

Aged: 26

Ethnic origin: Burman

Religion: Buddhist

Marital status: Married with two children

Lived: Hinthada City, Irrawaddy Division

Prison: Hinthada Prison

Experience as a porter

In August I was taken from the Hinthada Prison to Insein Prison. After that I was taken to Pa-an Prison where I stayed for one month.

On September 20, 2003 the military came and took some of the prisoners from Pa-an Prison. We travelled for a whole day in a military car to Mae Pleh Monastery. We ate dinner and afterwards were divided into groups. The soldiers also divided what we were to carry. I carried six big shells. That night we departed at 8 P.M. and walked all night. I had 30 minutes sleep. The column that I was following was 701 Column and the officer in charge was Major Win Myint Tun. We traveled for three days and I also had to carry half a sack of rice.

I was very weak and I slipped over beside the path and a soldier stepped on my neck. I suffered a great deal of pain and the soldier gave orders to leave me to die. I couldn't manage so my friend Kyi Aye carried me on his shoulder to a place where we got to take a rest for a few minutes. I became stronger and was able to manage my load and continue forward.

When we arrived at the high hill, a porter named Py Soe stepped on a land mine and was killed. We buried him at that place. The soldiers ordered the porters to disarm the landmines and make a path.

We didn't get enough food and sleep so we lost energy. We cut wild banana shoots to eat. The heavy rains came when we didn't have enough strength so we sat down and slept. In the evening we had to carry water from the foot of the hill. We didn't get to drink the water that we carried to the camp. In all the time that I was a porter we didn't take a bath.

We were given food twice a day - each time four people had to share rice from the lid of a mess tin. We ate rice and salt and banana root for five days. We went forward again and a battle happened so porters and soldiers were injured. I saw the soldiers' doctor didn't treat the porters the same as they did the soldiers. They didn't care about the injured porters. We had to carry the injured back to camp. This happened with 704 ILB and 701 LIB. 701 LIB went forward and we came to an old car road and continued the operation. Not much further we arrived at a KNLA ambush patrol with a fence. I saw two huts. The leader of 701 LIB troop sent a message to 'strategy hill' about it. Then the reply came from 'strategy hill' saying not to shoot but to take care of ourselves. In the ambush patrol there was a big land mine but they just took photos.

The leader commanded the soldiers to retire a little from this place and make a camp. That day I was very sick so I tried to escape. It was October 14, 2003.

When I lived in my village I worked with a rich man. He asked me to go and buy pigs from another village and gave me 240,000 kyat. I gave this money to my friend in another village for him to buy the pigs. A little later on the rich man asked for the money back. I went to ask for the money from my friend, but he told me that he couldn't give it to me. I came back, explained to the rich man, and asked him to wait for me to get the money from my friend. But he didn't agree and put me in the hands of the police. Later the magistrate punished me with a four year jail sentence.

❖ INTERVIEW # 14

Aged: 29

Ethnic origin: Burman

Religion: Buddhist

Marital status: Married with two children

Employment: Pawnshop owner

Address: Lat Pa Tan Township, Pegu Division

When I lived at home, I cultivated the hillside and also opened a pawnshop. One person came to pawn a bicycle but it had been stolen. I was charged with receiving stolen property and was sentenced to jail. On September 2, 2003 I left Tharrawaddy Jail to go to Pa-an Jail. For the time that I was in Pa-an jail I had fetters on my ankles for a long time (one month).

On October 2, 2003 we left Pa-an Jail and traveled to Mae Pleh Village. We arrived in the evening, after eating dinner the column was divided into groups, and also the loads were divided. After about 8 P.M. the column left. I was carrying a battery charger, 30 landmines and also ten electric cables. Altogether the weight was about 30 viss (48kg). Later I carried rations - one and a half big tins of rice. I was carrying this for four days. We crossed many forests. One time big weapons (mortars) rained down on us and exploded and two porters were killed. They were Soe Main, 30 years old, and San Twien, 19 years old.

