

HUMAN RIGHTS YEARBOOK 2003



BURMA

HUMAN RIGHTS YEARBOOK BURMA 2003-04

**Violations against the dignity, livelihood and fundamental rights of people in Burma
perpetrated by the military dictatorship of Rangoon**

**This CD is dedicated to the countless citizens of Burma who have sacrificed their homes, their
freedom, and their lives to lifting the veil of terror that shrouds the truth in Burma today.**

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**Views expressed in this book are not necessarily those of
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(Front Cover Photo: Free Burma Rangers, 2003)

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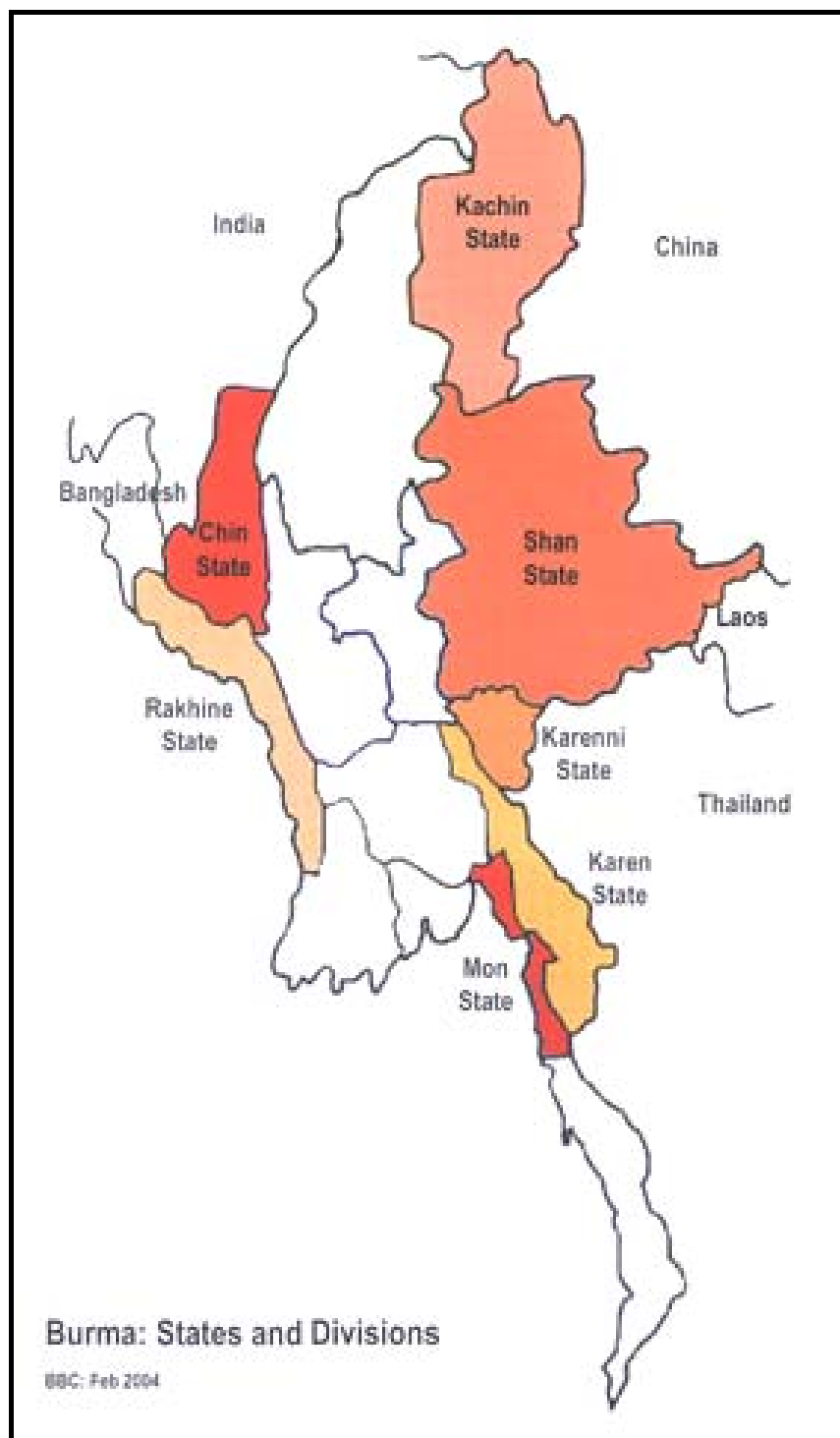
Burma at a Glance: Facts and Figures

Country name:	Union of Burma (1948), Socialist Republic of the Union of Burma (1974), Union of Myanmar (1989)
Government:	State Peace and Development Council
System of Government:	Military Dictatorship
Area:	678,500 sq km
Coastline:	1,930 km
Population:	Approximately 50 million people
Population growth rate:	0.47% (2004 est.)
Refugees from Burma:	Approximately 400,000 in Thailand, 50,000 Chin in India, 120,000 Rohingya in Bangladesh, 10,000 Rohingya in Malaysia, and an unknown number of Kachin in China
Internally displaced people:	Approximately 2 million people
Birth rate:	18.64 births/1,000 population (2004 est.)
Death rate:	12.16 deaths/1,000 population (2004 est.)
Life expectancy at birth:	<i>Male:</i> 54.22 years, <i>Female:</i> 57.9 years (2004 est.)
No. of TVs per 1,000 people:	7
No. of Drs per 10,000 people:	2.96
Languages:	Arakanese, Burmese, Chin, Kachin, Karen, Karenni, Mon, Shan, Wa, English and more than 100 minority dialects
Religions:	Buddhist (89%), Animist (2%), Christian (4%), (Baptist 3%, Roman Catholic 1%), Muslim (4%), Hindu (0.5%), other 2%
Burmese Border Refugees: (December 2003)	Karenni camps - 21, 879 Karen camps - 113,743 Mon-Resettlement Sites - 151,808 Tham Hin Zone 4 (formerly known as Maneeloy Student Centre) - 72
Inflation rate:	52.8% (consumer prices) (2003 est.)
GDP spending:	3.1 % on military (non-SPDC figures: over 50%) 2.2% education, 0.8% health
LDC status:	Since 1987
Natural resources:	Tin, plutonium, zinc, copper, cobalt, gold, rubies, jade, teak (80% of world's reserves), fish (704 metric ton/year), gas, oil, rice, sesame, groundnuts
Agriculture:	68% of workforce employed in agriculture; 15% of arable land; less than 50% of potentially productive land under cultivation
Opium production:	1,300 tons (1988), 2,800 tons (1997), 1,800 tons (1998), 630 metric tons (2002) (70% of US market)
Administrative areas:	1,300 tons (1988), 2,800 tons (1997), 1,800 tons (1998), 630 metric tons (2002) (70% of US market)
Last election:	May 27, 1990. NLD won 392 of the 485 seats contested

[There is a caveat on the facts and figures as accurate data is not readily available, even in official publications. Most of the facts and figures contained herein are drawn from SPDC's publication, *Myanmar Facts and Figures 2002*, published by the Ministry of Information Union of Myanmar 2002, the CIA World Fact Book which was updated in 2004, the US State Department, and the Burma Border Consortium Six-Month Report (July - December 2003).]

Maps of Burma





(Source: *Six-Month Report*, BBC, July-December 2003)

Historical Background

Constitutional Period (1947-62)

On January 4, 1948, Burma gained its independence from the British who, in the nineteenth century, had fought three wars against the Burman Empire and finally conquered it in 1886. On the eve of the Second World War, the Japanese secretly promised to help Burma recover its freedom by training 30 Burmese youths led by Aung San who then formed the nucleus of a national army. During the war, the Japanese drove the British out of Burma and governed the country directly under military rule until August 1, 1943, when it was granted independence under its protection.

The Burmese army, on March 27, 1945, revolted against the Japanese and joined the Allies. Also during the war period, the leaders of the new Burmese army, together with an underground civilian group, formed a broad anti-Japanese coalition, "the Anti-Fascist People's Freedom League" (AFPFL). The AFPFL and the army were led by General Aung San. On July 19, 1947, General Aung San and some of his colleagues were assassinated while the constituent assembly that was writing a new constitution was in recess. U Nu, a civilian and close colleague of Aung San, was able to lead Burma to gain its independence on January 4, 1948. A parliamentary federal union system was introduced as the basis of the system of government.

Independence did not bring peace and progress to Burma. Within three months of independence, the Communists revolted, taking two army battalions with them. In January 1949, following growing hostility between the Karens and Burmans, the Karens also revolted. Several other ethnic and political groups also took up arms against the state. The multiple insurgencies nearly caused the Union of Burma to collapse. Prime Minister U Nu managed to keep his government in power. His government gradually recovered control of the people and territories, though it was unable to effect peace.

During this tumultuous period democracy took root and began to grow. However in 1958 unity among the leaders of the ruling AFPFL dissolved. Prime Minister U Nu proposed that the parliament decide which group should govern the country. U Nu won by such a small margin that within a few months he resigned and recommended that General Ne Win the head of the army replace him and conduct new elections.

General Ne Win's caretaker government, comprising senior military officers, was short-lived, lasting only 16 months. When the promised elections were held, an U Nu-led faction won. After he resumed leadership U Nu called a meeting for February 1962 where he planned to discuss with all ethnic leaders a way to find a solution to their grievances through peaceful and frank discussions. However before U Nu could announce his own recommendations for peace the military led by General Ne Win seized power on March 2, 1962. General Ne Win established a Revolutionary Council comprised of 17 senior officers, effectively ending the constitutional period.

Military Rule (1962-74)

The Revolutionary Council established a military dictatorship replacing the parliamentary federal system enshrined in the constitution. In July 1962 the Revolutionary Council created its own party, the "Burma Socialist Program Party" (BSPP) after having failed to win the backing of the established political parties. The Revolutionary Council published its first ideological statement entitled, "The Burmese Way to Socialism" at the end of April 1962. A year later it moved to a policy of rapid nationalization and assumed direct control of the economy. In 1971 the BSPP transformed itself into a civilian government, though it retained the same military rulers many of whom had retired from the armed forces. In 1974 a new constitution was adopted with additional centralized powers and further entrenched BSPP's position as the only legal political party in the country.

Military Rule (1974-1988)

The second constitution of independent Burma differed markedly from its predecessor. The highest level of government was the *Pyithu Hluttaw* or People's Assembly, a single chamber legislature. Under the new laws U Ne Win as he was then called was selected as President of the country and head of the BSPP. During this period of military rule the government faced popular unrest with workers staging violent strikes in 1974 and 1975. Students also protested throughout this period with the most serious protest in 1974. It resulted from a struggle between the students and the government over the proper burial of the remains of U Thant, the third Secretary General of the United Nations. Civil wars continued with the military launching regular campaigns against the forces of the ethnic nationalities and the Burma Communist Party (BCP). Freedom of association, press, and assembly were severely repressed under the one-party government. In 1981 Ne Win abdicated the presidency but continued to head the BSPP.

In 1987 Ne Win suddenly began criticizing government reporting and management and called for economic reforms. A few weeks later, the government, without warning, demonetized three currency bank notes and offered no reimbursement. Nearly 70 percent of the currency in circulation became worthless.

In March 1988 students and local people were involved in a fracas at a teashop and a major brawl ensued. The intervention of riot police led to the death of a student from the Rangoon Institute of Technology (RIT). RIT students began protesting daily. The protest spread to other universities. After twelve days of violent clashes with police that caused many deaths, the government closed the universities and promised to investigate the student deaths. When the students returned to the universities in June they demanded an account of the still-missing students and called for the arrest of those responsible for student deaths and injuries. Again the police and military responded to the student protests with force, killing at least 20 students and arresting hundreds of others. And once again the universities were closed. The wave of social unrest spread. The resistance movement became stronger as the people called for political change. The military declared martial law.

On July 23, 1988, the BSPP appointed reviled General Sein Lwin as the new party head and later president. A general strike took place on August 8, 1988 and in response to it the police and army attacked the demonstrators, killing an unknown number estimated to be thousands.

On August 12, 1988, General Sein Lwin resigned and was replaced by a civilian lawyer Dr. Maung Maung. During this period the jails were opened and thousands of criminals released causing fear as crime rose. Rumors were also spread by government agents that the water supply was poisoned and that other heinous acts were being committed.

Peaceful student-led demonstrations were snuffed out on September 18, 1988, as the military staged a bloody coup and established a new dictatorship under martial law, called the "State Law and Order Restoration Council" (SLORC). It brutally put down the popular movement resulting in thousands of deaths and arrests. Many students left the cities and their homes and fled to border areas. The SLORC suspended the 1974 constitution.

SLORC's Military Rule (1988-1997)

On September 23, 1988, having established himself as Burma's leader General Saw Maung head of the SLORC assured the public that the sole aim of his military intervention was to restore law and order, improve the economic condition of the people, and organize multiparty elections as soon as possible. He insisted that it was not his intention to "cling to State power for long."

Within months parties began to register with the advent of a new election law. The National League for Democracy (NLD) led by Daw Aung San Suu Kyi, daughter of the national hero General Aung San, quickly emerged as the leading opposition party. Daw Aung San Suu Kyi traveled widely and attracted large crowds, despite the SLORC decrees that public gatherings be limited to four persons. As she gained an ever-wider following the military tried to discredit her for not having "pure" motives, being the wife of a foreigner, by implication therefore a traitor. SLORC announced that she was being manipulated by Communists in her party and that she considered herself above the law when she called meetings in violation of the SLORC decree against public gatherings. Indeed, in July 1989, SLORC placed Daw Aung San Suu Kyi under house arrest and disqualified her from participating in the elections. In spite of these tactics the NLD achieved a stunning victory in the elections held on May 27, 1990, winning 392 of the 485 seats contested. The SLORC backed National Unity Party (NUP) won 10 seats.

Having been rejected at the elections SLORC began systematically to eliminate its opposition. It refused to allow the Pyithu Hluttaw (People's Assembly) to convene, claiming that the actual purpose of the election had been to form a constituent assembly. On July 27, 1990, SLORC promulgated Declaration 1/90 confirming this and it also said among other things that "[the SLORC] is not an organization that observes any constitution; it is an organization that is governing the nation under Martial Law." Following this announcement SLORC began to arrest and intimidate NLD members as well as members of other political parties.

Meanwhile SLORC continued waging war against the ethnic nationalities. Having won Thailand's support by granting timber and fishing concessions in the border area and the along the Tenasserim coast, SLORC was able to mount a major campaign against the Karens and Mons with new weapons purchased from Singapore, China, and Pakistan. The SLORC even crossed the river frontier and launched attacks from Thai territory. During the offensive, the army forced innocent villagers to serve as porters in the war zones and killed many who collapsed from exhaustion or injury.

In 1989 the army achieved an unplanned victory of sorts in the north, along the Burma-China border. A minority group turned against the Burma Communist Party (BCP), driving its leaders across the border and declaring themselves free and independent of their former BCP leaders. The SLORC quickly entered into agreements with the leaders of the minority BCP cadres in Kokang and the Wa State, promising to allow their former enemies to keep their weapons, retain power in their traditional areas, and pursue local trade (mostly in opium) in exchange for ending their wars against the SLORC and even fighting on SLORC's side against other ethnic nationalities.

As time progressed the SLORC persistently refused to allow the newly elected NLD-led parliament to assemble. Some elected MPs fled to liberated areas on the Thai-Burma border. In December 1990, the Parliament members met and elected the "National Coalition Government of the Union of Burma" (NCGUB) with the support of all major ethnic groups struggling to assert themselves within Burma.

On April 24, 1992, two years after the elections, SLORC issued Order No. 11/92 titled the "Convening of a National Convention." It indicated that a national convention would be convened "in order to lay down basic principles to draft a firm constitution." In January 1993, the convention finally assembled with 702 delegates of whom only 106 were elected representatives. The remaining delegates were either handpicked by the SLORC to "represent" workers, peasants, intellectuals, national races, and service personnel, or were "specially invited persons." The SLORC stated that the convention would only be drawing up the "principles" of a new constitution and the final draft would still be written as promised, by the elected representatives. Moreover, SLORC stated, the principles discussed by the delegates had to conform to the "objectives" of the convention as defined by the SLORC, which included the "participation of the *Tatmadaw* (armed forces) in the national political leadership role of the State in the future." Despite repeated calls in UN resolutions for the SLORC to give a timetable for the convention there is no sign that the convention has been able to achieve a constitutional settlement or is near any conclusion.

On July 10, 1995, Daw Aung San Suu Kyi was released from almost six years house arrest. Although her release initially raised hopes for an improvement in the human rights situation in Burma, nothing changed. Indeed, the pace of political arrests and persecution accelerated dramatically after November 1995 when the NLD withdrew from the SLORC-controlled national convention due to its undemocratic processes. SLORC responded to the NLD withdrawal by expelling the NLD permanently from the convention. A call from the NLD to begin a dialogue with the SLORC in order to start a process of national reconciliation was refused by the SLORC.

Political turmoil in Burma has increased significantly since the NLD announced that it would hold a meeting in late May 1996 to commemorate the sixth anniversary of its 1990 election victory. The SLORC reacted by arresting hundreds of NLD MPs and other supporters in an effort to prevent the meeting. In addition on June 7, 1996, SLORC issued Order No. 5/96 containing sweeping provisions that allows for up to 20 years imprisonment for anyone who expresses political views and notably discusses constitution processes; despite everyone being reminded in the SPDC daily newspapers that it is their duty to be involved in such processes.

On November 9, 1996, a group of about 200 young men attacked Daw Aung San Suu Kyi's motorcade with iron bars and sticks. The men were thought to be members of the "Union

Solidarity Development Association" (USDA), a SLORC sponsored organization. In December 1996, more than 2,000 people including hundreds of students involved in peaceful student demonstrations were arrested for calling for human rights reforms. Public gatherings on weekends in front of Daw Aung San Suu Kyi's home have been banned since the end of 1996. Daw Aung San Suu Kyi was repeatedly refused permission to leave her compound and effectively confined to her house for long periods.

Since 1989 the SLORC has sought a military cease-fire with some of the ethnic forces, bringing a kind of peace to the areas under their control. In December 1994, a renewed offensive against the Karen National Union (KNU) was launched following a split within the KNU and the formation of the Democratic Karen Buddhist Army (DKBA), which was supported by the SLORC. In February 1995, the KNU retreated from its headquarters in Manerplaw. Since then the offensive has taken a new turn as DKBA and SLORC troops launched the first of several raids into refugee camps in Thailand. DKBA and SLORC troops have had easy access to refugees in Thailand. The raids, which were intended to terrify the refugees into returning to Burma, have continued. The KNU has made several offers to the SLORC to engage in ceasefire talks. However, while there have been meetings between the two sides there is no sign of any progress.

In the Karenni State the Karenni Nationalities Progressive Party (KNPP) signed a ceasefire agreement at a ceremony in Loikaw in March 1995. In June of that year the KNPP issued a statement claiming that the SLORC had broken the terms of the agreement. Intermittent fighting continues between the SLORC troops and the KNPP in Karenni State. SLORC undertook massive relocation operations in Karenni State, Shan State, and Tenasserim division during 1995 and 1996, causing a mass influx of refugees into Thailand.

In mid-February 1997, SLORC launched two new major offensives against the KNU. SLORC's 1997 offensive against the KNU resulted in more than 7,000 new refugees entering Thailand.

SPDC's Military Rule (1997-Present)

On November 15, 1997, the SLORC was renamed the State Peace and Development Council (SPDC). Although the three most senior members of the regime retained their posts in the SPDC, 14 former members – all senior military officers – were replaced and a four - member SPDC advisory group was established. In late November three members of this advisory group were placed under house arrest. The three were former Tourism Minister Lieutenant-General Kyaw Ba; the former Commerce Minister Lieutenant-General Tun Kyi; the former Agriculture Minister Lieutenant-General Myint Aung. A number of their aides and staff at other ministries were also placed under investigation. Following the detention, the advisory group was dissolved on December 10, 1997, less than one month after its formation. Officials said the members of the advisory group no longer held their military posts. The changes did not stop there. On December 20, there was an unexpected reshuffle within the second tier of the military regime's cabinet. Another eight posts in the cabinet were reshuffled and one new member was added.

SPDC leaders conducted another reshuffle of top generals in November 2001, and in March 2002 arrested four relatives of former top general Ne Win. The four were accused of plotting to overthrow the current government in a military coup, and were sentenced to death for treason in September 2002.

The Committee Representing the People's Parliament (CRPP) was formed on the September 16, 1998 in response to the military regime's failure to cede power thus enabling the elected representatives to form a parliament and the NLD to form a government. Two hundred and fifty-one elected MPs (52% of MPs elected in 1990) gave their authority to the ten founding members to form the CRPP. This was based on the principle articulated in the 1974 Pyithu Hluttaw Law that requires State Authorities to convene parliament if 34% or more of the members of parliament so desire. The CRPP's objective was to convene the Parliament until all MPs elected were able to do so. The CRPP's first act was to issue a proclamation that repealed all SLORC & SPDC orders, decrees, notifications, rules and laws. The SPDC declared the CRPP to be illegal. However, despite serious restrictions and the almost immediate arrest and imprisonment of Chairman Dr Saw Mra Aung, the CRPP survived and on September 16, 2002 held a ceremony at NLD headquarters to celebrate its fourth anniversary.

In September 2000, there was a major crackdown by the SPDC on NLD leaders, during which Chairman U Aung Shwe, and Vice-Chairman U Tin Oo were detained and General Secretary Daw Aung San Suu Kyi was placed under house arrest. This act appeared to be the catalyst for the initiation of UN brokered 'talks' between the regime and Daw Suu. On January 9, 2001 the UN Secretary-General's Spokesman announced that there had been ongoing dialogue between the SPDC and the NLD since October 2000. While the content of the talks remained secret, this news was hailed as a significant breakthrough and a positive step towards democratic transition. In the following months, the SPDC allowed a number of NLD offices to reopen and released substantial numbers of political prisoners, acts which were hailed by the international community as a sign of the regime's sincerity towards pursuing change.

On May 6, 2002, Aung San Suu Kyi was released from 19 months of house arrest, though Burmese intelligence continued to monitor NLD leaders and attend many NLD meetings in Rangoon. Following her release, the junta allowed Daw Suu and the NLD a greater measure of freedom to travel around the country and to meet with representatives of foreign governments and international organizations. The regime recognized the NLD as a legal entity and permitted the party to reopen approximately 90 out of 300 offices throughout the country. However, to a lesser degree the SPDC continued to monitor and restrict the activities of the NLD and Daw Suu through harassment and threats. Other political and ethnic opposition groups remained banned.

By the end of 2002 the dialogue had ground to a halt and the economic situation inside the country had worsened. It had become increasingly evident that the regime lacked the will to pursue substantive reforms and was using the dialogue as a tool to deflect international criticism and garner increased aid and investment. For the first half of 2003 this sentiment continued, as the SPDC repeatedly stalled in scheduling new talks or allowing UN Special Envoy Razali Ismail to come to Burma. While Aung San Suu Kyi and the NLD were able to engage in several campaigning tours in the first half of 2003 and NLD offices continued to open, harassment perpetrated by members of the Union Solidarity and Development Association (USDA) and other state-sponsored actors was relentless.

On May 30, 2003, Daw Aung San Suu Kyi, NLD members and supporters were violently attacked by members of the USDA and other state-organized individuals armed with bamboo sticks and metal rods on the road to Depayin, Sagaing Division. The attack resulted in the re-arrest of Aung San Suu Kyi, NLD Deputy Chairman U Tin Oo, and all members of the

Central Executive Committee of the NLD. In addition, unknown numbers of NLD members and supporters were killed, injured, or imprisoned during or following the attack. NLD offices across the country were ordered to close and all political opposition activities were banned.

The attack on the NLD and the ensuing crackdown on the democracy movement resulted in international outcry and demands for the release of Aung San Suu Kyi as well as an independent and transparent investigation into the events of May 30th. The SPDC has not allowed such an investigation and claims that the attacks were instigated by the NLD. Moreover, the SPDC reports that only four people were killed and 50 people were injured in the attack. Eyewitness accounts and unofficial sources indicate that the actual numbers of dead and wounded are significantly higher. In addition to other international reactions, the crackdown on the democracy movement resulted in tougher sanctions enacted by the United States and the European Union.

On August 25, 2003, the SPDC reshuffled, removing the relatively moderate General Khin Nyunt from the position of Secretary One and placing him in a newly created position of Prime Minister. Lt Gen Soe Win, who is believed to have planned the May 30th attack on the NLD, replaced Khin Nyunt as Secretary One. Five days later, on August 30th, newly appointed Prime Minister Khin Nyunt announced a seven-point road map to democracy, which included reconvening the stalled 1993 National Convention through which a state Constitution would be drafted. Thereafter, the Constitution would be voted on in a national referendum, and free and fair elections would eventually ensue. Yet, the plans for the National Convention included no mention of the participation of the NLD or ethnic groups.

By the end of 2003, the SPDC was placing greater emphasis on the participation of the ethnic groups in the National Convention, both cease-fire and non cease-fire. Most ethnic cease-fire groups had initially indicated that they would participate if certain conditions were met such as the release of all political prisoners or the equal participation of all political and ethnic groups, both cease-fire and non-cease-fire. However, most cease-fire groups sent delegates to the National Convention, which was convened in April 2004. The SPDC also sent a delegation to meet with Karen National Union (KNU) leaders in Mae Sot, Thailand in November 2003. The KNU had been fighting against the government in Rangoon for over 50 years. This visit was followed by a KNU delegation visit to Rangoon. By the end of 2003, the SPDC and the KNU agreed upon a verbal cease-fire and formal cease-fire discussions commenced in early 2004. In the beginning of 2004, the Karenni National Progressive Party also announced plans to engage in cease-fire talks.

Despite the road map to democracy, the military authorities continued to detain those who engaged in peaceful political activities. Approximately 1,400 political prisoners remained in Burma's prisons at the end of 2003 (source: AAPP, 2003). The SPDC reported releasing 120 political prisoners during the year (source: *Country Reports on Human Rights Practices-2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). Those who were released and those who remained in detention included several political prisoners who had already completed their sentences. In addition, many of those who were released were made to sign pledges that they would refrain from any further involvement in politics.

Forced labor remained prevalent despite the SPDC's Order No. 1/99 in 2000, banning the use of forced labor. In March 2002, the SPDC agreed to allow the International Labor

Organization (ILO) to appoint a liaison officer to monitor Burma's pledges to eradicate forced labor. The ILO liaison officer remained in Burma throughout 2003 and reported that few people in Burma knew about Order No. 1/99. In addition, little decrease in the occurrence of forced labor was reported. Although, most forced labor was reported in ethnic border areas as opposed to central, mainly ethnic Burman, areas where infrastructure projects have already been completed. (Source: *Country Reports on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

In 2002, the SPDC permitted a visit by the United Nations special rapporteur on Myanmar for the first time since 1995. The new rapporteur, Professor Paulo Sergio Pinheiro, was able to conduct two missions in 2003. Although, his first mission was truncated after a listening device was found hidden in the room where he was conducting interviews with political prisoners.

At the end of 2003, Aung San Suu Kyi remained under house arrest in Rangoon and U Tin Oo remained in Kale Prison, Sagaing Division. The SPDC continued to move forward with its plans for the National Convention exhibiting no intention to release Aung San Suu Kyi or to allow NLD offices to reopen. Laws restricting civil and political freedoms remained in place, while political activists and members of ethnic minority groups continued to suffer oppression and violence at the hands of the SPDC.

Acronyms and Abbreviations

Acronyms

AAPP	Assistance Association for Political Prisoners (aka AAPPB)
AAPPB	Assistance Association for Political Prisoners (Burma)
AASYC	All Arakanese Students and Youth Congress
ABFSU	All Burma Federation of Student Unions
ABSDF	All Burma Students' Democratic Front
ABSL	All Burma Students' League
ABYMU	All Burma Young Monks' Union
AFP	Agence France Presse
AHRC	Asian Human Rights Commission
AI	Amnesty International
ALD	Arakan League for Democracy
ALP	Arakan Liberation Party
ALRC	Asian Legal Resource Center
ALTSEAN	Alternative Asean Network on Burma
AP	Associated Press
APEC	Asia-Pacific Economic Conference
AR	Automatic Rifle
ARNO	Arakan Rohingya National Organization
ASC	Arakanese Students' Congress
ASEAN	Association of Southeast Asian Nations
BA	Burma Army
BAD	Border Area Development Program
BBC	British Broadcasting Company
BBC	Burmese Border Consortium
B.E.	Burmese Era
BERG	Burma Ethnic Research Group
BI	Burma Issues
BIG	Burma Information Group
BLC	Burma Lawyer's Council
BPP	Border Patrol Police (Thailand)
BSI	Bureau of Special Investigations
BSPP	Burma Socialist Program Party
CAPS	Continuous Assessment and Progression System
CEC	Central Executive Committee
CEDAW	Convention on the Elimination of Discrimination of Women
CESCR	Committee on Economic Social and Cultural Rights
CFI	Christian Freedom International
CHRO	Chin Human Rights Organization
CICC	Center for the International Cooperation for Computerization
CID	Criminal Investigation Department
CNF	Chin National Front
CNLD	Chin National League for Democracy

CPJ	Committee to Protect Journalists
CPPCR	Committee for the Protection and Promotion of Child Rights
CPPSM	Campaign for the Publicity of the People's Struggle in Monland
CRC	Chin Refugee Committee
CRC	Convention on the Rights of the Child
CRMC	Coastal Region Military Regional Commander
CRPP	Committee Representing the People's Parliament
CSW	Christian Solidarity Worldwide
DAB	Democratic Alliance of Burma
DDR	Disarmament, Demobilization, and Reintegration
DDSI	Directorate of Defense Services Intelligence
DKBA	Democratic Karen Buddhist Army
DPA	Democratic Patriotic Army
DPDC	District Peace and Development Council
DPNS	Democratic Party for a New Society
DSA	Defense Services Academy
DVB	Democratic Voice of Burma
ECS	Economic Cooperation Strategy
ENSCC	Ethnic Nationalities Solidarity & Co-operation Committee
EP	Employee Pass
FBR	Free Burma Rangers
FEC	Foreign Exchange Certificates
FPE	Farm Products Enterprise
FTUB	Federation of Trade Unions-Burma
FTUK	Federation of Trade Unions-Kawthoolei
HRDU	Human Rights Documentation Unit
HRG	Hongsawatoi Restoration Group
HRP	Hongsawatoi Restoration Party
HRV	Human Rights Violations
HRW	Human Rights Watch
HURFOM	Human Right Forum of Monland
IA	Images Asia
IB	Infantry Battalion
ICBL	International Campaign to Ban Landmines
ICFTU	International Confederation of Free Trade Unions
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDC	Immigration Detention Center
IDP	Internally Displaced Person
ILO	International Labour Organization
IMNA	Independent Mon News Agency
INGO	International Non Governmental Organization
IOM	International Organization of Migration
IRC	International Rescue Committee
IT	Information Technology
ITBMU	International Theravada Buddhist Missionary University
KDA	Kachin Democratic Army
KHRG	Karen Human Rights Group

KHRIC	Karen Human Rights Information Committee
KIA	Kachin Independence Army
KIC	Karen Information Center
KIO	Kachin Independence Organization
KNA	Karen National Association
KNAHR	Karenni News Agency for Human Rights
KNC	Karen National Congress for Democracy
KNCD	Kachin State National Congress for Democracy
KNLA	Karen National Liberation Army
KNLD	Kayah State all Nationalities League for Democracy
KNPLF	Karenni National People's Liberation Front
KNPP	Karenni National Progressive Party
KNU DOI	Karen National Union Department of Information
KNU	Karen National Union
KORD	Karen Office of Relief and Development
KPA	Karen Peace Army
KRC	Karen Relief Committee
KSO	Kayin Solidarity Organization
KTWG	Karen Teacher Working Group
KWO	Karen Women's Organization
LDC	Least Developed Country
LDF	Lahu Democratic Front
LIB	Light Infantry Battalion
LID	Light Infantry Division
MAMD	Mon Army, Mergui District
MAN	Muslim Agency for News
MAP	Migrant Assistance Program Foundation
MAPT	Myanmar Agricultural Produce Trade
MDC	Mizoram District Council
MDF	Myanmar Defense Forces
MI	Military Intelligence
MICB	Muslim Information Center of Burma
MIS	Military Intelligence Services (aka DDSI)
MMA	Myanmar Medical Association
MMCWA	Myanmar Maternal and Child Welfare Association
MNA	Myanmar Nurses Association
MNDF	Mon National Democratic Front
MNRC	Mon National Relief Committee
MOC	Military Operations Command
MOGE	Myanmar Oil & Gas Enterprise
MOI	Ministry of Interior (Thailand)
MoU	Memorandum of Understanding
MP	Member of Parliament
MPF	Mon People's Front
MPF	Myanmar Pharmaceutical Factory
MRA	Mon Revolutionary Army
MRC	Myanmar Red Cross
MSC	Military Strategic Command

MSF	Medecins sans Frontieres
MTA	Mong Tai Army
NBC	Norwegian Burma Council
NCCM	National Catholic Commission on Migration
NCGUB	National Coalition Government of the Union of Burma
NCO	Non-commissioned officer
NCUB	National Council of the Union of Burma
NDA-K	New Democratic Army – Kachin
NDD	Network for Democracy Development
NDF	National Democratic Front
NGO	Non Governmental Organization
NHEC	National Health and Education Committee
NIB	National Intelligence Bureau
NLD	National League for Democracy
NLD-LA	National League for Democracy - Liberated Area
NLM	The New Light of Myanmar
NMSP	New Mon State Party
NPE	News and Periodicals Enterprise
NPMHR	Naga People's Movement for Human Rights
NSA	Non State Actors
OCMI	Office of Chief Military Intelligence
OHCHR	Office of the High Commissioner for Human Rights
OSS	Office of Strategic Studies
PAB	Provincial Admission Board
PDC	Peace and Development Council
PDP	Parliamentary Democracy Party
PLF	Palaung Liberation Front
PLO	Pa-o Liberation Organization
POC	Person of Concern
PR	Permanent Resident
PSB	Press Scrutiny Board
PYNG	Palaung Youth Networking Group
RCSU	Refugee Counseling Services Unit
RFA	Radio Free Asia
RM	Malaysian Ringgit
RPG	Rocket Propelled Grenade
RSF	Reporters Sans Frontieres (Reporters Without Borders)
RSO	Rohingya Solidarity Organization
SAIN	Southeast Asia Information Network
S.H.A.N.	Shan Herald Agency for News
SHRF	Shan Human Rights Foundation
SID	Special Investigations Department
SLORC	State Law and Order Restoration Council
SMNC	Sangha Maha Navaka Committee
SNLD	Shan Nationalities League for Democracy
SPDC	State Peace and Development Council
SSA	Shan State Army
SSA-N	Shan State Army - North

SSA-S	Shan State Army - South
SSNA	Shan State Nationalities Army
STD	Sexually Transmitted Disease
SUA	Shan United Army
SURA	Shan United Revolutionary Army
SUARAM	Suara Rakyat Malaysia
SWAN	Shan Women's Action Network
SWAPB	Social Welfare Association of People from Burma
TACDB	Thai Action Committee for Democracy in Burma
TB	Tuberculosis
TBA	Traditional Birth Assistant
THRF	Tavoyan Human Rights Foundation
TOC	Tactical Operation Commander
TPDC	Township Peace and Development Council
UNA	United Nationalities Alliance
UNHCR	United Nations High Commission for Refugees
VPDC	Village Peace and Development Council
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Social, and Cultural Organization
UNHCR	United Nations High Commission for Refugees
UNICEF	United Nations International Children's Emergency Fund
USDA	Union Solidarity and Development Association
UWSA	United Wa State Army
VOA	Voice of America
VPDC	Village Peace and Development Council
WGAD	United Nations Working Group on Arbitrary Detention
WHO	World Health Organization
WLB	Women's League of Burma
WNO	Wa National Organization
YCOWA	Yaung Chi Oo Workers Association
YMA	Young Mizo Association
ZNC	Zomi National Congress

Abbreviations

approx.	Approximately
Brig.	Brigadier
Capt.	Captain
Comdr.	Commander
Col.	Colonel
Cpl.	Corporal
ft.	Feet
Gen.	General
Ind.	Independent
Lt.	Lieutenant
kg.	Kilogram
km.	Kilometer
Maj.	Major
m.	Meter
mm.	Millimeter
n.a.	Not available
Sd.	Signed with signature
Sgt.	Sergeant
sq.	Square

Measurements

acre	1 acre = 4,840 sq. yards = 0.407 hectare 2.471 acres = 11,960 sq. yards = 1 hectare 640 acres = 1 sq. mile = 2.590 sq. kilometers
baht	1 baht = 100 satang
FEC	1 FEC = US\$1 = kyat 6.5 (official) 1 FEC = Kyats 750 (unofficial)
furlong	1 furlong = 220 yards (1/8) mile = 201 meters
lakh	1 lakh = 100,000
tin	1 tin = 16 pyi
1 pyi	(rice/condensed milk tin) = approx. 250 ml
viss	1 viss = 3.6 lbs = 1.633 kg 622.22 viss = 1 long ton (2,240 lbs) = 1.016 metric tons

Terms

baht	Monetary unit of Thailand (see “Measurements”)
Bo	Military commander
Daw	An honorific used to address an adult female
furlong	(See “Measurements”)
Kawthoolei	Karen name for the Karen nation
Khun	Polite form of address in the Thai language
Ko	Burmese form of address to a young male
kyat	Monetary unit in Burma
longyi	Burmese word for sarong
Ma	Burmese form of address to a young female
Mahn	Burmese form of address to a Karen male
Maung	Burmese form of address to a young male
Mehm/Min	Form of address to a young Mon male
Mi	Form of address to a Mon female
Nai	Burmese form of address to an adult Mon male
Naw	Burmese form of address to a Karen female
plah	Karen measurement of distance, from elbow to fingertip (1 plah is under 2 feet)
pya	100 pyas = 1 kyats
pyi	Eight condensed milk tins
Sai	Burmese form of address to a young Shan male
Sangha	Buddhist order of monks
Sao	Male of Shan royal descent
Saw	Form of address to a Karen male
Sayadaw	Presiding monk of a Buddhist monastery
Shwedagon	The Great Pagoda in Rangoon
Tatmadaw	Burmese Armed Forces
Thakin	Master; lord (used to address the British colonial rulers; later politicized by the Burmese independence movement in the 1930s)
tickle	(See “Measurements”)
tin	(See “Measurements”)
tract (village)	Area consisting of 4-6 villages
U	An honorific used to address an adult male in Burma
viss	(See “Measurements”)

Note about Spellings:

Since there are no standardized transcriptions in the Roman alphabet for Burmese, Mon, and other ethnic languages, words are spelled variously, according to different spelling conventions or by how they sound (the spelling of Halockhani refugee camp is a classic example of this, by Westerners as well as Thais and locals). In addition, spellings have further been confused by the ruling junta's official Burmanization of well-known English terminology (e.g. Myanmar for Burma).

In order to avoid confusion and politicization, this report will restrict its use of language to the established and more widely-accepted anglicized spellings, since this report is written in English.

A list of alternative spellings from various sources are provided as follows:

Ayeyarwady: Irrawaddy
Bagan: Pagan
Bago: Pegu
Bamar: Burman
Dawei: Tavoy
Hinthada: Henzada
Hpa-an: Pa-an
Kayah: Karenni
Kayin: Karen
Kyaing Don: Kengtung
Magway: Magwe
Mawlamyine: Moulmein
Muang Tai: Mong Tai
Myeit: Mergui
Myanmar: Burma
Patheingyi: Bassein
Pyaw: Prome
Sittoung: Sittaung
Sittwe, Sittway: Akyab
Tanintharyi: Tenasserim
Thandwai: Sandoway
Thanlwin: Salween River
Taunggyi: Moei River
Toungoo: Taungoo
Yangon: Rangoon

1. Forced Labor

1.1 Overview

Background and Developments

In 2003 sources inside and outside of Burma continued to provide extensive reports of government organized forced labor. Incidents of forced labor occurred primarily as portering for military operations, construction of military bases, income generation projects for the military, work on infrastructure projects such as roads and bridges, and forced conscription into the military. There appears to be a direct correlation between forced labor and military activities in rural ethnic areas. The ILO Liaison Officer for Myanmar released a statement in March 2003 naming Myanmar as the only country in the world where forced labor is imposed by government-related authorities. (Source: "Myanmar Plan to Eliminate Force Labour Not Adequate: ILO," AFP, 11 March 2003)

The ILO Liaison Officer has noted that the government has "come from a position of complete denial of the existence of forced labour to recognition of forced labour and now have the presence of the ILO in the country." Yet, despite the Government's ratification of Order No. 1/99 in 2000 which bans forced labor, the ILO noted, "the recourse to forced labour continued in practice and that the situation was particularly serious and appeared to have changed very little in certain areas with a heavy presence of the army" (source: *Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No.29)*, ILO, November 2003). Although the Penal Code provides for the punishment of persons who impose forced labor, there were no known cases of the application of this provision. In 2003, the Myanmar Ministry of Labor's Convention 29 Implementation Committee did not identify or prosecute any instances of forced labor (source: *Country Reports on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004).

Ceasefire agreements in ethnic areas have not appeared to have a strong impact in reducing forced labor. After the SPDC military has pacified an area, it typically endeavors to establish both a physical and sociological presence. This involves building military facilities and demanding loyalty from local civilians. Villagers are forced to display allegiance by transporting supplies, working on construction projects, and providing food and money to the soldiers. Villagers that resist may be accused of supporting ethnic insurgents and face physical punishment and the destruction of their villages. Once the military has established a full-time presence, it begins considering infrastructure projects that will directly generate income and foster cross-border trade. The subsequent construction of roads and bridges again places local civilians in forced labor situations. New roads and bridges facilitate the arrival of more troops, creating further opportunities for forced labor.

A Karen Human Rights Group (KHRG) report reviewing 2003 activities provides insight on the relationship between forced labor and territorial control: "A constant element of both the SPDC and the DKBA's efforts to control the region is the use of villagers for forced labour. Villagers throughout the district told KHRG researchers that they are still forced to build fences, cut and carry bamboo, carry rice to outlying camps, stand sentry along roads and at Army camps, carry messages between camps and villages, repair roads and canals, build huts,

guide columns of soldiers, work in the fields of SPDC Army units, and make and send thatch. Villages interviewed by KHRG have indicated that there has been a decline in the amount of forced labour demanded by SPDC units. This apparent decline is in part because SPDC units have become more adept at demanding the labour indirectly, such as through the DKBA, or the abbot of the village monastery, or verbally at meetings. Despite this decrease, villagers continue to complain that after performing all this forced labour they do not have enough time to work their fields. Most village tract heads and many of the village heads in the eastern part of Pa'an District now have copies of SPDC Order 1/99 which is supposed to ban the use of some types of forced labour, but it is commonly disregarded by SPDC officers when it is shown to them. Village heads who have gone to SPDC officers to complain after they were ordered to provide forced laborers have been told, "Don't show us this. We don't understand about this, so you have to go and show it to our superior leaders." The villagers do not dare to show it to higher SPDC officers who are often in towns far away and cannot protect them from reprisals from local units. This leaves the villagers with no choice but to provide the labour. There appears to be some need by lower ranking officers at the battalion level to cover up their use of forced labour from higher ranking officers. KHRG researchers have been told by villagers of instances wherein SPDC officers stop using forced labour when SPDC leaders or higher ranking officers come for a visit, and then begin demanding the labour again as soon as they go back . . . this suggests that either there have been threats of punishment for the use of forced labour, or that the officers are simply covering it up so their superiors are not embarrassed by having to be confronted by it." (Source: *Eastern Pa'an District, Forced Labour, Food Security and the Consolidation of Control*, Karen Human Rights Group, 23 March 2004)

The process for conscripting forced labor was reported to have changed slightly in 2003. Military units relied on verbal instructions rather than written documents when issuing orders to village headmen to provide labor. A June 2003 Earthrights International report described an area in eastern Burma where village heads are required to attend a weekly meeting to receive the latest demands for labor: "Orders [for forced labor] come, directly or indirectly, from mid- to high-ranking military officers. In this particular area, they often come from a strategic commander who is responsible for overseeing many battalions and is accountable to the State Peace and Development Council (SPDC) that rules Burma. The orders come frequently and are coordinated, demanding labor, materials, and money. This combination of evidence confirms the existence of a "systematic" practice and a "preconceived plan or policy" which are key components for demonstrating crimes against humanity." Efforts to resist attending the meetings resulted in physical punishment, including a headman being buried so that only his head remained above ground. Villagers were then forced to step on their headman's head (source: *Entrenched: An Investigative Report on the Systematic Use of Forced Labor by the Burmese Army in Rural Areas*, Earthrights International, 13 June 2003). Also, in ethnically Burman central regions where forced labor has lessened considerably, demands for forced labor are increasingly being replaced by demands for materials and money. Military officials often allow households to substitute money for labor in infrastructure projects. In rural areas however, widespread poverty forces most households to contribute labor. There were also reports that authorities sometimes made payments for the people or materials they requisition, although far below market rates.

Forced Portering

In rural regions, especially ethnic border areas, Myanmar-Tatmadaw movement often includes forcing citizens to act as porters for rations and munitions. Although ceasefires existed or were being discussed with the majority of the ethnic resistance armies, accounts of forced portering for military movement remain widespread. Moving supplies between camps or delivering materials for the creation of new camps is most common. The accounts typically describe portering assignments lasting from a few days to a week, in which villagers are not compensated and are required to supply their own food. Additionally descriptions of mistreatment, illness, and death are common. Porters are often worked to the point of exhaustion, beaten if they cannot continue, and sometimes shot. To conscript the required number of civilians, troops, police, and local Peace and Development Council officials usually provide village headmen with a quota for porters and time of service. In areas where not enough men are available, women and children are forced to porter instead. An inability to provide the demanded labor results in fines or extortion. Often villagers attempt to pay instead so that they are not taken from their work and families and do not have to risk death.

Forced Labor for Infrastructure Projects

The Government routinely forces civilians to work on construction and maintenance projects. Infrastructure projects in which forced labor is utilized include the building and maintenance of roads and bridges, the construction of facilities to aid heavy industry, and other projects aimed at boosting economic potential. These projects undermine the economic potential of those forced to work on them. While few 2003 reports surfaced of forced labor for civil infrastructure in central Burma, the border states continued to provide detailed accounts of labor focused human rights abuses. In Mon State the security of pipelines, which are critical to the economic position of the SPDC, continued to involve thousands of involuntary laborers. In Shan and Karen States, the most frequent instances of forced labor involved road construction and repair. In Arakan state, roads damaged during the monsoon season are usually repaired with forced labor at the onset of dry season. These road construction projects may also be implemented to facilitate border access and surveillance for the military, or for the opening of new trade routes as a result of improved relations with neighboring countries. Projects were typically coordinated by military officers and Township Peace and Development Councils, and demanded the work of dozens to hundreds of men, women, and children. Predominantly the work of villagers went unpaid, with some instances of payment promised but not delivered, and occasional payment far below market rate.

Forced Labor for Military Camps and Income Generation Projects

In areas with an SPDC military presence the local people are regularly summoned to do one or more days of forced labor at military camps. Whenever a new battalion moves into an area, the nearby villages are forced to provide most of the labor and building materials for the camps. This work usually takes the form of building barracks and bunkers, digging trenches, erecting fences, and clearing the ground in and around camps. At established military camps, similar work is often demanded in maintaining the upkeep of the camp. The construction of sentry posts in and near the camp is common, which is followed by required sentry duty. In addition, in rural areas, especially those with a history of insurgency, the presence of a military camp usually means the seizure of land near the camp for the cultivation of rice and other crops. Local villagers are then forced to work the land to produce food for the camp. Outright demands for food from nearby villages are common.

Forced labor at military camps may be institutionalized through registration processes and formal meetings. Village heads are sometimes ordered to provide comprehensive and detailed registration lists of everyone and everything in their villages. These lists are then used to assess paddy quotas, quotas for forced labor, fees and extortion money, demands for carts, vehicles and other equipment, and to closely monitor the movement of villagers and the arrival of anyone new in the village. People found to be unregistered can be arrested, accused of being ‘insurgents’, and detained and/or tortured. The registration lists are also a tool for intimidation, making the villagers believe that the SPDC knows everything about them and making them afraid to do anything out of the ordinary. Demands for labor, as well as demands for porters and various fees, are often dictated at regular meetings called by the battalion officers that must be attended by village heads and sometimes heads of households. In some areas, each village has to send several people on rotating shifts of three to five days to the military camp for miscellaneous forced labor, which is sometimes referred to as ‘patrol’. This labor routinely includes clearing scrub and grass in and around the camp, maintaining barracks, digging and maintaining trenches and bunkers, building fences and man-traps, cutting firewood, carrying water, cooking, cleaning, and delivering messages to other military camps and order letters to local villages. The Nasaka Border Security Camps in Arakan State offer a clear illustration of the manner in which forced camp labor is methodically practiced and monitored so that work stoppages can occur around ILO visits. In the dry season activities such as camp construction and rehabilitation, road building and brick-baking occur. With the onset of the monsoon tasks such as ploughing of Nasaka paddy fields, planting of trees, road and bridge repair, etc. become predominant. Recruitment of sentries and porters is a year-round practice, not linked to any particular season. (Source: Forum-Asia, 2003)

Forced Prison Labor

Convicts are regularly used for unpaid labor as porters, on infrastructure projects, on income generation projects for the military, and even for the benefit of private businesses. Historically, prisoners have been treated much more brutally than civilians and are routinely used in very dangerous or inhuman work, such as blowing up rock faces, digging at cliff-sites, plowing fields in the place of animals and carrying loads to the front lines. In past years prison labor has also been used on numerous infrastructure and tourism projects. In its review of 2003, Amnesty International reported on portering for the military, noting that “inmates are reportedly taken in large numbers from the prison system to carry goods for the military in counter-insurgency areas. Portering for the army is the most arduous form of forced labor, a practice which has been endemic in Myanmar for decades. Porters have been forced to carry very heavy loads of military supplies for several days or even weeks, sometimes in extremely dangerous conditions, including through minefields and during battles between the army and armed opposition groups. They are routinely deprived of adequate food, water and medical care, and as a result they often become too weak perform their duties. Soldiers sometimes beat or kick them if they are too weak to carry their load or keep up with the military column. Many prisoners convicted of common crimes have reportedly died as a result of their ill-treatment during portering” (source: *Myanmar: The Administration of Justice - Grave and Abiding Concerns*, Amnesty International, 4 January 2004). During 2003, the military continued to take prisoners from jails in Shan State for use as porters. In October, during its offensive against the KNU, the Burmese Army reportedly used over 300 prisoners as porters (source: *Country Reports on Human Rights Practices-2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004).

Prisoners are also routinely taken from prisons to labor camps around the country where they are organized into groups to work on projects or are sent to portering duties. Prisoners can allegedly pay large sums of money to avoid being taken for portering or labor camp duties. However those who are unable to pay must work in the labor camps. Indications of private businesses actively taking advantage of prison labor surfaced in 2003. As an example, on 29 May 2003, two leading tea leaf companies were reported to have been exploiting prison labor. The two implicated tea companies, Ah Yee Taung and Yuzana, rejected accusations of using prison laborers in their production processes. Other businesses in the areas of bean packing, pickle packing, and car servicing have also been cited as exploiting laborers from prisons including Mandalay, Thayet and Meik-Hti-La. A bean factory in Meik-Hti-Lar, owned by U Win Shwe of Bayintnaung Sein Pann street in Rangoon, was accused of using prison labor. (Source: "Pickled Tea Giants Reject the Use of Forced Labor," Network Media Group, 29 May 2003)

Forced Military Conscription

2003 saw the implementation of a systematic process for involving civilians in military service. Following the attack on Aung San Suu Kyi and the NLD on 30 May, compulsory military training was reported throughout the country. The authorities indicated that the purpose of the training was to prepare the population to defend the country from foreign invasions and destructive elements. While the reports of who was required to attend and for how long varied, many trainees indicated that they were taught how to use small weapons and propaganda to defend the State. In some instances, trainees were required to purchase uniforms and bamboo sticks. On 21 July, it was reported that all civil servants, members of State sponsored organizations, and their families were required to attend the training (source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui- Tavoy District Information Department, KNU, July 2003). The collection of funds for the trainings from both families of trainees and the citizens of the respective townships also occurred. In his report to the 60th Session of the Commission on Human Rights, UN Special Rapporteur Paulo Sergio Pinheiro reported, "Every township has to send a certain number of persons to this training, mainly men between 18 and 40 but sometimes also women. Civilians reportedly must attend this training for one month part-time or two weeks full-time, and to endure the economic hardship caused by absence from work. Moreover, in some cases, they are also required to cover the cost of training and weapons such as bamboo sticks. Upon completion of the training, their names are registered and they may be called back at any time," (source: Pinheiro, Paulo Sergio, *Situation of human rights in Myanmar*, Economic and Social Council Resolution on Burma at the UNCHR 2004, Sixtieth session, 5 January 2004). According to reports, the Government compensated trainees with food and, in rare cases, a token per diem payment. (Please see chapter on assembly and association for more information on the 30 May incident at Depayin.)

Forced conscription of both adults and children into the armed forces continued throughout 2003. Diplomatic representatives of the United States reported learning that the Government would not allow soldiers to leave the army at the end of their enlistment without first recruiting three or four replacements, even if that meant forced recruitment. Forced recruitment for the police forces often follows the same pattern. In addition, authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portering or military service. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004) (Please see chapter on children for more information about child soldiers in Burma.)

1.2 ILO Activities in Burma

Background

In 1998, the International Labour Organization (ILO) found forced labor to be generalized and systematic in Burma, and implored the ruling junta to take action. On 17 December 1998, it imposed sanctions against Burma under Article 33 of the ILO constitution. In November of 2000, the ILO urged its 175 member governments to impose sanctions on and review their relationships with Burma as a means to ensure that Burma was not engaging in the use of forced labor. This was an unprecedented move on the part of the ILO and led the SPDC to issue Order No. 1/99, officially banning forced labor in accordance with ILO Convention No. 29. In March 2002, the ILO and SPDC agreed that the ILO would appoint a liaison officer to Burma. On 9 September 2002, Ms. Hông-Trang Perret-Nguyen was given the position. Her initial observations, made in September, October, and November 2002, described forced labor as continuing despite the ILO sanctions imposed. She noted that very few villagers were unaware of Order No. 1/99 and that military personnel were forcing villagers to give false testimony.

2003 Developments

On 21 February new talks began between senior officials of the Ministry of Labor, the Ministry of Foreign Affairs, senior judicial officials, and Ms. Perret-Nguyen. On 27 May the Government and the ILO agreed on a joint Plan of Action with an agenda that included: the dissemination of information, awareness-raising programs, a pilot project for non-forced labor local road construction, expansion of the use of animal transportation, enhancing public awareness of the mechanism for filing complaints, specific responsibilities of the Field Observation Teams, and the role of the ILO facilitator in dealing with allegations of forced labor. The Action Plan was to be implemented over an 18-month period beginning 1 July. The non-forced labor pilot project was to be a 65-kilometer road in Myeik, Tenasserim Division constructed with voluntary and paid labor. Myeik was chosen because there continued to be heavy allegations of forced labor continuing in the area. A Public Relations campaign was designed to reach out to the non-Burman ethnic communities by distributing copies of Order No. 1/99 in pamphlets translated into the Mon, Karen, Chin, Karenni, Kachin and Shan languages. The Ministry of Labour was put in charge of seven Field Observation Teams in areas where forced labor is routinely reported, and military officials and personnel were to be educated in monthly workshops. General Khin Nyunt expressed his government's support for the Joint Plan of Action stating that, "the military authorities wish to have positive and constructive cooperation with the ILO, and we are carefully considering the ILO's advice on how to change our practices." (Source: "ILO and Forced Labour in Burma," Kao-Wao News, No. 45, 7 June 2003)

The joint Plan of Action was initiated by both sides and the formal signature was to have taken place in Geneva during the ILO Conference. However on 30 May, Aung San Suu Kyi's motorcade was attacked creating what the ILO termed "a climate of uncertainty and fear" and calling into question "the will and ability of the authorities to make significant progress in the elimination of forced labour." The ILO did not go ahead with the planned signature. (Source: *Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No.29)*, ILO, November 2003)

Upon her return to Rangoon in July, the Liaison Officer was unable to arrange meetings with the SPDC authorities. In written communication, the Director-General of the Myanmar Department of Labor expressed disappointment that the ILO had not gone ahead with the implementation of the joint Plan of Action. He also indicated that the authorities were proceeding "in their own way" toward the desired goal, and that connecting labor eradication cooperation to the internal political situation would not yield positive results. In July and August, the SPDC's Convention 29 Implementation Committee sent four field observation teams to Karen/Mon States, Magwe Division, Pegu Division and Karenni/southern Shan States. According to the Committee, these teams had not come across "any cases of forced labour, had found that no complaints concerning forced labour had been received, and that the Orders prohibiting forced labour were widely known." In an 8 September meeting, the Minister for Labor "noted with regret that the ILO had linked the forced labor issue with the domestic political affairs of the country, and reiterated the Government's intention to continue to try its best to eradicate forced labor with or without assistance from the ILO." Ms. Perret-Nguyen responded that the ILO's concern was not with political events but rather their impact on the feasibility of having a Plan of Action implemented. In November, the ILO Committee of Experts noted that "measures to stop the exaction of forced labor, such as concrete and specific instructions to the civilian and military authorities and budgetary allocation for the effective replacement of forced and unpaid labor" had not been taken, and that "there had been no prosecution of or sanctions imposed on persons for exacting forced labor." (Source: *Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No.29)*, ILO, November 2003)

Concerns were raised throughout the year over the SPDC's attempts to conceal the occurrence of human rights violations, including forced labor. Several instances of trainings held by the USDA and other local authorities were reported throughout the year where trainees were instructed how to lie to international organizations and monitoring institutions. On 16 February, the Township Peace and Development Council in Yong-Dong village, Mudon Township, Mon State was reported to have conducted trainings on how to lie and how lead the international monitors, such as Amnesty International, away from information or evidence that could ruin Burma's international image. The trainees consisted of over 100 USDA members who were instructed by military authorities. One trainee noted, "We are told not to tell the truth about forced labor to international organizations," he then added, "It's a course on how to lie to people who ask questions." The officials forced young boys and girls to attend the training course. Mi Yin Mon, a teenage girl said, "I was so disgusted with the training which instructs us not to tell the truth about the abuses that we have suffered for years." (Source: "USDA Train Villagers to Lie to International Institutions," Kao Wao News No. 39, Feb 26 – March 15, 2003) (See chapter on freedom of expression for more information)

1.3 Forced Labor Resulting from International Joint Ventures

Legal Proceedings and Developments in the Unocal Case

In 2003, the case of John Doe et al versus Unocal Corp., 00-56603, continued in the 9th U.S. Circuit Court of Appeals. Unocal, based in El Segundo, California, was accused of being complicit in slavery, murder and rape carried out by the Burmese military during the construction of the Yadana natural gas pipeline in Tenasserim Division. During the 1990's building of the pipeline, the military provided Unocal with security and other amenities. The case involves 18 farmers who allege they were raped or enslaved by the military. The list of plaintiffs includes relatives of those who were allegedly murdered while the pipeline was under construction. On 14 February 2003, the court announced in a two-sentence order that it would rehear the case against Unocal with 11 judges. (Source: "Court Sets Aside Suit against Unocal in Myanmar Rights Violations," AP, 14 February 2003)

In May at the Unocal shareholder meeting, a group of major pension funds expressed their concern that Unocal's involvement in Burma was a financial liability and was weighing down the stock price. The group was comprised of representatives from 10 investment funds which own more than 4.5 million Unocal shares, or 1.6% of the stock. All members of the group signed a letter requesting Unocal reevaluate its engagement in the pipeline project in Burma. In reply, Unocal's chairman and chief executive, Charles Williamson stated, "We have no intention of leaving Burma because we believe in what we are doing there." (Source: Douglass, Elizabeth, "Stockholders Press Unocal on Myanmar," Los Angeles Times, 20 May 2003)

Meanwhile U.S. Attorney General John Ashcroft's Justice Department filed a "friend of the court" (amicus curiae) on behalf of Unocal asking the federal appeals court to review the validity of pursuing the case under the Alien Tort Claims Act of 1789. This act allows for U.S. citizens to be held accountable for offences committed outside the U.S. against foreign nationals. Recently the Alien Tort Claims Act has become a prominent and powerful instrument in policing the behavior of U.S. corporations in countries like Burma where the rule of law does not adequately protect the population. The government brief claimed the Tort law "has been commandeered and transformed into a font of causes of action permitting aliens to bring human rights claims in United States courts, even when the disputes are wholly between foreign nationals and when the alleged injuries were incurred in a foreign country, often with no connection whatsoever with the United States." The intervention of the U.S. government raises the possibility that the issue will ultimately reach the Supreme Court. (Source: Lobe, Jim, "Villagers Vs Oil Giant: Ashcroft to the Rescue," Inter Press Service, 16 May 2003)

Unocal maintained that U.S. sanctions on Burma issued by the White House would not affect its investment in the pipeline project. The company said a grandfather clause in the sanctions would allow it to continue engagement there. Unocal also indicated it was committed to the principle of engagement to achieve both economic and social improvements in countries where it worked. Unocal noted that concern about the events of 30 May and the crackdown on the democracy movement had been asserted to the SPDC through diplomat channels. (Source: Thongrung, Watcharapong, "Unocal Says Project in Burma Will Go Ahead," *The Nation*, 11 August 2003)

The case was set to go to trial in December in Los Angeles, seven years after it was first filed. The first phase would decide the essential point as to whether or not Unocal the corporate entity should be the defendant. In the second phase of the trial, the specific allegation of Unocal's indirect aid and profit from the perpetration of human rights abuses by soldiers guarding the pipeline will be addressed. In pretrial hearings, Unocal indicated plans to assail the validity of some of the plaintiffs' testimony. Unocal lawyers specifically cited Jane Doe 1 and her husband John Doe 1, who provided testimony regarding the death of their baby at the hands of Burma soldiers. According to their testimony made in 2002, soldiers came searching for John Doe 1 after he had run away from a forced labor crew for the pipeline. Instead they found his wife, Jane Doe 1, and assaulted her. As a result, the soldiers knocked her baby out of her arms and into a cooking fire. The baby died from internal injuries after the family had arrived at a refugee camp in Thailand. Yet, Unocal's lawyers submitted an article from a Thai newspaper, which indicates that the husband had been engaged in forced labor for a railway project and not the pipeline. Connected to the article is a photograph of Jane Doe 1 and the injured baby. In December, Unocal's lawyers contended that the family is misinforming and questioned whether or not the baby was actually deceased. Conversely, lawyers for the plaintiffs indicated the possession of ample evidence that the battalion guarding the pipeline had perpetrated the violation against the family. Specifically, Jane Doe 1 had identified the insignia of Battalion No. 407 on the uniforms of the soldiers who attacked her. Battalion 407 was one of multiple units that conscripted labor in the area for the pipeline. (Source: Girion, Lisa, "Unocal Pipeline Trial to Begin," *LA Times*, 8 December 2003)

Implication of TotalFinaElf Legal Proceedings on Forced Laborers

A second case related to the Yadana pipeline involves French gas giant, TotalFinaElf and the Belgium-based human rights group Actions Birmanie, which filed charges in a Brussels court in 2002. Actions Birmanie accused TotalFinaElf of crimes against humanity stemming from the company's involvement in the construction of the natural gas pipeline. The suit is based on the Belgian "law of universal competence."

On 16 January 2003, *Le Nouvel Observateur* printed an article on Burmese farmers from Tavoy region who are plaintiffs and witnesses in the case against TotalFinaElf. The article reported, "At present all those connected in any way to the court case have had to flee and hide in the jungle. Out of the dozen plaintiffs and witnesses, one disappeared two months ago and another is too scared to talk further." At the same time, a large scale military operation launched by the 9th Division of the Thai Army was reported in the areas near Total's plants. The operation was launched following a meeting in Bangkok between French lawyers and the Burmese involved in the court case. A Thai Army officer indicated that the purpose of the operation was to secure the French pipeline as it was threatened by a pipeline resistance movement. According to villagers who have fled the area, the pipeline's track through the jungle was strewn with bombs. (Source: Payen, Cyril, "Burma, Forced Laborers for the Pipeline," *Le Nouvel Observateur*, 16 January 2003). Thus, an additional effect of pipeline construction and the resulting legal action is increased military activity in Thailand. In both Thailand and Burma former and current forced laborers now face additional physical harm at the hands of the militaries. Forced labor on the site of the pipeline continues to be a major factor driving refugees into Thailand, where Thai police engage in the usual process of arrest, incarceration, intimidation, and forced repatriation.

Future Threats of Forced Labor Involving International Participation

In 2003, reports of forced labor and forced relocation began to surface from the Salween Dam project in Shan State. On 20 December 2002, the Thai company, MDX Group, signed an agreement with Burma's Department of Hydroelectric Power to build the dam. Most of the power generated by the 4,500 megawatt dam, the largest in SE Asia, will be exported to Thailand. Construction activities in 2003 led to the first instances of forced labor described by Shan ethnic labor monitoring organizations. In January, a militia leader in Mongton Township warned the local villagers, "If you continue to stay, you will be forced to work for them with little or no pay," he further added, "And in the end, after the dam is finished, you will still be thrown out of your homes anyway. You should therefore move while you still have time." Construction of the dam has not only raised serious concerns of potential human rights abuses but also of environmental degradation. (Source: "The Salween Dam Project; Residents Advised to Move," Shan Herald Agency for News, 14 February 2003)

In February, the SPDC and the Government of India agreed to implement several economic development projects which have raised concerns over the potential human rights abuses that may occur if they are pursued. Major foreign corporations such as Daewoo International, ONGC Videsh Limited (OVL), Gail and Korean Gas Company (Kogas) are funding the projects, which include a multi-modal transport project over the Kaladan River and a pipeline along the river to India. As a result, organizations like the Arakan Independence Alliance fear increases in forced labor, forced relocation, extrajudicial executions, and environmental degradation that may ensue if SPDC military presence in Arakan and Chin States is augmented under the guise of guarding the pipeline. The AIA stated, "As has been clear from the past experiences, these projects will not develop the situation in the region, but it will increase the oppression of the SPDC against the peoples of Arakan in particular and Burma in general." (Source: "AIA Has Released A Joint Press Release about the Recent Agreement of Burma and India to Develop Economic Projects," Kaladan News, 5 February 2003)

1.4 Portering - Partial List of Incidents for 2003

Arakan State

Maungdaw Township

Carrying of food

On 3 February 2003, porters were forced to carry food to the military's In Tu Lah Nasaka camp. (Source: Forum-Asia, 2003)

In March 2003 force portering of rice occurred in Bauk Shu Pwai village. (Source: Forum-Asia, 2003)

In May 2003 forced portering and the beating of porters occurred in Ye Aung San Yah Phwai village. (Source: Forum-Asia, 2003)

Karen State

Note: Dooplaya, Pa-an and Papun, as reported below, are all areas demarcated by the KNU as Karen territory. Dooplaya District falls mostly in SPDC demarcated Karen State and partially in SPDC demarcated Mon State. Dooplaya District is under the patrol of the 6th Brigade of the Karen National Liberation Army (KNLA). Papun and Pa-an Districts fall entirely in SPDC demarcated Karen State. Papun District is under the patrol of the 5th Brigade of the KNLA and Pa-an is under the patrol of the 7th Brigade of the KNLA. The SPDC does not recognize these as official districts. Instead, the SPDC considers there to be 3 districts (North to South: Kawkareik, Myawaddy, and Pa-an) and 7 townships (North to South: Than Daung, Papun, Hlaing Bwe, Pa'an, Kawkareik, Myawaddy, and Kya In Seik Gyi) within Karen State. These townships do not correspond with the KNU demarcated districts and townships, even for those which share the same name.

Dooplaya District

Killing of a porter

On 14 September 2003 at 9:45 pm, because of fighting between local KNLA troops and the SPDC at Taung Dee and Khon Ka Won villages, the SPDC LIB 538 killed 1 of their porters saying that this porter had given information to the KNLA troops. The troops also took 1 pig from Taung Dee village as a fine for the fighting took place near this village. (Source: KORD, 2003)

Pa-an District

Wanton looting, slapping and portering

On 17 June 2003, troops from LIB 703, led by officer Tun Tun Win, entered Kyauk Ta Lay Kho Village and looted a pig belonging to Ma Than Yin as well as 12 unidentified chickens. The soldiers slept there for a night and in the morning demanded 4 porters to carry their supplies to Klaw Ka Ti. On the same day some troops at the motor road summoned the village headman, Saw Per Hai, and slapped his face 2 times and forced him to carry a supply to Htee Nyar Li Kyo. The troops also slapped Saw Pah Kwa on the back of the neck 2 times when they saw him on the motor road. In the evening the troops again entered Kyauk Ta Lay Kho Village and asked Saw Pah Nar Lo to climb and pluck coconut. Because he could not climb, they beat him 2 times. In the village the troops demanded 1 basket of rice and looted 10 gas lighters, 2 watches, 2 batteries, and 2 packets of dry noodle from a shop, and 1 packet of smoke from village headman's house. (Source: Department of Information, KNU, 2003)

Papun District

Forced carrying of firearm cartridges

On 18 June 2003, SPDC IB 63 led by the officer Myint Oo entered Thwa Hta village, Mudraw Township and told villagers not to leave the area. He also forcibly asked 9 porters in village to carry their cartridges up to Bu Wa Kwee village and asked for 2 tins of rice and 14 chickens. (Source: KORD, 2003)

On 23 June 2003, SPDC LIB 63 led by officer Aung Soe entered Thwa Hta village and asked 6 porters to go with them when patrolling the area and to carry their cartridges over a two day period. On the same date, DKBA leader Pah Pa Na forcibly asked the Thwa Hta villagers to provide 700 thatches for roofing and 200 pieces of bamboo, and also forced them to serve as contribute laborers. (Source: KORD, 2003)

Mon State

Thaton District

Note: Thaton District is demarcated by the KNU as part of Karen territory. Thaton District falls mostly in the SPDC demarcated area of Mon State, while the area to the east of the Donthami River lies within SPDC demarcated Karen State. Thaton District is under the patrol of the 1st Brigade of the KNLA.

Porter conscription

On 30 May 2003, SPDC IB 28, based in Mae Khu Hta village under Commander Aung Kyaw Myint, forcibly asked 40 villagers from the surrounding villages of Mae Khu Hta, Htee Doh Hta, To Mu and Mae Khu Khee to serve as porters. Moreover, the troops also demanded regular porters to stand by at Mae Khu Hta every day. Those villagers were from Mae Khu Hta, Mae Nyo Hta, Htee Doh Hta, To Mu and Mae Khu Khee villages. (Source: KORD, 2003)

Ye Township

Forced portering and restriction on movement and purchasing goods

In planning to launch a military offensive against a Mon splinter group in January 2003, SPDC LIB 273 took 3 porters for 7 day periods from each village along the Ye-Tavoy motor road in Ye Township. LIB 273, with 60 men led by Maj. Kyaw Soe, forced each porter to carry 6 motor shells and an army bag with food supplies. Some porters reported being unable to sleep at night because of mosquitoes. If caught attempting to flee, they would be punished with a fine of 10,000 kyat, 1 sack (about 66 kilogram) of rice, and face 20 blows with gun-butts. In addition to taking porters from Aleskan, Law-thaing, Kyaukadin, Kywetalin, and Yapu villages, LIB 282 and LIB 273 ordered remaining villagers to ask for a permission letter from the headman or army commanders to leave the village. Farmers were told to eat only 1 meal per day. (Source: HURFOM, January 2003)

In February 2003, SPDC LIB 273 ordered village headmen in northern Ye Phyu Township to provide people from their villages to carry ammunition and equipment in a military operation against Mon rebels, an escaped porter said last week. From Lok Zaing Village, the escapee said 3 people each from Htan JaNu, Kreik KaDin, Lok Zaing, Rot Ta Mah and Dide Tu villages were forced at gunpoint to carry heavy equipment for the Burmese soldiers. "Major Kyaw Soe arrested us and ordered us to porter. We do not have enough food and sleep, and they don't give us mosquito nets either," he said. The LIB 273 severely punished porters who tried to escape by beating them with a gun or fining them 10,000 kyat. According to local villagers, the army was also banning local people from buying medicines and batteries so as to cut off products from the rebel groups. Traders and shopkeepers will be severely punished and fined if they sell their products. Consequently, people who are sick are unable to buy medicines due to the ban on the selling of products in the rural areas. (Source: "Mon State at War," Kao Wao, 1 March 2003)

Pegu Division

Note: Both Nyaunglebin District and Taungoo District are areas demarcated by the KNU as Karen territory. Taungoo falls partially in SPDC demarcated Pegu Division and partially in SPDC demarcated Karen State. Taungoo is under the patrol of the 2nd Brigade of the KNLA. Nyaunglebin falls in SPDC demarcated Pegu Division and is under the patrol of the 3rd Brigade of the KNLA. The SPDC does not recognize Nyaunglebin or Taungoo as official districts.

Nyaunglebin District

Forced transport of military rations

On 13 March 2003, SPDC troops from LIB 599 demanded 600 male and female porters to carry military food supplies to Ko La Wah Lu camp. (Source: KORD, 2003)

On 19 March 2003, SPDC LIB 264 Column 2 led by Commander Thein Ko Ko Oo and a guerrilla troop led by Commander San Zaw Tun forced 400 villagers from Kyauk Kyi Paut and Tha Pye Nyunt to carry 150 sacks of rice from Ma La Daw to Ter Ler Day. According to the information from the front line area, the SPDC was preparing an operation against Karen people in Mone Township, Kler Lwe Htoo district. Five battalions were believed to be involved in the operation. (Source: KORD, 2003)

On 10 July 2003, SPDC LIB 590 ordered village heads in Mone Township area to provide 500 porters. Those unable to carry a load had to pay 5,000 kyat each. SPDC Column 2 ordered village heads in the same area of Mone Township to provide 250 porters to launch a military operation along Kyauk Kyi car road. (Source: KORD, 2003)

On 31 December 2003, SPDC troops from LIB 349, under Commander Hsan Myint, forced 20 villagers of Ma-la-daw in Mone Township to carry food supplies from Ta-ler-day to Tha-bye-nyunt military camp. (Source: FTUK, 2003)

On 31 December 2003, SPDC troops from 599 forced the villagers of Pa-ta-lah in Kyauk-kyi Township to carry food supplies with 50 ox carts to Aung-soe-moe military camp. (Source: FTUK, 2003)

Taungoo District

Forced transport of military equipment, supplies, ammunition, and food rations

On 14 January 2003, SPDC troops from IB 60 led by Captain Myo Thein, forced 30 villagers from 3 villages in Thandaung Township, Taungoo District to carry food supplies for the army at the front. The same troops forced have 3 villagers to be porters for the army since December 2002. (Source: "Forced Labour in Karen State," DVB, 25 January 2003).

On 26 January 2003 tactical commander Khin Maung Oo from tactical No.3 forced 10 cars from Kler Lar and Kaw Thay Der to send military food supplies from the Southern Command headquarters to Ka Law Soe. Each car was sent 3 times. (Source: KORD)

On 28 January 2003, 117 people from Ker Weh, Ker Der Kar, Tha Bar Per and K'shi Khi, were forced to be porters from Ka Thwi Di to Day Law bridge by SPDC IB 26 under the control of Battalion Commander Khin Maung Cho. On February 22, 2003 the same troops entered Gar Mu Der village, and forced Saw Ba Sein (age 24), Saw Ta Htoo Htu (age 35), and Saw Ta Mya (age 20), to join them. (Source: KORD, 2003)

On 2 June 2003, SPDC IB 92 based in Kaw Thay Der, Kler Lar forcibly seized 250 villagers including men, women and children and made them carry food rations from Klerlar up to Tha Aye Hta and to Wah Soe village, where their front line camps are located. (Source: KORD, 2003)

On 2 June 2003, SPDC IB 35 company commander Tin Win, based in Day Lo To, forcibly conscripted 40 people from Kler Lar village, 10 from Ler Gi Kho Der village and 10 from Ler Gi Der Kah village to act as porters. (Source: KORD, 2003)

On 7 June 2003, SPDC (Ta Pa Ka) Southern Command, (Sa Ba Ha) Military Strategy - 1, based in Klerlar sent for the Kawthayder village headman and said villagers must carry military food rations to the Thaayehta camp. Non-compliance would result in restrictions on movement and shooting to kill if found near paddy plantations and fruit tree gardens. (Source: KORD, 2003)

On 8 June 2003, SPDC IB 92, based in Kawthayder under officer Htun Htun Win entered the village and made porters of 2 villagers from Saw Neh Keh and Saw Eh Sei. On 9 June 2003, they seized more villagers and forced them to carry their things from Thaayehta up to Wahsoe. (Source: KORD, 2003)

On 11 June 2003, SPDC IB 92, based in Kawthayder village, seized 13 Kawthayder villagers and forced them to carry things to front lines at Klerla and Wahsoe. (Source: KORD, 2003)

On 11 June 2003, SPDC IB 92 led by Win Htun and IB 39 led by Win Soe seized 29 Wathokho villagers, including 4 women, and forced them to carry things to their camp at Thaayehta, Wahsoe on the Karenni border. The 4 women were:

- (1) Naw Poe Wah, with her suckling baby;
- (2) Naw Eh Moo Say Lay Wah, with her suckling baby;
- (3) Naw Moo Paw, with her suckling baby; and
- (4) Naw Lah Moo, with her suckling baby.

On the same day, 200 porters from Klerla were forced to carry military supplies from Thaayehta to the front line camp on the Karenni border at Pimukho. Those villagers were forced to carry things until they could no longer stand. (Source: KORD, 2003)

On 9 July 2003, SPDC IB 92 based in Kaw Thay Der and led by warrant officer Htun Wae forcibly collected villagers from Kaw Thay Der village and asked them to carry military ammunition to the front line camp at Naw Soe. The villagers were:

- (1) Naw Ma, age 30;
- (2) Naw Ah Sei, age 26;
- (3) Naw S'pyah, age 15;
- (4) Naw Sheh Ni, age 21;
- (5) Naw Sa Ri, age 13; and
- (6) Naw Moo Paw, age 15. (Source: KORD, 2003)

On 15 July 2003, SPDC IB 92 based in Kaw Thay Der village and led by warrant officer Htun Wai arrested Kaw Thay Der villagers and forced them to carry military ammunition to the front line camp at Naw Soe. They were:

- (1) Naw Ella, age 33;
- (2) Naw Wah Wah, age 34;
- (3) Naw Ta Moo, age 20;
- (4) Naw Taw Tay, age 16;
- (5) Naw Ta Yah Yah, age 20; and
- (6) Naw Karay Karay, age 16.

On the same day SPDC IB 124 led by Commander Ko Ko Aung arrested Ga Mu Der villagers and forced them to carry military ammunition from Kler Lar to Tha Aye Hta. They were:

- (1) Saw Ah Ro, age 30;
- (2) Saw Ler Wah, age 20; and
- (3) Saw Way Sa, age 20. (Source: KORD, 2003)

On 17 July 2003, SPDC LIB 124 led by Officer Ko Ko Aung sent sick soldiers back to Kler Lar to forcibly collect porters from Ga Mu Der village. Those villagers were:

- (1) Saw Ah Ro,
- (2) Saw Ta Gay Doh,
- (3) Saw Paw Ler,
- (4) Saw Mya Htoo,
- (5) Saw Ko Ri,
- (6) Saw Ba Win,
- (7) Saw Hser Gay, and
- (8) Saw Ah Paw. (Source: KORD, 2003)

On 18 July 2003, SPDC IB 92 led by the warrant officer Htun Wai forcibly collected Kaw Thay Der villagers to carry their military supplies up to Naw Soe. The villagers were:

- (1) Naw Jue Ju, age 37;
- (2) Naw Teh Yeh, age 28;
- (3) Naw Kree Kri, age 27;
- (4) Saw Doh Htoo, age 36;
- (5) Naw June Eh; and
- (6) Naw Moe Toe, age 39. (Source: KORD, 2003)

On 19 July 2003, LIB 124 led by Officer Ko Ko Ayng forcibly asked Ga Mu Der villagers to carry military supplies to Kler La village. The villagers were:

- (1) Saw To Dae, age 25;
- (2) Saw Eh Paw, age 28; and
- (3) Saw Ri Moo, age 27. (Source: KORD, 2003)

On 23 July 2003, SPDC IB 29 led by Warrant Officer Htun Wai forced Kaw Thay Der villagers to carry military supplies to Naw Soe. Those villagers were:

- (1) Saw Than Htun, age 27;
- (2) Naw Blu Doh, age 23;
- (3) Naw Mer Poe, age 25;
- (4) Naw Sa Gay, age 28;
- (5) Saw Poe Htoo, age 20;
- (6) Naw Eh Dee, age 19;

- (7) Naw Htoo Lweh, age 18; and
- (8) Naw Neh Ni, age 23.

In the same day his troops forcibly collected 47 male and female porters in Kaw Thay Der village and asked them to build a fence for their camp. (Source: KORD, 2003)

On 8 August 2003, SPDC IB 92 under warrant officer Htun Wai forced the Kaw Thay Der villagers to carry their military supplies up to their front line camp at Naw Soe. The villagers were:

- (1) Saw Gri Paw, age 30;
- (2) Naw Ma La Sein, age 45;
- (3) Naw Eldah, age 35;
- (4) Naw Rah Ra, age 34;
- (5) Naw Say, age 45;
- (6) Naw Ti Ti Keh, age 26; and
- (7) Naw Baw Bay, age 36.

Htun Wai also extorted money from 5 car owners whenever they came back from town. He asked 2000 kyat from each. (Source: KORD, 2003)

On 9 August 2003, SPDC IB 124 led by Second Battalion Commander Ko Ko Gyi arrested 3 villagers of Ga Mu Der and forced them to carry military supplies up to Ta Aye Hta. Those villagers were:

- (1) Saw Mu Htoo, age 30;
- (2) Saw Ta Moo Htoo, age 40; and
- (3) Saw Rai Oo, age 28. (Source: KORD, 2003)

On 1 September 2003, SPDC IB 73 headed by Officer Myo Htun and based in Klaw Mi Der forcibly asked Klaw Mi Der villagers to carry military rations from Peh Leh Wa to Klaw Mi Der, their base camp. (Source: KORD, 2003)

On 10 September 2003, SPDC IB 26 under Officer Htun Kyaing based in Kaw Thay Der forcibly asked 7 Kaw Thay Der women and men to carry military equipment to Naw Soe camp. (Source: KORD, 2003)

On 13 September 2003, SPDC IB 26 Officer Htun Kyaing forced 4 Kaw Thay Der women villagers to carry military equipment to Naw Soe. (Source: KORD, 2003)

On 15 October 2003, SPDC IB 73 headed by Officer Aung Nyunt Win forcibly asked 6 women and 14 men from Hoo Mu Der village to work on camp construction. On the same day this troop forced 4 women and 11 men of Klaw Mi Der villager to carry military food to Pet Let Wa. (Source: KORD, 2003)

On 6 November 2003, Commander Khin Maung Oo forcibly seized 10 villagers from Klay Soe Khee village and asked them to carry military supplies up to Kheh Mu Der village. (Source: KORD, 2003)

On 7 November 2003, SPDC IB 26, under Sergeant Major Htun Kyaing, based in Kaw Thay Der camp, forced 10 villagers of Kaw Thay Der village to carry military equipment up to Now Soe camp. (Source: KORD, 2003)

On 23 December 2003, SPDC troops from LIB 264, under Commander Thant-Zin, forced 13 villagers from Ku-thay-deh and 13 from Peh-leh-wah to carry food supplies to the front line headquarters. (Source: FTUK, 2003)

On 29 December 2003, SPDC LIB 439 forced 10 villagers of Klor-mee-deh to carry military rations from P-let-wa to the front line military camp. (Source: FTUK, 2003)

Shan State

Kun-Hing Township

Beating of porters

On 24 July 2003, conscripted porters Ti-Ya (male, age 31), Kaw-Lin (male, age 26) and Zit-Ta (male, age 35) were beaten to the point of losing consciousness by SPDC troops from in a forest in Kun-Hing Township. The 3 villagers were originally from Loi Keng village in Loi Keng village tract, Kun-Hing Township, which was forcibly relocated to Kun-Hing town relocation site in 1996 by the SLORC. On the day of the incident, a patrol of about 45-50 SPDC troops from IB 246, led by Captain Than Maung Oo, told a community headman at Kun-Hing relocation site that they needed 3 villagers to serve as porters. Ti-Ya, Kaw-Lin, and Zit-Ta were forced to carry military things and go with the patrol. At one point in a forest, the SPDC troops started asking the villagers about the whereabouts of Shan soldiers. When the villagers said they did not know, the troops beat and tortured them. The SPDC troops put plastic bags over the heads of the 3 men and beat them so harshly that each of them lost consciousness at least 2 times. Conscripted only to serve as porters, they were tortured for not knowing where Shan soldiers were. (Source: SHRF, December 2003)

Lai-Kha and Loi-Lem Township

Forced vehicular portering

Starting in January 2003, SPDC troops in Lai-Kha and Loi-Lem Townships have been extracting vehicular portering from civilian drivers. Drivers of cars, trucks and mini-tractors have to transport troops, take them to markets, transport military gear, and remain on standby at military bases until their forced shifts are completed. The owners have to provide their own food for themselves and for their vehicles. There is also a 100 kyat fee at every town crossing. (Source: SHRF, April 2003)

Tenasserim Division

Note: Mergui-Tavoy District is an area demarcated by the KNU as part of Karen territory. Mergui-Tavoy falls into SPDC demarcated Tenasserim Division and is under the patrol of the 4th Brigade of the KNLA. The SPDC does not recognize Mergui-Tavoy as an official district.