Two soldiers also died and a column leader lost a leg. At that time three of us porters ran away. The other two porters tripped on a trip-wire and died immediately and I was wounded in the chest and leg. I tore my shirt off and pressed it on my chest to stop the bleeding. In the forest there was no path and I walked for six days. I was hungry so when I saw any fruit - that was edible or inedible - I ate it. Finally I came to the Moei River. The column that I followed was 702.

Two porters on that journey were so weak that they could not carry on. I saw the SPDC soldiers tie their hands behind their backs, gag them, and then tie them to trees beside the path. I believe that these two porters would have died. I saw another porter kicked and beaten by the soldiers. When we arrived at the next place it was dark. An

officer told the column leader that there were two porters who could not manage and asked him what they should do. I heard the column leader give the order to shoot them dead. I heard the sound of the guns and I knew that the porters were dead.

Finally I want to say that we (porters and soldiers) were all Burmese. It was shocking how inhumane they were to kill us like animals. It makes me feel ill. When I met other porters who had escaped they told me that my brother had been killed by a landmine. When I was in jail I knew that my brother was a porter.

❖ INTERVIEW # 15

Age: 22

Ethnic origin: Burman

Religion: Buddhist

Marital status: Married

Lived: Nung Don, Irrawaddy Division

Prison: Muhubin Prison

Crime: Bought a lottery ticket

Date to prison: April 16, 2003

Reason for imprisonment

While I was learning the art of jewellery making, the head of the village and the police came to ask for the electricity fee. When I took the money out of my pocket, I took a lottery ticket out as well. They saw it and the police arrested me and put me in jail for six months. I entered the jail on April 16, 2003 and was kept there with fetters on my feet.

Experience in prison

On September 16, 2003 the military took forty prisoners to work in a work camp outside the prison. After that, they took us on a military bus to Pa-an. We arrived on October 4, 2003. I saw a lot of soldiers but I don't know how many. The other people said there were about 600 porters. They sent 300 porters to Myawaddy. The remaining 300 porters were sent to Mae Pleh. We arrived at Mae Pleh at night and the military troops immediately departed.

I carried two large shells. After four days we arrived at the strategic military camp. On the way the soldiers tortured us in many ways - they beat us with bamboo, punched and kicked us. We continued for another two days and then I saw one porter who had lost all his strength and energy and was in shock. He fell to the side of the path and the soldiers poured water on his face. He just didn't have enough energy to carry on. Similarly another two porters couldn't work. These three porters were sent to the nearby DKBA military camp.

They just fed us rice twice a day, which we ate with salt. We just had the lid of a cooking tin full (about 20g) between four people. We couldn't manage so I discussed escaping with my three friends. We then had the opportunity to escape safely.

❖ INTERVIEW # 16

Aged: 45

Ethnic origin: Burman

Religion: Buddhist

Marital status: Married with six children

Education: 4th Grade

Employment: Casual labourer

Lived: Joe Pin Ghat Township, Pegu Division

All the people who lived in my village had to work hard. If you worked one day you got money for one day - you were only paid for the days you worked. So the villagers found it very difficult to earn money. Most of villagers played the lottery but the government didn't allow it. If the police caught anyone playing the lottery, they would send them to prison. The people who ran the lottery had a lot of money and would bribe the Township leaders and police so that they didn't get into trouble. They could open the lottery twice a month. The villagers played the lottery for a long time. Some people, who played the lottery, sold their belongings so that they were able to carry on playing. I couldn't see the people playing the lottery becoming wealthy. I sold the lottery tickets for the lottery owner. I got 20% of the ticket sales. Last year the government gave orders to catch people taking part in the illegal lottery and that time the police caught many people including me. They gave orders for me to stay in prison for one year and six months. The police caught me on March 13, 2003 and put me into Tharrawaddy prison.