Mergui/Tavoy District

Porters conscripted

On 6 January 2003, SPDC Battalion Commander Than Sein from Light Infantry Battalion 401 conscripted porters from 7 villages in Ta Hpo Hkee area, in Eastern Mergui Township, Mergui district. According to a villager from Ta Hpo Hkee area, Ta Hpo Hkee village had to send 50 people, Pler Hta, Pway Plaw, and Ka Wei had to send 50 people, Dalein Da had to send 45 people, Ta Hpo Hta's Karen ward had to send 45 people, Ta Hpo Hta's Burmese ward had to send 45 people, Ta Mla had to send 45 people, and Ler Kaw Htee had to send 30 people. Porters were forced to carry military supplies to Htee Mu Hkee camp on the Thai-Burma border in the east. Those who did not want to go have to pay 20,000 kyat for their replacement. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2003)

Long tail boats forced to transport fuel

On 11 January 2003, Operation Commander Soe Thet of the SPDC's No.1 Strategic Command, based in Myitta village about 37 kilometers to the east of Tavoy, demanded 5 long tail boats from Katawni village, which is in the south of Myitta village. He forced the long tail boats to transport diesel south to Mawhta, a deserted Karen village on the Tenasserim River. The diesel is for the construction of a military transportation road. The villagers received no payment for the four day trip. On January 16, Operation Commander Soe Thet demanded 7 more long tail boats from Katawni and 2 long tail boats from Htoo Ler village to again transport diesel to Mawhta. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District information Department, KNU, January 2003)

Portering of provisions and ammunition

In February 2003, 10 villages including Tagu, Thantaik, Tharabwin, Thabawleiggyi and Nyaungpingwin reported forced portering of provisions and ammunition. Each village has to provide 50 villagers in response to an order by Colonel Than Myint, the 2nd Military Strategist based in Tenasserim. The 10 heads of the village were summoned to the military base and given the order. He also ordered them not to leak the news to the ICRC and labor organizations. (Source: "Forced Labours in Tenasserim Division," DVB, 25 February 2003)

Villagers fined for failing to provide porter services

On 3 March 2003, SPDC troops from No.2 Strategic Command HQ demanded forced portering from the local villagers in the Kay area of Mergui district. According to a local source, the troops demanded 7 villagers from Met Wah village, 12 villagers from Thehko, and 26 villagers from Kauk Yo village. None of the villagers came, so the SPDC troops fined them 40,000 kyat each. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, March 2003)

Forced portering of barbed wire

On 20 June 2003, Coastal Region Military Command No. 3 Strategic Command HQ located at Myitta village 35 miles in the east of Tavoy sent 900 rolls of barbed wire to three of its outposts on Thai-Burma border. For that transport they summoned villagers from Kaw Paw

(Myay Kan Baw) village tract which has 8 villages. According to the population of the villages, each village had to send 30 to 50 villagers per day to transport the barbed wire weighing 85 kg per roll. On June 22, 2003, 2 forced laborers from Kameik village in Kaw Paw Tract in the northeast of Tavoy stepped on a land mine while being forced to transport barbed wire under this No.3 Strategic Command order. Both porters were wounded seriously one mile before their arrival at the "Thu Ka" SPDC outpost on Thai Burma border. They were carried back to their own village by other villagers also being forced to carry barbed wire. A villager from Kameik who arrived at the Thai-Burma border on 23 June 2003 said that the military at Myitta summoned villagers to carry rolls of barbed wire to the border outposts. The order said that villagers must carry 900 rolls of barbed wire round after round until finished. Those absent for the task incurred a fee of 10,000 kyat for the 2 day round trip. While overseeing the movement of barbed wire on 25 June 2003, SPDC LIB 596 came across 3 villagers collecting rattan cane, and conscripted them for portering services. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, June 2003)

Forced elephant portering

On 15 July 2003, LIB 557 commander, Tin Maung Win ordered villagers with elephants in Pawa village tract, Taninthayi Township, Mergui district, to pull lumber to his camp at Theindaw village. Elephants owned by Maung Kyi, Bo Thet, and Naw Tha May pulled 20 tons of lumber each along with their mahouts and food. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

Conscription of vehicles and prisoner porters

On 3 November 2003, No.2 Tactical Command and three other battalions under No.20 LID, led by Colonel Win Naing, conscripted 15 civilian trucks and forced sent them to the front line. These troops also brought 120 prisoners from Mergui and Kaw Thaung jail as forced porters. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, November 2003)

1.5 Forced Labor for Infrastructure Projects - Partial List of Incidents for 2003

Arakan State

Buthidaung Township

Village expansion

In January 2003, forced construction work took place in Thin Ga Net village to make an extension for the habitation of new settlers. (Source: Forum-Asia, 2003)

Road construction and killing for refusal to work

On 12 February 2003, the Buthidaung Township Peace and Development Council Chairman ordered the villagers of 76 villages, between Buthidaung Town and Yaung Chaung village to construct a road linking Buthidaung Town and Yaung Chaung village. The road is about 12 miles long, 10 ft. in width and 2 ft. in height. In addition, 4 ft. wide and 4 ft. deep canals are to be dug along both sides of the road. 20 villagers from each village, totaling 1,520 people, have been participating in road construction without any wages. The SPDC authorities are providing 24 policemen to supervise the road construction. On 13 February, a man named Sami Yuddin son of Abul Hossain (age 42), hailing from Yaung Chaung village of Buthidaung Township in Arakan State was killed by police for declining to participate in forced labor. (Source: Kaladan, 2003)

Wood collection

In June 2003 villagers from Pan Bai Chaung were ordered to collect wood for Military Intelligence in the Taung Bazar. (Source: Forum-Asia, 2003)

Bridge construction

On 12 June 2003, the commander of SPDC Battalion No.565 in Buthidaung Township ordered the Rohingya villagers of Nan Ra Gon, San Nyin Way (Lambarbil-East) and Quendaung villages to construct a bridge on the Dabruchaung River. The battalion commander called a meeting with the villagers, including VPDC chairmen and secretaries. In the meeting, he asked the participants, who had to affix their signatures and thumb impressions on blank paper sheets, to provide labor for the construction of the bridge, said a local VPDC member. The commander warned the villagers of serious action in case of non-compliance. Accordingly, since 20 June 2003, a total of 150 laborers, 50 from each village, have been working at the construction site, he said. The bridge is 90 ft. long and 12 ft. wide. Besides forced labor, the villagers have to provide a total of 24 pillars, 13 ft. x 3 ft., 10 ft. x 3 ft., and 7 ft. x 3 ft. for the construction of the bridge, a source further added. The forced labor is making the poor villagers more hapless and exhausted while forcing them to live on a starvation diet, the source added. (Source: "Forced Labor Still Continuing in Northern Arakan," Kaladan News, 9 July 2003)

Planting seedlings along military road

On 30 June 2003, the Township Peace and Development Council (TPDC) Chairman of Buthidaung Township in Arakan State ordered 5 villages to plant seedlings along the roadside. The villagers of Quan Dine, Tharakani, Nanragon, Dabru Chaung and Sinyan Way had to plant 92 seedlings per family along both sides of the road at a distance of 4 ft. They had to purchase these seedlings from the government agriculture department at the rate of 100 kyat per seedlings. They also had to fence the seedlings in to protect them from cattle and had to spray them with chemical fertilizer. The road is connected to Buthidaung Town from the headquarters of MOC-15 of Buthidaung Township. (Source: "Does Forced Labor Exist in Arakan?" Kaladan, 22 August 2003)

Forced road construction

As of 8 December 2003 a 16 kilometers long road from Da Byu Chaung to Palay Daung was being constructed in Buthidaung Township, Arakan State with the forced labor of villagers. The road was being constructed from Da Byu Chaung MOC-15 to Palay Daung Battalion No.535 through the Krama Taung, San Nyin Way, Mori Chaung villages of Buthidaung Township. The neighboring villagers had to supply about 200 forced laborers daily for the construction of the road. Some soldiers from Krama Taung Battalion and Palay Daung Battalion No.535 had also participated in the road construction. The road is 18 ft. wide and was previously constructed with forced labor before being destroyed by rain. Qyuan Daung village tract of Buthidaung Township had to provide 20 laborers daily to Battalion No.565 for the construction work. A second Palay Daung village also has to provide forced laborers for the construction work of Battalion No.535. The laborers have to cut bamboo and pillars from the deep forest and carry it to the army Battalion. For MOC-15 of Buthidaung Township, the nearby villages also have to provide laborers daily, but they have been paid 500 kyat per head daily while outside labor is 1,000 kyat per day. (Source: "Palay Daung Road under Construction," Kaladan, 8 December 2003)

Kyauktaw Township

Forced construction of road to support eventual pipeline

Since the beginning of 2003, in a bid to construct a road and possibly a gas pipeline to the north-eastern part of India, large-scale use of forced labor was reportedly used in Kyauktaw Township in Rakhine State and Paletwa Township in Chin State. Hundreds of men, women and children could be seen streaming to the worksites everyday at the village tracts upriver on the Kaladan including Tarwaing-ong, Mreik-wa, Chin Lat Wa, Nwge Let Wa, Kung Chaung, Miza , Milet wa and Tinnma. The laborers have been forced to bring their own food, water, medicine, and tools to dig earth, break blocks of stone and dig drains. The Burmese military authorities were seen supervising and bullying the forced laborers. The summer heat and lack of safe drinking water added to the problem as water-borne (intestinal) diseases broke out in pockets of the hard to reach jungle areas. At least 7 people have been reportedly killed in and around Letpanwa under Paletwa Township alone. The diarrhea disease also contaminated some border villages on Bangladesh side claiming at least 19 lives at Mawdokwa Village. This road can in no way be considered as a simple road leading to the north-east India because there will be gas pipelines installed at a later date for the export of the Rakhine (Arakan) gas to India. (Source: "Forced Labor in Construction of Gas Pipeline in Burma," Narinjara, 14 June 2003)

Maungdaw Township

House construction

On 3 January 2003, villagers in In Tu Lah were forced to build houses for new settlers. Families had to work up to 20 days per month. (Source: Forum-Asia, 2003)

Pagoda construction

From January to March 2003, Muslims in Ngar Yant Chaung were forced to build a Buddhist pagoda on top of a hill. In addition to labor, money was also extorted. (Source: Forum-Asia, 2003)

Road construction

In January/February 2003 many workers, mostly children and the elderly, were forced to work on a road between Kha MOUNG Seik and Bauk Shu Pwai Yah. (Source: Forum-Asia, 2003)

In February 2003, forced road construction took place along the Nga Khu Ya – Jadiprang route. (Source: Forum-Asia, 2003)

From April to May 2003, individuals from Thinn Baw Kway and other nearby villages were conscripted to work on the new Rathedaung-Maungdaw road. This large-scale road construction project has been active since January 2003. The road could ultimately be part of the Asian Highway linking project but is certainly built as well to ease communication between Northern Arakan and Sittwe across the Mayu mountain range in view of the improved trade relations with neighboring Bangladesh. According to various sources, this road construction project is being implemented by a large pool of forced laborers, who are not paid and have to bring their own food to the work-site for several consecutive days. (Source: Forum-Asia, 2003)

A June 2003 report indicated that forced labor has been widely used in the construction of a road that runs through the middle section of the Mayu ranges to connect the Mayu and Naaf Rivers. Connecting Rathedaung and Maungdaw Townships in Rakhine State, road construction has been ongoing since January 2003. The road is being constructed under the direct supervision of Lieutenant Colonel Aung Naing Tun, commander of the tactical unit at Buthidaung. An elderly man working on the road told correspondents that the villagers from the western bank of the Mayu River are being conscripted for the construction work. Each morning villagers from Athak-Naingra, Auk-Naingra, Belami, Shwet-Prung, Chinn-Rwa, Thanga-net, Navi-cheik, Paingphaw-brung, Kan-brung, Thabre-daw, Zedi-brung, and Thaya-gung are forced to work on the road. The varieties of jobs include embankment formation and the carrying of stone chips, bricks, mortar, and other road construction materials. (Source: "Forced Labour in the Road through the Mayu Ranges," Narinjara, 25 June 2003)

Village infrastructure

In March 2003, beautification projects took place in Thinn Baw Kway with the use of forced labor. Projects included planting trees and fencing an area, as well as the collection of wood and roofing for construction work at Rayaka office. (Source: Forum-Asia, 2003)

In April 2003, villagers from Ye Aung San Yah Phwai were forced to build fences around a school compound. (Source: Forum-Asia, 2003)

Irrigation dam

In April 2003, villagers from Kha MOUNG Zeik were forced to work on the construction of an irrigation dam, while simultaneously providing camp maintenance and sentry duty. Source: Forum-Asia, 2003)

Bridge repair

In May 2003, villagers from Cah Lay Day Phatt were forced into bridge repair work. (Source: Forum-Asia, 2003)

In June 2003, villagers from Inn Din were forced into bridge repair work. (Source: Forum-Asia, 2003)

Burmese border authority requests end to forced labor

On 14 November 2003, the Burmese Border Authority ("Nasaka") located in Maung Daw and Bu Thee Daung Townships issued a request to the local authorities of Nasaka to stop the use of forced labor. The request came after a UNHCR official complained to the Nasaka area No.9 Regional commander, Major Ran Naing Soe. The complaint outlined that the local military had been exploiting adolescents and students from the region through forced labor. The resulting request urged the troops not to use the local population as forced labor, and to offer wages if labor was necessary. The local troops were also asked to explain to other troops passing through their areas not to make use of forced labor. Throughout Arakan State, the local authority uses civilians to build barracks and roads, provide transportation vehicles (including military hardware), and to work the military-owned rice paddies. It was learnt from a local headman that the local Nasaka No.9, based in Taung Ba Zar Village, Bu The Daung Township, used high school students for forced labor. (Source: "No Forced Labour, Please: The Burmese Border Authority Request the Local Authorities," Narinjara, 25 November 2003)

Sandoway Township

Building construction

From 15 to 20 November 2003, 25 villagers from May La Maung village of An Township had to collect material for building construction and was then forced to complete construction without receiving any wages. This incident occurred under the direction of Captain Thu Raine Htun, the commander of An region under the Western Command. The buildings are to house the engineers and workers for the An-MaEi road construction. Simultaneously, 30 villagers from Ka Zu Kaine village were forced to clear the shoulders of the road. According

to the local sources, the road between Ann and Ma Ei building had progressed to half a mile by the end of November, and the regional military authority was coercing local people to "volunteer" in road construction by saying that "you should work to build the road you are going to use." (Source: "Forced Labor Continues in Arakan State," Narinjara News, 28 December 2003)

Labor and material for tourist complex

In December 2003, a report noted that large numbers of valuable timber trees were being felled for the construction of a tourism complex in Ngapali sea beach in Sandoway District in Arakan state, while locals were being used as forced labor. Military personnel were also building permanent quarters inside the reserve forest, at Khamong village of Talaing daung village tract in An Township, to extract valuable woods from these reserve forest. The villagers were being used for forced labor for various works like construction of houses, locating specific trees and logging them without any payments. One victim said, "not only do the villagers have to supply their physical labor free of cost but they also have to provide buffaloes." The villagers also had to manage food and water on their own. Forced laborer for logging was being extracted from the following villages: Kalaing daung, Khamong, Mhroy, Raymathin and the two additional Chin tribal villages of Hang Royk and Pathagrow in the An Township. The price of a ton of wood is 150,000 kyat in An Township, 400,000 kyat in Sittwe, and 200,000 kyat in Sandoway, according to a timber merchant. (Source: "Force Labor for Construction Ngapali Sea Beach Tourism Complex," Narinjara, 16 December 2003)

Chin State

Rezua Township

Forcible money collection for infrastructure projects

In February 2003, Burmese military authorities forcibly collected money from local villagers in southern Chin State. Major Myint Tun Oo, commander of LIB 266 ordered that every household pay 13,000 kyat for development projects being undertaken in Rezua town. The order was in effect for several villages in Matupi Township. In issuing the order, Major Myint Tun Oo said that the money would be used for road construction and tea plantation projects in Rezua, a new township administrative center established by the military regime last year. Sawthing, Ramsai and Thangdia are some of the villages that have already paid 500,000 kyat each to the army. By paying the money, villagers are to be exempted from doing forced labor. The collection of money began in mid-January with the payment deadline being set as 17 February 2003. (Source: *Rhododendron News*, CHRO, Volume VII. No. I., January-February 2004)

Forced construction of roads and village infrastructure

In December 2003, over 200 households in Rezua town from southern Chin state were forced to work in road construction by the SPDC authority. In the month of November, the authority ordered residences of Rezua town to take responsibility for laying concrete on the town's major roads. However, as the town residents were busy working at their farm in harvesting season, they could not start the road construction in November. The SPDC issued an order that any of the 200 households who failed to construct their quota before the deadline will be severely punished. The forced laborers had to provide the necessary tools and food as the

SPDC provides them only with cement. The SPDC granted Rezua village town status in the year 2002 and residents of Rezua were forced to construct most of the town's infrastructures such as schools and hospitals. (Source: *Rhododendron News*, CHRO, Volume VII. No. I., January-February 2004)

Forced construction of India-Burma Ceremonial hall

On 8 December 2003, Colonel Tin Hla, SPDC commander of Tactical 1 in Chin state, visited the Rih area (India-Burma border) to inspect the progress of the India-Burma border trade route which is scheduled to be opened soon. The colonel issued an order that every household in the area should send 1 person per day to construct a hall to celebrate the opening ceremony of India-Burma border trade route. The army told the villagers that the hall should be elegant since many dignitaries as well as foreigners will attend to opening ceremony. (Source: *Rhododendron News*, CHRO, Volume VII. No. I. January-February 2004)

Karen State

(See note above about Pa-an and Papun Districts in section 1.4)

Pa-an District

Road construction

In 2003, SPDC troops from LIB 548, LIB 202 and DKBA troops from No.2 battalion forced villagers in Paing-kyone Township from the towns of Pi-ta-ka, Taung-zone, Hteh-thu, and P-ta to construct a road in the area. SPDC troops from LIB 548 and DKBA troops from No. 3 battalion also forced villagers in Na-bu Township from the towns of Ker-kah and Noh-pyu to construct a road from Kaukariak to Na-bu. The villagers had no time to work for their own businesses as road construction was full time. They received no food or equipment support from the SPDC. (Source: FTUK, 2003)

In March and April 2003, the local authorities of Kawkareik Township, Karen State, under the instruction of the Southeast Command's commander, Maj. Gen. Thura Myint Aung, forced hundreds of local Mon and Karen ethnic civilians to construct a 16-mile-long road, which connects Kawbein and Kyonedoe villages. U Ko Ko Gyi, (a retired colonel or brigadier), the chairman of the Kawkareik District Peace and Development Council ordered the headmen of the Kawbein, Kaw-pauk Min-ywa, Kharit, and Kaw-go Village Tract Peace and Development Councils to start building the road on 10 March, 2003. The construction was stopped for a short break in mid-April during the water festival, which celebrates the Burmese New Year. On 22 April, 2003, the authorities forced people from another 3 village tracts, Kaw-lyan, Kanni, and Thayet-taw, to work on the road construction together with those from the 5 village tracts previously mentioned. On that day chairman U Ko Ko Gyi called a meeting with village headmen from various village tracts and instructed them to complete the road as quickly as possible. He wanted to complete the construction before the beginning of the rainy season. During the meeting, the chairman of Kharit village, Nai Ba Zan, reported to U Ko Ko Gyi that work assignment to his village tract were overloaded, so that the villagers would not be able to complete the construction on time. The authorities had ordered Kha-rit village tract, which has about 870 households, to construct about 1.4 miles (7400 ft.). This workload ratio was much higher than that of other villages. Therefore, Nai Ba Zan complained to the authorities for an unfair work assignment. U Ko Ko Gyi was angry at

him and slapped him in the face 4 times in front of other village headmen and told him to continue the construction with respect to the order. The distance between Kawbein and Kyonedoe village is approximately 16 miles. Both villages are located on the bank of Gyaing River (see the map). The authorities instructed the headmen of the village tracts located between the 2 villages to take responsibility for building a 16-mile-long embankment, 15 ft. in width and 3 ft. in height, to be used as a road connecting the 2 villages. Building a 3-foot high embankment is a common practice for road construction in the area. In order to have the embankment leveled all the way through, the villagers had to build the embankment higher than 3 feet in the places where the road passed through valleys. The authorities defined the route and the space for the embankment. The villagers dug soil pits along both sides of the route to obtain soil for building the embankment. After digging soil pits, the villagers had to carry the soil with their hand-made baskets and filled on the defined space of embankment. The villagers had to provide their own tools to dig and carry the soil. After filling the soil in place, they had to press and pound it to get a strong and fixed embankment. Villagers had to bring their own food and had to work a whole day, from dawn to dusk without any wages. They were forced to work on the construction every day until their assignments were completed. Before Burmese New Year (from 13 April to 17 April, 2003), the authorities instructed the following 5 village tracts to complete 4 miles of the road. Each village was assigned to work the following distance:

- (1) Kaw-bein village tract, 1 mile long;
- (2) Kaw-pauk village tract, 0.5 mile long;
- (3) Min-ywa village tract, 0.5 mile long;
- (4) Kharit village tract, 1.4 mile (or 7400 feet) long; and
- (5) Kaw-go village tract, 0.6 mile long.

During the Burmese New Year, the construction was stopped and started again after the New Year. Three out of those 5 villages were continuously conscripted to construct the remaining part of the road, i.e., villagers from those 3 village tracts had to construct an additional 4 miles. After the authorities assigned projects to village headmen, the headmen assigned the work to all households in their villages. The village headmen placed the villagers into small groups and arranged for them to work in shifts. After the headman assigned work to a household, that household could decide who in their family had to work. When men were available they went. When men were not available, or busy with other family businesses, women and children were sent to the construction sites. According to a villager from Kaw-bein village, a group of villagers from the village were ordered to work on the construction for 3 days per shift. In 3 working days, each household was ordered to complete 3 ft. (with 15 ft. in width and 3 ft. in height) of the embankment. In the mid-May, because of the heavy rain, the authorities had to cease the construction. Villagers, who were forced to construct the road without the help of machinery, could not complete the road at the time. Only about 30% of the road was completed. Over 7,800 households were conscripted to work in the road construction. (Source: HURFOM, April 2003)

Civilians blamed for incomplete road

In June local civilians were made responsible for the incomplete construction of the 30-mile-long Tarana-Kyonedoe motor road that connects Mon and Karen State. The Southeast Command of the SPDC, which leads the construction project, is giving responsibility to the Kawkareik Township authorities in Karen State, which in turn are conscripting civilian labor. The authorities have conscripted villagers from 25 villages along the road. The road was constructed from Tarana village in Kyaikmayaw Township to Kyone-doe village in Kawkareik Township. The villagers are conscripted on a rotational basis in 3 day increments.

Work requirements include construction of an embankment adjacent to the road, 3 ft. in height, 15 ft. in width and 3 ft. in length for each family. In some places, where the authorities were unable to monitor, the civilians built the embankment by putting leaves underneath. As a result, the embankment became unstable and was destroyed by floods at the beginning of rainy season, which started in mid-May in the area. When the local SPDC and construction authorities inspected the construction, they found some parts of the embankment destroyed and called in the headmen blaming the civilians who constructed the embankment carelessly. When the SPDC authorities planned to build the road with the use of forced labor, the New Mon State Party had urged them not to use civilian labor but to use machinery instead. If necessary, the NMSP said they would take security for their machinery, such as tractors, bulldozer and other equipment. The Chief Commander of Southeast Command, Maj. Gen. Thura Myint Aung asked the NMSP leaders from Thaton district not to interfere with the use of forced labor. (Source: "Forced Labour Continues Despite ILO Resolution; Civilians Blamed for Incomplete Road," Kao Wao News No.47, 22 June –7 July 2003)

Extortion for bridge construction and road clearance for officer visit

On 22 June 2003, the Oslo based Democratic Voice of Burma radio reported that Ko Kyi Win and Ko Hla Nyein, the chairman and secretary of Zathapyin village in Karen State, were ordered by the local army Battalion 81 to collect 10,000 kyat from each household in nearby villages. The Pa-an-Khaya Bridge was to be built for trucks and passenger buses. An army officer was going to come to inspect the bridge on 5 July and each household was being forced to contribute 1 person for forced labor to clean the road. (Source: "Forced Labour Continues Despite ILO Resolution; Civilians Blamed for Incomplete Road," Kao Wao News No.47, 22 June –7 July 2003)

Fence construction

On 18 September 2003, DKBA commander Kyaw Than instructed Battalion Commander Nyan Soe to construct a fence between Baw Naw Klo and Kho Tha Nay, for which 1 person from every household was conscripted. (Source: KORD, 2003)

Papun District

Road construction

In March 2003, villagers from 19 villages in Maekalaw and Mae Htaw circles of Papun Township were still being forced to build tarmac roads without pay. The commander of the Southeast Command, Colonel Tin Kyu, was leading and Colonel Myint Win Aung was responsible for overseeing the project. KNU General Secretary Phado Manh Sha reported the following about the project: "The roads are from here to Kamaung, and from Kamaung to Papun and Bilin. They are repairing the road between Papun and Pahaik everyday. Now, they have made the 9-mile road between Papun and Bilin a tarmac one. They are also building the Papun-Tagundaing road as a reserve. They have been forcing villagers from Mae Kalaw and Mae Htaw circles to build the roads since November. There are more than 3000 women and more than 2000 men; all together nearly 6000 people. They started the project in November and they still haven't finished it and it might go on until the rainy season." (Source: "Forced Labor in Karen State," DVB, 12 March 2003)

Road clearance

On 15 August 2003, SPDC IB 95 under Battalion Commander Tin Hlaing forcibly asked 11 people from Mae Nyo Hta village to serve as laborers for clearing a car road. (Source: KORD, 2003)

Exploded mine removal

On 22 August 2003, LIB 434 forced villagers to dig and pick out exploded KNLA land mines. Those villagers were:

- (1) 11 from Thwa Kho Law village;
- (2) 5 from Ta Hu Law;
- (3) 5 from Tha Pa Su Law;
- (4) 5 from Khaw Klah;
- (5) 5 from Ta Dwee Kho;
- (6) 5 from Po Baw Kho;
- (7) 11 from Ku Saik; and
- (8) 10 from Ma Htaw villages. (Source: KORD, 2003)

Digging road canals

On 23 August 2003, SPDC LIB 340 forced 19 Noh Law Hsu villagers to dig a canal along both sides of the car road from Ku Saik to Ma Htaw village with a height of 1 foot and a depth of 1 foot. On 24 August LIB 340 forced 23 villagers from Htee Ber Ka Hta and Noh Law Hsu villages to further dig the canal on both sides of the car road. (Source: KORD, 2003)

Road reconstruction

From 24 to 28 August 2003, IB 51 under Commander Tin Hlaing forcibly asked 18 people of Mae Nyo Hta villager to dig land in order to reconstruct the car road. During the reconstruction period villagers had to work from 6:00 am to 11:00 am and from 2:30 pm to 5:30 pm. (Source: KORD, 2003)

Road clearance

On 24 August 2003, SPDC IB 93 based in Htee Ber Ka Hta under Column Commander Aung Khin Thain and based in Taung Thone Lone under Second Battalion Commander Tu Rain forced villagers to clear a road for them. Conscriptions included:

- (1) 20 people from Baw Tho Hta village;
- (2) 20 from Htee Law Thi Hta;
- (3) 20 from Htee Theh Lay;
- (4) 15 from Po Ma Heh;
- (5) 35 from Ka Pi Khee;
- (6) 7 from Noh La;
- (7) 7 from Htee Ka Hsaw Meh;
- (8) 15 from Pway Htaw Ro;
- (9) 15 from Noh Gaw;
- (10) 15 from Wa Tho Kla;
- (11) 5 from Hsa Law Teh;
- (12) 15 from Htee Tha Blu Hta;

-
- (13) 10 from Htaw Meh Hta;
 - (14) 10 from Po Khay;
 - (15) 5 from Po Leh;
 - (16) 10 from Bler Per; and
 - (17) 20 from Noh Paw Htee.

Eight days of conscripted labor was demanded until 31 August. (Source: KORD, 2003)

Road construction

On 16 December 2003, SPDC troops from IB 98 Tactical 2, under Commander Zaw Soe Thein, forced the villagers from Htee-theh-lay, Pah-lo-doh, Pah-lo-poe, Taw-thu-klah, and Kaing-daw in Dwe-lo Township to construct a road from Papun to Ka-daing-ti. One person from each household in these villagers had to bring their own food and equipment. (Source: FTUK, 2003)

On 17 December 2003, SPDC troops from IB 39, under Battalion Commander Zaw Moe Lin, forced the villagers of Htee-tha-blu-hta, Hsaw-meh-hta, Baw-tho-hta, Wa-tho-klah, Htee-lor-thit-hta, Noh-gaw, Kpi-kee, Pway-taw-roh, Noh-lah, Htee-hsor-meh, Pah-lo, Taw-thoo-klah, Htee-theh-lay, Pah-loh-doh, and Pwah-si-hta to construct a motor road and canal from Papun to Ka-daing-ti. The commander proclaimed that the road is for peace restoration so the villagers had to do their best. If any skirmish or bomb explosion happened near the road construction site, the village headman would be killed first. If any military equipment was destroyed during construction, the villagers would have to pay fines. (Source: FTUK, 2003)

Mon State

Mudon Township

Extortion to hire Kanbuak-Myaingkalay pipeline guards

On 19 January 2003, Mudon Township authorities ordered villagers along the Kanbauk-Myaingkalay pipeline to increase the number of guards along the route. However the village headmen offered to collect money to hire guards instead. Mudon Township authorities collected 200 kyat from every household with the stated intent of hiring laborers. (Source: HURFOM, January 2003)

Pipeline maintenance, guarding, and explosion accountability

On 16 March 2003, SPDC IB 31 Commander, Lt. Col. Naing Win, ordered farmers near the Kanbuak-Myaingkalay pipeline route in the southern part of Mudon Township and in Thanbyuzayat Township to assume responsibility for security along the pipeline. Explosions would be punishable. The order instructed farmers in the area to fence the pipeline, cover it where it was above ground, and establish security along it. There are about 500 farmers along the pipeline route in the southern part of Mudon Township. The order forces some of them to hire day-laborers from the village at 1000 kyat per day. One farmer from Kwan-hlar village had to spend about 80,000 kyat to have laborers dig earth and cover the pipeline route. Farmers already busy with their farms now take on additional security duties. A farmer from Doma village in southern part of Mudon Township said the amount of additional money he has to spend on the pipeline has led him to consider abandoning the land and going to Thailand to seek work for family income. (Source: HURFOM, March 2003)

Thanbyuzayat Township

Pipeline guarding and explosion accountability

In Thanbyuzayat Township, the authorities have continuously instructed villagers to guard along the pipeline. On 6 January 2003, the Thanbyuzayat Township based commander of IB 31 reconfirmed that all village headmen along the pipeline must take responsibility for guarding it. Additionally, the authorities ordered that if villagers found parts of the gas pipeline above the ground, they must to inform the village headmen and then cover it. The authorities and army also informed farm and plantation owners they would be punished for any explosions on their property. One villager said, "this pipeline belongs to companies and the regime. Why are they forcing civilians to guard it?" Gas from Yadana gas field is brought from Kanbauk onshore gas station into a cement factory in Pa-an Township, Karen State, by passing through Mon State. This pipeline has exploded many times in the past because the quality of pipeline is not good and it passes through the salty area of Mon State. Nearby villagers have also been subjected to emissions from gas explosions. (Source: HURFOM, January 2003)

Clearing and fencing of Kanbauk-Myaingkalay pipeline

As of 12 February 2003, SPDC IB 62 based in Thanbyuzayat Township ordered the villagers in the southern part of Thanbyuzayat to clear all the bushes along the Kanbauk-Myaingkalay gas pipeline route and to fence the route to prevent attacks from rebel soldiers. The battalion commander ordered 100 villagers to clear 15 kilometers of bushes between Htinn-yuu and Sakan-gyi villages in 2 days. Additionally, villagers were told to find bamboo and other materials and to fence the pipeline at 10 locations along the 15 kilometer stretch. According to a villager interviewed, work was demanded from many women over 50 and under 18. (Source: HURFOM, February 2003)

Woman raped during pipeline guard duty

In late February 2003, a 17-year-old Mon woman was raped while guarding the Kanbauk-Myaingkalay pipeline. She was substituting for her husband who was fishing that day. (Source: HURFOM, June 2003)

Pipeline guard duty

A June 2003 order instructed all villages in Ye and Thanbyuzayat Townships to provide 5 individuals from each village for 24-hour guard duty of the Kanbauk-Myaingkalay pipeline. If a villager failed to perform the duty, that family would not be allowed to stay in the village, said the authorities. "Households unable to guard [the pipeline] need to hire a substitute to perform the duty. If you cannot find a substitute, you have to pay a 2,000 kyat fine. If you cannot pay the fine and fail to perform the duties, the village headman orders you to leave the village immediately," said a villager. "We are in a difficult situation just seeking money and food [for our families] even when there is no instruction for guarding the pipeline. We, the poor families, face food shortage if we guard the pipeline. We cannot pay the 2,000 kyat fine as we earn only 100 kyat per day." (Source: HURFOM, June 2003)

Thaton District

(See note above about Thaton District in section 1.4)

Road and bridge construction

On 8 May 2003, SPDC LIB 341 forced 13 villagers of Klaw Day village to work on car road construction. (Source: KORD, 2003)

On 24 October 2003, SPDC IB 9 under Battalion Commander Myo Myint and SPDC IB 8 under Commander Myo Sein, based in Shwe-yaung-pya and Daw-ya, forced villagers to construct a motor road from Myah-gone to Kyaik-tu villages. The road is about 11 miles in distance. The villagers conscripted were:

- (1) Mit-chaung-aing,
- (2) Mya-gone, Klor-keh,
- (3) Shwe-yaung-pya,
- (4) Lao-keh, kyat-ta-raw,
- (5) Taw-klay,
- (6) Shwe-aye-doh,
- (7) Daw-ya, Keh maw, and
- (8) Kyaik-tu-gone.

Each villager was forced to provide their own food and equipment. (Source: FTUK, 2003)

On 6 December 2003, SPDC troops from IB 9, under Battalion Commander Myo-Myint, and SPDC troops from IB 8 under Commander Myo Sein, forced the villagers in Thatone Township to construct a road from Myah-gone to Kyauk-tu. The orders were as follows:

- (1) Mit-chang-aing villagers, to construct 1 bridge and 100 tin of stone;
- (2) Myah-gone villagers, 1 bridge and 150 tin of stone;
- (3) Klor-keh villagers, 2 bridges and 150 tin of stone;
- (4) Shwe-yaung-pya villagers, 1 bridge and 290 tin of stone;
- (5) Lao-keh villagers, 4 bridges and 480 tin of stone;
- (6) Kya-taraw villagers, 1 bridge and 250 tin of stone;
- (7) Taung-klay villagers, 1 bridge and 400 tin of stone;
- (8) Shwe-aye-doh villagers, 1 bridge and 200 tin of stone;
- (9) Daw-ya villagers, 1 bridge and 300 tin of stone; and
- (10) Kyauk-tu villagers, 1 bridge and 150 tin of stone.

All the villagers have to bring their own food supplies and equipment. (Source: FTUK, 2003)

Ye Township

Helicopter pad to protect Thai fishing industry

On 9 January 2003, the Burmese Army's IB 62 and IB 31 forced local villagers to build a helicopter landing pad on Kalae-gote Island in the northwestern part of Ye Township. One person per house per village, creating a group of over 60 people, was forced to do daily work on the island. As most of the island landscape is hills, villagers were forced to dig and establish a level landing ground. The project took place on confiscated land. The helicopter pad is for the artillery regiment, which is equipped with five 81 mm mortars that were built on the island 2 months ago. According to a villager's report, the main purpose of the landing pad is for patrolling the area with the objective of protecting the fishing business between

Thai companies and Burmese authorities in the Andaman Sea. Since 1996, Thai trading groups have been planning to build a highway road to the island across the Thailand-Burma border area in Three Pagodas Pass. Thai companies also planned to build a deep seaport on the island for trading purpose. The 1997 Thai economic crisis postponed the project until now. (Source: HURFOM, January 2003)

Forced pipeline clearing and fencing

On 8 February 2003, there was a gas pipeline explosion near Lamine village in Ye Township, to which the SPDC responded by ordering villagers to clear bushes and construct fencing. The soldiers also threatened punishment to the workers if further damage occurred to the pipeline. (Source: HURFOM, February 2003)

Pegu Division

(See note above about Nyaunglebin and Taungoo Districts in section 1.4)

Nyaunglebin District

Road clearing

On 16 March 2003, SPDC IB 26, 28 and LIB 264 ordered the Ma La Daw village headman to provide 1 person from each house to clean the car road between Ma La Daw and Ta Ler Day. Villagers had to bring their own food. (Source: KORD, 2003)

Taungoo District

Road construction, clearance, and supply transport

On 5 August 2003, SPDC (Sa Ba Ha) Military Strategic Command 2, under Commander Khin Maung Oo, forcibly collected 20 villagers from Khu Ler Der and 40 from Maw Wa Der to serve as contribute laborers, clearing bushes along the car road from Pa Let Wa to Maw Wa Der. (Source: KORD, 2003)

On 20 December 2003, SPDC troops from Southern command, under Tactical 1 Commander Khin Maung Oo, gathered villagers in Tan-Ta-Bin Township, Taungoo District and forced them to clear mines and construct the motor road from Bor-gali to Bu-hsa-khee military camp. The villages involved in the conscription were:

- (1) Kaw-soe-koh village, 40 people;
- (2) Maw-pah-deh village, 30 people;
- (3) Ku-plor-deh village, 15 people;
- (4) Wa-tho-koh village, 20 people;
- (5) Ler-koh village, 15 people;
- (6) Peh-kor-deh village, 60 people;
- (7) Gah-mu-deh village, 15 people; and
- (8) Deh-doh village, 20 people.

In addition, the troops conscripted additional porters to carry food supplies from Baw-gali to Tha-aye-hta military camp. These included:

- (1) Baw-gali, 200 people;
- (2) Kaw-soe-koh, 70 people;

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- (3) Wa-tho-koh, 20 people;
 - (4) Ler-koh, 15 people;
 - (5) Maw-pah-deh, 20 people;
 - (6) Ku-plaw-deh, 20 people;
 - (7) Peh-kaw-deh, 60 people;
 - (8) Maw-koh-deh, 20 people; and
 - (9) Deh-doh, 20 people. (Source: FTUK, 2003)

On 22 December 2003, troops from SPDC Southern Command IB 92, under Commander Win Min Tun, forced 6 villagers from Kaw-thay-deh village and 10 from Klee-soe-kee to clear a road and follow a bulldozer. (Source: FTUK, 2003)

On 27 December 2003, SPDC troops from Southern Command, under Tactical Commander Khin Soe, forcibly captured villagers at Baw-gali, Tan-ta-bin Township, and forced them to clear bushes and landmines along the road. Villagers conscripted were:

- (1) Baw-gali, 80 people;
- (2) Kaw-soe-koh, 31 people;
- (3) Wa-tho-koh, 17 people;
- (4) Ler-koh, 7 people;
- (5) Maw-pah-deh, 26 people;
- (6) Ku-plaw-deh, 10 people;
- (7) Per-kaw-deh, 57 people;
- (8) Deh-doh, 16 people; and
- (9) Maw-koh-deh, 10 people.

The villagers had to bring their own food supplies and equipment. (Source: FTUK, 2003)

On 31 December 2003, SPDC troops from IB 39 and IB 92 forced the villagers of Baw-gali to clear a motor road and forced truck owners Saw Ta Toh and Saw Maw Kroh to carry military equipment to Tha-aye-hta military headquarters. There was no support or assistance for the owners or the drivers. (Source: FTUK, 2003)

Sagaing Division

Homalin Township

Carrying of stones and unpaid wages

On 25 February 2003, it was reported that villagers of Homalin and Leshi Townships had been ordered by the Northwest Military Command's commander, General Soe Win, to contribute stones for the building of the Htamanbi Leshi motorway. To make the practice look voluntary, he guaranteed them 200 kyat for each 10 cubic feet of stones provided, to be paid by government construction contractors. The market rate for the same amount of stones was 2,000 kyat and some poor people were forced to do the job. After 1 year, more than 400,000 kyat had still not been paid to workers. (Source: "Forced Labour in Sagaing Division," DVB, 25 February 2003)

Shan State

Hsipaw Township

Vehicle conscription for road construction

Starting in April 2003 and extending at least until October 2003, mini-tractors in Nawng Kaw village tract in Hsipaw Township were forcibly conscripted by SPDC troops from IB 67 and IB 22. The mini-tractors were from the following villages:

- (1) 2 from Nawng Kaw village;
- (2) 4 from Kawng Laang Tai village;
- (3) 2 from Nam Pim village;
- (4) 3 from Naa Mon village;
- (5) 7 from Paang Niu village;
- (6) 3 from Paang Murd village; and
- (7) 3 from Nam Yaang village.

The tractors were used at the owners' expense, without compensation, to carry rocks, stones, and water to a road building project in Hsipaw Township. (Source: SHRF, October 2003)

Kun-Hing Township

Forced road maintenance and watch

As of February 2003, SPDC troops from IB 246 were continuing to force 80-90 villagers from Kun-Hing Township to fix the road from south of Kun-Hing town to Kaeng Tawng area in Murg-Nai Township. The project, which has been running since October 2002, involves villagers working 11-12 days at a time clearing brushes and trees within 10 yards on both sides of the road and digging out small bends to straighten the road. Work was from 8:00 am to 4:30 pm, with a midday break. Workers were restricted from movement in the evening and slept in a group surrounded by SPDC troops. Villagers had to use their own tools, provide their own food, and received no compensation for their labor. (Source: SHRF, February 2003)

As of February 2003, SPDC troops from IB 246 were continuing to force villagers in Saai Mon village tract in Kun-Hing Township to keep watch along the road between Kho Lam village and Kun Hing town every day without pay and without food. The practice has been in effect since October 2002. (Source: SHRF, February 2003)

Lai-Kha Township

Road construction

Since 22 November 2003, forced labor was being used in the construction of a road west of Lai-Kha. IB 64 was forcing 5-10 people per village to work 15 days at a time. Villagers were also required to provide their own food. About 45-50 workers were required to split rocks and those who had mini-tractors had to use them to carry the rocks, while the rest had to work leveling the ground and paving the road with rocks. The workers were mixed with prisoners and civilian ethnic Burmans brought in from other areas by the SPDC troops. The SPDC troops provided fuel for the civilian tractors for 5 days and then forced collection of money from local people for the next 10 days. People also had to provide money for chickens and

pigs for the troops. Anyone failing to work was fined 20,000 kyat and their headman was fined an additional 2,000 kyat. (Source: SHRF, January 2004)

Extortion and forced labor

On 17 August 2003, 3 villagers from the outskirts of Lai-Kha town took a mini-tractor to gather bamboo to fence their rice fields. As they reached the edge of the fields with a truckload of bamboo, they were stopped by a group of local SPDC troops, who accused the villagers of cutting bamboo without permission and confiscated the bamboo. The troops also detained the mini-tractor and the 3 villagers, and money was extorted for their release. Each of the villagers had to pay 1,500 kyat for the mini-tractor, 500 kyat for not having asked permission and 200 kyat for a pass to gather bamboo again. Altogether all of them had to pay 6,600 kyat for the mini-tractor and themselves, but their bamboo was confiscated. A few days after that, local SPDC military authorities issued an order requiring owners of mini-tractors to provide a truckload of bamboo for each mini-tractor for the military for free. People who did not own a mini-tractor were required to build fences with the bamboo for the military, also unpaid. (Source: SHRF, January 2004)

Lashio Township

Road construction

In January 2003, Lashio authorities received 20 million kyat from the central government to reconstruct the main road between Mantu and Lashio Township, Shan State. The Lashio authorities gave half of the money to an unnamed commander of LIB 324 based in Namtu Township and ordered him to take responsibility for reconstructing the road within 2 months. But, on 21 April 2003, the commander ordered villagers from Man San, Nam Tong Kong, Pang Lin, Man Ma, Nar Seang, Maing Yu and Maing Yin villages to build the road. Each village had to send 25 people for 3 weeks. The villagers had to bring their own food and construction materials. Anyone who refused to go had to pay 15,000 kyat in compensation for their 3 week absence, said one of the Palaung villagers. (Source: *Palaung Youth Newsletter*, PYNG, August 2003)

Murng-Kerng Township

Road construction

Since February 2003, LIB 514 has forced 50-60 people to bring food and work for 20 days at a time in order to construct a road north of Murng-Kerng from Paang Kaetu to Naa Saai. Fuel for the people's mini-tractors, also conscripted, was provided for 5 days, with the remaining 15 to be bought with money collected from workers and villagers. People also had to provide money for chickens and pigs for the troops. Anyone failing to work was fined 20,000 kyat with their headman being fined an additional 2,000 kyat. (Source: SHRF, January 2004)

Murng-Nai and Murng-Pan Townships

Killing of forced laborers and money extortion

In late February 2003, 3 forced laborers on a road construction project were killed by SPDC troops from Murng-Nai-based LIB 576 and Murng-Pan-based LIB 332. During the project, from February 2002 to March 2003, the SPDC troops overseeing the construction conscripted Lung Kam (male, age 56), Lung Aa-Zay-Ya (male, age 53) and Zaai Kawn (male, age 41) from Wan Kaad village in Kun Long village tract, Murng-Nai Township to serve as guides to help find the shortest route for building the road. Each was provided a monthly salary of 500 kyat and a sack of rice during the first three months of their conscription. Afterwards, the SPDC troops ordered the village headman of Wan Kaad to borrow rice and money from his villagers for the salaries of the 3 men, saying that they would pay it back as soon as they received the allotted budget from their superiors. As the road neared completion in late February 2003, the 3 guides were taken from the camp by SPDC troops and did not return. When the road was completed in late March 2003, the SPDC troops came to Wan Kaad village and told the headman and elders that the 3 men had run away before completing their duties and village leaders were responsible for their misconduct. Troops were paraphrased as stating, "Your villagers ran away before fulfilling their duties. It was government work. Why didn't you instruct them to serve until the work was completed, you deserve punishment for this." A fine of 60,000 kyat was levied and subsequently bargained down to 45,000 kyat. Money was collected from every house in the village. A few days later, villagers of Wan Kaad who had gone to catch fish found the bodies of the 3 men, recognizable only by the clothes on them, in a pile near a stream in a valley called Huay Nam Kaab in Murng-Pan Township, about 3 miles from the labor camp where they were last seen. (Source: SHRF, June 2003)

Namtu Township

Road repair

On 28 April 2003, SPDC troops from LIB 324, Column 2 led by Captain Aung Myint based in Namtu township forced villagers in Man kang, Nam Lang and Na Lin villages to come with their own food and own material to reconstruct the road between Man Kang and Nar Lin. They ordered them to finish all of the work within 3 weeks. That evening, the captain ordered his soldiers to steal 2 cows from Man Kang village. When the cow owner U Yee Lea complained about this to the captain he was told that the cows had been given as food to the villagers who were reconstructing the road. In reality, the soldiers themselves had eaten the beef. (Source: *Palaung Youth Newsletter*, PYNG, August 2003)

Forced cutting of wood for construction projects

On 8 February 2003, SPDC troops from LIB 324 led by Commander Sein Win Myaing, based in Namtu Township Northern Shan State, ordered Pang Long and Pan Noi villagers to cut 10 tons of wood within 1 month in order to repair the monastery and schools in their villages in Namtu Township. He said he would buy all 10 tons. So the villagers were happy to cut the woods because they knew that Commander Sein Win Myaing had received 500,000 kyat for repairing the monastery and schools. After that the Pan Lon and Pan Noi villagers cut all the woods and transported them to the 2 places in need. On April 14, the headman went to the LIB 324 camps and asked the money from the commander but the commander

threatened the headman to go back before he got angry, according to one of local villagers from Pang Long village. (Source: *Palaung Youth Newsletter*, PYNG, August 2003)

Panglong Township

Road repair

On 28 May 2003, SPDC commander from LIB 33 based in Pang Long Township, Shan State, ordered villagers to reconstruct the road in Man Lin, Ho Pong, Ho Tong, Pang Kar, Man Vow, Loi Kyea and Man Lon. Each villager had to work for 2 weeks. They also had to bring their own food and materials and anyone who refused to go had to pay 10,000 kyat per week. Anyone who refused to work or pay the fine was arrested, forced to work and charged 20,000 kyat. (Source: *Palaung Youth Newsletter*, PYNG, August 2003)

Tachileik Township

Vehicular conscription and forced fuel purchasing

Since July 2003, unpaid forced labor of civilian populations and their vehicles has been occurring in Tachileik. In Murng Phong village tract, 2 villagers and 1 car or truck with a driver were required to be at the military camp all times to serve the SPDC soldiers. Villagers had to take turns and work in rotation to fulfill their forced labor duty, from 6:00 pm to 6:00 pm the next day. Other villages reported similar activities. Additionally, a vehicle was being forced to run for free each day along the line from Tachileik town to Kaeng Laab village tract with the SPDC selling 50 liters of fuel at 12 baht per liter. A truck or car usually needs 75 liters of fuel to run between Tachileik and Kaeng Laab, so the vehicle owners still needed to buy 25 liters from outside dealers. Furthermore, if a vehicle broke down or was unable to run on its designated day, the owner had to hire another vehicle to run instead, which cost him at least 1,000 baht a day. (Source: SHRF, January 2004)

Forced painting of signboards

In October 2003, a painter was forced to paint signboards for the military by SPDC troops of Military Intelligence unit No.22, using his own paints and getting nothing for it, except intimidation. On the day that marked the end of the Buddhist lent, 8 October 2003, when Buddhists traditionally go to the temples early in the morning to make merit, Zaai Yi (not his real name), a painter by profession, and his wife were preparing to go to the temple. Before they could leave their house however, at about 6:00 am, 2 SPDC soldiers from MI 22 came by on motorcycle and told Zaai Yi that their major had sent for him, saying, "Our major wants you to go and paint some signboards at the camp. You must go immediately." When Zaai Yi asked them if it would be possible for him to go to the temple first and come later, the SPDC troops said, "Which one do you think is more important? Your personal matters or our military matters? You must know that!" Zaai Yi dared not say anything more, but told his wife to go to the temple alone and hastily gathered his brushes and paints and followed the SPDC troops to the military camp. There he was to paint signboards for welcoming military authorities that would be visiting from Rangoon the next day. Zaai Yi worked hard, stopping briefly only once to eat a meal which he had to buy with his own money, and managed to finish the signboards in the afternoon of that day. After handing in the signboards to the SPDC troops, the following words were all what he got in return: "If you don't want to lose

your livelihood as a painter, every time you are needed by our military you should put all your other matters aside and come immediately. Understand?" (Source: SHRF, January 2004)

Tenasserim Division

(See note above about Mergui/Tavoy District in section 1.4)

Mergui/Tavoy District

Forced construction of bridges

In January 2003, the No.12 Military Training Center based near Pasawoak (Wanzawoak) village in Palaw Township, Mergui district, continued forcing villagers from Paycha village tract, Pasawoak village tract, and Palauk village tract to build bridges between Paycha village to Ya Wah Mountain. There were 13 bridges scheduled to be built. An SPDC logging business is also said to exist in the area on the site of relocated villagers' betel nut plantations. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, January 2003)

Civilian boats conscripted for bridge construction

Starting on 4 May 2003, boat owners were conscripted to transport stone chipping and ballast to the Kywego bridge construction site 10 miles northeast of Mergui, the HQ of Coastal Region Military Command in Tenasserim Division. The boat owners who had to transport such materials are Maung Pyit, Ko Myint Htay, Naing Kin, Than Htay Aung, Oo Myint Kyaw from Pawatt village and Ko Win Oo from Hpayahwet village in the south east of Mergui. The boat owners were required to supply fuel and were unable to provide the regular trips from Pawatt to Mergui. Captain Kyaw Kyaw Htun, one of the SPDC military officers charged with material collection, said that those who volunteered to transport stones for the bridge would make merit and be "Sedanashin" (merit maker) for the rest of the public. One of the boat owners said that "Sedanashin" will be rewarded only in "Neikban" (heaven), and would not help him buy food for his family. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, May 2003)

Forced roadside clearing

On 3 November 2003, the No.1 Strategic Command's Commander Col. Soe Thet ordered people along the Tenasserim River valley in Taninthayi Township to clear the roadside between Taninthayi and Theindaw. As the locals were facing food problems during that season, they requested free time to search for food. The request was denied. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, October 2003)

1.6 Forced Labor for Military Camps, Military Income Generation, and Guide Services - Partial List of Incidents for 2003

Arakan State

Buthidaung Township

Cultivation of rice for SPDC

On 20 April 2003, a section of the SPDC went to Koin Daung village in Buthidaung Township in Arakan State and arrested 20 villagers for forced labor. The MOC-15 headquarters of Buthidaung had previously seized 10 acres of arable lands from Rohingya villages adjacent to the military headquarters for growing paddy with forced labor. The arrested villagers had to reap the paddy fields in the day and had to stay in the military headquarters at night. They were fed by the villagers of Da Bru Chaung, another village near the military camp. Additional work included threshing, carrying, storing the grains in the granary, placing the paddy under heat, etc. After 4 days the villagers were freed on 23 April 2003, without any wages. (Source: "Army Arrested 20 Villagers for Forced Labor," Kaladan News, 7 May 2003)

In June 2003, villagers at Goat Pi were forced to plough Nasaka paddy fields and provide oxen for camp usage. (Source: Forum-Asia, 2003)

From June to August 2003, forced labor activities routinely occurred at Ba Da Gar. Work included the repair and maintenance of the military camp, collection of firewood for the military, provisioning of chicken and black pepper seeds, provisioning of jackfruit seeds, planting and ploughing of fields, and sentry duty. (Source: Forum-Asia, 2003)

On 12 June 2003, the Commander of MOC-15 of Buthidaung Township, Arakan State, ordered 5 villages to work in farmlands controlled by the army camps. The 5 villages, Nan Yah Gone, Aley Chaung (Ali Yaung), Kwan Dine (Koin Daung), Tha Yet Kin Manu (Say Ra Kuni), and San Nyin Way (Lambabil-East) were ordered to provide 60 daily laborers to plough the paddy fields controlled by the army camps. The order contradicted the earlier order issued by the same army asking each village to provide daily, 12 laborers to till 4 acres of land. Accordingly, the chairmen of the 5 villages have to send to the army camps, without any respite, daily 60 ploughmen, 120 oxen and 60 plows, together with other agricultural tools, from their respective villages. These farmlands, which were earlier seized from the poor villagers for the purpose of the construction of army camps, have now been used by the army as paddy fields to support their families or their camps. (Source: "Forced Labor for Growing Paddy," Kaladan News, 1 July 2003)

As of 13 September 2003, villagers of Buthidaung Township had to provide labor for the Nasaka camps, for military camps, and for Military Intelligence operations. Tasks included cleaning and fencing camps, building latrines, carrying water, and preparing firewood. Additional longer term work included ploughing fields and growing paddy in fields which had been seized from villagers. Military units involved were LIB 551, 552, 553, 556, and MOC-14. Every day, 1 villager from a village tract had to go to the Nasaka office and stand

by from 5:00 pm to 8:00 pm. His duty was to pass any news from Nasaka to village Chairmen or villagers

Since 12 December 2003, MOC-15 based in Dabru Chaung village of Buthidaung Township has forced 100 villagers from Quen Dine, Nanragon, Tharakani and Sinyan Way to harvest 10 acres of paddy lands. Previously, MOC-15 seized this arable land from Rohingya villages adjacent to the military headquarters. The commander warned the villagers to take serious action in case of non-compliance. As a result a total of 100 laborers have been working daily at the harvest site by rotation. The commander gathered all the laborers engaged in the labor and asked them to affix their signatures and thumb impressions on blank paper sheets, as acknowledgement of voluntary services for the harvest. The villagers have to reap the paddy fields and do other work such as threshing, carrying, storing the grains in the granary and putting the paddy into heat. MOC-15 continues the use of force labor despite a 14 November 2003 request by Nasaka to end the practice. (Source: "Forced Labor for Harvest in Northern Arakan," Kaladan News, 20 December 2003)

Maungdaw Township

Forced maintenance inside Nasaka border security camps

In January 2003, forced camp maintenance work took place at Inn Din. Every family had to provide labor 4 days per month. (Source: Forum-Asia, 2003)

In January 2003, building and portering work for a Nasaka camp took place in In Tu Lah. (Source: Forum-Asia, 2003)

In February 2003, forced work was ordered inside Nasaka Sector 2 camp, in Bauk Shu Pwai Yah village. Labor included collecting firewood for brick backing and stakes. (Source: Forum-Asia, 2003)

In February 2003, villagers in Kha Moun Seik were forced to build bunkers in a Nasaka camp. (Source: Forum-Asia, 2003)

In February/March 2003, villagers in Bauk Shu Pwai had to collect firewood for the Aung Shu camp brickfield. (Source: Forum-Asia, 2003)

On 10 March 2003, it was reported that the SPDC used at least 500 forced laborers to construct the Bandoola Camp of the Nasaka Security Forces under Nasaka Area One Aungthabray (Aungthabyi) headquarters. They had used the forced labor to carry thousands of bags of cement and steel rods, and in carrying the supplies and ration of the security forces during January. Additionally, large scale forced labor was reported at Khamaung-cheik Nasaka camp, in Nasaka Area 2. Work included building strong bunkers and constructing a Buddhist temple at Way-la-daung village. At Ngaraing-chaung, forced labor is also being used to construct what the junta calls Natala Model Village for new settlers. Furthermore, at Aung Juu camp, the Nasaka forces used at least 500 villagers from nearby villages as forced labor for cutting down firewood for the brickfield owned by the Nasaka. For cutting and carrying the firewood they gave 10 kyat for every piece of firewood log brought to the brick kiln. Because of the long distance and heavy weight of the logs, a stout worker could carry 7 or 8 hardwood logs in a day, making the payment something of a mockery. The forced laborers complained that although there was an order to pay each worker 400 kyat per day,

each of them had been paid 100 kyat. They complained that a meal in a third class restaurant costs them 500 kyat. The forced laborers also complained that a person performing unskilled work in the village or town can earn at least 500 kyat per day, while the coarse variety of rice, the only staple food for the poor, costs as much as 300 kyat a kilo. Many of the local villagers said that in recent years the junta has stopped all kinds of forced labor at least 1 month in advance of the visit of foreign dignitaries, including the team from ILO. During this period the villagers are again and again briefed regularly with what to tell to the visitors and what not to when asked. The villagers also said that although the junta uses forced labor, the villagers have been told to use the term of “voluntary labor” for those conscripted for carrying out tasks like carrying hard firewood, bricks, cement bags, ration and ammunition boxes, and construction of buildings. (Source: “The Changing Faces of Forced Labour,” Narinjara News, 10 March 2003)

In May 2003, In Tu Lah villagers were involved in forced labor in maintaining a Nasaka border camp. In addition a generator was requisition for use at the camp. (Source: Forum-Asia, 2003)

Sittwe Township

Artillery installation to guard gas fields

In March 2003, forced construction of an artillery base on Farunga Island was reported from the village of Soemegyi. The base is being installed at the southern tip of West Farunga Island, about fifty kilometres south to Sittwe. The artillery base is aimed at safeguarding the construction of facilities in an offshore gas field, from which the gas would ultimately be piped to neighboring countries. The Chin minority villagers in the nearby areas including Soemegyi village have been engaged in forced labour in the construction of the artillery base. A total of 5 such artillery bases in the nearby islands of Kyun-thaya in Mrebon Township, Man-aung, Thabru-chaing in Thandway Township, and Oyster lighthouse beside the one at Farunga were to be constructed for the purpose offering protection to the offshore gas interest. (Source: Forum-Asia, 2003)

Karen State

(See note above about Dooplaya, Pa-an and Papun Districts in section 1.4)

Dooplaya District

Portering and extortion for army transfer and camp maintenance

In April 2003, LIB 234 stationed at the Three Pagodas Pass Thai-Burma border town began being replaced by LIB 344. A witness reported that Lt Colonel Win Myint of LIB 234 issued an order to local people around the Three Pagodas Pass area to provide labor. At least 2 people from each village were ordered to be available to provide immediate labor in transferring army supplies from the border. Village headmen from Jao Ja-Blu and Kwan Ta-Moih also were ordered to collect cash from their villages to pay for the porters' expenses, a local source said. According to a local resident, the village headmen knocked on the doors of every household to collect cash on the Burmese New Year day and to round up porters demanded by the army. Each household was forced to pay 50 baht. "They (the SPDC) illegally allow the Thai businessmen to open TV game shops and other gambling outfits at

Three Pagodas Pass to collect under-table taxes from these services. But they never use this money for the porter fees. Rather they charge us," said Mr. Rein, a community worker from Three Pagodas Pass. The SPDC based on the Thai-Burma border routinely seizes goods and other materials from local traders such as timber, chairs and other furniture, which in turn is sold. Despite all this money collection and thievery, they continue to harass and demand money from civilians to pay for the portering, a local trader added. However, some porters escape by paying bribes to their captors, like Zaw Maung who was freed after he paid an SPDC Corporal 300 baht. Zaw Maung earns about 1000 baht (US\$ 25) a week as a laborer and was able to pay the officer to avoid portering. The SPDC routinely replaces soldiers at the border area every three months, but the soldiers do not use the ordinary route, fearing attack from the rebels if they use the main motor road between Three Pagoda Pass and ThanPhyu ZaYat, which is only a 7-hour drive by truck. The SPDC Border Unit, also stationed at Doe Ha Gay near Three Pagodas Pass, operated as the watchdog for the Thai Army. Local villagers from the surrounding areas provided free labor to the army fortnightly without protest. Poor villagers were mostly targeted and had no say if ordered to clear the bush near the army camp. When ordered to work they had to bring their own food and supplies for sleeping out in the jungle at night. Villagers from Hta Wai village, composed of Karen, Mon and Tavoyan, are to provide at least 4 people from their villages to work for the SPDC Border Unit. If they fail to report they are arrested or beaten. They are guarded by guns while they work. (Source: "Porters Used for Army Transfer," Kao Wao News No. 43, April 23 – May 13, 2003)

Pa'an District

Camp Construction and Portering

From August to September 2003, the SPDC and DKBA forced villagers in Kawkareik Township of Karen State to construct their barracks, said Saw Le War (age 24), of Pawwipho, who recently arrived in Thailand. "We also have to carry rice sacks and ammunition to their border camp. We can't bear it so we ran away to the border. We have to go there with our own food. So we have to neglect our paddy field which is our family's ration for the whole year. We also have to provide them with rice." About 150 villagers from throughout Karen State arrived at the Thai-Burma border after being told by Burma Army battalions 701, 702 and 706, and DKBA battalion 999 to provide soldiers with food and labor. The Karen arriving in Thailand were provided food and health care by Thai authorities and non-governmental organizations in the area. Makeshift huts have been constructed to house them along the Moei River which separates the 2 countries. (Source: Aung Su Shin, "Karens Flee Labor Conscription," *Irrawaddy*, 24 September, 2003)

Papun District

Camp construction and maintenance

On 3 January 2003, the SPDC Military Tactical Strategy Command demanded 25 villagers from the 5 villages of Klaw Hta, Kler Oo Der, War Mi Day, Maw T'kot Der and Hto Lwi Kyo and 20 from the 3 villages of To They Poo, Ter Gaw Soe and Day Baw Kaw to do unpaid work in their base camps. On 5 January, 2003, they demanded 174,000 kyat from the same 5 villages of Klaw Hta, Kler Oo Der, War Mi Day, Maw T'kot Der and Hto Lwi Kyo and 150,000 kyat from the same 3 villages of To They Poo, Ter Gaw Soe and Day Baw Kaw. These villages were responsible to provide the above mentioned amount every month from

January 2003 until the transporting of military food ration was complete. (Source: KORD, 2003)

Starting on 14 January 2003 SPDC troop LIB 2 based in Kaw Pu sent for villagers from Paw Mu Der village and forced them to work every day in their military camp. They asked 10 people to complete 40 days of work. Villagers had to bring their own food and materials. Moreover this troop sent for villagers from Htee Baw Khee village and forced them to take sentry for their car road and to sweep the road in order to clear landmines. Five people per day over 5 weeks were conscripted. The villagers were paid nothing and provided no materials to sweep the car road. The military has told the villagers work will continue until complete. (Source: KORD, 2003)

On 30 August 2003, LIB 340 again forced 14 villagers of Htee Ber Ka Hta and 7 villagers of Klaw Lor Klo Hta to build the Bo Ya Naing Camp. (Source: KORD, 2003)

Mon State

Thanbyu Zayat Township

Forced logging for new army base

In January 2003, the Independent Mon News Agency (IMNA) group from the Thai-Burma border reported that individuals from Anin and Htin-Yuu (Kwan Proi) villages of Thanbyu Zayat Township were forced to cut down trees and saw them into 280 tons of lumber, which will be used to construct a new artillery regiment No.315. "The order we received from the village headmen said we need to cut down trees from our areas and saw it into lumber. If we don't provide this amount, then we have to buy it, 280 tons in total required by the army," a villager said. "Because of this order, if we can't buy lumber from other places, we have to cut all of our rubber plantation trees," protested another villager. According to the IMNA source, Mon farmers need to find laborers and hire the equipment needed for the logs and pay for all expenses. For those who have to buy lumber from the outside, they have to pay 200,000 kyat per ton. The villagers complained this is the first time that they have had to provide lumber to the authorities and the Burmese Army under force. (Source: "Forced Logging for New Army Base," Kao Wao News No. 36, Jan 16-29, 2003)

Pegu Division

(See note on Taungoo District above in Section 1.4)

Taungoo District

Camp construction and maintenance

On 7 June 2003, SPDC LIB 559 based at Kaserdoh forcibly asked villagers from the surrounding villages to rebuild their camp at Kaserdoh. One person was conscripted from Shahseepo, Yeshan, Zeepyugone, Tawkoo, Kaserdoh, Tilo, and Pehtoeday. (Source: KORD, 2003)

On 21 June 2003, SPDC LIB 599 based at Kaserdoh camp forcibly seized 40 villagers from Shahseebo, Yeshan, Tawku and Zeepugone villages and forced them to serve at their base camp. (Source: KORD, 2003)

On 10 July 2003, SPDC LIB 599 led by officer Than Aung forcibly collected 1 villager from Zee Pyu Gone, 2 from Taw Koo village and 5 from Ye Shan village, and forced them to serve at K'ser Doh. (Source: KORD, 2003)

On 15 July 2003, SPDC troops led by Warrant Officer Htun Wai based in Kaw Thay Der camp forcibly asked the Kaw Thay Der villagers to cut bamboos and build a fence at the camp. Those villagers were:

- (1) Naw Heh Blu, age 28;
- (2) Saw Win Kyaw, age 32;
- (3) Naw Hseh Po, age 35;
- (4) Naw Moo Naw, age 52;
- (5) Naw Ble Po, age 40;
- (6) Saw Ba Oo, age 30;
- (7) Saw Mo Shay, age 35;
- (8) Naw Ti Ma, age 20;
- (9) Naw Sarah, age 30;
- (10) Saw Maw Kha, age 23;
- (11) Naw Ru Ru, age 50;
- (12) Naw Toe To, age 35; and
- (13) Naw Heh Pi, age 43. (Source: KORD, 2003)

On 2 August 2003, the commander of (Sa Ba Ha) Military Strategic Command, Khin Maung Oo, under the control of the (Ta Pa Ka) Southern Command, forcibly asked Ler Kho villagers to cut bamboo and construct their military camp at Kler La. On 8 August, this troop also asked Wa Tho Kho villagers to cut bamboo for the camp at Kler La. (Source: KORD, 2003)

On 12 September 2003, SPDC IB 73 officer Maung Maung Soe forced 46 people from the villages of Tha Pan Chaung, Kyah Pa Sa, Bo Teh and Tha Ye Pa to construct a new camp. (Source: KORD, 2003)

On 8 October 2003, SPDC troop IB 73 headed by officer Aung Kyaw Moe based in Klaw Mi Day village forcibly asked one person from each household in Klaw Mi Day to build their military camp. (Source: KORD, 2003)

On 29 October 2003, SPDC IB 73 based in Klaw Mi Der under officer Aung Nyo Win forcibly asked 8 men and 2 women of Hoo Mu Der village to cut bamboo for them. On October 31 the same troop and officer forcibly asked 7 villagers of Kheh Der village to construct their camp at Klaw Mi Der. (Source: KORD, 2003)

On 1 November 2003, the IB 73 commander, Major Aung Nyunt Win, based in Klaw Mi Der area forcibly collected women and children of Kheh Der, Hu Mu Der, Ler Kla Der and Klaw Mi Der for the reconstruction of Klaw Mi Der and Peh Leh Wah military base camps. Additionally, 12,000 kyat was extorted from the villages of Kheh Der, Hoo Mu Der, Ler Klah Der and Klaw Mi Der villages on a monthly basis. On 4 November 2003, another 10,000 kyat was extorted from Hoo Mu Der villagers. (Source: KORD, 2003)

On 2 November 2003, LIB 20, Column No.2, controlled by Officer Htay Win forcibly collected 2 villagers each from Taw Ku and Zee Pyu to serve as massagers at the Pa Yah Ywa village. On 4 November the troop began rotating the 4 massagers every 2 days. (Source: KORD, 2003)

Shan State

Kun-Hing Township

Forced sesame cultivation

In February 2003, it was reported that villagers of Kai Eg and Loi Saai villages in Laai Kam village tract, Kun-Hing Township, were continuing to be forced to cultivate Japanese sesame for SPDC troops from IB 246 at a 5-acre piece of land about 10 miles from Kun-Hing town. Former workers also report that other villages in the township are forced to work for the Burmese military. (Source: SHRF, February 2003)

Kyawk-Me Township

Forced labor by SPDC troops and local police

In October 2003, Murng-Long villagers in Murng Long village tract, Kyawk-Me Township, reported various forced labor abuses committed by SPDC troops and the Murng Long police station. Every day 4 villagers are required to report to the military camp. Occasionally, up to 50 people are gathered for specific projects. Force labor includes: carrying letters; going as porters; doing sanitary work in the camp; digging trenches; digging latrine pits; clearing bush and grass; asking for vegetables and chickens from the villagers and bringing them back for the troops; going to buy liquor for the troops; carrying water to the camp with ox-carts; etc. Women also had to pick out unwanted seeds from rice and beans, and wash the clothes of the soldiers, including military boots. The police station at Murng Long has occasionally requisitioned from 5 to 50 villagers to clear bushes, build fences, do sanitary work, and seasonally grow crops for the police. (Source: SHRF, October 2003)

Lai-Kha Township

Village headman and woman murdered while serving as military guides

On 14 February 2003, a column of 50 SPDC troops said to be from Murng-Mit Township forced Paw Thawn (age 47), the headman from Nawng Leng village in Yurng village tract, Lai-Kha Township, to serve as a guide on their patrol of the area east of Lai-Kha town. At 10:00 am they reached Huay Nam Waw Khe and shot and killed Paw Thawn. The SPDC troops continued to patrol the area and forcibly took a woman, Naang Lu (age 38), from Nam Pa Kaang village to serve as a guide back towards Lai-Kha town. When they reached Nam Waw Mon, southwest of Nam Pa Kaang village, at around 1:00 pm, the troops shot dead Naang Lu, and continued to Lai-Kha town. When they reached the town they told people that they had gone out to find and kill army deserters. The next day, villagers of Nawng Leng and relatives of Paw Thawn set out to look for their headman, asking people along the way whether they had seen SPDC troops and their headman. Villagers of Nam Pa Kaang said that they had seen only SPDC troops but not the headman, and that the troops had taken Naang Lu from their village as a guide and she had not yet returned. They also reported hearing several

gunshots in the morning and the afternoon the day before. People from both villages then went in search of their missing villagers and found the bodies of Paw Thawn and Naang Lu at the places where they had been murdered. (Source: SHRF, May 2003)

Man Tong Township

Firewood for army camps

In April 2003, the Palaung Youth Group reported that SPDC LIB 22, led by Zaw Moe in Man Pa village, Man Tong Township, Northern Shan State, ordered every house in Man Pa village and Man Kang village to cut firewood for use in the army camp. According to the order, anyone who did not provide the wood would be forced to pay 5,000 kyat per tether. Villagers complained that the army was not using the wood for their camp but selling it to a coffee company in Namtu Township at 4,000 kyat per tether. (Source: Kao Wao News No. 43, April 23 – May 13, 2003)

Mu-Se and Nam-Kham Township

Forced charcoal production

In January 2003, SPDC military authorities in Mu-Se and Nam-Kham Townships began forcing people to cut wood and sell it for charcoal exports to China. Piles of 2-ft-long pieces of wood, 1 arm-span high and wide, and sell it for 10,000 kyat, of which 4,000 kyat was to go to SPDC military authorities and 3,000 kyat to the Forestry Department. The 3,000 kyat remaining was well below the value of time and labor. Local people reported the practice was occurring in almost all the village tracts and additionally fear the negative environmental impact of the practice. (Source: SHRF, April 2003)

Murng-Nai Township

Palaung villager shot at, his buffalo stolen, and villagers forced to carry meat

On 20 April 2003, Aai Ngern (age 28), of Phaa Ngaab village, Kho Lam village tract, Nam-Zarng Township, was shot at by 25 SPDC troops from IB 66 as he was grazing his buffalo 11 miles from Kho Lam village on the road from Kho Lam to Kaeng Tawng in Murng-Nai Township. The troops fired 14-15 bullets over Aai Ngern's head to scare him. After he fled, the troops killed his buffalo and forced 5 villagers from Wan Phui village to carry the meat back to their camp at Kho Lam. (Source: SHRF, June 2003)

Murng-Pan Township

Land confiscation and forced food cultivation

In 1999, SPDC troops of LIB 332 confiscated the Naa Nawng Keng rice fields in Ho Phaa Long village in Ho Phaa Long village tract, Murng-Pan Township. Every year villagers are forced to cultivate 16 baskets of rice seeds. In June 2003, LIB 332 confiscated additional adjacent rice fields from two Huay Maak Phurng villagers, Lung Nyo and Wan-Na, who had moved to live in Ho Phaa Long village earlier this year. When Lung Nyo and Wan-Na returned to cultivate their land, SPDC troops told them the area had become military property because the original owners had fled to Thailand. The villagers of Ho Phaa Long were

subsequently also cultivating the additional land for SPDC troop benefit. (Source: SHRF, September 2003)

Murng-Phyak Township

Vehicle conscription and extortion

In October 2003, it was reported that a dispatch of SPDC troops from Murng-Phyak-based IB 221, stationed in Murng Lung village tract in Murng-Sart Township, were conscripting 2 civilian trucks from Murng-Phyak each month and using them to transport troops and logistics between Murng-Phyak and Murng-Sart. The conscription of the trucks commenced in May 2003. The 2 trucks were kept on standby at the military camp in Murng Lung until they were replaced by 2 other trucks. An order was issued requiring all car owners in Murng-Phyak Township to provide money to service the 2 conscripted trucks requires car owners to gather a total of 400,000 kyat per month. (Source: SHRF, October 2003)

Civilian guide beaten to death

On 12 May 2003, Lung Nya, (male, age 54), was working at a farm north of Kun Mong village when a patrol of SPDC troops forced him to serve as a guide. Lung Nya was originally from Wan Lao village in Kun-Hing Township, and had been forcibly relocated to Kun Mong village in Murng-Nai Township in 1996-97 by the SLORC. 20 days after being conscripted as a guide, villagers hunting in the forest found his decayed body, recognizable only by his clothes, bamboo hat and sandals. Near his head lay a thick, heavy bamboo stick, indicating he had been beaten to death. After the incident villagers in Kun Mong heard SPDC soldiers saying Lung Nya had been executed after serving as a guide for 16 days because he was a supporter of the Shan resistance. The SPDC soldiers believed he knew the routes well enough to have been serving as a guide for Shan soldiers. (Source: SHRF, September 2003)

Murng-Sar Township

Forced camp maintenance

In February 2003, local people in the Murng Kok and Murng Nim village tracts, Murn-Sart provinces reported unpaid forced labor in support of SPDC military battalions LIB 580, LIB 579, and an Artillery Unit. Every person in both village tracts was required to go to a battalion for 3 days per week to clear in and around the military camps, fix and clear roads, cultivate military farms, build and fix fences, build and fix barracks, gather and weave thatched roofing, cut wood and bamboo, and gather firewood. Villagers had to provide their own food and tools and receive no compensation. (Source: SHRF, February 2003)

Murng-Ton Township

Extortion of travelers

In February 2003, it was reported that SPDC troops from IB 65 at Pung Pa Khem village in Murng-Ton Township have been extorting money and labor from traveling displaced people. A car owner, U Hpyu, working under the instruction of Capt. Win Zaw, the commander of SPDC troops from IB 65 stationed at Pung Pa Khem village, had been transporting and extorting money from travelers between Murng-Ton town and Pung Pa Khem. U Hpyu

waited near the military checkpoint at the exit of Murng-Ton for people traveling towards the border areas and took them as far as Pung Pa Khem village. He charged 1,200 baht for transport and 50 baht for 1-night lodging. The extortion further impoverished displaced people and left many begging for food in the area. Those who could not pay were taken to the military camp and forced to work for 15-20 days. (Source: SHRF, February 2003)

Civilian guide beaten to death

On 6 April 2003, a column of 60-70 SPDC troops from IB 277, led by Maj. Moe Aung, forcibly conscripted Zaaï Kham Sai (male, age 31), from Hawng Lin village in Phaa Khe village tract, Murng-Ton Township, to be used as a guide. After Zaaï Kham Sai had guided the SPDC troops all day through many hidden paths and shortcuts, they reached Loi Hin Kawng, southeast of Naa Pa Kaao and stopped to rest. Maj. Moe Aung told his troops that Zaaï Kham Sai knew the routes in the area so well that he must be a guide used by the Shan soldiers, and ordered his execution. The SPDC troops took Zaaï Kham Sai to a place about 20 yards away from their resting spot and forced him to dig a hole. The troops then beat him to death with a stick and buried him in the grave.

Nam-Zarng Township

Displaced villagers used to build military stronghold and provide food and security

In September 2003, it was reported that villagers from Kaad Lur village relocation site in Haai Laai village tract, Nam-Zarng Township, were still being forced to build a military stronghold in the center of their village by SPDC troops from the MOC-21. The project had commenced at the beginning of 2003. In 1997 the SLORC implemented a forced relocation to Kaad Lur of villages on both sides of the Nam-Zarng – Kun-Hing road, which is about 5 miles west of Kho Lam village in Nam-Zarng Township. The relocation site had about 200 households. These displaced people were being used by MOC-21 to dig trenches and build 3 layers of fences around the new military stronghold. In addition, villagers of Kaad Lur were required to guard nearby roads in rotations of 6 people and to cultivate 3 acres of corn for SPDC troops. Villagers had been informed by the SPDC that next year they would have to grow Japanese sesame. (Source: SHRF, September 2003)

Conscripted guide disappears, family forced to flee

In October 2003, Zaaï Sai (age 26), was conscripted to serve as a guide for SPDC troops at Kaad Lur village relocation site in Haai Laai village tract, Nam-Zarng Township. Zaaï Sai and his family were originally from Haai Laai village which had been forcibly relocated to Kaad Lur relocation site in 1997 by the SLORC. At the time of this report in December 2003, Zaaï Sai had not yet returned from his conscription. Since his conscription Zaaï had not returned. His wife, Naang Htun, and their son (age 6), and daughter (age 4), waited several months at the relocation site, until they were no longer able to access sufficient food. Naang Htun and the children fled to Thailand hoping to find work for survival. (Source: SHRF, December 2003)

Tenasserim Division

(See note on Mergui/Tavoy District above in Section 1.4)

Mergui/Tavoy District

SPDC establishes rice quotas

Starting in January 2003, the Commander of No.12 Military Training Center, based near Pasawoak (Wanzawoak) village in Palaw Township, Mergui district, forced local villagers to establish rice plantations at 2 locations and give the rice quota to the army. The first location was between Pasawoak village and Panywepoeklo village, and the second was between Paycha and Nya Htaw (Ngatek) village. Each family had to cultivate at least 4 acres, and after harvest had to pay the army 4 baskets per acre (a basket is the standard unit of measurement of rice. 1 basket = 46 pounds or 21 kegs). The Pasawoak village tract is comprised of Pasawoak village and the villages of Panwepoeklo and Mawkakleh. The Paycha village tract is Paycha village and the villages of Nya Htaw, Paycha Maw, Myitchinsut, Lerpahdoh, and Katawni. According to the source in Paycha village, after the harvest, SPDC troops ordered the villagers to sell their rice or pay the rice quota. Here the farmers had to pay 12 baskets per acre as the quota. Although the market price of rice was 3,000 kyat per basket, the military officers paid them only 370 kyat. The officers told the villagers that anyone who failed to supply the rice had pay 3,000 kyat per basket instead. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, January 2003)

Villagers forced to build and pay for sentry posts

On 25 May 2003, SPDC No.12 Division Training Center's deputy headmaster Major Khin Zaw ordered villagers from Pyicha village tract to build 4 sentry posts on 4 separate locations. Pyicha village alone was ordered to build 1 office building and 1 rest house. All the structures would cost 260,000 kyat, which the villagers have to bear. Pyicha is a relocation site on the border of Tavoy and Mergui in Tenasserim division. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, May 2003)

Forced provision of bamboo

On 10 July 2003, militia at Pawa tract (an area between Mergui and Kaw Thaung in Tenasserim division) demanded 600 pieces of bamboo from Pawa Plaw Hpa Htaw. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, July 2003)

On 19 July 2003, militia at Tahpohta on the Tenasserim river bank in the northeast of Mergui Township demanded that 1000 pieces of bamboo must be sent to them by 24 July 2003. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, July 2003)

Home construction projects and restrictions on movement

On 22 July 2003, the LIB 561 column commander issued an order for Taket village, Teninthayi Township, Mergui district which included the following demands:

- (1) All households in the village must construct bamboo fencing for their house;
- (2) Every villager must dig a fox-hole under his house;
- (3) All plantation owners must clear bushes in their plantations;
- (4) All villagers must sleep only in their own houses and empty houses will be dismantled;
- (5) The village must construct a sentry post and gate;
- (6) Villagers must take responsibility for sentry duty; and
- (7) Villagers with musket guns must get permission.

(Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, July 2003)

Forced construction of ration stores

On 30 August 2003, the SPDC's No.20 Light Infantry Division Commander Brigadier Gen. Hkin Zaw Win forced villagers from Naw Tet to build 2 ration stores. Naw Tet is a relocation site situated on the bank of Tenasserim River, about 35 km east of Palauk, a town on Mergui-Tavoy road. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, August 2003)

Forced sentry duty and fines

In November 2003, villagers from Ta Ket, a Karen town 50 miles southeast of Mergui town, were forced by SPDC's LIB 561 to serve at sentry posts for security purposes and as messengers about KNU movement. Battalion 2IC ordered the villagers to post 5 men per week to perform 24 hour sentry watches and to promptly send messengers with information on strange movements. On 5 November 2003, a 67-year-old villager from Ta Ket was fined for failing to report the movement of Karen soldiers to Burmese troops on time. Poo Ler Moo was accused of delay in sending information and was fined by 2nd Commander Maj. Kyaw Oo from LIB 561 to pay 1 knife and 1 pig, a value of 10,000 kyat. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, November 2003)

Clearing of land

On 25 November 2003, Coastal Military Region Commander Own Myint ordered No.1 Tactical Command to clear 1,000 acres of land where he intended to establish a summer rice crop for military self sufficiency. To fulfill this order the No.1 Tactical Commander ordered the villages of Ta Ket, Thein Kun, Nyaung Bin Gwin, Ta Gu, Kywe Ka Yan, Ka Mu Kru, Pa Wa, Maw Tone, and Thein Daw to each clear 100 acres of land. Any village unable to fulfill its quota was forced to pay 1,000 kyat per acre to No.1 Tactical Command headquarters. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, November 2003)

Forced labor in rice farming projects

In January 2003, Burmese troops from IB 104 based in Myitta village about 37 km to the east of Tavoy, ordered villagers from Pwaypoeklah village in Kamoethway area to work on a rice farming project beside the village. Each household was ordered to cultivate 1 acre of rice. There were about 50 houses in Pwaypoeklah village. The villagers were told to finish clearing the place by March and that work would continue through the rainy season. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, January 2003)

Forced construction of new artillery battalion

Starting on 10 January 2003, SPDC troops forced local villagers in Kawpaw village tract, Tavoy, to construct a military camp between the deserted Karen villages of Kaymoechon and Dahthway Kyauk. Requirements include an artillery battalion camp and a food store. A second site between Taung Tho Lon and Hindan Chaung, closer to Tavoy town, was also scheduled for construction. According to local Karen, these artillery battalions were unrelated to KNLA movement in the area and were designed to show that Yodaya (Thailand) is Burma's enemy. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, January 2003)

Forced coal exploration

According to a source at a forced relocation site in Htoo Ler village on the Pawklo River (Banchaung) to the east of Tavoy, on 21 January 2003 SPDC troop from IB 104 began exploring the area surrounding Htoo Ler village for coal deposits. 2 villagers per day were being forced to work for the SPDC. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, January 2003)

Forced construction of sentry posts and sentry duty

In the last week of May 2003, the Tavoy Township PDC ordered the Maungmeshaung village PDC to use village labor to build 2 sentry posts between Maungmeshaung village and Zeekya village (in Yebyu Township), and 2 sentry posts between Maungmehaung and Zaha villages. After those sentry posts were completed the villagers were ordered to work as sentry. According to that order, the village PDC provided villagers to serve on 24 hour shifts. Those missing duty faced a fee of 1,000 kyat. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, July 2003)

On 3 June 2003, SPDC LIB 410 in Yebyu Township, Tavoy district, order villagers from Zinba to construct 4 sentry posts at the village entrances and at junctions inside the village. The stated need for the posts was "village security". After construction finished, the military ordered the village PDC to provide 24-hour security personnel from the village. The PDC placed 3 men on each sentry post and required an alarm signal at 1 hour intervals. The village then had to send messengers reporting on KNU activity to LIB 410 headquarters. Anyone missing sentry duty was required to pay 1,000 kyat for substitution. Sentry guards absent from their post or failing to strike the hourly alarm signal were kicked, hit and beaten by the soldiers. If the villagers failed to send updates on KNU activity, they were labeled KNU supporters and are tortured. As LIB 410 is 1 of the battalions responsible for the Yadana Gas Pipeline, it further required 2 guides from Zinba every 15 days for patrols. One guiding shift

lasts 3 to 7 days, or is payable with a 5,000 kyat fee for avoidance. In addition, the Zinba village, with about 100 households, has to pay 200 kyat per month to the village PDC for a "general fund." (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, June 2003)

According to a June 2003 order from the Village Peace and Development Council (VPDC) at Mung Me Shaung village, Tavoy Township, villagers were forced to build 2 sentry posts on the Ye-Tavoy road between Mung Me Shaung village and Zeekya village in Yebyu Township, and 2 sentry posts between Maung Me Shaung and Zaha village. After construction was completed the village was ordered to take guard responsibility for those 4 posts on 24-hour shifts. People not wanting to work could pay 1,000 kyat as substitution. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, June 2003)

Forced construction of sentry posts and restriction on personal movement

In 2003, SPDC No.1 Strategic Commander, Col. Soe Thet moved his headquarters to Yahpoo village in the northern area of Yebyu Township, Tavoy district. From 15 May to 25 May, 2000, villagers had to build sentry posts along the Ye-Tavoy road:

- (1) Mayangchaung villagers had to build 4 posts between Yahpoo and Kywetalin villages;
- (2) Kywetalin villagers had to build 4 posts between Kywetalin and Lauk Thaing villages;
- (3) Laukthaing villagers had to build 4 posts between Laukthaing and Kyaukkadin villages;
- (4) Laukthaing villagers had to build 4 posts between Kyaukkadin and Alesakern villages; and
- (5) Alesakarn villagers had to build 4 posts between Alesakarn village and Malwedaung village in Yebyu Township.

Each sentry post required a checking point and gate, a bunker, a trench, a barrack for armed personals, and security fences. All work was done with the villagers' own tools and food. After the construction projects, the No.1 Strategic Commander posted armed personnel from DKBA and KPA at the sentry posts. The armed troopers allowed passage from 6:00 am to 6:00 pm only. In addition, personal movement restrictions were put in place. No villagers were allowed outside their homes between 9:00 pm and 6:00 am. Villagers were told to construct fences around their village and leave only 2 openings for access to the village. No use of flashlights was allowed. Only candles or kerosene lamps could be used. A second commander, Kyaq Zwa, ordered the Yepone, Nankye and Kyaukshaat villages on the Ye-Tavoy road to build 2 sentry posts between each of the 3 villages. When finished he ordered villagers to place at least 6 villagers per post. Any villager who missed his turn was required to pay 1,000 kyat for substitution. In May, 2003, the SPDC's Coastal Region Military Command HQ issued a similar order to build sentry posts between villages along the Ye-Tavoy, Mergui-Tavoy, and Mergui-Kawk Thaung car-roads with the labor of villagers along the road. A villager sentry duty order was also issued. In Yepone, and area of current KNU activity, villagers were required to send daily KNU troop updates to LIB 408 HQ. The effort requires 2 villagers per day, with a fine of 500 kyat for missing a turn. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, May 2003)

Forced provision of food and supplies

On 16 June 2003, SPDC's LIB 581 troops, led by Major Min Kyu, stationed at Htu Ler village in Paw Klo area in the southeast of Tavoy, demanded 2 elephants and 40 villagers from Kahtaungni village go to his camp. The order required all 40 villagers to 2 days of food for the troops. On 18 June 2003, Major Min Kyu demanded 30 villagers from Khaw Htee village and 40 villagers from Htu Ler village bring 2 days of food for his troops. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, June 2003)

Forced cultivation of paddy fields

Starting on 15 June 2003, villagers from Muang Me Shaung village were informed by IB 25 and LIB 401 that they would be required to work a military paddy field that had been confiscated from local villagers without compensation. The villagers would have to plough the land and sought the seeds. One person from each household was required to attend. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, June 2003)

Ongoing forced labor in Pa Ga Ye

On 20 September 2003, a villager from Pa Ga Ye, 6 miles east of Tavoy town, described forced labor taking place since 1992. In Pa Ga Ye, a village of 400 households, every day 2 villagers were forced to standby as porters for LIB 402. Each had to bring food, a sword, and a pack of firewood. If unable to stand duty, villagers were required to pay 1,000 kyat. Forgetting to bring firewood resulted in a 500 kyat fine. An additional 500 to 700 kyat monthly fee went to the local PDC. This money was called 'donation for development' and went towards hosting visiting authorities. Every 3 months, 10 villagers had to carry food and other supplies to the border military outpost, 50 miles in the east of Tavoy. The village PDC demanded 1500 kyat from each household that cannot provide a porter. Villagers who could not serve as porters or pay fees were imprisoned. Every Saturday 1 person each from every household had to go on roadside clearing duty on the Myitta-Tavoy car road. Being absent cost 500 kyat. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, September 2003)

Forced domestic work

On 20 October 2003, the SPDC forced people from Pyicha, Myitchinzu, Lerhpadoh, Wagon, Mawkakle, Kataungni and Pasaw O village, situated 50 miles south of Tavoy, to work as domestic laborers. The people were forced to work at IB 280 No.12 Divisional Military Training Center, and No.309 Artillery Battalion HQ. Each village was ordered to send 30 people per week for 1-day duty. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, October 2003)

Forced military battalion labor

At the end of 2003, villagers from Hsin Pu Nit, in Laung Lon Township, Tavoy District, were forced by the SPDC to work in various labors for IB 104, which was stationed at Taw She in Tavoy District. The people were not paid. Instead they had to pay for transportation whenever they went to work at the military camp. People who were absent had to hire a replacement for

800 kyat per day. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy Information Department, KNU, November 2003)

1.7 Forced Prison Labor - Partial List of Incidents for 2003

Arakan State

Maungdaw Township

Forced infrastructure projects

On 10 June 2003, it was reported that at a prison camp at Kyi-gan-braung (Kyi-gan byin) in Maungdaw Township on the border with Bangladesh, inmates were engaged in the construction of roads, bridges and military camps. (Source: "Prison Labor in Western Burma," Narinjara, 10 June 2003)

Mrauk-U Township

Forced infrastructure and timber projects

In 2003, at Mrauk-u Township, at the Lenyang-daung prison camp on the Lemro River, prison labor was used to extract stones and pebbles utilized in construction of roads, bridges and military installations. A released prisoner from the camp also reported logging and timber extraction from the state-owned forests. "Timber extraction has been done at an alarming rate, causing large areas of virgin forests to vanish in a few years, which could bring a natural disaster as the topsoil in the region get diluted," he said. "Much of the money from forest products go to the upkeep of the families of the army, navy, police and other law enforcement agencies since the junta cannot pay enough for their subsistence." (Source: "Prison Labor in Western Burma," Narinjara, 10 June 2003)

Pauktaw Township

Salt works prison labor

In June 2003, accounts of prison labor surfaced at Thabra (Thabya) Island prison camp in Pauktaw Township in Rakhine, in association with a privately owned salt works company in the area. The salt works is owned by Maung Tun Mya from Pauktaw Town, who in collusion with the prison officers has apparently been using prison labor. Maung Tun Mya is alleged to be bribing the officers, who additionally confiscate wages Tun Mya gives to the prisoners. There are approximately 80 prisoners in the camp and they are also engaged in the nearby state shrimp ponds and hatcheries. (Source: "Prison Labor in Western Burma," Narinjara, 10 June 2003)

Ponnagyun Township

Forced shrimp cultivation

In 2003, at a camp in Kyaw-zan-rwa Village under Ponnagyun Township, the inmates were engaged in construction works and shrimp cultivation, earnings from which would go to the "welfare fund" of the Burmese Army and other law enforcement agencies. The prison guards confiscated the wages given to the prisoners by the private businessmen and owners of the fish farms, and the food given to the inmates was also of poor quality and inadequate in amount. (Source: "Prison Labor in Western Burma," Narinjara, 10 June 2003)

Karen State

Myawaddy Township

Prisoner porters used by SPDC in KNLA offensive

In October 2003, 2 days before an SPDC-KNLA battle, 11 escaped Myanmar army porters reached KNLA positions after fleeing and walking through the mine-infested jungle for 4 days. They were all taken from jails in Myanmar and forced to carry ammunition and supplies for the army. One of the escapees, 46-year-old Zaw Win, says he was forced to carry 2,000 rounds of ammunition weighing about 25 kg for more than 1 month. He was taken from a prison in Pegu Division where he was jailed for involvement in an underground lottery. He said about 1,000 forced porters - mainly prisoners - were being used for this offensive, which included 10 battalions of government troops. The 11 escaped porters add that at times they were used as "human minesweepers" - walking in front of the soldiers in places suspected of being mined. Win said when the porters were walking with Myanmar soldiers they had to keep pace or they were punished. "You cannot rest. If you do they will kick you or hit you with a stick," he said. The escapees are all underweight and say they were only fed once a day for more than a month and then nothing during their 4-day ordeal to rebel lines - where they said they were being treated well. Many of them, such as 26-year-old Thang Saw, had badly cut shoulders from rope burn caused by carrying supplies on their backs in bamboo baskets. Saw was also taken from a prison in Pegu Division where he was jailed for knife-fighting. Asked what he thinks about the soldiers for whom he was forced to porter, he replied: "They are very, very cruel." Win said the porters were told by their captors that if they escaped and managed to reach KNLA positions, the rebels would kill them. But he said it wasn't the rebels he was afraid of, so he took his chances and fled his unit on the morning of 8 October with another porter, 45-year-old Aung Min. Their captors were wrong. "I'm just afraid of the SPDC," Win said. (Source: Rand, Nelson. "Setback Fails To Deter Karen Guerillas," *South China Morning Post*, 22 October 2003)

Pa-an District

(See note on Pa-an District above in Section 1.4)

Two prisoners die of malaria

On 19 August 2003, 2 prisoners, Thar Aye (age 30) from Rangoon and Kar Zin (age 34) from Kyaikto, died of malaria in Htoun Wi prison camp at Kha Laung Nos village near Zhwekapin Taung in Pa-an Township. These 2 prisoners had been sentenced to hard labor. Even though they were suffering from malaria, they still had to work hard and were unable to obtain health treatment. The prison camp was opened in 2002. There are over 1,500 prisoners in the camp and the warden is U Kyaw Thein, according to Maung Phyto from Pa-an. (Source: MAN, 2003)

Mon State

Kyaikmaraw Township

Prisoner beaten to death after asking for relief

On 20 July 2003, in New Life Prison in Moulmein, Kyaikmaraw Township, prisoners were asked to work in groups of 5 to plough fields. One group, which included Ko Hla Aung, was tired and complained to the Sergeant Tin Hla. In response, Sergeant Tin Hla and his members beat the men in the group. Prisoner Ko Hla Aung died in the incident. A witness and run away prisoner, Ko Tin Soe, who saw the death of Ko Hla Aung, said, "That day was 20 July and we had to go work in the paddy fields. Because it was rainy season, we were especially tired. We didn't have enough food but we had to work everyday and the warrant officers scolded us. We couldn't stand it anymore and we complained to the Sergeant, Tin Hla. That was the reason that they beat us. All 5 prisoners in Ko Hla Aung's group were beaten. 3 of them were Muslims and Ko Hla Aung was a Buddhist." Ko Tin Soe's colleague said that even the Prison Warden Wai Htun knew about the death of Ko Hla but took no action. Ko Tin Soe and his colleague bribed the prison authorities in order to escape. They arrived in Mae Sot, Thailand on 30 July 2003. (Source: MAN, August 2003)

Three prisoners die of exhaustion

In July 2003, 3 prisoners died at New Life Prison Camp in Kyaikmaraw Township, Mon State. These prisoners died because they had to plough paddy fields when they were already exhausted, said a person in Mae Sot who ran away from that camp. (Source: MAN, 2003)

1.8 Forced Conscription and Forced Military Training - Partial List of Incidents for 2003

Forced national military training in Burma

On 31 July 2003, it was reported that all family members of police and firefighters were required to have military training. In addition, the SPDC decided that 21 July would be "Defense against Foreign Aggression and Militia Day." It was reported that many people attended the training out of fear of the consequences for not attending. In Magwe Division, the wife a policeman reportedly attended to save her husband's job. It was also reported that those with medical conditions had to provide certification of their conditions in order to be exempted from the training. If proof of their conditions was not provided, they would face punishment. (Source: "National Military Training Are Forced in Burma," DVB, 31 July 2003)

On 23 July 2003, it was reported that the authorities were sending messages of high alert of an 'impending war' among the defense forces and the general people. The Burmese junta has issued orders to give compulsory military training to the family members of all the defense personnel aged between 18 and 40, irrespective of sexes, according to sources in the administration. (Source: "Burmese Junta's Attempt to Divert People's Attention from the Depayin Massacre," Narinjara, 23 July 2003)

Arakan State

Buthidaung Township

On 23 July 2003, it was reported that in Buthidaung Township, Arakan State nearly 20 miles from the Bangladesh border, the hill people including Khami, Mro and Daingnet living in the eastern part of the town, had been given military training and provided with arms and ammunitions. (Source: "Burmese Junta's Attempt to Divert People's Attention from the Depayin Massacre," Narinjara, 23 July 2003)

Maungdaw Township

New conscription for the SPDC Army

On 20 February 2003, it was reported that Maung Than Naing Tun, an 18-year-old secondary school matriculation student and son of U Than Win of Bo Ba Chouk Street, Dala Town opposite Rangoon, was forcibly conscripted into the army. While he went traveling to Rakhine State, Nasaka troops picked him up at Maungdaw town and forced him to join the armed forces in the middle of February. He was threatened with being arrested and jailed if he refused to join the armed service, said sources in the town. Maung Than Naing Tun was unable to produce a national registration card when the troops demanded as he had lost it on the way from Rangoon. It was reported that many young visitors had been conscripted under similar circumstances. In addition, it was reported that Nasaka Headquarters at Kyi-gan-byin ordered each of the 9 Nasaka circles to conscript at least 5 people from each area. Servicemen who wanted to go on pension were instructed to find 2 new recruits as replacements. At the time of this report, recruitment teams had already visited approximately 10 villages in the Punnagyun and Kyauktaw Township areas. (Source: "New Conscription for the Burmese Army," Narinjara, 20 February 2003)

In July 2003, according to Maung Tun Yein (age 17), LIB 538, at Rathedaung Town, about 30 miles north of Sittwe was conducting fresh conscriptions in and near his township Kodan-gauk village, Maungdaw Township. Sergeant Major Thaung Myint, Sergeant Tun Yein, and Sgt Soe Tin of LIB 538 came to Kodan-gauk village on 11 July 2003 and forced the village chairman to collect villagers for conscription to the army. Although each army battalion is supposed to have 700 members, there were only 150 to 200 members on average in each of the nearly 60 battalions across Rakhine State. The Burmese Army has been desperately trying to fill up the gap, Tun Yein said. Maung Tun Yein said that people were then reluctant to join the army because most of the people extremely disliked the life of a soldier. He also added that though the ruling Burmese military regime issued orders not to forcefully draft civilians into the army, they are actively coercing civilians into the defense services. Meanwhile the villagers had been forced to offer food and drink to the members of the Burmese army who came to conduct the conscription as well as to those who have been newly and forcefully recruited. (Source: "Forced Conscription in Western Burma," Narinjara News, 17 July 2003)

Sittwe Township

Conscription orders issued

On 18 June 2003, Narinjara News reported that all army deserters of the last 5 or 6 years had been called to join the armed forces and, in a strongly worded notice, had been warned that the ultimate consequence of not complying with the official order was a prison sentence for 3 years. A member of the LIB 430, Tun Aye, who recently fled to a neighboring country and who deserted the army 4 years previously described an order to catch all deserters and place them in military duties. In addition, an official statement from the Western Commander ordered army recruitment to be carried out in the following manner, effective June 2003:

- (1) Each of the headquarters of the different defense forces in the state had to conscript at least 2 individuals every month.
- (2) Each battalion stationed across the state had to recruit at least 2 new recruits every month.
- (3) Each of the companies had to recruit at least 1 person every month.

Non-compliance would entail fines and the responsible officials in the armed forces would face drastic measures, the official order said. (Source: "Increased Conscripts in the Burmese Army," Narinjara News, 18 June 2003)

Karen State

Pa-an District

Forced military training

On 8 September 2003, it was reported that civil servants, family members of SPDC soldiers, and students were being forced to attend a 1 month military training in Pa'an town. The authorities indicated that the training was to prepare people to protect the country. A wife of a soldier in battalion 204 reported that she needed to sell things in the market in order to support her family because he husband's salary as a soldier was not enough. The money she made was used to cover the costs of her children's school fees, which were 100,000 kyat per year. Because she had to attend the training, she did not have enough time to conduct her business. She also indicated that families of regular soldiers were required to water and care

for the battalion's plantations, cut down bushes, feed the animals, and clean the animal areas for the battalion. (Source: HRDU, 2003)

Mandalay Division

Military training for the people and students in Mandalay

On 3 July 2003, military training commenced for people in Chan Aye Tha Zan, Aung Myae Tha Zan, Ma Ha Aung Myae, Pyi gi Tha Kon and Pa Thein Kyi Townships, in Mandalay Division. USDA members and battalions from the Central Military Headquarters organized the training. Approximately 30 people attended each training session. The training lasted about 1 month. Each month there was a training and they would continue to have monthly trainings as long as was needed. The authorities reportedly held some trainings in high schools for the students. The students had to participate. (Source: HRDU, 14 August 2003)

Mon State

Government employees forced into military training

On 4 August 2003, it was reported that all government employees in Mon State were required to attend a 1 month basic military training facilitated by the Burmese Army. Approximately 800 civil servants from Mudon Township were required to buy uniforms costing 2,950 kyat. The training exercises were held in the Township Soccer Ground and the trainees were housed in the city hall. Both male and female civil servants, including teachers were required to attend. They were divided into 2 groups, the first of which consisted of 433 people. The trainees reportedly learned how to use small weapons and to implement propaganda as a method of defense if the State comes under the attack of foreign elements. All civil servants between the ages of 15 and 60 years old were required to attend. In July, over 200 civil servants from Kyaikmayaw Township were reportedly forced to attend a similar training. Government employees stayed at the compound of Shwe Hin Tha city hall and attended the training from 2:00 to 4:00 pm then stayed over night in a camp. (Source: "Government Employees Forced into Military Training," Kao Wao, 4 August 2003)

Teachers join defense training

On 4 October 2003, it was reported that public schools in Thanbyu Zayat had to change their teaching schedule after all civil servants were ordered to attend the "State Defense Force" training in town. All school teachers and government employees were required to attend the training and had to alter their normal school time in order to do so. For the month of October, schools were open from 8:00 am to 1:00 pm. Civil servants in Thanbyu Zayat were divided into groups and ordered to attend the training in the Burma Army compound located about 5 miles from the city. The teachers were ordered to join the training after school hours in the afternoon. Civil servants in Mudon were reportedly required to attend the same sort of training conducted by IB 209. The Mudon training ran from 10:00 am to 12:00 pm and again from 1:00 pm to 3:00 pm. In Ye, trainings were conducted by IB 61. Trainees were required to purchase a uniform and villagers were required to pay for the costs. The trainees learned how to use small weapons and propaganda to defend the State against foreign invasion. (Source: "Teachers Join Defense Training," Kao Wao, 4 October 2003)

Ye Township

Villagers flee forced military training

On 4 July 2003, it was reported that SPDC IB 343 was conducting compulsory military training for USDA and SPDC as well as villagers in northern Ye township, Mon State. Every man between the ages of 18 and 40 were expected to sign up for the training. It was reported that in the last week of June and first week of July, members of the Township Peace and Development Council went to the villages and held meetings to villagers to attend the trainings. Villagers were told that they had no choice but to attend and if they could not, they had to pay the authorities 20,000 kyat instead. At the time of the report, the authorities had recruited approximately 1,000 men from Yaung-daung village near Thanbyu Zayat city. (Source: "Villagers Flee Forced Military Training," Kao Wao News No. 47, 4 July 2003)

Rangoon Division

Ahlon Township

Military training for factory workers in Rangoon

Starting on 7 October 2003, factory workers in Ahlon Township, Rangoon, were reportedly forced to attend military training to prepare them to defend against foreign aggression. 200 people from the different wards were trained at 4 different locations, which were mostly school playgrounds. The trainings were held from 4:00 pm to 6:00 pm everyday. Each training lasted 1 month. (Source: "SPDC Training Civilians to 'Defend' Burma against Foreign Aggression," DVB, 14 October, 2003)

Sagaing Division

Villagers forced into fire safety training

It was reported that starting on 21 July 2003, villagers from Sakhangyi village, Chanthargyi village, and Nanpaho village of Kale Myo, Sagaing Division were required to attend fire safety trainings conducted by officials under the command of Lt Col Hla Moe of Central Training No. 10. The training lasted for 1 month and the first group of trainees consisted of 50 people. In addition, villagers were required to donate 400 kyat per household for the training. (Source: "Villagers Forced into Fire Safety Training: Kan Min," *Mizzima*, 5 August 2003)

Shan State

Murng-Kerng Township

Young men forced to join militia

On 2 March 2003, the battalion commander of LIB 514 issued an order saying that young men, aged between 18 and 25 years and not attending school, were required to register their names with the military authorities no later than 15 April 2003. These young men were to receive military training and later serve as people's militia. The parents of those who failed to register or tried to avoid registration would have to pay a fine of 300,000 kyat for each man.

All young men, no matter how many from a single family, were to register without fail or face the fine. Some parents who had mostly male children were so afraid that they fled the region. (Source: SHRF, December 2003)

Tachilek Township

Forced military training

On 21 July 2003, an order was issued by the SPDC authorities to headmen and community leaders to provide military authorities with the names of all men aged 18 to 50. Those on the list were to undergo people's militia training in batches, 21 days per batch, and were banned from traveling from the area until they had completed their training. Approximately 1,000 people were to be trained as people's militia in each village tract in Tachilek Township. The first batch of training started on 25 July 2003 with 90 people from Murng Phong village tract, under the supervision of Maj. Moe Kyaw Thu from No.3 Tactical Command. The training lasted from 8:00 am until 5:00 pm every day, without holidays. Civilian trainees had to provide their own food. The training was said to be for protecting their respective villages and village tracts, but what the trainees actually had to do was listen to patriotic doctrines, telling them to love their nation and country, and to practice with sticks and slingshots. The trainees had to crouch, crawl and shoot their slingshots using clay pellets. The one who shot the straightest got a distinction mark at the end of the day. Many people thought this was ridiculous and a waste of time, which caused a lot of trouble and losses for the farmers, since it was replacing effort normally used to feed their families. (Source: SHRF, December 2003)

Murng-Ton Township

Forced military training

On 8 August 2003, the SPDC commander of the Triangle Regional Command came to Murng-Sart town and issued an order requiring the people of Murng-Ton Township to attend a course of military training. Each village tract, such as Murng Taw, Murng Thaa, Murng Jawt, Pung Pa Khem, Murng Haang and Me Ken, had to provide 1,000 men, aged between 16 and 50, to attend the training. All the government servants in the township were also required to attend the training. It was also reported that the military training started on 13 August 2003 in Pung Pa Khem village tract; on 10 August 2003 in Murng-Ton town area and on 11 August 2003 in Me Ken village tract, and the other village tracts followed later. As the training progressed, there were a lot of complaints from those who had to attend, especially the farmers. Some said they were forced to neglect their newly planted rice fields; some said weeds had grown longer than the rice plants in their farms and some said their rice fields had dried up because they could not go to irrigate them. (Source: SHRF, December 2003)

Murng-Nai Township

Forced military training

In August 2003, the township authorities forced the people in Murng-Nai Township to undergo military training. The authorities explained that everyone had to be trained as people's militia to protect the country from outside invasion. In Murng-Nai town area, the training ground was in the compound of the former palace of the prince of Murng-Nai. All the townspeople, both men and women, including government servants, aged between 15 and

45, were required to attend the training. The training was held in batches, each batch comprised 100 people and the course was 20 days. Those who completely failed to attend a training course with their batches as designated would face a punishment of a 1-month prison term. Those who partly failed to attend would have to pay a fine of 1,500 kyat for each day. (Source: SHRF, December 2003)

Tenasserim Division

On 21 July 2003, the SPDC military junta ordered all areas of Tenasserim Division to conduct trainings for basic military procedures and skills to handle assault weapons, purportedly for National Defense purposes. Everyone between the ages of 14 and 40 was told to attend the training. The order's objective was given as defense against foreign enemies. According to the order, issued by the Coastal Region Military Command, township administrations councils had to recruit and send 20 to 30 hard core people and 40 to 60 villagers as reserves from each village under their control. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, Karen National Union, July 2003)

Bokpyin Township

Conscripted militiaman punched

On 29 September 2003, Sergeant Lwin Myo Aung from LIB 599, who was assigned to Pawa village area in Bokpyin Township, was drunk and ordered a militiaman Naing Win from Lethiet to go and search for more whisky. Naing Win told him that it was too late and the shops were closed. The sergeant told him that he had failed to obey an order and hit him in the face, breaking his eyeball. Lethiet's militia leader Than Aye reported the case to the commander from No.1 Tactical Command and requested to detach Naing Win from Lwin Myo Aung's command. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

Palaw Township

Villagers forced to join militia

On 9 October 2003, IB 280 commander, Lt. Col. Khin Maung Aye ordered all the villages along Tavoy-Mergui car-road in Palaw Township to attend *pyithusit* training. The more populated villages were told to send 30 people and the smaller villages 15 people. The communities requested to reduce the number of demanded attendants was in vain. The training was to be held at Chaw Htoe village in Palaw Township. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

Tavoy District

Villagers forced to join militia

In January 2003, it was reported that villagers in Kamoethway area, in the east of Tavoy, Tenasserim Division were forced to join *Pyithusit* (Burmese military backed people's militia) according to a source from that area in Waku village. According to the source, the Waku

village headmen asked his villagers to join *Pyithusit* individually for 3 week shifts. Those who did not want to go on their turn were required to pay 3,500 kyat instead. Those who do not want to join for the whole year had to give 30,000 kyat. The village headman complained about the *Pyithusit*, to which the Burmese troops responded that forming the militia is for the peace of the community. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2003)

In the first week of June, the No.12 Military Divisional Training Center demanded 6 villages in Pyicha village tract, 50 miles in the south of Tavoy to attend a people's militia training for 15 days. Pyicha, Myitchinzu, Lerhpadoh, Wahgon, Mawkakle and Kahtaungni villages had to send 20 villagers each to attend the training which took place between 16 and 30 June 2003. For the training, the military asked for 1,000 kyat of support from all the houses whose family members did not participate in the training. They said this money would be used for food and training necessities for those who attended the training. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, June 2003)

Since in the first week of July 2003 SPDC's LIB 410, stationed 50 miles north of Tavoy, demanded villages in the area send 10 men per village to attend *pyithusit* training. Villages which did not send their men had to pay 1,500 kyat per household. Those who attended the military training had to take along necessary food stuff from their own villages. The head trainer was Myo Min Aung, an officer from LIB 410. He demanded that all villages take responsibility for their expenditures during the training period. It was not known how long the training would take place. Yapoo, Ywahaun, Tahkawlo and Mile 60 villages were the first batch to attend that military training. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

Forced military training

A 14 May 2003 order by the military demanded that villagers from villages near the No.12 Division Training Center had to attend military training. Villages affected included Pyicha, Pasaw Ook, Lerhpado, Hmyitchinzu, Maw Kat Kle, Kahtaungni, Wahgon. Each village was ordered to send 120 recruits, including women, and every recruit had to arrive with 2 sets of military uniforms. At that time a male military uniform cost 8,500 kyat and a female uniform cost 9,000 kyat. The training was scheduled to last 1 month. Village headmen asked if money could be sent instead. The officers accepted the proposal and the village headmen collected money from their villages. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, May 2003)

Villagers forced to join the SPDC Army

It was reported that the SPDC government was forcibly collecting people from every village in Myait Town, Myait district to become new soldiers. On 20 December 2003, Mg Aung Myo, the son of U Htoo Win and Daw Myint Kyi who lived in Tavoy Su quarter, Myait Town ran away to Ranong, Thailand out of fear of becoming a soldier. He was afraid because the authorities were forcibly collecting 1 to 3 people from every village in Myait town, Myait district to become new soldiers. There were reportedly many people that ran away from the prospect of being soldiers. (Source: THRF, 2003)

1.9 Documents and Sample Forced Labor Orders

Order #1:

To: Chairman

_____ Village

Subject: Request for two laborers

I request two laborers from the Chairman to arrive today, 16 March 2003. They must not be absent.

Camp Leader

Ah Nan Dway Camp

(Source: KHRIC, 2003)

Order #2:

To: Chairman

_____ Village

Date: 25 January 2003

Subject: Request for three villagers

I request three villagers from the Chairman's village to be labourers for the military camp on 26 January 2003. They should not be absent. The Chairman or the Secretary must come together with the labourers. We will have them work for three days and feed them for those three days.

Camp Leader

Anandway Camp

(Source: KHRIC, 2003)

Order #3:

To: Chairman

_____ Village

Tomorrow, have two people go to Taung Zoe to deliver letters and the battalion commander wants to see you too. On the 11th, you must come to Taung Zoe camp after breakfast with the two people for delivering letters.

Camp Leader
Tuang Zoe Camp
10 December 2002

(Source: KHRIC, 2003)

Order #4:

Date - 30/1/2003

To

Chairman

..... village

Subject: Calling for the emergency matter:

1. Regarding the above subject, the Chairman, alone or with village heads must select approximately eight people as carriers and to present them today at 12:00 pm in order to come and give the information to us as soon as you received the message.
2. The mentioned carriers will be sent back to the village tomorrow morning.

Signature
Htet Aung
Camp incharge
No. (2) Column
Taungswun Military camp

(Source: BLC, 2003)

1.10 Interviews and Personal Accounts

Interviews Regarding Forced Military Training

Interview #1

Source: Interviewed by Human Rights Documentation Unit
 Interview Date: 20 September 2003
 Name: Ko Aung Kyaw Lwin (not real name)
 Ethnicity: Burman
 Religion: Buddhism
 Sex: Male
 Occupation: Corporal in Burmese Army

In Rangoon, the authorities are ordering the people who work for the government and their family members to attend military trainings. This includes my family and me. The authorities indicated that the trainings are to prepare us to protect the country against foreign invasion. The police force, military forces, fire department and USDA members are the organizers of the trainings.

The trainings last for one and half months and run from lunch-time until 4:00 in the afternoon. The governmental departments for which the attendees work provide transportation to the training site. The trainings are being held at different football fields in Rangoon and in spaces in government department compounds.

Families of the police force and army are trained differently than the regular people who work for the government. The families of the police force and army, learn how to handle guns. This includes learning to shoot, hold, how to take apart and how to put a gun back together again. Regular government employees are only given wooden guns.

Two people from each family of a regular government employee must attend the training. For the families of the armed forces, every family member has to attend without failure. If someone does not want to attend the training, they have to pay money through the department for which they work. They have to pay 10,000 to 40,000 kyat but not every department can pay that amount of money. As a result, some bad government workers are asking for money from the business owners around the city.

At the military training in Rangoon, the Burmese Prime Minister, General Khin Nyunt spoke. In his speech, he said that everyone knows that Americans are fighting a war of aggression in Iraq. Therefore, if Americans, with the help of traitors who are in America and the rebels, come and attack Burma, protection will be needed. These trainings are to create another force for the army. He indicated that we do not want any country to be involved in our country's problems. He said that we will solve our problems ourselves. Thus, every department should be alert and should listen to the leaders' orders that help develop the country.

Interview #2

Source: Interviewed by Human Rights Documentation Unit
Interview Date: 18 August 2003
Name: Kyaw Kyaw Khaing (not real name)
Address: Paung Township, Mon State
Ethnicity: Mon/Burman
Religion: Buddhist
Sex: Male

Partial Interview

It is really hard to stay in Burma because of the economy. I ran a karaoke bar. [Omitted]. Many others are suffering from the same financial problems but don't dare leave their jobs for fear that they will not find another.

[Paragraph omitted]

There are other difficulties as well. The place where we live is outside of downtown. It is like a village area. It is very hard to find jobs there. Many people are daily-wage workers and do anything they can for money. They do not dare complain because it is so hard to find a job. Even though most villagers are having money problems, the local officials are forcing them to attend military training. They run monthly trainings. They combine five villages and every month 200 people from the five village group must attend. Everyone from age 18 to 50 must attend. So far the training has only happened one time. The first training was for men and the second will be for women. People who attend must sleep at their homes and travel to the training everyday. The training is run by IB 24 based in Thaton Township but they run the training in Paung Township. Everyone must learn to handle and operate a gun.

The people who went to the first training were almost all married. Their families were upset because they could not make money during the training period. No one complained because they had to go. The training schedule is three hours per day for one month. Saturday and Sunday are holidays.

The military did not give us a reason for the training, they just say it is a military order. We think we will really have to go and fight but we do not know who we will fight against. The military just says that we must know how to use a gun for protection. We strongly believe that we have to attend the training for protection because of the civil war and in case of emergency.

[Paragraph omitted]

[Paragraph omitted]

[Paragraph omitted]

[Paragraph omitted]

Interview #3

Source: Interviewed by Human Rights Documentation Unit
 Interview Date: 15 November 2003
 Name: Daw Nyo Nyo (not real name)
 Address: Paung Township, Mon State
 Ethnicity: Mon
 Religion: Buddhist
 Sex: Female

Partial Interview

In our area, every person who works for the government has to attend military training in their village. September 19 to October 19 was the first training. People just received a letter informing them that they had to attend a training. My son received his letter the day before he had to go to the training. He is a teacher. The principle of his school sent him his letter. The order is from the Central Government but it has worked its way down through all the different levels of government to the people. The order is nation-wide.

My son's wife also works for the government in the Department of XXXXX. She had to attend the training as well. The training they attended was the last one in our area. There were many, but now the authorities are finished in our area.

People from 18 to 45 years of age had to attend. Old people did not have to attend because the government knows that they will die. Everybody has to attend for one month. On Saturday and Sunday, there is no training. People sleep at their own houses and go training from 6:00 am to 9:00 am. After the training session, the attendees can go to work. At the end of every training, the attendees had to pay 300 kyat for "thank you" money.

Both men and women had to attend. Some people do not attend everyday but make sure to show up at the end of the training so that their names go on the list of persons who completed the training. If you do not attend one, you must go to the next one. There is no way out of it. So, people want their name on the list of those finished.

The Paung Township police were in charge of these trainings. They held the trainings in the Paung Township playground. They teach the attendees how to use guns and how to march, just like a military training. First, the people had to buy bamboo poles and learn to carry and hold them as if they were guns. At the end of the training, they used real guns. They have to learn because if an emergency occurs, they can be emergency troops. If a foreign country invades, the people will be ready. The authorities say that one day, America will come to our country.

I like America and I want the Americans to come and help here. Some people believe what the authorities say. The people who believe are usually friends of the authorities or with Khin Nyunt. Those who only read the government newspaper and listen to the government radio probably believe. I listen to RFA, VOA, and BBC. I do not listen to the government radio. The government is always saying stuff like this. They even teach these ideas in the schools.

The government does not have anything to do and that is why they are having trainings. You cannot learn to do anything in the amount of time of one training. The government just wants

to lie to the world and let the world think that everyone in Burma is ready to fight. Most people do not want to go to the training but if they do not, they will lose their jobs. Most people do not want to argue with the government. The people are afraid of guns and the government has guns. Burma is in the dark and the government wants the people to follow blindly

Interviews Regarding Forced Labor

Interview # 1

Source: Interviewed by Burma Issues
Name: Maung Maung Kyaw (not real name)
Address: Pegu Division
Ethnicity: Burman
Religion: Buddhist

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

A: Burmese troops often come to my village and ask for porter fees and for free labour. They never pay us anything for this labour and on top of that we have to support ourselves whilst doing the labour. For example we have to bring our own food. For this free labour we have to work on government projects like irrigation projects. We usually have to go for 25 days to a month. Those villagers who have money, they can pay not to go and do this free labour, but people like me who have no money we have to go and do the free labour. One person from each family has to go and do this free labour.

After last years harvest I had no employment so I started to sell tickets for the underground lottery. I had no work and was facing many difficulties for food and my children's education. So the police arrested me. They arrested me on 11 January 2003, they arrested me in Kyone Ma Kauk village and kept me in the police detention centre there for two days. On 13 January 2003, they sent me to court in Khone MaKyauk where they sentenced me to 1.5 years imprisonment. The next day they sent me to Thayawaddy Prison.

When I arrived at the prison the prison authorities came and interrogated me. If I was slow to answer their questions they would beat me. If people had money they could pay 500 kyat not to be interrogated and beaten. While in prison they forced me to make bricks. We would work from 7:00 am - 10:00 am and then stop for breakfast. We would then work from 12:00 pm - 4:00 pm.

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 but before the ICRC came the prison authorities would tell us that if we had anything to report to the ICRC then we had to report it to them (the prison authorities) now, and when the ICRC came we were not allowed to say anything to them. They also prepared good food for us when they know the ICRC is going to visit but as soon as the ICRC leaves they take it away again. They (the prison authorities) tell the ICRC that they feed us this food everyday. The food they serve when the ICRC are coming is curries, bean dishes, every other day we just get rice and bad fish paste.

ICRC also brings us soap, toothpaste and dishes and cutlery but the prison authorities also take all this away once ICRC has left.

Q: How long were you in jail for?

A: Over four 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.

One day the prison authorities came in with a list of prisoners, there were 150 people on the list and these people were told they had to go and be porters. One hundred of the people on the list paid between 20-40,000 kyat each to the prison authorities and they didn't have to go. The remaining 50, myself included, had to go and be porters because we didn't have enough money to bribe our way out of it. Those of us who could not pay were then moved to a different part of the prison, we were chained and given a blue convict uniform. The 100 who had paid money were kept in the prison and given a white uniform. Only then did I truly realize that I was being taken to be a porter.

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

A: The military battalion approached the prison and told them they needed 50 porters and then the prison authorities chose the prisoners to become porters. On 7 September we left the prison to become porters and we stayed in Thaton for one night. The next day we traveled to Pa-an and stayed at the No.1 military base. We stayed at this base for 23 days and were kept chained the whole time. After this they unchained us and took us to be porters.

Q: What happened to you after you go out of prison?

A: We left Pa-an and went to Mae Pleh and stopped at the monastery there. All the soldiers and porters met together at this monastery. At 5:00 pm we were told we were allowed to eat. We were given enough rice for two people but we had to share it amongst five people. After this they gave us bags of ammunition and supplies. In my bag I had to carry shells. The bag weighed about 40 kg. That night we left the monastery. We were only allowed to sleep for two hours that night and then we had to get up and continue to travel. At 12:00 pm we are allowed to stop and eat, then we have to cook for the soldiers as well and then we continue to travel until nightfall. Those who could not carry the bags were beaten. On one day I saw 3 porters who were beaten and left in the forest (not dead though) because they couldn't carry their packs anymore. We walked like this for 8 days. One day we were climbing up a mountain but we had not yet reached the top and we were tired. We asked the soldiers if we could rest and have some water but they told us no and then beat all of us porters. I was beaten three times with the butt of a rifle because I was too tired to go on. When we finally arrived at the top of the mountain we had to wait a long time for food and then they only gave us a cup of rice and some salt.

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

A: From Mae Pleh monastery it took us eight 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 were left to fend for ourselves outside the bunker. All the time we had to dig the bunker we were never given enough food to eat or water to drink. One night we were ordered to go to Platoon No.4, this platoon already had four porters. All of us porters were told that the next day we would go to a landmine field and that we porters had to go in front

to find the landmines. I realized that if I did this that I would die. 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 Maw Zaw Way.

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. In Mae Pleh there were many porters - 600. 300 of us went to the Maw Pa Thu, Burmese Army base and 300 of them went to Myawaddy.

Q: Did you see any porters killed by fighting?

A: Yes. They were shot in the fighting by the KNLA and also many of them stepped on landmines.

Q: How did you escape?

A: We were told to go out and clear the landmines but I didn't even know what a landmine looked like and I didn't know how to clear the landmines. So I ran away. We ran for three days without food and water before we reached a KNU base. Four porters had escaped before we did and the Burmese soldiers told us that their throats had been cut by the KNU so if any of the rest 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 in which you were treated?

A: Injustice, inhuman, they treat us worse than dogs. We all come from the same nation, one country. I don't know why they treat us like this. It is unfair and unjust.

Q: How did you feel when you arrived here?

A: When I think what the Burmese soldiers have done to me I get very angry. The KNU have empathy for us, they care for us.

Q: What do you want to do for the future?

A: I want to listen to the KNU, maybe it will depend on them.

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

Source:	Interviewed by Forum-Asia
Interview Date:	26 March 2003
Home:	Buthidaung Township
Ethnicity:	Rohingya
Religion:	Muslim

In Buthidaung Township, there are 21 brickyards: 17 under the Army and 4 under the Nasaka. At present, the Nasaka use labour in their brickyards in Taung Bazar [Ngar Yant Chaung], Khyan Daung [Kyaung Taung], Hpon Marli [Phone Nyo Lake] and close to Buthidaung town. The army also has brickyards in Changana [Thin Ga Net], Da Byu Chaung, Moghbil [Palai Taung], Krantama [Krin Tha Mar] and Lawadak [Let Wai Dad Pyin Shay]. In Lawadak area alone, there are 10 brickyards. Both the Nasaka and the Army are recruiting forced laborers for brick baking. The day before I left for Maungdaw [11 March], the Nasaka collected 300 laborers from four villages: Changana [Thin Ga Net], Khyan Daung [Kyaung

Taung], Nyong Song [Nyang Chaung Kwe Gyo Maw] and Mingizi [Mee Gyaung Zay]. Some of these labourers are sent to the hills to collect firewood and carry it to the nearest brickyard while other labourers have to work inside the brickyards.

My family has to pay 2,000 kyat every month to the RaYaKa office to avoid this labour. Each family of my village must also supply 3 wooden poles a week to deliver to the closest brickyard. Those who can afford to buy wood from the market or hire a laborer to replace them can avoid the labour. But those who do not have money must work. Their families are almost starving, because the man, who earns the living of his family, has to fulfill the Nasaka requirements three times a week.

The Nasaka camp of Taung Bazar did not rent out all the land in their possession. They kept 50 acres of land under their own supervision, and instructed the RaYaKa Committee to recruit labourers to plough and plant seeds on those 50 acres. The RaYaKa allocates the work to the villagers. Those who have neither money nor cows have to give their manpower. Some lend their oxen, and others pay money. I paid 10,000 kyat to be exempted from cultivation work on the Nasaka's land. The RaYaKa fixed the amount to be paid.

In Buthidaung, there are also 15 NaTaLa [new settlers'] villages in different parts of the township. One of these NaTaLa villages is located in a hamlet called Pirkhali [under Thin Ga Net Village Tract]. Last December [2002], the army and the Nasaka brought 40 new families from upper Burma to resettle them there, expanding the NaTaLa village. In January 2003, the Nasaka collected money and labourers through the RaYaKa office to build new houses for those 40 families. I had to pay 6,000 kyat for this purpose.

While traveling from Buthidaung to Maungdaw, I saw many people working at a place called "4-mile," located 4 miles from Maungdaw, near the wireless tower. They were carrying bricks and cement bags from the bottom to the top of the hill for the construction of a pagoda.

Interview # 3

Source: Interviewed by Forum-Asia
 Interview Date: 26 February 2003
 Address: Maungdaw Township
 Ethnicity: Rohingya
 Religion: Muslim

Q: What is the situation inside Arakan?

A: The Burmese authorities are now repairing the road between Hatimura [Jadiprang] and Nga Khu Ya using local labour without payment. The rehabilitation work started about a week ago. I used to hire a man to replace me. But this time I paid 30,000 kyat to the local authorities [RaYaKa] and to the Nasaka to avoid working on this road: 20,000 kyat to the Chairman and 10,000 kyat to the Nasaka. I often pay some money to them because I cross the border frequently. The Chairman knows about my activities very well. But I learnt that they do not use this money to pay the labourers.

Interview # 4

Source: Interviewed by Forum-Asia
Interview Date: 5 March 2003
Address: Near Maungdaw Town
Ethnicity: Rohingya
Religion: Muslim

Q: Have you ever been asked to perform labour duties?

A: No. I always pay to avoid it. But in addition, they often order me to supply gasoline for their jeeps and boats, sometimes a rice bag for their family. Whenever they have some important visitors, they demand cash, such as 50,000 or 60,000 kyat. They also demand money for special occasions such as the marriage of their relatives, religious festivals or when they need to travel to Akyab or Rangoon.

Interview # 5

Source: Interviewed by Forum-Asia
Interview Date: 23 August 2003
Address: xxx Village, Buthidaung Township (North)
Ethnicity: Rohingya
Religion: Muslim
Sex: Male

At present, the army no longer uses forced labour in my area. The soldiers are now carrying their food and supplies themselves. However, the Nasaka and the police are currently the worst exactors of forced labour.

Cultivation work

The Nasaka just started cultivating a large area of land of about 55 *Kani* [about 22 acres] located near its camp in Kyaung Taung. There are five village tracts under the Nasaka Kyaung Taung camp jurisdiction and the Nasaka demand 50 labourers from each village by rotation to work in these paddy fields. On 17 August, our Chairman sent 50 labourers from our village to work there. Each village has to provide 50 labourers for one day until the work is completed, which means 50 villagers for one day every five days. The second turn for our village was last Friday [22 August]. I left my village on Thursday so I do not know whether our Chairman sent the labourers for a second round. But I suppose so.

In addition, the Nasaka has already collected money to hire oxen to plough the land through the RaYaKa offices of these five village tracts. The amount for each family ranges between 300 and 500 kyat. In total, they collected 250,000 kyat to hire oxen. At the moment, they also plan to hire 10 permanent workers for the whole season and they need to collect 2,000,000 kyat in cash to pay their salaries. As I was leaving, the Chairmen of the five village tracts were calculating how much money each family would have to pay. In our village, we have already been informed that each family would have to pay between 1,500 and 2,000 kyat.

Brick-baking

The Kyaung Taung Nasaka has a brick-baking yard and, during the dry season, they recruited 16 labourers from different villages on a permanent basis to work in this yard. Beside this, each family had to supply firewood throughout the brick-baking season. My family had to provide three to four wooden poles matching the measurements given by the Nasaka.

Camp maintenance

They also requisitioned forced labour to repair houses, fences and to cut the grass in their compound. These labourers for camp maintenance are collected through various means. One of their tactics is punishing people who are caught traveling without a travel pass. To go from Ba Da Gar to Tin May only requires a few hours walk, but one must obtain a travel pass, which costs 700 kyat. One must first apply to the RaYaKa office, fill in a form and pay 200 kyat; then he must go to the Nasaka camp and pay an additional 500 kyat. It takes about one full day to complete all the formalities. Moreover, 700 kyat is a lot of money for a poor villager. Sometimes villagers do not apply for a travel pass and visit the neighbouring village secretly. Local agents [informers] often inform the Nasaka camp. The Nasaka summon the wrongdoer and impose a fine of 5,000 to 10,000 kyat as a punishment. If the wrongdoer is unable to pay the fine, he must work for 8 to 12 days. Whenever someone is caught, the Nasaka bring him to their camp and use him as a laborer or extort some bribe.

Let me narrate a specific case. About 20 days ago, two young men, Rashid and Sayed [not their real names] had a fight in our village. Sayed had the upper hand over Rashid. At that moment, local agents of the Nasaka arrived at the scene and sided with Rashid. They tried to attack Sayed who managed to run away. The quarrel ended without injury. Later the Nasaka agents brought Rashid to the Nasaka camp and complained that Sayed had attacked Rashid with a knife.

The Nasaka took note of the incident and sent some troops with the RaYaKa members to Sayed's house. He was not there, but they searched his house. They examined all the boxes and chests of drawers but could not find anything incriminating, except for a photograph of Sayed with one of his friends who is now living in Saudi Arabia. The Nasaka confiscated the picture and enquired about the friend's identity. When they obtained his details [the man of the photograph], they went to his family's house at night and arrested all the male members: his father and elder brothers. Then the Nasaka took them to their camp and interrogated them about their son/brother who appeared on the picture with Sayed. The father and elder brothers replied that he has been living in Saudi Arabia for the last seven years and they have not heard from him. The Nasaka detained them inside their camp for 12 days. During that time, they had to work inside the camp cleaning the garden, clothes and tools during the daytime. Finally the family paid 450,000 kyat to release them from forced labour.

Sentry duty

I will give you another example of tricks used by the Nasaka and the police to collect forced labourers. In each ward of our village there are two sentry posts and in each post four men must perform sentry duty every night. The local authorities draw up the list for that duty. One night, the police and the Nasaka were patrolling very quietly near the sentry posts. When the sentries shouted: "Who is there?" the patrol angrily replied: "Why are you making such a howl like a dog? Don't you see that we are patrolling? I know, you were all asleep and now you are pretending to perform your duty. You are barking like a frightened dog. You all must

come to the camp and discuss with us!” In the morning, the sentries went to the camp and the Nasaka fined them 5,000 kyat each. When the men complained that they were poor and could not pay such an amount, the Nasaka punished them and ordered them to work in their camp for the next five days.

I have never worked as a sentry but my brothers have worked as labourers as well as sentries. About a month ago, my elder brother was performing his duty as a sentry with other three men. About an hour before dawn a police patrol team from a nearby police station passed near the sentry post where my brother was watching. A policeman came forward and told the sentries, including my brother: “You can sleep now. The night is over.” But my brother and the other three men did not leave their post nor did they lie down to sleep. 10-15 minutes later, the police came again and told them: “I told you to go to sleep but you did not listen to me. Now I order you to go to sleep and lie down here right now.” The men were compelled to lie down and the police left. Within five minutes another police patrol arrived and told them: “What you are doing? Are you doing your duty or are you sleeping? You are breaking the law! Come with us!” My brother and the three others replied that they were not sleeping but that another police patrol had compelled them to lie down. The police group did not reply and took them to their camp. Then, they ordered them to repair the fences of their camp.

At about 8:00 am my brother had not returned home and I went out to check on him. I was informed that he and the three other sentries were in the police camp. I met the RaYaKa Secretary but he refused to help me. Then I went to see an agent who has good relations with the police. I had to pay 6,000 kyat to the police through the agent. My brother was released and later I learnt that the other three men had to work for four days because they could not pay a bribe to the police.

Interview # 6

Source:	Interviewed by Forum-Asia
Interview Date:	13 July 2003
Address:	xxx Village, Buthidaung Township (North)
Ethnicity:	Rohingya
Religion:	Muslim
Age:	36
Sex:	Male
Occupation:	Farmer

In the first week of June 2003, the *Seingoung* [leader of a group of houses] came to me and asked me to pay a tax of 500 kyat. I asked him what for. He replied: “In our village the Nasaka have 16 Kani [about 6.5 acres] of paddy land, and the villagers have been asked to plough the Nasaka land. The money we are collecting is to buy paddy seeds for the cultivation of the Nasaka land.” Every family had to pay 500 kyat or else provide their labour to cultivate the Nasaka land.

Apart from this, forced labour is currently being used to repair the police camp and the houses of the police personnel, to fence the police barracks and to clean the grass in the police compound located in our village.

There is also a military camp in our village. They do not use porters at the moment, but the villagers have to supply firewood for their cooking needs. I saw with my own eyes our villagers carrying firewood to the army barracks.

In June the Nasaka also collected 300 kyat from each family of our village to buy black pepper seeds. Now again [early July] the Nasaka has issued an order through the RaYaKa office that every family must give half a kilo of jackfruit seeds and the collection of jackfruit seeds is going on at the moment. Every family of my village must also give one chicken to the Nasaka camp every two months.

In our village there is a brick-baking yard owned by the Nasaka. During the dry season, every family was compelled to supply firewood for the kilns every week.

Interview # 7

Name: Sai Myo Aung (not real name)
 Age: 34 years old
 Address: Thi-paw Township, Northern Shan State
 Ethnicity: Shan
 Religion: Buddhist
 Occupation: Cultivators (both)

Q: Why did the SPDC sentence you to prison?

A: The reason was that I was riding a bicycle which was made in China from La-Sho to Thi-paw Township. On the way, I encountered SPDC soldiers and they asked me for 50,000 kyat as a fine for illegally trading a foreign bicycle. I told them I just took the bicycle to give to my friend and it was not for trading but just for domestic use. Although I gave them 20,000 kyat, they continued demanding money. They were unsatisfied because they didn't get all of the money. Instead, they took me right away to Thi-paw police station and sent me to court. Then the court sentenced me to two years in prison without reason.

Q: What kind or level was the court?

A: Thi-paw township court.

Q: What was the judge's name?

A: I don't know the judge's name because I live in a forest village.

Q: Who arrested you?

A: SPDC soldiers.

Q: Do you know their battalion and position?

A: I can not guess it because I encountered them while traveling; otherwise there are many troops in Thi-paw.

Q: What is the prison where you were sent?

A: Mandalay prison.

Q: What was your prison registration number?

A: 3178/B

Q: Who did you live with in prison? (Was there anybody you knew or recognized?)

A: I lived with and knew Aik Tun, Kyaw Myint, Shan Gyi, and Wei Lin when I was in prison.

Q: Did you stay together with them?

A: Yes, I stayed together with Wei Lin, Shan Gyi (passed a way) and Ko Ye.

Q: Why was the guy named Shan Gyi killed?

A: He was shot to death by IB 68 soldiers without reason. More specifically he did not get enough food, so he collected some rice and beans which had fallen out of the food transportation cars on to the ground and he kept this under his bed. When the soldiers entered his room to get him out they found the rice and beans under his bed. The soldiers accused both me and Shan Gyi of attempting to escape and immediately they shot Shan Gyi until he died. Then they also tied me up with rope and intended to kill me the next morning. I was really scared to be killed so I tried to get free out the rope on my body and then I ran out of the prison.

The Second Major General Sein Pu from IB 68, who was also responsible as column 1 commander and battalion commander gave the order to the local authorities and soldiers to kill any of the porters who they found to be attempting to run away if they reached over the eastern part of Salween River.

Q: Were you ever tortured and can you explain in detail about how you suffered?

A: They put pieces of gunny bag into a milk tin and poured diesel fuel on the pieces. Then they took out the wet pieces of gunny bag from the milk tin and they tied them to my feet and lit them on fire and burnt my feet. Then they put a wet and green bamboo pole in the fire and pushed it straight into my mouth and said that they were feeding me “Kauk-hnjn-kyi-dau” (sticky rice cooked in a green bamboo tube). They also poked my stomach with it, hit me with their machine gun butts then tied me up with ropes onto a tree.

Q: How long did you stay in the forest?

A: I stayed in the forest for a week.

Q: When did you get the injuries on your feet?

A: I got the injuries on my feet on the night they burned my feet with the pieces of burning gunny bag. The injuries got so bad after I had suffered the burning that they became infected with liquid and then lice that attached to the infections three days later.

Q: What did you have to eat during the eight days in the forest?

A: I just ate honey from pieces of beehives and Gooseberries, that had fallen on to the ground, along with the water.

Q: What did you have to do when you were detained at Brigade No.144.

A: I had to transport rations such as rice, bean, milk, sugar and beef cans equal to the capacity of four transportation trucks. The transportation journey took one hour and fifteen minutes.

Q: Did you ever see the ICRC? Who did you see and what did they talk about to you?

A: I met and even talked with a man name Ko Naing Naing and a woman named Ma Cho from ICRC. They asked me: Did I get to take showers? Did I get enough food? How much soap did I get? How were my living conditions? I told them that everything was intolerable for me.

Q: Was there anybody near you when you answered like that? (I mean any guards or authorities near you?)

A: There were no guards or authorities near me except prison staff while I was talking to the ICRC members.

Q: Did you tell the ICRC your real name as Sai Hla Myint and what did the authorities say to you after they left?

A: Yes, I told the ICRC my real name was Sai Hla Myint. After the ICRC left, some of the prison authorities came and asked me what I talked about to the ICRC, although I replied that I didn't talk about anything.

Q: Did you ever see any other laborers killed?

A: Yes, I saw a laborer named Aik Tun, who died because he had to work hard, didn't get the enough food and lacked vitamins and energy. Another one was Ko Ye, who fled to try to escape together with me but fell into the river after he got injured when the soldiers who followed us shot him. I also didn't pay attention to him because the soldiers followed up and were shooting at me as well. I expected that he absolutely would be killed even though he was still alive with serious injuries when he got arrested.

Q: Do you want to go back home? Do you have any plans to make contact with your family from your home?

A: I don't have any plans to go back home. Instead I will stay here and fight back against the SPDC. I will get treatment for my injuries first and I will take care of my health and then make contact with my home.

Interview # 8

Source:	Interviewed by Free Burma Rangers
Name:	Saw Bai Ler (not real name)
Age:	53 years old
Address:	AAA village, Pa'an District, Karen State
Religion:	Animist

Q: Can you tell us about your village; if BA or DKBA troops forced it to work?

A: The DKBA No.999 forced us to cut bushes, clean out around their camp, and construct a building. In addition whenever the food or military supplies arrived they demanded that the villagers nearby the camp provide porters. They sometimes demanded even women and elderly people when there were fewer men for carrying. Supplies were carried from Ta Kren River to the DKBA base.

Q: Can you tell us from which base the troops of DKBA who forced you to work came from?

A: We were mostly forced to work by DKBA troops from Special Battalion 999. The troops from this battalion had special privileges supported by BA.

Q: Can you tell us where their camp is now located?

A: The camp is now located at Pa Ngwe Hta.

Interview # 9

Source: Interviewed by Free Burma Rangers
Name: Saw Ther Kler (not real name)
Address: BBB village, Pa'an District, Karen State
Religion: Animist

Q: Can you tell us about forced labour committed by DKBA troops in your village?

A: On 2 June 2003, the DKBA Deputy Battalion Commander Saw Kya Aye from Special Battalion 999 forced us to clean out BBB area and construct their shelters including food stockpiles.

We had to bring our own food for work whenever we were forced and no wages were given either. Not longer after they again demanded us to clean the area in Pa Nwe Hta and to construct their camp. During working, the boats carrying food supplies arrived and we were forced to carry them up to the camp. Among workers doing the work there were even children aged around 12-13, elderly people and women included. Some women brought children with them because it was compulsory for each family to work.

Q: Where were the supplies to be carried from and to?

A: They were carried from Pa Ngwe Ta military camp to Kwee Htu camp.

Q: How many people were forced to carry at a time?

A: Sometimes about 30 – 40 people.

Q: Were you forced to do any other labors?

A: They forced us to cut down trees into logs without payment. They also took away by force the cut logs without paying costs back, in turn; they even threatened the owners.

Q: Where were you forced to do logging?

A: In the area of Pa Nwe Hta military camp and nearby.

Q: What would they use the wood for?

A: They said they would build shelters for their family. Actually they collected all of the logs and then floated them down along the Ta Kren River and sold them for their benefit. Even though we knew we did not dare to speak out.

Interview # 10

Source: Interviewed by Free Burma Rangers
Name: Pah Htoo Mu (not real name)
Address: CCC village, Pa'an District, Karen State
Religion: Animist

Q: Can you tell us if you have ever been forced to work by DKBA troops when living in CCC village?

A: When DKBA's troops were stationed at Det Pri Lay camp they forced us including women and elderly people to clean out the place, so as to construct the camp. They also demanded each village from Khaw Thoo Kee, Htee Mo Kee, Htee Pah Ren, Wa Mee Kla to provide 300 roofing leaves for the buildings. After the buildings had been finished they demanded villagers once a day to bring water for them up to the top of mountain. They also demanded

each village nearby to provide two people to stay with them and they had to be changed at a regular three-day interval.

We always had to fulfil what the troop ordered from us, for example, domestic animals for meat and others. Sometimes when we failed for the order they fired heavy weapons at the village. They even demanded about 20 – 30 people at a time to carry their food from Htee Mo Hta to Det Pri Lay Kho camp.

Q: What is the name of commander of DKBA troops stationed there?

A: The troop commander's name was Pah Daw Bo and he had been stationing there for nearly two months.

Interview Regarding Forced Portering

Source: Interviewed by Burma Issues
 Name: Maung Aye Kyi (not real name)
 Age: 24
 Address: Ler Poh Dan Township, Pegu division
 Burman
 Religion: Buddhist

Maung Aye Kyi was recruited as a child soldier in 1992 and ran away from the army in 1996. After living in his home for six years, he was arrested for deserting the army and was sent to Hinthada Prison. There, he was made to do hard labor and was forced to porter for the Burmese Army in the offensives against the 7th Brigade which transpired from October to November 2003. The following is an excerpt from an interview with Maung Aye Kyi after he escaped from portering on the frontlines.

Q: Did you have to do hard work in the prison?

A: Yes. I worked in the paddyfield. They don't use ox or buffalo, they use human who walk in lines with hoes to dig up the ground. We also have to plant vegetables. For those of us who work on plantations we stop at 11am for lunch and start again at 2pm-5pm.

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: For one month. After this they called us together and told us they would select 40 people to be porters. Those who could pay 30,000-40,000 kyat could stay in the prison, those who couldn't pay had to become porters. On the 6th of September we left to become porters. They took the 40 of us to Insein prison where we stayed for a night and the next day we went to Paan prison, arriving on the 7th. We stayed at Paan prison for one month, we didn't do anything while we were there and they kept us chained. They then took 95 of us (40 from his prison and 55 from Paan prison) and on the 30th of September the soldiers and the porters began their journey. On October 1 we stopped at the foot of the Dawnna Range before starting our trip to the Mae Pleh area. We had to carry pack with ammunition that weighed 30 viss (48kg). Those who can't carry the packs get beaten. I didn't witness any porters get killed by the Burmese soldiers but many were beaten. We received only 1 cup of rice per person every meal. Sometime we would get 1 or 2 meals per day. Even from this one cup of rice the soldiers would try and grab a handful from each porters cup. In the frontline they

would get us porters to take the food to the frontline soldiers. At this time, because it was the middle of a fight, 1 porter and 2 soldiers were killed. They made me get down in the mud in the middle of the fighting and make them a meal and then when we returned to the base they beat me because they said the rice wasn't good enough. They also made me walk across landmine fields.

I fled the military in Nov 1996 and was arrested on the 7th of June, 2003.

Q: How did you escape from being a porter?

A: They ordered us to carry heavy loads and they never gave us enough food so I decided that if I continued I would die so it was better to run away. If I am killed while running then so be it, if I'm not killed then I will survive. Before we left Paan prison some of the prisoners told us that if we run away while in the paddy field and we meet the KNU that they will not kill us. The Burmese Army told us that the KNU would kill us if they came across us. The prisoners told us to escape and run until we reached the KNU. So I thought I would be lucky if I could just reach the KNU. We ran away while we were cooking for the soldiers and we took all the cooking pots so that the soldiers couldn't cook food anymore. There were four of us and one got injured by the landmine. We tried to carry him for a while but he told us to run for our lives and not to worry about him. He was like me, also a Burmese Army deserter. So we left him and ran until we met the KNU. Some KNU soldiers went back to get our friend but he had already died. The KNU soldiers told us not to worry, that we could meet their leaders and they would find appropriate work for us.

Q: How do you feel when you arrived here?

A: As I am a Burmese soldier I thought the KNU is my enemy and that they would treat me badly but they have treated me very well, equal to how they treat their own soldiers. I am very happy because I met a Karen soldier who I fought against in the past and now he is my friend.

Q: What do you think about the SPDC?

A: When I was in the Army I thought what they did was good and right 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 see how they treat us and when I lived in my village I saw all the human rights violations they did. And now I think the Burmese Army have 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 treat people. It is destroying the unity of the community and it is mostly exacerbated by the SPDC.

2. Extra-judicial Killing, Summary or Arbitrary Execution

2.1 Background

According to the U.S. Department of State's *Country Reports on Human Rights Practices - 2003*, the SPDC military regime's poor human rights record worsened during 2003 as it continued to commit serious human rights abuses including extra-judicial killings (source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). Incidents of extra-judicial killing and of summary executions perpetrated by government forces and their allies continued to be reported throughout Burma in 2003. Soldiers, members of the SPDC endorsed people's militias (*pyithusit*), Military Intelligence, police and other SPDC officials are reported to be the perpetrators of these crimes against civilians. Extra-judicial killings are most frequently reported in the border ethnic states where armed ethnic resistance groups are suspected of conducting activities or where there is active conflict. As a result, the ethnic minority populations are frequently subject to extra-judicial killings based on the suspicion that they are either supporters or sympathizers of the ethnic opposition armies. Extra-judicial killing also occurs when ethnic minority villagers are subject to forced labor and portering, which occurs quite frequently. Sexual violence perpetrated by state soldiers often leads to extra-judicial killing as a means to eradicate evidence of the crime. Extra-judicial killing and summary executions are more often than not, committed with impunity like many other human rights abuses in Burma. Complaints or reports made by victim's families are reported to be met with threats of redress, reprisals, or complete indifference.

Many arbitrary executions are carried out in line with the SPDC's "Four-Cuts" policy, which is practiced, in the areas of armed conflict, against the ethnic minority villagers. According to this policy, the SPDC army has aimed to cut support to the opposition through mass relocations of villagers to areas under army control. They detain, torture and execute villagers, village elders and leaders who are considered to have contact with the opposition. Villagers found outside of SPDC controlled areas, including villagers in hiding from the army and villagers outside of forced relocation sites, are often assumed to be rebels or rebel supporters. Indeed, accusing a villager of being a rebel soldier, a relative of a rebel soldier, or helping rebel soldiers in any way is an accusation punishable by death. Villagers in resistance areas fear traveling outside their village, especially to tend their hill fields in the jungle, because they risk discovery by SPDC troops on patrol and the inevitable accusation of rebel activity. Villagers seen outside of SPDC controlled areas or villages are often shot on sight by patrolling troops without any kind of warning. As accusations of rebel association do not require proof, this system can be used to execute almost anyone; for example, women found in a village without their husbands are often accused of being 'married to a rebel soldier'. Villagers can also be executed for simply carrying food in areas outside SPDC control, as the army assumes that the food is to supply rebel troops.

One aspect of the SPDC's campaign to secure military control over areas of armed ethnic opposition is the expansion of *Sa Thon Lon* operations into the mountains of Taungoo District, Karen State. The *Sa Thon Lon*, or *Dam Byan Byaut Kya* ('Guerrilla Retaliation'), are execution squads that were created in 1998 under Lt. Gen. Khin Nyunt's Directorate of

Defense Services Intelligence (DDSI). The squads operate as small 5-10 men specially trained units tasked with finding and executing villagers who are suspected of having current or past contact with opposition groups. Villagers call them the *Baw Bi Doh* ('Short Pants'), a reference to their mixture of civilian and army clothing. Villagers are terrified of them because their execution methods are particularly brutal and they execute people for 'crimes' as minor as supplying rice to Karen soldiers or carrying loads for them. Villagers are executed even if the alleged crime occurred long ago. It has also been reported that villagers are often forced to sign documents in which they pledge not to have any contact or collaboration with the KNU. In the event that their pledge is found to be broken, villagers may be subject to torture and possibly execution. Almost every villager in ethnic minority areas has had some form of 'contact' with opposition groups. It has been reported that the Guerilla Retaliation Units legitimate their actions with these documents. As a result, most villagers live in fear of execution in the presence of the *Baw Bi Doh*, especially current and former village headmen. (Source: *Expansion of the Guerilla Retaliation Units and Food Shortages in Toungoo District of Northern Karen State*, KHRG, 16 June 2003)

Reports of extra-judicial killings in Shan State did not abate in 2003. Extra-judicial killings have occurred in Shan State habitually since 1996-97 when the State Law and Order Restoration Council initiated large scale forced relocations in the central part of the state. According the Shan Human Rights Foundation (SHRF), the situation in Shan State may in fact be deteriorating. Because many relocated village areas are still specified as free fire zones, roaming SPDC soldiers continually carry out acts rape, killing, torture, and other abuses against villagers in the areas. Moreover, SHRF reported that SPDC soldiers commenced a new tactic of disguising themselves as opposition army members in an attempt to defer the blame for their actions. SPDC soldiers have worn different clothing and used different weapons to disguise themselves. SHRF reports that villagers were able to identify the SPDC soldiers regardless of their appearance. (Source: *SHRF Monthly Report*, SHRF, April & June 2003)

Death and the Depayin Massacre

On 30 May 2003, Aung San Suu Kyi, her convoy of National League for Democracy (NLD) members, and hundreds of supporters were attacked in a small village just outside of Depayin, Sagaing division. The perpetrators were reported to be members of the State supported Union Solidarity and Development Association (USDA) and prisoners recruited from Mandalay Prison specifically for the job. There is significant evidence indicating that the attack was organized by different levels of state officials. The attackers used bamboo poles, metals spikes, and rods to beat the NLD members and supporters. Women were stripped naked or partially naked and their possessions were stolen. In another area, it was reported that the car carrying Aung San Suu Kyi was shot at with 10-15 rounds of bullets when it tried to escape the attack. It was reported that San Myint, Tin Maung Oo, Thein Toe Aye, and Khin Maung Kyaw were killed during the attack, all of whom were NLD members. In addition, a student named Min Zaw Oo and a monk named U Panna Thiri were also killed during the violence. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004) (Please see chapter on assembly and association for more information about the Depayin Massacre.)

According the U.S. Department of State, villagers in the area of the attack reported as many as 70 people may have been killed. The SPDC claimed only 4 people were killed and only 50 wounded as a result of a clash incited by the NLD. At the same time, the Ad Hoc

Commission on Depayin Massacre (Burma) reports that, “police and the *Pyithu Swan-ar Shin* members carted off the dead bodies in their Dyna trucks, as if they were throwing rubbish onto a garbage pile, and left the scene,” (source: *The Second Preliminary Report* of the Ad Hoc Commission on Depayin Massacre (Burma), May 2004). According to the testimony of a USDA member transmitted by Radio Free Asia on 5 September, the authorities organized USDA members and other participants to dig ditches in the compound of an abandoned irrigation department. Later, approximately 100 bodies were brought there “including people who were alive with serious injuries,” (source: “Killings, Rapes in Well-Planned Attack by Burmese Junta,” RFA, 5 September 2003).

Due to the organized nature of the attack and the organized “clean-up” which followed, the exact number of victims is unclear. At the same time, the SPDC has not permitted an independent and transparent investigation into the attacks. According to the U.S. Department of State, the fate and whereabouts of 10 NLD members and 47 pro-democracy supporters was still unknown at the end of 2003 (source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). At the end of February 2004, the Assistance Association for Political Prisoners-Burma (AAPPB) reported that approximately 265 people were either detained, killed, or missing in conjunction with the massacre at Depayin and the following crackdown on the democracy movement (source: AAPPB, 29 February 2004).

Partial list of NLD members and people who died after 30 May

- (1) Min Zaw Oo
- (2) Myint Soe
- (3) U Pyin Nya Thiri
- (4) San Myint
- (5) Thein Soe
- (6) Thein Toe Aye
- (7) Tin Maung Oo
- (8) Toe Toe Lwin
- (9) Win Thiha Maung
- (10) U Tun Aung Kyaw (Source: AAPPB, 1 March 2004)

2.2 Extra-judicial, Summary or Arbitrary Executions – partial list of incidents for 2003

(See the chapters on forced labor, women, children and torture for further incidents.)

Arakan State

On 19 November 2003, Burmese Army soldiers killed a Rohingya traveler on the Maungdaw-Buthidaung road. The victim's name was Mohammed Toyub (age 39), son of Maqtul Hussein and from Ward No.4 of Buthidaung town, Arakan State. Around 11:00 am, Mohammed was traveling to Maungdaw by bus to visit relatives. 10 miles outside of Maungdaw, soldiers stopped the bus and all the passengers were taken out. A collapsing hillside had caused the road to become covered in stones and clod. As a result, some soldiers from Battalion No.234 and residents of a village 3 miles outside of Maungdaw were working to clear the road when the bus was stopped. The soldiers asked the passengers to assist clearing the road and Mohammed pretended not to hear their request causing one soldier to become angry. The soldier then hit Mohammed on the neck with an iron rod. Mohammed fell down unconscious with blood gushing from his mouth and nose. Apparently, the blow had cut off the arteries in his neck. A commander from the group ordered some of the passengers to take Mohammed for medical treatment but he died on the way to Buthidaung Hospital. Later, some of the victim's relatives tried to report the incident at the police station and were ordered to bury the body without an autopsy. As far as the family knows, there was no punishment for those responsible for Mohammed's death. (Source: "Burmese Army Killed a Traveler at Maungdaw-Buthidaung Road", MAN, 16 December 2003)

Karen State

Note: Dooplaya, Pa-an and Papun Districts, as reported below, are all areas demarcated by the KNU as Karen territory. Dooplaya District falls mostly in SPDC demarcated Karen State and partially in SPDC demarcated Mon State. Dooplaya District is under the patrol of the 6th Brigade of the Karen National Liberation Army (KNLA). Papun and Pa-an Districts fall entirely in SPDC demarcated Karen State. Papun District is under the patrol of the 5th Brigade of the KNLA and Pa-an is under the patrol of the 7th Brigade of the KNLA. The SPDC does not recognize these as official districts. Instead, the SPDC considers there to be 3 districts (North to South: Kawkaeik, Pa-an and Myawaddy) and 7 townships (North to South: Than Daung, Papun, Hlaing Bwe, Pa'an, Kawkaeik, Myawaddy, and Kya In Seik Gyi) within Karen State. These townships do not correspond with the KNU demarcated districts, even for those which share the same name.

Dooplaya District

On 16 July 2003, at 10:45 am, a clash broke out between KNLA Battalion 16, Company 1 troops and SPDC IB 34 Column 1 troops near Kyet-chan village and Bay-met-gon village in Win-yae Township. Later, troops from SPDC IB 34 Column 1, led by Column 1 Commander Myint Htun Oo and Company Commander Moe Mung, came to Kyet-chan and accused the villagers of causing the clash by giving information to the rebels. The troops then killed the Kyet-chan village head, Saw Htoo Pwe Hser (age 50), son of Saw Htun Yin, by shooting a gun into his mouth. The troops also killed the Bay-met-gon Village Head, Saw Kyaw Aye Swe (age 48), son of Saw Pah Wah Hser, by shooting a gun at his head. (Source: KIC, 2003)

Pa-an District

On 21 April 2003, at 11:00 am, DKBA troops shot and killed Pa Maung Kyaw, a villager from Kho-ka-ser-po. (Source: KIC, 2003)

On 30 April 2003, DKBA troops shot and killed the Pa-naw-kleh-khee village head Saw Di Htoo (age 55). The troops also shot at Paw-baw-kho village head, Saw Kya Paw (age 22), 5 times. Saw Kya Paw managed to escape unharmed. (Source: KIC, 2003)

On 15 June 2003, troops from SPDC LIB 703 led by Battalion Commander Htun Htun Maung combined with troops from DKBA 555, went to Ta-rit-po-kwee village and looted 70 baskets of rice from the villagers. Moreover, the troops shot and killed villager Saw Ta Oo and beat another villager to death. (Source: KIC, 2003)

Papun District

On 6 January 2003, troops from SPDC LIB 434, led by battalion commander Major Myo Hlaing, abducted Saw Pah Eh Say of Klaw-day village, Mae-klaw village tract. Thereafter, the troops shot him to death on Bu-tho-kho Mountain. (Source: KIC, 2003)

On 10 January 2003, troops from SPDC IB 36 from the South West Command headquarters, led by Battalion Commander Kyaw Kyaw Oo, came to Noe-paw-htee village, Dweh-lo Township, where they shot and killed a villager named Saw Nay Kaw without reason. (Source: KIC, 2003)

On 1 April 2003, troops from SPDC LIB 434 came to Noe-pu village, Dweh-lo Township, arrested and brutally tortured a Po-baw-kho villager named Saw Di Po, (age 29), son of Saw Maung Thein and Naw Say Lah. They also arrested a Toe-nyo villager named Saw Htun Myint (age 40). On 5 April, the troops executed these 2 villagers at Way-mone village. (Source: KIC, 2003)

On 15 April 2003, troops from SPDC LIB 10 arrested Saw Pa Lah Tu (age 55), head of Htee-gaw-hta village, Dwe-lo Township, on the accusation that he had connections with the resistance group. The troops arrested him after a clash had occurred between Noe-hta and Ko-thu-hta villages. In the evening of 16 April 2003, the troops beat Saw Pah Lah Tu up at Ya-hkee-hta and later they executed him. (Source: KIC, 2003)

On 21 April 2003, at 8:00 am, a unit of SPDC troops came to Mae-nu-hta village, Bu-tho Township, and arrested a villager from Baw-bo-kyo named Saw Pa Day Heh (male, age 28). The troops shot him to death without reason. Saw Bi Ta (male, age 10) of Taw-nya-doe village was wounded in the shooting spree, while Naw Thaung Khin (female, age 18) of Eh-maw-doe village drowned after she jumped into the river out of fright. The troops also looted 120 litres of honey from the villagers. (Source: KIC, 2003)

On 30 May 2003, troops from SPDC LIB 24 column 2, under LID 66, led by Battalion Commander Kyaw Swe shot and killed Pa Lah Day (age 50), of Thet-kya-pu village, Dwe-lo Township without reason. In addition, the troops burned down the paddy barns of the following Thet-kya-pu villagers: Naw Pwe's barn containing 125 baskets of paddy, Ta Kay Na's barn containing 80 baskets of paddy, and Pa Pler's barn containing 35 baskets of paddy. (Source: KIC, 2003)

On 21 August 2003, SPDC troops from LIB 541 Sergeant Htun Kyaing and 2 soldiers based in the west of Than Lwin river in Karen State near Papun ran away to near Pyin Ma Pin village, were followed by their mother battalion, and were shot to death. The 3 soldiers had run away because their troop leaders had not shared the profits that the battalion earned from selling teak. As a result, the soldiers faced problems obtaining food, became angry with their troop leader, and ran away. (Source: "Three Deserters Were Followed by SPDC Troops And Shot to Death", MAN, 24 August 2003)

On 24 August 2003, troops from SPDC IB 434, under LID 66, shot and killed Saw Pa Hser and Saw Pa Hkeh of Hkaw-kla village, Dwe-lo Township. The 2 were among 11 villagers who had been arrested, brutally beaten, and taken to the troops' camp on 9 August. (Source: KIC, 2003)

On 5 September 2003, at about 6:00 am, SPDC troops from IB 19 and LIB 431 led by Captain Than Win and Captain Khin Zaw shot at a field near Thawlay village, Papun Township. They killed U Thar Yin and his son, Saw Hpar Dee, who were listening to the radio in a hut, said Saw Ni Thar who lived in the same village with them. He said, "I went and visited them early this morning. We listened to the radio and talked. Ten minutes after I left the hut, I heard shooting. I realized that there were SPDC soldiers there. These were innocent people. But, the SPDC soldiers said that they had received information that KNU troops were coming. So they shot the hut because they suspected it. After the killing, villagers were not allowed to stay in their fields at night." (Source: "SPDC Tactical Troops Went to Rice Field Early in The Morning, Shot at The Hut, And Killed A Father And Son", MAN, 9 September 2003)

Mon State

On 23 April 2003, troops from SPDC IB 11, led by Column 2 Commander Aung Za Ya Lin, combined with troops from the DKBA arrested Saw Eh Soe, Pa Mee Per and Pa Maung Kwee from Pa-ya-raw village, Bi-lin Township, Thaton district, without reason. The troops then shot and killed Pa Mee Per and Pa Maung Kwee when they were between Lay-kay and Pa-ya-raw villages. (Source: KIC, 2003)

On 17 September 2003, DKBA troops led by Saw Bu Gay shot and killed a villager named Saw Po Sheh (age 22), son of Tee Pa Paw of Shwe-oak-tha-waw-pya, in Bi-lin Township, Thaton district without reason. (Source: KIC, 2003)

Pegu Division

Note: Both Nyaunglebin District and Taungoo District are areas demarcated by the KNU as Karen territory. Taungoo falls partially in SPDC demarcated Pegu Division and partially in SPDC demarcated Karen State. Taungoo is under the patrol of the 2nd Brigade of the KNLA. Nyaunglebin falls in SPDC demarcated Pegu Division and is under the patrol of the 3rd Brigade of the KNLA. The SPDC does not recognize Nyaunglebin or Taungoo as official districts.

Nyaunglebin District

On 22 July 2003, at 9:55 am, troops from SPDC IB 60 shot at villagers at Baw-po-li-kho without reason. The villagers had been on their way carrying rice when the soldiers opened fire on them. As a result, Saw Pa Ka Moo (male, age 50), son of Waw Nay Htoo, from Thaw-nge-doe village, Kyauk-kyi Township was killed. The troops also took 50,000 kyat from his body and 3 tins of rice from the other villagers. (Source: KIC, 2003)

Toungoo District

On 13 June 2003, SPDC guerilla troops led by Myo Aung Zaw shot at the villagers they saw on their way in Tantabin district. One villager died on the spot and 2 were wounded. The villagers were:

- (1) Saw Pa Tu, Dardoh villager, age 35, son of Saw A'ko and Naw Kroo (died);
- (2) Saw Ni Doh Htoo, younger brother of Saw Pu Tu, age 24, got wounded on the hip; and
- (3) Saw Ko Maung, age 30, a Mawtoder villager, wounded on his arm.

Saw Ko Maung was captured by the troops while the other villagers had to run away in order to escape. (Source: KORD, 2003)

Shan State

14 villagers shot dead for failing to pay Opium Tax in Murng-Sart

In January 2003, 28 farmers who had been forced to grow opium by the SPDC troops came to the military camp of LIB 579 at Murng Kok village. They reported to the camp commander, Major Aung Kyaw Thu, saying that they could not pay the required tax in full because their opium crop had failed and they could hardly get 1-1/2 viss from even 2-3 acres of land. The SPDC commander, however, accused the villagers of trying to lie and ordered them to bring the required amount in full no matter how their opium harvest turned out to be. The villagers tried to convince him by inviting him to go and see that in some places even 3-4 acres of land did not produce 1-1/2 viss of opium, but the commander only repeated his order, stood up and walked away.

After 5-6 days, when the villagers had not turned up with the demanded tax, the SPDC troops sought out their houses and shot them dead, one after another. 14 were shot and killed in that manner during January and early February. The 14 villagers shot dead were all men except for one 9-year-old child:

- (1) Lung Kya, age 56;
- (2) Zaai Taan, age 46;
- (3) Zaai Dip, age 25;
- (4) Lung Ke, age 40;
- (5) Zaai Sai, age 27;
- (6) Zaai Kheng, age 32;
- (7) Zaai Zaai, age 9;
- (8) Zaai Oo, age 27;
- (9) Lung Non, age 50;
- (10) Zaai Lon, age 20;

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- (11) Zaai Laek, age 17;
 - (12) Zaai Saam, age 30;
 - (13) Lung Law-Kha, age 40; and
 - (14) Lung Za-Kha, age 46. (Source: *SHRF Monthly Report*, SHRF, July 2003)

12 Karen mahouts shot dead in a group in Murng-Nai

On 21 January 2003, 15 Karen elephant drivers and wood cutters were shot at by a commando unit of SPDC troops from Kho Lam camp in Nam-Zarng Township, at a logging camp in Kaeng Tawng area in Murng-Nai Township. Twelve were instantly killed and 3 escaped, one suffering an arm injury while escaping. The 15 were taking a break to eat at the Pa Pee logging camp when a group of 20 armed men in green military fatigues without any insignia came into the camp. Five of the men carried M-22 rifles and the others carried assorted weapons. The 20 men claimed to be Shan soldiers, forced the mahouts to go outside of the hut, and made them line up 20 yards away from the hut. They accused the mahouts of logging without paying taxes and told them to pay as soon as possible. The mahouts tried to explain that they had no money as they were only hired hands. They also indicated it would be better to speak in Burmese as they did not speak Shan well. The armed men then started to speak in Burmese and the mahouts accused them of being SPDC soldiers from Kho Lam village camp. The armed men were stunned for a moment and suddenly fired their M-22 rifles at the line of mahouts and wood cutters, killing 12 of them. Three of them managed to escape by running into the nearby forest and one was shot in the arm as the troops shot after them. When the survivors and village leaders tried to report the incident, they were warned that they must report Shan soldiers as the culprits. If they defied this order, they would be severely punished and their land would be confiscated. (Source: *SHRF Monthly Report*, SHRF, March 2003)

Killing and disappearance of displaced farmers in Lai-Kha

On 31 January 2003, some displaced farmers from Lai-Kha town relocation site managed to obtain a pass from the SPDC military authorities of LIB 515 to return for 15 days to cultivate their farm at their original village, Paang Yung, in Wan Lur village tract, Lai-Kha Township. The 15 farmers had been working at their farm for 8 days when a group of about 25-30 armed men, wearing camouflage military fatigues with SSA (Shan State Army) insignias and name badges with Shan names on their breast pockets, came to the farm. Some of the farmers recognized the armed men as SPDC soldiers from IB 64 and 2 of the farmers pretended to fetch water from a well nearby and ran away. The troops tried to shoot at them but missed. The other farmers started to run away as well and the troops shot at them killing 3. The others managed to escape. Two were wounded as they ran away.

The SPDC troops tried to convince local people that Shan soldiers were responsible for killing the farmers. Yet, Zaai Ku-Na (male) and Zaai Saw (male), 2 of the farmers who had escaped, told people that the SPDC soldiers from IB 64 were responsible. The farmers indicated that they recognized the SPDC soldiers, particularly Nyo Maung, a Corporal or 2-striped Sergeant, who often visited their places. Some time later, Zaai Ku-Na and Zaai Saw were summoned to the SPDC military camp to identify the man they called Nyo Maung. However, the 2 men never returned and their relatives could not find them anywhere up to the time of this report. (Source: *SHRF Monthly Report*, SHRF, April 2003)

7 Displaced farmers shot dead in Lai-Kha

On 26 February 2003, 7 displaced farmers were shot dead by a patrol of SPDC troops in a farm hut at a remote farm near Haai Seng village (relocated) in Haai Seng village tract, Lai-Kha Township. The farmers were originally from Haai Seng village which had been relocated to the outskirts of Lai-Kha town in 1997 by the then SLORC troops. During the rice growing season in 2002, they managed to obtain permission in the form of a pass from the local SPDC military authorities to go and cultivate their rice farm at their old village. The farmers had to renew their pass every 10 days for 100 kyat per person each time, until February 2003 when the rice was harvested and temporarily stored in bamboo granaries at the farm. Thereafter, the rice was transported in small quantities back to the relocation site.

They were in the process of transporting the rice when on the day of the incident they were shot dead in the hut at the farm. Lung Sa (male, age 53), who was returning from fetching water and heard the gun shots as he reached the edge of the farm, ran back to the relocation site, and before long the villagers saw a patrol of about 15 SPDC troops from IB 246 in camouflage military fatigues pass by their village from the direction of Haai Seng village.

The villagers dared not go to look at the farm and later reported the incident to the SPDC troops at IB 246 base. The SPDC troops said they would send some troops to search the place and told the villagers not to go there until they were allowed by the troops.

After 2 nights, the villagers were permitted to go to the farm. When they got there the villagers saw the farm had been looted. All the rice and other food stuff had been taken away and nothing was left at the farm, not even a knife or a hoe. The bodies of those killed were already badly swollen and decaying.

Later, SPDC military authorities were said to have told the village and community leaders in the area that it was Shan rebels who had shot and killed the farmers, saying, "You think that your Shan soldiers love you. But they are not only demanding rice and money from you, but are also killing your loved ones. From now on, instead of helping them you should turn to us and tell us their whereabouts as soon as possible. We are government soldiers. Even Khun Sa's 7-80,000-strong MTA (Mong Tai Army) has to surrender to us. This remaining handful of Shan soldiers are nothing." Even though there were many people who knew that it was all done by SPDC troops, no one dared to argue about it.