Experience as a porter

On September 7, 2003 the Burmese military took out forty prisoners and they sent us to Pa-an prison. We stayed in Pa-an prison for 24 days with fetters on our feet. On October 2, 2003 the military took out us from Pa-an prison and sent us to Mae Pleh by military cars. We arrived in Mae Pleh in the evening when the sun had set. When we had finished our dinner, the soldiers divided the porters and issued the loads that we should carry. That night we started our journey following the troops in LIB 702. Along our journey, we climbed up and down mountains, we became weak, and we couldn't move our feet. When we couldn't carry the loads the soldiers started to beat, kick and punch us. When we came back to the military headquarters, I was very weak and couldn't carry my load. One of the soldiers beat me with his gun. When I lay down on the ground, one of the porters came and helped me. And I saw that one of the porters had died at the side of the road. I think he was 25 years old. Another young porter had been beaten in the face with the top of green bamboo and the blood was flowing in his face.

At another place - called Maw Pa Thu Mountain - I saw one of the military officials step on a landmine and lose one of his legs and two soldiers were wounded. When we went forward, I saw a porter who had been killed by a landmine. We stayed on the mountain, the soldiers gave orders for me to clear the mines around that area. I stayed for three days clearing the mines. I couldn't believe that the Burmese soldiers could treat other human beings like this.

❖ INTERVIEW #17

Aged: 25

Ethnic origin: Burman

Religion: Buddhist

Marital status: Married with children

Education: Monastery student

Employment: Casual labourer

Lived: San Kin Section, Danu Pyu, Irrawaddy Division

Prison: Ma Ubin Prison

Crime: Stabbed a man

Sentence: 3 years in prison

Experience as a porter

My friend and I were taken by military car - with fetters on our feet - on October 2, 2003. We were taken to Pa-an Prison where I stayed for four days. The next day we were taken by military car to Mae Pleh Monastery. We traveled the whole day. We were given rice to eat. Then the military divided the shells between us. We left at around 8 P.M. with the military troops. My friend and I had to carry twenty big shells between us. After nine days we stopped and made a camp and were able to rest. I was following the troops of Column 701. Along the way we didn't get enough food or sleep and no rest - we just had to walk so I became very weak with no energy and couldn't carry the load any more. At that time the soldiers tortured us - they punched and kicked us. I felt this and saw it with my own eyes, it is not a lie. Some porters just could not carry on at all and the soldiers left them in the DKBA camp. The Burmese soldiers said to us 'If you try to escape you will be caught by the KNU rebel troops who will slit your throats with a strip of bamboo.'

As well as the load I have described, we also had to carry rations, wounded soldiers and water and dig bunkers. There was a lot of work. My friend and I discussed escaping. On October 10, 2003 we were sent to collect water as it had run out, and we made our escape.

I pray that this is the first and last time that I have to be a porter.

❖ INTERVIEW # 18

Age: 46

Ethnic origin: Burman

Religion: Buddhist

Marital status: Married with four children

Employment: Casual labourer

Lived: Thi No Kyi Village, Theya Wa De Town, Pegu Division

Prison: Thayawaddy Prison

Crime: Illegal lottery

Sentence: Eighteen months

Experience

I was sentenced to prison for taking part in the illegal lottery. My experience was not that different from other prisoners' - it was the same. The reason that I want to make a statement is that in December 2002 when I was in jail I saw some ICRC visitors. The prison governor told us before they came 'If ICRC asks you any questions, don't say anything. I will tell them what you need - like food, clothes and medicine.' If the ICRC officers asked if everything was comfortable for us in prison he ordered us to answer that 'Yes, everything is comfortable'. If we had said 'No' we understood that we would be put in the 'dark jail', a cell with no light, for six months. In previous years, when the ICRC had visited, there were three prisoners who answered the truth. When the ICRC left, the military put them in the 'dark jail'. After the ICRC left this time the military didn't give us any medicine or clothes. Because we were prisoners we were afraid of the military so we just followed their orders.

I also suffered following the military Column 702. There were just two of us who escaped together. When we escaped, I had no strength left at all but he took care of me very well. When I could not walk, he carried me on his back.

When I was in jail, I had thought that if I had to be a porter I would die while I was portering through hunger and thirst. When I escaped I realised that my life was not over and I felt very lucky. The KNU group gave us food, clothes and medicine - everything that we needed they arranged for us. They made us comfortable and took care of us very well.

Finally I want to say that the way the military treated us was inhumane. We lived in fear of them and had to obey all their orders.

❖ INTERVIEW # 19

Age: 44

Ethnic origin: Burman

Religion: Buddhist

Marital status: Married with three children

Employment: Trishaw driver
Lived: Hinthada Town, Irrawaddy Division
Prison: Tharrawaddy Prison
Crime: Deserted from the army
Sentence: 7 years

Until I was 15 years old I lived with my parents. Because I didn't listen to my parents' instruction, I joined the military and became a soldier. The battalion that I followed was IB 35. When I was in training I got a salary of just 115 kyat - that was in 1974. I was a soldier for 17 years and just lived in battalion headquarters mostly during that time. Sometimes I followed the column but I didn't see the military taking the porters like they do today. When I was a soldier my rank was second corporal and my salary was 210 kyat. Later I started to think that if I got married I would need more money to support my family. If I was a soldier I couldn't afford to feed my family so I decided to desert back to my parents and just work as a lay worker. I have been a trishaw driver for 17 years. The military knew I had deserted, the police caught me and put me in jail. Because I didn't ask permission to leave the military, as I should have done, I was beaten ten times and sentenced to seven years in prison, with heavy work and handcuffs. After that, in 2003, I was moved to Tharrawaddy Prison. Now if I go back to Burma, and the police or military catch me I will be put into jail for longer.

Experience of the ICRC

In April 2003 when I was in jail I saw some ICRC visitors, as the jail was connected to the ICRC. I heard that they bring supplies for the prisoners like water barrels, troughs, cups, plates, food, clothes and especially medicine. We knew that they came with these things - the prisoners do not get enough food so they feed them. Also we know that they gave money to the jailer to buy a television for each room. We know that they had brought these donations but after they had gone we didn't see anything. The days that the visitors came we had nice food. But the prison didn't buy the TV that the ICRC asked them to buy - they just borrowed one from outside, put it in one room for the night, and showed them. In our jail there were 7 'cell blocks' with four rooms in each so we had 28 rooms. Just one TV for 28 rooms cost 6,000 kyat to loan it. This money was collected from the prisoners. The prison warders stopped the electricity between 6 P.M. and 7 P.M. because that is when the news is on TV. They put it back on between 10 P.M. and 11 P.M.

When I was in Tharrawaddy Prison the military took 50 prisoners and took us to Thaton jail and then from that jail to Myai Ga Lay. Finally we departed jail by military car for Mae Pleh. We arrived that night and immediately left with 703 Column. The military supplies that I had to carry were a rice pot. I was a porter for 27 days. Mostly in my experience it upset me to see the porters whose shoes and clothes were all broken and ripped. Also their shoulders were rubbed raw and they didn't have enough food and sleep. When we lost our strength we couldn't carry and walk so the military kicked us and beat us with green bamboo. Those who fell down and could not walk were beaten with guns and the soldiers stood on their necks. One old man who was 50 years old had his hands and legs tied up and then he was tied to a tree at the side of the path. Also, one young man, 20 years old, couldn't carry anything anymore so some other porters helped him. This took place before we arrived at

'strategy hill'. Later another young man couldn't walk and carry so the military left him under a bamboo bush. Later we came back the same way to get rations but we didn't see the two porters that the military had left there. The next day, one or two mortars rained down and exploded, two porters died immediately. Also one major, one corporal and one soldier were badly injured. When we moved forward there was a porter who was weak and couldn't carry on so the military tied his hands and legs, gagged him with a cloth and tied him to a tree.

When the porters were hungry they would look for banana shoots. The column continued to go forward. When we arrived at an old road, the major said that we would soon see a clinic and a barn but we weren't to go near them. When we continued we saw a checkpoint and two or three bunkers. When the soldiers inspected the place they saw a pot of rice, a full canteen of water and a back pack. The soldiers ate the rice and drank the water. Then afterwards they checked for mines. Suddenly a mine exploded and one corporal and one officer were wounded and a sergeant died immediately. We buried him on the hill. Later on another mine exploded - two soldiers lost legs and one of the men was injured in the thigh. When we were carrying the injured soldiers one porter stood on a mine and also died. Also another sergeant was wounded and died the day after.