The 7 farmers who were killed were:

- (1) Lung Nan-Ta, male, age 51;
- (2) Pa Ming, female, age 50;
- (3) Zaai Mawng, male, age 40;
- (4) Zaai Ku, male, age 24;
- (5) Zaai Pun-Nya, male, age 21;
- (6) Naang Seng Lu, female, age 20; and
- (7) Naang Kam, female, age 19. (Source: *SHRF Monthly Report*, SHRF, May 2003)

2 farmers shot dead while working on their farm in Nam-Zarng

In March 2003, 2 farmers who were working at their farm were accused of being or helping Shan soldiers and then shot dead by a patrol of SPDC troops from IB 102, at a farm about 1 mile from Loi Aai village in Loi La village tract, Nam-Zarng Township. Lung Ta (male, age 49) and Lung Kaw-Lin (male, age 45) were both from Loi Aai village and they were working at their farm, when a patrol of about 30 SPDC troops from IB 102 came and asked them if they had seen Shan soldiers passing by that way. When the farmers said they had not seen anyone else coming that way except themselves, the SPDC troops searched around the farm and the farm hut. After a while, some soldiers claimed that they had found a bundle of M-22 ammunition in a basket in the hut. The soldiers accused the 2 farmers of possessing it and of being or helping the Shan soldiers. The SPDC troops then seized the 2 farmers, tied them up, took them out of the farm and shot them dead near a ditch at the edge of the farm. Their bodies were pushed down into the ditch together and covered with earth.

After that, the SPDC troops came into Loi Aai village and told the villagers that they had shot and killed Shan soldiers and seized their ammunition, showing the bundle of about 30 rounds of M-22 ammunition which they said they would present to the commander of Military Tactical Command in the area as evidence. Many local people who knew them well suspected that the 2 farmers had been framed by the SPDC troops even though they did not know why. As the victims were just simple farmers it was most unlikely that they could possess such ammunition. (Source: *SHRF Monthly Report*, SHRF, August 2003)

2 Displaced farmers shot dead and 1 disappeared in Lai-Kha

On 17 March 2003, troops from SPDC LIB 515 shot at a group of about 9-10 displaced farmers who were camping at a remote farm near Ho Phaai village (relocated) in Nawng Kaw village tract, Lai-Kha Township. 2 were killed instantly and the others ran away and escaped. The 2 farmers killed were:

- (1) Zaai Pun-Nya, male, age 29, originally from Nam Pa Kaang village in Haai Seng village tract; and
- (2) Naang Man, female, age 26, originally from Nam Pa Kaang village in Haai Seng village tract.

In September 2003, a group of Burmese soldiers, claiming to be Shan soldiers from the SSA (Shan State Army), came to the same remote farm where farmers were harvesting their crops and demanded approximately 100,000 kyat in taxes from them. One of the farmers, Wi-Zae-Ya (male, age 31), recognized one of the soldiers as being an SPDC soldier and said, “You are Commander Than Htun, aren’t you?” Wi Zae Ya was immediately arrested and taken away by the soldiers. Since then, Wi-Zae-Ya, originally from Nam Pa Kaang village in Haai Seng village tract, has not been seen up to the time of this report. (Source: *SHRF Monthly Report*, SHRF, February 2003)

12 cow-herders and a cow trader shot dead and their cows stolen after money was extorted in Kun-Hing

On 20 March 2003, 8 cattle traders from Kun-Hing Township decided to pool their money together and buy some heads of cattle from Murng-Su Township in the north to sell them in Kun-Hing town. They asked the SPDC IB 246 for permission and were issued a written permit allowing them to buy 30 head of cattle, but were required to pay 3,000 kyat 'tax' per head in advanced. The total tax was 90,000 kyat in all.

After they bought the cattle, the traders hired cow-herders along the way to drive the cattle from Murng-Su to Kun-Hing. At one point, 7 of the traders boarded a passing truck and went to Kun-Hing ahead of the others, leaving 1 trader and 12 cowherds to take care of the herd. About 4-5 miles north of Kun-Hing town, the 12 cowherds were beaten to death and the cattle were stolen by a patrol of SPDC troops from IB 246 who were in the forest about 2-1/2 miles from the main road. The trader that had remained with the herd, Saang Su (male, age 43), from Kaa Li village, Kaa Li village tract, Kun-Hing Township, was also killed and his body was found about 4 miles from the main road.

Although the 7 other traders later found their cattle in the compound of the base of IB 246, they dared not ask for them for fear of further abuses. (Source: *SHRF Monthly Report*, SHRF, June 2003)

Monks killed and money extorted from villagers in Kun-Hing

On 29 March 2003, SPDC troops from IB 246 shot and killed a Buddhist monk and wounded another, who later died in a hospital at Tham Loi Kong Forest Monastery, 1-1/2 miles southwest of Kun-Hing town, Kun-Hing Township. At about 4:30 am, a group of SPDC soldiers wearing camouflage military fatigues came and knocked on the door of the monastery. As the abbot monk opened the door and lit a candle, the SPDC troops came into the monastery and without mentioning a word shot dead the abbot monk. The abbot monk was an 83-year-old Mon national who was called U Uttama and had been living at the monastery for 4 years and 9 months.

Two novices, who also stayed at the monastery, saw the incident and recognized the SPDC soldiers. One novice, Zao Long Kaw (age 43), jumped out of the monastery and fled. The soldiers shot and wounded him as he ran away. He ran to Loi Kong village, about 1 mile west of the monastery. The local villages sent him to the hospital in Kun-Hing town and reported the incident to the SPDC IB 246 troops. The novice stayed in the hospital from 7:00 am until 4:00 pm when he died. Before he died, he told everyone that SPDC soldiers were responsible for shooting him and the abbot. He also indicated that he had clearly recognized Captain Than Naing Oo of Co.3 among the soldiers.

After they had taken care of the monks' bodies, about 15 leaders and elders of Loi Kong village were summoned to the IB 246 base by the battalion commander. The commander then said to the villagers, "Concerning the case in which Shan soldiers shot dead our Burman monk, I will help cover it up, but you Loi Kong villagers must find 200,000 kyat for me. I will report it to my superiors so that the news does not spread." The villagers dared not argue, but collected the money among themselves and gave it to the commander within 15 days. (Source: *SHRF Monthly Report*, SHRF, May 2003)

A villager buried alive and his cattle stolen in Lai-Kha

In April 2003, troops from SPDC LIB 515 buried a man alive and killed his ox for meat at Kun Sai village (relocated) in Naa Mang village tract, Lai-Kha Township. Lung Loo, the victim (age 40), had gone to find his ox which had been missing for 2 days in the relocation area in Naa Mang village tract in Lai-Kha Township. As he was returning with his ox, he ran into a patrol of about 30 SPDC troops from Co.3 of LIB 515, led by commander Than Oo. The troops took Lung Loo and his ox with them until they reached Kun Sai, a relocated village and stopped there for the night when they killed Lung Loo's ox and smoked the meat. At the same time, they dug a well-like hole in the ground and made Lung Loo stand in the hole. Then they slowly buried him alive in that position. It was reported that some of the SPDC soldiers recounted the incident to the villagers displaced from Kun Sai village. (Source: *SHRF Monthly Report*, SHRF, January 2003)

9 year-old boy shot dead and opium extorted from farmers in Kun-Hing

On 1 April 2003, an 8-year-old son of displaced farmers was shot dead by a patrol of SPDC troops from IB 246 at a remote opium farm, for which opium seeds were provided by local SPDC troops, in Kun-Hing Township. On the day of the incident, a group of 25 displaced farmers who were tending their opium farm about 1 mile from Long Maw village (relocated). The 8-year-old boy, Zaai Kaw, was left alone in a hut in the village, because both of his parents were required to work with the other farmers. The SPDC troops claimed that they came through the area in search of Shan rebels. When they found the boy in the deserted village, they shot and killed him. The boy's body was found about 30 yards from the hut and all the rice and food stuffs were stolen from inside the hut. Later, some SPDC soldiers told villagers that they had raided an opium farm and a deserted village, Long Maw, where Shan rebels were hanging out. They said that all of the adults had run away leaving a small boy along and so they killed him.

The incident caused many farmers to feel reluctant about going out to tend their fields. As a result, their opium yield was low and barely enough to meet their quota. The opium seeds were provided by SPDC troops on a condition that each farmer sell 3 viss of opium sap to their friends at the market rate after the harvest. In mid-April, when Capt. Soe Win Maung from Co.1 of SPDC IB 246 gathered the opium farmers to collect the opium, only some of the said 25 opium farmers could barely meet the quota. The others had to buy from somewhere else to fill up their quotas at the rate of 50,000 kyat per viss and sell to the SPDC troops at the rate of 20,000 kyat per viss. (Source: *SHRF Monthly Report*, SHRF, June 2003)

A newlywed couple of displaced villagers shot dead in Lai-Kha

On 1 April 2003, troops from SPDC LIB 515 shot and killed a couple as they were returning from gathering firewood. The couple was on their way back to the relocation site on the outskirts of Lai-kha town when they ran into a patrol of 30 soldiers led by Capt. Kyaw Neing. Without warning, the troops opened fire on them. The wife was instantly killed. The husband was hit in his right shoulder, ran away, and escaped. After arriving to his home in the relocation site, he died 3 hours later due to heavy bleeding. The victims, Zaai Pun-Nya (male, age 20) and Naang Num (female, age 19), who had been married for less than a year, were originally from Ho Phaai village in Nawng Kaw village tract, Lai-Kha Township, which had been relocated to the outskirts of Lai-Kha town in 1997 by the then SLORC troops. (Source: *SHRF Monthly Report*, SHRF, July 2003)

A displaced woman killed and smoked in Lai-Kha

On 27 April 2003, a 63-year-old displaced woman was killed and smoked on a bamboo shelf by a patrol of SPDC troops from IB 64 at a remote farm near Lin Muk village (relocated) in Wan Saang village tract, Lai-Kha Township. Grandma Naang and her family were originally from Lin Muk village which had been forcibly relocated to the outskirts of Lai-Kha town in 1997 by the then SLORC troops and had gone to cultivate their farm at their old village. On the day of the incident, grandma Naang, (age 63) and her grandson (age 8) were at the farm when a patrol of SPDC troops came towards them.

Although the grandson managed to run away and escaped, grandma Naang was caught by the SPDC troops. When they heard about the incident from their son, the parents and their relatives, who had returned home for some reasons, waited until the troops left the farm and went to have a look the next day. They found grandma Naang's body at the farm, lying on a bamboo shelf with a dead fire under it, partly burnt and blackened with smoke. She was probably killed and her body put on a bamboo shelf and a fire was lit under it, as if to smoke or roast it like beef. (Source: *SHRF Monthly Report*, SHRF, December 2003)

A displaced farmer was shot dead for being unable to provide rice quota in Lai-Kha

On 29 April 2003, troops from SPDC IB 55 shot and killed a displaced farmer on the road just outside Phuay Hai village in Lai-Kha Township because he was unable to sell his rice quota as demanded by the SPDC troops. When he was summoned by the SPDC authorities to sell his rice quota on 24 April 2003, Zaai Zaam Pun explained that he got only 15 baskets from his rice field and it had almost been consumed by his family, and that he also had no money to buy rice from others to fill up his quota.

A patrol of SPDC troops was then sent to search Zaai Zaam Pun's house where they saw his wife and 2 children living in a small shabby thatched house and only 3 baskets of rice which he kept to be used as seeds for the next rice growing season. The SPDC troops took away the rice and warned Zaai Zaam Pun that he would have to somehow find the remaining 57 baskets and fill up his quota no later than 30 April 2003, or face the consequences.

On the day of the incident, a patrol of SPDC troops again came to Zaai Zaam Pun's house and when they did not find him nor any rice in the house, they asked his wife where he was. The wife told them her husband had gone to find rice and the troops left the village. As the SPDC troops were leaving Phuay Hai village, they met Zaai Zaam Pun and some other villagers who were returning on the road outside the village. The troops asked Zaai Zaam Pun where the rice was so that they could come and collect it the next day.

Zaai Zaam Pun said that he was not able to get any rice for the quota, and even for his children to eat, he had to beg around and was only able to get 3 milk-cans of rice. The SPDC troops became angry and shouted at him, "So, you don't want to sell us your rice?"

As Zaai Zaam Pun was trying to explain that he had tried as best he could but no one would lend him rice or money, the SPDC troops kicked at him and he fell to the ground. The SPDC troops then shot him dead at the side of the road east of Phuay Hai village. After which, the troops warned the other villagers to tell people that Zaai Zaam Pun had actually resisted the government authority, otherwise they would have to face the same fate as him.

The victim, Zaai Zaam Pun, and his family were originally from Ter Leng village in Haai Seng village tract, Lai-Kha Township, which had been forcibly relocated to the outskirts of Lai-Kha town in 1997 by the then SLORC troops. (Source: *SHRF Monthly Report*, SHRF, August 2003)

A farmer beaten to death while working at a farm in Lai-Kha

On 5 May 2003, a patrol of SPDC troops beat to death a farmer who was working at a remote farm near Wan Naa village (relocated) in Paang Saang village tract, Lai-Kha Township. Zaai Si-Li (male, age 35), was working at the farm when a patrol of about 25-30 SPDC troops from the base at Wan Zing village in Kae-See Township came and beat him to death. His head was severed, cut in half and put in a cave south of Wan Naa village, and his headless body was left to rot at the farm near Wan Naa. (Source: *SHRF Monthly Report*, SHRF, August 2003)

A Lahu couple shot dead in Kaeng-Tung

On 16 May 2003, troops from SPDC IB 245 shot and killed a Lahu couple near Paang Kiu village about 4-1/2 miles west of Kaeng-Tung town. The couple was from Tong Wa Nur village in Paang Kiu village tract, Kaeng-Tung Township. The Lahu couple, Kya Wo, the husband (age 28) and A Hee, the wife (age 22), together with 2 other fellow villagers, went to work as day laborers weeding a farm at Paang Kiu village. At about 3:30 pm, they returned home together after receiving their day's wages. As the 4 left Paang Kiu village and were heading home, a truck with about 12 SPDC troops on board came from the opposite direction. As soon as it got near them, the troops opened fire at them and they all ran. The couple, who happened to be closer to the truck, were hit and they fell to the ground, while the other 2 managed to escape to their village, Tong Wa Nur. When the other villagers learned of the incident, they came cautiously to look at the site and found the couple lying in pools of their own blood. Both were dead with bullet holes in their bodies. The villagers then took the bodies back and conducted a funeral for them in accordance with their tradition.

Although the village headman and the relatives of the dead filed a complaint with the SPDC authorities in the area, and the authorities promised to look into the matter as soon as possible, no action had yet been taken as of June, when this report was received. (Source: *SHRF Monthly Report*, SHRF, September 2003)

Displaced farmers shot dead while building fences in Lai-Kha

In May 2003, a patrol of SPDC troops from LIB 515 shot at 6 farmers who were building fences at a remote farm near Paang Sa village (relocated) in Wan Thi village tract, Lai-Kha Township without warning or reason. Five of the farmers were instantly killed while the sixth was wounded and died later. The farmers were originally from Paang Sa village which had been forcibly relocated 5-6 years ago by the then SLORC troops.

The victims were:

- (1) Lung Ma-La, male, age 47;
- (2) Zaai Wan-Na, male, age 30;
- (3) Zaai Gan-Ta-Ma, male, age 31;
- (4) Zaai Loo male, age 27;
- (5) Zaai Laek, male, age 25; and

(6) Zaai Yawn, male, age 33.

Zaai Yawn was wounded in his stomach while escaping and the others were killed on the spot. However, Zaai Yawn also died only 3 hours after he got back to his house and before his relatives could take him to the hospital. Zaai Yawn's relatives and community leaders discussed the matter and decided not to file a complaint with the SPDC military authorities for fear of being accused of defaming the military and punished.

When SPDC troops from IB 64 heard about the incident and inquired with the villagers, no one dared say troops from SPDC LIB 515 were responsible for shooting the villagers. Instead, the villagers replied that they did not know who the perpetrators were. Thereafter, a patrol of about 40 SPDC troops from IB 64 and some of the villagers went to look at the place where the incident had taken place. Later, the SPDC troops said that it was difficult to do anything if the perpetrators were unknown. (Source: *SHRF Monthly Report*, SHRF, January 2004)

Fishing villagers shot dead in Khun-Hing

On 1 June 2003, troops from SPDC IB 246 shot, killed, and dumped 2 villagers who went foraging for fish into the Nam Paang river in Kun Pu village tract, Kun-Hing Township. On that day, 7 villagers from Kun Pu village in Kun Pu village tract, Kun-Hing Township, went together to catch fish in the Nam Paang river. Specifically, they went to an island called Ho Yaan, an area notorious for many incidents of extrajudicial killing by the SPDC troops since the mass forced relocation in 1996-97.

After they had caught some fish, 2 of the villagers, Lung Man (male, age 47) and Zaai Nyo (male, age 33), needed to return home before the others. They left their boat and climbed up the bank while the others continued to fish in the area. After a few moments, those who were still fishing heard several gunshots from the direction where the 2 villagers had gone. They quickly sank their boat and hid it under the water near the bank. They hid themselves in the brush on the island.

When all was quiet after a while, the villagers returned to their village only to learn that a patrol of about 30 SPDC troops from IB 246, led by Commander Htun Myint, had gone their way while they were fishing. The 2 villagers who had returned ahead of them had not reached the village. The villagers searched for the 2 men in the area where they had gone fishing. Only after 2-3 days did they find the body of Lung Man near the bank, floating and entangled in a bunch of brush wood about 40-50 yards downstream from where he had landed on the day of the fishing. (Source: *SHRF Monthly Report*, SHRF, September 2003)

A displaced woman shot dead while working at a farm in Murng-Kerng

In early June 2003, a displaced woman who was working at a farm with her husband was shot dead by a group of SPDC soldiers who wore no insignias, at a remote farm in Murng-Kerng Township. Pa Man (age 51), was working on her farm with her husband, Lung Poo. Around noon, Lung Poo went to fetch water from a valley some distance away, leaving Pa Man alone. As he was returning, Lung Poo heard 2 gunshots from the direction of their farm, so he did not go directly into the farm but went quietly close enough to find about 30 Burmese soldiers going around and searching the farm hut, talking loudly to each other. They did not wear any insignias, but there were only SPDC troops who spoke Burmese in the area.

Lung Poo then crept up a nearby hill where he could see the movements of the Burmese soldiers and waited until they had left for a while before he went cautiously into the farm. He saw his wife's body lying right on the spot where she had been working, shot dead by the Burmese soldiers.

The couple had already lost their 2 sons to the Burmese troops during the forced relocations in 1997-1998; both were shot dead by SLORC troops. The older son, Zaai Saw (age 31), was shot dead in October 1997, and the younger, Zaai Ti-Ma (age 28), was shot dead in March 1998, and now their mother had been shot dead by SPDC troops. Lung Poo was deeply hurt by the loss of all the loved ones he had and by the way they were treated by the Burmese troops, and has become mentally disturbed since the death of his wife. The victim, Pa Man (aged 51) and her husband, Lung Poo (age 53), were originally from Wan Kyawng village in Murng Khun village tract, Murng-Kerng Township, which had been forcibly relocated to the outskirts of Murng-Kerng town in 1997 by the then SLORC troops. (Source: *SHRF Monthly Report*, SHRF, August 2003)

9 Displaced farmers shot dead in Kun-Hing

On 10 June 2003, 4 displaced farmers were shot dead by a patrol of SPDC troops from IB 246 in a hut at a rice field near a relocated village, Wan Phaai, in Kaeng Lom village tract, Kun-Hing Township. The next day, the same SPDC troops shot dead 5 other displaced farmers who were working in a rice field at another relocated village, Paang Khaa, in the same village tract.

In the evening of the first day of the incident, the said SPDC patrol saw lights in the said hut and, without warning, came close and opened fire on it, killing all the 4 occupants. These 4 villagers were originally from Wan Phaai village which had been forcibly relocated in 1996-97 by the then SLORC troops. They had temporarily come back to cultivate their rice field at their old village and were staying overnight in the same hut when they were shot dead by the SPDC troops.

The 4 villagers shot dead were:

- (1) Zaai Saw-Li, male, age 26;
- (2) Zaai Zan-Ti-Ma, male, age 24;
- (3) Naang Thawn, female, age 21; and
- (4) Naang Taeng Yaen, female, age 23.

On 11 June, the same SPDC patrol saw 5 other villagers who were working in a rice field at Paang Khaa old village and, without warning, shot all of them dead in the field. These 5 farmers were originally from Paan Khaa village which had also been forcibly relocated in 1996-97 by the SLORC troops. They had temporarily come to cultivate their original rice fields at their old village when they were shot dead.

The 5 victims were:

- (1) Zaai Mu male, age 32;
- (2) Naang Nguay female, age 19;
- (3) Zaai Kyaw male, age 37;
- (4) Naang Kya female, age 30; and
- (5) Pa Zing female, age 50.

It was learned that the SPDC troops suspected these displaced farmers of being members or supporters of the Shan resistance and simply shot them dead without bothering to ask any questions. The SPDC troops even took away an abandoned old shirt with SSA (Shan State Army) insignia and a pair of old boots they found at the edge of the rice field as evidence. (Source: *SHRF Monthly Report*, SHRF, October 2003)

A firewood gatherer shot dead in Murng-Yawng

On 12 June 2003, 1 of 2 Akha villagers who were gathering firewood was shot dead by a patrol of SPDC troops from LIB 334 in a forest near Nam Zee village in Pa Hok village tract, Murng-Yawng Township. On that day, the 2 Akha villagers from Paang Khawn village in Pa Hok village tract, Murng-Yawng Township, had gone together to gather firewood. As they were gathering firewood in the forest near Nam Zee village in the same village tract, a patrol of 7 SPDC troops came to them. After asking some questions as to who they were and what they were doing in the forest, the SPDC troops shot at the villagers. One of them, Aa Zi (male, age 36), was hit and fell to the ground while the other, Aa Sae (male, age 36), ran and escaped.

Aa Sae ran back to Paang Khawn village and told the villagers about the incident. Later the villagers went and buried the body of Aa Zi and conducted a funeral for him in accordance with their traditions. Although after the funeral Aa Sae's relatives and their village leaders filed a complaint with the SPDC authorities in Murng-Yawng town, no action had yet been taken as of mid-July when news about the case was last heard. (Source: *SHRF Monthly Report*, SHRF, October 2003)

A firewood gatherer shot dead in Murng-Khark

On 25 June 2003, Zaai Zaen Seng, a villager who was gathering firewood, was shot dead by a patrol of SPDC troops from LIB 327 about 2-1/2 miles west of Wan Tap village in Murng Nung village tract, Murng-Khark Township. He was 26 years old and a villager of Wan Tap village in Murng Nung village tract, Murng-Khark Township. He had gone to gather firewood in the hills west of his village and as he was returning home, Zaai Zaen Seng ran into a group of 6 SPDC soldiers who shot at him on sight.

A fellow villager was searching for his buffalo in the area. He saw the SPDC troops and hid in a bush just before Zaai Zaen Seng ran into them. The villager saw the incident, returned to Wan Tap village and told Zaai Zaen Seng's wife about it.

After conducting a proper funeral for him, Zaai Zaen Seng's relatives and their village leaders went and lodged a complaint with the Murng-Khark Township SPDC authorities, but no one seems to have taken any action so far with regard to this case. Zaai Zaen Seng is survived by his wife and 2 children. (Source: *SHRF Monthly Report*, SHRF, October 2003)

Akha villager shot dead, another wounded, in Murng-Phyak

On 5 July 2003, a patrol of SPDC troops from LIB 330 shot at 2 Akha villagers, killing 1 and wounding the other, near Murng Hai village in Murng-Phyak Township. Ja Shur (male, age 21) and Ja Lay (male, age 23), from Pa Yaa village in Nam Naang village tract, Murng-Phyak Township, were returning from the town market when they saw a patrol of SPDC troops near Murng Hai village, about halfway between the town and their village. The 2 villagers were so frightened by the sight of the SPDC troops that they both ran away.

The SPDC troops fired several shots after them, killing Ja Lay on the spot and wounding Ja Shur in his left shoulder. Ja Shur escaped. The villagers of Murng-Hai found and treated him before they sent him back to his village, Pa Yaa. Sometime later, Ja Shur, together with the village and village tract leaders, filed a complaint with the SPDC authorities in Murng-Phyak town and the authorities said they would look into the matter. (Source: *SHRF Monthly Report*, SHRF, December 2003)

Husband shot dead, wife raped, farm hut looted and burnt in Lai-Kha

On 19 July 2003, a patrol of troops from SPDC IB 64 shot and killed a displaced farmer, raped his wife, looted their farm hut, and burned the farmer's body in the hut at a remote farm near a relocated village, Ho Nam, in Paang Saang village tract, Lai-Kha Township. The displaced farming family was temporarily staying and working at the rice farm near the said old village when a patrol of 12-15 SPDC troops from IB 64 came and surrounded the hut in which they were staying.

Members of the family were:

- (1) Zaai Za-Lin-Ta, male, age 35, head of the family;
- (2) Naang Punt (not her real name), female, age 32, wife of Zaai Za-Lin-Ta;
- (3) Zaai Kam, male, age 12, their son;
- (4) Naang Leng, female, age 10, their daughter; and
- (5) Naang Zing, female, age 9, their daughter.

The SPDC troops shot Zaai Za-Lin-Ta dead in the hut and all 12-15 of them raped his wife, Naang Punt, to their satisfaction. Later the troops searched the farm and took away the following: 8 baskets of paddy; 1-1/2 baskets of rice; 2 viss of salt; 2 viss of pickled soya beans; 1 pair of boots; 2 pairs of trousers; 1 shirt and a pair of sandals.

As they were leaving the farm, the SPDC troops set fire to the hut and burned it to ashes with the body of Zaai Za-Lin-Ta inside, leaving nothing for his wife, Naang Punt, and their 3 fatherless children. (Source: *SHRF Monthly Report*, SHRF, October 2003)

Villagers forced to guard road and shot dead their families arrested and detained in Murng-Nai

On 19 July 2003, 2 villagers who were being forced to guard a road were surrounded and shot dead by SPDC troops from LIB 518, near Saai Phe village in Mai Hai village tract, Murng-Nai Township. Both villagers, Zaai Tawng (male, age 45) and Zaai Pan-Ta (male, age 40), were from Saai Phe village and on the day of the incident were forced by SPDC LIB 518 to stand guard at the Murng-Nai - Larng-Khur main road. At about 1:30 pm, a patrol of SPDC

troops from the same battalion, LIB 518, came and surrounded the 2 men where they were standing guard. The troops then shot at them, killing both of them on the spot.

The following day, 20 July 2003, the SPDC troops arrested the headman of Saai Phe village and wives of the 2 men they had shot dead the day before -- Naang Leng (age 41), wife of Zaai Tawng, and Naang Zing (age 40), wife of Zaai Pan-Ta -- and detained them for 3 nights before releasing them. It was later learned that the SPDC troops had accused the 2 men of secretly working as informers for the Shan resistance and as a result, shot them dead. (Source: *SHRF Monthly Report*, SHRF, November 2003)

A villager shot dead in Kun-Hing

On 19 August 2003, at about 7:00 am, a patrol from SPDC IB 264 shot and killed a villager named Zaai Zan-Ta just outside Paang Hok village in Nawng Mai village tract, Kun-Hing Township. As Zaai Zan-Ta was leaving Paan Hok village to cut bamboo in the forest, he ran into a patrol of about 10 SPDC troops from IB 246. The SPDC troops shot and killed Zaai Zan-Ta, went into the village, and told the villagers that they had killed a Shan rebel outside their village. After the SPDC troops left, the villagers went to have a look at the dead rebel. Yet, the villagers did not find any Shan rebel. Instead, they found one of their fellow villagers, Zaai Zan-Ta, lying in a pool of blood. (Source: *SHRF Monthly Report*, SHRF, January 2004)

Farmer shot dead in Nam-Zarng

On 23 August 2003, a farmer who was fetching water was shot dead on the bank of Nam Taeng river by a patrol of SPDC troops from the 55th Division near Paang Sa village in Loi La village tract, Nam-Zarng Township. Later his pregnant wife was beaten and tortured, which caused her to suffer a miscarriage and mental disorder.

Saang Zi-Na (age 45), and his wife, Naang Non, and some of their fellow villagers were working and staying overnight at their farm near the Nam Taeng river some distance from their village, Paang Sa. Saang Zi-Na was shot dead by the said SPDC troops while he was fetching water on the bank of Nam Taeng River. When his wife and relatives found his body the next morning, half of his face had been blown away and his body was riddled with bullets. (Source: *SHRF Monthly Report*, SHRF, December 2003)

Displaced farmers shot at, wife killed and husband wounded, in Lai-Kha

Sometime in early 2003, a patrol from SPDC LIB 514 shot at 2 displaced farmers, husband and wife, at a remote farm in Wan Saang village tract, Lai-Kha Township. The husband escaped with a shoulder wound while the wife was killed instantly. Pun-Nya and his wife, Ae Naang (age 32), were originally from Pa Kaang village in Wan Saang village tract, Lai-Kha Township, which had been forcibly relocated in 1996-97 by the then SLORC troops.

The displaced couple was temporarily staying and working at their remote farm in the area of their former village, west of Haai Seng village (also relocated), when a patrol of about 40 SPDC troops from LIB 514, led by Commander Htun Mya Oo, came and surrounded the farm.

It was in the morning and the couple was sitting around a fire in the hut, cooking. When the troops saw smoke coming out of the hut, they opened fire without saying or asking anything.

A bullet hit Pun-Nya's left shoulder and he jumped out of the hut and escaped. The SPDC troops then ran into the farm and closer to the hut while shooting at it. Ae Naang was hit in the forehead before she could leave the hut and died instantly inside.

Pun-Nya hid in the forest until the SPDC troops left the farm. Despite his wound, he went back to look for his wife only to find that she was dead. He then returned to his village and recounted the incident to his relatives who went and buried his wife for him. After his wound healed, Pun-Nya joined a group of displaced villagers who went to the Thai border and was able to relate his plight to some human rights field workers. (Source: *SHRF Monthly Report*, SHRF, March 2004)

Villagers shot dead and their mini-tractor burnt during forced labour in Lai-Kha

On 19 September 2003, 4 villagers, 3 men and 1 woman, of Paang Yong village in Wan Lur village tract, Lai-Kha Township, went to gather bamboo with a mini-tractor to build fences for troops from SPDC IB 64. When the villagers were on their way to the bamboo forest, they were shot at by a group of SPDC troops and their mini-tractor was burnt. The 3 men were killed on the spot while the woman rolled off the tractor and escaped.

The 4 victims were:

- (1) Lung Tawng, age 53, killed on the spot;
- (2) Lung Kam, age 51, killed on the spot;
- (3) Zaai Mu, age 38, killed on the spot; and
- (4) Naang Maat, age 27, ran and escaped.

Even though the surviving villager was sure that it was SPDC troops who were responsible, she did not know the unit to which they belonged. When the villagers tried to lodge a complaint with the SPDC troops in the area, the troops said, "It could only be your Shan soldiers. Our troops have not left the camp over the last 4-5 days." (Source: *SHRF Monthly Report*, SHRF, February 2004)

Displaced villagers shot dead and their mini-tractor burnt during forced labour in Nam-Zarng

On 11 October 2003, 2 displaced villagers who were going to gather bamboo for the SPDC troops of IB 66 were shot dead and their mini-tractor burnt on the way by SPDC troops from LIB 515. The incident occurred about 10 miles north of Kho Lam village in Nam-Zarng Township. The 2 victims, Lung Maan (male, age 41) and Zaai Mya Awng (male, age 21), were originally from Kung Yom village in Ton Hung Haai Laai village tract, Lai-Kha Township, which had been forcibly relocated to Kho Lam village relocation site in Nam-Zarng Township in 1997 by the then SLORC troops. They were going to gather bamboo with their mini-tractor to build fences for the SPDC troops of IB 66 when they were shot dead by troops from SPDC LIB 515. The soldiers also burnt their mini-tractor. (Source: *SHRF Monthly Report*, SHRF, February 2004)

A displaced villager smothered to death in Kun-Hing

On 13 October 2003, a displaced villager who was gathering bamboo was smothered to death, and another was shot at while escaping, by a patrol of local SPDC troops in the forest in Kun-Hing Township. Lung Pho Ma (male, age 47) and Zaai Nyo (male, age 30), were originally from Paang Kawk village in Saai Khaao village tract, Kun-Hing Township, which had been forcibly relocated to the outskirts of Kun-Hing town in 1997 by the then SLORC troops.

The 2 men were cutting bamboo in the forest, having left their ox-cart alone not very far away with the 2 oxen tied to it feeding on a bundle of hay, when a patrol of SPDC came their way. While some of the soldiers dragged away their oxen, other soldiers called the 2 men to come to them. Zaai Nyo ran away and escaped despite the fact that the troops shot after him. Lung Pho Ma, however, was captured and tortured to death. When his body was found, he was still tied up to a tree and his head was covered in a plastic bag with its mouth tightly tied around his neck.

When Zaai Nyo and village and community leaders went to report the incident to the SPDC troops, the deputy camp commander told them that his troops had not gone anywhere on the day of the incident because they were having a meeting. (Source: *SHRF Monthly Report*, SHRF, February 2004)

3 displaced villagers shot dead and dumped into water in Kun-Hing

On 21 October 2003, 3 displaced villagers were fishing along the banks of the Salween river about 3 miles south of Ka Li village when a patrol of SPDC troops shot them dead and dumped their bodies into the Salween river. The troops were from Ta Kaw camp in Ka Li. The 3 victims, Zaai Thun (male, age 16), Zaai La (male, age 22) and Zaai Mon (male, age 24), were originally from Long Maw village in Wan Lao village tract, Kun-Hing Township, which had been forcibly relocated to Ka Li village relocation site in 1996 by the then SLORC troops.

The bodies of the 3 villagers were found stranded some distance downstream by some fellow villagers 4-5 days later. At about the same time, some SPDC troops from the unit taking security of the Salween river bridge at Ta Kaw village told villagers in Ka Li village that they had shot dead 3 Shan rebels who were catching fish in the Salween river 5-6 days before and dumped their bodies in the water some 3 miles south of the village. (Source: *SHRF Monthly Report*, SHRF, March 2004)

Tenasserim Division

Note: Mergui-Tavoy District is an area demarcated by the KNU as part of Karen territory. Mergui-Tavoy falls into SPDC demarcated Tenasserim Division and is under the patrol of the 4th Brigade of the KNLA. The SPDC does not recognize Mergui-Tavoy as an official district.

On 21 March 2003, a conflict broke out when some soldiers from SPDC IB 25 went onto the stage of a traditional stage show (Zaat Pweh) in Taung Thon Lon, 30 miles east of Tavoy in Tenasserim division. Once on the stage, the soldiers harassed the female dancer by petting and squeezing her in front of the audience. The regime backed people's militia (*Pyithusits*) members from Taung Thon Lon village warned the soldiers that they must stop harassing the female dancers in front of the public. Their warning ignited the anger of the soldiers who started shooting at the *Pyithusits*. The *Pyithusits* retaliated in time. As a result, the "Zaat pweh" audience ran away panicked. The shooting ceased after the *Pyithusits* departed from the scene leaving 18 villagers dead and 25 wounded. Four SPDC soldiers and one *Pyithusit* died. Information about those who were wounded was not available. In the morning, both parties sent a report to No.1 Strategic Command HQ, which is stationed at Myitta village, stating that "The KNU soldiers attacked the show after midnight." (Source: *Monthly Human Rights Situation Report*; Tenasserim Division, Mergui-Tavoy District Information, KNU, March 2003)

On 10 September 2003, a platoon from LIB 408 shot and killed 3 villagers who were in bamboo rafts on the Tavoy River. The villagers were shot dead while they were trying to stop their raft after the soldiers ordered them to stop in order to extort money from them. According to the soldiers' story, the 3 villagers had tried to escape when they were ordered to stop. In reality the villagers could not stop their raft at the point where the soldiers ordered them to do so because of the strong current. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, September 2003)

On 19 September 2003, a 20-men troop from SPDC IB 224 led by Major Tun Tun entered Maw Kee IDP site at Manorone area in the east of Mergui. One child and one adult were shot dead when the military opened fire on the IDP site. The troops captured 3 families (12 people) and sent them to the Manorone forced relocation camp. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, September 2003)

On 20 September 2003, a squad of soldiers arrived to Panwepoklo village, Palaw Township and killed 1 villager named Saw Hei Nay (age 48), son of Saw Beet, without any question. This squad was arranged by the No.12 Military Training School head master, Col. Tin Myint. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, September 2003)

On 21 December 2003, troops from SPDC IB 262 led by Bo Lay shot at one of U Thar Kan's boats and 2 of U Hla Win's boats, which were carrying logs near Sadetgyi Island. Ko Kyaw Win (age 32), from Kinshav village died from the shooting. Other workers jumped into the water. Bo Lay shot at the boats because he did not get a cut of the money from the Battalion Commander. (Source: THRF, 2003)

3. Arbitrary Detention and Enforced or Involuntary Disappearances

"I don't want to be arrested again. Not because of prison difficulties, but because I spent my young life in prison. I think I wasted many years in prison, so I don't want to waste any more years."

- Yin Htwe, former political prisoner and Joint Secretary of the Democratic Party for a New Society (DPNS) released in 2004 after 14 years. (Source: HRDU, 26 May 2004)

3.1 Background

"We shall recommit ourselves to allowing all of our citizens to participate freely in the life of our political process, while giving priority to national unity, peace and stability of the country as well as the region."

- Excerpt from SPDC's statement, "Turning a New Page," 6 May 2002.

The State Peace and Development Council (SPDC) maintains an extensive network of Military Intelligence (MI) agents, police, and government officials ready to detain anyone suspected of holding or expressing anti-government opinions in Burma. Detained individuals are often sentenced for prolonged periods in accordance with laws that are both broad and vague. Throughout years of military occupation in Burma, laws have been established that criminalize freedom of thought, expression, association, assembly and movement, thus legitimizing these arbitrary arrests. The most regularly employed laws used to justify the curtailment of civil, political and basic human rights have been: the 1923 Government's Official Secrets Act; the 1950 Emergency Provisions Act; the 1957 Unlawful Associations Act; the 1962 Printers' and Publishers' Registration Law; the 1975 State Protection Law; and Law No. 5/96. Furthermore, in response to recent advances in telecommunications and internet access in Burma, the SPDC has ratified new laws to provide a system of control over these developing technologies to prevent the people of Burma from using them for opposition activities. (For more information on these laws, please refer to the chapters on Freedom of Expression and Freedom of Assembly and Association.)

Throughout 2003 SPDC personnel continued to arbitrarily detain people across Burma for associating with opposition groups. These types of detentions occurred frequently and in most cases individuals suspected of such illegal association were detained, interrogated and many were tortured, without warrant, charge or trial. Many were held under section 10(a) and (b) of the 1975 State Protection Law, giving the authorities power to detain people for up to five years without trial. In 2003 there were also reports of individuals who disappeared following detention. The number of political activists and opposition forces reportedly arrested this year almost tripled from between 70 - 100 in 2002 to over 270 in 2003. Arbitrary detentions and arrests of ethnic minorities were frequent, even though the junta has signed 22 cease-fire agreements with various ethnic factions to date. Human rights organizations, such as the Karen Human Rights Group (KHRG), have argued that the current definition of 'political prisoner' used in the context of Burma, is too narrow and excludes the thousands of ethnic minority villagers who are routinely arrested, tortured, and imprisoned under Articles

17/1 (contact with illegal organizations) and Article 17/2 (rising against the State) of the 1908 Unlawful Associations Act.

The 30 May attack on Daw Aung San Suu Kyi's motorcade on the road to Depayin, Sagaing Division, resulted in the arbitrary detention of a large number of individuals. The SPDC followed up the attack with a nationwide crackdown on NLD members and other democracy activists. Amnesty international, who made their first ever official visit to Burma in February 2003, reported two months after the Depayin incident that "Over 100 people are known to have been arrested or to have gone missing on or since the events of 30 May... These include Members-of-Parliament-elect; 10 NLD senior leaders; and other NLD members and local supporters," (source: *Justice on Trial*, Amnesty International, 30 July 2003). The United Nations Special Rapporteur on Human Rights in Burma, Paolo Sergio Pinheiro, following his fifth fact-finding mission to Burma in November 2003, stated in his report to the 60th session of the Commission on Human Rights that he had "received reports that there had been approximately 250 new arrests since 30 May 2003," (source: "Situation of Human Rights in Myanmar," *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council, Agenda item 9, 5 January 2004).

In addition to individuals arrested for political reasons, SPDC officials continued to arbitrarily arrest and detain people for "crimes", such as failure to pay army taxes or to sell the required crop quota. Many farmers and villagers were arrested in 2003 under such circumstances, including groups of villagers being arrested for failing to find army deserters hidden in the jungle, and those taken for use as guides or porters. Many villagers were arrested and forced to attend military training for the "people's militia" groups. Extortion of money, food and goods, such as walkie-talkies, radios, weapons, and opium, was rife and often served as the catalyst for following arrests. Many of those arrested were released subsequent to payment of these demands. In 2003, many Burmese citizens living in Thailand were, as in past years, arrested and deported by Thai authorities and were reportedly forced to pay high fees to the authorities in Burma for "illegally leaving the country," in order to avoid imprisonment or forced labour. Thai authorities also arrested several Burmese political activists working in Thailand in early 2003 and deported them into the waiting hands of the SPDC, reflecting the more recent Thai government policy thought to appease the Burmese government by ending its tolerance for Burmese activists working within Thai borders.

The release of political prisoners slowed considerably in 2003. The main releases were those who were arrested in connection with the 30 May incident at Depayin when Aung San Suu Kyi and members and supporters were attacked by state sponsored assailants on the way to Depayin, Sagaing Division. At the same time, a number of those arrested in conjunction with the incident remain in detention at the time of writing, including prominent politicians such as Aung San Suu Kyi, NLD Vice Chairman U Tin Oo and other NLD MPs and members. According to the U.S. Department of State, by the end of 2003 all but 14 of the NLD members and supporters who had been arrested along with Aung San Suu Kyi on 30 May had been released. The U.S. Department of State further reported that of the over 100 NLD members who were arrested following 30 May, all but 25 had been released by the end of the year (source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, United States Department of State, 25 February 2004). The release of all political prisoners has long been an essential prerequisite of opposition groups and international governments and agencies for dialogue towards reconciliation in the country. Aung San Suu Kyi stated in an interview with the Democratic Voice of Burma (DVB) on 14 March 2003, "We have been saying it since the beginning that the speed of the

releases of political prisoners is very slow. We have been saying it for ages, for years in fact - to release all political prisoners unconditionally," (source: "Interview with Daw Aung San Suu Kyi – Part I," DVB, 14 March 2003). Some political prisoners have had their sentences extended for allegedly trying to send information to the UN about prison conditions and for attempting to circulate news and written materials inside prisons.

Many have accused the SPDC of holding political prisoners hostage in the ongoing dialogue between the military junta and opposition groups. Despite releases that occurred during the year, the Assistance Association for Political Prisoners (Burma) (AAPP), listed 1,413 cases of political prisoners who remained incarcerated at the end of 2003. Among those are 1988 student leader Min Ko Naing, general secretary of the All Burma Federation of Student Unions (ABFSU) Thet Win Aung and NLD political strategist U Win Tin. Those prisoners who gained release in 2003 continued to have their freedom of expression and association severely restricted, and most were made to sign pledges that they would not engage in political activity. Additionally, freed political prisoners were regularly subject to harassment by government officials and had difficulty finding work or continuing their education. Information gathered by AAPP from recently released prisoners indicates the behavior of prison authorities and military intelligence towards both political and non-political prisoners remains brutal. At the time of writing at least 89 political prisoners had died in Burma's prisons since 1988. (Source: AAPP, 2004)

3.2 Black Friday

"I can say that there is Prima Facie evidence that the Depayin incident could not have happened without the connivance of State agents."

- Professor Paulo Sergio Pinheiro, the United Nations Special Rapporteur on Human Rights in Burma. (Source: "Situation of Human Rights in Myanmar," United Nations General Assembly 2003, Fifty eighth session, Agenda item 117 (c), 12 November 2003)

In 2002, NLD offices were allowed to reopen and Aung San Suu Kyi was released from 19 months of house arrest in May 2002 giving rise to hopes of improved political conditions throughout the country. At the same time, UN Envoy Razali Ismail had been brokering secret talks between the SPDC, NLD, and Aung San Suu Kyi since 2000. Yet, by the beginning of 2003, the dialogue had reached a stalemate. Despite the fact that NLD offices were officially allowed to open and the NLD was able to tour the country, Aung San Suu Kyi and members of the NLD faced increasing harassment from members of the USDA or villagers organized by the USDA as they engage in campaign trips. This harassment came to a head on 30 May when Aung San Suu Kyi, Vice Chairman U Tin Oo, NLD members, and NLD supporters were attacked on the way to Depayin, Sagaing Division during the NLD's Kachin State tour. As the entourage was on its way from Budalin to Depayin and just past a village called Kyi, two Buddhist monks blocked their way, requesting Aung San Suu Kyi give a speech. The convoy of NLD members and supporters were then attacked by people from behind with bamboo sticks and iron rods. Aung San Suu Kyi's car was attacked from the left side, and many of those responsible for her security suffered severe injuries as they blocked the attackers from her car with their bodies. Aung San Suu Kyi's driver managed to speed out of the mayhem and reached Ye Oo, where she was arrested. Many other NLD members, supporters, and local villagers were killed or suffered severe injuries, including NLD deputy chairman, U Tin Oo. Hundreds of NLD members were arrested in connection with the

incident. Aung San Suu Kyi was initially detained at Insein prison following her arrest then transferred to a military intelligence unit. U Tin Oo was also detained at Kale Prison in Kale, Sagaing Division. The SPDC indicated that the two were being held under “protective custody” and would be released when the situation in the country became stable again. At the time of this report, Daw Aung San Suu Kyi remained under house arrest at her family home in Rangoon and U Tin Oo remained in Kale Prison in Sagaing Division. (Source: *The Second Preliminary Report*, The Ad Hoc Commission on Depayin Massacre (Burma), May 2004)

The SPDC claimed that only four people were killed and 50 were injured in the attacks, which they contend were instigated by the NLD. Yet, eyewitness accounts and unofficial sources report the numbers of dead, wounded, and missing were much higher. According to the National Coalition Government of the Union of Burma (NCGUB), the exiled government comprised of representatives elected in the 1990 elections, 11 people were killed. Moreover, the NCGUB claims 103 people were arrested on the night of the attacks including all the front line leaders and many NLD MPs. After the incident, 48 people went missing and another 147 were arrested. Eighteen NLD MPs were imprisoned before the incident, and a further 25 were imprisoned after. As of 31 July 2003 there had been 38 people released (source: NCGUB, 21 July 2003). On 1 July 2003, AAPP reported 69 people were being detained, 94 were missing and 10 were killed in conjunction with the attack at Depayin (source: “NLD Supporters Tried,” DVB, 1 July 2003). Yet, due to the fact that the SPDC has not allowed for an independent and transparent investigation into the events of 30 May, the exact numbers of dead, wounded, missing, and detained remain unknown.

Following the Depayin Massacre the SPDC commenced a severe crackdown on NLD members, with countless arrests occurring all over Burma. At the end of February 2004, the AAPP reported approximately 265 people were either killed, detained or missing in conjunction with the massacre at Depayin and the ensuing crackdown on the democracy movement that continued throughout the second half of 2003. (Source: AAPP, 29 February 2004)

Arrests of NLD Members Following the Depayin Massacre - Partial List of Incidents

On 31 May, 2 secretaries from the Kachin State NLD, 1 of the 2 was named U Ne Win though the other's name was unknown, were arrested. In addition, a lawyer was arrested. All were reportedly arrested by Military Intelligence. (Source: “More Arrests of NLD Members in Kachin State,” DVB, 24 June 2003)

On 1 June, the NLD chairman of Kachin State, U La Seng, was arrested. (Source: “More Arrests of NLD Members in Kachin State,” DVB, 24 June 2003)

On 4 June, 3 NLD members from Chin State: U Aung Thang (age 38), secretary of NLD for Matupi Township; Salai Pa Thang (age 32), a local student leader and a final year law student at the University of Mandalay; and U Hla Moe (age 40), were reportedly arrested by military authorities and sentenced to 11 years in prison. (Source: “3 NLD Leaders in Chin State Sentenced to 11 Years in Prison As Post-May 30 Crackdown Continues,” Khonumthung News Group, 26 June 2003)

On 16 June, 6 youth members of the NLD in Dala Township and 1 member from South Okkalapa, Rangoon were also arrested reportedly by Military Intelligence. (Source: "Mores arrests of NLD Members in Kachin State," DVB, 24 June 2003)

On 15 June, 8 NLD youth were arrested, among them were: Ko Maung Maung Lay of Kyimyintaing NLD Youth; Ko Ne Win of Lanmadaw NLD Youth and Ko Myin Htay of Tamwe NLD Youth. The names of the other 5 young people, and their whereabouts were not known at the time of this report. Yet, on 1 July it was reported that the 8 were being tried at the Botahtaung Court in Rangoon. The charges were unknown. (Source: "NLD Supporters Tried," DVB, 1 July 2003)

On 6 July, Ko Than Aung, the chief organizer and Ko Aung Thein Myint, a youth member of Natmauk Township NLD Youth were reportedly arrested by military intelligence in Magwe Division. On 8 July, the chairman of Yenaungyaung, U Khin Win, and the secretary U Maung Maung were also arrested by military intelligence. The 4 were reportedly arrested for trying to organize MPs to sign a letter asking for the release of all of who were detained following the attack at Depayin to be sent to Sr General Than Shwe. The letter was written by the Magwe Division NLD. (Source: "NLD Members Arrested in Magwe Division," DVB, 10 July 2003)

On the night of 10 July, 3 NLD women members: Daw May Hnin Kyi MP of No.1, Mogok Constituency, living in Rangoon; Daw Myint Myint Sein the chairperson of Central NLD Women; and Daw Leh Leh the treasurer of Central NLD Women, were arrested by military intelligence. It was thought they were arrested because they sent a letter to General Than Shwe asking for the release of all detained following 30 May, for NLD offices to be allowed to open, and for an independent investigation into the events of 30 May. (Source: "NLD Women Detained for Writing to General Than Shwe," DVB, 11 July 2003)

On 20 July, 4 NLD members from Sintku Township, including Chairman U Sein Htun and Secretary U San were each sentenced to 2 years imprisonment. The other 2 members were U Hla Shwe and Ko Thet Naing. U Ko Gyi, father of Kyaw Soe Lin who drove Daw Aung San Suu Kyi's car during the Depayin trip was arrested on 23 July after meeting his son at Khamti prison. The vice chairman U Saw Htee and Secretary U Kan Htun of Mandalay Division NLD were arrested on 18 July, the same day the junta claims to have released 91 detainees arrested on 30 May. These 3 NLD members were put on trial at Chanaye Thazan Township court. (Source: "Four Township NLD Members Imprisoned for 2 Years: 3 from Mandalay on Trial," NDD, 28 July 2003)

On 23 August, NLD youth members from Kemmendine Township were arrested after handing out leaflets protesting the events of 30 May and the military's refusal to implement democratic reforms. The leaflets were copies of a widely disseminated letter that was sent to the Committee Representing the People's Parliament (CRPP). (Source: "Burmese Youths Arrested for Distributing Leaflets on May Clashes," DVB, 23 August 2003)

On 5 September, members of the NLD Youth Wing, Ko Thein Naing Oo and Ma Tin Tin Nyo from Dala Township were both sentenced to 7 years in prison after having distributed leaflets referring to the 30 May incident near Depayin, Sagaing Division. The 2 youths were charged with allegedly attempting to incite the people to revolt under Article 5(j) of The 1950 Emergency Provisions Act. (Source: "NLD youth sentenced," DVB, 16 September 2003)

In mid-December, Than Soe (female, age 35) of Laung Lon Township, Nyi Nyi Lay (age 20) of Tha Yet Chaung Township and Phoe Pe (age 19) of Tha Yet Chaung Township, NLD members of Tennasserim Division were arrested. The reasons for their arrests are still unknown. These repeated arrests are said to be following visits of human rights officers from the United Nations and Amnesty International. According to AAPP, "the arrests of NLD members inside Burma after the violent attack on May 30 are still continuing. As the arrests continue inside Burma, we denounce the military government that usually talks about rebuilding democracy in Burma." (Source: *Asian Tribune*, 2 January 2004)

On 22 December, the SPDC arrested NLD members among them were: Tin Myint (female); Hnin Pa Pa (female); Hla Soe; Hla Oo; Myint Oo; Thaung Win; Aung Aung; and Kyi Win of Mandalay Division. In addition, although several other NLD members were released from prison, they were re-arrested again and sent back. They were originally victims of the attack on 30 May 2003 at Depayin and had been arrested and released previous to this secondary arrest. It was expressed that these re-arrests indicated that the SPDC was trying to give the international community a false impression using the manipulation of release statistics. (Source: "'Arrest-spree' by Burmese Junta of NLD Members in Mandalay and Tennasserim Division continues," *Asian Tribune*, 2 January 2004)

3.3 Denial of a Fair and Public Trial

"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

- Article 10, of the Universal Declaration of Human Rights.

"Today in Burma, if you have more money than your opponent you will win the case... those who don't have money always lose... The judges these days are taking bribes to buy houses and cars, not just for their basic needs."

– High Court Lawyer from Rangoon (Source: "Justice in Burma?" DVB, 28 February 2003)

While the legal system in Burma is comprised of elements of what was set in place under the British, it remains flawed, particularly in political cases. In 1950, the Emergency Provisions Act was introduced and Article 5(j) cites, "he who causes or intends... to disrupt the security or the reconstruction of stability of the Union..." may be subject to 7 years imprisonment, a fine, or both. It has been conjectured that this act was passed soon after Burma gained independence from the British as a means to contend with internal ethnic resistance. Yet, this act is often used to detain political prisoners. According to the AAPP, there were a minimum of 670 political prisoners held under this act in 2003, just under 50% of all political prisoners. This figure could be much higher as information about the articles under which some prisoners are detained is not available. Additionally, in 1975 the Burma Socialist Programme Party (BSPP) passed the State Protection Act to protect the State from "potentially destructive elements." Articles 10, 14 and 22 of this act allow for an individual to be detained for up to five years without a trial, and to be re-detained after their initial sentence has been completed and they have been released if they are still considered a threat to the State. Political prisoners held under these articles without a trial are often denied rights that are

afforded to prisoners who have already been sentenced. For example, under article 10(a), a detainee can be denied visiting privileges and may be put into solitary confinement.

Consistent with previous years, the SPDC maintained complete control over the legal system and remained unbound by any legislation or constitutional provision for a fair trial, due process of law or any other rights in 2003. The SPDC undertakes the appointment of Judges of the Supreme Court, and the Supreme Court in turn selects judges for and supervises the lower courts. Yet, selection of lower court judges is only made with the approval of the SPDC. Judges may be subject to arbitrary removal at any time at the hands of the SPDC as the Judiciary Law does not include any provisions on the security of their tenure. The military's power over the judges and the courts renders the courts unable to protect the rights of victims of oppression. In addition, the SPDC has created a myriad of decrees, which limit and repress political activity and various freedoms such as thought, expression, association and movement. Emergency laws are also in place and referred to. The courts are unable to challenge or eliminate this repressive legal system.

In February, the SPDC's information committee was reported to have claimed that "every Burmese citizen is equal under its legal system" (source: "Justice in Burma?" DVB, 28 February 2003). Yet, in reality political prisoners remain discriminated against and denied not only a fair trial but instead receive an extremely corrupt one, or no trial at all. Some court officials reportedly continued their unprofessional behavior by using overly broad laws including the Emergency Provisions Act of 1950, the Unlawful Associations Act, the Habitual Offenders Act and the Law on Safeguarding the State from the Danger of Destructionists. All of these laws were used to convict political detainees and manipulate the courts to facilitate political ends. Judges on township, district, and division levels as well as government lawyers and legal advisors have been reported to accept bribes. In addition, cases of lawyers losing their license to practice due to taking on political cases have been reported. Other lawyers are reportedly fearful of this consequence of representing political detainees. While some basic rights to due process of law, a fair and public trial, and legal defense are usually respected, the government denies these rights in political cases deemed to be especially sensitive. In criminal cases, however, this right was generally respected. Defense attorneys are permitted 15 days for preparation, and another 15 day delay if requested, and can call and cross-examine witnesses and plea-bargain with the judge to obtain a shorter sentence for their clients (source: "Justice in Burma?" DVB, 28 February 2003).

Reportedly in 2003, no trials of political prisoners, including NLD members, were open to the public, and in many cases reported details of the case were not even available to the defendant's immediate family; such as the reason for arrest, sentencing or location of the person detained. Frequently the detainee is not informed under which section or article he or she is being detained. In addition, detainees rarely have access to legal counsel or the opportunity to obtain release on bail. The accused may be held for lengthy periods of time without any communication. Trials for political detainees are normally held in courtrooms on prison compounds, in a "special court", and defendants are given little chance to speak, are ignored when they do make statements and certainly are not permitted to properly defend themselves. Even after being charged, political prisoners are still denied the right to proper legal counsel. Any defense counsel that may be present at the trial serves little or no purpose as it has been reported that "senior military authorities dictate verdicts in political cases, regardless of the evidence or the law," (source: *Country Reports on Human Rights Practices-2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). There have been cases reported where Military Intelligence has passed sentence orally

at the time of arrest. (Source: AAPP; *Myanmar: Justice on Trial*, Amnesty International, 30 July 2003)

The UN Special Rapporteur on Human Rights in Burma, Professor Paulo Sergio Pinheiro, in his report to the 60th Commission on Human Rights expressed that he continues to be very concerned about detainees either in pre-trial detention or during trial, who are kept in incommunicado detention. Before and during trial, they are not allowed to receive visitors or parcels, from their families. He stated, "the time between the arrest and the start of the trial is too long, and in many cases detainees are informed of the charges against them only when their trial starts. In addition, the right to a fair trial continues to be denied to political detainees. More often than not, they do not have access to lawyers or, if they do, are not allowed sufficient time to consult with their lawyers to prepare their defense adequately. In most cases, they meet their lawyers, if at all, on trial days." (Source: "Situation of Human Rights in Myanmar," *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council, Agenda item 9, 5 January 2004)

Following their first ever country visit to Burma, Amnesty International released *Justice on Trial*, in which Amnesty's concerns about the administration of justice and the SPDC's reactions to these concerns were reported. Referring not only to international standards but to the Myanmar Criminal Procedure Code as well, AI expressed strong concerns about trial and sentencing in Burma. Their concerns included the "lack of independence of the judiciary; inability of defendants to call and question witnesses; denial of the right to counsel; lack of judicial appeal; and trials held in camera, in violation of the right to a public trial. Another major problem is the fact that defendants in political cases do not have adequate time to prepare a defense, with or without a lawyer." Moreover, Amnesty expressed concern that the majority of political prisoners receive sentences that are the maximum length possible under the provision of the law under which they are being charged. (Source: *Myanmar: Justice on Trial*, Amnesty International, 30 July 2003)

There are countless examples of political prisoners being denied a fair and public trial. In early September 2000, five NLD members were arrested: U Naing Naing, Chairperson of the Township Organizing Committee, Pazundaung Township, Rangoon Division; U Aung Myint (Pyapon Ni Lon Oo), Chairperson of the Township Organizing Committee, Bahan Township, Rangoon Division; U Soe Han, Division Organizing Committee, Rangoon Division; U Tun Myint, in charge of the Research Department, NLD head quarters; and U Aye Kyu (Monywa Aung Shin), executive member of the Division Organizing Committee, Sagaing Division. All were second line NLD leaders and highly respected by their community. Previous to their trial they were interrogated by MI and were pressured or tortured in order to obtain confessions. They did not have any legal aid or defense. The judges made their rulings based on the evidence of the plaintiff and the prosecution witnesses, who were the authorities. The evidence of the defendants was ignored. The authorities sentenced each of them to 21 years imprisonment with hard labor for writing a statement asking for the freedom of their leaders (source: AAPP, 2004). According to the Universal Declaration of Human Rights these arrests should never have happened, however the denial of the presumption of innocence and of any form of justice within the trial process is iniquitous.

3.4 Life of Prisoners

"No one shall be subjected to... cruel, inhuman or degrading treatment or punishment."

- Article 5 of the Universal Declaration of Human Rights, 10 December 1948

"I'm not a criminal but I was treated worse....I have spent many hours and been treated as a beast."

- Moe Aye, a former Burmese student political prisoner (Source: Moe Aye, "Ten Years On, The Life and Views of a Burmese Student Political Prisoner," March 1999)

Prison conditions in Burma remain, as in previous years, appalling, and at least 20 out of Burma's 39 prisons detain political prisoners. Prison conditions in Burma meet very little of any international standards such as the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, and the Body of Principles for the Protection of All Persons Under Any forms of Detention or Imprisonment. Prison conditions in Burmese even fail to meet the standards set forth in the rights entitled to prisoners by the Union of Myanmar Prison Manual under Burmese law. For example, Chapter 11, Article 59[5] of the Union of Myanmar Prison Manual states: 'A prisoner who has acted in accordance with prison regulations has the right to parole at least 60, 70 or 90 days a year.' However, political prisoners are more often than not denied this right and if they are offered their legal right to parole it is only on condition they sign an agreement with reference to section 401/1 of the Criminal Procedure Code, which in all probability means they will be re-arrested and the rest of their previous sentence will be added to their new sentence. (See section 3.8 on Release for further details.)

Prisons in Burma are places where human rights violations and brutality are everyday occurrences. Abuses include prolonged shackling, torture, lack of proper medical care and insufficient food. Prison conditions in Burma by themselves constitute cruel, inhumane and degrading treatment in other parts of the world. Prisoners are subject to severe overcrowding as they are normally held in cells measuring 2.6 x 3 m (8 x 12 ft.) with three or four inmates per cell for an excess of 20 hours per day. Prisoners sleep, eat and defecate within the cell, sometimes being supplied with only one bowl of water between them to be used for drinking, cleaning and washing. Prisoner's diets are completely inadequate, often consisting of only one meal each day, typically rice and thin bean soup or vegetables, sometimes supplemented with a small piece of fish or meat once a week.

Consequently many prisoners suffer from health complaints which can lead to serious illness or even death. The most common diseases among prisoners are gastrointestinal diseases (amoebic dysentery, bacillary dysentery and diarrhea), jaundice (viral and amoebic hepatitis), AIDS, tuberculosis, and skin diseases. Due to poor sanitation, unclean and semi-cooked food, dirty kitchens, polluted surroundings, and lack of ability to maintain personal hygiene (particularly because of poor water supplies) disease is easily spread. The U.S. Department of State reported that in 2003, prison conditions generally remained "harsh and life threatening," and that "HIV/AIDS infection rates in prison reportedly were high due to communal use of single syringes for injections." (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

During the year, the health of several political prisoners deteriorated due to the poor conditions. According to the U.S. Department of State, "food, clothing, and medical supplies reportedly were in very short supply and that prisoners were forced to rely on their families, who were allowed to visit once every two weeks for 15 minutes per visit, for basic necessities." However this privilege is not often afforded to political prisoners who purposely get sent to prisons in remote areas far away from their families as part of the SPDC's effort to break their spirit. MI officials and local authorities often intimidate and persecute the families, sometimes confiscating their belongings and causing them to lose their jobs so that in the end, they find it very hard to provide regular support for their imprisoned family member. Moreover, until political prisoners have been officially charged with a crime, their families are not permitted to visit or send critical supplementary food or medical supplies. In some cases reported, detainees had to wait years to be officially charged and others were not allowed to receive family visits until months after sentencing. In his report to the 60th session of the Commission on Human Rights, UN Special Rapporteur Paulo Sergio Pinheiro, expressed concern at the quality of food, and lack of basic necessities, as well as the practice of keeping political prisoners in solitary confinement, in detention locations far from prisoners' homes and the lack of privacy during family visits.

Burmese law states that prisoners should have access to reading materials and to be allowed read and write letters, however this is not common in prisons in Burma, and sometimes prisoners can only have written contact with their families when the ICRC visits the prison. In many cases, prisoners caught with paper or pens are brutally beaten or put in solitary confinement for many days as a punishment. In recent years restrictions on books have been slightly relaxed, and since 1999 some prisons have allowed prisoners to read religious books and magazines.

According to the SPDC, political detainees are separated from common criminals, juveniles from adults, and men from women. They are not allowed to communicate with each other and apart from the political prisoners who are put in solitary confinement, an unknown number are forced to perform hard labor in their respective prisons on a daily basis. The International Committee of the Red Cross (ICRC) reported that the SPDC's stated position is that political prisoners should not be subjected to hard labor. Political Prisoners who protest of abuse and ill treatment by prison officials are frequently given both severe punishments and additional prison terms.

Despite international monitoring of conditions in Burmese prisons, maltreatment of prisoners has continued to be consistently reported. Yet, numerous prisoner testimonies indicate that conditions did improve temporarily when international organizations visited. The ICRC has been visiting prisons in Burma since May 1999. In March 2000 the ICRC also began visiting labor camps and "government guesthouses," where NLD members have been detained without charge or trial since the party's announcement in September 1998 that they would convene parliament unilaterally. In 2002 ICRC reported its workers visited 3,000 prisoners in 44 places of detention. Moreover, ICRC reports that it has made more than 230 visits in 80 places of detention and registered some 5,800 detainees since 1999 (source: "Myanmar: ICRC prison visits continue," ICRC news 03/91, 5 August 2003). AAPP estimates that there are 100,000 prisoners in 39 prisons, over 70 labor camps, and numerous detention centers (source: AAPP, 2004).

During the year, ICRC believed prison conditions improved slightly from life threatening to poor, though life-threatening conditions could reappear (source: *Country Reports on Human*

Rights Practices - 2003, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). The authorities are always given prior notice of international inspection team visits and are therefore able to prepare for these visits resulting in conditions appearing not to reflect the true state of prisons. "Life threatening conditions" continue to be apparent, except when the prison is expecting a visit from an international body. In 2003 the ICRC claimed that its presence in Burma had improved human rights conditions, especially inside prisons, and that they have been able to make a difference in the lives of Burmese prisoners. Michel Ducraux, the ICRC's chief delegate in Burma claimed that there has been a marked improvement in the physical, material and psychological conditions of those jailed since Red Cross visits to prisons began in 1999. Some prisoners have also testified that in certain prisons this is in fact the case. (Source: Lisa Schlein, "Red Cross Claims Positive Impact on Burma Human Rights Conditions," Geneva, 7 April 2003)

Myaung Mya Prison Uprising

Approximately 1,000 prisoners are held in Myaung Mya prison located in Irrawaddy Division in lower Burma, 170 miles from Rangoon, at least 65 of which are political prisoners (source: AAPP, 2003). On the evening of 18 August 2003 prisoners demonstrated outside their cells, demanding basic rights. On 21 September Directors Ba Myint and Win Myint, jailers, over a hundred wardens, SPDC troops, and police raided the prison and shackled all prisoners who took part in the demonstration. Chief Director of the Prison Department U Ba Myint visited the prison to investigate the incident, and said, "Prisoners who demonstrated will not be punished." Despite this statement, the demonstrators were rounded up and beaten severely all that day. All wards and cellblocks were then closed and every prisoner in the prison was also beaten. As a result of the uprising, Irrawaddy Divisional Director Win Myint appointed Chit Ngwe as the new Warden, Ngwe Paw as the new jailer, and new prison staff.

Prior to being the divisional director, Win Myint had been the head warden at Thayawaddy prison, where he had cracked down on a demonstration in 1998, when political prisoners who had completed their prison terms demanded the release of all political prisoners who had completed their prison terms throughout the nation. One prisoner, Ko Aung Kyaw Moe, died after a cruel beating administered following that demonstration. Following Thayawaddy, Win Myint was employed at Insein Central Prison as the head warden. At Insein Prison in January 2001, he sent NLD elected representative U Toe Po, NLD members, and students who demanded their rights to the "Dog Cell" and beat them for one month. The "Dog Cell" is a cell notorious for severe punishment.

On 23 September 2003, 85 prisoners along with prison officers and wardens on duty during the demonstration were transferred. On 11 October, Win Myint returned to Myaung Mya Prison and beat all prisoners for one week. Then, on 13 December, he beat the prisoners for a third time. Under the authority of Win Myint, Officer Ngwe Paw, Officer Maung Pyone and Corporal Myo Lwin willingly participated in these beatings. Prisoners who were able to pay bribes did so in order to escape the beatings.

Win Myint was reported to have personally beaten political prisoners Phyo Min Thein and Phone Thet Naing with a bamboo rod and accused them of not sitting in the proper position. Another prisoner, Zin Bo (a.k.a) Tin Myint was also beaten, shackled, and put in solitary confinement allegedly because the authorities held a grudge against him over a prior dispute. Htoo Htoo Eel and Jame Hpaw Wah, Karen prisoners held under Article 17(1), were also beaten, shackled, and put into solitary confinement because they complained to Win Myint

that they were not provided with enough food. Ko Soe Thiha, held under Article 122(1) and sentenced to death, was also beaten, shackled and put into solitary confinement for alleged verbal spats with other prisoners. Win Myint ordered Ngwe Paw, Maung Pyone and Myo Lwin to put a bamboo rod coated with *Ngapi* (fish paste) into the rectum of Ko Shwe Kyin, who was accused of leading the demonstration by shouting slogans, and of refusing to say "I'm frightened" during the beatings he received. It was reported that Win Myint personally witnessed these abuses from beginning to end.

As a result of the severe beatings, Ko Thein Oo, a prisoner from Ward 3, died days later in the prison hospital. On 13 December, prisoner Ko Kalar Gyi reportedly fainted from fright when he heard that Win Myint would be performing weekly rounds of the prison. Thereafter, he was sent to an outside hospital and died from the wounds he had sustained during the beatings. Ko Aung Ko Lay, a prisoner originally from Labutta Township, reportedly became disabled and suffered psychological trauma as a result of the beatings. Tote Tote, Htay Htay and Than Than, prisoners from the women's ward, were taken to the main jail where they were accused of supporting the demonstration and beaten until they fainted. Ko Theik Oo, who had been assigned to paint the prison office as an outside board worker, was accused of trying to escape, beaten, shackled, and put into solitary confinement in special cell block No. 3. The harsh treatment and suffering of prisoners continued long after the uprising with incidences being reported most recently on 26 April 2004 when political prisoner Ko Daun Mon died of an aneurysm. (Source: "Aftermath of Myaung Mya Prison Uprising," AAPP, May 2004)

Hunger Strike for the Right to Books in Mandalay Prison

From 21 to 25 July, approximately 20 political prisoners in Mandalay Prison in Mandalay Division staged a hunger strike because prison authorities withdrew their right to read. Mandalay Prison is located 432 miles from Rangoon and holds approximately 5,000 prisoners 316 of which are political prisoners (source: AAPP, 2003). The protestors included Zin Mar Aung, Ohmar and Ma Ni, three women who were arrested for their part in the 1996 demonstrations. The protestors' three demands were for the authorities to return the books they had confiscated, to permit new books to be read, and to let them watch television. Early in the year, authorities installed televisions in several prisons and granted some political prisoners permission to read books and magazines. Soon after the hunger strike was staged, prison authorities commenced negotiations which resulted in an agreement to return the books that were confiscated and to permit additional books to be read. Prison authorities, however, rejected the request for television viewing, saying they would not permit it. It was reported that the students called off the hunger strike in the evening of 25 July since two out of their three demands had been met. (Sources: "Conditions of the Political Prisoners in Monywa Military Hospital," DVB, 6 August 2003; "Hunger Strike Over Reading Ban," *Irrawaddy*, 6 August 2003; and "Student Political Prisoners Win Right to Books after Hunger Strike," DVB, 11 August 2003)

Reports from Prisons in Burma

Tharawaddy (Thayawaddy) Prison

(Please see "Letter #1" in section 3.17 Appendix 1 for a report from AAPP to Paulo Sergio Pinheiro regarding the conditions of detention and notification of incidences at Thayawaddy Prison, and Interview #1 with Ain Thi and #2 with Yin Htwe, in section 3.10 Personal Accounts of this chapter.)

Shwebo Prison

On 8 October 2003, it was reported that political prisoners who were arrested during the Depayin incident were being detained in Shwebo Jail, kept in prison cells with leaky roofs, and as a result were suffering from coughs and colds. Shwebo Prison is located in Sagaing Division in upper Burma, approximately 503 miles from Rangoon. There are around 10 political prisoners held there (source: AAPP, 2004). U Hla Myint, the chairman of Amarapura Township NLD, was being held there and was reportedly suffering from pains in his fingers which were broken during the assault near Depayin. When he reported his condition to the prison medic, he was only given sleeping pills instead of proper treatment. His family members reported the situation to the authorities. As a result, he was allowed to receive treatment from an outside doctor but he was still kept in a cell with a leaky roof during the wet season. According to U Hla Myint's daughter, U Hla Myint and other prisoners were suffering from coughs and colds due to staying in cells with leaky roofs. It was further reported that their eyes were stinging and they had to sleep on a wet floor. (Source: "Political prisoners in Burma," DVB, 8 October 2003)

Sittwe Prison

At the end of May 2003, Narinjara News reported that severe food shortages at Sittwe Prison had reached a critical stage and were causing dozens of prisoners to die each month from malnutrition and related diseases. The prison, which has the capacity for 1,600 to 2,000 inmates, had reportedly been facing the food crisis for a long time and the authorities had not taken any steps to address the problem. It was further reported that there were instances of death caused by prolonged malnutrition, which resulted from insufficient and inadequate food supplies.

Sittwe Prison is located in Sittwe, the capital of Arakan State, 590 miles from Rangoon. At the time of this report, there were seven political prisoners in detention there. Many of the prominent political activists of the 1988 Burmese Democracy Movement including student leader Min Ko Naing have spent their prison terms in Sittwe.

It was reported that 70-year-old U Maung Shwe Khaing, who had been in Sittwe Prison for three years accused of possessing a picture of the Bamien Buddha Statue, could not eat the food supplied by the prison authorities because the quality was so poor and inadequate. His relatives were paying a 10,000 kyat monthly bribe to the prison officials in order to send him home cooked food. Moreover, it was reported that the lack of food in the prison was causing more relatives of detained persons to pay monthly bribes ranging from 10,000 to 30,000 kyat in order to send food. For political prisoners, the bribe is reportedly more than for other prisoners. (Source: "Food Shortage in Sittwe Prison," Narinjara, 29 May 2003)

3.5 Political Prisoners in Poor Health

"Because the junta's health is inversely proportional to the health of its political prisoners, policy and practice works towards the continued suffering of political prisoners and slow destruction of their physical and mental health."

- Excerpt from "Statement on Political Prisoners' Health in Burmese Prisons" made by AAPP on 5 March 2004

In March 2004, AAPP reported that there were at least 51 political prisoners in Burma suffering from serious illnesses, and 144 political prisoners who are in need of urgent healthcare (source: AAPP, 6 March 2004). (Please see section 3.17, Appendix 2, at the end of this chapter for a full list of political prisoners suffering health problems). Common diseases in prisons include heart attacks, hypertension, anemia, diabetes, gastric ulcers, piles, diarrhoea, depression, stroke, skin infections, malaria, vision impairment, amoebic hepatitis, dysentery, and HIV/AIDS. Some prisoners have lost their lives in prisons due to the inhumane conditions and resulting diseases. Insufficient or inadequate food resulting in malnutrition; prolonged imprisonment in unsanitary and overcrowded conditions; beatings and torture in interrogation centers and in prison; inadequate healthcare; inaccurate diagnosis; lack of medicine and proper treatment; and insufficient medical personnel and equipment all contribute to the deterioration of the health of prisoners. According to AAPP, there are currently 21 political prisoners over the age of 65 in Burma's prisons, eight of whom are MPs.

Prisoners Suffering from Health Problems - Partial List for 2003

Khin Zaw Win



Khin Zaw Win (age 52), a dentist and researcher, was arrested in 1994 at Rangoon airport on his way to Singapore for carrying documents concerning the NLD. He received a 15-year sentence. On 23 September 2004, UNESCO appealed for his release saying, "He is said to be suffering from several medical problems exacerbated by harsh conditions and insufficient medical care." (Source: "UNESCO Appeals for Release of 'Political Prisoners' in Laos, Myanmar," AFP, 24 September 2003)

Pyone Cho

Pyone Cho, now in his late 30s, was arrested in 1989. As a graduate student at Rangoon University, he played a key role in the pro-democracy uprising in August 1988. After being arrested, Pyone Cho was detained for almost 3 years without trial in Insein Prison. He was sentenced to 7 years under Article 5(j) of the Emergency Provision Act. In 1996, authorities added another 7 years to his term after he, and 23 other prisoners, secretly wrote, illustrated and published periodicals inside the prison and sent letters to the UN complaining about prison conditions. In November 1997, he was transferred from Insein to Thayawaddy Prison. His vision weakened soon after he was transferred, but his disease was never diagnosed and he never received proper treatment. After spending 14.5 years in 2 of Burma's most notorious jails, authorities moved him to the hospital at Insein Prison in March 2003 after his eye problems worsened. Pyone Cho, also known as Htay Win Aung, said he was receiving regular treatment for his eye disease at a Rangoon hospital, but was unsure whether his sight

would ever return to normal. "Even if the treatment is successful, it will take a long time for my eyes to recover," he said. Pyone Cho is a leader of the Rangoon University Student Union and a colleague of renowned activist Min Ko Naing. His brother, Thet Win Aung, another student activist, is currently serving a 63-year prison term. (Source: "Student Activist Released, Suffers Eye Disease," *Irrawaddy*, 28 Nov 2003)

Ko Aung Tun



Ko Aung Tun son of U Thar Tun was a student at Rangoon Institute of Technology, a member of ABFSU and author of the "Student History of Burma 1936-1988." He was arrested on 17 February 1998 and is being held in Thayawaddy prison under Article 5(j) of the 1950 Emergency Provision Act, Article 17(1) of the 1908 Unlawful Associations Act and 17(20) for a sentence of 17 years. In February 2003, he urgently needed a medical examination following an operation on one of his legs. Recently his family requested treatment for him twice from the authorities. While he did receive a minimal medical check, he has largely been ignored and has received inadequate care. (Source: AAPP, 28 February 2003)

Ko Myat San

Ko Myat San son of U Min Nwe Swe is a member of the Tri Colour Group, responsible for the security of Daw Aung San Su Kyi. He was arrested in December 1991 and was first sentenced under Article 5(j) of the 1950 Emergency Provision Act. When he completed his initial sentence, he was further held under Section 10(a) of the 1975 State Protection Act. He is sentenced to 20 years in prison. He has been having a problem with his stomach and has gout. He is currently in Taungoo at the prison hospital, inside the prison; however conditions there are very poor. He is in need of proper treatment. (Source: AAPP, 28 February 2003)

Ko Thet Win Aung



Ko Thet Win Aung was arrested in October 1998 and was sentenced to 60 years imprisonment by summary trial. He was then transferred to Kale prison where he participated in a hunger strike for political prisoners' rights and was moved again to Hkamti Prison. In 2003, he was relocated to Mandalay prison due to his poor health. Although he was transferred in 2003, he is still reportedly in Mandalay hospital suffering from cerebral malaria and depression. (Source: AAPP, 6 March 2004)

Ko Tin Aye



Ko Tin Aye was arrested in 1989 and given 20 years imprisonment by a Martial court. Although his original imprisonment was 20 years, the State Law and Order Restoration Council (SLORC) reduced his term to 10 years in 1993. After he had served his sentence, the authorities failed to release him and extended his sentence under Section 10(a) of the 1975 State Protection Act. He was also reportedly transferred to Mandalay hospital, although there was no information available as to why. (Source: AAPP, 6 March 2004)

Ko Ye Htun Kyaw

Ko Ye Htun Kyaw was arrested with Ko Thet Win Aung in October 1998, and given 20 years imprisonment. He was moved from Insein to Mandalay prison. In March 2004, the AAPP reported that he was in the hospital in Mandalay Prison, although there was no information available about his condition or diagnosis. AAPP indicated that they were extremely concerned about the health of these two student leaders, as they might die due to lack of facilities at the hospital. (Source: AAPP, 6 March 2004)

Nai Ngwe Thein



Nai Ngwe Thein was arrested in 1998 for urging the armed New Mon State Party (NMSP) to reconsider its position on its cease-fire agreement with the SPDC, and for supporting the Committee Representing People's Parliament (CRPP). He was sentenced to 7 years imprisonment with hard labour and sent to Moulmein Prison, Mon State (please see section 3.13 Ethnic Minorities of this chapter for Nai Ngwe Thein's complete profile). Proceeding April 2003, he had toothaches and urinary tract complications.

Although the prison doctor suggested that Nai Ngwe Thein be taken to a hospital outside the prison for treatment, the authorities did not agree to this suggestion. Nai Ngwe Thein was put in a small, dark cell and was only allowed outside of his cell for one hour each day. From 2:00 to 3:00 pm, he was able to shower and walk in the prison surroundings, after which he had to return to his cell. Normally, the cells are cool, as the prison is made of bricks and the weather in Moulmein is temperate. He was unable to move in his room for years.

On 5 April 2003 during his fourth year in prison, 80-year-old Nai Ngwe Thein suffered a severe stroke. The officers from the SPDC's Military Intelligence No.5 brought him to Moulmein public hospital in the capital of Mon State. The stroke affected the entire right side of his body and he was unable to move his right hand and leg. After 2 weeks of treatment in the hospital, he was sent back to his small cell again. As he is unable to move, other prisoners assist him in moving around, bathing and eating. According to a letter of March 2003 from the Mon National Council in Australia to the UNHCR in Thailand, Nai Ngwe Thein was reportedly suffering from diabetes and a kidney ailment. (Source: *The Mon Forum*, HURFOM, Issue No.6/2003, 30 June 2003; "Imprisoned Mon Leaders Health Worsens", Kao Wao, 10 February 2003)

Aung Zaya

Chairman of the Democratic Party for New Society, Aung Zaya, who was released this year after 11 years in detention. He became paralyzed from abuse and inadequate medical attention during his imprisonment and can now only crawl. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, United States Department of State, 25 February 2004)

U Myat Saing

U Myat Saing, the chairman of Taungdwinggyi Township NLD, was released on 17 July 2003 after he had a stroke affecting the left side of his body which rendered him unable to walk. The treasurer of Taundwinggyu NLD, U Thaung Sein, indicated, "He is unable to move his left hand and left foot but he is able to speak properly." He further indicated, "He is

treated by a physiotherapist and he is now able to sit up." On 30 April 2000, U Myat Saing and more than 30 other NLD members were arrested for having a dinner party the night before and were sent to Thayet Prison. Some of the youth were released 9 days after their arrest. Yet, 7 NLD township leaders, who were arrested at the time, including U Myat Saing were each sentenced to 7 years in prison. At the beginning of 2003, 6 of these members were released. U Myat Saing continued to be detained until July 2003, but his release was not unconditional. (Source: "NLD Leader Released Due to Poor Health," DVB, 31 July 2003)

U Tun Myint



U Tun Myint was arrested and imprisoned for calling for the release of all prisoners and a political dialogue at the end of 2000. He was arrested at the same time as the NLD MP U Naing Naing, U Aung Shin, Phyapon Nilon Oo, U Soe Han and U Sein Kyaw Maung. They were each sentenced to 21 years in prison. The chairman of NLD's Social Welfare, U Ohn Myint told the DVB that the health condition of U Tun Myint was deteriorating as he is suffering from urinal problems and is in need of an urgent operation. According to U Ohn Myint, "U Tun Myint's situation is quite critical. He was the Head Administrator of the NLD Head Office. We don't know whether he will get an operation but the doctors say that he should," said U Ohn Myint. He further indicated, "They are under detention in custody and it is not easy. They (prisoners) should be treated by the authorities because they are being imprisoned by the government." (Source: "U Tun Myint's Health Deteriorating", DVB, 21 January 2003)

U Win Tin



U Win Tin is a prominent writer and journalist, a Central Executive Committee member and one of the founders of the NLD. Win Tin is currently 74 years of age. He was arrested on 4 July 1989 and received a 20-year prison sentence. He is the only remaining senior member of the NLD, among those arrested in June and July 1989, who has not yet been released, and is being held under Article 5(j) of the 1950 Emergency Provision Act. In 1996, Win Tin received another 7-year sentence, following his participation in a report sent to the UN about human rights violations in Insein Prison (source: AAPP and AI, 2003). U Win Tin suffers from a heart condition and spondylitis (inflammation of the vertebrae), a painful condition that requires a special diet. In 1992, it was reported that he needed surgery, but SPDC authorities refused to transfer him to a hospital. In 1994, a US Congressman who was permitted to visit him in prison reported that Win Tin was in need of dental treatment and appeared to have problems with his vision. He was also wearing a neck brace that did not fit him properly, and was causing him discomfort. During that time, U Win Tin was being held in solitary confinement. In September 1997, he was admitted to Rangoon General Hospital due to heart problems. In 2002, it was reported that Win Tin was suffering from benign prostatic hypertrophy, bleeding pile, and hemorrhoids. He was then sent to Rangoon General Hospital, where he was placed in a Guard Ward. Doctors at the hospital informed military authorities that Win Tin would need to be operated on. However, the authorities refused to permit the operation. There were reports during 2003 that indicate the health of U Win Tin continued to decline. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, United States Department of State, 25 February 2004)

(For an update on Min Ko Naing please see section 3.6 Prolonged Detention of this chapter.)

MPs Suffering Health Problems in Prison

According to Amnesty International, on 4 February 2003, there were 18 MP's in custody. The majority of them were in poor health including at least four who were hospitalized (source: "Political Prisoner's Health deteriorating", DVB, 4 February 2003). As of March 2004 there were 15 MPs detained in Burma's prisons and most of them were in poor health. The following is a partial list of MPs who suffered health problems during their imprisonment in 2003.