In the 27 days that I was a porter I only saw bad things. The people had no strength and their morale was down. We discussed escaping, because if we continued to live like that in their hands, we would have died. We had a good chance to escape when we went to fetch water so we escaped immediately.

The feelings that I would like to express

Our country is controlled by a bad military government who oppress the people. My experience has made me feel like this so I don't want to live under a bad government anymore but I can't do anything about it and have no idea what I can do. When I look at the cities and towns I see the wealthy people who have a relationship with the government, which means that they can become wealthier. The political party formed by the SPDC is all-powerful, like kings. We are afraid of them. For many years we have felt oppressed and felt that they are exploiting us. We want our freedom. I wish that the military government falls down.

❖ INTERVIEW # 20

Aged: 20

Ethnic origin: Burman

Religion: Buddhist

Marital status: Single

Employment: Farmer

Lived: Shwin Gin town, Irrawaddy Division

Prison: Hinthada Prison

Crime: Murder

Reason for imprisonment

I am the eldest of my brothers and sisters. I have a younger sister and she is 18 years old. She is in the 6th Grade and attends the middle school. One day when she went to school a young man followed her and gripped her hand and expressed how he would love to fall in love with her. I saw it and stabbed him with my knife in his stomach and he died. So I became a criminal, our parents gave a bribe to the judge of 300,000 kyat, and the judge reduced my prison sentence to four years.

I had been in prison for one month when the military took me out and sent me to Pa-an Prison. In my prison there were forty prisoners including me. On September 30, 2003 we departed from Pa-an to go to Mae Pleh as porters with a military column. I was carrying eight big shells and I was a porter for about 19 days.

I had many experiences as a porter. I was carrying heavy loads without rest so I lost my energy and I couldn't work. I was beaten by the soldiers. When we arrived at one place one of the porters had to take a rest under a bamboo tree. When he sat down a mine exploded and half his buttocks were blown away. He died later. His crime was being a deserter from the Burmese army.

We continued our journey and I saw a porter with another military column step on a mine. He was 20 years old and his name was Tun Naing Oo. The soldiers were wounded every day and we carried them. I was depressed - I saw a chance and I escaped.

Now I have escaped but I don't think about going back home. I do not dare to go home. If they re-arrest me I will have to go into prison for longer.

❖ INTERVIEW # 21

Age: 32

Ethnic origin: Burman

Religion: Buddhist

Marital status: Married with one child

Employment: Bicycle taxi driver

Lived: Hlai Tha Ya, Rangoon

Prison: MaUbin

Crime: Illegal lottery

Sentence: 2 years

Reason for imprisonment

I worked as a bicycle taxi driver and my wife sold illegal lottery tickets. One day she was sick and needed to take the vouchers, the ledger and money to the banker. As she was ill I had to take them for her. I went to see the banker, but on the way I stopped in a teashop and drank a cup of tea. Then the police came and arrested me and took me to the police station. In the police station they took off my handcuffs and searched me.

They saw my voucher and the ledger and they asked me to pay them 80,000 kyat but I couldn't pay them. They sent me to court. I couldn't hire a lawyer because it cost 30,000 kyat. They gave me 14 days and again 7 days to find the money and the lawyer but I couldn't. Later I was sentenced to jail for 2 years with hard labour.

Experience in prison

When I arrived in the jail I couldn't pay the bribes so that I didn't have to do heavy work and to get a good toilet. After four months in jail, one day the soldiers came and took me out and sent me to Pa-an Prison. When I was in jail the ICRC came to visit. Before they came, the prison governor told the prisoners that if the ICRC asked us how things are in prison then we should answer that everything is very good. I knew that we should tell them this as I had heard that in the past when the ICRC had come to visit some prisoners who told the truth suffered torture afterwards. So we didn't dare to tell the truth - we just told them what the prison governor had commanded. I heard that if the ICRC visits prisons they give charity such as clothes, kitchen materials, food and medicine for prisoners who need it. But later we couldn't see anything that the ICRC had given used in the prison. The day that the ICRC came to visit, the prison prepared good food for the prisoners. We woke up early in the morning and were given breakfast as we normally had. When the ICRC came to the prison they looked in the kitchen and saw good food. They asked me if we were given a meal like that and we replied that we were. Later I found out that the ICRC who came and checked the jail took three or four prisoners and spoke with them in the chapel to get information.