Dr. Min Kyi Win

Dr. Min Kyi Win, a Mon National Democratic Front (MNDF) MP, has suffered from gastric problems. However, he also was unable to receive the regular and available foods in the prison. He is a medical doctor and he could not get the medicines he knew he needed. He was arrested in 1998 for urging the armed New Mon State Party (NMSP) to reconsider its position on its cease-fire agreement with the SPDC and for supporting the Committee Representing the People's Parliament (CRPP) along with Dr Min Soe Lin and Nai Ngwe Thein. He was sentenced to 7 years imprisonment with hard labour and sent to Moulmein Prison, Mon state. It was reported that he needed urgent medical treatment in March 2003. (Source: *The Mon Forum*, HURFOM, Issue No.6/2003, 30 June 2003 and "UN Urged to Pressure Myanmar to Release Ailing Mon Leaders," AFP, 5 March 2003)

Ohn Kyaing



Ohn Kyaing (a.k.a.) Aung Wint, son of U Ba Shin, is an NLD MP for Thingangyun constituency, Rangoon. He was arrested and sentenced to 17 years in 1991 under the Emergency Provision Act, Section 5(A), 5(B) and 5(J). He is in Taungoo Prison suffering from diabetes and hypertension. (Source: AAPP, 2004)

Dr. Min Soe Lin



Early this year, the General Secretary of MNDF, Dr. Min Soe Lin, was in critical condition with tuberculosis and it was feared he could die soon if he remained in jail, according to a letter to the UN, dated 28 February 2003. Dr. Min Soe Lin is MP elect for Ye-1 constituency in Mon State. Information revealed that prison doctors were not providing him with sufficient medicine for his condition. Although the prison doctor treated him regularly and provided him with medicines, his health condition was not improving. As he is also a medical doctor, he ordered better medicines from his wife but she could not bring them because the prison authorities only allowed family members to visit twice a month. Although he asked authorities for proper treatment, he was not permitted. The prison conditions also contributed to the serious nature of his health condition. Most prisoners do not have mosquito nets, good beds, clean water to drink, sufficiently nutritious food or medicines. Dr. Min Soe Lin has been in Moulmein Prison since he was arrested in 1998, along with Nai Ngwe Thein and Dr. Min Kyi Win. They were all sentenced to 7 years

imprisonment with hard labour. (Source: HURFOM, Issue No.6/2003, 30 June 2003 and "UN Urged to Pressure Myanmar to Release Ailing Mon Leaders," AFP, 5 March 2003)

Khin Maung Swe



Khin Maung Swe, son of U Maung Aye, is an NLD MP for Sanchuang constituency, Rangoon. He was arrested on 6 October 1994, and sentenced to 7 years under Article 5(j) of the 1950 Emergency Provision Act. He is in Myinyan prison, suffering from skin infections and hypertension. (Source: AAPP, 2004)

Soe Win

Soe Win (age 58), son of U Kyin Syne, was elected as MP for the National Party for Democracy, Pegu Division in the May 1990 general election. He holds a bachelor's degree in Economic and Industrial Production, and has served in the NLD's Information Department since 1990. During the 1988 peoples uprising, he was a bodyguard for Aung San Suu Kyi. His organization, the NPD was banned on 20 December 1990, and he has been working for the NLD since it was created. He is also a member of the Committee Representing the People's Parliament (CRPP), which was founded in 1998.

Soe Win MP was arrested after the 30 May 2003 massacre near Depayin. He was detained and interrogated between 5 June and 29 June 2003. During his interrogation, he was reportedly tortured. As a result, he received serious injuries to his head and right eye. On 29 June, military authorities sent Soe Win home, where he was unable to walk or speak and had very low blood pressure. Shortly after his release, he suffered a stroke. Military officials denied Soe Win had been beaten, saying he injured himself in a fall while in jail. After struggling with serious pain, the elected MP was admitted into the Asia Tawwin private hospital in San Gyaung, Rangoon in the early morning of 4 July. It was reported that an eye specialist who saw Soe Win said no treatment could restore his vision. A senior member of the NLD also quoted the physician as saying the disease was spreading to Soe Win's left eye as well. To avoid interrogation in custody, it was reported that he attempted suicide by taking an overdose of diuretics. He was reportedly still recovering in the hospital on 7 July but was unable to walk or speak for weeks. (Sources: "MP Released after Suicide Attempt," *Irrawaddy*, 7 July 2003; "MP Blinded by Torture," *Irrawaddy*, 25 August 2003; and "Torture or Death Sentence?" statement released by AAPP on 9 July 2003)

Sein Hla Oo



Sein Hla Oo, son of U Phoe Ba, is an NLD MP for Insein 2 constituency, Rangoon. He was arrested on 6 October 1994, sentenced to 7 years under Article 5(j) of the 1950 Emergency Provision Act and is now being detained under Article 10 (a) of the 1975 State Protection Act. He is being held in Myitkyina Prison and is suffering from hypertension. (Source: AAPP, 2004)

Naing Naing (Nine Nine)



Nine Nine (a.k.a.) Saw Naing Naing (age 62) is an NLD MP and son of U Saw Ba Thein. He was born on 3 April 1942 in Kyaik Hto, Karen State. He holds a Post-Graduate Diploma in Management and Administration from Rangoon University and was a government Trade Corporation Manager from 1967-1983 when he resigned from his job. He then worked as a consultant. After the 1988 uprising, Naing Naing became Chairperson of the Pazundaung Township NLD, and was elected Member of Parliament for Pazundaung constituency, Rangoon in the 1990 general elections. On 25 October 1990, Naing Naing was arrested and then sentenced to 10 years imprisonment. He served the next 9 years in Insein and Thayet Prisons. This time in prison significantly contributed to the deterioration of his health. Upon his release in 1999 Naing Naing became a leading member of the Supporting Committee to NLD Youth. Naing Naing was rearrested in 2000 for his prominent activities in this committee and his authorship of an article in the NLD bulletin. This was Naing Naing's second imprisonment by the SPDC. He was sentenced to 21 years imprisonment on 20 December 2000, under Article 5(j) of the 1950 Emergency Provision Act and 17(20), and is serving his time in Insein Prison. It was reported that in 2002, he was suffering from serious hernia complications and in October 2002 prison authorities denied Naing Naing's request for medical treatment. In December 2002, AAPP reported that U Naing Naing was getting swollen resulting from the serious health problems related his hernia. He is currently suffering from a gastric ulcer; coronary heart disease; hydrocoele; and according to laboratory examinations, he carries the micro-organism of elephantiasis. AAPP believes that, without proper medical care, his health will continue to deteriorate. (Source: AAPP, 2004)

Aung Soe Myint

Aung Soe Myint is an NLD MP for Taungoo constituency and son of U Ohn Kyaw. He was arrested on 31 August 2003 and sentenced to 7 years imprisonment under section 51. He is currently in Taungoo prison, suffering from diabetes and hypertension. (Source: AAPP, 2004)

Ohn Maung

Ohn Maung, son of U Shwe Hla, is an NLD MP for Nyaunglebin 1 constituency in Pegu. He was sentenced to 7 years under Article 5(j) of the 1950 Emergency Provision Act and is in Insein Prison, suffering from benign prostatic hypertrophy; heart disease; gastric ulcer; and a liver problem. (Source: AAPP, 2004)

Dr Than Nyein

Dr Than Nyein, son of U Maung Sein, is an NLD MP for Kyauktan 2 constituency, Rangoon. In 1997, he was sentenced to 7 years imprisonment under Article 5(j) of the 1950 Emergency Provision Act in Insein prison. He is now being held under 10(a) of the 1975 State Protection Act. We have no information regarding his disease. It was reported that in February 2003, it was not clear where the authorities were keeping the Kyauktan Township MP, Dr Than Nyein but he was transferred from Rangoon general hospital back to Insein Prison. (Source: AAPP and "Political Prisoners' Health Deteriorating," DVB, 4 February 2003)

Dr Zaw Myint Maung

Dr Zaw Myint Maung, son of U Chit Maung, is an NLD MP for Amarapura 1 constituency, Mandalay. He was arrested in November 1990 and sentenced to 37 years. He is being held under section 122(4) and 5(e) in Myitkyina Prison. He is suffering from a liver problem. (Source: AAPP, 2004) (For more information on Dr Zaw Myint Maung please see section 3.9, Political Prisoners: A few profiles in this chapter.)

3.6 Prolonged Detention

"I'll never die. Physically I might be dead, but many more Min Ko Naings will appear to take my place. As you know, Min Ko Naing can only conquer a bad king. If the ruler is good, we will carry him on our shoulders."

- Min Ko Naing, 1988

As of the end of 2003, the AAPP estimated at least 23 political prisoners remained imprisoned after having already completed their sentences (source: AAPP, 2003). At the same time, the U.S. Department of State estimates this number to be as high as 50. In 2003, a number of political prisoners released by the SPDC had already completed their prison terms and were being detained after having been given extensions of their original sentences under Article 10(a) of the 1975 State Protection Act, also known as the "Law Safeguarding the State from the Dangers of Subversive Elements." This law allows prisoners' terms to be extended by one-year intervals for up to five years by order of the Ministry of Home Affairs. In his report to the 60th session of the Commission on Human Rights, the UN Special Rapporteur expressed particular concern regarding prolonged detention stating, "This practice continues to be applied even to very elderly and infirm prisoners." Furthermore, he highlighted that the legislation allowing for prolonged detention is in clear contravention of international human rights standards. (Source: "Situation of Human Rights in Myanmar," *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council, Agenda item 9, 5 January 2004)

Some prisoners have had additional terms of detention added to their original sentence due to accusations of unacceptable behavior while in prison, such as procuring newspapers or writing to international organizations informing them of conditions inside prisons. (Please see Interview #2 with Yin Htwe in section 3.10 Personal Accounts of this chapter.) One political prisoner, U Win Tin, was originally sentenced to 3 years in prison, but his sentence was extended twice, most recently in March 1996, as a punishment for smuggling out a report to the United Nations describing the appalling prison conditions in Insein Prison.

In some cases, prisoners are given sentences that are far more severe than the "crimes" they have committed deserve. These sentences are often extended after further interrogation. A good example of this is Thet Win Aung, a.k.a. Moe Naing and a leading member of ABFSU, who was arrested in 1998 after running from the MI for two years. He was sentenced to 52 years imprisonment which was then extended to 60 years. If he serves his sentence in full, he will be nearly 87 years old when he is released. He was being held in Hkanti Prison, but the

latest information at the time of this report is that he was among some prisoners transferred to an unknown location.

Some prisoners have not been given an explanation for their prolonged detention. In some cases, prisoners who have served their sentences are reportedly taken to the prison gates as if to be released and then taken back to their cells. On 30 March 2003, Kyaw Hsan, a 74-year-old MP-Elect and retired army colonel, completed his politically motivated 10-year prison term and was in the process of being released. However, when in sight of his family at the prison gate he was forced to return to his cell. At the end of 2003, he was still being held indefinitely in prison (source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). There have also been reports of prisoners who signed an agreement of conditional release 3 times and have been promised release, yet each time they have remained in custody. Many have suffered from mental illness after experiencing this kind of systematic psychological torture. (Source: AAPP, 2003)

Min Ko Naing

Min Ko Naing, alias Paw U Tun, Chairman of ABFSU, was arrested on 24 March 1989 for opposition activities. He was held under the State Protection Act 10(a) until 1991 when the regime changed his charge to 124(d) and he was given 15 years imprisonment. This sentence was commuted to 10 years in 1993 under a general amnesty. While he completed his original 10-year prison sentence in 1999, Min Ko Naing was again subject to detention under the State Protection Act 10(a) allowing him to be detained for up to another 5 years. On 23 March 2004, he had been in prison for exactly 15 years. In July 2004, he completed the 5-year extension.

Min Ko Naing was initially detained in solitary confinement in Insein Prison, Rangoon but has been regularly moved from one prison to another. At the time of this report, he was detained in Sittwe Prison, nearly 600 miles away from his family in Rangoon. These moves have created difficulties for international organizations to monitor his condition. Min Ko Naing was reportedly severely tortured and ill treated during the early stages of his detention and his health has suffered as a consequence. He has been described as nervous, thin and pale. In their *Country Reports on Human Rights Practices - 2003*, the U.S. Department of State expressed "serious concerns" about the state of Min Ko Naing's health. On 25 October 2001, the United Nations Working Group on Arbitrary Detention (WGAD) ruled that his detention contravened the Universal Declaration of Human Rights, and called for the SPDC to take the necessary steps to release him. To date the regime has ignored the ruling (source: "WGAD Cites Arbitrary Detention," *Irrawaddy*, 3 November 2003). During his 15 years imprisonment, Military Intelligence personnell have visited him many times and tried to force him to sign an agreement indicating he would no longer be involved in politics after his release. He never signs. (Source: AAPP, 2003)

Political prisoners who have completed their sentences but remain imprisoned at the end of 2003:

Name	Prison
1. Aung Khin	Taungoo
2. Bo Bo Han	Mandalay
3. Htay Kywe	Thayawaddy
4. Htway Aung	Insein
5. Htwe Myint	Insein
6. Khin Maung Than	Mandalay
7. Khin Maung Ye @ Tin Aye	Mandalay
8. Ko Ko Gyi	Thayat
9. Kyaw Mya	Myingyan
10. Kyaw San	Insein
11. Min Ko Naing @ Paw Oo Tun	Sittwe
12. Myat San	Taungoo
13. Naing Myint @ Myint Soe	Mandalay
14. Nay Win, Dr	Myitkyina
15. Soe Myint	Mandalay
16. Than Naing@Pagan@Ko Oo	Taungoo
17. Than Swe	Unknown
18. Thein Than Oo	Mandalay
19. Thu Wai	Insein
20. Tin Aung	Kale
21. Tin Tun	Insein
22. Tun Oo	Mandalay
23. Ye Nyunt	Mandalay
24. Zaw Min	Thayet

(Source: AAPP, 2004)

3.7 Death in Custody

"The price of liberty has never been cheap, and in Burma it is particularly high"

- Aung San Suu Kyi

From the time of the 1988 uprising until 18 December 2003, at least 84 political prisoners died while in custody, according to prisoner rights advocacy group AAPP. At the time of writing, the figure had risen to 89. In 2003, one political prisoner death was confirmed, and several deaths were reported under disputed circumstances. Amnesty International compiled a list in 2003 of 17 persons who had disappeared throughout 2002 and were still missing at the end of 2003 (source: *Country Reports on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). In the beginning of the year, Tate Naing, secretary of the AAPP stated, "We now have nearly a hundred yet-to-be confirmed cases of political prisoners who have disappeared," (source: "Fears for Missing Political Prisoners", Irrawaddy, 27 January 2003).

Saw Sar Htoo Saw

On 12 December 2003, Saw Sar Htoo Saw from the Karen National Union (KNU) died from Tuberculosis in Insein Prison Hospital. He was arrested and sentenced to the death penalty in 1983. Due to a general amnesty in 1989, his death sentence was substituted with life imprisonment and he lived his last 20 years in prison. He was among other members of the KNU and Karen and Rakhine ethnic political prisoners, who were arrested and detained during the period of the Burma Socialist Programme Party (BSPP). They also have been detained in prisons continually throughout the successive regimes from the BSPP, to the State Law and Order Restoration Council (SLORC) and the current State Peace and Development Council (SPDC). The AAPP reported, "It is clear that these deaths in custody are the result of the unjust arrests of the military regime, detention by imposing long-term imprisonments and, at worst, the intentional negligence of the health conditions of political prisoners, thus breaking fundamental human rights in prisons". (Source: "Burmese Military Regime with No Trustworthiness," AAPP, 18 December 2003)

Tin Aye



On 8 September 2003, 74-year-old Tin Aye, former Chairman of the University Student Union, died, a month after the SPDC released him directly into the hospital from a lengthy prison sentence. (Source: *Country Reports on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

Four shot by authorities in hunger strike

On 5 September, seven political prisoners commenced a hunger strike in Bassein Prison, Irrawaddy Division, 140 miles from Rangoon, to protest the detention of Daw Aung San Suu Kyi. The participants of the initial hunger strike were Ko Aung Hlaing Win of Oaktwin (death sentence); Ko Myo Aung of Pegu (death sentence); Ko Myo Thant of Pegu, brother of Ko Myo Aung (death sentence); Ko Myo Minn Zaw of Bahan (52 year sentence); Ko Than Htay of Dawpone (21 year sentence); Ko Kyaw Zin Htway of Thinggangyun (28 year sentence); Ko Nay Aung of Pyinmana (8 year sentence). Their main demands were the immediate release of Daw Aung San Suu Kyi, the unconditional release of all political prisoners, the implementation of the 1990 election results, and the improvement of living conditions of political prisoners in all prisons throughout Burma.

On 14 September, prison authorities stopped giving water to the protesters. On 8 September, ordinary prisoners joined the political prisoners in their protest. According to the Democratic Voice of Burma, security forces came to the prison on 15 September and brutally suppressed the rebellion. The authorities were reported to have indiscriminately opened fire on the prisoners instantly killing at least four people, including some who were about to be released. Ten people were hospitalized and according to unconfirmed reports, seven of the wounded died later in the hospital. Approximately, 150 prisoners were taken away from Bassein Prison on two TE trucks, but it is not known where they were taken. At the time of this report, no additional information had been released. (Source: "Prisoners Stage Hunger Strikes in Bassein Prison," DVB, 10 September 2003; "Prisoners Shot Dead in Bassein Prison," DVB, 16 September 2003)

3.8 Release of Political Prisoners

"When any person has been sentenced to punishment for an offence, the President of the Union may at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced."

-Section 401/1 of the Criminal Procedure Code.

The SPDC's release of approximately 300 political prisoners in 2002 including NLD General Secretary Aung San Suu Kyi, gave rise to hopes of progress towards political changes in Burma. Yet, 1,300 political prisoners remained in detention and the rate of releases slowed considerably. In 2003, there were between 36 and 50 released political prisoners reported, who were arrested prior to the attack on the NLD at Depayin on 30 May. During the 30 May attack, the SPDC detained over 100 NLD supporters and by the end of the year, all except 14 were released. At the end of 2003 there were still over 1,300 prisoners being detained for expression of their beliefs in Burma's prisons, including NLD leaders Aung San Suu Kyi and U Tin Oo. At the beginning of November 2003, the UN Special Rapporteur Paolo Sergio Pinheiro, demanded the junta release all political prisoners from their prison "hell," and further expressed his frustration and embarrassment at the lack of progress on the issue. (Source: AFP, 10 November 2003)

Throughout the year, it was increasingly reported that political prisoners were released based on their sentences being suspended after signing a document in reference to Section 401/1 of the Criminal Procedure Code. Essentially, this is an agreement by the prisoner that following their release they will not engage in political activities or associations of any kind, with the threat of being rearrested and having the remainder of their previous term added to a new sentence. This agreement gives the SPDC the power to release the prisoner and simultaneously maintain the ability to rearrest the prisoner at will. (For more information please see Interview #1 with Aae Mondarar, in section 3.17 Appendix 1 of this chapter.)

In addition, Section 401/3 states that, "If any condition on which a sentence has been suspended... is, in the opinion of the President of Union, not fulfilled, the President of the Union may cancel the suspension or remission, and there upon the offender... may, if at large, be arrested by any police-officer without warrant and remanded to undergo the un- expired portion of the sentence." Therefore, all political prisoners who have been released are subject to the "opinion" of the authorities in power. In an unstable military rule, such as is in Burma, this practice allows the SPDC freedom to hand out extended sentences on political prisoners legitimately, and provides another means for the SPDC to deny the general population freedom of thought, expression and association.

After prisoners have been released, their suffering is not necessarily over. There have been reports of ex- political prisoners having daily visits at their homes from MI officers, wanting to know exactly where they have been, and with whom they have been associating. Some ex-prisoners reportedly receive a regular weekly visit from MI officials on a specific day of the week. Released political prisoners are often threatened not to participate in future political activities. The families of political prisoners have also been subject to harassment as some may have lost their jobs for unknown reasons yet connected to their relative's detention. Family members may also be subject to questioning about their own and their relative's movements and associations. MI officials have been reported to warn potential employers not

to hire former political prisoners, creating obstacles for released political prisoners to earn a living. During politically sensitive periods, such as opposition and national anniversary dates, former political prisoners are often detained and interrogated without reason. Student political prisoners who are released from prison are usually not allowed to rejoin universities, and ex-prisoners are refused a passport when they want to go abroad for education or business. By severely limiting their educational and economic opportunities, the SPDC attempts to marginalize ex-political prisoners from society.

Partial Timeline of Releases of Political Prisoners During 2003

On 16 March 2003, in what some thought to be a pre-emptive gesture to appease the UN before the Special Rapporteur's visit, 45 prisoners were released, including four political prisoners. The four political prisoners were Phoe Hla Pyeit from Bassein Prison; Thura Aung from Insein Prison, recently held in Maung Mya prison due to poor health; Hlaing Myat from Myaung Mya Prison; and Mya Sabai Moe who was pregnant and suffering from rheumatism and depression. (Source: AAPP, 2003)

On 3 and 5 May 2003, the SPDC released three political prisoners from Mandalay prison: Tin Myint, 47, Htay Thein, 44, and Zaw Min, 42, who spent 14 years in jail for allegedly having links to the Communist party of Burma. (Source: NCGUB, 2003)

On 4 May 2003, 18 political prisoners were released, including Dr Salai Tun Than, who had been staging a hunger strike, and was suffering from ill health. This number also included members of the NLD, DPNS, and ABSDF. Those released were threatened that if they resumed their political activities they could be re-incarcerated for the rest of their sentences. The SPDC claimed that the decision was made after taking "health and humanitarian concerns" into consideration. (Source: "Dr Salai Tun Than and Others Released," *Irrawaddy*, 5 May 2003).

On 20 May 2003, joint Secretary General-1 of the SNLD, Sai Nood, a.k.a Sai Nyunt Lwin, was somewhat quietly discharged from prison after more than 3 months in custody. He was arrested during Amnesty International's first visit to Burma. (Source: "Shan Politician Released," Shan Herald Agency for News, 25 May 2003).

On 17 July 2003, U Myat Saing, the chairman of Taungdwinggyi Township NLD, was released after suffering a stroke whilst he was in custody. (Source: "NLD Leader Released Due to Poor Health," DVB, 31 July 2003) (For more information please see Political Prisoners in Poor Health section 3.5 of this chapter.)

On 22 July 2003, two NLD members and two NLD youth members, who were arrested at the beginning of July, were released. Proceeding their release they were told to sign a "document." (Source: "SPDC Releases NLD Officials in Yenangyaung," DVB, 22 July 2003)

On 1 August 2003, NLD MP-elect, Khun Myint Htun, 41, of eastern Mon State was released after seven years in custody. He was sentenced along with 19 others in 1996 for "unlawful association with underground elements." (Source: "Myanmar MP Released from Jail after 7 Years Behind Bars," AFP, 8 August 2003)

At the beginning of November 2003, it was reported that Aung San Suu Kyi stated she would refuse her freedom unless the rest of her colleagues detained at the Depayin incident on 30

May were also released. At the time of writing she remains under detention at her house just outside Rangoon. (Source: "Myanmar Junta Releases Five Top Pro-Democracy Leaders from House Arrest," AFP, 24 November 2003)

On 23 November 2003, NLD members Hla Pe, Nyunt Wai, Than Tun and Soe Myint were released after from six months of house arrest. On 24 November, NLD member Lun Tin was also released from house arrest. The five had been detained following the attack on the NLD at Depayin on 30 May. (Source: "Myanmar Junta Releases Five Top Pro-Democracy Leaders from House Arrest," AFP, 24 November 2003)

3.9 Political Prisoners — a few profiles

Name:	Dr. Than Nyein MP
Occupation:	Member of Parliament, NLD
Date of Birth:	18 October 1936
Address:	Kyauktan, Rangoon
Law Violation:	Article 5(j) of the 1950 Emergency Provision Act
Sentence:	7 years
Prison:	Insein Prison

Dr. Than Nyein, the son of Maung Sein, was born in Khanaung Village, Kyauktan, Rangoon, he is 78 years old. His younger sister Khin Win Shwe is the wife of Lt. Gen. Khin Nyunt, the current SPDC Prime-Minister. He obtained a medical degree from Rangoon Institute of Medicine in 1963 and worked as an assistant and township doctor from 1964-88. He was also a volunteer doctor for the United Nations in Sri Lanka from 1982-84. While he was running a private clinic in Thakayta Township in Rangoon, the military authorities arrested him for not paying the registration fee for the clinic. He was charged under Article 9(1c) of the 1972 People's Health Affairs Act but the authorities released him after he paid a fine. He became the Vice-Chairman of the Rangoon Division Organizing Committee for the NLD and was forced to retire from his position as a doctor because of his involvement in the 1988 uprising. On 28 October 1997, the SPDC blocked a delegation of NLD members and leaders from holding a meeting with NLD youth in Mayangone Township, Rangoon. Many NLD members were forced into waiting vehicles and dumped near townships outside Rangoon. Dr. Than Nyein was arrested along with seven others. All detainees were sentenced to seven years imprisonment under Article 5(j) of the 1950 Emergency Provision Act on 10 December 1997. At the time of this report, he was being held in Insein Prison. (Source: AAPP, 2003)

Name: Aaung Myint a.k.a. Phya Pon Ni Loan Oo
Occupation: Poet, writer, editor and chairperson of NLD Bahan Township, Rangoon
Date of Birth: 27 September 1942
Address: Ingjin Myaing, Rangoon
Law Violation: Article 5(j) of the 1950 Emergency Provision Act, Sections 17/20 of the Printers and Publications Act
Sentence: 21 years
Prison: Insein



Aung Myint, whose pen name is Pyapon Ni Lon Oo, was born on 27 September 1942, in Phya Pon Township, son of U Ban Du and Daw Hla Kyin. He is married to Kyin Saing a.k.a. Thapyae who is a writer and the current editor-in-chief of Cherry Magazine. Aung Myint is a well-known poet in Burma, and NLD chairperson of in Bahan Township branch, Rangoon. He was originally arrested in 1997, and sentenced to two years imprisonment for invading a house. In fact, he was there organizing a former NLD member. When he was released from prison at the end of 1998, the SPDC forbade him to run Cherry magazine, and all his writings were censored from March 1999. Before he was arrested on 13 September 2000, he supervised NLD's literature affairs, and was involved in activities such as publishing, talk shows and discussions. He was sentenced to 21 years imprisonment under Article 5(j) of the 1950 Emergency Provision Act, Sections 17/20 of the Printers and Publications Act and Article 17(1) of the 1908 Unlawful Associations Act when he participated in releasing a statement on Aung San Suu Kyi and NLD members' standoff outside Rangoon. At the time of this report, he was being held in Insein Prison, Rangoon. (Source: AAPP, 2003)

Name: Dr. Zaw Myint Maung MP
Occupation: Member of Parliament, NLD
Date of Birth: 11 December 1951
Address: Mandalay
Law Violation: Section 122(4) of the Penal Code, Article 5(e) of the 1950 Emergency Provision Act and articles 122 (1) and 17(20)
Sentence: 37 years (25+12 years)
Prison: Myintkyina



Dr. Zaw Myin Maung, son of U Chit Maung, was born on 11 December 1951. He graduated from the Mandalay Institute of Medicine in 1979. He was in charge of the Yurthitgyi Hospital, Sagaing Division and worked as a Chemistry Lecturer at Mandalay University from 1983-88. After participating in the 1988 democracy uprising, he joined the National League for Democracy and he was elected to represent the Amarapura 1 constituency in Mandalay in the 1990 elections. He was arrested in November 1990, for attending meetings in Mandalay to form a provisional government, charged under Penal Code Section 122(4) and sentenced to 25 years imprisonment. The Election Commission dismissed him from parliament on 27 November 1991, and banned him from running in future elections.

In March 1996, while in Insein Prison in Rangoon, he and other political prisoners produced a magazine marking the 75th anniversary of Rangoon University, and another magazine entitled New Blood Wave. He was also found in possession of a letter addressed to the UN

Special Rapporteur on Burma at the time, Professor Yozo Yokota, which detailed the situation of political prisoners in Insein Prison. As a result of this he was interrogated by MI officers in prison, and was tortured and badly beaten. Dr. Zaw Myint Maung was then charged under Article 5(e) of the 1950 Emergency Provision Act, for these offences and was sentenced to a further 12 years imprisonment. At the time of this report, he was serving his time in Myintkyina Prison, and was suffering from a liver problem. (Source: AAPP, 2003)

3.10 Personal Accounts

(For information regarding Section 401/1 of the Criminal Procedure Code mentioned below please see section 3.18.)

Interview #1

Name: Ain Thi
Age: 32
Date of Arrest: 3 December 1996
Date of trial: 17 January 1997
Date of release: 24 July 2003
Prison: Insein (1 year) and Tharawaddy (6 years)
Held under: Article 5(j) of the 1950 Emergency Provision Act
Sentence: 7 years
Served: 6 years 8 months
Section 401/1: No - I was offered to sign it 3 times. The first time was when I had served 5 yrs and 8 months. I refused.

Q: Tell me your story.

A: I informed Aung San Suu Kyi about the 1996 demonstration and when I left the compound of Daw Aung San Suu Kyi, I was arrested.

Q: Did they give you a reason for your arrest?

A: They accused me of making a speech at the demonstration. But in fact, I didn't. The demonstration was on 2 December 1996 and I was arrested on the 3 December.

Q: What happened after your arrest?

A: I was taken to MI 12 Interrogation Centre. I was veiled from the time of my arrest and my thumbs were handcuffed together.

Q: What happened when you got to the interrogation centre?

A: I was put in a darkened room and from then I couldn't tell if it was day or night.

Q: Do you know how long you were there?

A: I estimated five days and four nights.

Q: In that time were you given food and water?

A: I wasn't offered food or drink for many hours and that room was very smelly with only a very small chair in it. It was a torture chair, very high and about 10 inches big, it had no back so you couldn't lean back.

Q: Can you tell me more about this experience?

A: I was thrown into a room and before the interrogation MI personnel slammed the door several times, very hard and very threateningly. Then a group of MI personnel came into the room and before they started questioning me they veiled me again and then they asked me about my actions again and again. They asked me if my actions were by order of NLD CEC's or not. When I refused to answer they hit me with a book that was about three inches thick, many times. They couldn't get the answer they wanted so they hit me again and again, and accused me of organizing people against the regime in the township. All this time I wasn't free of the thumbcuffs. I was with the thumbcuffs all the time and I couldn't re-adjust my sarong, and then they left. Later I was offered some food and water. I was offered this only 3 times during the whole interrogation that was four days and the first two times I was offered food that was rotten. I only had real food one time. I was only offered limited water, so it was not enough for me. I was thirsty all the time. Then I was taken to Insein notorious prison- before they sent me there I was veiled again and turned around many times so as not to know the way.

Q: What was life like at Insein?

A: When I was in Insein I was put into a cell and prison authorities gave food to me in a very rude manner, without opening the cell door, like throwing the bowl at me, so much food was wasted. I was only allowed outside the cell for 15 minutes to take a bath. I was only allowed to have five cups of water for my bath.

Q: How many people did you share your cell with?

A: There were two of us, including me. We only had one mat and one blanket for two people, so we had to sleep on the concrete floor. Before the trial I had to live for a month like this. When I was arrested, I had no extra clothes with me so when I washed my clothes I had to wear the blanket.

Q: Was the person you shared your cell with a political prisoner?

A: She was also arrested under Article 5(j) [of the 1950 Emergency Provision Act], but she was just a sightseer, not an activist or participant in the demonstration. She was imprisoned as an example to the public of what happens to people who support Daw Aung San Suu Kyi - military intelligence personnel told me that. I was put on trial after a month in Insein. I had to spend one year in the cell compound only being allowed out for thirty minutes a day for both walking and cleaning and my family was not allowed to visit until one month after the trial. Prison authorities ordered all of the political prisoners to follow the 18 prison principles and ordered us to repeat the principles after them. When we refused to do this the prison authorities took careful notes of our names and prison numbers. Five of us were transferred to Thayawaddy prison on 15 November 1997 and we thought it was because we had refused to repeat the principles.

Q: Was Thayawaddy any better than Insein?

A: My life at Thayawaddy was worse than it was at Insein until the end of 1999 when ICRC started to visit Thayawaddy prison. Since ICRC started to visit, it got a little bit more comfortable. When I first got to Thayawaddy prison, the food was so bad and hard like a stone, almost rotten. We had rice and bean soup for lunch and boiled vegetables for dinner. Those soups were like water. I don't remember the exact date, but there was one day that the food was in very bad condition, brownish red rice and hard like wood so we couldn't eat it. So, we complained, step by step, to the prison authorities, first to the warden, then to the warden in charge, then to the officer in charge, then to his superior, four steps, but they didn't

care. We requested peacefully and explained that we were transferred from Insein and our families could not visit us very often and that the food they had given us was not proper for our health. But the prison authorities did not care. Most of the female political prisoners started to refuse to eat the food from the prison and we only had a few snacks, that's all, supplied from our families. That lasted for three days. Prison authorities ignored us. After that we started to have nothing, we were on hunger-strike, but we did not declare this to the authorities. We ate nothing. Two days later my family came and visited me, they were allowed this visit by the authorities. I informed my family of the situation and asked my family to inform Daw Aung San Suu Kyi. To do this I had to pay the prison reporter not to take notes during my families visit that day, so that I could inform my family secretly.

Q: How long was the hunger-strike?

A: One week. When it got to six days there was some news of it broadcast by the media because Daw Aung San Suu Kyi informed them. Some military intelligence from Rangoon arrived and took me out of my cell. The female political prisoners who had not been eating anything were so weak. We couldn't move or talk and some suffered from diarrhoea, even then the prison authorities didn't change the food. They told me not to say anything about our conditions to the MI. I said nothing to the prison authorities and I went to meet the MI. MI asked me why we were on hunger-strike and I explained that the regime always declares to the international community that they put political prisoners under very good conditions and actually we live under very bad conditions, like food, medicine and health, like that. MI said to me that you have to live under these conditions because this prison is a remote prison, but finally MI met with the prison authorities and they set a date to change the food. The food changed after that date. The prison officer who allowed my family to visit me when all this started was then transferred to another prison.

Q: Do you think that was as a direct result of her allowing your family visit?

A: In fact, MI investigated the whole event and that officer was transferred. Thanks to us all political prisoners in Thayawaddy had good rice. Food conditions changed from that point for all prisoners there.

Q: When did this take place, roughly?

A: In early January 1998 soon after I was transferred. We were put in a cell compound in Thayawaddy which was not secure, so we were seen during bathing times. That was the case until the ICRC started to visit. We really struggled in prison. The prison doctor was so brutal on political prisoners, he didn't take care of our health. When political prisoners suffered disease he didn't treat us properly. On national day we sang political songs and were punished for twelve days, they cancelled our sentence reduction that we were legally entitled to. Because of the bad conditions, I suffer kidney problems, still now. I had to stay in prison 30 more days than my case-mate because I made this protest.

Q: What difference was there between those who signed section 401/1 and those who didn't?

A: The difference was that if they signed they were treated carefully. When they were released they were taken directly home to their families. When I released I was shoved on a bus, carelessly, that's all.

(Source: HRDU, 26 May 2004)

Interview #2

Name: Yin Htwe
Age: 39
Arrest: 18 June 1989
Trial: 19 February 1992
Release: 20 February 2004
Held under: Articles 10(a) of the 1975 State Protection Law (2 years 8 months) and Article 5(j) of the 1950 Emergency Provision Act (7 years)
Prison: Insein (8 years 5 months), Tharawaddy (6 years 3 months)
Sentence: 7 years extension under Article 5(e) of the 1950 Emergency Provision Act
Time Served: 14 years 8 months
Section 401/1: No.

Q: Can you tell me your story?

A: In June 1988 there was a student demonstration, before the August demonstrations and uprising. I was a member of the convening committee of June Affairs memorial. At the time, the election commission had disconnected from my party, DPNS. My party sued the election commission because this disconnection was not in accordance with the government laws of organisation. At this trial I was on the side that sued the election commission, I was the prosecutor. On the evening of 18 June 1989, when I returned home I was arrested by a group of Military Intelligence personnel, there were nearly 16 of them on the street near my house. I was living in Kawayud Township in Rangoon. Then I was taken to an interrogation centre. I was in that interrogation centre for one week then I was transferred to Insein jail. I was being held under Article 10(a) for two years and eight months. Then on 19 February 1992 I was tried and sentenced under Article 5(j) to 7 years in prison. During that period, I had to live in a cell that was only 8 x 12 ft. all the time, and I was allowed only 15 minutes a day to go outside for cleaning. In 1990 on 25 September, there was a huge strike at Insein prison and I participated in that demonstration. I was beaten so severely and put in a punishment cell for 15 days.

Q: What was the punishment cell like?

A: In the punishment cell I was only allowed to clean the sewage once every three days, was only given five eating plates worth of water for baths and was not allowed to talk to other prisoners. I was beaten two times because I talked to other prisoners and took water with a cup. I was not allowed to meet my family during the 10(a) term, I was only allowed to get parcels supported by my family. I had no right to read or write during the 10(a) time, and when prison authorities found some pencils or books in my hand I was banned from receiving parcels from my family as a punishment. It happened many times. On 19 February 1992, I was sentenced to seven years imprisonment by the facts that I mentioned earlier (suing the election commission). The MI could put me in prison under these two charges I mentioned earlier, without the 10(a) term, but I was first put in prison under section 10(a) for 2 years 8 months purposefully.

Q: Why do you think that was?

A: The accusations were the same before that term and at my trial. At the time I was arrested there was no military tribunals, there were only civil courts, so the MI at that time could only put me in prison under article 10(a) for three years, but in 1992 there were military tribunals

and I was sentenced under a military tribunal to seven years imprisonment. I was taken to the military tribunal and sentenced in only a single day.

Q: Were you able to say anything in your own defense at your trial?

A: I was only asked, "Are you guilty or not?" that's all.

Q: Was your trial open to the public?

A: Absolutely not. It was inside Insein prison compound. When I was sentenced I was transferred to another cell compound (first I was in 10(a)) in the same condition. I was allowed to meet my family once every two weeks.

Q: Did your life change at all in Insein after your trial?

A: When I was in 10(a) I was not allowed to meet my family, and after I was sentenced I was allowed to get family visits, and to go out of my cell for a little more time. I spent 1992, 1993, 1994 and 1995 without any rights to read or to write but I managed to get some books secretly. In 1993, we sent a letter to the Human Rights convention in Geneva in fact it was a letter, but it was not on paper- it was on a prison uniform! In 1995, we sent many letters to ICRC, UNHCR, the General Assembly and the Secretary General of the UN. We published handwritten books in prison on memorial days secretly and managed to get hold of some radios secretly. Prison authorities finally found all of these things in 1995. Twenty-four political prisoners including me had their sentences extended under article 5(e) and Article 6. Four had their sentences extended by 12 years under both of these two acts; two of them had a five year extension under article 6; and 18 were given a seven year extension to our sentences under article 5(e). I was extended by seven years under article 5(e). In my opinion, getting these things (books, radios etc) and sending letters are not so strange. Every political prisoner in every prison always tries to get these things and when the authorities find them punishments were normally to ban their family visits, put them in solitary confinement, and cancel their sentence reduction, that's all. When we were found out we were given these same punishments plus a sentence extension. When in the trial we refused the charges and explained that according to the law there shouldn't be two punishments for just one offence. Our sentences were extended by the law AND we were punished by the jail manual!

Q: How did you feel about that?

A: We complained about that in the trial, but the judges didn't care. We complained we shouldn't have these two punishments but the judge and the MI didn't care about complaints. This court was not a military tribunal it was a civil "special" court. The first ten days of the trial was inside the prison officer's office. After ten sessions the court was moved to inside the prison compound.

Q: Who was the judge at this trial?

A: He wasn't a district judge, his name was U Kyaw Don. We requested to have our own lawyers because this was a civil court. But we were refused and also were not allowed to meet family members.

Q: How do you feel about this trial and the sentencing?

A: I feel that I did what I thought was right and also that the MI did their duties.

Q: After the extension to your sentence were you transferred?

A: Not straight after I was sentenced. I had to spend nearly two years in solitary confinement (I was in block three) and on 14 November 1997, I was transferred to Thayawaddy.

Q: Tell me about your life at Thayawaddy.

A: Thayawaddy prison was more comfortable than Insein prison because in Insein I was in solitary confinement. At Thayawaddy I could talk to other political prisoners and I could walk for a long time. After ICRC visited Thayawaddy in '99 we were allowed to get some religious books. From time to time we could get some magazines, and later, over a period of time, we could get some newspapers, dictionaries, English books and all political prisoners in Thayawaddy were allowed to watch T.V. once a month. Earlier times in Thayawaddy prison we had to sleep on a concrete floor. In 1998 prison authorities arranged for us to have some small wooden couches that were six inches off the floor to sleep on. Prison authorities didn't intentionally suppress us so severely. But there were some problems left- not proper food, not enough water, and lack of electricity.

A month before I was released there had been five important questions. I mean MI asked me these before my release. The first was: "What will you do for a living after your release, because you have lived in prison for over 14 years?" My answer was, "when I was arrested I was only a student, I was not a business man. I know I have to do some work for my living but I haven't decided yet. I will decide when I am out of prison." The second question was, "what do you think of your imprisonments? Fair or unfair?" I answered, "I did what I thought was right and you did your side." The next question was, "What will you do about politics: because you were the joint secretary of DPNS?" I said, "My party was abolished but I will re-establish my party legally by the five basic principles of my party: democracy, human rights, peace, national reconciliation, and to form a modernized country." The fourth question was, "What do you think of the reigning government's political activities?" I answered, "There are many things to do for our country, politically, and I think that the reigning government is doing what they think is right." Their last question was, "what do you think of developing projects- I mean like building bridges, paving roads- like that?" I answered, "I think that the reigning government is doing what they think is right." One month after they asked me these questions I was released, on 20 February 2004.

Q: How do you feel now you are free after 14 years imprisonment?

A: Nothing. I feel nothing. I spent over 14 years in prison, and when it was time, I was released. But the good thing is that I can see my parents alive. Anyway, I don't want to be arrested again. Not because of prison difficulties, but because I spent my young life in prison. I think I wasted many years in prison, so I don't want to waste any more years.

(Source: HRDU, 26 May 2004)

3.11 Partial List of Politicians, Including NLD MP-elects and NLD Members Who Remain Incarcerated in 2003*

Name	Date Of Birth	Party	Constituency	Sentence	Sentenced	Prison
Khin Maung Swe	July 20, 1942	NLD	Sanchaung,Rangoon	7	6/10/94	Myingyan
Kyaw Khin	May, 1939	NLD	Taunggi1, Shan State	7	0/6/96	Thayet
Kyaw San	June 17,1932	NLD	Taze1, Sagaing	7	7/9/98	Insein
May Win Myint, Dr(F)	March 8, 1950	NLD	Mayangone2, Rangoon	7	9/12/97	Insein
Nine Nine	April 3, 1942	NLD	Pazundaung,Rangoon	21	20/12/00	Insein
Ohn Kyaing	July 2, 1944	NLD	Southeast Mandalay2	17	1991	Taungoo
Ohn Maung		NLD	Nyaunglaybin1, Pegu	7		Insein
Sein Hla Oo	November 17, 1939	NLD	Insein 2, Rangoon	7	6/10/94	Myintkyina
Soe Myint	March 3, 1946	NLD	Minbu1, Magwe	14	1997	Bassein
Than Nyein, Dr	October 18, 1936	NLD	Kyauktan2, Rangoon	7	1997	Insein
Toe Po	November 17, 1939	NLD	Yebyu, Tenasserim	7	1998	Mandalay
Yaw HSi	April 13, 1948	NLD	Putao, Kachin	5	0/2/99	Myinkyina
Zaw Myint Maung, Dr	December 11,1951	NLD	Amarapura1,Mandalay	25+12	0/11/90	Myinkyina
Min Soe Linn, Dr	August 31, 1957	MNDF	Ye-1, Mon State	7	11/12/98	Moulmein
Min Kyi Win, Dr	June 29, 1952	MNDF	Mudon2, Mon State	7	5/9/98	Moulmein

*Source: AAPP

3.12 Partial List of Activists and Opposition Forces Arrested in 2003

"During the year (2003) persons suspected of or charged with pro-democratic political activity were killed or subjected to severe harassment, physical attack, arbitrary arrest, detention without trial, incommunicado detention, house arrest, and the closing of political and economic offices."

(Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

During 2003, the SPDC reportedly arrested over 270 democracy supporters, many of whom were members of the NLD. This is a marked increase from 2002 when an estimated 70 to 100 political activists and opposition forces were arbitrarily arrested or detained (source: AAPP, 2003). The U.S. Department of State reported that in the days following the 30 May attack, the Office of Chief Military Intelligence (OCMI) detained over 100 additional NLD members across the country. Detentions took place in secret locations, and detainees had no access to their families or any form of legal counsel. In December, Amnesty International also reported an "upsurge in detention of those peacefully exercising freedoms of expression and association" (source: "Myanmar: Amnesty International's Second Visit to Myanmar," Amnesty International, 22 December 2003).

During Amnesty International's second ever country visit to Burma in December 2003, they were able to conduct 35 confidential interviews with political prisoners at Insein Prison, Moulmein Prison, and Pegu Prison. The prisoners interviewed were from a wide range of backgrounds and varying terms of imprisonment. Over a quarter of those interviewed were imprisoned in 2003 and included political activists; members of armed opposition groups;

journalists; and NLD members and leaders. Three of the persons interviewed had been sentenced to death for high treason. In the period that followed 30 May, there were many arrests of activists not affiliated to registered political parties including a football journal editor and former organizer for the Democratic Party for a New Society, and a former member of the New Mon State Party. In addition, students from Pegu, Magwe, Mandalay, Sagaing, Tenasserim and Rangoon divisions, were among those arrested in 2003 and received sentences ranging in severity from five years' imprisonment to the death penalty. (Source: *The Administration of Justice- Grave and Abiding Concerns*, Amnesty International, 1 April 2004)

Arrested for having contact with illegal organizations

On 16 January 2003, the OCMI arrested 2 Buddhist nuns from a famous nunnery in Pegu, Than Than Htay and Thin Thin Oo, for shouting pro-democracy slogans and handing out pamphlets which highlighted the plight of Burmese people in front of the Rangoon city hall. The 2 nuns were charged with having contact with illegal organizations, and leaving the country without permission. They were arrested, forced to disrobe, and tortured under interrogation by Military Intelligence agents. They were denied legal representation and were each given 13 year prison sentences at a court inside Insein Prison in September. The NLD Legal Support team lodged an appeal at a court in Western Rangoon but the judge rejected their appeal without even hearing the case. At the time of the report, they had not yet been allowed to see their families. (Source: "Two Arrested 'Pseudo Nuns' Received NLD Support: Myanmar Junta," AFP, 17 January 2003)

On 28 November 2003, after being arrested in July on suspicion of having had contact with some Burmese opposition groups in Thailand and other ambiguous reasons, 9 men were sentenced to death for High Treason under Article 122(1) of the Penal Code. They are: Nai Yekha alias Nay Win; Shwe Mahn alias Zaya Oo; Zar Naing Tun alias Phyu Lay; Zaw Myo Htet alias Zaw Zaw; Myo Htway alias Chin Gakoung; Min Kyi alias Nai Min Kyi, a lawyer; Aye Myint alias Myint Aye Maung, a lawyer; Aung Lunn; and Zaw Thet Htway alias Thet Zaw, the Editor of a popular sports magazine entitled *First Eleven*. (Source: *The Administration of Justice- Grave and Abiding Concerns*, Amnesty International, 1 April 2004)

Burma's youngest ever political prisoner

On 5 October 2003, political prisoner Ma San San Maw gave birth to a son at Insein hospital and named him Aung San Oh Wei. Both mother and baby were sent back to prison the next day, and Aung San Oh Wei became the youngest political prisoner in the history of Burma. He was 1 day old when he went to Insein Prison. He was named in honor of Burma's national hero, Bogyoke Aung San, the father of Daw Aung San Suu Kyi. Oh Wei means the cry of the peacock, which has for many years been the symbol of a free and democratic Burma. Ma San San Maw, an NLD member, was arrested by Military Intelligence agents at the end of 2002 in Rangoon. She was sentenced to prison accused of complaining about the dire economic situation, and arguing with SPDC authorities while queuing for rice. (Source: "The Youngest Political Prisoner in Burma," DVB, 14 October 2003)

Arrested for spreading rumors

On 9 July 2003, former political prisoner Aye Win, an NLD member from Patheingyi Township, was sentenced to 4 years' imprisonment under Sections 227 & 505 (b) of the Criminal Code for spreading rumors and for violating the terms of his release from a previous term of imprisonment for political activities. Originally, he was arrested in 1998 for flying a peacock flag, a symbol of the democratic opposition movement, above his local school. In 2003, he reportedly organized a demonstration in protest of the events of 30 May. (Source: *The Administration of Justice- Grave and Abiding Concerns*, Amnesty International, 1 April 2004)

Suspected of being linked to bomb blast

In April 2003, 8 student activists, from various regions of the country were arrested by the Military Intelligence. All of them are members of The People's Students' Oway Front, which organized a peaceful demonstration in front of the British Embassy in Rangoon on 4 April. The front was formed with the aim to "mobilize the peaceful student movement for political development". The SPDC accused the students who participated in the demonstration of links with a previous bomb attack in Rangoon on 27 March, which had resulted in the death of 2 government workers. The student front insisted that they had no connection with any terrorist activities, and would never commit such an act. One of the front's members sought political asylum at the British Embassy due to fear of persecution, after authorities arrested another man with whom he was demonstrating. The pair waved flags with the emblem of fighting peacocks, a traditional symbol of resistance to military rule in Burma. Military officials accused the 2 of disturbing the peace because they were shouting. (Source: "Regime Continue the Arrest of Students," ABFSU, 6 May 2003)

On 17 July 2003, 2 Mon nationals, Nai Yetkha and Nai Kyin Kaung alias Nai Myo Win, both members of the New Mon State Party were arrested for allegedly planning to plant bombs. Nai Yetkha is a NMSP organizer for Moulmein while Nai Kyin Kaung was formerly from the battalion of garrison engineers. Nai Ba Nyar Mon the NMSP spokesperson denied the allegations stating that Nai Yetkha's political activity is generally always centered around his organizational works, while Nai Kyin Kaung is almost always engaged in headquarter activities. (Source: "Mon Ceasefire Group to Seek Members' Release In Meeting with Khin Nyunt", DVB, 16 August 2003)

On 26 July 2003, the SPDC reported that they had arrested 12 people with links to opposition parties. The 12 were charged with planting bombs and plotting to assassinate key members of the junta by planning bomb attacks on July 19, the day which Burma honors General Aung San. Military officials claimed that the group had already planted several time bombs in and around Rangoon, 4 of which were detonated killing 2 people and injuring dozens. A senior military intelligence officer said that the suspects had links with pro-democracy exile groups, like the All Burma Students Democratic Front (ABSDF), and would face trial to answer the accusations. (Source: "Burmese Officers Arrest 12 in Bomb Plots," Reuters, 26 July 2003)

Suspected of participating in progressive politics

In July 2003, it was reported that the junta released 91 detainees and at the same time detained more prisoners. Military Intelligence personnel and local police raided Thwe Say Kan and Popa Yone monasteries in Rangoon, and detained some Mon monks. The authorities alleged that the Mon monks had been engaging in political activities. According to the Independent Mon News Agency, authorities arrested three members of the Mon National Democratic Front during that time. SPDC Military Intelligence also raided New Mon State Party member Nai Yet Kha's house in Moulmein, and seized all his documents. Furthermore, regional authorities were keeping a close watch on the activities of Mon students. In August, the Ministry of Home Affairs also warned monks in Mon State not to involve themselves in politics. (Source: "Burma Frees 91 Detainees, Makes New Arrests," DVB, 22 July 2003)

In early December 2003, Nyi Soe of Tha Yet Chung Township, Tennasserim Division and Aung Min of Pu Law Township, Tennasserim Division, were reported to have been arrested by the order of Captain Tin Maung Win of Light Infantry Battalion (LIB) No 262. They were apprehended for participation in progressive political activities. In January 2004, they were being detained in Kaw Thaung Prison. Furthermore, they were frequently being used as guides in LIB 262's military operations. (Source: "NLD Members Arrested in Mandalay and Tennasserim Division," AAPP, 1 January 2004)

Arrested for peaceful protest

On 4 May 2003, the same day that the SPDC released 18 political prisoners in a "goodwill gesture", a man was arrested by MI agents for protesting near the NLD headquarters Rangoon. Kyaw Kyaw, a 48-year-old retired army sergeant, handcuffed himself to a pole, while 2 or 3 other men distributed a letter calling for political and economic reforms and the release of political prisoners. (Source: "Small Protests, Small Steps," *Irrawaddy*, 9 May 2003)

In the week of 12 December 2003, it was reported that Phone Aung, a 46-year-old ex-soldier, was sentenced to 7 years in prison by a special security court inside Insein Prison. He was arrested in September 2003 when he stood near the City Hall with a piece of paper hanging from his neck which had a message on it demanding the release of political prisoners and calling for political reforms. He was sentenced under an "all-encompassing emergency law that prohibits public protests," according to his daughter who was allowed to attend the court when the judgment was issued. Phone Aung refused to appeal against the prison sentence, saying he made the protest under his own convictions. At year's end, his location was unknown. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

Arrested for demanding the re-opening of NLD offices

On 3 June 2003, OCMI officers arrested Ko Myo Khin for demanding that authorities reopen the NLD office in Bahan Township, Rangoon. Family members were denied access to him for months, and at the year's end, he was reportedly sentenced to 3 years in Insein Prison. In December 2003, the Government rejected his appeal; however, his family and lawyer were finally allowed to visit him. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

Arrested for distributing literature

During 2003, the SPDC arrested dozens of persons for distributing anti-government leaflets, including Thet Naung Soe, Nandar Sit Augn, Zaw Lin Tun, Kyaw Soe Moe, Kyaw Kyaw, and Win Ko. Cases involving pro-democracy literature included 1 case in which the Government imprisoned approximately a dozen students for distributing uncensored leaflets describing the May 30 attack. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

On 5 February 2003, Maung Maung Myint, an NLD member, was arrested with 450 anti-government pamphlets he had written. He also admitted to writing and producing 1000 pamphlets aimed at monks and students. His family was not notified that he had been arrested, the reason for his arrest or where he was detained. (Source: "Myanmar Arrests 12 Democracy Activists for 'Anti-Government' Activity," AFP, 10 February 2003)

On 6 February 2003, U Sai Nyunt Lwin (age 52), the general secretary of the Shan Nationalities League for Democracy (SNLD), was arrested by officials from Military Intelligence-7 (MI-7) for unclear reasons. Prior to his arrest, the MI had detained 1 of his relatives and held him for questioning concerning U Sai Nyunt Lwin's involvement in producing a pamphlet about Shan Buddhist monks. The youth was released later that evening. Also proceeding U Sai Nyunt Lwin's arrest, the MI arrested at least 7 democracy activists including 2 members of the NLD. (Source: "Burmese Authorities Detain Shan Party Leader," DVB, 9 February 2003)

On 14 June 2003, an NLD youth member and the NLD secretary from Matupi Township, Chin State were reportedly arrested by Military Intelligence. (Source: "Burmese Opposition Radio Reports Further Arrests of NLD Supporters," DVB, 21 June 2003)

On 16 June 2003, military authorities arrested 6 NLD youth members of Dala Township, Rangoon were arrested as they were sitting in a teashop. At the time of the report it was not known where they were being detained. On the same day, a youth of South Okkalapa Township, Rangoon was also arrested by the authorities. (Source: "Burmese Opposition Radio Reports Further Arrests of NLD Supporters," DVB, 21 June 2003)

On 19 June 2003, the birthday of Daw Aung San Suu Kyi, in busy areas of Rangoon North, Okkalapam and Thingangyun markets, students from the "People's Oh-Wei Front" distributed political leaflets. The main content of the leaflet reportedly demanded: the immediate release of U Tin Oo and Daw Aung San Suu Kyi; an enquiry in detail on the incident at Depayin; the immediate release of the names of the wounded; the release of all NLD leaders including chairman U Aung Shwe; and the re-opening of all NLD offices as soon as possible. Detailed accounts on what happened at Depayin were described, and it stated that the incident was the most brutal killing of civilians following the 1988 uprising. SPDC authorities did not issue any statement regarding news of these activities. (Source: "Leaflets Distributed in Rangoon," DVB, 21 June 2003)

On 3 July 2003, 2 NLD members, U Than Tun and U Kyaw Kyaw alias Ko Than Gyaung, were arrested by the SPDC authorities in Kawthaung, Tenasserim Division, under Section 5(j) of the Emergency Provisions Act. They were arrested for distributing "the People's Desire" leaflets and "accused of engaging in activities creating mistrust in the government." (Source: "Burma Frees 91 Detainees, Makes New Arrests," DVB, 22 July 2003)

In the last week of September 2003, 7 students were arrested in Rangoon for handing out pamphlets issued by the ABFSU, arguing that Prime Minister Khin Nyunt's roadmap to democracy in August was not representative of the needs of the country and only intended to intensify military rule in the country. The pamphlet called on the people of Burma not to support the roadmap. While the detainees were held at a military interrogation center, the ABFSU issued a statement indicating, "If the regime sincerely wants political development in Burma, it must allow the political participation of all societal layers, freedom of expression and freedom of association." (Source: "Seven Students Arrested in Myanmar Capital: Dissident Group", AFP, 23 October 2003)

Arrested for attempting to cross the Thai border

On 17 July 2003, it was reported that approximately 130 people were arrested by Burmese soldiers on a temporary road between Myawaddy and Vallay Kee in Karen State. The people were traveling in small groups and although most of them were teenagers, the group included both men and women. Representatives from the KNU reported that the group included dissidents from Rangoon and Pegu who intended to join exiled political groups in Thailand. (Source: Moe, Kyaw Zwa, "130 Arrested Near Border," *Irrawaddy*, 17 July 2003)

Arrested for selling illegal alcohol

On 17 July 2003, NLD organizer for Indaw Township, Sagaing Division, Ko Thant Shin, was arrested and sentenced to 1 year in prison. On 15 July, SPDC troops reportedly raided his restaurant "Meik Set" and 2 days later, he was arrested and sentenced. Ten other restaurants in Indaw were also raided and search for illegal alcohol. None of the other restaurant owners were either arrested or prosecuted. At the same time, none of the other owners were NLD members. (Source: "Indaw Township-NLD Member Arrested," DVB, 31 July 2003)

Suspected of contacting persons outside the country

In late December 2003, at least 6 NLD members from Mandalay Division were arrested, including Daw Hnin Pa Pa Hlaing, and her son, Ko Aung Naing Thu. At the time of the report, it was unknown whether or not they had been charged. Unofficial sources indicated that they had been arrested under suspicion of contacting persons outside of the country. (Source: *The Administration of Justice: Grave and Abiding Concerns*, Amnesty International, 1 April 2004)

Arrested for possessing a dollar

On 18 July 2003, it was reported that 2 NLD members from Khin U Township were arrested. MI arrested Ko Myo Aung, an ex-member of Student Union and NLD organizer, because they found a 1-dollar banknote in his shirt. MI arrested U Tin Myint, an executive member of the Township NLD in Khin U, after finding some political documents in his house, in mid-July. The 2 men were sentenced to 2 to 3 years imprisonment, and were taken to Schwebo prison. (Source: "Khin U Township NLD Members Sent to Jail," Mizzima, 18 July 2003)

3.13 Ethnic Minority Political Prisoners

Politically Motivated Detention of Ethnic Minority Villagers - Partial List of Incidents for 2003

(For more information see section 3.15 Arbitrary Seizure of Villagers, below.)

Karen State

On 30 June 2003, combined troops from DKBA and SPDC IB 1, led by Thaw Ma Na, came to Noe-aw-lar village, Pa-an Township, and arrested villager Saw Pee Pi, accused him of being a KNU member and brutally tortured him. Later, Saw Pee Pi ran away. As a result, the troops extorted 450,000 kyat and a cow from his mother. (Source: KIC, 2003)

Mon State

On 6 January 2003, a Captain from SPDC IB 61 in Ye Township, Mon State, ordered local people not to wear army colored shirts or trousers, or they would be shot to death. Previous to the order coming out, 2 headmen, Nai Kyaw and Nai Own Myint, had been suspected of being rebel soldiers and arrested by IB 61's Captain, Tin Aung Khaing, because of wearing army Colour shirts. The arrest happened in a tea shop in Sa-kom village. According to a source from that area, the Burmese soldier covered the 2 men's faces, and beat them during interrogation in the village. Then the soldiers brought the men to Ye town and put them in the battalion's prison. The Captain demanded 100,000 kyat for the release of each of the 2 men. After they had been released, both men went to hospital due to the severity of the beating they had received. (Source: HURFOM, Issue 1/2003, 31 January 2003)

On 23 September 2003, approximately 34 DKBA troops led by Saw Tin Win came to Paw-ta-plaw area in Bi-lin Township and arrested a Ta-eu-khee villager, Saw Ka Lah. They brutally squeezed his throat before sending him back to Ta-eu-khee village. Later that night, the same troops arrested Saw Kyaw Pay and Saw Tin Aye of Ta-eu-khee village at their houses, and took them away with them. When they arrived at Ta-thoo-htha on 24 September 2003, the troops tortured the 2 villagers and ordered them to tell them the whereabouts of the KNU. As these 2 villagers did not know, they suffered more torture. (Source: KIC, 2003)

On 27 December 2003, 2 Mon Buddhist monks and 40 villagers from Ye Township were arrested for allegedly supporting a Mon rebel group led by Naing Luan, according to a Mon reporter. The monks and villagers were interrogated and tortured by means of exposing them to the burning sun for days. The area is blacklisted by the SPDC and a curfew has been imposed. Five civilians were killed in a single night for breaking the curfew. Even after the main Mon rebel group NMSP (New Mon State party) signed ceasefire agreements with the SPDC, there have been more human rights abuses including extrajudicial killings and the oppression of civilians in Mon State. (Source: "Human Rights Abuses on Mon people in Burma," DVB, 31 December 2003)

Shan State

On 4 January 2003, 3 villagers Zaai Nyunt (age 23), Zaai Laao (age 21) and Zaai La (age 22), from Ham Ngaai village went to Murng-Kerng town market. They were arrested by SPDC troops and detained in the base of LIB 514. Following their arrest the villagers were interrogated, repeatedly beaten and tortured by SPDC troops for days. The troops then sent words to their parents and relatives to bring money to secure their release. When the other villagers arrived at the base however, the SPDC troops demanded the following materials for the release of each of the 3 men: 20 viss of raw opium for the release of Zaai Nyunt (1 viss of opium costs around 30,000 kyat); a walkie-talkie machine for the release of Zaai Laao; and a Chinese M-20 pistol for the release of Zaai La. When this had been reported and discussed with the village leaders and fellow villagers, they all, about 30 of them, proceeded to the military base and told the SPDC troops that they did not know where to find the demanded materials. The troops said they could buy the materials themselves if the villagers gave them 160,000 kyat for each of the detainees. The villagers said they did not have that much money, and after some bargaining and begging, the SPDC troops agreed to release the prisoners for 60,000 kyat each, on condition that the 3 men report to the military base every 10 days, and bring with them 500 kyat each time. The villagers were also warned that if the 3 men disappeared, they would face severe punishment or death. The 3 men, however, had been so severely beaten and tortured during their detention that they were still suffering and still could not work when they were seen in late March 2003. The fact that they were wearing relatively new clothes (because they were going to the town market) may have made the SPDC troops suspicious of them being, or having connections with, Shan rebels. (Source: *SHRF Monthly Report*, SHRF, April 2003)

On 10 January 2003, in the evening, following a skirmish in Ka Li village in Ka Li village tract, Kun-Hing township, with an unknown armed group in which 1 SPDC soldier was killed, SPDC troops from IB 246 suspected those fighting had been Shan soldiers and they arrested 15 villagers of Ka Li, including the headman, Lung Kaang Nyo (age 51). Lung Hom, a well-to-do villager of Ka Li who was also to be arrested, but was not at home at the time of the SPDC troops' arrival. The 15 villagers were detained in a jail at a military camp and interrogated for 6 days and 5 nights, during which they were beaten and tortured, and finally money was extorted for their release. The Ka Li village headman had to pay 100,000 kyat and the 14 others had to pay 50,000 kyat each. Lung Kaang Nyo, the Ka Li village headman, was so severely beaten during his detention that his eyes were still black and painful several weeks after his release. (Source: *SHRF Monthly Report*, SHRF, May 2003)

Kun-Hing Township

On 14 July 2003, a patrol of SPDC troops from IB 246 came to Kun Mi village in Wo Long village tract in Kaeng Kham area, Kun-Hing Township and arrested a villager, Pan-Ta (male, age 43), and took him away with them. Since then, Pan-Ta has not been seen. His family has not heard of him until they came to the Thai border in late September 2003. (Source: SHRF, October 2003)

On 19 August 2003, a patrol of about 80 joint SPDC troops from IB 246 and LIB 524, led by the commander of Kun-Hing based Tactical Command, came to Wan Lao village and forced the village tract headman to guide them in their search for some army deserters, whom they believed had come in the direction of Wan Lao. The SPDC troops searched the surrounding areas and on 21 August 2003, they conscripted 7 more villagers, all women, from Kot Pung

and Kung Sa villages to serve as guides. When they got back to Wan Lao village, on finding no men, the troops arrested women from every house. All the villagers, including the newly arrested and previously conscripted, were gathered together at a public pavilion near Wan Lao's Buddhist monastery, and told by the SPDC troops that they would be detained there until the army deserters and their guns had been captured. The villagers were still being detained in mid-September 2003 when they were last seen by some people passing through Wan Lao. (Source: SHRF, December 2003)

Lai-Kha Township

On 20 July 2003, displaced farmers and their children were arrested and their farm hut was looted and burnt down by a patrol of SPDC troops from IB 64 at a remote farm near a relocated village, Kawng Wet, in Paang Saang village tract, Lai-Kha Township. They were:

- (1) Zaai Zaw-Ta, age 41;
- (2) Zaai Naw, age 38;
- (3) Naang Kham, female, age 35;
- (4) Naang Non, female, age 21;
- (5) Naang Zing, female, age 14;
- (6) Naang Naang, female, age 12;
- (7) Naang Yong, female, age 9; and
- (8) Zaai Awng, male, age 7.

The farmers were accused of being Shan soldiers. They were released after community leaders in Paang Saang village tract guaranteed that they were only ordinary farmers, not Shan soldiers, and paid 20,000 kyat for their release. (Source: *SHRF Monthly Report*, SHRF, October 2003)

Murng-Phyak Township

On 7 May 2003, 5 mini-tractor owners from Ho Naa village, in Murng-Phyak Township, were summoned to the base of IB 221 by SPDC troops where they were arrested, together with their 5 mini-tractors. They were: Zaai Peng (age 46), Zaai Mon (age 38), Zaai Long Hai (age 21), Zaai Kam La (age 49), Zaai Keo (age 36). The SPDC accused them of having transported rice for Shan soldiers in the Murng Hai area. They were released 1 month later on 7 June 2003, after they each paid 20,000 baht. (Source: *SHRF Monthly Report*, SHRF, September 2003)

Nam-Zarng Township

On 12 April 2003, 13 villagers from Kho Lam village relocation site, went into the forest to gather leaves for packing traditional cookies for water festival, and ran into a patrol of 24 SPDC troops from company number 4 of IB66, led by commander Win Maung Oo, who searched and examined them. When they found 1 of the villagers, Zaai Wee (age 29), did not have enough calluses on his hands, the SPDC troops accused him of being a Shan soldier and arrested him. At 1 point in the forest, Zaai Wee jumped into a nearby bush and ran away. The troops shot after him, but missed, and he escaped. Later, the 13 villagers and their relatives and village leaders, altogether 22 villagers, went to the village tract headman and complained about the incident. The headman then took them to the base of company 4 of IB 66 at Kho Lam and reported the incident to the SPDC military commander. The commander lined up his soldiers and told the villagers to point out the ones who had arrested and shot after Zaai Wee, but the villagers said they did not see the person they knew to be the perpetrator, Win

Maung Oo, among the soldiers. The commander said that Win Maung Oo had been away at training for some time, accused the villagers of trying to frame him, and forced the 13 villagers to pay 2,000 kyat each as a fine. (Source: *SHRF Monthly Report*, SHRF, September 2003)

Murng-Nai Township

On 29 May 2003, 2 SPDC soldiers from IB 64 came to the houses of Zaai Yi (age 46) and Zaai Kham (age 49), from Murng-Nai town and took them away. They have not been seen since. The 2 men were known to have worked as buying agents for some ethnic Chinese opium traders in the past. Their relatives tried several times in vain to find them. The SPDC troops also denied having arrested them and having any knowledge of their whereabouts. Most of their relatives thought that they must have been killed by the SPDC troops. (Source: *SHRF Monthly Report*, SHRF October 2003)

On 19 July 2003, 2 villagers, Zaai Tawng (age 45) and Zaai Pan-Ta (age 40), from Saai Phe village were shot and killed whilst being forced by SPDC troops of LIB 518 to stand guard at the Murng-Nai - Larng-Khur main road. It was later learned that the SPDC troops had accused the 2 men of secretly working as informers for the Shan resistance. The following day, 20 July 2003, SPDC troops arrested the headman of Saai Phe village and the wives of the 2 men they had shot dead the day before, Naang Leng (age 41), wife of Zaai Tawng, and Naang Zing (age 40), wife of Zaai Pan-Ta and detained them for 3 nights before releasing them. (Source: *SHRF Monthly Report*, SHRF, November 2003)

Ethnic Minority Political Activists and MP-elects

Name: Nai Ngwe Thein
Sex: Male
Prison: Moulmein
Ethnicity: Mon

Nai Ngwe Thein is Vice-Chairman of the Mon National Democratic Front (MNDF) and Advisor to the Committee for Representing the People Parliament (CRPP). He is also a veteran revolutionary having served in the Mon People's Front (MPF) from 1948-1958, and is close to the leaders of the NLD including Daw Aung San Suu Kyi. He is now about 80 years old.

In 1998, he was arrested along with fellow MP's Dr. Moe Soe Lin and Dr. Min Kyi Win, accused of interfering in a stable situation of ceasefire between the New Mon State Party and the SPDC, and of supporting the CRPP's plan to convene the People's Parliament. In 1998, there was political tension between the CRPP and the regime. The CRPP was against the regime's National Convention and planned to convene the People's Parliament. The democratic force rejected the role of the Burmese military in future politics, and many hundreds of politicians and activists were arrested at that time. The MNDF were writing to the leaders of the NMSP and analyzing the political situation, including the ceasefire deal with the regime. The letters contained advice regarding the future of the Mon people. However, the military intelligence procured the letter, arrested the MPs and put them on trial, accusing them of trying to break the ceasefire. Although NMSP leaders appealed to the regime that MNDF was not trying to break the ceasefire, they did not listen. They imprisoned

the 3 leaders, sentencing them to 7 years imprisonment each, with hard labour. They are being held in Moulmein prison under Article 5(j) of the 1950 Emergency Provisions Act.

(Source: HURFOM, Issue No.6/2003, 30 June 2003)

3.14 Civilians Arbitrarily Arrested - Partial List for 2003

On 15 June 2003, just after midnight Thin Gan Gyun tract (Ka Gyi) elders, U Soe Win, U Soe Naing, U Mar Ni Kun, U Tin Aung, U Than Zin, U Shwe Win and others, led by Chairman U Htin Win who are SPDC local authorities in Thin Gan Gyun Township of Rangoon division, had been drinking at some shops on Min Gala Road. They knocked on the door of Daw Kyi Win's house in order to search for visitors there. When the authorities entered the house they removed the mosquito-net hung over her 2 young daughters, Ma Soe Soe (age 19) and Ma Aye Aye (age 21), despite repeated requests to leave them sleeping. Their mother, Daw Kyi Win was then arrested and brought to the SPDC regional court. The SPDC sentenced her to 6 months in prison on the charge of disturbing the duties of the SPDC authorities, according to a neighbor. (Source: MICB, 2003)

On 17 July 2003, SPDC authorities entered the offices of *First Eleven*, a weekly sports journal, searched the premises and arrested 5 members of staff. After 2 days, editor Zaw Myint, chief officer Dr Than Htut Aung and Myint Zaw were released, whilst Zaw Thet Htwe and Soe Pa Pa Hlaing remained in detention. It is not clear what spurred the raid (source: "Journal Office Raided, Editors Arrested", *Irrawaddy*, 22 July 2003). Zaw Thet Htwe was tortured during interrogation carried out by the military intelligence. On 28 November 2003, a military court sentenced the sports journalist, and 8 other detainees, to death for "high treason" for sending information to opposition militants abroad. However on 12 May 2004, the Supreme Court repealed the death sentences given to him and 3 others and reduced them to 3 years, following pressure from the ILO and others. (Source: Reporters sans Frontières, 18 May 2004) (See chapter on Freedom of Expression for further information.)

On 19 July 2003, a riot broke out in front of a monastery in Pyinmana, Mandalay Division, with between 30 and 40 monks joining the crowd. It followed an argument between a shopkeeper and a customer. It is believed that the riot was orchestrated by the SPDC, to divert people's attention away from any dissatisfaction with the ruling junta following the Depayin massacre. Muslims were assaulted, stones were thrown at the mosque, and some shops and houses of Muslims were destroyed. Police arrested Ms. Daw Thet Yi, a Muslim shopkeeper, but did not arrest or even question the monks involved. (Source: "SPDC Attempts to Divert People's Attention from Depayin Massacre," *Kaladan News*, 26 July 2003)

In October, there were several incidents of Buddhist-Muslim violence near Mandalay and in Rangoon. The SPDC reacted quickly in Rangoon, sending troops into Muslim neighborhoods and imposing a strict curfew on Buddhist monasteries. This latter action caused resentment among many Buddhist monks, and the authorities arrested several monks for not observing the curfew. (Source: *Country Reports on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

3.15 Arbitrary Seizure of Villagers

(See section 3.13 Ethnic Minority Political Prisoners, above)

According to the Karen Human Rights Group, 783 orders were given by the SPDC, as well as the DKBA and the Karen Peace Army, to villages in Papun, Pa'an, Thaton, Nyaunglebin, Taungoo, and Dooplaya Districts of Karen State, Mon State and part of eastern Pegu Division covering the period between January 2002 and February 2003. The orders were all concerning forced labor and extortion of money, food and materials, as well as restrictions on the movements and activities of villagers. Within these orders are threats to arrest village elders or destroy villages of those who fail to obey. (Source: "SPDC & DKBA Orders to Villages: Set 2003-A," KHRG, 22 August 2003)

Villagers Detained or Arrested - Partial List of Incidents for 2003

Arakan State

Maungdaw Township

On 12 June 2003, the commander of Nasaka Area No.6 arrested 2 men in Maungdaw Township, Arakan State, and accused them of human trafficking. The Nasaka threatened to send the men to jail for 6 years unless they paid 4 million kyat (US\$ 4,000). Rohingya people in the area report that this form of extortion is very common (Source: "Two men detention by Nasaka with false case," Kaladan Press, 19 June 2003)

Buthiduang Township

On 30 August 2003, 7 policemen accompanied by 4 immigration officials arrested 120 Rohingya villagers from Koin Daung (Kwan Dine) village in Buthidaung Township, Arakan State, according to our correspondent. Of these: 75 people were accused of not paying fees for a football tournament; 36 were accused of not planting seedlings along the roadsides; and the other 9 were accused of crossing the border to Bangladesh, he further said. All of the people arrested were confined in a primary school in the village. The people accused of not paying football tournament fees were released after giving 3,000 kyat per head to the SPDC authorities. Those accused of not planting seedlings along the roadsides were set free after paying 5,000 kyat each. The remaining 9 who were accused of crossing the Bangladeshi border made payments, according to 1 of the victims, for their release as follows:

- (1) Basar, age 32, son of Jaffor from west Koin Daung village, had to pay 20,000 kyat;
- (2) Patan Ali, age 40, son of Abdul Sohbi from west Koin Daung village, 16,000 kyat;
- (3) Md. Sultan, age 49, son of Md. Sidique, from East Koin Daung, 10,000 kyat;
- (4) Abdul Kharim, age 27, son of Sultan Ahamed, 25,000 kyat;
- (5) Abdul Goffor, age 56, son of Abul Hashim, from middle Koin Daung, 11,000 kyat;
- (6) Md Ali, age 52, son of Md. Sultan, from middle Koin Daung, 9000 kyat;
- (7) Shoffi Rhaman, age 32, from west Koin Daung, 12,000 kyat; Khalu Meah, age 41, from west Koin Daung, 13,000 kyat; and
- (8) Abdul Khader, age 47, from west Koin Daung, 20,000 kyat,

When asked if the allegations of crossing the border were true, 1 of the accused victims said that they were all fabricated cases, and how could they go to Bangladesh without the required letters of recommendation from government authorities, as there are so many checkpoints in

place on the roadsides. The 120 men arrested were all released after paying a total of 561,000 kyat to the concerned authorities on 1 September 2003. (Source: Kaladan News, 11 September 2003)

On 26 March 2003, Nasaka (SPDC border patrol) members arrested a Rohingya man, Mostafa Kamal, in Buthidaung Township, Arakan State. The Nasaka accused him of being a Bangladeshi and released him only after he paid 70,000 kyat. (Source: "Arbitrary arrest and extortion by Nasaka," Kaladan News, 21 April 2003)

Ponnagyun Township

Starting from December 2002, local Military Intelligence in and around Ponnagyun Township, Arakan state were forcing fishermen to pay regular tolls, or else face fines and jail sentences. (Source: "Burmese Military Intelligence agents extort tolls from Fishermen," Narinjara News, 19 February 2003)

Kanyangon Township

During 2003, there were several reports of government mistreatment and exploitation of farmers. For example, in February, the Kynguagon Township Peace and Development Council arrested 82 farmers for not providing their paddy rice production quota to the local government. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

Karen State

Note: Dooplaya, Pa-an and Papun Districts, as reported below, are all areas demarcated by the KNU as Karen territory. Dooplaya District falls mostly in SPDC demarcated Karen State and partially in SPDC demarcated Mon State. Dooplaya District is under the patrol of the 6th Brigade of the KNLA. Papun and Pa-an Districts fall entirely in SPDC demarcated Karen State. Papun District is under the patrol of the 5th Brigade of the KNLA and Pa-an is under the patrol of the 7th Brigade of the KNLA. The SPDC does not recognize these as official districts. Instead, the SPDC considers there to be 3 districts (North to South: Kawkareik, Pa-an and Myawaddy) and 7 townships (North to South: Than Daung, Papun, Hlaing Bwe, Pa'an, Kawkareik, Myawaddy, and Kya In Seik Gyi) within Karen State. These townships do not correspond with the KNU demarcated districts and townships, even for those that share the same name.

On 28 August 2003, at about 2:00 pm, 5 SPDC soldiers led by Captain Hla Than arrested 1 couple while they were fishing at the river near Myaing Ka Lay village in Karen State. The troops raped the wife and released her that night but they still had not released the husband after 1 week. (Source: MAN, 6 September 2003)

Dooplaya District

On 4 February 2003, there was fighting between KNLA Battalion No.17, of Brigade 6, and SPDC troops from LIB 415 Column No.1, led by Column Commander Nyunt Aye. After the fighting was over and the KNLA soldiers had left, the SPDC troops cleared the area and entered Wama village. They got into the house of Saw Yoo Nor, son of U Thoung Sein, and took 35,500 kyat and burnt down his house and the rest of his property. At the same time, this

troop arrested another villager of Wama, Saw Ohn Myint (age 38), and tortured him, leaving him with serious wounds. (Source: KORD, 2003)

On 16 June 2003, about 50 SPDC troops led by the LIB 586 Column No.1 commander, Major Nyi Nyi Lwin, under Military Operation Command 19, entered Ywa-thit village, Kya-inn Township and arrested 3 villagers who were working as sales people in the shops. The victims were U Pein (age 60), Saw Lo Leik (age 38) and Maung Shwe Lone (age 43). They also took away Saw Tin Win (age 35) and Saw Kar Tun for use as guides. (Source: KIC, 2003)

On 7 July 2003, troops from SPDC IB 34, led by Battalion Commander Mya Htun, came to Kwee-ka-saw-si village, Win-yae Township, and seized villagers Saw Htaw Mon (age 24), Saw Htay Noe (age 42) and Saw Law Du and forced them to serve as porters. (Source: KIC, 2003)

On 8 July 2003, troops led by battalion commander, Major Hla Moe from SPDC IB 231, under Military Operation Command 12, came to Tee-the village, Win-yae Township, and arrested Daw Hnin Tin, a 72-year-old woman. The troops told her children pay 100,000 baht, a firearm or a radio transceiver set for her release. As her children could not afford the ransom, she was taken to Weh-ka-mi. (Source: KIC, 2003)

On 1 August 2003, the SPDC IB 284 arrested 2 villagers from Ta Ka Khee village in Kya Inn Township, and took them back to their camp. Those villagers are Kyaw Lah Bwe (age 35) and Kyaw Wah Nay Moo (age 48). They were not released at the time of this report. Moreover the SPDC troop did not allow anybody from the village to visit them. The villagers arrested were only allowed to come out to take a bath once every 3 days. Up until the time of this report they were under interrogation by a military officer. This was the second arrest for Saw Lah Bwe who was arrested previously on 30 July 2003. (Source: KORD, 2003)

Pa-pun District

On 7 May 2003, SPDC LIB 434 troops, led by Battalion Commander Aung Khin, arrested U Thet Sein of Pu Kha village, Dweh-lo Township, and took him with them for 22 days. During this time they beat him many times and then abandoned him at an unknown location. (Source: KIC, 2003)

On 12 May 2003, SPDC LIB 434 troops arrested Maung Hla Tin of Na-ku-hta village, Dweh-lo Township, and beat him for 2 hours. (Source: KIC)

On 18 May 2003, the same troops arrested U Kyaw Tin of Ta-gon-daing village and detained him for 2 days. Moreover, they demanded Klaw-day villagers to cut 350 bamboo poles. (Source: KIC)

On 8 August 2003, troops from SPDC LIB 340 came to Noe-law-hsu village, Bu-tho Township and arrested villagers, Saw Pa Kya (age 19), Saw Pa Klu (age 20) and Saw Ta Koo Koo (age 40), without reason. (Source: KIC, 2003)

On 8 August 2003, Tin Moe a junior commander from SPDC LIB 434, under LID 66, came to Noe-law-su village, Dwe-loe Township, and looted 43 chickens from the villagers.

Moreover, he arrested and took away with him a female villager Naw Ku Kree from Htee-ber-kha-hta. (Source: KIC, 2003)

On 9 August 2003, troops from SPDC LIB 434, under LID 66, came to Baw-kyo-leh area, Dwe-lo Township, and arrested and brutally assaulted 11 villagers before taking them to SPDC camp IB 434. The victims were:

- (1) Saw Pah Lah Pwe, age 50;
- (2) So Po Htoo, age 35, the son of Shwe Htun;
- (3) Saw Po Hta, age 35, son of Saw Ler Pwe;
- (4) Saw Daw Play, age 30, son of Saw Khaw Tha;
- (5) Saw Ta Mwee Heh, age 27, from Ta-dwee-kho village, son of Saw Tha Di;
- (6) Saw Shwe Haung, age 35, son of U Aung;
- (7) Saw Pa Hser, age 30, son of Saw Kyaw Hlaing;
- (8) Saw Ta Di, age 27, son of Saw Pa Dah;
- (9) Saw Law Di, age 25, son of Saw Maung Nyo;
- (10) Saw Mieh, age 20, son of Saw Thoo Di; and
- (11) Saw Pa Hkeh, age 25, from Khaw-kla village, son of Saw Pa Taung Meh.

The troops forced the village head to promise to give them a firearm and a walkie-talkie set in exchange for the release of the arrested villagers. This created a large problem for the village head and the other villagers. On 24 August 2003, the afore mentioned SPDC troops shot and killed Saw Pa Hser and Saw Pa Hkeh of Hkaw-kla village, who were among the arrested villagers. (Source: KIC, 2003)

On 9 August 2003, the SPDC LIB 434, Divison 66 and Divison 6 entered Ta Dwee Kho village, Bu Tho Township and seized 5 Ta Dwee Kho villagers and 6 Khaw Klah villagers and took them back to LIB 434 camp. The villagers were tortured by kicking and biting and were accused of setting land mines in the area. According to information gathered these troops killed 3 villagers amongst the detained and the others have not yet been released. (Source: KORD, 2003)

On 10 August 2003, troops from SPDC LIB 434 led by Battalion Commander Khin Maung Zaw arrested and took away, without reason, Naw Ku Ree from Htee-ber-kha-hta village, Saw Kya Htoo (age 37), Pa Naw Si (age 24), and Saw Pa Dah (age 25), from Noe-law-hsu village. (Source: KIC, 2003)

On 16 August 2003, troops from SPDC LIB 340 arrested Htee-ber-kha-hta villager Saw Pa Peh Kaw (age 50), without reason. (Source: KIC, 2003)

Pa-an District

On 30 June 2003, according to the U.S. Department of State, a combination of SPDC and a DKBA troops entered Noe-aw-lar village, Pa-an Township, where they proceeded to arrest and torture a villager. The report states that after the villager had escaped the troops took 450,000 kyat (\$US 450) and a cow from his mother. They went on to abduct a woman from Zi-pyu-gon village. At the end of the year it was unknown whether the woman had been released or not.

On 6 August 2003, combined troops from DKBA, central security led by Moe Kyo and No.555 led by Pah Daw Bo came into Htee Kli Tha village, shot Saw Ta Ku Ku (age 46), from Si Paht Day Kee village, with small guns and heavy guns (RPG-7) and arrested him.

After that Moe Kyo raped and killed his daughter, Naw Mu Kut (age 17). The troops burned down his hut which contained 8 baskets of paddy, and looted 10 baskets of rice for food as well as all his pigs and chickens. Saw Ta Ku Ku has not been released yet. This was the first time rape has been committed by DKBA troops in Pa-an District. (Source: KNU DOI, 2003)

Mon State

Note: Thaton District, as reported below, is an area demarcated by the KNU as Karen territory. Thaton District falls mostly in the SPDC demarcated area of Mon State, while the area to the east of the Donthami River lies within SPDC demarcated Karen State. Thaton District is under the patrol of the 1st Brigade of the KNLA. The SPDC does not recognize this area as an official district.

On 28 March 2003, the Democratic Voice of Burma reported that a 78-year-old farmer was arrested and tortured at Nyaungpin Seik Police Station, for failing to meet his rice quota. (Source: "Farmer tortured in Mon State," DVB, 28 March 2003)

Thaton District

On 14 April 2003, troops from SPDC IB 35 Column No.2, looted the house of Naw-ka-toe villager, Naw Hkee Lar (female, age 48), and took 30,000 kyat in cash, and some household items in Thaton District. Later they arrested and tortured Naw Hkee Lar and her son, Saw Soe Naing (age 22). (Source KIC, 2003)

On 22 April 2003, combined troops from DKBA and SPDC IB 11, led Commander Aung Ze Ya Lin of Column No.2, arrested without reason Saw Pa Lu, from Kaw-po-pleh village, Bi-lin Township, and shot him to death between Lay-kay and Pa-ya-raw villages, Thaton District. (Source: KIC, 2003)

On 23 April 2003, combined troops from SPDC IB 11, led by Column No.2 Commander Aung Za Ya Lin, and from the DKBA arrested without reason Saw Eh Soe, Pa Mee Per and Pa Maung Kwee from Pa-ya-raw village, Bi-lin Township, Thaton District and shot and killed Pa Mee Per and Pa Maung Kwee between Lay-kay and Pa-ya-raw villages. (Source: KIC, 2003)

On 23 April 2003, combined troops from SPDC IB 11 led by Column No.2 commander, Aung Za Ya Lin, and from the DKBA arrested Saw Pa Ku from Ler-po village, Bi-lin Township, Thaton District and demanded a fire arm from him, and a radio transceiver set. As he did not have a radio set, the troops beat him up, covered his head with a plastic bag, poured water on him and finally took him to Lay-kay village. (Source: KIC, 2003)

On 8 September 2003, DKBA troops led by Chit Myaing came to Baw-naw-wah village, Bi-lin Township, Thaton District and arrested villager Pah Kaw. After he escaped the troops demanded 1 pig, 5 chickens, 5 baskets of rice and 2,000 kyat from Pa Kaw's mother as a fine. (Source: KIC, 2003)

Pegu Division

Taungoo District

Note: Taungoo District is an area demarcated by the KNU as Karen territory. Taungoo falls partially in SPDC demarcated Pegu Division and partially in SPDC demarcated Karen State. Taungoo is under the patrol of the 2nd Brigade of the Karen National Liberation Army (KNLA). The SPDC does not recognize Taungoo as an official district.

On 22 February 2003, troops from SPDC IB 26 based at Tha-aye-hta, led by Battalion Commander Khin Maung Cho, came to Hgar-mu-doe village, Than-daung Township, Taungoo District and arrested Saw Ba Sein (age 24), Saw Ta Too Tu (age 35) and Saw Ta Mya (age 20) and confiscated an air rifle from them. (Source KIC, 2003)

On 8 July 2003, troops from SPDC IB 92 based at Kaw-thay-doe army camp, led by Sergeant Major Htun Wai, came to the shops of Ka-thwee-dee village, Than-daung Township. They looted merchandise and money from the shop owners as follows:

- (1) Saw Maung Htun, age 45, merchandise worth 70,000 kyat;
- (2) Naw Mee Mi, female, age 30, merchandise worth 150,000 kyat and 50,000 kyat in cash;
- (3) Saw Ka Thay, age 60, 120,000 kyat worth of merchandise; and
- (4) Naw Maw Kya, female, age 35, merchandise worth 90,000 kyat.

These troops also dismantled the shops and beat up the shop owners. In the evening, the same troops seized Saw Htun Win (age 35), chairman of Ka-thwee-dee village, and secretary Saw Ohn Zan (age 30), and ordered the other villagers to pay a ransom of 150,000 kyat for their release. (Source: KIC)

On 5 June 2003, SPDC troop IB 92 led by sergeant Tint Naing and Corporal Thein Moe, left Klesoekhee village, Taungoo District and went back to their camp at Kawthayder. On their way back, they forcibly took 9 women villagers and 1 man along with them. They were Naw Nay Koo Ku, Naw Hsa Poo Pu, Naw Kyeh Reh Htoo, Naw Ma Li, Naw Pa Thi, Naw Eh Sa Ri, Naw Pu, Naw Tha Boe, Naw Aye May and Tha Bwa Aung Shwe. They were taken to Kaw-thay-doe army camp. (Source: KORD & KIC)

On 10 June 2003, the same troop IB 92 again arrested without reason 2 Kawthayder villagers of Taungoo District Saw Ta Kwah Kwah (age 35) and Saw Tha Khu (age 25) and had not released them at the time of this report. (Source: KORD, 2003)

On 11 June 2003, the SPDC troops based at Baw-ga-li seized Kaw-thay-doe villager, Saw Ah Kaw (age 60), son of Saw Ree Sha, and took him along with them to Baw-gali village, Taungoo District. (Source: KIC, 2003)

On 20 June 2003, at 12:00 noon, troops from SPDC LIB 599 led by Bo Than Oo, arrived and shot at villagers while they were buying and selling at the market place of Deh-lor village, Tan-ta-bin Township, Taungoo District. One villager from Plaw-baw-doe went missing and one Hle-lan-koo villager, Min Thu, was arrested and taken away. As Hle-lan-koo villagers Thein Htun, Ma Tin, Maung Myint and Khin Maung Myint ran away, the SPDC troops looted all of their merchandise left behind and burned down the market place. (Source: KIC & KORD, 2003)

On 5 July 2003, troops from SPDC LIB 73, led by Bo Tin Ko Oo, came to Sha-zi-bo village tract, Taungoo District and extorted from the villagers 7 sacks of rice and a cow worth 200,000 kyat. The villagers were:

- (1) Sha-zi-bo, 4 sacks of rice and 40,000 kyat;
- (2) Ye-shan, 1 sack of rice and 45,000 kyat;
- (3) Zi-pyu-gon, 1 sack of rice and 60,000 kyat; and
- (4) Taw-gon, 1 sack of rice and 25,000 kyat.

Moreover, the troops arrested Zi-pyu-gon villager, Naw Pay Pay without reason and sent her to Taungoo. She was sentenced to 4 years imprisonment. (Source: KIC, 2003)

On 10 July 2003, troops from SPDC IB 73, led by Bo Kyaw Myo Htun, came to Taw-gon village, Tan-ta-bin Township, Taungoo District to arrest villager Naw Meh Soe, but as she escaped, the troops arrested her father Saw Htun Khaing of Zee-pyu-gon village and sent him to Zayat-gyi. They extorted 49,000 kyat from him and released him 2 weeks later on 24 July 2003. (Source: KIC & KORD, 2003)

Sagaing Division

On 30 January 2003, it was reported that 5 farmers from Pale Township were arrested for failing to fulfil their quotas; they were released after paying bribes. Due to a poor harvest and the huge difference between the regime's price, and the market price, many cotton farmers expected that they would be unable to fulfil the set quota they had been instructed sell to the SPDC. (Source: "Farmers forced to sell cotton," DVB, 30 January 2003)

Shan State

Murng-Kerng Township

Since the beginning of 2003, SPDC troops of LIB 514 have been forcing people in Murng-Kerng Township, whether they have rice fields or not, to sell rice to the military at the rate of 300 kyat per basket, while the current market price is 3,000 kyat per basket. People who had rice fields had to sell 8 baskets of unhulled rice at the above rate for every acre of their rice fields, an increase from previous years, when farmers were forced to sell only 5 baskets per acre. Those who fail to meet their quotas will have to face at least 2 months imprisonment and a fine of 30,000 kyat. (Source: SHRF, April 2003)

On 24 February 2003, Zaai Saang Wi (age 30), from Nawng Yaang village tract, Murng-Kerng Township, was arrested and was still in detention at the time of this report. His 5-acre rice field yielded only 28 baskets of unhulled rice due to poor soil and bad weather, so he could not sell his rice quota. (Source: SHRF, April 2003)

On 24 February 2003, Naang Pao (female, age 33), a widow with 4 children, also from Nawng Yaang village tract, was arrested. Due to destruction by insects and unexpected rains during harvest, she could only meet the quotas for 7 acres of her 10-acre rice field. She was continued to be detained up to the time of this report. (Source: SHRF, April 2003)

Murng-Ton Township

On 17 March 2003, Naang Zaam Mawn (age 23), from Murng-Ton, was summoned back to her hometown by Commander Tin Thein of SPDC IB 225. She was studying at a degree

college in Kaeng-Tung town. When she returned home to Murng-Ton Naang Zaam Mawn was taken to the police station and detained for 3 days without knowing the reason for her detention. During her detention many of her friends, who had heard about the incident, came to see her, bringing with them food and water so that she did not starve, even though her guards did not give her anything to eat. After 3 days Naang Zaam Mawn was taken out of her lockup, and told by commander Tin Thein that her parents had gone to Thailand with 2,000,000 kyat of stolen money. Naang Zaam Mawn responded that if her parents had that much money they would not have needed to go to Thailand and find work as laborers. They went to work in Thailand because they did not have enough money to support her school expenses. Naang Zaam Mawn was then released and instructed to go and bring her parents back. (Source: SHRF, October 2003)

Ta-Khi-Laek Township

On 26 June 2003, SPDC township authorities told people in Ta-Khi-Laek, "... you must go back and tell all the village and community leaders to tell their respective villagers and townspeople not to accept any guests from Murng Kok and Murng Lung village tracts in Murng-Sart township. If anyone from those areas is found staying overnight, the hosts, or the respective village or community leaders, will be jailed for 6 months." Although SPDC authorities did not mention any reasons for issuing the order, it took place after 2 villages in Murng Kok village tract in Murng-Sart Township were burned down by SPDC troops. (Source: SHRF, August 2003)

On 16 July 2003, a villager of Kawng Mon village in Murng Ko village tract, Ta-Khi-Laek Township, was arrested for having 2 guests from Murng Lung village tract in Murng-Sart Township overnight at his house. He was imprisoned, together with the 2 guests, in Ta-Khi-Laek town. Although the guests were released after 3 days, after paying a fine of 2,000 baht each, and ordered to return to their home in Murng-Sart right away, their host, Zaai Sri-Wun (age 49), was still in prison up to the time of this report. The guests were said to be the brother and sister-in-law of their host. (Source: SHRF, August 2003)

Tenasserim Division

Note: Mergui-Tavoy District is an area demarcated by the KNU as part of Karen territory. Mergui-Tavoy falls into SPDC demarcated Tenasserim Division and is under the patrol of the 4th Brigade of the KNLA. The SPDC does not recognize Mergui-Tavoy as an official district

Since the beginning of 2003, Burmese troops in Kamoethway area in the east of Tavoy, have been forcing the local villagers to implement rice farming projects on behalf of the military. Many villagers fled to the Thai border to escape the forced labour.

On 1 March 2003, a village headman from Wahku village was arrested and detained for 10 days by Burmese troops. It was learnt that he had complained about the order of No.1 Strategic Command HQ, to clear the land for the afore mentioned farming project. He complained that the commander should give the farmers some cattle or a tractor to do the work. His complaint was later passed on the commander. (Source: Mergui-Tavoy District Information Department, KNU, March 2003)

On 30 July 2003, at 10:05 am, troops from SPDC LIB 358 came to Klee-di-plaw area in Kaw-thaung Township, Mergui-Tavoy District arrested and took away a villager, Pu Pa Hkeh (age 65), without reason. These troops also arrested the son of Daw Pa Lah (age 18), entered her house and took 1 cassette player, 4 pots, 10 plates, 1 iron stove, 4 spoons, some salt, fish paste and monosodium glutamate. (Source: KIC, 2003)

3.16 Arrest and Detention of Foreigners

In 2003, there were no reported arrests of foreign journalists, however in previous years, several journalists who entered the country as tourists were detained or deported by the SPDC (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004)

Thai soldiers go missing in Burma

On 9 August 2003, the Bangkok Post reported that, Lt. Gen. Pinchernmet Muangmanee, a Thai Third Army chief, asked Burma's SPDC to return 2 Thai soldiers, believed to have been held captive by the military in Burma. Sgt. Sawaeng Romchai was captured after crossing the Thai-Burma border via the San Makheth passage in Chiang Rai Province 1999 and Sgt. Dao Warinteh went missing in May 2002 after crossing the border. The third army chief said Rangoon, which denied detaining any Thai soldiers, promised to help look for the 2 men. The article stated that Lt. Gen. Picharnmet expected "good news" about the soldiers at the Regional Border Committee meeting between Thai and Burmese authorities on 22-23 August 2003. However, there was no information available following this report. (Source: "Burma queried over Soldiers", Bangkok Post, 9 August 2003)

Seven-year sentence for "Truthfulness-Compassion-Tolerance" banner

On 23 January 2003, the arrest and continued detention of Mr. Chan Wing Yuen, a Falun Gong practitioner and permanent resident of Hong Kong, was exposed publicly for the first time. Mr. Chan had been detained in Rangoon on 12 December 2001 after his attempted demonstration against then President of China, Jiang Zemin. Mr. Chan had displayed a banner reading "Truth-Compassion-Tolerance" along the expected route of visiting President Zemin but he was quickly taken into custody by Rangoon police.

On 31 January 2002, under the gaze of the Chinese Embassy, and without the presence of either a lawyer or his family, the elder was secretly sentenced to 7 years in prison. While in detention, and after his sentencing, officials from the Chinese Embassy supervised as local Burmese police repeatedly demanded that Mr. Chan present a written promise to stop practicing, and renounce his belief in, Falun Gong. This is a demand commonly imposed on practitioners in China. In exchange for signing the statement the authorities offered him his freedom. Mr. Chan refused. (Source: "Burma: Elder Slapped with 7 Years for 'Truthfulness-Compassion-Tolerance' Banner", Falun Dafa Information Centre, Hong Kong, 24 January 2003)

3.17 Appendix 1

Interview #1: A Day in the Life at Shwebo

Name: Aae Mondarar
Age: 29
Date of Arrest: 1 October 1998
Date of trial: 15 January 1999
Date of release: 16 March 2003
Prison: Insein (approximately 6 months), Schwebo (four years)
Held under: Article 5(j) of the 1950 Emergency Provision Act and 17/20
Sentence: 21 years
Served: 4 years 6 months
Signed section 401/1: Yes

Aae Mondarar's sentence was reduced under section 401/1 by 16 years and 6 months.

Q: Why were you arrested?

A: They tried to arrest me because of the December 96 student strike, but I escaped. I was one of the members who met to re-establish Rangoon University Student Union, participated in the 98 student strike/demonstration and supported CRPP. I made a yellow flag with the slogan "we support CRPP" on it. I was accused of making the flag, but we didn't use it. MI accused me of making a peacock flag in the demonstration. I was among 22 people who met to reopen the student union. MI tried to arrest me but I escaped.

Q: What was the official reason for your arrest?

A: MI told me that I was arrested because I made a yellow flag and at the trial they accused me of all of the above. When they arrested me MI didn't know about my participation because I had a different name- they found out that part after my arrest. I was held in detention in Insein during pre-trial period and I was not allowed any visits before my trial. After I was imprisoned it was one month before I saw my family.

Q: Can you tell me about a normal day in Schwebo prison?

A: The prison opened at 6:00 am, but I normally got up around 4:00 am to do my prayers (Buddhist). As soon as the prison was open we would be given some rice yogurt. 9:00 am we were offered a ration of rice, the prison closed from 12:00 -2:00 pm. 9:00 -12:00 am I would read religious books or meditate, sometimes I would take a rest. I was allowed to walk around in the cell compound from 6:00 am -12:00 pm. 12:00 -2:00 pm we had to stay in our cells. The prison re-opened at 2:00 pm and we were offered dinner at 3:00 pm. Then I would take a bath at 4:00 pm once a day. I was allowed a bowl of water and allowed to walk. 6:00 pm we were closed inside our cells. I would do some meditation and reading, sometimes I would chat to my friend. 9:00 pm we went to bed. Sometimes after this we would read or chat, but when the wardens were around we had to sleep. When I first arrived I could only take a bath once every three days due to the water shortage- it was very hot in Schwebo. I was allowed one bath a day when I requested the superintendent, and also after ICRC started to visit the prison. One month before ICRC came I was allowed a daily bath.

Q: Was there enough water for drinking?

A: Normally, yes. Very rarely, when there was a drought there was no water and we could only take a bath once in 10 days.

Q: Did you ever experience any violence from the prison authorities, or from the other prisoners?

A: Physically I never received a beating but I was constantly sworn at by prison authorities. Female wardens swore at me as if I was a criminal, calling me a prostitute, whore, etc.

Q: How were political prisoners treated in comparison to normal criminals?

A: The superintendent and the prison officers did not treat us so bad at Schwebo, because male officers did not come to the female ward often but female wardens were very bad. They treated female political prisoners the same as criminals and did not want to recognize us as political prisoners. These female wardens were very rude. There was no physical contact but I was threatened by a warden when I demanded my rights. She said that she would slap my face and quit her job. This female warden did not like me as she thought I was very proud. In Schwebo prison all political prisoners were brought boiled beef every Wednesday but some people could not eat beef, but the prison authorities did not offer them anything to replace it. When ICRC visited Schwebo prison the people who didn't eat beef informed ICRC, and after that they were offered eggs instead, but they were yelled at and threatened for talking to ICRC. Normal prisoners were not allowed to make requests and no-one was allowed to say anything to ICRC, anyone who told something to ICRC was given 35 beats. I did not see it but this is what the prison authorities informed us would happen. So criminals would ask the political prisoners to tell ICRC on their behalf.

Q: Will signing section 401/1 stop your political activities?

A: I am afraid of being rearrested. MI doesn't release anyone after they arrest them. It will stop people because of the threat. I will not participate in political activities inside Burma because I am afraid of being arrested.

Q: What does that threat stop you doing?

A: Even if I hadn't signed I would still have been scared of being rearrested, because anyone who has been in prison for their political activities will always be a political prisoner. Before I fled Burma I had some contact inside Schwebo prison. I sent some books and political news, and MI found out that someone had sent them and questioned the prisoner who received them. I think section 401/1 is a big threat to political prisoners who sign. I would be rearrested and have to serve an extra 16 years and 6 months on top of the sentence I received because of it. Two people were released at the same time as me and they both signed it as well.

(Source: HRDU, 26 May 2004)

Letter #1: Report to UN Special Rapporteur, Paulo Sergio Pinheiro on the conditions in Tharawaddy (Thayawaddy) Prison from AAPP (March 2004)

Tharawaddy prison is located in the west of Pegu division in lower Burma. The distance between Tharawaddy and Rangoon is 78 miles. The weather of Tharawaddy is temperate. There are over 1000 prisoners including at least 158 political prisoners. Health care in prison is not much improved. Prisoners rely on their families for medicine and good treatment. Prisoners are treated well the day when ICRC or other prominent delegates visited. Usually prisoners are not treated well.

The following political prisoners were brutally tortured at the prison gate. They were moved from Bessein and Myaung Mya to Tharawaddy prison in September 2003:

- (1) Aung Naing,
- (2) Tin Thein (KNU),
- (3) Kyin Thaung (KNU),
- (4) Ko Ko Naing (KNU),
- (5) Min Key (KNU),
- (6) Maung Maung Htwe (ABSDF),
- (7) Maung Oo (ALP),
- (8) Thar Nyi (NB: he was a monk before arrest),
- (9) Ba Thein Latt,
- (10) Zaw Than,
- (11) Than Htay,
- (12) Aung Zaw Oo, and
- (13) Kyaw Way Soe.

Here we would like to inform you that the above political prisoners were held at gunpoint when they entered Tharawaddy prison gate. They were then shackled with iron chains and bars and were beaten with bamboo sticks until they were unconscious. To date, they remain in tiny cells and are not allowed to have visits from family members. They are forced to sleep on the concrete floor and very sometimes, they receive one meal a day.

Conclusion:

AAPP does not refute that improvements have been made in Burmese prisons. We wish to thank the ICRC, countless NGOs, governments, the United Nations, and Prof. Pinheiro in particular, for their constant work to improve conditions in Burma's dismal prisons. But it is with regret that we must say that all progress is temporary. Prisoners continue to receive insufficient food. Prisoners must buy medicine themselves, when necessary. None of the prisoners receive proper health care. Torture, both physical and mental, continues. There is no rule of law in Burma. To end the suffering of prisoners in prisons, labor camps, and on the front lines, Burma needs an elected government that respects human rights and cares about the welfare of all its citizens.

Bo Kyi
Joint Secretary
AAPP

(Source: AAPP, March 2004)

3.18 Appendix 2

Political Prisoners In Need Of Medical Treatment Source: AAPP, 1 April 2003

NO	Name	Name of Illness	Gender	Prison
1	Aung Aung	Paralysis	Male	Mandalay
2	Aung Kyaw Soe	Paralysis	Male	Myaung Mya
3	Aung Myo Tint	Heart problem	Male	Myaung Mya
4	Aung Naing	Heart problem, Hypertension	Male	Bassein
5	Aung Naing	Hypertension	Male	Mandalay
6	Aung Naing Oo	Weight loss, Weak	Male	Myitkyina
7	Aung Swam	Mental illness, Leg problem	Male	Myinggyan
8	Aung Zin	Hyper tension, Heart problem, Faints	Male	Insein
9	Aung Zin Minn	Gastric Ulcer	Male	Thayet
10	Aye Aung	Malaria, Typhoid	Male	Kale
11	Aye Myint Than	Rheumatic arthritis, Heart problem	Female	Myaung Mya
12	Aye Than	Hypertension	Female	Insein
13	Ba Minn	Weight loss, Weak	Male	Myitkyina
14	Chit Ko Ko	Mental illness, Psychosis	Male	Mandalay
15	Do Daung (MP)	Coronary heart disease, Hypertension, Ear problem	Male	Mandalay
16	Han Nyunt	Mental illness, Depression	Male	Myaung Mya
17	Hla Hla Win	Increase heartbeat, Gastric Ulcer,	Female	Insein
18	Hla Shwe	Gastric Ulcer	Male	Thayet
19	Hla Win (a) Har Yutt	Piles (Bleeding Piles)	Male	Moulmein
20	Hlaing Win Swe	Eye problem	Male	Myaung Mya
21	Htain Linn	Gastric Ulcer	Male	Myaung Mya
22	Htay Nyunt	Dizzy	Male	Mandalay
23	Htay Thein	Mental illness, Psychosis	Male	Mandalay
24	Htay Win Aung (a) Pyone Cho	Ear problem	Male	Insein
25	Khaing Soe	Stomach problem	Male	Insein
26	Khin Khin Laeh	Rheumatic arthritis, Dysentery	Female	Insein
27	Khin Mg Kyi	Gout	Male	Thayet
28	Khin Moe Aye	Hypertension	Female	Insein
29	Khin Zaw Oo (a) Saw Win	Malaria, Dysentery	Male	Kale
30	Ko Ko Gyi	Lipoma	Male	Thayet
31	Ko Ko Lay (a) Bo Bo	Eye problem	Male	Myaung Mya
32	Kyaing Tun	Glaucoma	Male	Moulmein
33	Kyaw Kyaw Tun (a) Ar Da Ban Ali	Piles, Inguinal Hernia	Male	Myaung Mya
34	Kyaw Minn Tun	Mental illness	Male	Insein
35	Kyaw Mya	Gastric Ulcer	Male	Bassein
36	Kyaw Nyunt	Ear problem	Male	Mandalay
37	Kyaw Oo (a) Ar Ziz	Asthma, Dizzy	Male	Myaung Mya
38	Kyaw Soe Wai	Chest pain	Male	Bassein
39	Kyaw Than	Mental illness, Depression	Male	Insein
40	Kyaw Zin Htway	Fits, Convulsion	Male	Bassein
41	Kyi Kyi Win	Rheumatic arthritis, Back pain	Female	Mandalay
42	Kyi Tin Oo	Heart problem	Male	Insein
43	Kyin Thaung	Eye problem	Male	Myaung Mya
44	Lin Lin Tun	Coronary heart disease	Male	Mandalay
45	Lwin Nyein	Hepatitis	Male	Myaung Mya
46	Manh Mg Waa	General health problem	Male	Myaung Mya

47	Manh Phyu Lone	General health problem	Male	Myaung Mya
48	Mar Mar Oo	Rheumatic arthritis, Tonsilitis	Female	Insein
49	Maung Tin	General	Male	Moulmein
50	May Win Myint (Dr.)	Rheumatic arthritis, Gastric Ulcer	Female	Insein
51	Mg Mg	Mental illness, Depression	Male	Myaung Mya
52	Mg Mg Lay	Chest pain	Male	Myaung Mya
53	Mg Oo (a) Khin Mg Oo	Inguinal Hernia	Male	Myaung Mya
54	Min Kin	Chest pain	Male	Myaung Mya
55	Min Kyi Win (Dr.)	Mental illness & Weight loss	Male	Moulmein
56	Min Soe Linn (Dr.)	Inguinal Hernia	Male	Moulmein
57	Min Thu	Coronary heart disease	Male	Insein
58	Moe Zaw Naing (a) Aung Phyo	Tuberculosis	Male	Thayet
59	Mya Kyaing (a) Thway Khaing	Heart problem, Hypertension	Male	Tharawaddy
60	Mya Sabal Moe	Paralysis	Female	Shwe Bo
61	Myo Minn (a) Lwin (a) Ar Ziz	Eye problem	Male	Myaung Mya
62	Myo Minn Thein	Heart problem, Asthma, Piles	Male	Myaung Mya
63	Myo Myint	Heart problem	Male	Tharawaddy
64	Myo Naing (a) Mu Tuu	Neuropathy	Male	Myaung Mya
65	Myo Thein (a) Da Ban	Neuropathy	Male	Myaung Mya
66	Nai Ngwe Thein	Fistula, Pain in urination	Male	Moulmein
67	Naing Aung Mon	Gastric Ulcer	Male	Myaung Mya
68	Naing Myint (a) Myint Soe	Mental illness, Psychosis	Male	Mandalay
69	Nay Linn Soe	Eye problem	Male	Kale
70	Nay Tin Myint	Gastric Ulcer	Male	Myinggyan
71	Nay Zar Phyo	Mental illness, Gastric Ulcer, Piles	Male	Moulmein
72	Nyi Nyi (a) Myo San	Chronic sinusitis	Male	Myaung Mya
73	Nyunt Yin	Faints, Hypotension	Female	Insein
74	Ohn Kyaing (a) Aung Wint	Piles, Tuberculosis	Male	Taungoo
75	Ohn Maung	Liver problem, Pain in urination, Gastric Ulcer	Male	Insein
76	Phoe Laa Pyae	Rheumatic arthritis, Kidneys disease, Oedema	Male	Bassein
77	Phone Thet Pai	Osteosclerosis	Male	Myaung Mya
78	Saa Htoo Saw	Tuberculosis	Male	Thayet
79	Salai Tun Than	Eye problem	Male	Insein
80	San Hla Baw	Paralysis, Nephritis	Male	Thayet
81	San Nu	Skin infections	Male	Tharawaddy
82	Saw Bin Son	Tuberculosis	Male	Thayet
83	Saw Naing Naing	Recovery from surgical operation for Hydrocoele, Elephantiasis	Male	Insein
84	Saw Nay Dunn	Asthma, Hypertension, Heart problem	Male	Tharawaddy
85	Saw Tha Gay (a) Ba Gyan	General health problem	Male	Myaung Mya
86	Sein Hla Oo	Hypertension, Inguinal Hernia	Male	Myitkyina
87	Sein Linn (a) Ag Nga Lay	Hypertension, Heart problem, Fits, Convulsion	Male	Mandalay
88	Sein Win	Gastric Ulcer	Male	Myitkyina
89	Soe Han	Eye problem	Male	Insein
90	Soe Moe Naing (a) Ngone	Mental illness, Psychosis	Male	Mandalay
91	Soe Myint	Hypertension, Diabetes	Male	Insein
92	Soe Myint	Rheumatic arthritis	Male	Tharawaddy
93	Soe Myint (MP)	Paralysis	Male	Insein
94	Soe Win (a) Bo Phyu	Scabies	Male	Myaung Mya
95	Tha Linn Tin	Asthma	Male	Myaung Mya
96	Than Htike (a) Zr Zarr	Heart problem	Male	Myaung Mya

97	Than Lwin (a) Ah Naing	Malaria, Rheumatic Arthritis	Male	Moulmein
98	Than Mg (a) Wah Hap	Heart problem, Diabetes, Nephritis	Male	Myaung Mya
99	Than Naing	Mental illness, Depression	Male	Moulmein
100	Than Ni Thein	Glaucoma	Male	Moulmein
101	Than Nyein (Dr.)	Liver Cirrhosis	Male	Insein
102	Than Than Htay	Rheumatic arthritis, Tonsilitis	Female	Insein
103	Than Tun	hand injuries	Male	Maubin
104	Thet Naing Oo (a) Thet Khaing	Neuropathy	Male	Myitkyina
105	Thet Tun Oo (a) Abdu Raman	Malaria, Scabies	Male	Myaung Mya
106	Thi Thi Aung	Nephritis, Oedema	Female	Tharawaddy
107	Thida Htway	Hand injure	Female	Insein
108	Thura Kyaw Zin	Hypertension, Gastric Ulcer	Male	Myaung Mya
109	Thuu Wai	Asthma	Male	Insein
110	Tin Aung	Hypertension, Diabetes	Male	Kale
111	Tin Aye	Skin infections, Weight loss	Male	Taungoo
112	Tin Cho	Hypertension	Male	Mandalay
113	Tin Moe (a) Osman	Oedema, Scabies	Male	Myaung Mya
114	Tin Myint	Mental illness	Male	Mandalay
115	Tin Myint (a) Zin Bo	Malaria	Male	Myaung Mya
116	Tin Soe (a) Yee Nuut	Piles	Male	Myaung Mya
117	Tin Tun	Heart problem, Hypertension	Male	Insein
118	Tin Win	Paralysis	Male	Thayet
119	Toe Po	Piles, BPH, Loss of hearing	Male	Insein
120	Toe Toe (a) Ali	Scabies, Tooth problem	Male	Myaung Mya
121	Tun Myint	BPN	Male	Insein
122	Tun Ngwe Thein	Fistula, Pain in urination	Male	Tharawaddy
123	Tun Oo (a) ET	Gastric Ulcer	Male	Thayet
124	Tung Aung Kyaw	Tuberculosis	Male	Mandalay
125	Wai Linn	Mental illness	Male	Tharawaddy
126	Wanna Maung	Heart problem	Male	Moulmein
127	Win Aung (a) Win Maung	Hypertension, Depression	Male	Moulmein
128	Win Kywal	Paralysis, Mental illness	Male	Moulmein
129	Win Naing	Heart problem	Male	Moulmein
130	Win Naing	Mental illness	Male	Mandalay
131	Win Tin	Osteosclerosis	Male	Insein
132	Yan Gyi Aung	Glaucoma	Male	Moulmein
133	Yan Naing Minn	Inguinal Hernia, Mental illness	Male	Mandalay
134	Ye Maw Htoo	Elephantiasis	Male	Insein
135	Ye Minn Naing (a) Barbu	Eye problem	Male	Myaung Mya
136	Yee Mon	Rheumatic arthritis	Male	Myaung Mya
137	Zaw Htoo (a) Mg Mg Htoo	Hypertension, Gastric Ulcer	Male	Myaung Mya
138	Zaw Min (Dr.)	Mental illness, Psychosis	Male	Mandalay
139	Zaw Min Tun (a) Mu Sa	Coronary heart disease	Male	Myaung Mya
140	Zaw Minn Oo	Coronary heart disease	Male	Myaung Mya
141	Zaw Than Htike	Gastric Ulcer	Male	Bassein
142	Zay Ya	Piles	Male	Insein

4. Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

– Article 5, Universal Declaration of Human Rights

4.1 Background

Torture and other cruel, inhuman and degrading treatment have been used by the military government in Burma for more than 40 years and have been particularly documented since the 1988 pro-democracy uprising when the use of torture increased. The law in Burma does not specifically prohibit the use of torture. Instead, "hurt" and "grievous hurt" are cited as prohibited acts which are punishable under Articles 330 and 331 of the 1957 edition of the 1861 Burmese Penal Code. Punishment for breaking this regulation for the purposes of extracting a confession or evidence which could lead to blame for some sort of misconduct is imprisonment for up to seven to ten years. Under Article 323 anyone who "voluntarily causes hurt" may be subject to up to one year of imprisonment. Under Article 325, imprisonment of up to seven years is called for those who "voluntarily cause grievous hurt." Furthermore, under Article 166, public servants are prohibited from unlawfully inflicting injuries on anyone while in the line of duty. Violation of this regulation calls for up to one year of imprisonment. (Source: *Myanmar; Justice on Trial*, Amnesty International, 30 July 2003)

In February 2003, Amnesty International conducted their first ever country visit to Burma and submitted their findings and concerns about the administration of justice in Burma to the State Peace and Development Council (SPDC) for their commentary. The lack of a clear definition and prohibition of torture in Burmese law was one of the concerns highlighted. Amnesty International reported the following: "The SPDC responded that torture was explicitly prohibited under Myanmar law: *'In Section 330 of the Penal Code, the ingredients of 'torture' are prescribed. The following are the illustrations of the said section: '(a) A, police officer tortures Z in order to induce Z to confess that he committed a crime, A is guilty of an offence under this section. (b) A, police officer tortures B to induce him to point out where certain stolen property is deposited, A is guilty of an offence under this section. Whoever voluntarily causes grievous hurt in the commission of "torture" shall be punished with imprisonment up to seven years. Whoever voluntarily causes grievous hurt in the commission of "torture" shall be punished with imprisonment up to ten years.'*" (Source: *Myanmar: Justice On Trial*, Amnesty International, 30 July 2003)

According to the U.S. Department of State's *Country Reports on Human Rights Practices - 2003*, the continued abuse, torture, and beating of civilians, prisoners, and detainees by the security forces of the Burmese military government contributed to the deterioration of the SPDC's already poor human rights record. Members of the army, Military Intelligence (MI), police, Union Solidarity and Development Association (USDA) and armed groups aligned with the SPDC such as the Democratic Karen Buddhist Army (DKBA) routinely use torture to punish

and degrade (break) those who have been detained on suspicion of anti-government activities, including political prisoners and villagers living in areas where there is ongoing armed conflict. Torture has the dual purpose of being a method used to obtain information on anti-government and rebel activities, as well as a way of putting terror in the hearts of the population to thwart participation in anti-government activities. In addition, torture is used to extort money, as well as to give punishment for failure to obey orders, failure to pay fees and taxes, as a result of prejudice or a combination of these factors.

Cruel, Inhuman, and Degrading Treatment during the Depayin Massacre

On 30 May 2003, Daw Aung San Suu Kyi, her convoy of National League for Democracy (NLD) members, and local NLD supporters were brutally ambushed near Kyi village, a remote area outside of Depayin, Sagaing Division. The attack was led by members of the Union Solidarity and Development Association (USDA). The USDA is a social organization organized and supported by the SPDC and is chaired by Sr. Gen. Than Shwe of the SPDC. The incident on 30 May 2003 has come to be known as "Black Friday" or the "Depayin Massacre" and has been described as "the most ruthless and bloodiest attack on the democracy movement in Burma since the 1988 massacre." (Source: *Briefing: Black Friday & the Crackdown on the NLD*, ALTSEAN, No.03/004, 24 June 2003)

According to eyewitness accounts, hundreds of USDA members, police, men dressed as monks, soldiers and prisoners from Mandalay prison brutally attacked the NLD convoy and thousands of supporters with bamboo clubs and metal rods. Others were beaten over the head, had their clothing stripped, and some women were reportedly left naked. The windows of Aung San Suu Kyi's car were broken and those trying to protect her were knocked down. (Source: "Eyewitness Tells of Bloody Friday," *Irrawaddy*, 6 June 2003) (See chapter on assembly and association for further information.)

The following is an excerpt from the testimony of Daw Nyunt Nyunt, an NLD member of Mandalay North West Township, who was present during the attack at Depayin:

"...While we were being beaten up, those in the front car were also being assaulted. That car had no roof. I could see them being beaten up, there could have been about 15 in that car. Since I was underneath the others, I could look into the distance. I saw that they were shouting and the more they shouted, the more beatings were given. Every one of us was moaning. U Chit Tin from our car was dragged out and they knocked his body against the car. Then they held my back and pounded it with a brick. They slammed the brick full face on my back. If they did it edgewise my hip would be disjointed.

8. Only then I realized that we were really being attacked. My body was soaking with blood, blood that flowed from Uncle and the youth who were all crouching. My whole sarong was soaking. My head was not injured at that point. Then from the back I heard them say, "These female creatures parading around with their pinni jackets- take off these pinni – look at your mugs!" They pulled off our jackets, tore them off. Then one person came up and snatched our sling bags which contained our money. Not satisfied, they snatched the chains we were wearing, and tugged at our legs and backs. I was dragged by the hair out of the car to the ground. When I fell to the ground they went on beating me. I looked up and saw two monks; one man had his sarong slung across one shoulder. He wore a shirt, and knee length pants. His cap was back to front.

9. They pulled me and pushed me. Then one voice said “hpoun, hpoun (Monk) catch her quickly, this creature will run away. What has your Indian’s wife, Aung San Suu Kyi done for you? We have built bridges and roads on which you all can walk.” Then they uttered some obscene words I cannot mention. Then again we were beaten up. I was struck on my ribcage and my ears. I felt like my ears had burst open. The three of them struck me on the buttocks and my back one after the other. Then they struck me on the head. One blow cut open my head. The other blow struck the back of my ear and my neck was covered with blood. They beat me up to their hearts content while abusing me. Then one of them said that should be enough beating for a woman. After that they called out, “Fire, Water, Fire, Water, Backing, Backing,” – as a symbol and boarded the car and left in the direction of Saingpyin.”

(Source: *The Second Preliminary Report*, The Ad Hoc Commission on Depayin Massacre (Burma), May 2004)

4.2 Torture during Detention

Political activists who work in opposition to the government often face torture after arrest and during the initial period of interrogation by officials. According to Amnesty International, political prisoners have reported that Military Intelligence personnel are most frequently responsible for torture during the interrogation period. Political activists are often detained and denied the ability to contact family, lawyers, or medical services. Torture is used to punish them and to compel them to cooperate with interrogators. Political prisoners face both physical and emotional torture, often during prolonged periods of detention after the initial arrest while they are isolated from public scrutiny. Many of these prisoners are forced to sign false confessions admitting to anti-SPDC activities or implicating colleagues or friends in such activities. Some are forced to sign documents stating that they have been well-treated during interrogation and in jail. Others say that they have been held incommunicado following torture to allow time for the physical signs of torture to heal before they are seen by anyone. Amnesty International also reported that young male political activists are at greater risk of torture than other detainees, particularly those who have had written or oral contact with opposition groups or those who have been students and attempted to organize anti-government demonstrations. (Source: *Myanmar: The Administration of Justice-Grave and Abiding Concerns*, Amnesty International, 1 April 2004)

In December 2003, Amnesty International conducted their second ever country visit to Burma. During their visit, reports of torture during interrogation were raised with the Attorney General and his staff. The Attorney General indicated that reports of torture during interrogation would not be considered seriously as there were no witnesses to support the claims of political detainees. (Source: *Myanmar: The Administration of Justice-Grave and Abiding Concerns*, Amnesty International, 1 April 2004)

Former detainees, including political prisoners have implicated at least six departments of the SPDC’s security forces in torture and ill treatment. The six departments are as follows:

- (1) SPDC’s army of Phythu Tatmadaw (People’s Defense Forces);
- (2) The People’s Police Forces;
- (3) The Directorate of Defense Services Intelligence (DDSI);
- (4) the Special Investigations Department (SID);
- (5) the Criminal Investigation Department (CID); and
- (6) The Bureau of Special Investigations (BSI).

The activities of DDSI, SID, CID and BSI are coordinated by the National Intelligence Bureau (NIB), under the direct control of the SPDC. The DDSI is also commonly known as the MIS or Military Intelligence Service and is the agency most frequently identified as inflicting torture during interrogation. Since 1988, the units under its control (MI-1, MIS-1, MI-3, etc.) have nearly doubled from 14 in 1989 to 23 in 1991. Lt-Gen. Khin Nyunt, Prime Minister of the SPDC, is the head of the DDSI.

Methods of Torture in Detention and Prison

MI personnel systematically interrogate detainees in order to get information and false confessions. The methods of abuse and torture include, among other things: electrocution, sleep denial, forcing people to stand or squat in uncomfortable positions, such as if one were sitting on a motorcycle, for long periods of time, rolling iron or wooden rods along a person's shins, pouring water over a person's head covered in plastic, forcing them to kneel on sharp stones or pieces of glass, hanging them by the arms and feet and putting bullets or pencils between the fingers and then squeezing them together. In addition, some women also suffer from sexual abuse, such as having some or all of their clothes removed during interrogation. In his report to the Sixtieth Session of the Commission on Human Rights, the UN Special Rapporteur on Burma expressed his concern regarding "the continuing ill-treatment of detainees in pre-trial detention, especially allegedly in the Military Intelligence interrogation centres." He further indicated that detainees are often subject to forms of both physical and mental torture during the pre-trial detention period. (Source: "Situation of Human Rights in Myanmar," *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council, 5 January 2004)

When activists or suspected persons arrive at an interrogation center, the MI first breaks down their confidence and morale. They are kept in the interrogation center for one to three weeks during which there is non-stop interrogation by rotating teams of MI. Most are not allowed to sleep and are usually not fed or given any water. When they are sent to prison, they are beaten at the prison gate by the prison staff. They can face punishment in prison if they complain about the lack of water and poor quality of food, stage a hunger strike or are found holding small amounts of paper. Moreover, they are kept in iron shackles and kept in tiny cells for months and are not allowed to bathe, have family visits etc. (Source: AAPPB, found at <http://www.aappb.org/report3.html>)

Beatings

The SPDC uses many forms of beating to intimidate and torture prisoners and detainees. Soldiers use their fists, combat boots, rifle butts, leather-coated pipes, wooden sticks, sticks made from three interlaced pieces of cane, solid bamboo sticks about three feet in length, and hard plastic water pipes to beat their victims.

Beatings are designed to physically harm and humiliate victims. The following are a few typical types of beatings: the prisoner is beaten while he/she stands and embraces a post and both hands are held firmly by another person; the prisoner is beaten while laying prone on the ground; the prisoner is beaten while being forced to stand with both legs chained; the prisoner is beaten while being forced to crawl along the ground; the prisoner is shackled, a long iron bar is placed in between their legs, and they are forced to crawl while being beaten; and prisoners are beaten while being forced to do continuous squat-jumps. Authorities do not hold back and they strike victims in the face, chest, abdomen, and back. They also jump on the

backs of prisoners while they are being forced to crawl on the ground. Prisoners routinely receive serious injuries from beatings, including fractured skulls, broken bones and paralysis.

Solitary Confinement

An iron rod, about 1 1/2 to 2 feet long is often placed horizontally between the shackled legs of prisoners in solitary confinement, forcing them to stand or lay with their legs astride. Prisoners are locked in tiny cells during their confinement. Normally, small chamber pots are placed in each cell. The pots are never emptied, so the smell becomes unbearable and the cell damp and wet. In the worst case of solitary confinement, prisoners are forced to stand with both arms tied above their head; they are forced to urinate and defecate while standing. Small daily food rations of soup made from rice are slid through the iron bars from outside of cell. No blankets or mats are provided; prisoners are forced to sleep on the concrete floor. Most days, prisoners are taken out of the cells, forced to stand in the standard position, with their legs splayed apart, and beaten. Solitary confinement usually lasts for at least one month and may continue to three months. In some cases, political prisoners are forced to remain in solitary confinement indefinitely.

4.3 Torture During Forced Portering and Forced Labor

Throughout 2003, civilians continued to be conscripted or arbitrarily seized as porters to carry heavy loads for SPDC army battalions. Porters are rarely given enough food, rest or medical attention for illness or injury. Porters that complain about exhaustion or ill-treatment, or who cannot keep up, are regularly verbally and physically abused. Porters who are too sick or exhausted to continue are sometimes beaten or shot and then left in the jungle for dead.

At forced labor sites across the country, such as for the construction of roads or army camps, villagers are routinely mistreated by SPDC personnel supervising them. In addition to long hours and not enough food or rest, those who are not thought to be working hard enough face physical abuse, such as beatings with bamboo sticks or hands. Verbal abuse is a common complaint of those who have experienced forced labor. As a result of ILO pressure on Burma, the recent trend has been to increase the number of prisoner laborers and prisoner porters to take the place of civilian forced porters. (See the chapter on forced labor for more information about forced portering and forced labor conditions.)

4.4 Torture of Villagers in Areas of Ethnic Armed Conflict

Torture, beatings and other forms of cruel and degrading treatment are commonplace in areas of ethnic armed insurgency. Villagers are routinely detained, interrogated, beaten and tortured arbitrarily on suspicion of contact with opposition groups. Torture and beating of villagers often goes hand in hand with other human rights abuses, such as extortion, looting and destruction of property. The fear of physical injury deprives villagers of their livelihood as they are kept from traveling in areas where SPDC soldiers are present. In conflict zones SPDC soldiers are able to confiscate farmland and put curfews and other restrictions on the movements of villagers. Villagers caught breaking curfew or traveling in areas they have been restricted from can be accused of helping rebel groups and tortured, beaten or killed.

4.5 Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment – Partial List of Incidents for 2003

Karen State

Note: Dooplaya, Pa-an and Papun Districts, as reported below, are all areas demarcated by the KNU as Karen territory. Dooplaya District falls mostly in SPDC demarcated Karen State and partially in SPDC demarcated Mon State. Dooplaya District is under the patrol of the 6th Brigade of the Karen National Liberation Army (KNLA). Papun and Pa-an Districts fall entirely in SPDC demarcated Karen State. Papun District is under the patrol of the 5th Brigade of the KNLA and Pa-an is under the patrol of the 7th Brigade of the KNLA. The SPDC does not recognize these as official districts. Instead, the SPDC considers there to be 3 districts (North to South: Kawkareik, Pa-an and Myawaddy) and 7 townships (North to South: Than Daung, Papun, Hlaing Bwe, Pa'an, Kawkareik, Myawaddy, and Kya In Seik Gyi) within Karen State. These townships do not correspond with the KNU demarcated districts and townships, even for those which share the same name.

Dooplaya District

On 4 February 2003, there was fighting between KNLA troops from battalion 17 of Brigade 6 and SPDC troops from LIB 415, Column 1 led by Column Commander Nyunt Aye. When the KNLA troops left after the fighting, the above mentioned SPDC troops cleared the area and entered Wama village. They went into the nearest house belonging to Saw Yoo Nor, son of U Thoung Sein, and found and took his money, which amounted to 35,500 kyat. The troops burnt down the rest of his property and house. At the same time, the troops unlawfully arrested another villager from Wama namely Saw Ohn Myint (age 38), and tortured him. As a result, he was seriously wounded. (Source: KORD, 2003)

On 10 February 2003, at 1:30 pm, troops from SPDC IB 83 led by Column 1 Commander Nyunt Aung came to Plaw-pa-htaw village, Kya-in Township and beat up a villager named Naw Pree (female, age 75). The troops also looted 1 of her chickens. (Source: KIC, 2003)

On 14 March 2003, at 10:30 am, a corporal from SPDC LIB 583 along with other soldiers, led by Company Commander Captain Thet Naing Moe, beat up Saw Po Kway from Ta-bin-daing village, Win-yae Township without reason. Saw Po Kway has been in the process of taking his sick mother to the village clinic in Laik-pote when the troops stopped him and beat him. (Source: KIC, 2003)

On 25 March 2003, troops from SPDC LIB 289, led by Camp Commander Mya Lwin, fired a heavy weapon at the market and, as a result, Taung-zun villager, Naw Loo (age 40) was hit in the head and killed, while her daughter, Naw Chit Mu Pi, aged 18, was wounded. (Source: KIC, 2003)

On 22 April 2003, troops from SPDC IB 61, led by battalion commander, Htun Lin Aung fired heavy weapons into Kaw-daing village, Kaw-ka-reik Township. As a result, Daw Ma Kyi (age 27), and Daw Su (age 53), were wounded by shrapnel. (Source: KIC, 2003).

On 22 April 2003, troops from SPDC IB 61, led by Battalion Commander Htun Lin Aung, beat up U Pay (age 58), and Maung Thein (age 25). The 2 victims were from Kaw-daing village, Kaw-ka-reik Township. The soldiers used a thick bamboo stick to beat them and wounded U Pay on the head and arms. (Source: KIC, 2003)

On 8 July 2003, at 7:45 p.m., troops from SPDC IB 34 Columns 1 and 2, led by Battalion Commander Mya Htun came to Lay-po village, Win-yae Township, and arrested villagers, brutally tortured them and forced them to carry army rations. The victims were:

- (1) Saw Bleh Heh, male, age 41;
- (2) Saw Hsa Dah, male, age 38;
- (3) Saw Hsa Neh, male, age 34;
- (4) Saw Naing Khin, male, age 32;
- (5) Maung Kyaw Mi, male age 41;
- (6) Saw Kwee Meh, male, age 44; and
- (7) Saw Dah Kli, male, age 35.

Those who did not happen to bring their own food were not given food. Moreover, the troops looted 4 pyi of rice from the house of Ma Ei Kya, 2 pyi of rice from Naw Wah Klay, and a chicken from Paw Gay. (Source: KIC, 2003)

On 8 July 2003, Major Hla Moe of SPDC IB 231 came to Bay-la-mine village, Win-yae Township and hit a villager, U Kauk Ya, on the head with a rock and took him away with the troops. They also tied up Man Tin Nyunt (male, age 37), and Saw Po Ri (male, age 35) with ropes and beat them brutally. (Source: KIC, 2003)

On 13 July 2003, around 8:00 am, troops from SPDC LIB 284 arrested 3 Ta Kah Khee villagers in Kya Inn Township area, took them back to their military camp and tortured them during an interrogation. Those villagers were, Maung Kyaw Win (age 34), Saw Lah Bwe (age 35), and Saw Wah Moo (age 37). The troops continued to interrogate the 3 villagers and later released them when the village headman Maung Kyaw Win came and recommended them. (Source: KORD, 2003)

On 30 July 2003, Captain Hain Htay from SPDC LIB 519 arrived in Pi T'ka village in Kya Inn Township and arrested villager Saw Pah Lu (age 35), son of Kyaw Hsi Has. They tortured him while interrogating him because they accused him of being in contact with the KNU. As a result of the torture, Saw Pah Lu was seriously wounded. His head was broken and he fell unconscious. At the time of this report, he was in the hospital receiving medical treatment. (Source: KORD, 2003)

Pa-an District

On 21 February 2003, at about 6:00 pm, the SPDC controlled DKBA troop 555 led by Pah Daw Baw and under his control, Officer Saw Di and Maung Nay La, seized a headman of Kweelay village tract, Hlaing Bweh Township. The headman's name was Saw Ah Hsu. The troops tied him up with rope and pulled him along with them up to Mawpoeklah. They tortured him by beating him and roughly poking him on his head with the point of gun (AR) 3 times. As a result, he was seriously wounded and bleeding on his head and body. The troops said that they would kill Saw Ah Hsu because he was communicating with the KNU. Therefore, all the villagers in the village had to give them 150,000 kyat and their guarantee for Saw Ah Su to be released. (Source: KORD, 2003)

On 6 March 2003, DKBA 999, Battalion 2 led by Commander Saw Pah Wah proceeded to Lahhtaweh village, Takrae Township and sent for the village headmen to come and gather in the village. There they kicked and beat the 2 village heads U Ka Ma and U Soe Ta and extorted 100,000 kyat from them. (Source: KORD, 2003)

On 10 June 2003, Burmese Army troops from LIB 703, Column 2 led by Bo Kyi Tun entered Htee Thablu Hta village where they beat and punched a villager with gun butt. After that they called the villager to go along with them to Kyauk Ta Lay Kho and released him. When they left they totally burned down all of the farm huts. (Source: Department of Information, KNU, 2003)

On 12 June 2003, troops from SPDC LIB 703 Column 1 and 2, along with DKBA Battalions 999 and 555, came to Ta-wee-kho, Pa-kay-kwee and Htee-per villages. At Htee-per, the troops brutally beat up Pah Li Bay, son of Pah Lee Lu and attempted to rape another villager named Naw Koo. (Source: KIC, 2003)

On 13 June 2003 at 12:00 pm, combined troops from BA LIB 703 led by Column 2 Commander Tun Tun Win and DKBA troops led by officer Pah Daw Bo entered Htee-Per village where they looted 10 baskets of rice, 30 chickens, and 1,000 kyat worth of goods from a shop. They beat villager Pah Li Hsi's head with gun and severely injured his head. They also threatened the women. When the women were afraid and came down out of the house the troops took the women's belongings, as they liked. (Source: Department of Information, KNU, 2003)

On 15 June 2003, the BA's troop from LIB 703, Column 2 led by Major Shwe Win and Company Commander Tun Tun Win misfired with another BA troop from LIB 703, Column 1 led by Major Tun Tun Naw. After fighting they came directly into a village and told the villagers that they had fought with KNLA's troops. In the village, they tied up some villagers, accused them of having connections with resistance groups, beat and tortured them severely. They looted villagers' belongings and shot dead the domestic animals for meat without paying back the cost. The troops threatened to burn down the village if any more clashes with KNLA took place later. They also accused the villagers of only supporting the KNU. The troops said to the villagers that they came here to fight, not for worship. Nobody dared to speak out about the events. In the evening of the same day, the troops accused a villager of having contact with the KNU. They kicked the villager's pregnant wife 2 times. Because her belly was hurt, she ran away and hid. (Source: Department of Information, KNU, 2003)

On 15 June 2003, troops from SPDC LIB 703 led by Battalion Commander Lieutenant Colonel Htun Htun Naung, Column 2 Commander Swe Win and Company Commander Htun Htun Win tortured Ta-ray-po-kwee villagers in various ways. The victims were:

- (1) Saw Ta Toe Wah, male, age 23, son of Tee Tu Gaw;
- (2) Kyaw Pa Kyay, male, age 20, son of Saw Htun Pe;
- (3) Mya Kyi, male, age 20, son of Sein Myaing;
- (4) Ku Lu, male, age 25, son of Aladin;
- (5) Naw Mu, female, age 40, daughter of Pa Kyet;
- (6) Naw Ka Moo, female, age 53, daughter of Pa Naw Klaw;
- (7) Pa Naw Po, female, age 37, daughter of Pa Di Naw;
- (8) Saw Pi Li, male, age 22, son of Po Thet;
- (9) Maung Nay Win, male, age 35, son of Pa Kaing Kyoo;
- (10) Naw Hser Moo Htoo, female, age 20, daughter of Pa Shwe Maw; and

(11) Saw Ko Sit, male, age 25, son of Pa Taw Naw. (Source: KIC, 2003)

On 16 June 2003, in a village the troops from LIB 703, Column 2 led by Major Shwe Win and Company Commander Tun Tun Win looted 70 baskets of rice and then forced 32 villagers to carry supplies to the Klaw Ka Ti camp. On the way, officer Tun Tun Win told a tortured man not to tell anyone about the event if the operation commander questioned him. When the tortured man arrived at the camp the operation commander questioned him about his wounded head and he told him that he was beaten by officer Tun Tun Win. After that the operation commander did not continue to interrogate him. The villager also added the troops looted many of the villagers' belongings. But the operation commander did not believe him. Later he ordered his subordinates to check all of the soldiers' bags and found 3 golden rings, 2 pair of golden earrings, 21,600 Thai baht and 8,000 Burmese kyat. The properties that were looted belonged to Hta Toe Po, Naw Hser Bo, and Ma Tun May. The villagers' belongings looted at this time by the BA's troops altogether worth 460,000 kyat. (Source: Department of Information, KNU, 2003)

On 17 June 2003, troops from LIB 703 led by officer Tun Tun Win entered Kyauk Ta Lay Kho village and looted a pig belonged to Ma Than Yin as well as 12 chickens from the village. They slept there for a night. In the morning when they left, they demanded 4 porters to carry their supplies to Klaw Ka Ti. On the same day some troops left behind at the motor road summoned the village headman, Saw Per Hai to come toward them. When the village headman arrived they slapped his face 2 times and forced him to carry supplies to Htee Nyar Li Kyo. The troops also slapped a villager Saw Pah Kwa on the back of his neck 2 times when they saw him on the motor road. In the evening the troops again entered Kyauk Ta Lay Kho village and asked Saw Pah Nar Lo to climb and pluck coconut. Because he could not climb, the troops beat him 2 times. In the village the troops demanded one basket of rice and looted 10 gas lighters, 2 watches, 2 batteries, and 2 packets of dry noodle from a shop. In addition, they looted 1 packet of smoke from the village headman's house. On the same day they left for Kho Maw Kee camp. (Source: Department of Information, KNU, 2003)

On 30 June 2003, 8 soldiers from SPDC LIB 703 came to Ta-ray-po-kwee village, Hlaing-bwe Township, and went into the house of Naw Ka Moo, pointing their guns at members of the household. They kicked the backs and chests of the household members with their army boots. The troops looted 45,000 kyat, and 30,000 kyat worth of cooking oil, dried fish and a set of school uniforms from the house. (Source: KIC, 2003)

On 3 August 2003, combined troops from SPDC LIB 703 Column 2 led Tun Tun Win and DKBA led by Pah Daw Bo and Moe Kyo came to Htee Pah Reh village, Lu Plein Township, of Pa-an district and tortured the following villagers:

- (1) Saw Ta Klay Tay, age 60, was kicked with military boot in the throat once and on his head once;
- (2) Saw Tha Htoo, age 42, was kicked in the lower jaw once and beaten 6 times on the back of his body;
- (3) Saw Kyaw Hey, age 45, was kicked several times;
- (4) Saw Kyaw Nyen, age 37, was kicked in the head 2 times;
- (5) Saw Pah Tu Noo, age 55, was beaten 10 times;
- (6) Pah Thein Yin, age 34, kicked 1 time; and
- (7) Pah Moo Hai, age 45, was beaten 2 times.

These troops also shot dead a pig with 1 tiny baby for meat which belonged to Naw Klo Mae and was worth a total of 50,000 kyat. They also looted 2 bags and destroyed a tin of rice as

well as ½ viss of chili belonging to Naw Pler Pler and cut her foot and sarong with a knife. Moreover, they looted belongings at Paw Mu Na's house worth 20,000 kyat. From Naw Mu Dah, they took 2 bags, 2 sarongs for women, and some costume dresses for women. Finally, they looted things at Naw Bler Moo's shop worth 250,000 kyat. (Source: Department of Information, KNU, 2003)

On 4 August 2003, combined troops from SPDC LIB 703 Column 2 led Tun Tun Win and DKBA led by Pah Daw Bo and Moe Kyo came to Htee Mo Kee village, in Pa-an district and tortured the following villagers:

- (1) Pah Ta Hoe, age 30, was beaten 5 times and hit on the head with a house pole;
- (2) Pah Ta Ku, age 32, was beaten 5 times;
- (3) Pah Mu Thart, age 30, was beaten 3 times;
- (4) Pah Koe Mee, age 35, was beaten 3 times;
- (5) Saw Naw De De, age 30, was beaten 3 times,
- (6) Pah Naw De, age 34, was beaten 4 times;
- (7) Kyaun Kah, age 31, was beaten on his legs; and
- (8) Maung Oh Tin, age 40, was beaten on his thigh 3 times and got 1 cracked wound.

The troops looted 1 chicken from Naw Mu Thart, 1 chicken from Naw Wah Wah, 1 chicken from Pah Doh Wah, and 3 chickens from Naw Kyen Mu.

On the same day, they went into Khaw Thoo Kee Village and tortured villagers Saw De Gay (age 32), by beating him 3 times, and Naw Kyen (age 29), beating her 3 times. The troops shot dead a pig for meat which belonged to Ma Paun worth 350,000 kyat and a goat which belonged to Naw Pen worth 15,000 kyat. The troops also looted items from Naw Ket's shop worth 150,050 kyat and from Naw Ee Thay's shop worth 4,500 kyat. (Source: Department of Information, KNU, 2003)

On 5 August 2003, combined troops from SPDC LIB 703 Column 2 led Tun Tun Win and DKBA led by Pah Daw Bo and Moe Kyo went into Pa-nen-lay-wah-ka-day and burned down a house containing 10 baskets of paddy, which belonged to Htee Mo Kee villager Pah Thet Len (age 65). He was sick and unable to move. The troops beat him 5 times and then took away 4 of his machetes and looted 5 chickens. All of his belongings in his house were totally burned and after everything happened, the villagers went to take him back. After that the troops shot fleeing villagers at Lay Kaw Htit with their guns. They also looted 10 chickens, 3 blankets, 4 men's sarongs, 3 pots from Khaw Thoo Kee Villager Naw Bler Ah and also shot dead a buffalo. They looted 1 purse containing 500 kyat and 24 baht, 1 blanket, 2 bags, 5 pyi of rice, 2 gas lighters, 1 torch light, 1 water proof plastic, 2 shirts, 3 chickens from Htee Mo Kee Villager Saw Pah Ngh, and 1 bag containing 3 precious stones altogether 200,000 kyat and 50 baht from Pah Tar Ler. (Source: Department of Information, KNU, 2003)

On 30 August 2003, DKBA troops led by Mo Jo summoned Htee-pa-rai Village Head, Pa Kyaw Pay, beat him up and demanded a pig. Moreover, these troops forced 3 villagers, Tha Moo Po, Pa Maung Heh and Saw Naw Tu, to run and fired their guns to terrify the villagers as they ran. Maung Ni from DKBA 555 summoned the 3 villagers back and demanded 266,000 kyat and a pig for the cost of the rounds fired at them as they were running. The troops also whipped Pa Maung Heh for about 10 strokes. (Source: KIC, 2003)

Pa-pun District

On 9 January 2003, Battalion Commander Min Chit Oo from SPDC division 44, (Na Ba Ha) Tactical Command 442, LIB 2, beat four villagers of Ma Htaw village when he was drunk and on road security duty in Ma Htaw area. The 4 villagers who were beaten were:

- (1) Aung Mya, headman of Ma Htaw village, age 40, was hit 10 times with a stick and a gun was shot near his ear;
- (2) U Htun Aye, age 38, was hit 15 times with a stick and a gun was shot near his ear 2 times;
- (3) Pah Too To, age 35, was hit 2 times with a stick and a gun was shot near his ear three times; and
- (4) Ma Tin Kyi, female, age 40, was hit 8 times with a stick. (Source: KORD, 2003)

On 29 January 2003, troops from SPDC LIB 63 came to Thwa-hta village, Mae-mwe village tract and seized 7 villagers. The troops beat the villagers up and forced them to carry food supplies for the army. Later, the same troops went to Kler-si-kho village and tortured 2 villagers named Pah Kat Kyee (age 23) and Pah Kyaw Baw (age 23). They also tortured 2 villagers from Tha-per-pah named Pa Kaw Lar (age 25) and Pah Too Kah (age 40). In addition, the troops looted from the following Tha-per-pah villagers:

- (1) Pah Ler May, 1 pig and 1 chicken;
- (2) Pah Baw, 2 chickens and a packet of cheroot;
- (3) Naw Hser, 2 chickens;
- (4) Naw Mwee, one chicken;
- (5) Naw Ma Yin, 2 chickens; and
- (6) Naw Tu, 1 chicken and 1 flash light. (Source: KIC, 2003)

On 5 February 2003, SPDC IB 36 Column 2 Officer Thet Htoo, entered Hteethebluhta village and arrested 1 of the villagers named Saw Maw Kyaw (age 35). They tortured him bitterly by hitting him 4 times with the back of a chopper, jabbing him in his face three times and hitting him 3 times at the calf of his legs. He was an impoverished villager. After torturing Saw Maung Kyaw, the troops took property and food from the villagers in village as follows: 1 tin and 1 pyi (8 small tins) of rice, 5 chickens, 5 coconuts, 3 bottles of liquor and 5 viss of pork. (Source: KORD, 2003)

On 2 May 2003, SPDC LIB 434 arrested a Na Ku Nah villager named Maw La Tin. They covered his face with cloth for 2 hours and tortured him by beating him with a bamboo stick and struck him with their fists. Then the Commander let him go. (Source: KORD, 2003)

On 7 May 2003, Battalion Commander Aung Khin from LIB 434 arrested a villager named U Than Sein. The Commander dried the villager in the sun and kept him at the military camp for 22 days. Then Commander Aung Khin beat the villager with a bamboo stick and let him go. (Source: KORD, 2003)

On 18 May 2003, SPDC LIB 434 arrived Ta Gun Taing village and arrested a villager named U Kyaw Tint and put him in stocks for 2 days. On the same day, these troops forced Klaw Day villagers to cut 150 wooden posts for them. (Source: KORD, 2003)

On 28 May 2003, SPDC LIB 434 Battalion Commander Aung Khin again arrested a Klaw Day villager named Htun Htun Oo (age 28), interrogated him, tortured him and let him go. (Source: KORD, 2003)

On 28 May 2003, troops from SPDC LIB 434, led by Battalion Commander Aung Khin, tortured a villager named Htun Htun Oo (age 28), of Win-naw village, Dwe-lo Township without reason. (Source: KIC, 2003)

On 9 August 2003, SPDC LIB 434, Division 66, and Division 6 entered Ta Dwee Kho village, Bu Tho Township and seized 5 Ta Dwee Kho villagers and 6 Khaw Klah villagers. The troops took the villagers back to the LIB 434 camp and tortured them by kicking and beating because they accused the villagers of planting landmines against them. It was reported that the troops killed 3 of the villagers and the rest had not yet been released at the time of this report. (Source: KORD, 2003)

On 9 September 2003, Company Commander Sien Win from DKBA 333 entered Htee Theh Lay village, Dwe Lo Township and tortured the following villagers:

- (1) Saw Hla Shwe, 30 years old;
- (2) Saw Pa Bweh, 55 years old;
- (3) Pa Kyaw Khay, 30 years old;
- (4) Saw Kyaw Ku, 25 years old;
- (5) Saw Pla Thay, 22 years old;
- (6) Saw Maw Lo Kho, 32 years old;
- (7) Saw Baw Kaw, 46 years old;
- (8) Saw Win Khaing, 35 years old;
- (9) Saw Maung Lay, 33 years old;
- (10) Saw Ri Htoo, 29 years old;
- (11) Saw Bee Na, 38 years old; and
- (12) Saw Lay Pu, 37 years old.

At the same time the troops took and ate 7 ducks, 25 chickens, 1 basket of chicken eggs and 1 basket of duck eggs. They also took 4 pyi (32 small tins) of rice and 2 big baskets from the villagers. (Source: KORD, 2003)

On 8 October 2003, IB 51, Column No.2, led by Commander Tin Hlaing entered Htee Doh Hta village in Butho Township, seized and tortured the village head Pa Maung Kla until one of his arms broke. Later, the village head, with his broken arm, managed to escape. If he had not escaped, he surely would have been killed. (Source: KORD, 2003)

Mon State

Note: Thaton District, as reported below, Thaton District falls mostly in the SPDC demarcated area of Mon State, while the area to the east of the Donthami River lies within SPDC demarcated Karen State. Thaton District is under the patrol of the 1st Brigade of the KNLA. The SPDC does not recognize this area as an official district.

Thaton District

On 23 April 2003, DKBA troops combined with troops from SPDC IB 11, led by Column 2 Commander Aung Za Ya Lin, arrested Saw Pa Ku from Ler-po village, Bi-lin Township. They demanded a fire arm and a radio transceiver set from him. As he did not have a radio set, the troops beat him up, covered his head with a plastic bag, poured water on him and took him to Lay-kay village. (Source: KIC, 2003)

On 26 April 2003, Company Commander Aung Lwin of SPDC LIB 9 forced women from Ma-eu-sa village, Tha-ton Township, to clear the road of Ye-pauk Pagoda. Moreover, he forced these women to lie face down on the ground and treaded on their backs with army boots, pulled their hair and slapped them each 3 times on their cheeks. The following are the names of the women who were forced to work and tortured:

- (1) Naw Na Saw, age 45, daughter of Saw Aye Pe;
- (1) Naw Ma Khin, age 42, daughter of Saw Mi Chaw;
- (2) Naw Ku, age 66, daughter of Saw Pa Ya;
- (3) Naw Wah, age 14, daughter of Saw Nge Hla;
- (4) Naw Ta Moo, age 12, daughter of Saw Maung Law;
- (5) Naw Ma Hla Aye, age 25, daughter of Saw Pa Bee; and
- (6) Naw Ma Hla Tin, age 30, daughter of Saw Htin Htin. (Source: KIC, 2003)

On 9 May 2003, troops from SPDC LIB 108, led by Column 1 Commander Thein Zaw, came to Htee-si-baw village, Bi-lin Township, arrested Maung Kyaw Mya, (male, age 30) and Naw Kha Yi (female, age 27), and forced them to reveal the KNU base. As they did not know where the KNU base was, the troops tied them up tightly with ropes and tortured them. (Source: KIC, 2003)

On 30 June 2003, combined troops from SPDC IB 1 and DKBA, led by Thaw Ma Na, came to Noe-aw-lar village, Pa-an Township and arrested villager Saw Pee Pi. The troops accused him of being a KNU member and brutally tortured him. Later, Saw Pee Pi ran away. Due to his actions, the troops extorted 450,000 kyat and a cow from his mother. (Source: KIC, 2003)

On 6 July 2003, Bo Aung Soe of SPDC LIB 108 demanded 1 basket of rice and 7 chickens from the villagers of Ler-soe village, Bi-lin Township. Moreover, he brutally beat a Ler-soe villager named Saw Thein Soe (male, age 19), 7 times with a stick and demanded 7 chickens from him. (Source: KIC, 2003)

On 9 September 2003, DKBA troops led by Pa Ker Ler came to Ler-po village, Bi-lin Township, and brutally beat up a villager. (Source: KIC, 2003)

On 9 September 2003, troops from SPDC IB 598 based at Waw-mee camp and led by Battalion Commander Thein Zaw combined with an SPDC short pants unit came to Pa-da-daw village in Bi-lin Township. The troops arrested and tortured the village head, Khin Than Kyi, and took her to the Waw-mee army camp. The troops also arrested villager, Aung Min Soe (age 18), son of Nga Pa. The troops accused him of being a member of an armed resistance group and brutally tortured him. The troops then ordered the villagers to pay a 100,000 kyat ransom for him. In addition, the troops looted the following items from the following female villagers; household materials from Ma Mya, 4 chickens worth 5,000 kyat from Naw Par Lar, and 1 pig worth 25,000 kyat from Naw Mu Aye. (Source: KIC, 2003)

On 23 September 2003, about 34 DKBA troops led by Saw Tin Win came to the Paw-ta-plaw area in Bi-lin Township where they arrested a Ta-eu-khee villager named Saw Ka Lah, brutally squeezed his throat and sent him back to Ta-eu-khee village. That night, the troops arrested Saw Kyaw Pay and Saw Tin Aye of Ta-eu-khee village at their houses and took the 2 villagers away with them. When they arrived at Ta-thoo-ha, on 24 September 2003, the troops tortured them and ordered them to reveal the whereabouts of the KNU. As these 2 villagers did not know, they had to endure further torture. (Source: KIC, 2003)

Other Districts

On 8 February 2003 at 5:00 pm, 2 local farmers, Nai R- (about age 21) and Nai M- (about age 26) returned from sending the paddy to Sonenatha village from their native village of Thingagyun village. On the way, a commander from Burmese Army LIB No.586, Captain Thaung Htite who was drunk ordered them to stop their bullock carts, arrested, and detained them in the battalion detention cell for 24 hours without reason. While being detained, the captain beat the 2 farmers for a few hours. The commander accused the farmers of being on the road at night, which is forbidden by the local battalions. When the families of the 2 farmers arrived, they found the 2 farmers tied by ropes. They asked Captain Thaung Htite why the 2 had been arrested. The captain replied that they were using the road at the wrong time and asked 10,000 kyat and 3 viss of chicken for their release. (Source: "A drunk Burmese military Captain tortured 2 local farmers," *The Mon Forum*, HURFOM, Issue No. 7/2003, 31 July 2003)

On 4 March 2003, 78-year-old Nai La was arrested, detained, and beaten for failing to meet the paddy quota. Nai La and his wife have farmed 14 acres in Kyeikmayaw Township for over 38 years and have always been able to give the required amount of paddy to the State. This year's quota was 168 baskets. Flood damage had destroyed his crop and he was only able to procure 20 baskets. The headman, Nai Nyan Kyit, and local militia rejected his claim and fined him 560,000 kyat for not meeting the quota, which he set out to collect. On 4 March, the local militia arrested and detained him at Tarana Police Station in Kyeikmayaw Township. He was held there for 3 nights and then transferred to Nyaung-pin-seik Police Station on 7 March, where he was handcuffed, beaten and kicked inside his cell by a drunken Deputy Sub-inspector Maung Toe (#La-120798) until he lost consciousness. On 8 March, Nai La was sent to Kyeikmayaw Hospital in critical condition. (Source: "Serious abuse to an old farmer by a drunk local police member," *The Mon Forum*, HURFOM, Issue No 7/2003, 31 July 2003)

On 18 March 2003, Nai La was discharged from the hospital. It was reported that at the end of the month, he was still suffering from the wounds he received from beaten and kicked so severely. (Source: "Farmer Tortured in Mon State," DVB, 28 March 2003)

On 17 March 2003, 2 Mon nationals, Naing Po Peik and Naing Niti, were arrested, tortured, and beaten for the whole night by soldiers from LIB 258 led by Colonel Nyo Maing and Captain Minn Naung. The 2 were accused of having contact with Naing Pann Nyun, the leader of the armed Mon splinter group. As a result, they were beaten with rifle butts. The 2 were from Kalokani refugee camp and according to the Chairman of the camp, the 2 villagers did not know anything about the accusations. (Source: "Refugees Tortured by SPDC," DVB, 21 March 2003)

On 2 April 2003, the Democratic Voice of Burma reported that Ma Moe Moe Aye, a first year law student, was beaten unconscious by police as a result of dispute over a fine. Ma Moe Moe Aye had been riding her motorbike without a helmet when she was stopped by the police. She was fined 20,000 kyat while the normal fine was only 10,000 kyat. An argument evolved and the police beat her until she lost consciousness. She was taken to Moulmein Hospital. (Source: "Troubles in Moulmein," DVB, 2 April 2003)

On 2 May 2003, Yong Deen village was caught in the middle of a clash between a Mon armed group led by Nai Hloin and SPDC IB 31 in southern Ye Township, Mon State. As a result of the heavy gun and mortar fire, a 50-year-old woman named Ma Kyi was wounded and sent to Ye Hospital once the fighting had ceased. Her fate was not known at the time of this report. (Source: "Villagers Caught in the Middle of Battle," KAO WAO News, No. 43, 23 April – 13 May 2003)

On 27 December 2003, 2 Mon Buddhist monks and 40 villagers were arrested, interrogated, and tortured by means of exposing them in the burning sun for days for allegedly supporting a Mon rebel group led by Naing Luan. It was reported that the monks and villagers were all from Ye Township, which is an area that is blacklisted by the SPDC and curfews are imposed. (Source: "Human Rights Abuses on Mon People in Burma," DVB, 31 December 2003)

Pegu Division

Note: Both Nyaunglebin District and Taungoo District are areas demarcated by the KNU as Karen territory. Taungoo falls partially in SPDC demarcated Pegu Division and partially in SPDC demarcated Karen State. Taungoo is under the patrol of the 2nd Brigade of the KNLA. Nyaunglebin falls in SPDC demarcated Pegu Division and is under the patrol of the 3rd Brigade of the KNLA. The SPDC does not recognize Nyaunglebin or Taungoo as official districts.

Nyaunglebin District

On 19 January 2003, combined troops of SPDC LIB 599 and DKBA came to Maw-pu village in Mon Township and randomly shot at the villagers. As a result, a villager named Naw Roe Anna (female, age 31) was wounded. The troops torched 43 houses and a paddy barn containing 60 baskets of paddy, in addition to looting other items from Maw-pu village. (Source: KIC, 2003)

On 18 April 2003, SPDC troops came to Maw-ko area, Mon Township, and shot at villagers nearby without reason. They burned down a farm hut at Thay-hkay-lu and looted a tin of rice, 2 pots, and 3 bottles of honey from Saya Klo Koo Wah. (Source: KIC, 2003)

On 17 June 2003, at 9:00 p.m., the SPDC troops shot at Noe-klaw village of Mon Township wounding villager Saw Moo Tha and causing Naw Lwe Moo to become lost. Moreover, the troops looted 8 rechargeable batteries from the villagers. (Source: KIC, 2003)

On 21 June 2003, a group of 50 soldiers from SPDC LIB 590 led by officer Kyaw Zay Ya Win found villagers outside of the village in Mon Township and shot at them. In doing so, a woman villager was wounded on her side and 1 of her fingers was cut off. The troops also took 900 kyat and 1 umbrella from Ko Thain Htun and extorted 100,000 kyat from Myoung Oo village. (Source: KORD, 2003)

On 16 July 2003, troops from SPDC LIB 590 arrested Mee-daing-daw villagers, Sai Pu, Ko Win Aung, Po Saing and Po Kyoi, accusing them of being involved in a bomb blast at Pyateh. The troops tortured them until they were unconscious. They villagers were released them on 27 July 2003 after they were found to be innocent. (Source: KIC, 2003)

On 5 August 2003, troops from SPDC LIB 599 led by Bo Kyi Win shot at Hkeh-po-doe villagers, without reason. As a result, Saw San Pyoke (age 14), son of Saw Thu Heh was wounded. The troops also cut and destroyed Saw Ee Lay's betel nut plantation and Saw Ler Kaw's hill paddy farm, sown with 8 baskets of seeds. (Source: KIC, 2003)

Taungoo District

On 19 March 2003, troops from Company 4, SPDC IB 75, led by Bo Sein Than brutally beat up Saw Tha Doe (age 23), son of Saw Maung Po. Saw Tha Doe is from Kaw-thay-doe village in Tan-ta-bin Township. (Source: KIC, 2003)

On 20 March 2003, SPDC IB 264 led by Commander Tha Sein forced 20 villagers from Klaw Mee Der in Tatabin Township to carry food to Toe Bo Camp. On the same day, these troops tortured Klaw Mee Der Village Headmen Saw Tha Win and Saw Kyaw Per without reason. (Source: KORD, 2003)

On 23 March 2003, Bo Thant Zin of SPDC IB 264 forced 20 villagers from Klaw-mee-doe to carry military supplies. He tortured the Village Head, Saw Than Win, and a villager named Saw Kyaw Per without reason. (Source: KIC, 2003)

On 27 March 2003, troops from SPDC IB 73 led by Battalion Commander Tin Ko Oo brutally tortured the Peh-kaw-doe village head without reason. (Source: KIC, 2003)

On 22 June 2003, Corporal Pauk Pauk of SPDC IB 39, punched villagers Saw Po Si, Saw Ham Kray, Saw Htun Khaing, Saw Htun Lin and Saw Nay Moo of Baw-ga-li village, Than-daung Township without reason. He also looted 100,000 kyat and blankets from the house of Saw Htun Khaing. (Source: KIC, 2003)

On 2 July 2003, SPDC troops led by Bo Let Win Soe based at Day-lor camp, Than-daung Township, shot and wounded a Ler-gi-kho villager named Saw Heh Ber (age 23), while he was climbing a tree to harvest dog fruits in the forest. (Source: KIC, 2003)

Shan State

Arrest, detention, and torture, land and property confiscation in Kun-Hing

On 10 January 2003, troops from SPDC IB 246 arrested 15 villagers from Ka Li, including the headman, Lung Kaang Nyo (age 51). The troops arrested the villagers following a skirmish with an unknown armed group in Ka Li village, Ka Li village tract, Kun-Hing Township during which 1 SPDC soldier was killed. The troops suspected the unknown armed group to be Shan and therefore arrested the villagers.

The 15 villagers were detained in a jail at a military camp and interrogated for 6 days and 5 nights, during which time they were beaten and tortured. Finally, money was extorted for their release. The Ka Li village headman had to pay 100,000 kyat and the 14 others had to pay 50,000 kyat each for their release.

Lung Kaang Nyo, the Ka Li village headman, was so severely beaten during his detention that his eyes were still black and painful until several weeks after his release. (Source: *SHRF Monthly Report*, SHRF, May 2003)

Land seized, village headman beaten, by member of Wa ceasefire group in Murng-Ton

On 27 February 2003, a Corporal from UWSA, Ai Sa (age 24), was fencing a house compound he had forcibly and cheaply bought in Naa Kawng Mu village in Murng Haang village tract, Murng-Ton Township. In fencing his compound, Ai Sa forcibly built his fence about 4-5 yards into the compound of a neighbor house, after destroying the original fence. When the owner of the neighboring house, Lung Mu-Lin (male, age 54), tried to tell Ai Sa that he was encroaching on his land which he had inherited from his ancestors. When Lung Mu-Lin pointed at the demarcation line where the original fence had stood, Ai Sa simply said, "So what? I did that because I want the land".

On 1 March 2003, unable to persuade Ai Sa to move his fence back, Lung Mu-Lin lodged a complaint with the village tract headman of Murng Haang village tract, Pu Haeng La Mawng. When the headman inspected the place and found Ai Sa having done wrong, he told him thus. Ai Sa, however, did not see the case as the headman did, but became angry and shouted at the headman, "Is it your land? What do you have to do with it," and beat him on the head with his pistol butt. Ai Sa continued to beat and kick the headman until he was soaked with blood all over and lost consciousness for about 40 minutes. Ai Sa then locked the headman up for 1 night and 1 day.

On his release, the headman reported the incident to the SPDC authorities who summoned the head of UWSA in the area, Paw Thao Saam, and asked him about it. Later, Paw Thao Saam simply ordered Ai Sa to move to a neighboring village, Huay Aw, and the case was closed. The SPDC authorities did nothing for the headman in terms of demanding compensation or punishing the culprit. (Source: *SHRF Monthly Report*, SHRF, May 2003)

Beating and torture for failing to provide chickens in Kaeng-Tung

On 3 March 2003, 4 civilian truck drivers were beaten and forced to stand in the sun for 2 hours by SPDC troops from LIB 314 for failing to provide chickens demanded by the troops at the checkpoint at Nam Ping river bridge in Kaeng-Tung Township. The checkpoint was situated between Kaeng-Tung town area and Special Region No.4, a ceasefire territory headquartered in Murng Laa, a trading town on the border with China. Each day, about 40-50 trucks passed the checkpoint, mostly transporting Chinese goods from the border to Kaeng-Tung town. Each truck was obliged to pay a 2,000 kyat duty at the checkpoint to get a pass. However, the SPDC troops manning the checkpoint had made it a point that each truck must also provide 1 chicken apart from the 2,000 kyat duty. Those who forgot to bring the demanded chickens faced a lot of trouble at the checkpoint.

On the day of the incident, 2 trucks, each with 2 drivers, carrying Chinese goods from the border had forgotten to bring the chickens with them and got into trouble with the SPDC troops at the checkpoint. Even after the drivers had paid the tax money and apologized for forgetting to bring the chickens and promised to bring twice as many next time, the troops refused to let them go and kept demanding they get the chickens immediately. When 1 of the drivers lost his patience and uttered, "Oh! That's too much," the soldier in charge, Sgt. Tin Naing, became angry and scolded, beat, kicked and slapped each of them 2-3 times. Sgt. Tin Naing then ordered them to stand in the sun for 2 hours, from 1:00 pm to 3:00 pm.

When they were finally let go, the drivers were warned not to forget to bring the chickens next time or else they would be jailed under the ground, and the Sergeant actually pointed to a hole in the ground nearby for them to see. The 4 drivers were: Ka-Lin (age 41), Zing Nyunt (age 36), Zaai Phat (age 19) and Zaai Ting (age 20). (Source: *SHRF Monthly Report*, SHRF, May 2003)

A displaced villager tortured and left to die in Lai-Kha

On 24 April 2003, Zaai Za-Lin-Da rode a bicycle from Lai-Kha town relocation site to see his herd of cattle which he had let graze in the area of his former village, Kung Sa. Since then Zaai Za-Lin-Da had not returned and his relatives could not find him anywhere. Some people in the relocation site had heard a patrol of SPDC troops from IB 64 talking about having seized a bicycle from a rebel and having cut the sinews in the back of his knees, and tied him to a tree in the forest. The troops had returned on the day Zaai Za-Lin-Da disappeared.

About 15 days later, a man from another quarter of the relocation site said he heard faint voices like a man shouting when he went to look for his cattle near Kung Sa village. But, he did not go and see who was shouting. With the help of that man, Zaai Za-Lin-Da's relatives went to search the area near the old village. They found Zaai Za-Lin-Da's body tied up to a tree in the forest east of Kung Sa village, partly burned by wild fire but still recognizable by his also partly burnt clothes. Zaai Za-Lin-Da (male, age 31), was originally from Kung Sa village, which had been forcibly relocated to the outskirts of Lai-Kha town in 1997 by SLORC troops. (Source: "A Displaced Villager Tortured and left to die in Lai-Kha," *SHRF Monthly Report*, SHRF, January 2004)

An Akha villager beaten, his chicken stolen, in Murng-Phyak

On 13 April 2003, an Akha villager from Nam Pan village in Nam Naang village tract, Murng-Phyak Township, was severely beaten up and his chicken and a musket were stolen by a patrol of 5 SPDC troops from IB 221 on the way not far from his village. Aa Hur (male, age 30), was returning home from hunting, carrying a musket and a wild chicken that he had shot on his shoulder, when he ran into the SPDC troops. The troops stopped him and wrested the musket and the chicken away from him. Without uttering a word, 1 of the troops kicked him harshly in the hip and he fell to the ground. As Aa Hur was lying on the ground, the other troops joined in and kicked him in the body 4-5 more times. When he was lying in pain and looking at the troops, not knowing what he had done wrong, the troops said to Aa Hur, "You kept this musket without permission, and you are not allowed to kill any wild animals. We are taking away your chicken and musket, and you must not tell anyone about this," and left.

In addition to the bruises and sprains in his body, Aa Hur suffered from a severe sprain in his left thigh and could not walk. In the evening, he was helped back to his village by some fellow villagers who were returning from their farms. He had to be treated for 3-4 days before he could walk again. (Source: *SHRF Monthly Report*, SHRF, June 2003)

Beating, torture, hostage-taking and extortion in Tachileik

On 16 April 2003, 4 potato farmers were beaten, tortured, kept hostage, and money was extorted from them by SPDC troops from LIB 316 at their farm in Nam Kherm village tract, Tachileik Township. The 4 farmers, Lung Pan (male, age 46), Zaai In Kham (male, age 34), Zaai Laa (male, age 34) and Zaai Non (male, age 32), were all from Nam Wan village in Nam Kherm village tract, Tachileik Township.

On that day, at about 2:00 pm, the farmers were resting in a hut after doing some weeding at their jointly owned potato farm when a patrol of 7 SPDC troops from Ta-Lur-based LIB 316 came and told them to pay a 'tax' of either 5,000 Thai baht or 100,000 Burmese kyat. When the farmers refused, the SPDC troops ordered them at gun point to stand in a line and slapped them 5-6 times each, and ordered them to squat down and stand up 100 times. Lung Pan collapsed from exhaustion and passed out before he could complete the squats 100 times. The troops then threatened the farmers that they would lock them up at the military base until their relatives came and paid the tax or, if they did not want to be jailed, they could pay 1,000 baht each immediately. After some begging and bargaining, the SPDC troops agreed to accept 600 baht from each farmer. But because they did not have the money, 1 of the farmers, Zaai Laa, had to go back to their village and borrow the money from their relatives to pay the troops, while the other 3 were kept hostage. (Source: *SHRF Monthly Report*, SHRF, July 2003)

Stealing and torture causing death in Kun-Hing

On 10 July 2003, Pi Ong Awn (male, age 40) and Zaai Saw-Lin (male, age 34), villagers of Ho Ha village in Naa Poi village tract, were going to Ka Li village to buy some goods when they ran into a patrol of about 45 SPDC troops from LIB 524 near a deserted village, Nam Kham (relocated), in the same village tract. The SPDC troops arrested the 2 villagers, tied them up and interrogated them about Shan soldiers' movements in the area. When the troops searched them and found 140,000 kyat of money on 1 of the villagers, Pi Ong Awn, they untied his rope and told him to run away into the nearby valley full of thick undergrowth.