In the prison that I was in there were more than 200 male prisoners and 300 female prisoners. I know that the crimes that prisoners were jailed for included illegal lottery, murder, rape, abduction, robbery, burglary, stealing, car accident, stabbing, and political reasons. The police told me that there were more than one thousand cases.

Experience as a porter

The evening that I arrived in Mae Pleh village, I had to follow the military as a porter. I carried a load, as did the other prisoners. In the jungle we had to walk day and night and it was very hard and difficult. Along the way some porters couldn't walk or carry the equipment and we suffered - the soldiers beat, kicked and tortured us in many ways. I saw this and I suffered as well. When I was in this situation, I thought about trying to escape. I didn't care about landmines or being killed by the Karen soldiers. So I escaped.

❖ INTERVIEW # 22

Aged: 20

Ethnic origin: Burman

Religion: Buddhist

Marital status: Single

Employment: Farmer

Lived: Ma Ubin Township, Irrawaddy Division

Prison: Thaton Jail

Experience

In September the military took me from the jail and put me into Pa-an Prison. Approximately 20 days after that the military came with three cars and took out 150 prisoners - most prisoners were from Ma Ubin Jail, Thaton Jail and Pegu Jail. Twenty-five prisoners went with Light Infantry Battalion 28. Those who were left they sent to Pa Noi Taw Village. The next day we followed 705 Column to Wai Taw Village school. Here they shared out the loads between the porters. I had to carry two backpacks. Also in that place they gave 20 prisoners to be porters with 710 Column and 20 to be sent to 'Strategy Hill'.

On our journey, we saw some camps - at each camp they left five or ten porters. Some villagers from villages near to the camps also had to carry some military equipment. I saw the military beat an old man and a young man with green bamboo because they could not walk or carry any more. That place was Kaw Ta Lay Koh Village. We slept there one night, and on that night two porters escaped. The military searched for them and said that if they saw them they would kill them immediately. Then the soldiers said to the porters who were left 'If you have no fear and you try to escape from us, we will shoot you and kill you at once'.

The next day the Column left for Shan Ywa Thi Village and I was carrying eight mortars. We arrived there, where the military had a strategic base. At 706 base camp we traveled backwards and forwards for a long time and a landmine exploded. Eleven people were injured, including some military leaders. One of them, a Column Captain, was called Aung Htoo. One Corporal died immediately. We buried him. We had to take the soldiers that were injured back to the camp at the back. That night I got a fever and I asked the military for some medicine. The soldiers said that they didn't have any medicine for me.

The next day LIB 28 and their ten porters had to move to Klar Day Base Camp between Baw Pra Hill and Kle Day Hill. I also went with them and wasn't as weak as they were - we had to carry heavy loads and some of the ten porters could not carry any more. We had a six-hour hard walk to get to the base. It was easy for the soldiers to walk as they were only carrying a gun and a bag - they didn't give us a rest. My spirit was down because when I was tired and asked for a rest the military said no. I prayed in my mind for a mine to explode on me. The next day I saw them catching seven more porters from a village near the mountains. I saw that their loads were twice as heavy as our loads. In that place three soldiers from IB 338 escaped and joined the KNU. Because the military were afraid of the three soldiers who had escaped, they went to Kler Day Village and got ten more porters. I think that they were caught from the field because they brought with them some pumpkin and vegetables. Later I heard from a soldier that he had pointed his gun at them as he knew that they would run away. 705 Column caught ten more porters from a field where they were harvesting the paddy. That time we were staying at a small camp between Kler Day Hill and Yei Pin Hill. When it was night-time the soldiers ordered me to do sentry duty. Because we hadn't had enough food or sleep I had lost my strength. My morale was down because

there were less people than when we had first started and I wondered where they were. One of the soldiers told me that many porters died from landmines and some had escaped, so I felt that if I lived more days here then I would die as well. We discussed escaping. Fortunately the major needed bamboo for the building so he ordered us to cut the bamboo. We cut bamboo for three days and on the third day three other porters and I escaped. Because we were hungry we searched for crabs in the stream.

When I was portering I cooked rice for a soldier - because the rice was soft he complained to me. I answered that I was sorry and said it was 'because I had never cooked it in that type of pot before, sir'. Then he got angry and kicked me three times and slapped my cheek three times and asked me why I called him 'sir, I am Sergeant'. I couldn't help mis-calling him.

Experience of the ICRC

In January 2003, I saw some ICRC visitors. When the ICRC visitors came the prison made a nice curry for the prisoners. If the ICRC asked 'have you ever eaten this nice curry?' we had to answer 'yes'. After the visitors left, we went back to having the poor food. Firstly when the visitors had come and asked the questions, some prisoners answered the truth. But some prisoners told the jailer about those who had answered the truth, because they thought that the jailer would reduce their sentence. The jailer sentenced the prisoners who had told the truth to do heavy work using a machine to break up rocks. I know that in Mon State there are three or four industries like this. Many prisoners die in that industry because the military makes them do this heavy work. For example, ten people have to fill one car in 25 minutes, they always had to be quick and couldn't walk slowly. They have to carry the rocks 50 yards and some of the rocks weighed 20 Kg. They pushed them to work like animals and if they were bleeding they didn't care. I didn't experience this myself, my friend told me about it. If you go to that place you will just see a mountain of rocks, there are no other occupations like farming. They were going to use the rock to build a road.

I heard that the ICRC brought some donations and supplies for the prisoners but we didn't see any of it.

❖ INTERVIEW #23

Story related to a Burma Issues information collector in September 2002.

The man had deserted from the Burmese Army and fled to the Thai-Burma border. He was not involved in the 7th Brigade Offensive but did spend time as a porter.

He originally joined the Burmese Army under pressure from his friend. He was twenty years old and wasn't aware of the political consequences of joining the Burmese army. They made him sign a piece of paper saying that he would stay with the army for ten years after which he could leave if he wanted to. After ten years he

was not allowed to leave and finally after 18 years he just left and went back to his family in Shan State.

He was a soldier in the Irrawaddy Delta and was then sent to Shan state where he spent most of his time. While in Shan state he met his wife, a Shan woman, and now has a family.

He was arrested whilst hiding in the house of his wife and family in Kengtung Township, Shan State. He thinks both villagers and the military knew he was there and talked about it in the village, which led the military to the house to arrest him.

The local military took him to their base where he was held for two months. He did not receive a trial and was sentenced to 2 years imprisonment. On first arriving at the base he was beaten repeatedly with a stick, he says it was given as punishment for running away from the army, he was kept in a cell by himself and was given a small amount of rice, twice a day, and sometimes a few vegetables.

After being held at the military base he was sent to Kengtung Prison, in Shan State. He was charged with deserting from the army and sentenced to two years in prison.

Experience in prison

He arrived at Kengtung Prison in April, 2002. He was kept in a cell with one other person. His family was allowed to visit twice a week; they could bring him food and water but were not allowed to bring things like letters, pens and books.

He said it was like being blind inside the prison. They were not allowed to have newspapers and there was no way for them to hear about what was going on outside the prison.

If you followed the rules of the prison and the guards then they usually didn't beat you but if you broke those rules you would be beaten and tortured.

Most prisoners were illiterate so they were not aware of the offenses they have been charged with, usually they were not aware of being charged with anything, they just understood that they had been thrown in jail. The Burmese authorities never bothered to explain this to those accused.