The other villager, Zaai Saw-Lin, who did not have any money and did not know anything about the Shan soldiers, was beaten and tortured by the SPDC troops. They beat him all over his body and his head and when he fell down they jumped on his stomach and trampled on him. The troops tortured him for 3 more days before they released him and took him with them when they moved. Although Zaai Saw-Lin managed to get back home, he did not recover from what he had suffered during his torture and died 2 months later from internal injuries. (Source: *SHRF Monthly Report*, SHRF, September 2003)

Beating, extortion and torture in Murng-Nai

On 12 July 2003, Zaai Ku (male, age 24), who had just come back from Thailand, where he had gone to work for 11 months, was accused of being a Shan soldier by the SPDC troops stationed at Kun Mong village, led by Sgt. Soe Naing. He was arrested at his parents' house. Zaai Ku was interrogated, beaten and tortured for some time. Only after the community leader of Kun Mong village tract guaranteed that he was really a villager of Kun Mong did the SPDC troops stop torturing him. However, 27,000 kyat was still extorted from Zaai Ku's parents for his release. Zaai Ku was so severely beaten on his face and body that it took

several weeks for him to be able to go about normally again. (Source: *SHRF Monthly Report*, SHRF, November 2003)

Two Palaung men tortured by SPDC troops in Kutkai Township

On 15 July 2003, at 6:00 am, 2 Palaung men from Nong Long village, Kutkai Township were stopped by SPDC troops while they were on the way home from shopping. The troops searched their belongings and found many food items and other materials. The troops accused the boys of running away from joining the army or joining the underground movement. Their hands were tied up and they were tortured by the troops. One of the men (age 32), managed to escape but he was shot and injured. Fortunately, he was rescued by villagers nearby. (Source: *Palaung Youth Newsletter*, PYNG, Issue #3, August 2003)

Pregnant wife tortured, causing miscarriage and severe mental disturbance in Nam-Zarng

On 26 August 2003, a column of the same SPDC troops, led by Commander Tin Myint, came to Paang Sa village and asked for the wife of the man they had shot dead 3 days ago. They arrested Naang Non, wife of Saang Zi-Na. The SPDC troops took Naang Non to a Nam Taeng river harbour, called Ta Zao Murng (guardian spirit harbour), together with another woman, Naang Zaam, who they met on the way.

At Ta Zao Murng, the SPDC troops ordered Naang Non and Naang Zaam to show them the boats which they said were used by people in the area. When the women said there was no boat in the area, 1 of the troops pulled out a piece of split-bamboo from the nearby bamboo fence enclosing the altar of the guardian spirit and beat them until the stick broke. Naang Non was the one who had to bear most of the beating.

After a while, the SPDC troops' commander ordered his troops and civilian porters to search the river banks for the boats. At the same time, 2 graves were ordered to be dug in front of the 2 women, saying that if any boat was found in the area they would be executed and buried in those graves.

Even though the search continued until evening, there was no boat to be found and finally the 2 women had to be released. Naang Non suffered from internal injuries from the beating and miscarried her 3-month-old pregnancy 5 days later, and was so mentally disturbed that her relatives thought she had completely gone mad. (Source: "Husband Shot Dead, Pregnant Wife Tortured, Causing Miscarriage and Severe Mental Disturbance in Nam-Zarng," *SHRF Monthly Report*, SHRF, December 2003)

Motorcycle driver beaten, his motorcycle stolen, in Tachileik

In August 2003, Zaai Kawn, a 28-year-old motorcycle taxi driver, was returning from transporting a passenger to Sali Ngawk village in Murng Ko village tract when he was stopped by 4 SPDC troops from LIB 331. At the time, the troops were guarding a bridge at Nam Tun stream, situated between Sali Ngawk and Wan Pong villages. As Zaai Kawn stopped his motorcycle, the SPDC soldiers surrounded him and, without saying anything, beat him until he lost consciousness and stole his motorcycle.

Zaai Kawn was found some time later by some villagers from Wan Pong village who went to catch fish along the Nam Tun stream. He was treated until he regained consciousness. The villagers also helped him return to his village in Murng Phong village tract. He was seriously wounded in the head and had to be treated at the Tachileik Township hospital. Zaai Kawn and the community leaders later tried to lodge a complaint with the SPDC Township authorities. But the authorities said they could do nothing because there was no witness to verify the incident or to identify the culprits.

Zaai Kawn (male), formerly lived in Murng-Yawng Township, but moved to Murng Phong village tract in Tachileik Township 2 years ago and since then had been running a motorcycle taxi to make a living in Tachileik Township. (Source: "Motorcycle Driver Beaten, His Motorcycle Stolen, in Ta-Khi-Laek," SHRF Monthly Report, SHRF, February 2004)

A villager beaten, his teeth broken, in Kun-Hing

In late 2003, Su-Nan-Da (male, age 30), of Wan Lao village was stopped by a patrol of SPDC troops from IB 246 when he was north of his village. The SPDC troops grabbed Su-Nan-Da by the arms and asked him if there were Shan soldiers in the area. Every time Su-Nan-Da replied he did not know, the SPDC troops accused him of lying and slapped him several times on the face and mouth. The troops repeated their questions and slapped Su-Nan-Da many times until 2 of his teeth were broken and his mouth filled with blood, before they let him go. (Source: "A Villager Beaten, His Teeth Broken, in Kun-Hing," SHRF Monthly Report, SHRF, February 2004)

Tenasserim Division

Note: Mergui-Tavoy District is an area demarcated by the KNU as part of Karen territory. Mergui-Tavoy falls into SPDC demarcated Tenasserim Division and is under the patrol of the 4th Brigade of the KNLA. The SPDC does not recognize Mergui-Tavoy as an official district.

On 6 January 2003, a group of *Pyithusit* (people militia backed by the Burmese army) from the Burmese village, Kyauk Taung, led by Ah Ngwe came to Karen village Eh Eh to the south of Theyetchaung Township, Tavoy district. They arrested a villager (Saw Kxxx) and accused him of collaborating with Karen soldiers. They took him, tortured him, and asked for a ransom for his release. Four villages collected and gave the money to the *Pyithusit* and Burmese troop's officers, after which he was released. The Burmese troops and *Pyithusit* officers warned the villagers that if someone told the Karen soldiers about the amount of the money they gave, they would face extra punishment. The person who reported this incident would not reveal the amount of money paid as ransom out of fear of the troops.

It is not known why the Burmese troops wanted to conceal the amount of money. One reason may be the corruption among the officers or concern about the case being reported. This is the first time that it has been reported that the Burmese troops threatened the villagers not to tell the amount of money they asked from the villagers. According to a local villager in that area, the *Pyithusit* were ordered to do this by Khin Maung Aye, who is the Commander of Infantry Battalion 280 and responsible for that area. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy Information Department, KNU, January 2003)

On 3 April 2003 a villager from Manorone forced relocation site in Tenasserim Township, Mergui district was arrested and tortured by Burmese troop. Saw Kah Hko lost his way when he went to the jungle to collect rattan. He accidentally went to Shan Inn Taw, an area close to a Burmese troop base. He was arrested and was sent to No.19 Intelligence Unit in Tenasserim town. According to a local source, he was interrogated and tortured badly. Luckily, he knew 1 of the Burmese battalion commanders so he was sent back to No.3 Strategic Command HQ. Later he was released after paying 30,000 kyat. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy Information Department, KNU, April 2003)

On 20 April 2003, Sergeant Major Win Myint from IB 25, stationed at Paw Taw village on Paw Klo area in the east of Tavoy called on Haw Ter Hta, the village Peace and Development Council Chairman Saw Ser Hkwa, and Secretary Saw Hpo Lu Aye and hit them and beat them seriously. After this torture, he asked for each man to pay a 200,000 kyat fine. He accused the 2 village leaders of having contact with the KNU. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy Information Department, KNU, April 2003)

On 22 April 2003 a troop from Burma army IB 17 led by Battalion Commander Lt. Col. Thein Soe entered the Tagu village area in Taninthayi Township in Tenasserim Division, the southern most division of Burma. The soldiers captured 60-year-old Oo Saw Aye at his hut in the paddy field and searched his hut. The soldiers found 50,000 kyat, 500 Thai baht, and a letter written by a person named "Hnalone" who let Oo Saw Aye buy things for him. When the soldiers asked Oo Saw Aye about Hnalone, he was unable to explain thoroughly, so that he was beaten seriously by the soldiers. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy Information Department, KNU, April 2003)

On 29 June 2003, an army deserter Private Kyaw Moe who was recaptured by his battalion IB 103 troopers, was tortured inside army confinement and died by the injuries he was tortured. He had deserted on midnight of 25 June 2003 while he was on sentry duty took away one MA-1 assault rifle plus 120 ammunitions. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy Information Department, KNU, July 2003)

On the night of 25 July 2003, approximately 20 troops from LIB 433 led by Captain San Myint Oo went into Kwe-tha-lin village, Yebyu Township and looted 700,000 kyat worth of the civilians' belongings. The Commander ordered the village headmen to gather all the villagers in the village grounds and forced them to stand in the hot sun for hours while his soldiers looted their houses. (Source: HURFOM, "The Plight of Civilians in Tenasserim Division Due to Armed Conflict and Militarization in the Area," *The Mon Forum*, Issue No. 9/2003, 30 September 2003)

4.7 Interviews

Interview #1

Name: Pah Kyaw Aye (not real name)
Age: 42 years
Religion: Buddhist
Village: AAA village, Pa'an District, Karen State
Occupation: Hill farmer
Number of family: 4 persons

Q: Can you tell us your suffering of arrest and torture by BA and DKBA troops?

A: On 5 June 2003, two soldiers under Kyaw Pah Ki from the DKBA deserted. In this case Kyaw Pah Ki accused me that I sent them to the KNLA's troops. On 8 June 2003, he came to arrest me at my home in AAA village and sent me to Myein Gyi Hgu (DKBA headquarter) and locked my legs in the wooden-block. The next morning they tied me standing up to the tree for the whole day without food and drink. In the evening they again tied me upside down and interrogated me about the two deserters. I told them I didn't know anything. Later they accused my boat driver, Maung Tun Kyen, of sending these two deserters to the KNLA's troops. After that they demanded 1,500,000 kyat from me. Before the money was given, they forced me to send an elephant instead, including two mahouts. They told me they would release the elephant and two mahouts when the money arrived. On 17 June 2003, I sent them money and then they gave the elephant back and released the two mahouts.

Q: Would you please tell us what base's troops made these demands?

A: It was a troop from DKBA 555 led by Deputy Battalion Commander Saw Pah Ler. He said that the two guns taken by deserters belonged to the BA troop from LIB 338, that is why they had to pay the costs back. But we knew that in order to get money they created various forms and reasons. The villages from which money was demanded were Kler Kho, Htee Pa kyu Kee, Htee Ler Doh, Kler Day, Thay Blay La Hta, Bla Hta, Hta Kren Kee from Kler Day village tract and Kler Kah, Htee Baw Day, Mae Kret, Mae Ta Pu Kee from Kwee Law Plaw village tract.

(Source: Free Burma Rangers, 2003)

Interview #2

Name: Saw Koe Si (not real name)
Age: 26 years
Religion: Buddhist
Village: BBB village, Pa'an District, Karen State
Occupation: field farmer

Q: Can you tell us about the entering and torturing of BA's troops in your village as well as their base and commanders' name?

A: On 15 June 2003, the BA's troop from LIB 703, Column 2 led by Major Shwe Win and Company Commander Tun Tun Win misfired with another BA troop from LIB 703, Column 1 led by Major Tun Tun Naw. After fighting they came direct into village and told they were fighting with KNLA troops. In village they tied up some villagers, then beat and tortured them severely by accusing them of having connections with resistance groups. They looted villagers' belongings and shot dead the domestic animals for meat without payment. They threatened that, they would burn down the village if any more clashes with KNLA took place later and also accused us of only supporting the KNU. The troops told the villagers that they came here to fight, not for worship. Nobody dared to speak out during the events. On the same day in the evening they accused me of having contact with KNU, then they kicked my pregnant wife two times. My wife fled to the hide-out because her belly was hurt.

The next day morning, the battalion commander, Tun Tun Naw, ordered someone to call me toward him. After that he asked me to send them to the Ta Rit Po Kwee and Kho Lu. I told him that I did not dare to go because landmines were planted there. After that the commander started to stab my head with a bayonet until it was hurt and bled.

On 16 June 2003, in the village, the troops looted 70 baskets of rice and then forced 32 villagers to carry supplies to the Klaw Ka Ti camp. On the way, officer Tun Tun Win told me not to express the event if I was questioned by the operation commander. When I arrived at the camp the operation commander questioned me about my wounded head and I told him that I was beaten by officer Tun Tun Win. After that he did not continue to interrogate me any more. I also added that the troops looted many of the villagers' belongings. But he did not believe me. Later he ordered his subordinates to check the soldiers' bags and found 3 golden rings, 2 pair of golden earring, 21,600 Thai baht and 8,000 Burmese kyat.

Q: To whom did the properties belong?

A: They belonged to Hta Toe Po, Naw Hser Bo, and Ma Tun May. The villagers' belongings looted at this time by BA's troops were altogether worth 460,000 kyat.

(Source: Free Burma Rangers, 2003)

Interview #3

Name: Saw Htoo Kler (not real name)
Religion: Animist
Village: BBB village, Pa'an District, Karen State
Occupation: field farmer

Q: Can you tell us about the BA troop entering in your village?

A: After the BA troops misfired on other troops they directly came into the village and told the villagers not to flee. They threatened the villagers that if anyone tried to flee they would be shot on the spot. After that they called all villagers to rally on the road. When I arrived at the rally site they kicked my body three times.

Q: What did they force you to do after kicking?

A: They forced us to carry their supplies to Maw Po Kla camp and told us to release when we arrive there.

(Source: Free Burma Rangers, 2003)

Interview #4

Name: Pah Daw The (not real name)
Religion: Animist
Village: CCC village, Pa'an District, Karen State
Occupation: Hill farmer

Q: Can you tell us your experience of being arrested and what you were forced to do by BA and DKBA?

A: On 14 June 2003, at 8:00 am, the BA officer Tun Tun Win and DKBA officer Pah Daw Bo came to my village and arrested me to send them to Maw Kwee Klo. Because I refused they finally beat my head 4 times with a gun. I got three wounds on my head and my watch was also broken.

Because I failed to send them to their destination they later asked me to send them back to DDD village. Finally, they demanded one chicken from me and released me.

(Source: Free Burma Rangers, 2003)

5. Deprivation of Livelihood

"the Government of Myanmar is largely responsible for food scarcity [it] may be considered guilty of a crime against humanity, punishable under international law."

(Source: "Food Scarcity in Myanmar," Asian Legal Resource Center, *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council, 29 January 2004)

The government has deprived the people of Burma, particularly the non-Burman ethnic nationalities, of their rights to land for decades. Unless farmers have the rights to work freely and safely on the lands, their livelihoods will remain vulnerable and food security will mean depending on international aid.

(Source: *Reclaiming the Right to Rice*, Burmese Border Consortium, October 2003)

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

-Article 25, paragraph (1), Universal Declaration of Human Rights

5.1 Background

Throughout 2003, the majority of the population of Burma continued to struggle to maintain their standard of living. Since the military coup of 1962, the economy has steadily deteriorated, making it increasingly difficult for people in Burma to meet their basic needs. Despite a wealth of natural resources, the country suffers from widespread poverty. The State Peace and Development Council (SPDC) has effectively destroyed a once robust economy through decades of misguided economic policies, rampant corruption, cronyism, and disproportionate spending on the military. In July, the Cato Institute and over 50 other libertarian think tanks released their annual 'Economic Freedom of the World' report, ranking 123 nations according to size of government, legal framework and property rights, access to stable currency, freedom to conduct international trade, and government control of business, credit and labor markets. The report placed Burma at the bottom of the list (source: "Hong Kong, Singapore, U.S. Top "Economic Freedom" Index," *Inter Press Service*, 8 July 03).

In addition to a poorly functioning economy, a significant percentage of the population have seen their livelihoods threatened or destroyed as a result of systematic human rights violations perpetuated by the regime against civilians. These violations, which include: forced labor, arbitrary taxation and extortion, forced relocation, land confiscation, and looting of money and property, are particularly endemic in ethnic nationality areas. (For more information on forced labor and displacement see relevant chapters.)

SPDC Control of the Agricultural Sector and Lack of Food Security

Independent data has confirmed that agriculture accounts for 60% of Burma's GDP, employing 66% of the workforce and providing the country with 51% of its export earnings. At present, there is little potential for future growth in this sector under the current system of weak land rights, strict procurement policies and restrictions on exports. In many areas farmers are forced to sell a significant portion of their crops to the government at prices two or three times below market value. This effectively impoverishes farmers and dries up any tax revenue for the state. While the regime has intervened to prevent increases in the price of rice, some reports from Arakan State indicate that despite this, rising rice prices may have led to several cases of starvation.

During the UN Commission on Human Rights discussions of economic, social and cultural rights, Ali Saleem of the Asian Legal Resource Centre made the following statement regarding food security in Burma: "The military Government of Myanmar was not genuine in its stated aspiration of ensuring the food security of people in Myanmar. The right to food in Myanmar was denied by more than mere neglect - it was a matter of principle. In every sense, the State in Myanmar rested on the preeminence of the armed forces. Policies there were designed at the highest level to fulfil military needs first, without regard to civilian well-being. It was in the remote parts of Myanmar that the worst abuses of the right to food continued. The Government of Myanmar had failed to fulfill its obligations under international law and it alone must be held responsible for the pervasive food insecurity that continued to grip the country." (Source: "UN Commission on Human Rights completes discussion of economic, social and cultural rights; Begins review of civil and political rights," UN Information Service, 7 April 2003)

Banking Crisis

In 2003, the economic situation in Burma grew more tenuous due to the collapse of the private banking sector. The banking crisis began in February when the failure of key financial institutions caused a run on private banks. The banks responded by immediately restricting withdrawals, account transfers and credit card services. As the SPDC prohibits people from using foreign banks, these restrictions had a huge impact on those who maintained savings accounts and/or had existing loans from private banks (sources: "Myanmar's bank crisis still continues," *Xinhua*, 24 February 2003 & "Burma's Banking Meltdown Goes Unnoticed Beyond Its Borders," *The Age*, 20 March 2003). In May it was reported that investors had begun selling their frozen account balances at heavy losses in a desperate attempt to recover some of their savings. Instead of taking measures to address the crisis, regime officials continued to deny the severity of the situation, and instead reportedly supported intimidation tactics to force people to repay their loans (source: "Bank Crisis Rolls On," *Irrawaddy*, 6 May 2003). Meanwhile, the ongoing crisis forced a number of small businesses to shut down and led to a rise in crime and unemployment. (Source: *Arrested*, ALTSEAN, 1 April -30 June 2003)

Sann Aung of the National Coalition Government of the Union of Burma (NCGUB), commenting on the crisis, stated, "This is the worst financial situation since 1988" (sources: NCGUB & *Charm Offensive*, ALTSEAN, January-March 2003). By the middle of June, it was reported that three major banks were awaiting government permission to file for bankruptcy. In July, Narinjara News reported that several banks in Arakan State were on the verge of closing and many businesses and investors had ceased to use the banking system

entirely due to the tight withdrawal restrictions (source: "Banks in Distress," Narinjara, 31 July 2003).

Inflation

At the beginning of 2003, there was a significant increase in the cost of commodities and services including rice, oil, gasoline, housing, and transportation. This increase was attributed to economic policies that led to over-exporting, uneven distribution, and the regime's decision to dramatically raise transport fares. In Rangoon, increased crime was reported in conjunction with the rising inflation and many people were only able to afford to eat once each day (Source: Moe, Kyaw Zwa, "Up Up and Away," *Irrawaddy*, 29 January 2003). At the end of December, merchants in Rangoon and Mandalay reported that inflation was again on the rise, causing a simultaneous increase in the price of rice and other goods (source: "Inflation on the Rise Again in Burma," DVB, 30 December 2003). In addition to poor economic management, prices of essential commodities also rose in areas where the SPDC continued to grant private companies monopolies over the transport of goods. This situation was particularly acute in Arakan State. (See section on Arakan State in this chapter.)

US Economic Sanctions

On July 28, United States President George W. Bush signed an Executive Order and the Burmese Freedom and Democracy Act 2003, enacting the strongest international sanctions to date to be placed on the regime. The sanctions barred all Burmese imports from US markets, froze all assets of high-level SPDC and Union Solidarity and Development Association (USDA) officials in the US, and banned the provision of financial services to Burma. The financial services ban, which prohibits the transfer of US dollars through Burmese banks, had a dramatic effect on the formal sector, which is largely dominated by SPDC officials and their cronies.

The impact of US sanctions on ordinary citizens has been more difficult to calculate. The regime and other critics of sanctions have claimed that between 140,000 and 350,000 factory jobs have been lost as a result of sanctions (source: "US Sanctions Ravage Myanmar Garment Industry, but economic Chaos Subsiding," AFP, 21 September 2003). Organizations such as Altsean-Burma however, maintain that a comparison with the Cambodian garment industry points to a figure that is closer to 76,000. It is also true that investor confidence was already waning and factories had begun to close months prior to sanctions. This was due to high levels of corruption, the banking crisis, and perceived political uncertainty after the Depayin attack (source: *Under Pressure*, ALTSEAN, 1 July -30 September 2003).

5.2 Situation of Farmers in Burma

An estimated 66% of Burma's workforce is employed in the agricultural sector and rice, being the nation's staple food, is therefore extensively cultivated. The SPDC, which has retained central planning and control of food production in the nation, has made various attempts to boost the production of rice and other agricultural products, yet the methods which they have used have had disastrous results for the people who do the farming in Burma.

Right to Own Land

Cultivators in Burma have effectively lost the right to own land, as under sections 9-12 of the Lands Nationalisation and Agricultural Lands Act 1953, the right to transfer, partition or lease land can only occur with permission of the authorities. In the 1963 Tenancy Act, the State usurped the right of landowners to lease their land and the 1963 Protection of the Right to Cultivation Act stipulated that land would be protected from confiscation, except in the case of a) *non-payment of dues owing to the State*, and b) *disputes arising from inheritance cases or actions taken by the State for security reasons*. The State was further granted authority to confiscate land through Notification No. 4/78, which was enacted on September 18, 1978. This notification states that failure to sow the allotted land with the earmarked crops to obtain optimum results, or failure to sell the full crop quota to the government at the stipulated price, would result in confiscation of land. Currently village and Township administrators have the power to confiscate land and the cultivators are compelled to follow their dictates with no means of protest. Local farmers are afforded a degree of land use rights but most literature or information explaining these laws are only available in Burmese language making the information inaccessible to non-Burman ethnic minorities. In addition, this provides little mobility for the ethnic minorities to protest when their lands are confiscated by government officials or troops (source: *Reclaiming the Right to Rice*, BBC, October 2003).

Forced Sale of Crops to the Government

Farmers in Burma have been required to sell a percentage of their crops to the government at discount prices. This regulation is, as a rule, enforced for rice crops, yet there are also instances where local officials demand farmers sell set portions of other harvests such as beans and fruit crops. This paddy procurement system is implemented by the Myanmar Agricultural Produce Trade (MAPT), a state agency which, along with other arms of the bureaucracy, inherited this mandate from its socialist predecessor. MAPT's national structure reaches down to the village, where it designates paddy land and collects a fixed quota based on land area. This quota rose steadily from 1988 until 1995, when it was fixed at 12 baskets per acre in high rice-producing areas such as Irrawaddy Division. This crop quota is essentially a crop tax, and is justified by the SPDC as a means of feeding the armed forces, supplying discounted rice to civil servants and exporting rice and other crops in order to gain foreign currency. Yet in practice, the system has failed to improve economic conditions in Burma and has denied food to the very people who grow it.

An inherent flaw in this system is that the government's quota calculation is based on arable land area rather than amount of rice actually planted or harvested. Farmers who work poor land, or due to poor weather or other conditions produce an imperfect crop, are not exempt from the quota. Instead they must make up the difference by supplying paddy bought on the

market. In these cases, the difference between the relatively high market price and the low government purchase rate results in a net loss for farmers.

Households that fail to fill the quota face a variety of consequences. For households unable to sell the earmarked quota to the government, the local authorities, with the help of the armed forces and police, often forcefully confiscate the household's entire supply of paddy including that used for consumption and seed paddy. If even after such confiscation the quota is still not achieved, the defaulting cultivators are arrested and their rights to cultivate are taken away. While arrests and beatings have been reported, more common is the confiscation of paddy land, for redistribution to other farmers, whom the authorities feel are more capable of producing the required quota. Farmers have also been sent to labor camps to work off their debt. Local military authorities are also said to have ordered the rice mills to close, preventing the milling of harvested rice for consumption or trade until entire villages have filled their quotas. Lastly, farmers have been threatened, berated and publicly abused by government rice procurers dissatisfied with their quota.

In April 2003, the SPDC announced an end to the 40-year-old paddy procurement policy, in an attempt to allow for greater private sector participation in rice exporting. As a result, farmers would no longer be required to sell their rice to the government at fixed rates which were sometimes as low as one sixth of the market rate (source: "Myanmar Junta to Ease Its Stranglehold on Rice," AFP, 7 April 2003). In July, the SPDC announced that under the new paddy procurement policy, which would not begin until 2004, the State would no longer purchase rice directly from the farmers. Instead, all citizens would be allowed to engage in free trade of rice and paddy at market prices. Export of rice would only be allowed in the event of a surplus, and rice exporters would be required to pay a 10% tax (source: Tinchang, Duan, "Myanmar Adjusts Paddy Purchase Policy in 40 years," *Xinhua*, 29 July 2003). Despite the SPDC's policy change announcement, forced sale of rice continued to be reported throughout 2003. In some areas, such as Mon and Arakan States, it was reported that new committees and organizations were formed to purchase rice from people in the same manner as before the policy change. The difference being that military officials were not directly purchasing the rice, instead traders were organized to purchase the paddy at fixed prices.

Dry Season Paddy Crops

The SPDC has launched agricultural development schemes throughout the country, but especially in the Irrawaddy Delta area. The government's main agricultural program is the summer, or dry season, paddy program, in which the traditional single rice crop per year, sown in the rainy season and reaped in the cool season of October-December, is followed by another crop raised and reaped in the hot season. The summer paddy scheme has several elements: development of irrigation systems such as dams and canals; introduction of high yielding hot-season rice strains; and use of new fertilizers pesticides and machinery to cope with the technical complications of the new crop.

These tactics have created two new burdens for farmers. The first is the labor needed to build roads, small dams and irrigation ditches. State-directed, uncompensated labor is commonly practiced in Burma. Farmers who work on these development projects have less time to tend their crops or engage in other subsistence activities. Secondly, the chemical ingredients of the summer rice program are not distributed free to poor farmers, but are sold to them. Farmers who do not buy the necessary materials cannot participate in the program; their unproductive land, officially designated for double cropping, is reassigned to a more able household.

Insufficiency of water, inclement weather and unsuitability of crops to be cultivated on certain types of land are proving to be real deterrents to the country's agricultural development. In some parts of Irrawaddy Division, farmers who could not meet the required quota had to pay the market price in cash for the shortfall to the authorities. In some places floods prevented cultivation. There were some areas where crops failed all three times they were cultivated. These cultivators not only wasted their efforts and suffered losses but also because of their inability to fulfill their quota were arrested in their hundreds.

In some localities the cultivators who could not sow the dry season crop had to make payment at the rate of 300 kyat per acre to Township and village authorities who personally retained these fines. Those farmers who do not have ready cash had to pawn or sell their cattle, carts, houses, etc., to pay the fines.

5.3 Situation of Labor in Burma

Aside from the agricultural sector, the majority of laborers in Burma are struggling for their livelihood under harsh conditions with inadequate pay and no process or system through which their grievances can be aired. Under the market economy system, which has been imposed during the period of SPDC governance, workers in foreign investment and joint venture projects and factories have had to suffer the following:

- (a) According to job appointment rules, the employer has the right to dismiss any worker from employment without giving a month's advance notice, as outlined in existing labor laws. This grants excessive power for exploitation to the employer and prevents a stable workforce from forming at work sites.
- (b) There is no process or system by which worker's grievances can be aired, no mechanisms for demanding labor rights, no trade unions permitted at workplaces and departments, no clear mechanisms for the resolution of cases where a worker was forced to resign (or rather, workers are afraid to complain) and no step by step appeal programs (for negotiations, interventions and plenary discussion). Workers, therefore, suffer considerably.
- (c) Foreign employers and investors have established factories in Burma as well as in other countries throughout Southeast Asia. In Burma however, workers receive salaries from foreign employers that are much lower than other countries' minimum wages. Private employers are in fact prohibited from raising salaries any higher than those of workers in nationalized factories. Thus, they cannot raise wages even if they wish to and so the workers are unable to attain a fair income.
- (d) According to Burma's Leave and Holiday Act, shift workers can work a maximum of 48 hours per week, and those in offices and service industries, 42 hours per week. However, staff and workers in supermarkets and factories, which have appeared as a result of the developing market economy, have to work about 10 hours a day in defiance of labor protection laws. Working on Saturday and overtime duties are also required, but there is no appropriate compensation. Instead, employees are sometimes paid a small amount of money or given some food. Social welfare laws are also ignored. Wage rates have remained unadjusted to the current pace of inflation and workers have therefore continued to be denied a means of maintaining

their livelihood. Furthermore, the Labor Compensation Act excludes workers earning over 400 kyat per month. Employers who pay more than this can claim that their workers are not covered by the Compensation Act.

Existing labor affairs laws are outdated and ineffectual and minimum wage laws apply only to government employees and employees of a few traditional industries. The minimum monthly wage for salaried public employees is 600 kyat (\$2.00) for what is, in effect, a 6-hour workday. Various subsidies and allowances supplement this sum. Neither the minimum wage nor the higher wages earned even by senior government officials provide workers and their families with a decent standard of living. Low and falling real wages in the public sector have fostered widespread corruption. In the private sector, urban laborers earn about 200 kyat (\$0.70) per day, while rural agricultural workers earn about half that. Some private sector workers earn substantially more; a skilled factory worker earns about 4,500 kyat (\$15) per day. Surplus labor conditions, a dismal economy and lack of protection by the government continue to dictate substandard conditions for workers. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act regulate working conditions. There is a legally prescribed 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers have 21 days of paid holidays per year. However, in practice such provisions benefit only a small portion of the country's labor force, since most of the labor force is engaged in rural agriculture. Numerous health and safety regulations exist, but in practice the regime has not made the necessary resources available to enforce the regulations. Although workers may in principle remove themselves from hazardous conditions, in practice many workers cannot expect to retain their jobs if they do so.

Wages in Burma are generally insufficient for people to meet their basic living costs. A policeman from Rangoon indicated that his salary of 5,000 kyat per month was not enough to live on, as he only received 3,000 kyat after deductions for taxes and fees. He reported that this was too little to cover the costs of food or healthcare for his family. Another civil servant in Mandalay reported that while he officially received a salary of 4,000 kyat each month, he actually receives 2,000 kyat after taxes and fees are deducted. As a result, he said that his family faces great difficulties (source: HRDU, 2003). In the beginning of 2003, it is believed that rumors of a salary increase for civil servants led to a sharp increase in commodity prices. Both laborers and civil servants were reportedly unhappy about the possibility of a salary increase, due to the rise in prices that was likely to result from it (source: "The Rise and Rise of Commodity Prices," DVB, 14 January 2004). In order to find ways to supplement their meager incomes, many government servants, including administrators, educators and those in the health care sector, are forced to resort to bribery and corruption. Thousands of others are forced to leave Burma and work as migrant laborers in wealthier countries in the region. (See also chapter on migrant workers.)

Other Factors Contributing to the Deprivation of Livelihood

People in areas across Burma are subjected to numerous demands for their hard-earned currency and their hard-pressed time. As the government spends an estimated 50% of the national budget on building up of the armed forces, there is little money allotted for the needs of the nation. Indeed, even the armed forces are not adequately provided for. In 1998, the SPDC in Rangoon informed its field units that rations would be cut back significantly and that they would, in essence, have to 'fend for themselves,' by producing their own food or

obtaining it from villagers in their areas of operation. Since that order, thousands of acres of land have been confiscated from civilians, without compensation, for army food production or factories. The ousted farmers and local villagers are then frequently made to act as serfs on their former land, planting and harvesting crops for the army battalions who took the land from them.

The SPDC has prided itself on undertaking efforts to improve the nation, such as the building of roads, bridges and railroads. Yet, it has been at the expense of the people of Burma that these national infrastructure projects have been carried out. The projects, which are often for military benefit, are usually severely under funded, and the local people are required to pay for or get the supplies themselves, and then build the projects themselves, at their own time and expense, without pay.

At the Township and village administrative levels, there is also a lack of government funding. Again local people are made to compensate for these deficiencies in the national budget. The people in areas of armed conflict suffer the above economic burdens, as well additional demands which are associated with the significant military presence the SPDC maintains in their regions. Villagers in areas of armed conflict are expected to fully support the army battalions located in their area. They are required to build the army barracks, supplying the materials themselves, and then send "servants" to work without any compensation at these bases. They are also forced to give food, and any other items that army personnel demand from them.

1) Official and Unofficial Taxes and Levies:

Through several officially sanctioned fees and taxes, as well as arbitrary demands for cash from corrupt officials and army personnel, the people of Burma are expected to pay for everything from road construction supplies to state sport ceremonies. The income of Burma's people is sapped by these constant fees and most households end up forced to pay several thousands of kyat per month in these types of levies. Many villagers are unable to pay and, as a result, are often forced to flee their traditional homes to avoid punishment by the authorities. The most common types of taxes and levies are listed below.

- **Porter and Forced Labor Fees:** A common practice, especially in conflict areas, is for the villagers to pay a mandatory "porter fee" to the local army battalion. The funds collected from this fee are supposed to go towards hiring porters for army operations. Yet in most cases, these fees are kept by the battalion officers, who then proceed to demand that the villagers supply porters for the army, even after the fee has been paid. These fees are usually around 200-500 kyat per household, per month. In addition, villagers who are unable to fulfill their forced labor duties are made to pay fines of varying amounts to local government or army authorities.

- **Administration fees:** In several localities across Burma the local people are made to pay monthly fees for Township or village level administration costs. These fees, and whether or not they are actually used for administrative purposes, vary from place to place.

- **Festival and Ceremony Fees:** Often the government does not provide enough money for their state-sanctioned festival and ceremonies, including religious and sport festivals and even anti-NLD rallies. Where the government falls short, the people are expected to contribute. Government officials, including USDA members commonly send letters or go door to door

demanding money for such occasions. In some instances, after the people have given their money, the said occasion never occurs at all.

- ***Taxes for Development Projects:*** The social, education and health sectors in Burma are seriously neglected by the SPDC, and thus suffer from an acute shortage of government funding. Local people are often required to pay for the construction of educational and health-care structures, as well as for the running of numerous training programs. In addition, although the SPDC has taken credit for the various national infrastructure projects, it is the local people who are most often responsible for the financing of such projects. Government funding for such development projects is often insufficient or swindled by corrupt officials and the villagers are ordered to provide the money or the supplies necessary for the projects.

- ***Taxes and Fees for Local Army Units:*** Civilians are regularly required to pay for the needs of local army units. In addition to demands for food and supplies, they must meet demands for other various expenses which come up, such as the need for army walkie-talkies. Villagers commonly cover the cost for the construction of army related buildings, or supply the necessary materials. In addition, villagers in conflict areas are often forced to pay for lost guns when soldiers desert the army, or pay for the upkeep of surrendered rebels.

- ***Check points:*** Travel in Burma involves negotiating passage through numerous checkpoints that are operated by various branches of the state such as the military, police and cease-fire groups. Most exit and entry points to towns have permanent checkpoints. In addition, numerous temporary checkpoints are set up at anytime. These checkpoints inevitably demand payment from those traveling. If cash can not be produced, the authorities demand other items instead. A truck may be required to relinquish farm produce or consumer items it is transporting as a form of payment. According to a woman trader who used to trade along Three Pagoda Pass – Thanbyuzayat motor road, "On this motor road, there are many check-points held by various armed groups. We have to pay every checkpoint after we leave Three Pagoda Pass (a border town with Thailand). At many other check-points we do not have as many problems, but the DKBA always checks all of the goods, takes some goods, and asks for a high tax. Even though they are familiar with our faces as we travel regularly, they still refuse to let us go without any trouble. They never reduce the amount of tax and shout to us that if we do not want to pay, we can stop trading. They treat us really badly. Sometimes, they put us under the hot sun for over one hour until they complete checking our normal goods." (Source: HURFOM)

- ***Arbitrary Fees, Fines and Taxes:*** Army officers posted to remote conflict areas, as well as officials in central Burma all receive opportunities to extort money from local villagers with impunity. There are several army officers who have become rich as a result of the numerous schemes they come up with to acquire money. People are therefore subjected to numerous 'unofficial' levies, fines and taxes. In some cases people are not even given an explanation as to what their money is going for, but are just told to hand over a certain amount. Officers and soldiers seeking money have been known to set up temporary roadblocks on highways or bridges to demand money from people passing through. Some of these arbitrary levies are associated with discrimination against religious or ethnic minorities, such as in the case of arbitrary taxes which exist only for Muslim Rohingya people in Arakan State. Examples of these include the tree and roof taxes which the Rohingya must pay.

2) Forced Labor

Despite the fact that the government of Myanmar ratified Order No. 1/99 in 2000 which banned forced labor, the well-documented use of civilians as forced laborers has provided Burma with a massive labor force with which to build up its army and national infrastructure (see chapter on forced labor). This labor is mandatory, unpaid and requires that villagers spend varying amounts of time away from their own work. In addition to the economic strain that time away from work brings, the people are also required to provide their own food and equipment for the duration of the forced labor duty. The demand of forced labor is often too strenuous for the already over-burdened people of Burma. Most refugees and migrant workers cite forced labor requirements as one of the major reasons for fleeing.

3) Land Confiscation

As mentioned above, the government of Burma has taken the opportunity to deprive citizens of their land whenever they deem it necessary for "security reasons" or for failure to provide necessary crop quotas. In addition to land confiscated to provide room for army battalions, the state often takes over land that is intended for development projects. People are rarely compensated for land that has been confiscated. In cases where compensation is given, the amount is usually well below the actual value of the land. The deprivation of land, which is the sole source of livelihood for many people in Burma, is a major infringement upon their right to livelihood as well as their property rights.

4) Destruction of Property

Loss of property is an obvious hindrance to the livelihood of an individual and their family, yet the SPDC continues to engage in activities that result in the uncompensated destruction of property such as homes and fields. In areas of ethnic conflict this practice is carried out under the "four-cuts" policy, in which the army seeks to destroy any means by which rebel armies can survive. In part of this policy, known as the "scorched earth" campaign, SPDC troops relocate villages in known rebel areas, then burn and destroy everything in the area. The burning of villages is a common procedure following relocation or in campaigns to "search and destroy" rebel activity. Property is also destroyed by the army in other areas of Burma if it stands in the way of planned army or national infrastructure projects.

5) Looting and Expropriation of Food and Possessions

The army in Burma, which sees itself as being the "father of the nation," has long expected the support of the country's civilians. The various incarnations of the military regime have attempted to instill a mentality in the people in which aiding the armed forces is seen as a national and patriotic duty. Yet this "duty" has become close to unbearable for Burma's people. In the years since 1998, when the SPDC cut rations for the armed forces, the villagers have faced an extra burden in providing for the soldiers. Some units even detail officers whose main task is to organize this activity. This systematic foraging from the local population is a method (like many others which involve human rights abuses) directly inherited by the Tatmadaw from the Imperial Japanese Army of World War II.

The army personnel have always been underpaid, especially the lower level soldiers and privates, and this had led to their frequent looting of villager property in the past. Now this looting and expropriation of food and possessions is condoned by the State. Army units on

patrol who pass through villages simply take what they wish of the villagers' food and possessions, or else send letters demanding that the villagers bring it to them. Some officers even send "shopping lists" to the local village heads, requesting such things as soap, oil, chicken, rice and cases of beer. The extorted items are rarely paid for. Villagers are even sometimes forced to provide money, food and other requirements for army personnel when they wish to make offerings at local Buddhist temples.

6) Restrictions on Trade, Travel and Cultivation

The restrictions on trade, travel and cultivation that the SPDC army has introduced, especially in areas of armed conflict have made things even more difficult for individuals attempting to make a living and survive. Many people living in areas under SPDC control are restricted from leaving their villages and must pay for passes from authorities in order to gain permission to leave. These passes are often only good for short periods, sometimes only from dawn to dusk. For villagers attempting to work in locations far away, it is nearly impossible to do what is necessary to make a living and then get back on time. The SPDC has, at times, enforced special restrictions in which people are banned from leaving their villages altogether. In these cases, harvests are often destroyed or lost along with other work opportunities.

Trade restrictions imposed by the authorities also result in economic hardship for the people of Burma. Another factor which restricts breadwinners in the country is the existence of landmines, which limits the areas in which labor-seekers are able to move.

5.4 Situation in Arakan State

The economic situation in Arakan state was particularly poor during 2003, and famine-like conditions were reported throughout the year. Despite a reportedly low crop yield due to floods the year before, government officials made no exceptions for the paddy procurement quota. In some areas, officials purchased rice at one fifth of the market price, which rendered farmers unable to break even. Those who were unable to meet this quota faced punishments such as excessive fines, confiscation of land, torture, and arrest. In September, rice was reported to have virtually disappeared from the market while the price of a 50 kg bag of rice increased from 8,000 kyat in August to 12,000 kyat in September (source: "Why the Dollar Increasingly Smuggled into Burma?" Narinjara, 5 September 2003). The SPDC lifted a ban on the import of rice and other food commodities in September, in an attempt to alleviate the rice shortages. Prior to that, the ban prevented rice and other food items like oil and chilies from entering the state. As in 2002, rice continued to be smuggled from Bangladesh. The SPDC also imported rice from other parts of Burma to Arakan State but the high costs of transporting goods led to higher prices. It was reported that a bag of low quality rice would cost 6,000 kyat in central Burma and 9,000 kyat in Arakan state (source: "Arakan Rice Trade Restricted by the Military Junta," Narinjara, 12 November 2003). The regime granted private companies monopolies over transportation of goods, contributing to markedly high prices for commodities. This as well as excessive taxation made it increasingly difficult for fisherman, farmers, and others to engage in daily work and make a living.

Unfair Taxes and Levies

Burmese Military Intelligence agents extort tolls from fishermen

Beginning in December 2002, Military Intelligence forces have forced fisherman in and around Ponnagyun town to pay tolls. Those who are unable to pay face a 3-month jail term and a fine of up to 50,000 kyat. Many fishermen were reported to be jobless as a result of the toll. Because they are unable to pay the toll, they are unable to fish. (Source: "Burmese Military Intelligence Agents Extort Tolls from Fisherman," Narinjara, 19 February 2003)

Security forces nab woodcutters for bribes

On 30 January, a group of 18 woodcutters were arrested in Buthidaung town, Arakan state. The group was arrested while they were carrying 10,000 bamboo poles and 130 logs of firewood. Sub Inspector Zaw Linn of Taung-bazar Area Nasaka Security Station demanded 10,000 kyat from the woodcutters alleging that they did not have official permission to cut and carry the logs and bamboo. As the woodcutters were unable to pay the demanded amount of money, they were put in jail. At the time of the report, the group was to be charged under forestry laws (Source: "Security Forces nab Woodcutters for bribes," Narinjara, 24 February 2003)

Burmese navy station: just for collecting bribes

On 30 June 2003, it was reported that the Burmese Navy checkpoint at Taungfu village on the Kywegu River, in Pauktaw Township, Arakan State was collecting bribes from all the vessels passing the naval station. A rule had been in force that any vessel passing the navy station had to touch the 'gate', report to the guards, and sign documents. Even small country boats are not exempt from the illegal taxation. A country boat that did not carry any goods had to pay 200 to 300 kyat. Boats carrying goods had to pay 1,000 to 30,000 kyat, depending upon the nature of the vessel and the goods that were carried. Fishing boats, smuggling boats, trawlers, motor vessels all had to report and pay the guards at the navy gate. (Source: "Burmese Navy Station: Just for Collecting Bribes," Narinjara, 30 June 2003)

Extortion from car owners as Burmese junta fails to repair roads

On 14 August 2003, it was reported that the Sittwe Municipality collected a 10,000 kyat parking lot tax and 10,000 kyat wheel-running tax from the owners of motor-vehicles as a means of raising funds for road maintenance in Sittwe. The collection followed the visit of Brigadier Gen Maung Oo on 28 July when he ordered people to maintain the damaged roads on a self-help basis. Therefore, the Sittwe Municipality collected money through the taxes to repair roads including Mayu road, Minnbargri Road, Main Road, Strand Road, Merchant Street, and Singu Road. (Source: "Extortion from Car Owners as Burmese Junta Fail to Repair Roads," Narinjara, 14 August 2003)

Policemen together with immigration arrested 120 men and extorted money

On 30 August 2003, a team of police together with immigration arrested 120 Rohingyas from Koin Daung (Kwan Dine) village of Buthidaung Township in Arakan State and extorted money from them. Seven policemen accompanied by four immigration officers went to Koin Daung village of Buthidaung Township and arrested 120 Rohingya people, of them 75 persons were accused of not paying fees for a foot-ball tournament, 36 persons were accused of not planting seedlings along the roadsides and other 9 persons were accused of crossing the border to Bangladesh. All arrested persons were confined in a primary school in the village. But, they were all released on 1 September after giving bribes to the authorities concerned. Those accused of not paying the football tournament fees were released after paying 3,000 kyat each. Those accused of not planting seedlings along the roadsides were set free after paying a bribe of 5,000 kyat each. The 9 who were accused of illegally crossing the border to Bangladesh were released after paying as follows:

- (1) Basar, age 32, son of Jaffor West Koin Daung village, had to pay 20,000 kyat;
- (2) Patan Ali, age 40, son of Abdul Sohbi, West Koin Daung village, 16,000 kyat;
- (3) Md. Sultan, age 49, son of Md. Sidique, East Koin Daung, 10,000 kyat;
- (4) Abdul Kharim, age 27, son of Sultan Ahamed, 25,000 kyat;
- (5) Abdul Goffor, age 56, son of Abul Hashim, middle Koin Daung, 11,000 kyat;
- (6) Md Ali, age 52, son of Md. Sultan, middle Koin Daung, 9,000 kyat;
- (7) Shoffi Rhaman, age 32, west Koin Daung, 12,000 kyat;
- (8) Khalu Meah, age 41, west Koin Daung, 13,000 kyat; and
- (9) Abdul Khader, age 47, west Koin Daung, 20,000 kyat.
- (2) (Source: "Policemen together with Immigration Arrested 120 Men and Extortion," Kaladan, 11 September 2003)

Burmese Army demands farm products and fire wood to withdraw farmlands confiscation order

On 25 September 2003, troops from a group of Burmese soldiers accompanied by 3 others from the Township Agriculture Department went to Maung Nama Palay Daung village tracts, Buthidaung Township with the collaboration of the village chairman. The battalion commander issued an order to confiscate 1120 acres of farmlands and grazing grounds which surrounded the battalion No. 564 base. The commander said, "From today, the lands will be owned by the battalion and no villagers can claim ownership." The commander also warned the villagers that if anyone opposed the confiscation of the lands, she or he would be punished or jailed as an anti-state activist, said a farmer from the village.

On 29 September 2003, the owners of the farmlands accompanied by the chairman went to the commander and submitted an application, requesting that he withdraw the order to confiscate the farmland. Finally, the battalion commander has come to agree with the villagers for a short term withdrawal of the order with the payment of 100 viss (1 viss =1.75 kg) of chili, 200 viss of potatoes, 70 viss of peas and 4 tons of firewood. The landowners also had to sign an agreement to return their lands to the said battalion by 30 April 2004, he further said. (Source: "Burmese Army Demands Farm Products and Fire Wood to Withdraw Farmland Confiscation Order," Kaladan, 19 October 2003)

Arakan rice traders restricted by the military junta

On 12 November 2003, the local authorities of Arakan state were reported to have asked the rice traders to make a contribution to the Arakan State Peace and Development Council and to the Border Security Forces, Nasaka. A rice trader from Sittwe indicated that a rice bag (50 kg) incurs 200 kyat for the Arakan SPDC and 300 kyat at the Nasaka checkpoint No. 25 on the Rangoon- Sittwe (Akyab) highway. It was reported that these "contributions" are organized at the Sittwe Truck Depot Shwe See Tharrn, because the Nasaka does not want the public to know about this forced "contribution." (Source: "Arakan Rice Traders Restricted by the Military Junta," Narinjara, 12 November 2003)

Looting By the Army

Army apprehended a passenger boat and goods in Arakan

On 12 December 2003, soldiers from BA battalion 564 stopped a boat full of passengers at the Palay Daung army check-point as it was heading to Buthidaung Township, Arakan state. The soldiers proceeded to board the boat and loot the passengers' belongings such as oil and other necessary goods. In reaction, the driver argued with the soldiers but was unable to convince them to stop looting. The boat driver then took back some of the items that the soldiers had taken, an act which angered the soldiers. They then took away all of the passengers' goods and detained the boat. The passengers were shopkeepers, villagers, students, travelers, and some patients going to Buthidaung for medical treatment. The boat belonged to Mohammad Anwar son of Maulavi Siraj of Krin Tha Mar village, Buthidaung Township, Arakan State and has been working on the river since 1993. It was reported that the village chairmen and secretaries reported the incident to the Western Command Brigadier General Maung Oo but no action was taken. It was also reported that soldiers at army checkpoints frequently loot the belongings of travelers who pass through. (Source: "Army Apprehended A Passenger Boat and Goods in Arakan," Kaladan, 24 December 2003)

Military Monopoly on Trade and Agriculture

Monopoly on transport sends essential prices up in Burma

On 21 July 2003, it was reported that SPDC authorities granted the Kyaunktaung Transport Company sole rights to the transport business from Sittwe to Taungup. As a result, the price of all essential commodities began increasing. The company not only transports goods but also collects taxes on all the goods they carry including sack loads of vegetables and other perishable commodities. The company has leased the vessels named Aung-Takhun 1,2,3,4, and 5 from the military government for their business. U Kyauktaung from Tangup, the owner of the company, indicated that he must pay for his lease and business fees in US dollars, which he has to buy from the black market at a high price. In addition, he must also bribe the lower level government officials and give a larger bribe to secure his monopoly. It was also reported that due to the lack of a competitive transport system, the price of basic commodities coming from other states and divisions had increased by 40 to 120%, according to a university professor in Rakhine State. At the time of the report, the price of a viss (1.6 kg) of groundnut oil was 1,900 kyat, palm oil was 1,500 kyat, onion was 1,200 kyat, garlic was 1,500 kyat, sugar was 600 kyat, gram pulse was 800 kyat, potato was 400 kyat, an egg was 50 kyat, and diesel fuel was 1,900 kyat to the gallon, and petrol is 1,600 kyat to the

gallon. (Source: "Monopoly on transport sends essential prices up in Burma, raises ethical questions," Narinjara, 21 July 2003)

Black pepper cultivation

On 4 August 2003, it was reported that government officials collected 750 kyat from each household in Sittwe for the cost of the black pepper seedlings they will distribute. In addition, the authorities also issued directions for cultivating black pepper to each household. Those who do not comply would face heavy fines and punishment. The local Burma military forces reportedly planned to commence a large-scale black pepper cultivation and project. In conjunction with the cultivation project, the military was reported to have confiscated hundreds of acres of lands from the villagers. (Source: "Black Pepper Cultivation," Narinjara, 4 August 2003)

Rice purchase teams formed despite hunger in western Burma

In October 2003, it was reported that local Township and village level junta officials across Arakan state were forming a 5-member rice purchase committee in each of the village tracts of the provincial state. The rice growers were directed to sell rice only to the 5-member committees. At the same time, the transportation of rice from 1 village to another has also been prohibited. While the SPDC decided to liberalize the rice procurement policy, the Rice Procurement Supervisory Central Committee was formed with representative of the Myanmar Rice Merchants' Association and the Myanmar Rice Millers' Association. Supervisory committees for the Township, district, divisional or state level were also formed. Their function is to bring the government and paddy traders together to coordinate rice purchasing. The Rice Procurement Supervisory Committee would therefore be responsible for all steps necessary until the rice is transported to the State warehouses. The traders will then be paid by bank cheques. The traders will also export rice under the guidance of the committee aside from selling rice to the State. (Source: "Rice Purchase Teams Formed Despite Hunger in Western Burma," Narinjara, 3 October 2003)

No more free rice trading in Arakan

In the middle of November 2003, the Township Peace and Development Council issued an order to stop all rice-trading between villagers and towns. Those who do not comply with the order would face severe punishment. As a result, the price of rice has considerably declined. The Arakan State authorities instructed the Arakan State Major Business Association to buy all of the rice produced at 120,000 kyat for 100 tin (1 tin = 30 kgs). At the time of the report, the Association had not yet made any offers to purchase the rice. Yet, the price is too low for farmers to make any profit. (Source: "No More Free Rice Trading in Arakan, Says the SPDC," Narinjara, 17 December 2003)

Paddy farmers forced to grow mustard green and seeds

On 24 December 2003, the Township Peace and Development Council Chairman Hla Pho a meeting in his office inviting all the Village Peace and Development Council (VPDC) Chairmen and Secretaries. In this meeting, he asked all participants to grow mustard and green-gram seeds in their paddy lands. He also threatened that if any one did not comply with the order, all his arable land would be seized and the owner would also be punished according to the local law and administration. The authorities do not provide any assistance

to the paddy farmers such as seeds, money or farming equipment. (Source: "Paddy Farmers Have To Grow Mustard, the Green Gram Seeds in Their Paddy Lands in Northern Arakan," Kaladan, 31 December 2003)

Forced Sale of Crops

Burmese junta's gangs of rice robbers

On 3 January 2003, the Kyaukpri District Peace and Development Council junta chairman Lieutenant Colonel Aye Gyaw summoned all the government employees related to the rice collection drive, including members of the police force, army officers and local junta leaders to a meeting. He declared that the target for rice collection this year is 330,000 tin for the district. He called for total cooperation of all the concerned officials and armed forces to make the rice collection drive successful in the face of non-realization of the target though the harvest season has long been over, sources said. In compliance with the order the rice from all the villages in the district including the village tracts of Rann-chaung, Ungdaw, Zin-chaung, and Leik-khamaw has been confiscated from the villagers beginning 5 January, at the rate of 12 tin per acre. Shrimp farm, salt field, and fruit orchard owners were also subject to pay 10 tin of rice per acre of their land. Those who were unable to meet the required amount must pay 1,500 kyat per tin of demanded rice. It was also reported that 7 villagers from Leik-khamaw were arrested when they could not meet the demanded amount of rice. (Source: "Burmese Junta's Gangs of Rice Robbers," Narinjara, 3 February 2003)

Rice collection from non-cultivators of rice – Burmese junta's new tricks to squeeze people dry

On 6 February 2003, it was reported that officials in Thandaway district issued orders to collect rice from non-growers of rice like shrimp farmers, orchard owners, fish farm and salt field owners at the rate of 10 bushels per acre. The government fixed price is 300 kyat per bushel. Though the price of rice at Thandway is 1500 kyat a bushel, the junta pays only the fixed price. (Source: "Rice Collection from Non-cultivators of Rice- Burmese junta's New Tricks to Squeeze People dry," Narinjara, 6 February 2003)

Mobile rice purchase drive unit

On 24 February 2003, it was reported that a mobile rice purchase drive unit had been formed in Ramree Township. Unlike previous years, the newly formed Mobile Units went door to door in the villages and village tracts of Ramree Township. The village tracts they visited include Ramm-theik-kri, Ramm-theik-shey, Ma-rwaik-chein, and Abo-brung village tracts. In addition, the mobile units went to the rice collection depots at Doratha and Kung-zatt villages in the island. Each of these mobile units recruited 6 'rice collectors' from the village tracts. The units were composed of members of the police department, village Peace and Development Council junta, and Township administrative officials. Those who were unable to meet the rice collection quota were forced to buy rice from the market at the price of 2,000 kyat per tin and sell it to the mobile unit for 350 kyat per tin. (Source: "Mobile Rice Purchase Drive Unit," Narinjara, 24 February 2003)

Villagers forced to sell rice to fill quota for military owned land

In March 2003, it was reported that the military authorities ordered the military to produce 3 tin of rice for each acre of confiscated land, which was confiscated to support the families of members of the armed forces. Instead of collecting rice from their fields, the Nasaka security forces were demanding the 3 tin from the villagers in Maungdaw Township who were already required to sell 12 tin of rice per acre of land cultivated. A total of 1,140 acres of land had been confiscated from villagers. As a result, an additional 3,420 bushels of rice was demanded from the local rice farmers. (Source: “The Tale of the Confiscation of Rice Paddies,” Narinjara, 15 March 2003)

Interest on unrealized ‘quota of rice’ in Burma

In the first week of May, authorities in Arakan State launched an initiative to collect interest on money lent to rice farmers. The ‘interest’ was reported to be a kind of fine imposed on the rice farmers who failed to pay the quota of rice for this season by April 4. Those who could not pay were given a grace period until 29 April to pay the overdue loans. Thereafter, those who had not paid faced a fine of 15% on top of the amount of loan. (Source: “Interest on Unrealized ‘Quota of Rice’ in Burma,” Narinjara, 13 May 2003)

Land Confiscation

Burmese Army grabs huge tracts of civilian land

In February 2003, Light Infantry Battalion (LIB) 536 was reported to have confiscated 50 acres of land from villagers in Khanaung-gyi Kan-byin, Rathedaung Township near Sittwe, Arakan state. In addition, LIB 537, stationed in Rathedaung Township, was reported to have confiscated 125 acres of land from villagers near Yaw-Ngun village, Ponnagyun Township. In Buthidaung Township, LIB 345 confiscated more than 200 acres of land from villagers in Let-way-dett and Bajun-chaung village tracts. All the land was reportedly confiscated for the cultivation of black pepper, Pefyin-khon (pigeon pea), and fruit trees. Any money made from the harvest was to be used to support the families of the members of the armed forces, who were underpaid by the government. (Source: “Burmese Army Grabs Huge Tracts of Civilian Land for Newer Settlement: Design to Tip Ethnic Balance in Rakhine State?” Narinjara, 5 March 2003)

5.5 Situation in Chin State

Unfair Taxes and Levies

No more forced labor, but pay cash

On 22 February 2003, it was reported that the Burmese military authorities were forcibly collecting money from local villagers in southern Chin State. Major Myint Tun Oo, commander of LIB 266 ordered every household to pay 13,000 kyat for development projects in Ruazua town. The order was in effect for several villages in Matupi Township. Major Myint Tun Oo indicated that the money would be used for road construction and tea plantation projects in Ruazua, a new township administrative center established by the military regime last year. At the time of this report, three villages had already paid the army 500,000 kyat each. The 3 villages were Sawthing, Ramsai, and Thangdia. By paying the money, villagers were supposed to be exempted from doing forced labor. The collection of money began in mid January when the deadline for payment was set as 17 February, 2003. The Burmese authorities had used extensive forced labor in the construction of the new township administrative center in Ruazua. Development of infrastructure such as schools and hospitals were constructed with the forced labor of villagers in southern Chin State. (Source: *Rhododendron Publication*, Vol VII, CHRO, January-February 2003)

Forced collection of money for conducting civil defense training in Chin State

In August 2003, the military government authorities in Paletwa Township, Chin state demanded that the people of the township provide 500 kyat and 25 kgs of rice for the compulsory defense training conducted in the township. This created many difficulties for the people in the township as the food demand came at the same time as the monsoon when rice is cultivated. (Source: "Forced Collection of Money for Conducting Civil Defense Training in Chin State," *Narinjara*, 3 September 2003)

Extortion of money by Burmese police at Sentung village

On 29 December 2003, Dua Chung, a Chin cross border trader from Sentung village report to CHRO that he and his friend has purchased 400,000 kyat worth knitting wools and yarn to sell in Burma. On their way back from India, Mr. Dua Chung and his friend have met with Police Chief Myat Ko Ko of Thantlang police station and 8 members of his troops between Sentung and Fanthen village. The police immediately arrested Mr. Dua Chung and his friend with their goods along with 2 horses that carry their belonging and detained them at the house of Sentung village Peace and Development chairman house. The police threatened them that since the goods are from India, it is illegal and they could face long-term jail term for smuggling foreign goods into the country. Then the police told them that they release them only if they give 50,000 kyat. Thus, Mr. Dua Chung and his friend borrow the money from Sentung village headman and gave it to the police. (Source: *Rhododendron Publication*, Vol VII, CHRO, January-February 2004)

Looting by the Army

Burmese Army robbed Chin farmer

On 8 December 2003, a platoon from the Burmese Army led by a Lieutenant (name unknown) from the Burmese Army LIB 579 based in Kyawk-Daw seized 2 buffaloes from Pu Tui Hung, a 25-year-old Chin farmer from Tinlawng village of Matupi Township in southern Chin State. The incident occurred when Pu Tui Hung was on his way to sell the buffaloes at Paletwa to cover his ailing father's medical bills. On his way to Paletwas, Pu Tui Hung and the Platoon met between Hemapi and Hemate villages. As soon as they met, the Burmese army seized the buffalos and arrested the owner. The army then, demanded Pu Tui Hung 100,000 kyat for his release and for the 2 buffaloes. The army threatened the victim that if he fails to pay 100,000 kyat, they will detain him in Sinletwas army camp for a long time and he will never get back his buffaloes. Pu Tui Hung begged the army to take 60,000 kyat - that was all the money he had - and release him with his buffaloes as he was on his way to sell the buffaloes to cover his ailing father's medical bill. The army took 60,000 kyat from Pu Tui Hung and released him with his 2 buffaloes. (Source: *Rhododendron Publication*, Vol VII, CHRO, January-February 2004)

5.6 Situation in Karen State

Throughout 2003, troops from the Burma Army as well as the Democratic Karen Buddhist Army (DKBA) continued to loot, steal, destroy, and extort money, livestock, and other goods and supplies from the villagers of Karen State. Villagers were not provided with any compensation for the items taken from them, thus causing the already impoverished populations increased hardship. Ongoing demands for forced labor also meant that villagers were unable to complete their own work to provide for themselves and their families.

Note: Dooplaya, Pa-an, Papun and Thaton Districts, as reported below, are all areas demarcated by the KNU as Karen territory. Thaton District falls mostly in the SPDC demarcated area of Mon State, while the area to the east of the Donthami River lies within SPDC demarcated Karen State. Thaton District is under the patrol of the 1st Brigade of the Karen National Liberation Army (KNLA). Dooplaya District falls mostly in SPDC demarcated Karen State and partially in SPDC demarcated Mon State. Dooplaya District is under the patrol of the 6th Brigade of the KNLA. Papun and Pa-an Districts fall entirely in SPDC demarcated Karen State. Papun District is under the patrol of the 5th Brigade of the KNLA and Pa-an is under the patrol of the 7th Brigade of the KNLA. The SPDC does not recognize these as official districts. Instead, the SPDC considers there to be 3 districts (North to South: Kawkareik, Pa-an and Myawaddy) and 7 townships (North to South: Than Daung, Papun, Hlaing Bwe, Pa'an, Kawkareik, Myawaddy, and Kya In Seik Gyi) within Karen State. These townships do not correspond with the KNU demarcated districts, even for those that share the same name.

Looting by the Army

Situation in Dooplaya District

On 8 January 2003, at about 11:50 am, a column of SPDC LIB 103 with a total of 60 men, led by the Battalion Commander Lieutenant Col Myo Myint, came and entered Kweetahoe village and looted the villagers' property. The owners from the village were Daw Ee Pay, U Pah Lah Hsaw, and U Kyah Shwe. The details of the property taken with the estimated costs are as follows:

- (1) 1 golden necklace, weight 5 moothah (equal to 8.16 grams);
- (2) 1 golden ear-ring, weight 1 mathah (equal to 4.08 grams);
- (3) 1 golden ring, weight 1 mathah (equal to 4.08 grams);

The total weight of items 1, 2, and 3 in gold is 1 kyathah (equal to 16.32 grams);

- (4) 11 silver coins, weight 11 kyathah (equal to 179.52 grams);
- (5) Items from the shop totaling 4,100 baht;
- (6) 1 pig at the current price 3,100 baht; and
- (7) Household materials that would cost 1,500 baht.

Moreover, the troops also took and used tractors belonging to the villagers from Kweetahow, T'nawhta, Kweetao, Mawkanokhee and Sukalee villages. In doing so, the troops did not provide the tractor owners with any compensation. In addition, the troops indicated that if they wanted to use the tractors again, they would do so. They also indicated that if the owners tried to refuse, they would burn the tractors. (Note: Villagers in this area use Thai currency since they live on the border of Thai and Burma) (Source: KORD, 2003)

On 13 January 2003, troops from SPDC LIB 317, led by Hla Min and Thein Htay looted 6 buffaloes, household items and clothing from Oo-hoo-ha village. (Source: KIC, 2003)

On 28 January 2003, troops from SPDC LIB 103, led by Lieutenant Col Myo Myint, looted from Kwee-ta-hoe villagers:

- (1) 1 blanket, 1 sarong, 1 sweater, 1 machete, 1 hammock, 2 tin of rice, 2 bags and 1 pot from Tha Nay Heh;
- (2) 1 gold chain, 1 pair of gold earrings, 1 gold ring and 2 silver coins from Win Hlaing Moe; and
- (3) Merchandise worth 4,000 baht and a pig weighing 30 viss from Kler-poe-pa. (Source: KIC, 2003)

On 28 January 2003, at about 11:30 am, troops from Burma Army IB 284, led by Battalion Commander and Column Commander Min Soe entered A'plon (A'plo) village in Winyay Township. There, they took and ate food and items from the following villagers:

- (1) Daw Shan Ma, age 60;
- (2) Ma Yin Thoung, age 29;
- (3) Ma Khin Myint, age 24;
- (4) Daw Nan Gaw, age 50;
- (5) Naw Aye Nu, age 20;
- (6) Ma Khin Aye Win, age 26;
- (7) Naw Mu Ku, age 45;
- (8) Naw Wine Ku, age 23; and
- (9) Saw A'ngai, age 36.

The items taken from the villagers were the following; 2 tin of milk, 16 packets of Kyae Mount (Burmese cake), 2 packets of Zee tote (Burmese food), 3 viss of sugar, 5 sacks of

cheroot, 12 packets of Kawt Nyin Totw (Karen cake made of sticky rice), 24 cartoons of London cigarette, 5 cartoons of Lucky cigarette, 12 big bottles of Sprite, 8 tins of Sardine, 1 basin of Mokkhinkah (Burmese noodle), 40 bottles of M-150 cold drink, 10 bottles of orange juice, 10 bottles of cooking oil, 1 big sack of ajinomoto, 1 viss of onion, 1 packet of candle, 1 worm cloth and many bananas. (Source: KORD, 2003)

On 4 February 2003, fighting occurred between KNLA troop battalion No.17 of brigade 6 and SPDC LIB 415, Column 1, led by Column Commander Nyunt Aye. After the fighting ended and the KNLA troops left, the Burma Army troops cleared the area and entered Wama village. There, they went into the nearest house belonging to Saw Yoo Nor, son of U Thounng Sein. They found and took his money amounting to 35,500 kyat. They burnt the rest of his property with his house. (Source: KORD, 2003)

On 10 February 2003, at 1:30 pm, SPDC LIB 83 troop 1 led by Nyu Aung entered Kya-in Township, beat a woman (Naw Pree Paw) (age 75) and yelled profanities at her. Following this they took 1 of her chickens. (Source: KHRIC, 2003)

On 11 February 2003, at 10:00 pm, SPDC LIB 538 troop led by Second Commander Ny My, arrived in Way yin Township, Nay Bya village and stole 50 chickens, 1 duck, and 1 pot from:

- (1) Naw Julia, age 27;
- (2) Saw Leh Min, age 40;
- (3) Saw Soe Min, age 28;
- (4) Saw Dah Kee, age 31; and
- (5) U Ka Pin Naw, age 45.

The troops stole the chickens, duck, and pot from the villagers' homes. (Source: KHRIC, 2003)

On 3 March 2003, troops from SPDC LIB 415, led by Major Kyi Aung came to Ta-ku-khee village, Kya-in Township, and looted from villager, Naw Tha Hay (female, age 21), a cow worth 270,000 kyat, to be used for meat. (Source: KIC, 2003)

On 3 March 2003, it was reported that troops from LIB 32, led by Gen-Naing Soe, went to the villages in Kya-in Sei-ki Township and took rice from each villager's house illegally. The villagers then had a problem because they did not have food to eat. One pyi of rice costs (450) kyat and other supplies are expensive as well. They have problems paying for things like food, clothing, and health care. One villager stated, "I came here and reported these problems to people who work and care about these human rights violations and about the incident in our area instead of the farmers and people who were violated by the military government troops." (Source: HRDU, 2003)

On 8 March 2003, troops from SPDC IB 61, led by Major Aung Myo Lin came to Pi-ta-kha village, Kya-in Township and looted a total of 12 chickens, 14 pyi of rice, 200 pieces of thatch, 3 papaya fruits and merchandise worth 5,000 kyat from the following villagers:

- (1) Naw Po Gay, age 21;
- (2) Naw Po Nee, age 19;
- (3) Saw Ket Paw, age 43;
- (4) Saw Let Thee, age 51;
- (5) Naw Mu Mu, age 60;
- (6) Naw Win, age 41;
- (7) Saw Ah Gay, age 45; and

(8) Saw Pah Lay, age 30.

In addition, the troops forced the villagers to carry these items to Ka-li-khee hill camp. (Source: KIC, 2003)

On 11 March 2003, at 10:00 pm, troops from SPDC LIB 588, led by the battalion second in command, looted a total of 15 chickens, 1 duck and 1 pot from the following villagers in Neh-pya village, Win-yae Township:

- (1) Naw Julia, age 27;
- (2) Saw Ler Meh, age 40;
- (3) Saw Soe Min, age 28;
- (4) Saw Ta Khee, age 31; and
- (5) U Ka Pa Naw, age 45. (Source: KIC, 2003)

On 22 April 2003, troops from SPDC IB 61, led by Battalion Commander Htun Lin Aung, shot and killed a cow, worth 150,000 kyat belonging to U Aung Pwint, 64, and a pig worth 20,000 kyat belonging to U Lone Kyaung, of Kaw-daing village, Kaw-ka-reik Township, to be used for meat. Furthermore, these troops looted all of the merchandise from the shop of U Kan Shwe, 40, worth a total of 250,000 kyat. In addition, these troops looted 2 ducks, 3 chickens, 1 wrist watch and 1 flash light from U Tun Lwin (age 60), U Kyaung Twin (age 31) and Maung Htun Tin (age 19). (Source: KIC, 2003)

On 21 June 2003, combined troops from SPDC LIB 710, led by Column 2 Commander Zaw Min Htun, and troops from DKBA 999, came to Tha-blu-kho-khee village. There, they looted 1 gold chain, 1 gold ring, a pair of gold earrings, 1 silver chain and 1,000 kyat cash from villager Naw Eh La. (Source: KIC, 2003)

On 9 July 2003, Major Hla Moe of SPDC IB 231 under Military Operation Command 12, killed a goat for meat that belonged to Pein-neh-gon villager U Shwe Thaung (male, age 34). Moreover, Bo Kyaw Oo, from the same unit, extorted 5 chickens from Nget-pyaw-daw villager U Kyaw Aye, M-45. (Source: KIC, 2003)

On 14 July 2003, troops from SPDC LIB 586, led by Column 2 Commander Myint Zaw Oo, came to Htee-khaing village, Kya-inn Township, and killed and ate a villager's pig but paid only half of the price. (Source: KIC, 2003)

On 30 July 2003, about 80 troops from SPDC IB 61 led by the battalion commander came to Sak-ka-wet village, Kaw-ka-reik Township, and looted from villagers:

- (1) Naw Ko May-32; 1 blanket, 1 female sarong, 1 men sarong, 2 shirts, 25 pieces of Karen costumes, 30 silver coins and 10 silver plates;
- (2) Naw Moe Bay-20, 10,000 baht, 12 sets of lunch carriers and 2 blouses;
- (3) Naw Meh-20, 2 bags, 12 sets of lunch carriers and 2 pots;
- (4) Naw Gay Aye, 15 female sarongs, 15 blankets and 2 blouses; and
- (5) Naw Thoo Li-21, 4 pots. (Source: KIC, 2003)

Situation in Pa-an District

From 20 January 2003 to 30 January 2003, troops from DKBA 999 looted 18 pyi of rice, 1 viss of chicken meat and 15 chickens, 1 large bag of monosodium glutamate, 1 quarter viss of chili from Pa-ta (Karen quarters) villagers Ma Yi Yi, Pa La Shwe, Ma Kyi Aye, Mu Lah Shee, Daw L1 Tin, Naw My Kyeh, Naw Mu Theh, Ah Pway Po, Naw Too Loo and Daw Mya

Thein. Moreover, these troops extorted 8 chickens from Pata (Burmese quarters) villagers Ma Aye Swe, Mu Peh, Aye Khin Kyi and Mu Ki Ka. These troops looted 10 chickens, 1 Muskoguee duck, 2 bottles of liquor, 3 packets of cigarettes and other items worth 3,000 kyat in Pata (Guart-teh-gon quarters), villagers from Ngon Ga Lay, Maung Lu Pi, Chit Win, U Paw Moe, Ah Ye Kah, Daw Keh, Ah Meh, Toe Bler and Sa Bo. Moreover, these troops looted 2 baskets of rice from Pi-ta-kha village, 5 viss of chickens 1 basket and 13 pyi of rice, 3 pairs of shoes, 1 carton of cigarettes, 1 packet of Thu-khi-ta cheroots, 23 packets of coffee mix, and 2 large packets of snack from Noh-khee village and Kya-gon village. In addition, these troops demanded villagers, from Hteh-boo village, 5 persons and Ta-ku-kraw village, 5 persons, for portage. Troops from SPDC IB 81 demanded 5 villagers from Taung Zun village for portage who were to work for the army for three days. They also demanded 15,350 kyat worth of items from village head. (Source: KIC, 2003)

On 23 January 2003, troops from DKBA 999, Battalion 3, led by Saya Da Ban Pa and Saya Thaw Ngwe Po, came to Htee-baw-plaw village. There, they burnt down 1 house, 8 huts, 9 cattle sheds, 1 buffalo shed and 5 heaps of straw owned by Pu Doe Htee, Mu Wah Toe, Pa Kwee Pa, Pa Kot Hsaw, Cherry Pu, Pu Na Loe, Saw Klay, Paw Htoo Moe and Kee Na Pa. Moreover, these troops looted the following from different villagers:

- (1) 15 chickens from Mu Wah Ta;
- (2) 2 goats from Naw Ma Htwe;
- (3) 2 chickens from Pu Leh;
- (4) 8 chickens from Pu Kay;
- (5) 1 chicken from Pu Ler Pwe; and
- (6) 1 bull from Saw Kay Htoo. (Source: KIC, 2003)

On 8 April 2003, at 3:00 pm, troops from SPDC IB 14, Columns 1 and 2, under LID 66 No.3 Tactical Command, burnt down 5 houses in Bu-tho Township. These troops also shot and killed villagers' chickens and pigs for meat.

On 18 May 2003, troops from SPDC IB 1 led by Company Commander Thaung Myint Oo looted a tin of rice and other items worth 2,500 kyat from the following villagers of Kyaw-kay-khee village, Pa-an Township:

- (1) Tee Maung Aye,
- (2) Tee Noh No,
- (3) Saw Ka Maw,
- (4) Naw Cho Cho,
- (5) Naw Dah Bo,
- (6) Keh Tu Tu,
- (7) Naw Ka Neh Moe, and
- (8) Maung Aye Myint. (Source: KIC, 2003)

On 23 July 2003, at 6:30 am, a section of SPDC troops, including 4 DKBA soldiers, came to Kler-day and fired at a hill paddy farm hut near Kler-ka village, with M-79 grenade launcher. At 11:30 am, these troops kicked Kler-ka villager, Naw Kyeh Kyeh, who was pregnant and looted 3 chickens from her. Moreover, the troops demanded that each household of the village to pay 1,000 kyat for the ammunition, which was expended in the shooting. Later, these troops ordered villagers to send them a pig for meat, by the following day. (Source: KIC, 2003)

On 1 August 2003, troops combined from a DKBA unit led by Moe Joe and Pa Daw Boe, and SPDC LIB 703, Column 2, led by Bo Shwe Win, came to Si-pa-day village, Hlaing-bwe Township, and burnt down all the houses and huts in village. The troops shot and killed chickens, pigs and goats for meat and planted landmines in the village. (Source: KIC, 2003)

On 3 August 2003, DKBA troops led by Pa Daw Bo and Mojo looted from the shop of school teacher Naw Ku Wah Paw of Htee-pa-reh village items worth 6,000 kyat.

On 6 August 2003, DKBA troops led by Pa Daw Bo and Mojo came to Htee-klee-sa area and shot up the hut of Si-pa-day villager, Saw Ta Ku Ku (age 46), and then burnt down the hut which contained 8 baskets of paddy. These troops also looted 10 baskets of rice, some pigs and chickens from the villagers and arrested villager Saw Ta Ku Ku. He was not released up to the time of this report. Furthermore, they raped and later shot to death Naw Mu Ku (age 17), the daughter of Saw Ta Ku Ku. (Source: KIC, 2003)

On 11 August 2003, DKBA troops led by Pa Daw Boe and Mojo, came to Kaw-lah-wah and looted 2 pigs, 3 chickens, 4 pots and 2 machetes worth 100,000 kyat from Htee-moe-khee villager, Naw Kyaw Kyaw. They also looted 5 baskets of rice, 1 pig worth 40,000 kyat and 5 chickens from villager Pa Yu Kho. Moreover, these troops looted 10 baskets of rice and 3 chickens from Htee-moe-khee villager, Naw Mu Ku, and burnt down her hut. (Source: KIC, 2003)

Situation in Pa-pun (Mutraw) District

On 10 January 2003, Battalion Commander Kyaw Kyaw Oo from IB 36 shot and killed Saw Nay Kaw (age 55), from Noh Paw Htee village, Ka Ter Hti village tract, Dwe Loe Township. On the same day, the same troops from IB 36 looted 1 pig, about 12 kg of betel nuts, 1 chicken and 1 duck belonging to Naw Ma Yin. (Source: KORD, 2003)

On 23 January 2003, troops from SPDC LIB 104, led by Battalion Commander Zaw Min, entered Hteelawthihta village. They took and ate food and property from the villagers such as 38 chickens, 1 blanket, 9 baskets (18 tin) of corn, 3 baskets (6 tin) of rice, 5 ducks, 3 viss of jaggery and 1 large packet of dried tea leaves. (Source: KORD, 2003)

On 3 February 2003, troops from SPDC LIB 534, Column 2, led by Officer Than Shwe entered Htee Thehlay village and forcibly took and ate food and property from the villagers as follow: 3 chickens, 1 packet of dried tea leaves, 5 blankets, and 4 choppers. (Source: KORD, 2003)

On 4 February 2003, troops from SPDC LIB 534 entered Hteelawthihta village and took and ate the following food and property from the villagers: 13 chickens, 1 tin of rice, 2 big steel spoons, 1 viss of salt, and 2 steel plates. On the same day, DKBA troops led by Po Mer combined with SPDC troops entered Laykwelor village. There, they took and ate the following food and property from the villagers; 17 chickens, 1 tin of rice, 1 shoulder bag, 2 percussion lock firearms, 1 viss of chili. (Source: KORD, 2003)

On 5 February 2003, SPDC IB 36, Column 2, led by Officer Thet Htoo, entered Hteethebluhta village and arrested 1 of the villagers, namely Saw Maw Kyaw (age 35). They tortured him bitterly by hitting him 4 times with the back of a chopper, jabbing him in his face 3 times and hitting him 3 times in his calves. He is a penniless villager. Moreover, after

torturing Saw Maung Kyaw, the troops took and ate food and property from the villagers as follows: 1 tin and 1 pyi (8 small tins) of rice, 5 chickens, 5 coconuts, 3 bottles of liquor and 5 viss of pork. The same day, the troops went back and entered Bawthohta village where they took and ate food from the villagers as follows; 11 chickens, 2 ducks and 2 tin of rice. (Source: KORD, 2003)

On 11 February 2003, SPDC IB 36, Column 2, led by Battalion Commander Kyaw Kyaw Oo, entered Hteelawthihta village where they forcibly took and ate 1 pig of weighing 25 viss belonging to a woman villager named Mi Cho. The troops paid nothing for the pig. (Source: KORD, 2003)

On 12 February 2003, troops from IB 36, led by Company Commander Thet Htoo, entered Hteelawthihta village where they forcibly took and ate 11 chickens from the villagers. (Source: KORD, 2003)

On 22 February 2003, troops from SPDC LIB 38, Column 1, led by Battalion Commander Hla Myint, entered Therperpah village where they forcibly took and ate 2 chickens, 7 pyi (56 small tins) of rice and 1 viss of chili from the villagers. (Source: KORD, 2003)

On 19 February 2003, troops from SPDC LIB 341 based at Mae-klaw village looted from Klaw-day villagers, Naw Toe Moo (2 chickens) and Naw Mu (1 machete) and Day-law-pu villager Naw Tay (1 chicken) and Pah Tay (1 machete). (Source: KIC, 2003)

On 30 May 2003, troops from Lib 24, division 66, led by the column commander from Column 2, Kyaw Shwe, shot and killed a villager from Theh Kya Pu namely Pah Lah Day (age 50). At the same time, the troops burnt down houses from Theh Kya Pu village and many other things, including rice barns. At the time of this report, it was confirmed that 1 rice barn belonging to Naw Bwe containing 125 basket of paddy, 1 rice barn belonging to Ta Ke Na containing 80 baskets of paddy and 1 rice barn of Pah Theh containing 35 baskets of paddy were all burnt. (Source: KORD, 2003)

On 14 June 2003, troops from Burma Army IB 63 led by Aung Kyaw Soe entered Ka Wa Poe Klah village, Butho Township and looted food from the villagers. Villagers whose food was looted were:

- (1) Pah Saw Pleh, 4 chickens of chicken;
- (2) Pah Tha Di, 1 chicken;
- (3) Pah Loo, 2 chickens;
- (4) Naw Klu, 1 hen with eggs;
- (5) Pah To Lar, 1 chicken; and
- (6) Pah Li Klo, 7 pyi (56 small tins) of rice.

Moreover, the troops hit Pah Li Klo 4 times on his back. (Source: KORD, 2003)

On 6 July 2003, Company Commander Aung Khaing from LIB 51 and Commander Tin Win entered Mae Nyu Hta village, Butho Township and took things and ate food belonging to the villagers such as 1 chicken, 1 plastic sheet, 1 pair of slipper and 1 pyi (8 small tins) of rice and also beat up 1 of the villagers. (Source: KORD, 2003)

On 16 July 2003 the SPDC LIB 51, Battalion Commander Tin Win's Company Commander, Aung Khaing, entered Mae Nyo Hta village and took 1 chicken from Saw Pa Say and 1 plastic sheet and 1 pyi (8 small tins) of rice from Saw Lay Le, who was also struck on his

head with a stick. Moreover, this commander took 2 villagers to stay with him and serve as messengers every day until he left the village. Then, starting from 27 July 2003, LIB 51 demanded 2,000 kyat every day instead of the messengers. (Source: KORD, 2003)

On 24 July 2003, troops from SPDC LIB 6, Column 2, under LID 66 led by Bo Than Oo, came to Baw-tho-ha village Dwe-lo Township and extorted 3 tin of rice from the villagers. Moreover, these troops took 2 Mae-thu-ha villagers for making thatch. The troops ordered them to pay 2,000 kyat each if they did not want to do the work. (Source: KIC, 2003)

On 9 September 2003, troops from Burma Army division 66 entered Ta Ri Per Kho village, Butho Township and took and ate 10 chickens, 30 viss (1.6 kilos) of durian jam and 1 bag from the villagers. (Source: KORD, 2003)

On 3 October 2003, troops from Burma Army division 66 entered Bow Hta village area, Butho Township and burnt down paddy huts belonging to Pah Way, Pah Day Day, Pah Thar Wah, Pah Kheh, Kyay Nya Paw and Maung Win Kyi. (Source: KORD, 2003)

Situation in Thaton District

On 13 January 2003, troops from SPDC LIB 102, led by Company Commander Thet Shwe Oo, came to Yo-kla village, Bi-lin Township and fed the villagers' livestock with food laced with poison. As a result, 1 pig belonging to Sheh La Baw and 1 pig belonging to Tee Lun Maung were killed. (Source: KIC, 2003)

On 1 April 2003, troops from SPDC IB 35 led by Column Commander Maung Maung Khaing came to Noe-ta-lar-aw village, Tha-ton Township, and looted from the following villagers:

- (1) 1 chicken from Saw Maw Hta;
- (2) 1 chicken from Ma Ni Kyay;
- (3) 1 chicken from Maung Thein Win Moe;
- (4) 2 chickens from Ma Pi Moe;
- (5) Half a viss of pork from Maung Khin Nyo; and
- (6) 2 viss of pork from Chit Tha Moe.