They were able to communicate with other prisoners, they had communal exercise times between 7 A.M. -11 A.M. There were always soldiers watching them though so they could only say nice things about the prison. They were never allowed to talk about politics. He said his treatment was pretty standard practice for how they treated those who had deserted from the Burmese army. Most prisoners that he came into contact with were drug offenders and army deserters. He stayed in the jail for two months and was then sent to be a porter.

Conditions in prison

There were many diseases in the prison but there was no medicine or treatment for

the prisoners, this was very serious for them. If you were in a very serious condition they would check what you were charged with and this would determine whether they would get you treatment or not. If you were charged with a specific offence like 17/1 of the Unlawful Associations Act then they were more likely to send you to a hospital, if you were in jail for a drug offence they weren't likely to send you to a hospital. Even if you were sent to the hospital there was not enough medicine to deal with all the illnesses.

Experience as a porter

Prisoners were offered a 6 month reduction in their sentences and 45 kyat/day if they agreed to go and be porters. On July 4th he agreed to be a porter and was sent to Loikaw in Karenni State.

On July 19 he was sent to the Operation Control Command at Ywathit to be a porter there. He stayed at this camp for two weeks. He worked in the military field and doing road construction. There was no payment and he never saw the 45 kyat/day they had told him he would receive. He says the food was a little better than in the prison.

There were over 100 porters there while he was there, he thinks there were the same amount of porters as there are soldiers. They had more than enough porters so they didn't need to use villagers. The porters were all prisoners but they came from many different jails, like Mandalay, Shan state, Rangoon etc.

When asked what operations the soldiers were undertaking he said he wasn't sure they just seemed to be attacking villagers, doing field duty and using communication equipment. The battalion that he had to porter for was LIB 412. This battalion is based in Central Burma but was carrying out operations in Karenni State.

In reality many porters end up serving as porters for many years, far longer than their prison sentences ever were. He was beaten and tortured many times as a porter, they use many different instruments. He saw many people being forced to carry very heavy loads. When they could not do this anymore asked for rest, the soldiers just beat them and called them lazy. When he was a porter they had to work 24 hours a day.

They never told him how long they want him to be a porter for, he ended up being there for 1 month. He was sent to the frontline and while he became very sick with what he thinks was malaria. It became so bad that he wanted to die and he decided that he had to run away or die, as there was not enough food or medicine.

Experience in the army

He was pressured by his friend to join the Burmese Army and at the time he wasn't aware of the political issues surrounding this army and what joining it would mean. He was 20 years old when he joined and he served from 1981-1999.

Before 1988 he said the conditions in the army were better, there was enough food for the soldiers and the kyat was relatively stable. After 1988 the situation became very bad, not just for the soldiers but also for their families. If your husband died whilst being a soldier you only received a small amount of money. It meant that soldiers' families didn't have enough money to return to their home state and there have been cases of wives prostituting themselves to try and get money to survive. In the past, support for a soldier's family was much better.

Most soldiers want to leave but feel they have no options. They aren't allowed to leave the army voluntarily and if they run away they can't get jobs and are constantly on the run so they don't get caught. He said military life now is very, very difficult.

He thinks he wasn't allowed to leave the army after 10 years because the military has only a small amount of soldiers and they wanted to build up and maintain a large army.

He said that families got no profit from the army. It depended on your level of command as to how much money you would get paid, the higher in command you were the more money you would receive. The real profits only came after you became a Sergeant.

For example while he was in the army his father was been taken as a porter 4 times so he did not benefit from having his son in the Burmese military. He received no concessions despite his son being a Sergeant in the Burmese Army.

ILO order banning forced labour and portering

He said they are aware of this order but it doesn't really make any difference. He said the military authorities force the village headman to sign a paper saying that the military doesn't use forced labour or portering. They always have this paper prepared for when the ILO comes and the military only take the ILO to villages they want them to see.

General morale of prisoners

He felt that in jail they were treated like animals, like they were not human beings. They were fed bad food, given no medicine and he felt that they were treated like animals. He asked what did independence mean? Burma has supposedly been independent for 50 years now but he wanted to know if his experience was really independence, he couldn't see an independent country.