Moreover, these troops beat up villager Maung Pwint without reason. (Source: KIC, 2003)

On 6 April 2003, combined troops from SPDC IB 11, led by Battalion Commander Than Sein Htun, and DKBA, led by Tee Pu, came to Khaw-po-pleh village, Bilin Township, and looted 6,000 kyat from Naw Mu Ta Ler's shop. (Source: KIC, 2003)

On 14 April 2003, troops from SPDC IB 35, led by Column 2 Commander Khin Maung Zaw, came to upper Naw-ka-toe village, Tha-ton Township, and looted 9 pots, 7 steel plates, 12 steel spoons, 13 male sarongs, 5 female sarongs, 8 shirts, 5 blouses, 2 pairs of Jean trousers, 4 machetes, 4 blankets, 4 viss of chilli, 5 viss of fish paste, 4 baskets of rice and 56,500 kyat from Naw Hkee Lar. In addition, they looted 2 goats and 1 chicken from Naw Naw Re. (Source: KIC, 2003)

On 25 April 2003, troops from SPDC LIB 10, led by Battalion Commander Myint Lwin, came to Nya-po-khee village, Bi-lin Township and looted from villager Saw Li Baw 19,000 kyat and half a kyat weight gold ring. (Source: KIC, 2003)

On 2 May 2003, troops from SPDC IB 88 led by Battalion Commander Hla Ohn Naung Thint looted 1.25 baskets of rice, 1 bottle of liquor and 3 chickens from villagers of lower Kaw-heh village, Pa-an Township, and a tin of rice from upper Kaw-heh village. (Source: KIC, 2003)

On 4 May 2003, at 7:00 pm, troops from SPDC IB 11, led by Yo-kla Camp Commander Captain Soe Win, burned down a saw mill owned by Maung Ohn Lwin of Be-lin Township and 300 logs collected by villagers to build houses. (Source: KIC, 2003)

On 10 May 2003, troops from SPDC IB 11, Column 1, led by Battalion Commander Thant Zin Tun, came to Ta-eu-ni village, Bi-lin Township, and burned down a saw mill, with 100 logs, of Pa-ya-raw villager Maung Aung. (Source: KIC, 2003)

On 10 May 2003, troops from SPDC LIB 108, led by Company Commander Myint Oo, looted from villagers of Ta-eu-ni village, Bi-lin Township, 3 chickens and 2 baskets of rice.

On 10 May 2003, Battalion Commander Khin Maung Zaw of SPDC IB 35 came to Naw-ka-toe village, Tha-ton Township, and demanded from villagers:

- (1) Naw Ma Eh, 1 chicken;
- (2) Naw Ta Loo, 1 chicken;
- (3) Pa Dwe Moe, 1 chicken; and
- (4) Naw Peh, 2 chickens.

On that day these troops came to Noe-ta-la-aw village and demanded from villager, Saw Maung Htaw, 1 chicken. (Source: KIC, 2003)

On 11 May 2003, combined troops of SPDC IB 35, led by Battalion Commander, Khin Maung Zaw, and DKBA troops, led by Saw Tho Hgeh, came to Ta-roi-khee village, Tha-ton Township, and stole ducks and chicken belonging to the following villagers:

- (1) Pa La Pah, 2 ducks;
- (2) Ma Yaung, 2 ducks;
- (3) Saw Shwe Ya, 2 ducks;
- (4) Naw Doo, 1 duck; and
- (5) Ma Noo Moe, 1 chicken. (Source: KIC, 2003)

On 12 May 2003, troops from SPDC IB 35, led by Aung Kyaw Oo, came to Ta-roi-khee village, Tha-ton Township, and looted chickens and ducks from the following villagers:

- (1) Naw Bi, 1 chicken;
- (2) Naw Mu Thoo, 2 ducks;
- (3) Naw Pa Hla, 1 duck;
- (4) Naw Aye Pe, 1 chicken;
- (5) Ma Doo, 3 chickens;
- (6) Naw Kreh, 1 duck; and
- (7) Naw Ter Ler, 1 duck. (Source: KIC, 2003)

On 15 May 2003, troops from SPDC LIB 108, led by Battalion Commander, Aung Thein, came to Htee-si-baw village, Bi-lin Township, and extorted 5 viss of onions from Maung Po Khin and 3 baskets of rice from other villagers. These troops also looted from Mya-lay village, 8 chickens, Tha-waw-pya village, 5 chickens and 1 pig weighing 30 viss. (Source: KIC, 2003)

On 17 May 2003, troops from SPDC IB 35, led by Column 1 Commander Aung Kyaw Oo, and Company Commander, Tin Maung Maung, looted the following items from the following villagers in Naw-ka-toe village, Tha-ton Township:

- (1) Ma Than Myint, 2 chickens;
- (2) Ma Than Cho, 4 ducks;
- (3) Naw Ta Moo, 1 duck;
- (4) Ma Hla, 1 duck;
- (5) Mu Ker Lar, 2 chickens;
- (6) Naw Ma Nge, 1 chicken; and
- (7) Ma Than Kyi, 1 male sarong. (Source: KIC, 2003)

On 17 May 2003, troops from SPDC LIB 10 led by Battalion Commander Myint Lwin and 15 DKBA soldiers entered Ta U Khee village. On 19 May 2003, these troops went up to the top of the Htee Mu Say Mountain, found and shot at the hut of villager Pah Be with both small arms and heavy weapons. They also took and ate his food and things such as 3 tin of rice, 4 cooking pots 2 spoons and 1 viss of sesame paste. Than after, this troop went back to the village and demanded that the villagers to buy them 1 goat for their curry that would cost 15,000 kyat and went back to Baw Khee village and slept there. (Source: KORD, 2003)

On 19 May 2003, combined troops of Column 1 from SPDC LIB 10, led by Battalion Commander, Myint Lwin, 10 DKBA troops and 5 troops from an anti-insurgent unit, led by Maung Hla, came from Ta-eu-khee village to Htee-moo-si-khee mountain range, Bi-lin Township, and set fire to the hut of Pah Bi with both heavy weapons and small arms. The troops then looted from the hut a tin of rice, 4 pots, 2 spoons and a viss of sesame oil. Moreover, Maung Hla demanded from villagers a goat worth 15,000 kyat. (Source: KIC, 2003)

On 21 May 2003, troops from SPDC LIB 108, led by Column Commander Thein Zaw and Company Commanders Khaing Htun and Myint Oo, came to Htee-si-baw village, Bi-lin Township and asked to buy 10 viss of pork but paid only half the price for it. (Source: KIC, 2003)

On 24 May 2003, troops from SPDC LIB 108, led by Column Commander Thein Zaw and Company Commanders Khaing Htun and Myint Oo, extorted 28 pyi of rice from Htee-si-baw village, 1 viss of cooking oil 5 bottles of liquor and 5 chickens from Khaw-po-pleh village and 1 tin of rice from villager Pa Maung Soe in Bi-lin Township. (Source: KIC, 2003)

On 25 May 2003, troops from SPDC LIB 108, led by Company Commander Myint Thein, came to Htee-hser-khee (Mya-lay) village, Bi-lin Township, and shot and killed 1 pig and 15 chickens belonging to the villagers, to be used for meat. The troops also looted 3 packets of cheroots and 3 tin of rice. (Source: KIC, 2003)

On 25 May 2003, troops from SPDC LIB 108, led by Column 2 Commander Aung Myint, came to Per-wah-ha village, Bi-lin Township, and fired their guns. The villagers were frightened and to hide. The troops then entered the deserted houses and looted items from:

- (1) Shwe Peh Moe's, 2 pyi of rice;
- (2) Ma Aye Myint's, 5 baskets of rice, 2 chickens, 6 bottles of sesame oil and 500 kyat cash;
- (3) Maung Lun's, 1 chicken;
- (4) Tha Hla's, 1 chicken;

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- (5) Naw Kree Moe's, 1 chicken;
 - (6) Naw Ta Kyet's, 1 chicken; and
 - (7) Shwe Tha's, 10 pyi of rice.

Moreover, these troops struck 3 times with rifles butts and kicked 2 times at Per-wah-hta villagers Pah The (age 48), son of Pa Hser Gu, and Su Pu Pu (age 25), and extorted from the villagers 20 pyi of rice. (Source: KIC, 2003)

On 29 May 2003, troops from SPDC LIB 108, led by Company Commander, Myint Oo, came to Shwe-oh-tha-waw-pya village, Bi-lin Township, killed a villager's pig for meat, and looted 2 baskets of rice. (Source: KIC, 2003)

On 30 May 2003, troops from SPDC IB 1, Column 2, demanded 1 basket of rice from Htee-meh-baw village and 1 basket of rice from Htee-po-neh village. (Source: KIC, 2003)

On 2 June 2003, troops from SPDC LIB 108, led by Battalion Second-in-Command Thein Zaw, came to Ta-eu-ni village, Tha-ton Township, and looted from villagers 4 pyi of rice and some household items. (Source: KIC, 2003)

On 4 June 2003, troops from SPDC IB 1, led by Battalion Commander Nyan Soe, came to Kru-see village, Pa-an Township and looted from villagers 12,000 kyat worth of household items. (Source: KIC, 2003)

On 4 June 2003, combined troops from SPDC LIB 10, led by Battalion Commander, Myint Lwin, and troops from an anti-insurgent unit, led by Maung Hla, came to Ta-eu-ni village, Tha-ton Township. There, the troops looted from villagers a pig worth 15,000 kyat, 2 bottles of liquor, 1 basket of rice, 2 chickens and 10 viss of pork. (Source: KIC, 2003)

On 5 June 2003, troops from SPDC IB 35, Column 2, led by Khin Maung Zaw, looted from villagers of Ta-maw-daw village, Tha-ton Township, 7 1/2 baskets of rice and 1 pig worth 30,000 kyat from Naw Ma Bi. (Source: KIC, 2003)

On 7 June 2003, troops from SPDC LIB 108, Column 2 Unit 2, led by Aung Mya came to Mae-naw-theh village, Bi-lin Township, and looted 11 chickens 1 duck, 1 pig, 1 tin of rice and 1 dog from villagers. (Source: KIC, 2003)

On 17 June 2003, combined troops from SPDC IB 96 and an anti-insurgent unit led by Min Htun, Maung Kyi Thwin, Pa Gaw, Maung Hla and Pa Ma Tay came to Pi-tee-khee village, Bi-lin Township and shot and killed a pig belonging villager Naw Ma Keh for meat. (Source: KIC, 2003)

On 20 July 2003 the combined troops of 20 DKBA soldiers led by Than Htun and SPDC LIB 3/ IB 8 came into Thaton Township area and started their activities. On 22 July 2003, other troops from SPDC LIB 108, Column 1, led by the Column Commander Soe Hlaing entered Khaw Htee Khee village and stole 1 duck from Ma Aye Ti, 3 chickens from Paw Paw and 1 chicken from Ma Tin May. (Source: KORD, 2003)

On 25 July 2003, DKBA troops led by Pa Lay Htoo and Shwe Tha Li came to Yo-kla village, Bi-lin Township, and ordered Htee-pa-doh-hta village head, Sa Ta Pi, to provide 30 sacks of rice from West Htee-pa-doe-hta village and 30 sacks from East Htee-pa-doh-hta village,

within 3 days. They threatened to take action if the demanded rice was not provided. (Source: KIC, 2003)

On 30 July 2003, the DKBA troops led by Pa Lay Htoo, Shwe Tha Li and Soe Moe summoned East Yo-kla village head and demanded the following:

- (1) 10 sacks of rice from East Yo-kla village;
- (2) 10 sacks of rice from Kaw-po-kho village;
- (3) 10 sacks of rice from Htee-pa-doe-khee village;
- (4) Lay-kaw-hti village 5 sacks; and
- (5) Htaw-klaw-ha village 5 sacks, which were to be brought to Yo-kla village within 5 days.

They threatened to take action if the villagers failed to comply with the demand. (Source: KIC, 2003)

On 29 October 2003, troops from SPDC LIB 5, Column 1, led by Kyaw Kyaw Naing, under LID 66, came to Per-wah-ha village and went into the following villagers' houses and looted the following items:

- (1) Tee-hu-than, 3 pots, 1 frying pan, 2 machetes, 2 large spoons, 10 steel spoons, 1 diving mask, 15 plates, 1 Seiko-5 watch, 1 Casio watch, 4 new man sarongs, 1 pair of Karen dress, 2 blankets, 2 shirts, 2 children dress, a pair of pliers, 1 chicken, 2 baskets of rice, 4 Karen blankets, 1 large packet of mono sodium glutamate, 2 bars of soap, 1 tin of insecticide, 1 large tin of health tonic;
- (2) Po-kyay-kyay, 12 dinner plates, 12 steel spoons, 12 cups, 5 machetes, 1 steel lunch carrier, 1 steel tray, 2 female sarongs, 3 Karen woman dresses, 3 new man sarongs, 3 shirts, 6 pairs of trousers, 4 blankets, 4 bottles of sesame oil, 3 chickens, 1 Karen bag, 1 silver coin, 5,000 kyat, 1 large packet of mono sodium glutamate and 5 kyat weight of chilli;
- (3) Naw Eh Bu, 2 gold rings, 4 silver coins, a pair of silver bangles, 5 chickens and 1 machete;
- (4) Tee Maung Kyi, 1 chicken, a pig weighing 20 viss and 1 machete;
- (5) Naw We, 3 chickens, 10,000 kyat, 5 viss of palm brown sugar cake, 5 steel plates, 5 packets of cheroots and 1 machete;
- (6) Tee Maung Toe, 2 chickens, 3 ducks, 2 large spoons, 3 small spoons, 8 plates, 1 cup, 5 silver coins, a pair of silver bangles and 1 new male sarong;
- (7) Naw Mu Kwee, 3 steel plates, 5 steel spoons, 2 woman sarongs, 2 blouses, 1 shirt, 1 male sarong, 1 pot, 1 machete, 5 chickens, 5 ducks, 1 tin of lighter flints, 1 large packet of monosodium glutamate and 1 blanket; and
- (8) Kyaw Yo, 2 large pots and 2 chickens. (Source: KIC, 2003)

On 14 December 2003, troops from SPDC LIB 102 based at Kwee-lay-tha-waw-pya looted the following from villagers:

- (1) Tee Meh, 1 chicken and 1 pyi of rice;
- (2) Mu Khee Moe, 30, gourds;
- (3) Lah Li Moe, 1 chicken and 1 pyi of rice;
- (4) Kaw Soe Roe Moe, 1 pyi of rice and 1 pyi of sticky rice;
- (5) San Moo Moe, 1 spoon;
- (6) Say Gay Paw Moe, 4 plates and 4,000 kyat;
- (7) Po Teh Kay, 4 plates of coffee mix; and
- (8) Mu Ka Neh, 1 chicken.

The troops also demanded 10 villagers for portage. (Source: KIC, 2003)

Unfair Levies and Taxes

Situation in Dooplaya District

On 5 January 2003, a column of SPDC LIB 416 entered Maekathawhta village in Kawkarait Township and extorted 30,000 kyat. This troop also demanded 10,000 kyat from Maung Hla Yi of P'nwepu village. Maung Hla Yi was a 35-year-old elephant owner at the time. These troops also forced the villagers to provide 8 baskets (16 tin) of rice. (Source: KORD, 2003)

On 9 January 2003, troops from Burma Army IB 284, led by Battalion Commander Kyaw Win ordered the villagers from Talaygone and Kyakachoung villages to provide the troops with 1000 baskets (2000 tin) of paddy and Themnilit village to provide 400 baskets (800 tin). The troops threatened the villagers saying they would have to pay more if they refused to fulfil the requirement. On the same day, these troops instructed those villagers to serve on the construction of the Kyakachoung - Choungwa car road. (Source: KORD, 2003)

On 1 February 2003, troops from SPDC LIB 415, led by Column 1 Commander Nyunt Aye, extorted 20,000 kyat from villager Saw Pay Tha of Nat-chaung-pya village in Kya-in Township. (Source: KIC, 2003)

On 3 March 2003, troops from SPDC LIB 55 led by Secondary Commander Aung Kyaw Oo went to Payah village and forced the villagers to feed them with 1 pig worth 10,000 kyat and 3 oil containers of rice. They did not pay for the food that they ate. (Source: KHRIC, 2003)

On 3 March 2003, SPDC LIB 415 troops, led by General Kyi Aung, arrived in Kya Aye Township, Ta Ku Kee village. They confiscated an ox from Naw Tha He (age 21). The ox cost 27,000 kyat. They didn't give any money to the owner. (Source: KHRIC, 2003)

On 6 March 2003, troops from SPDC IB 283 and IB 62, Column 1 and 2, commandeered 8 tractors with trailers from villagers in Chu-ka-lee village, Ta-naw-htha village, Kwee-ta-eu village, Kwe-ta-ho village and Maw-ta-noe village to carry army food supplies from Chu-ka-lee to Tha-waw-thaw. (Source: KIC, 2003)

On 19 March 2003 SPDC LIB 284, that was based out of Kya Aye Township, Wa Boe Goun village, forced Wa Ma Ki village to give 480 oil containers filled with rice; Ti Poe Lay Gaw village, 300 containers; Ta Da Oo village, 240 containers; Payah Layzay village, 90 containers; and Wah Ma 300, DaMayLeh village 200, and Kyoe Wai village 250 containers for the troop. (Source: KHRIC, 2003)

On 30 March 2003, troops from SPDC LIB 90, secondary LIB 61 led by General Tha Aung came to Kya Aye Township and ordered the villagers to cut 150 bamboo trees for The Poe Tha or The Ho Tha military camp. They also forced 50 women and 27 men to carry it to the camp. (Source: KHRIC, 2003)

On 11 April 2003, Company 2 Commander Htun Sein of SPDC LIB 906 demanded 1,000 pieces of thatch and 1,000 bamboo poles from Laung-kaing village, Section 5 villagers, and ordered them to send the items to the army camp in southern Kay-in village for camp renovation. (Source: KIC, 2003)

On 13 April 2003, about 30 troops, led by Camp Commander Sun Aung of SPDC IB 61, under Military Operation Command 19 demanded 20 bullock carts from Tha-mein-dok village, Kaw-ka-reik Township, to transport army rations to Kya-in-seik-kyi Town. As the demanded number of bullock carts could not be given, these troops extorted 66,000 kyat from the villagers as a fine. (Source: KIC, 2003)

On 24 April 2003, about 30 troops, led by Battalion Commander Sun Aung from SPDC IB 61, under Military Operation Command 19 demanded 20 bullock carts to transport army ration to Kya-in-seik-kyi town from Win-ka village, Kaw-ka-reik Township. As the demanded number of bullock carts could not be given, these troops extorted 40,400 kyat as a fine from the villagers. (Source: KIC, 2003)

On 6 May 2003, SPDC troops ordered villagers from 5 sections of Htee-po-than village, Kyone-doe Township, to cut 500 bamboo and 30 timber poles and instructed the villagers to send them to the army camp. (Source: KIC, 2003)

On 7 May 2003, Camp commander Aung Khaing of SPDC LIB 61 ordered villages in Tha-byu, Ler-dwe, Thay-kho and Kyauk-tan villages in Kya-in Township, each to cut 100 bamboo poles and send them to the army camp for construction of barracks, at Htee-po-than village, Kyone-doe Township. (Source: KIC, 2003)

On 19 May 2003, the SPDC LIB 355 troops under No.12 Military Operation Command headquarters led by Battalion Commander Soe Hlaing, demanded 30 viss of pork from Kroo-kyaik and Kyone-doe villages for their military trainees in the camp near Than-byu-zayat motor road. (Source: KIC, 2003)

On 28 October 2003, troops from SPDC LIB 588, Column 2, led by Column 2 Commander Ye Naing, demanded a sum of 10,000 kyat, to rebuild the village church, from each household of Htee-hgu-thaw village in Kyone-doe Township. (Source: KIC, 2003)

Situation in Pa-an District

On 29 March 2003, troops from DKBA Battalion 2, led by Aung Lay, extorted 145,000 kyat from the Lah-hta-weh village head. (Source: KIC, 2003)

On 30 May 2003, DKBA troops, led by Pa Zaw Bo, demanded a goat and 2 chickens, for use as meat from each of the villages of Khaw-thoo-khee, Htee-mo-khee and Htee-pa-rai. (Source: KIC, 2003)

On 30 May 2003, SPDC IB 1, Column 2, entered Hteehisbaw village and demanded 2 tin of rice. (Source: KORD, 2003)

On 1 June 2003, DKBA Thaw Ma Na and SPDC IB 1, Column 1, entered Noaular village, threatened Saw Pee Pe and demanded 40,000 kyat after accusing him of being in contact with the KNU. (Source: KORD, 2003)

On 11 June 2003, combined troops from DKBA, led by Pa Daw Boe, and SPDC LIB 703 Column 2, led by Htun Htun Win, accused Htee-pa-reh village and Wa-mee-kla village of having connections with the KNU. As a result, the troops demanded that the villagers pay 1,500,000 kyat as a fine during the period between 11 June 2003 and 16 June 2003. These

troops threatened to burn down the villages, if the villagers failed to meet the demand. (Source: KIC, 2003)

On 9 September 2003, troops from SPDC LIB 66 came to Ta-reet-po-kwee village and extorted 10 chickens, 30 viss of durian fruit jam and a gunny bag from villagers. (Source: KIC, 2003)

Situation in Pa-pun (Mutraw) District

On 28 January 2003, LIB 104 led by Zaw Maw entered Htee Law Thi Hta, Hte Tha Blu Hta village tracts, and extorted 40 chickens, 9 baskets of paddy, 3 tin of rice and 5 ducks from the villagers. (Source: KORD, 2003)

On 3 February 2003, Column 2 from IB 534, under the control of Battalion Commander Than Sein, entered and extorted 3 chickens, 5 blankets, 4 knives and 5 slippers from the villagers of Htee Ther Lay. (Source: KORD, 2003)

On 4 February 2003, Column 2 from IB 534, under the control of Battalion Commander Than Sein and Company Commander Hla Win, extorted 13 chickens and 1 tin of rice belonging of the villagers in Htee Law Thi Hta village. (Source: KORD, 2003)

On 5 February 2003 IB 36, led by Kyaw Kyaw Oo, entered into Baw Tho Hta and extorted 11 chickens, 2 ducks and 2 tin of rice.

On 7 February 2003, troops from SPDC IB 36, Column 1, led by Officer Thet Htoo, entered in to Noh Gaw village and extorted 2 chickens and about 24 kg of pork. (Source: KORD, 2003)

On 10 February 2003, Pah Kay Kay of DKBA, based at Mae-mwe-hta, demanded from Mae-ku-hta village 1,000 pieces of thatch, 500 bamboo poles, from Toe-mu village 1,000 pieces of thatch and 1,000 bamboo poles and from Htee-doh-hta village 1,000 pieces of thatch and 1,000 bamboo poles. (Source: KIC, 2003)

On 15 February 2003, the SPDC troops based at Ka-daing-ti demanded from Mae-khu-hta village 900 pieces of thatch, 500 bamboo poles, from Toe-mu village, 1,000 pieces of thatch and 1,000 bamboo poles and from Htee-doh-hta village 1,000 pieces of thatch and 1,000 bamboo poles. (Source: KIC, 2003)

On 20 February 2003, the SPDC troops based at Htwee-thee-eu demanded from Mae-khu-hta village, 500 pieces of thatch, from Toe-mu village 500 pieces of thatch and 500 bamboo poles and from Htee-doh-hta village 500 pieces of thatch and 500 bamboo poles. Moreover these troops demanded from villages of Mae-ku-hta, Mae-khu-khee, Toe-mu and Htee-doe-hta each a person a day, to stand sentinel for security of the SPDC troops at Mae-khu-hta village. Twice each month these 4 villages had to carry food supplies for the army. (Source: KIC, 2003)

On 20 February 2003, troops from SPDC IB 38, based at Mwe-khu-hta village, ordered the villages of Mae-khu-hta, Mae-khu-khee, Toe-mu and Htee-doe-hta each to give 6 viss of chicken. The chickens were valued at 1,500 kyat per viss. (Source: KIC, 2003)

On 20 February 2003, troops from SPDC LIB 340 demanded 1,000 pieces of thatch and 200 bamboo poles from Baw-ha village, Mae-khaw village tract. (Source: KIC, 2003)

On 4 May 2003, the SPDC LIB 341 commander demanded 500 pieces of split bamboo from villagers of Klaw-day village, Dweh-lo Township. (Source: KIC, 2003)

On 1 June 2003, DKBA troops, led by Pah Kyaw Heh, came up and entered Mae Mweh Hta village, Butho Township and organized a meeting with the villagers from surrounding area. The soldiers extorted 6,200 kyat from T'per Pah village of 26 households and 5,000 kyat from Kler Hsi Kho village with 20 households for the price of pigs for their curry. (Source: KORD, 2003)

On 20 June 2003, an officer from the DKBA K'hsaw Wah battalion named Pah Na Di organized a memorial service for his parents at K'wa Hta village. He forced the villagers to provide him with 360 thatches for roofing and so each household had to give 40 thatches. (Source: KORD, 2003)

On 27 June 2003, SPDC LIB 38 Min Myo Column entered and made activities in Bo Ma Heh village area, Dwelo Township and demanded rice and household animals from the villagers as they had not taken any rations along with them. They asked for 24 baskets of rice, 1 chicken and 1 duck from Htee Ther Lay village and 3 tin of rice from Bo Ma Heh village. (Source: KORD, 2003)

On 28 June 2003, the DKBA K'saw Wah battalion, led by Pah Kay Khay, entered Thwa Hta village and extorted 10,200 kyat from the villagers. Each household had to give 600 kyat. Moreover, he demanded 1 goat that was valued at 10,200 kyat as well. (Source: KORD, 2003)

On 24 July 2003, troops from SPDC LIB 6, Column 2, under LID 66 led by Bo Than Oo, came to Baw-tho-ha village Dwe-lo Township and extorted 3 tin of rice from the villagers. Moreover, these troops took 2 Mae-thu-ha villagers for making thatch. The troops ordered the 2 to pay 2,000 kyat each, if they did not want to do the work. (Source: KIC, 2003)

On 10 August 2003, troops from SPDC LIB 434, under LID 66, came to Htee-ber-kha-ha village and extorted from villager Saw Pa Taw, 1 flash light and a set of dry cell batteries and from villagers Saw Pa Pleh, 10,000 kyat, 1 belt and 5 chickens. Moreover, these troops detained the village head in a cell for 3 days and demanded 40,000 kyat for his release. (Source: KIC, 2003)

On 29 August 2003, Burma Army LIB 6 Second Battalion Commander Aung Kyaw entered Bler Per village, Butho Township and demanded 6 tin of rice from the villagers. (Source: KORD, 2003)

Situation in Thaton District

On 18 February 2003, Operation commander Aung Mya Soe of SPDC LID 44, demanded 35 tons of 15-foot-long logs and 44 sawn planks from Ta-maw-daw and Nyung-ka-toe village, Tha-ton Township, and ordered the villagers to send them to Pa-new-kla. (Source: KIC, 2003)

On 21 February 2003, for the purpose building bridges on the road between Pa-new-kla and Lay-kay villages, Operation Commander Aung Mya Soe, Battalion Commander Myint Aung

and Battalion Second-in-Command Ko Ko Naing of SPDC LIB 44, demanded from Win-yin village, Tha-ton Township, 15 15-foot-long logs, 4 6"x3" inches timber planks and 8 7"x5" inches timber planks; from Kaw-kya-theh village 15 15-foot-long logs, 40 1"x4" inches timber planks, 40 6"x3" inches timber planks, and 8 7"x5" inches timber planks; and from Noe-pa-leh village 10 15-foot-long logs, 2 1"x4" inches timber planks, 20 6"x3" timber planks and 2 7"x5" timber planks. The demanded items were to be sent to Pa-new-kla village. (Source: KIC, 2003)

On 21 February 2003: U Kya Kway and U Tin Aung of Village Peace and Development Committee, Tha-ton Township, forced 9 Ta-dah-oo villagers to keep watch on the railway line for security and demanded paddy at the rate of 4 baskets of paddy per household, from the entire village of 1,300 households, totalling 5,200 baskets of paddy. (Source: KIC, 2003)

From 2 March 2003 to 31 March 2003, troops from SPDC IB 80, Column 2, under LID 66, led by Bo Aung Htoo ordered Ler-ka-kya, No-noe-wah, Ee-heh-ywa-jee and Ee-heh-ywa-lay, villages in Pa-an Township, each to furnish 4 tons of sawn wood. (Source: KIC, 2003)

On 2 March 2003, Company Commander Aung Myo Lwin of SPDC LIB 104 demanded that Mi-chaung-aing, Ma-yan-gon, Ka-law-kher, Ma-ee-san and Htee-nya-paw, villages in Tha-ton Township, each furnish 250 pieces of palm thatch, 250 poles of small bamboo and 5 poles of giant bamboo. The villagers were ordered to send the items to Mo-gaung by 22 March 2003. (Source: KIC, 2003)

On 13 March 2003, Bo Zaw Lin Htun of SPDC LIB 9, based at Win-raw camp, in Tha-ton Township demanded from villages of Kaw-sa-theh village, 2 cart loads of fire wood; from Win-raw village, 2 cart loads; from Htee-ter-day village, 1 cart load; from Ta-no village, 1 cart load; from Nya-ta-weh village, 2 cart loads; from Theh-gon village, 1 cart load; and from Htee-nya-paw village, 2 cart loads. On that day Column Commander Maung Maung Khaing of SPDC IB 35 extorted from villages of Naw-ka-toe village, 1 duck; Ta-roi-wah village, 1 chicken; Htee-pu-wah village, 1 chicken; and Ta-roi-khee village, 1 chicken. Moreover, G-2 Bo Aung Zaw Myint, based at Pa-new-kla camp, extorted from Ta-maw-taw village, 1,000 pieces of thatch; Naw-ka-toe village 1,000 pieces of thatch; Ta-roi-wah village 1,000 pieces of thatch; Htee-pu-wah village, 500 pieces of thatch; and Ta-roi-khee village 2,000 pieces of thatch. (Source: KIC, 2003)

On 15 March 2003, DKBA troops led by Saw Po Li entered into Noh Ta Ray village and forcibly asked the villagers to pay 20,000 kyat for the price of a pig which they took from Noh Ta Ray village. Village whose were required to pay the cost of pig were Noh Ta Ray, 5,000 kyat; Ler Keh Hgaw, 5,000 kyat; Kwee Ta Kot, 5,000 kyat; and Htee Mae Baw 5,000 kyat. The troops then demanded thatch from these these same four villages, each village had to provide 1,500 pieces of thatch. (Source: KORD, 2003)

On 18 March 2003, 2 SPDC bulldozers came up to Pa Ya Raw village, for the purpose of constructing a car road. In order to protect the construction sites securely, they set a lot of security forces along the car road at the places from Maw Lay village, Pa Nwe Kla, Lay Kay, Kyo Wine, Noh K'neh and up to Yo Kla village.

In the early part of March 2003 the SPDC LIB 104 Company Commander Aung Myo Lwin forcibly demanded leaves for roofing and several kinds of bamboo from villages, as stated below:

- (1) (Michoungaing) Kwee Tma village, 250 thatches of leaves and different kinds of bamboo, 250 small and 5 big;
- (2) Mayangone village, 250 thatches of leaves, 250 small bamboos and 5 big pieces of bamboo;
- (3) Kalawkher village, 250 thatches of leaves, 250 small bamboos and 5 big pieces of bamboo;
- (4) Maeesa village, 250 thatches of leaves, 250 small bamboos and 5 big pieces of bamboo; and
- (5) Htee Nya Paw village, 250 thatches of leaves, 250 small bamboos and 5 big pieces of bamboo.

The dead line for the demanded items to arrive at the military camp at Moe Kaw was 22 March 2003. (Source: KORD, 2003)

On 28 March 2003, Column Commander Win Naing Shwe of SPDC LIB 10 extorted 30,000 kyat as tribute money from Ee-su-khee village in Bi-lin Township. (Source: KIC, 2003)

On 29 March 2003, Bo Bi from DKBA demanded 1000 pieces of thatch from Kaw-heh and 500 pieces from Htee-ber-khee/Tha-waw-pya villages in Bi-lin Township. Moreover, he demanded 50 villagers from Kaw-heh village and Tha-waw-pya village to construct the army camp at Kaw-heh-ha. (Source: KIC, 2003)

On 11 May 2003, combined troops from SPDC LIB 66 led by Battalion Commander Aung Htoo, and troops from DKBA 333, led by Lay-kay camp commander, Tee Pu, gathered villagers of Lay-kay village, Bi-lin Township, and demanded 3 goats and 40 viss of pork from them.

On 18 May 2003, the SPDC LIB 1, Column 3, led by Column Commander Saw Myint Oo entered Kyaw Ke Khee village and forcibly took and confiscated food from the villagers as follows:

- (1) Ti Maung Aye, 1 Pyi and 4 small tins of rice;
- (2) Ti No No, 10 small tins of rice;
- (3) Saw K'mot, 10 small tins of rice;
- (4) Naw Cho Cho, 12 small tins of rice;
- (5) Naw Dah Bo, 1 pyi of rice;
- (6) Ti Tu Tu, 6 small tins of rice;
- (7) Naw K'neh Moe, 6 small tins of rice; and
- (8) Maw Aye Nay, some packets of Burmese cake valued at 2,500 kyat. (Source: KORD, 2003)

On 1 June 2003, troops from SPDC IB 1, with DKBA troops, came to Noe-au-lar village, Pan-an Township, and demanded 40,000 kyat from villager, Saw Pee Pe, after accusing him of having contact with the KNU. (Source: KIC, 2003)

On 4 June 2003, SPDC LIB 108 troops under Column 2 Commander Aung Myint, came to Per-wah-ha village, Bi-lin Township, and extorted 1 hammock from Ma Kyu Yin, and 2 baskets of rice and 1 chicken from Kyaw Lee. (Source: KIC, 2003)

On 6 June 2003, combined troops from SPDC LIB 10 and DKBA troops demanded 20 viss of pork from La-saw-ha village, Bi-lin Township. (Source: KIC, 2003)

On 8 June 2003, troops from SPDC IB 35, Column 2, led by Khin Maung Zaw extorted 10 viss of pork from Maung Taung Taung and from 10 viss of pork Naw Ma Ni, both villagers of Ta-maw-daw village. (Source: KIC, 2003)

On 9 June 2003, troops from SPDC IB 35, Column 2, led by Khin Maung Zaw, demanded 10 viss of pork from villager Tee Kyaw Law Moo of Ta-maw-daw village, Tha-ton Township. (Source: KIC, 2003)

On 9 June 2003, troops from an anti-insurgent unit under Maung Hla, came to Po-khee village, Bi-lin Township, and demanded 1 goat from the villagers. (Source: KIC, 2003)

On 5 August 2003, DKBA troops led by Pa Lay Htoo, Shwe Tha Li, Soe Moe and Ba Sein demanded 50,000 kyat in tax from each of the following sawmills:

- (1) 7 sawmills of Yo-kla village,
- (2) 11 sawmills of West Htee-pa-doe-htha village,
- (3) 3 sawmills of East Htee-pa-doh-htha village,
- (4) 9 sawmills of Ta-eu-khee village,
- (5) 10 sawmills of Ta-eu-ni village, and
- (6) 2 saw mills of Kyo-waing village. (Source: KIC, 2003)

On 16 August 2003, the division commander of SPDC LID 66, based at Lay-kay village, demanded money from the following villages for the purpose of building a high school in Lay-kay village:

- (1) Hat-ta-rai village, 50,000 kyat;
- (2) Pwa-gaw village, 50,000 kyat;
- (3) Ta-thoo-khee village, 50,000 kyat;
- (4) Kru-see village, 50,000 kyat;
- (5) Noe-ka-day village, 50,000 kyat; and
- (6) Mae-theh village, 50,000 kyat. (Source: KIC, 2003)

On 14 December 2003, troops from SPDC LIB 102 based at Kwee-lay-tha-waw-pya, led by Battalion Commander Ko Ko Hla, came to Nya-po-khee village, Bi-lin Township, and extorted money from 5 sawmill owners at the rate of 2,000 kyat per sawmill, making a total of 10,000 kyat. They also demanded 2 chickens. (Source: KIC, 2003)

Land Confiscation

Situation in Dooplaya District

On 13 September 2003, troops from Burma Army IB 284, led by Commander Bo Myint Htay, set up their battalion camp in Kya Ka Choung village and confiscated 2 plots of fruit tree garden of 2 villagers and pay nothing for that. The two villagers that they confiscated land from were U Aung Tin (age 60) and U Htun Tin (age 57). After confiscating land of the Kya Ka Choung villagers, the troops forced the Kya Ka Choung villagers to cut 560 wood posts and 1000 nos of bamboo to construct the camp. They also forced Tu Le Gone villagers to cut 400 nos of bamboo. During the construction period, 10 villagers from Tu Le Gone and 24 villagers from Kya Ka Choung village were forced to contribute labor everyday. (Source: KORD, 2003)

Situation in Pa-an District

During March 2003, SPDC LIB 547, LIB 548 and LIB 549, under Local Military Operation Command 12, based at Lay-kaw-hti, confiscated 200 acres of land of villages nearby and made them into army farmland. To cultivate paddy on this land, the army demanded tractors from the villagers and also demanded 5 baskets of paddy seeds from each village, without paying the cost. The villagers had to bring their own food supplies to the work of cultivating the land for the army. (Source: KIC, 2003)

5.7 Situation in Mon State

Despite crop destruction due to heavy flooding in 2002, government officials did not alter or reduce the rice procurement quota for Mon State. As a result, the rice supply within the state was diminished, causing the price of rice and other goods to rise. The Human Rights Foundation of Monland reported that farmers are often forced to sell their rice to the authorities for 8 to 10 times less than the actual market price. In some areas, local officials forced farmers to sign contracts indicating their commitment to selling the full rice quota to the authorities. Moreover, extortion and looting of villagers' property continued to be reported throughout the year. Looting by members of the military occurred most frequently in conflict zones or areas that were suspected of supporting ethnic opposition groups.

While the SPDC announced the end of the rice procurement policy in April 2003, the Human Rights Forum of Monland reported that the Myanmar Agriculture Products Trading (MAPT) department was using the Township and village level Chambers of Commerce to purchase the rice from the farmers instead. The Chambers of Commerce were reportedly organized by the SPDC authorities and instructed to purchase rice from farmers at a set low price and not at the market price. In addition, they were instructed to purchase rice according the number of acres of land a farmer owned. The Chambers of Commerce would purchase the paddy from farmers at the rate of 170,000 kyat for 100 baskets while the market price was 300,000 kyat for 100 baskets. (Source: *The Mon Forum*, HURFOM, Issue No. 11/2003, 30 November 2003)

Unfair Levies and Taxes

On 2 January 2003, the Burma Army and township authorities forced villagers from Anin and Htin-yu villages in Thanbyuzayat Township to provide 280 tons of lumber to construct a new base for Artillery Battalion No.315. After receiving the order from the headman, Anin and Htin-yu villagers cut down trees in their villages and in the forests in order to meet the new battalion's demand of 280 tons.

"We had to cut down our own trees in our villages. If not, we would not have been able to fulfill the requirement. We also had to buy 260,000 kyat per ton from another area," said a villager.

According to the Anin and Htin-yu villagers, they have never received an order like this before. This was the first time they had to give such a large amount of lumber to the Burma Army and the local authorities. They did not know why they needed to provide such a large amount of lumber. (Source: *The Mon Forum*, HURFOM, Issue No. 1/2003, 31 January 2003)

In August 2003, the Burma Army reportedly sent hundreds of commando troops to Kyaikmayaw Township, Mon State. They created bases in many Mon villages in the township and asked the village headman to provide their food costs each day. As most village headmen were afraid of being mistreated by the soldiers, they paid the requested amounts of money. In Kaw-panaw village, about 20 commando troops led by Sergeant Htet Naing asked 2500 kyat per day for food. The headman was forced to collect money everyday. The soldiers also stole livestock from the villagers. They also gathered vegetables from the villagers' gardens without asking permission. (Source: "Lawlessness in Rural Areas in Southern Burma," *The Mon Forum*, HURFOM, Issue No. 11/2003, 30 November 2003)

On 3 August 2003, it was reported that Zin Kyeit village and other villages in Mon State, Paung Township had to pay 18 million kyat to the military government to build a school in the area. The military said they needed to pay another 20 million kyat for other expenses. They collected the money for the other expenses from the students in that area. They also collected money from people who have shops and work. They collected 1,000 to 5,000 kyat from people who had money and they forced people who were poor to pay at least 1,000 kyat. (Source: HRDU, 2003)

On 20 September 2003, it was reported that the Moulmein City Development Committee decided in their meeting to check around the city and have the people rebuild their houses if the committee found the houses to be inappropriate for the town. The Committee sent a direction letter to each Ya Ya Ka (Village Peace and Development Council) office to take action on their decision. The letter stated that if a house did not have 2 floors with a roof or iron sheeting, it must be rebuilt. The residents were ordered to rebuild their houses within 6 months. There are some people who can rebuild their houses but there are some people who cannot because they do not have any money. Many people believed that the authorities would force people to move out if they were not able to rebuild their houses in the given time. (Source: HRDU, 2003)

In October 2003, a villager reported that villagers in the southern part of Ye Township, Mon State were forced to pay 2,000-3,000 kyat to cover porters' costs, soldiers' food, road maintenance, and construction fees. While LIB 99, the local battalion, reported that they would not collect porters, they levied 500 kyat in taxes from each household. The village headmen collect money each month and sometime, they take villagers to do work on the army base without pay. The village headmen always say that the money they collect is to fix the road or a bridge, but the villagers never saw any construction result from their funds. In addition, every time the Burmese soldiers came into the village, they always asked the headmen to provide them with chicken, pork, cooking, oil, onions, beer, liquor, and cigarettes. After the soldiers leave, the headmen always collect money from the villagers to pay for the cost of the soldiers' food. Each time, each household has to pay 200 to 500 kyat. If the soldiers come 2 times each week, the villagers still have to pay for all of their food. (Source: "Human Rights Violation, Militarization and Labor Migration from Southern Burma," *The Mon Forum*, HURFOM, Issue No. 10/2003, 31 October 2003)

In November 2003, when Kyaikmayaw Township authorities arranged for a military training school for the 'Swan-ar-shin', Government supporters, they ordered the villagers from various villages to collect money for the training. The township authorities ordered the village headmen from Kaw-done, Kaw-panor, and Wae-pa-ngae, to collect 1000,000 kyat and provide for the training schools. However, those 3 villages comprised 700 households and the village headman collected 1000 kyat per household. Therefore, the village headmen

personally gained about 600,000 kyat though it was suggested that they may have shared it with the township authorities to maintain their positions. (Source: "Lawlessness in Rural Areas in Southern Burma," *The Mon Forum*, HURFOM, Issue No. 11/2003, 30 November 2003)

In November 2003, it was reported that the authorities in Kaw-dot village collected more money and rice than necessary from the villagers. In the village, there were about 17 village militiamen and the villagers had to provide them with 100 baskets of rice per year aside from their salaries. In Kaw-dot village, there are approximately 1,500 households and they collect 1.5 to 3 tin of rice per household and therefore receive 3,000 baskets of paddy every year. However, the village headmen were reported to give the militiamen 1,700 baskets while taking 1,300 baskets. In addition, the village headmen were reported to regularly collect money for road construction or to buy a cooperative truck. Yet, the headmen never revealed how they spent the money that was collected. (Source: "Lawlessness in Rural Areas in Southern Burma," *The Mon Forum*, HURFOM, Issue No. 11/2003, 30 November 2003)

Forced Sale of Crops

From January to March 2003, the Kyaikmayaw Township's Union Solidarity and Development Association (USDA) started calling weekly meetings to discuss their activities in the Township and to decide to force the villager farmers to sell their set amount of paddy as quickly as possible to the local buying centers. They also planned to arrest the rice farmers who failed to sell their required amount of rice. In the last week of February, members of the USDA in Kyaikmayaw Township arrested some farmers from Kha-noung, Noung-lone, Pain-ne-gone, and Bein-byaw villages for failing to sell their set amount of rice to the local buying centers. The USDA is reported to use a method of exchanging paddy and farmers. More specifically, the USDA will release the farmers when their family members are able to sell the full required amount of rice. (Source: "The Plight of Farmers in Mon State," *The Mon Forum*, HURFOM, Issue No.7/2003, 31 July 2003)

On 26 February 2003, it was reported that the military government rice-tax collector in Bee Lin Township, Mon State would start problems with people who had to pay the rice tax for the military government. U Myint Thein fought with the rice tax collector when he paid the rice tax. The local immigration police came and said, "The rice tax collector is crazy so we will take you to Bee Lin Township hospital." Then, U Myint Thein's wife and his neighbor came to Bee Lin to find him and find out about the incident. They didn't see him in Bee Lin hospital and the local people in Bee Lin told them the immigration police took him with hand cuffs to Kyeit Hto. They followed him to Kyeit Hto to find out about the incident and what they could do for him. They found him in Kyeit Hto but they lost him and didn't see him again. He disappeared and even now after this they didn't know where he was. That wasn't the only village that had problems like that. Other villages' villagers had already had problems with the rice tax collector many times before. Many villagers didn't pay rice tax until now because the weather ruined their rice plants. If people paid the collector with wet rice, he would increase the price of the tax. He said, "your rice is wet and if you sell it to other people you will not get a price equal to your rice value." Then, people who couldn't pay rice tax were asked to pay money instead of rice. Some people had to sell their livestock to pay for their rice tax. (Source: HRDU, 2003)

In March 2003, it was reported that Nai La (age 78), and his wife, had farmed 14 acres in Kyeikmayaw Township for over 38 years. In all that time, they gave paddy to the State as required by the law. In 2003, the quota was set at 168 baskets. Because floods had destroyed his crop, Nai La was only able to produce 20 baskets, which he gave to the local headman and then explained why he could give no more. The headman then fined Nai La 560,000 kyat. Nai La refused to accept this fine and said that he could only give the value of 100 baskets of paddy, which should be 250,000 kyat. The headman refused his proposal. Nai La then set about getting cash to buy the paddy he owed for the quota. He requested that Nai Kyan Kyit, the local headman, give him more time to get the cash. On 4 March, the militiamen under the headman arrested Nai La for failing to meet the paddy quota. They detained him at Tarana police station in Keikmayaw Township for three nights. They then transferred him to Nyaung-pin-seik Police Station on 7 March. On the night of 7 March, Deputy Sub-inspector Maung Toe (#La-120798) handcuffed and beat Nai La in his cell until he lost consciousness. On 8 March, Nai La was sent to Kyeikmayaw Hospital in critical condition. (Source: "The Plight of Farmers in Mon State," *The Mon Forum*, HURFOM, Issue No.7/2003, 31 July 2003)

On 30 March 2003, the authorities told Nai Kut, a Mon farmer in Chaung Zone Township, to fulfill his requirements of selling rice to the paddy-buying center. He was obligated to sell the Government approximately 157 baskets of paddy. Nai Kut had 10.5 acres of paddy and had to sell at the rate of 15 baskets per acre. During the year, Nai Kut had hired 1 laborer to help him with his farming and therefore owed money to the laborer. In addition, he paid 400,000 kyat for his small paddy plants. This season, he was only able to produce 550 baskets. After paying all of his costs, only 100 baskets remain for his family of 5, leaving him in a difficult situation to provide for his family needs. (Source: "The Plight of Farmers in Mon State," *The Mon Forum*, Issue No. 7/2003, 31 July 2003)

Land Confiscation

Further reduction of compensation for confiscated land

In October 2003, the Burma Army promised the pay compensation for the landowners from whom they had confiscated land. Compensation would be based upon counting the total numbers of fruit and rubber trees on the confiscated land. Yet, in November, the army reduced the compensation indicating that they would only pay 4,000 kyat per acre. Before the UN Human Rights Special Rapporteur went to Burma, the local battalions of the Burma Army called a meeting with the local landowners who had lost their land in the confiscation. In the meeting, they discussed compensation. The authorities promised to compensate the landowners with money according to the number of trees. In addition, the Burmese Army committed to pay 250 kyat per tree. Yet, they changed to only 4,000 kyat per acre in November. If the Army were to pay the 250 kyat per tree, the landowners would receive more money. In 1 acre of land, there are about 500 rubber trees, which would amount to 125,000 kyat for 1 acre as opposed to 4,000 kyat. (Source: *The Mon Forum*, HURFOM, Issue No. 11/2003, 30 November 2003)

Looting by the Army

In March 2003, the village headmen from Kwan-hlar village in Mudon Township established gambling dens near the village and collected money from them. The village headmen allowed the gambling to go on for several days, so they were able to collect a good amount of money. The nearest army commander from IB 31 heard about this. On 26 March, troops from IB 31, led by Sergeant Myint Swe, came and robbed the gamblers. They took about 80,000 kyat from the gambling dens, according to the villagers, but they did not arrest the people. The just came and took money because the local village headmen had not given them a cut of the money. (Source: "Lawlessness in Rural Areas in Southern Burma," *The Mon Forum*, HURFOM, Issue No. 11/2003, 30 November 2003)

On 25 July 2003, troops from LIB 433 led by Captain Ye Lin went into Kwethalin village and looted property worth approximately 700,000 kyat. The troops arrived in the village at around 8:30 pm and took basic living items as well as other property. Shortly after they arrived, they gathered all of their men into one place and commenced the looting. The village chairman complained about the looting in the village, but the Commander Major San Myint Oo never punished his men. (Source: "Lawlessness in Rural Areas in Southern Burma," *The Mon Forum*, HURFOM, Issue No. 11/2003, 30 November 2003)

In the second week of July 2003, the Burma Army brought and deployed about 10 military battalions including some artillery units and heavy motor vehicles in Mon villages along the motor road between Thanbyuzayat town and Ye town. There are about 30 villages along the route and they deployed 20 to 50 troops in each village. The soldiers said that they were deployed to protect the people from foreign forces. While no foreign forces came, the villages which received troops suffered. The soldiers looted and killed livestock such as ducks, chickens, pigs, and even cattle for their foods even in front of the villagers. The soldiers did not ask the village headmen for permission but just shot and took the livestock. Despite the fact that the villagers complained to the commanders about the looting, the commanders did nothing to punish their men. The soldiers shot livestock in the village and shot cattle, oxen and water buffalo outside of the villages. Aside from the looting, the soldiers restricted the movement of the local villagers. They were not allowed to stay at their farms at nighttime and were only allowed to work between 6:00 am to 6:00 pm. This created difficulty for those farmers who had farms far from the villages as they were unable to work in the limited amount of time they were allowed to go to their farms. (Source: "Lawlessness in Rural Areas in Southern Burma," *The Mon Forum*, HURFOM, Issue No. 11/2003, 30 November 2003)

On 13 August 2003, it was reported that SPDC military commanders from IB 11, IB 35 and LIB 108 were occupying villagers' property in Thaton district, in Bee Linn Township. The names of the commanders were:

- (1) Major Thant Zaw Tun, IB 11;
- (2) Captain, Soe Win, IB 11;
- (3) Second Major Kin Maung Zaw, IB 35;
- (4) Major Aung Kyaw Oo, IB 35;
- (5) Major Aung Thein Oo, LIB 108;
- (6) Captain Myint Oo, LIB 108;
- (7) Captain Thein Zaw, LIB 108;
- (8) Captain Khaing Tun, LIB 108;
- (9) Major Aung Myint, LIB 108;
- (10) Major Myint Lwin, LIB 10;

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- (11) Major Aung Too, Division 66;
 - (12) Major Kyaw Swe, IB 24; and
 - (13) Captain Myint Thein, LIB 108.

As their duties were in Bee Linn Township, they were doing what ever they wanted in the nearby villages. They took many kinds of property from the villagers without payment. The things that they took included rice, cows, ox, pigs, chickens, goats and furniture from the houses. Moreover, they took the villagers' electric saws and lumber. After they finished taking everything, they burnt down the houses. They also shot at the houses. If they didn't find anything that they wanted in a particular home, they just burnt it down. They then arrested the villagers and forced them to be porters and guards for their military camps. They accused some villagers of having a relationship with the KNU and of giving food to the KNU. For these reasons, the commanders arrested many villagers. One villager from Bee Lin Township stated that, "They tied them up and tortured them. They killed them for no reason. In our village and others, men were afraid to stay in the villages and moved to other places. Lately, situations like this happen more and more." (Source: HRDU, 2003)

5.8 Situation in Pegu Division

Note: Both Nyaunglebin District and Taungoo District are areas demarcated by the KNU as Karen territory. Taungoo falls partially in SPDC demarcated Pegu Division and partially in SPDC demarcated Karen State. Taungoo is under the patrol of the 2nd Brigade of the Karen National Liberation Army (KNLA). Nyaunglebin falls in SPDC demarcated Pegu Division and is under the patrol of the 3rd Brigade of the KNLA. The SPDC does not recognize Nyaunglebin or Taungoo as official districts.

Looting by the Army

Situation in Nyaunglebin District

On 19 January 2003, troops from Burma Army LIB 264, led by Major Kyi Win and DKBA troops led by Officer Eh Kaw Htoo and Than Tun entered and shot at the villagers of Maw Pu, Mon Township, Kler Lwee Htoo district. All 47 houses were burnt, destroying all of the villagers' belongings, such as cooking utensils, clothes, blankets, mosquito nets, hammocks, rice, paddy, silver coins, cash, domestic animals, and food. More items were also extorted. The total cost of all items destroyed was over 2,000,000 kyat. The troops extorted 6,140 baht, 125,725 kyat, and other materials from a church. (Source: KORD, 2003)

On 20 April 2003, at 9:30 am, SPDC LIB 107 troops came to Po-kho-doe village, Kyauk-kyi Township, and burnt down 6 houses. Moreover, they looted the following items from the from Po-kho-doe villagers:

- (1) Saw Pleh Htoo, 4 pots, 7 blankets, 7 plates, 3 steel spoons, 5 chickens, 4 machetes, and 1 fishing net;
- (2) Saw Pler Hser, 1 pot, 3 machetes, 2 spoons and 2 plates;
- (3) Taw Pay Htoo, 2 pots, 3 machetes, 3 fishing nets, 10 chickens, 1 locally made firearm, 2 spoons, 1 casting net and 2 blankets;
- (4) Naw Hla Htoo, 2 pots, 2 machetes and 3 chickens;
- (5) Naw Lweh Htoo, 2 pots, 2 blankets, 4 machetes, 3 Karen costumes, 3 women sarongs and 3 chickens; and

- (6) Saw Ywa Ber Heh, 2 pots, 4 plates, 2 blankets and 3 baskets of seed paddy. (Source: KIC, 2003)

On 22 April 2003, at 7:00 am, troops from SPDC LIB 107 came to Htee Moo Hta village, Kyau-kyi Township, and looted the following items from the following villagers:

- (1) Pah Kyeh Htoo, 5 baskets of paddy, 4 pots, 1 basket of rice, 30 chickens and 10 plates;
- (2) Saw Ta Koo, 5 baskets of paddy, 3 pots, 5 spoons, 30 chickens and 5 plates;
- (3) Naw Ku Htoo, 10 baskets of paddy, 2 pots, 10 chickens, 5 plates, 3 spoons and 1 casting net;
- (4) Saw Kler Say, 5 baskets of paddy, 4 pots, 7 plates, 10 chickens, 4 machetes, 3 spoons, 5 shirts and 5 men sarongs;
- (5) Naw Yay Paw, 5 baskets of paddy, 3 pots, 3 cups, 5 plates, 3 spoons, 13 chickens and 10 viss of salt;
- (6) Saw Htoo Tin, 20 baskets of paddy, 4 pots, 5 plates, 4 spoons, and 25 chickens;
- (7) Saw Maung Lar Htoo, 5 baskets of paddy, 2 pots 5 plates, 3 spoons and 23 chickens;
- (8) Saw Ku Htoo, 20 baskets of paddy, 4 pots, 5 spoons and 40 chickens;
- (9) Naw Kyi Haw, 15 baskets of paddy, 4 pots, 6 plates, 5 spoons, 1 basket of rice and 30 chickens; and
- (10) Saw Doe Kho, 7 baskets of rice, 27 chickens, 8 pots, 7 spoons and 8 plates.

The troops also looted a total of 47 bamboo trays from the villagers. (Source: KIC, 2003)

On 24 April 2003, at 8:40 am, troops from SPDC LIB 107 came to Ber-po-khee village, Kyauk-kyi Township, and burnt down 2 houses and looted 7 pots, 10 plates and a basket of rice. (Source: KIC, 2003)

On 17 May 2003, troops from SPDC LIB 109 came to Thaw-nge-doe village, Kyauk-kyi Township, and fired on villagers with both heavy weapons and small arms, and burnt down 2 houses. Moreover, these troops looted 42 pots, 22 blankets, 29 machetes, 29 Karen sarongs, 29 Karen women sarongs, 2 balls of yarn, a pair of shoes, 3,500 kyat, 2 silver chains, 32 chickens, some medicine and 26 spools of sewing thread from the villagers. (Source: KIC, 2003)

On 31 May 2003, about 40 troops from SPDC LIB 599, Columns 1 and 2, led by Bo Kyi Win, fired their guns into the market of Kwee-dee-kor village, Mone Township, and destroyed villagers' merchandise of dog fruit, rice, fish paste, salt and confectionery worth a total of 273,000 kyat. Moreover, these troops burnt down the Church of Kwee-dee-kor village. (Source: KIC, 2003)

On 21 June 2003, at 4:00 pm, about 20 troops from SPDC LIB 590, led by Bo Kyaw Ze Ya Win, shot at villagers who went outside of the village, wounding villager Ma Myint Thein. These troops looted 900 kyat and 1 umbrella from villager Ko Thein Htun and demanded 100,000 kyat from Myauk Oo village. (Source: KIC, 2003)

On 3 August 2003, combined troops from SPDC LIB 599 and LIB 20, with a total of about 130 men, entered and made activities around the village tracts areas of Thet Baw Der, Saw Tay Der and Kheh Po Der, in Mon Township. On 3 August 2003, the troops also entered the old village area of Hkeh Po Der and destroyed 1 paddy farm that grew 2 tin of paddy seed belonging to Kheh Po Der villager Saw Leh Kot and 1 betel nut fruit garden belonging to Saw Belly. (Source: KORD, 2003)

Situation in Taungoo district

On 2 February 2003, troops from the SPDC guerrilla unit based in Baw-ga-li and Per-kaw-doe areas of Than-daung Township looted the following item from the following villagers:

- (1) 60,000 kyat and 1 cassette tape player from Ku-plaw-doe villager Saw La Bee;
- (2) 1 wrist watch and 1 air rifle from Baw-ga-li villager Saw Po Nge;
- (3) 1 air rifle from Baw-ga-li villager Saw Way Lay; and
- (4) 1,000 kyat from Der-doe villager Saw Htoo Doe. (Source: KIC, 2003)

On 18 March 2003, troops from an SPDC guerrilla unit led by Kyaw Zaw Han stole a duck from Kaw-thay-doe villager, Maung Taw and demanded 5 tin of rice from Saw Nor Kweh, and 5 tin of rice and some household items from Naw Ma Mar. (Source: KIC, 2003)

On 3 June 2003, troops from SPDC IB 24, based at Wah-soe, looted from villager, Saw Maung Po of Sho-ser village, Tan-da-bin Township, 1 tin of rice, 1 pot, 1 stove and 1 bottle of groundnut oil. (Source: KIC, 2003)

On 22 June 2003, Corporal Pauk Pauk of SPDC IB 39 punched villagers Saw Po Si, Saw Ham Kray, Saw Htun Khaing, Saw Htun Lin and Saw Nay Moo of Baw-ga-li village, Than-daung Township without reason. Moreover, he looted 100,000 kyat and some blankets from the house of Saw Htun Khaing. (Source: KIC, 2003)

On 23 June 2003, at 11:00 pm, Corporal Pauk Pauk of SPDC IB 39, came to the house of Naw Su Pri and Saw Ta Heh Wah, brother and sister, in Baw-ga-li village, Than-daung Township and ordered and threatened them with his gun to cook chicken for him. As they had no chicken to cook, he instead took a ring and 1,000 kyat. (Source: KIC, 2003)

On 8 July 2003, troops from SPDC IB 92, based at Kaw-thay-doe army camp, led by Sergeant Major Htun Wai, came to the shops of Ka-thwee-dee village, Than-daung Township, and looted the following merchandise and money from the shop owners:

- (1) Saw Maung Htun, Male, age 45, merchandise worth 70,000 kyat;
- (2) Naw Mee Mi, Female, age 30, 150,000 kyat worth merchandise and 50,000 kyat;
- (3) Saw Ka Thay, Male, age 60, 120,000 kyat worth merchandise; and
- (4) Naw Maw Kya, Female, age 35, 90,000 kyat worth merchandise.

These troops also dismantled the shops and beat up the shop owners. In the evening, these troops seized and took Saw Htun Win (male, age 35), chairman of Ka-thwee-dee village and secretary Saw Ohn Zan (male, age 30), and ordered the villagers to pay a ransom of 150,000 kyat for their release. (Source: KIC, 2003)

On 28 July 2003, troops from SPDC IB 92, led by Bo Khin Maung Gyi, came to Wah-tho-kho village, Tantabin Township and extorted 3 tin of rice and 2 viss of chicken from the villagers. Moreover, Corporal Htay Aung from this battalion extorted 5,000 kyat from the village head and stole 2 chickens from villager Saw Aye Kay, on that night. (Source: KIC, 2003)

On 31 July 2003, troops from an SPDC guerrilla unit led by Sergeant Khin Soe came to Wah-tho-kho village Tan-ta-bin Township and extorted 3 viss of chicken worth 6,000 kyat from the villagers.

Unfair Taxes and Levies

Situation in Nyaunglebin District

On 13 March 2003, about 30 troops of SPDC guerrilla unit, led by Wait Za, came to Mar-lar-daw village and extorted the following from villagers:

- (1) 14,000 kyat from village head U Aye,
- (2) 1,000 kyat from Naw Teh Leh Keh,
- (3) 1,500 kyat from Than Maung, and
- (4) 500 kyat from Saya Htee Htee.

Moreover, these troops stole chickens from the villagers. (Source: KIC, 2003)

On 16 March 2003, 30 guerrilla troops led by Wi Zar entered Ma La Daw and extorted 1,000 kyat from U Aung Mya's worker (who was responsible for taking care of elephants). (Source: KORD, 2003)

On 23 March 2003, the SPDC operation commander in Kyauk-kyi demanded 150,000 kyat from each ward of Kyauk-kyi town to construct his army camp. (Source: KIC, 2003)

On 17 July 2003, troops from SPDC LIB 590 ordered villages in "Ten Village Group," Mon Township, to buy them 3 piglets for the army husbandry farming. The troops instructed the villagers to pay 8,000 kyat per piglet if they could not find piglets to buy. (Source: KIC, 2003)

Situation in Taungoo District

On 5 January 2003, troops from SPDC IB 48, led by Major Maung Maung, demanded betel nuts worth 15,000 kyat from Kaw-soe-kho village, Tan-da-bin Township. These troops took 4 female villagers from Kaw-soe-kho village. They were: Naw Juu Ju, Naw Yah Ya, Naw Nay Nay and Naw Mah Ma. On January 7, troops from SPDC IB 92, took these female villagers again and released them on January 10, 2003. (Source: KIC, 2003)

On 14 January 2003, troops from SPDC IB 264, led by Column Commander Thant Zin and Camp Commander Kyaw Hein San Oo, based in Klaw-mee-doe village, Tan-da-bin Township, demanded 150 bamboo poles and 2 viss of chicken from 4 villages in Klaw-mee-deh area; which were Klaw-mee-doe, Hu-mu-doe, Ler-kla-doe and Hkeh-doe. (Source: KIC, 2003)

On 26 January 2003, Commander Khin Maung Oo of SPDC Military Operation Command 3, Southern Command Headquarters, commandeered 10 villagers' trucks of Baw-ga-li and Kaw-thay-doe villages and used them 3 times to transport military rations to Ka-law-soe army camp. (Source: KIC, 2003)

On 2 February 2003, SPDC IB 73 Intelligence Officer Than Nyein Aung, demanded 3 sacks of rice from Sha-zee-po village, 1 sack from Ye-shan village, 1 sack from Zee-pyu-gone village, and 1 sack from Taw-gon village in Tan-da-bin Township. (Source: KIC, 2003)

On 2 February 2003, troops from an SPDC guerrilla retaliation unit in Kler Lar - Per Kaw Der area extorted the following belongings from the people:

- (1) 1 watch and 1 air gun belonging to Saw Po Nge;
- (2) 1 watch belonging to Saw Po Nyo;

-
- (3) 1 air gun belonging to Saw Way Lay from Kler Lar;
 - (4) 1 cassette and 60,000 kyat belonging to Saw Lar Dee from Khu Plaw Der; and
 - (5) 10,000 kyat belonging to Saw Htoo Doh from Der Doh, Htaung Ta Htoo. (Source: KORD, 2003)

On 15 February 2003, troops from SPDC IB 264, led by Tin Maung Swe, extorted 200 kyat per sack of rice and 50 kyat per person as tax from villagers in Klaw-mee-doe area who went to buy rice at Pet-let-wa. (Source: KIC, 2003)

On 19 March 2003, the SPDC checkpoint security unit extorted items worth 50,000 kyat from a truck of Kaw-thay-doe villager, Naw Noe No, while it was on its way returning from Toungoo to Kaw-thay-doe.

On 19 March 2003, troops from SPDC IB 264 led by Lt. Thant Zin from Klaw Mee Der, forced Klaw Mee Der villagers, who had bullock carts, to carry food from Pat Lat Wah to Klaw Mee Der. He then demanded 5 sacks of rice from them, 2 sacks from Klaw Mee Der, 1 sack from Hu Mu Der, 1 sack from Ler Klar Der and 1 sack from Keh Der villages. The price of rice was 9000 kyat per sack.

From December 2002 until 17 March 2003, troops from SPDC IB 75 Company No.4, led by Bo Sein Tha, based in Kaw Thay Der, demanded car owners from Kaw Thay Der village who drove their cars from Taw Oo to Kaw Thay Der village to pay money. Car owner Naw No Noh Say had to pay 20,000 kyat; Naw Ma Ma, 20,000 kyat; Naw Ah Ray, 16,000 kyat; and Naw Dalia, 14,000 kyat. Military Officer Sein Tha from Kaw Thay Der camp demanded alcohol and others food from car owners, shop owners and the village headman whenever he came into Kaw Thay Der village. (Source: KORD, 2003)

On 16 March 2003, Bo Sein Tha of IB 75 demanded 30,000 kyat from Kaw Thay Der villagers in Tan Ta Bin Township. (Source: KORD, 2003)

On 27 July 2003, troops from SPDC IB 73 led by Bo Win Kyaw Kyaw extorted 3 baskets of rice from Sha-zee-bo villagers in Tan-ta-bin Township. (Source: KIC, 2003)

On 28 July 2003, troops from Burma Army IB 92 headed by officer Maung Maung Gyi entered Wa Tho Kho village and demanded 3 tin of rice and 2 viss of chicken. Again Sergeant Thain Aung extorted 5,000 kyat for the cost of 2 viss of chicken. As he was afraid of the troops, the village head gave them what they asked for. The troops spent the night in the village and stole 2 chickens from villager Saw Au Kay. (Source: KORD, 2003)

On 31 July 2003, a group of Burma Army guerillas led by Sergeant Khin Soe extorted 3 viss of chicken from Wa Tho Kho village, Taw Ta Htoo Township. (Source: KORD)

On 4 August 2003, Battalion Commander, Nyi Nyi Thein Dan of SPDC IB 75 ordered villages in Kher-weh area each to send 300 poles of bamboo and 3 hoes.(Source: KIC, 2003)

On 16 August 2003, Officer U Nyant Win, from Police Officer U Tin Win's company, based at Doe-thaung police station, Tan-da-bin Township in Pegu Division, demanded 200 kyat from each house in Chaung-wa village tract for the training program of non-commissioned police officers. Moreover, they demanded villagers to attend militia training from Karen villages in that area as follows:

- (1) Lay-ti village, 20 persons;
- (2) Mar-lar-gon village 8 persons;
- (3) Thit-cha-seik village, 4 persons;
- (4) Ywa-dan-shay village, 5 persons;
- (5) Htone-bo village, 2 persons;
- (6) Nat-ka -mauk village, 2 persons; and
- (7) Ka-yin-ni-gon village, 2 persons. (Source: KIC, 2003)

On 25 August 2003, troops from SPDC IB 73, led by Bo Kyaw Moe Htun, demanded 200 kyat to pay for a pass for the villagers who went out and kept watch on their hill paddy fields and plantations in Klaw-me-doe village, Tan-da-bin Township.(Source: KIC, 2003)

On 10 September 2003, troops from SPDC LIB 20, based at Ka-ser-doe camp led by Bo Hlaing Kyaw Myint, came to Sha-zee-bo village in Tan-da-bin Township. At Sha-zee-bo, they extorted 6 packets of noodle, 1.5 viss of garlic and onion, 1 viss of chicken, 10 duck eggs, 10 packets of coffee creamer, 3 bottles of kerosene, 3 packets of candle, 200 rolls of cigars, 3 packets of cigarettes, 2 packets of snack and 15 pyi of rice from the villagers. (Source: KIC, 2003)

On 11 September 2003, troops from SPDC IB 73 based at Hton-bo and led by Bo Tin Lwin Oo, extorted 15,000 kyat from villagers Saw Bo Hla, Saw John, Saw Ah Pu and Saw Maung Ohn Tha of Htone-bo village, Tan-ta-bin Township.

On 5 October 2003, a group soldiers from Burma Army LIB 20 led by Officer Tay Win, based in K'ser Doh, extorted 8,295 kyat from Sha See Bo village, Taw Ta Htoo Township. (Source: KORD, 2003)

On 4 November 2003, LIB 20, Column 2, Officer Htay Win and Hlaing Kyaw Myint entered Hoo Mu Der area, Taw Ta Htoo Township and threatened the villagers of Zee Pyu Gone and Taw Ku villages to give 300,000 kyat to the troops. These 2 villages paid 150,000 kyat each to the troops. (Source: KORD, 2003)

5.9 Situation in Shan State

In 2003, residents of Shan State faced ongoing challenges in maintaining their livelihood as Burma Army soldiers continually looted livestock and other items from the homes of Shan villagers. Looting of livestock not only deprived villagers of sources of nutrition but also sources of additional income for the family or even labor for their farms, as buffalo are often used for cultivation purposes. As in other areas of Burma, villagers in Shan State faced demands for unfair taxes and extortion by officials and Burma Army personnel. (Source: SHRF, 2003)

In many areas, paddy procurement quotas for 2003 were reported to have exceeded the 2002 quotas. Some farmers fled from their farms to avoid the consequences of being unable to meet the rice quota. Those who were unable to meet the quota risked having their land confiscated, or in some cases, facing arrest and torture. In March, the SPDC authorities in Murng Laen village tract were reported to have ordered farmers to stop trading and milling rice until the paddy purchase quota was met. In February and March, soldiers searched the homes and graneries of farmers who were unable to meet the quotas. The soldiers reportedly confiscated seeds put aside for the next season's crops as well as the families' daily rice supply, leaving many families with only enough rice for a few days. (Source: *SHRF Monthly Report*, SHRF, August 2003)

In 2003, the SPDC also ordered all farmers in Shan States to grow a foreign strain of rice, DU 527, instead of the local strain. Those who failed to comply faced possible confiscation of their lands. In order to cultivate the foreign strain of rice, farmers were forced to purchase the seed at 11,000 kyat per basket. The growth of the crop necessitated the purchase of fertilizer as well. The government purchase price for the rice grown was 400 kyat per basket. Those who were unable to meet the rice quota were required to pay 3,000 kyat per basket. (Source: *Reclaiming the Right to Rice*, BBC, October 2003)

Land Confiscation

Movement restricted as more land confiscated in Murng-Nai

Since the beginning of 2003, 5 new Burmese military battalions have been confiscating more and more land in the Kaeng Tawng area of Murng-Nai Township. As a result, it has become more and more difficult for the local people to find land for cultivation and gather firewood from the forests. In January 2003, the SPDC military authorities in Kaeng Tawng area summoned all the village and village tract headmen to a meeting at the military base at Ton Hung village. The military authorities told them that all 5 military battalion bases in the area would expand to cover more land adjacent to them. The military base at Ton Hung village would expand 1-1/2 miles to the south and the base at Ta Kun village would be expanded 2 miles to the east and south. The base at Pa Saa village would expand 3 miles to the east and the base at Waeng Kao village 5 miles to the west. The base at Kun Mong would be expanded 3 miles to the north.

Even though the military bases had not yet been actually expanded, all the land mentioned had been designated as military property, and an order was issued to the headmen to tell their respective villagers not to farm or cut wood or gather firewood, etc., on the land. Since then many local people were no longer able to cultivate land close to their villages or to gather

firewood in nearby forests. Instead, they have to go to distant places to farm and/or gather firewood. (Source: *SHRF Monthly Report*, SHRF, July 3003)

Confiscated land sold by Burmese army

Local sources reported that the local SPDC authorities confiscated 10 acres of land belonging to four Palaung farmers to construct a new village in Man Yong. On 26 March 2003, Mang Tong Land Department offered 200 sq. ft. areas and sold them to civilians at the cost of 150,000 kyat per household as part of a new town project set up by the Burmese junta. Farmers whose lands were occupied by the military also had to pay for a piece of land and the money was shared among the local commander of IB 130, Land Department officials and USDA members. Since their land was taken by force, farmers who depend on farming have lost their jobs and are facing difficulty. (Source: PYNG, 2003)

Land confiscation and forced labor in Murng-Pan

In June 2003, SPDC troops of LIB 332 forced the villagers of Ho Phaai Long village in Ho Phaai Long village tract, Murng-Pan Township, to cultivate rice paddy for them in rice fields which had been confiscated from local farmers, altogether big enough to cultivate 16 baskets of rice seeds. The rice fields, known locally as Naa Nawng Keng, originally belonged to the villagers of Huay Maak Phurng village. SPDC soldiers confiscated the land 4 years ago on the accusation that the owners had fled to Thailand. Since then, villagers of Ho Phaai Long have been forced to cultivate the land for the SPDC troops every year.

Also, in June 2003, troops from SPDC LIB 332 further confiscated more rice fields adjacent to the already confiscated land and forced the villagers of Ho Phaai Long to cultivate rice for them. The rice fields belonged to Lung Nyo and Wan-Na from Huay Maak Phurng village, who had moved to live in Ho Phaai Long village earlier in the year. Lung Nyo and Wan-Na did not know until they went to cultivate their rice fields in June 2003 that their land had been confiscated on the grounds that they had fled to Thailand. When they tried to cultivate the land, Lung Nyo and Wan-Na were stopped and told by the soldiers that the land had been confiscated and had become military property because the original owners had fled to Thailand. According to them, Lung Nyo's rice field was big enough to cultivate 5 baskets of rice seeds, and Wan-Na's rice field was big enough to cultivate 3 baskets of rice seeds. (Source: *SHRF Monthly Report*, SHRF, September 2003)

Paddy fields inundated without notice

On 18 November 2003, it was reported that more than a hundred acres of paddy fields in Lashio, Shan State's northern capital, went underwater without warning after outflowing water from a dam was diverted for the exploration of a coal mine along its previous channel. Most of the affected farmers are from the 3 villages of Hsonloi, Khurhkhham and Kawngkha. Approximately 150 acres of newly harvested paddy was affected by the man-made flood that took place on 5 November, near the AT Bridge, north of Lashio. "Before, we were forced to sell most of our produce to the Army," stated a woman from Hsonloi village. "Now we don't even have any rice to eat." Locals blamed the authorities for not notifying them in advance, "so we could move our piles of reaped paddy plants to safety." Maj Gen Myint Hlaing, Commander of Lashio-based Northeastern Region Command, on whose orders the dam water had been reportedly rerouted, had on 14 November tried to make amends by repaying the victims 18,000 kyat per acre. "That was less than half of what we could get at the market

price," said a farmer from the nearby village of Khurhkham. "But the underprivileged like us can't really complain." The incident was the outcome of a plan implemented by Rangoon's official firm, Myanmar Economic Holdings Company, better known as "Oo Paing," to prospect and extract coal deposits in the area, they said. (Source: "Paddy Fields Inundated without Notice," S.H.A.N, 18 November 2003)

Looting by the Army

Destruction of rice granaries of displaced farmers in Kun-Hing

On 11 January 2003, a patrol of SPDC troops from IB 246 burnt and destroyed the rice granaries of displaced farmers at remote farms near Tai Naai village (relocated) in Kun Pu village tract, Kun-Hing Township. Lung Zin-Ta (male, age 53), and some fellow villagers, originally from Tai Naai village in Kun Pu tract, which had been forcibly relocated to the outskirts of Kun-Hing town by the Burmese troops some years ago, had been cultivating their original farms at their old village. After harvesting their rice crop, the displaced farmers kept the rice in bamboo granaries at their farms to be used both as rice seeds and for food during the next growing season. As the SPDC troops patrolled the area, they found the granaries and the farmers at the farms. The soldiers accused the farmers of keeping the rice to feed the Shan soldiers and burned all the granaries. They told all the farmers to go back to Kun-Hing relocation site and not to come back because the area would be flooded before long. (Source: *SHRF Monthly Report*, SHRF, April 2003)

Robbery in Murng-Sart and Kun-Hing

On 1 January 2003, a patrol of SPDC troops from Kaeng-Tung-based IB 245, led by Maj. Aung Win, forcibly took the following property from the villagers of Wan Kun and Wan Long villages in Murng Lung village tract, Murng-Sart Township:

- (1) Wan Kun village monastery, about 1 kg of dried chillies worth 120 kyat;
- (2) Naang Non, female, of Wan Long village, about 1 pig worth 2,500 kyat; and
- (3) Zaa In, male, of Wan Long village, about 3 ducks and 3 chickens, worth 900 kyat.

On 14 January 2003, a column of about 70 SPDC troops from Kaeng-Tung-based IB245, led by Maj. Aung Win, robbed the villagers of Wan Thurn Long village in Murng Lung village tract, Murng-Sart Township, of the following property:

- (1) Paw Zan, male, 1 male pig worth 2,000 kyat and 1 female pig worth 3,500 kyat;
- (2) Paw Zerm, male, 31 chickens;
- (3) Paw Zum, male, 2 chickens; and
- (4) Paw Ai Kham, male, 3 chickens, 1 dog and 1 cat.

On 19 January 2003, a column of SPDC troops from IB 296 came to Naa Keng village in Kaeng Lom village tract, Kun-Hing Township and forced all the villagers to gather at one place, and then searched all the houses and took away the following property:

- (1) Saw-Ya, male, 1 musket, 1 packet of seasoning powder, 1 set of Lao clothes, 1 wrist watch, and 1 pair of shoes which he was holding
- (2) Taw-Na, male, 1/2 bushel of rice, 2 cooking pots, 1 pair of shoes and other food stuff;
- (3) Maha Zing, male, 4 pyi of rice, 5 bottles of rice whiskey, 5 viss of pork, 2 packets of seasoning powder, 2 pairs of shoes, 2 packets of salt and 1 knife;
- (4) In-Da, male, 1 musket, 1 cat and all other food stuff;
- (5) De-Win, male, 2 chickens and 2 pairs of shoes;

- (6) Kham Lu, male, 2 pairs of shoes and 1 pair of sock;
- (7) Zaa Pan, male, 2 pairs of shoes and 2 bundles of cheroots;
- (8) Pan-Ta, male, 1 rice canteen and 2 pairs of shoes;
- (9) Naai Phon, female, 2 pairs of shoes and all other food stuff; and
- (10) Naai Lam, female, 1 pair of shoes.

On 20 January 2003, a patrol of SPDC troops from IB 296 seized a musket and a knife from Aw-Nan-Ti (male, age 23), and arrested him, at Naa Keng village in Kaeng Lom village tract, Kun-Hing Township. Aw-Nan-Ti was not yet released at the end of January 2003. (Source: *SHRF Monthly Report*, SHRF, May 2003)

Stealing of livestock in Kae-See

On 23 March 2003, a patrol of troops from SPDC IB 286 shot and stole 10 chickens and a large female pig belonging to the villagers of Paa Khee village in Murng Yaai village tract, Kae-See Township. On that day, a patrol of about 20 soldiers from IB 286, based in Murng Nawng village tract, came and surrounded Paa Khee village. At the same time, some of them came into the village and shot 10 chickens and a pig, causing fear and confusion among the villagers. After taking the chickens they had shot, the troops cut the pig and took the parts that they wanted. Just before leaving the village, they told the villagers not to tell anyone about the event, or they would come back and punish them. According to the villagers, the pig alone was worth at least 50,000 kyat at the market. (Source: *SHRF Monthly Report*, SHRF, June 2003)

A Palaung villager shot at, his buffalo stolen, villagers forced to carry meat, in Nam-Zarng

On 20 April 2003, a Palaung villager was frightened away with gunshots and his buffalo was stolen and killed, and 5 villagers were forced to carry the meat to a military camp by a patrol of SPDC troops from IB 66, in Kho Lam village tract, Nam-Zarng Township.

Aai Ngern, (male, age 28), was a villager of Phaa Ngaab village. He was working at a farm about 11 miles from Kho Lam village near the motor-road that led from Kho Lam to Kaeng Tawng area in Murng-Nai Township, and was letting his buffalo graze near the farm after using it to plough the earth. As he was tending his buffalo, a patrol of about 25 soldiers from SPDC IB 66 came and when they saw the buffalo, they shot their guns over his head 14-15 times. Aai Ngern was frightened and he ran away as fast as he could, while the soldiers pulled away his buffalo. The soldiers later killed the buffalo and forced 5 villagers from Wan Phui village to carry the buffalo meat back to their camp at Kho Lam. (Source: *SHRF Monthly Report*, SHRF, June 2003)

Stealing of villagers' bamboo in Murng-Yawng

On 5-6 April 2003, SPDC troops from LIB 334 forcibly cut and took away bamboo from the bamboo gardens of villagers in Wan Po and Pa Hok village tracts, Murng-Yawng Township, leaving only bamboo stumps in several gardens.

Because the Burmese military were expanding their presence in Murng-Yawng area, a lot of wood and bamboo was needed to build new camps and bases. The troops simply cut and took them from the woodland and gardens of the local people without asking or paying for them.

During those 2 days, 2 groups of troops from SPDC LIB 334, each group comprising 30-40 soldiers, went separately to Wan Po and Pa Hok village tracts. The troops forcibly cut and took away all the bamboo from a garden at Pa Mon village and another garden in Yaang Le village in Wan Po village tract.

In Pa Hok village tract, the SPDC troops cleared all the bamboo from 2 gardens in Paang Zaa village and another garden in Nam Tee village. They cut down the whole grove including the young shoots, leaving nothing for the owners who could only sit and look on, unable to say anything. (Source: *SHRF Monthly Report*, SHRF, June 2003)

SPDC soldiers confiscated wood from cease-fire group

On 28 April 2003, at about 5:30 am, the second commander of SPDC LIB 524, based in Maing Wee Township, Northern Shan State, led his troops about 30 km from their camp. The Commander stopped 2 trucks and ordered his soldiers to open the covers revealing 6 tons of wood. He asked who owned the wood and the driver said the owner was from an unnamed cease-fire group. The Commander then said he didn't care who the owner was. He ordered the owner to drive the truck to their camp, but the car owner refused. The commander then beat both drivers heavily so that they had no choice but to drive to the camp and unload all the wood. After that, he ordered one of the drivers to go back and find 500,000 kyat within 2 days. He told them that if he did not receive the full amount of money within 2 days he would kill the driver's friend and their cars. After he received the money he released the trucks and the drivers, but he would still keep the wood. He asked the wood owner to come and see him in order to negotiate with him. The wood owner could not do anything, so the commander kept the wood and later sold it to Nam Kham Township and gave half of the money to his commander, Colonel Thain Maung Win. (Source: PYNG, 2003)

A village boy robbed of his chickens in Murng-Yarng

On 5 May 2003, early in the morning, Zaai Taan (age 13), was given 5 chickens by his parents to go to sell them with other villagers who were going to Murng-Yarng town market. Their village, Wan Kong, was about 6 miles from the town and when they had gone about 3-1/2 miles, they were stopped by a group of soldiers from SPDC LIB 328. The soldiers searched them and all the things that were carrying to sell at the market. The soldiers took some vegetables from each of the other villagers and took 3 chickens from Zaai Taan. Zaai Taan sold his remaining 2 chickens, both hens, for 5,000 kyat at the market. The other 3 chickens, which were all cocks that were stolen by the soldiers, would have fetched him 9,000 kyat, as cocks are valued at about 3,000 kyat each. (Source: *SHRF Monthly Report*, SHRF, November 2003)

Shelling of displaced villagers and stealing of property in Kun-Hing

On 7 May 2003, a group of villagers were shelled with mortars by a column of combined SPDC troops from IB 246, LIB 524 and LIB 569, at Wo Long village in Ngaa Teng village tract, Kun-Hing Township, and their property was stolen from Wo Long village by the same SPDC troops. Earlier this year, some 20 households originally from Wo Long village, which had been forcibly relocated to Kun-Hing in 1997 by the then SLORC troops, had tried to resettle at their original village, Wo Long. On the day of the incident, at about 10:00 in the morning, the villagers were gathering in Wo Long village to hold a respect-paying ceremony to the guardian spirit in the area. At the same time, the said column of SPDC troops fired 7

mortar shells on them from a distance in the direction of Haai Kur village. The villagers were so frightened that they all ran away in all directions, but fortunately no own was injured. The troops then came into Wo Long village and stole the following property from the following villagers:

- (1) Lung Wi-Tae-Ya, male, 2 baht-weight of gold ornaments, 30,000 kyat, 10 chickens and 1 pig;
- (2) Lung Khae-Min-Ta, male, 6 chickens and 20,000 kyat of money; and
- (3) Lung Mu-Lin, male, 10 chickens, 1 pig and 50,000 kyat of money.

Other villagers also lost one thing or another as the SPDC troops took all they wanted. (Source: *SHRF Monthly Report*, SHRF, September 2003)

Pig shot, owner threatened, in Murng-Pan

On the morning of 7 May 2003, a pig owner, Pi Ta of Huay Mark Phurng village, let his pig roam outside the village to feed on some green roots and grass when at about 10:00 am he heard gunshots. Suspecting that someone could have shot his pig, he ran out of the village towards the gunshots. Pi Ta saw 3 SPDC soldiers outside the village, of which 2 were dragging something that looked like a carcass of a pig into the nearby forest. When he got near, the soldier that was not dragging turned his rifle towards him and he stopped. The soldier said to Pi Ta, "Why are you running after us? We saw some Shan soldiers running away and we shot at them, and are chasing them now. Or are you also a Shan soldier? If not, go back into the village at once," aiming his rifle as if to shoot. Pi Ta turned and ran back into the village. In the evening, Pi Ta went out to look for his pig but it was nowhere to be found. Instead, he saw a trail of blood along which it had been dragged and a place in the forest where it was apparently cut into pieces and taken away. (Source: *SHRF Monthly Report*, SHRF, November 2003)

A student's motorcycle stolen, money extorted, in Tachileik

In mid 2003, a grade 7 student was robbed of his motorcycle by SPDC troops of LIB 359 and later money was extorted before giving back the motorcycle, in a military base in Tachileik Township. Zaai Kam, a male grade 7 student, parked his motorcycle at the school parking lot while attending sessions as usual. After he was released from school that day, Zaai Kam found that his motorcycle had disappeared from the parking lot and he reported it to his teacher and the head of the school. The next day, Zaai Kam and his parents went to the head of the school and were told that the motorcycle had been found in a military base. During the school midday break, they all went to the military base and reclaimed the motorcycle. They managed to get back the motorcycle, but only after 5,000 baht of money had been extorted from them. They also had to promise not to let the news about this incident leak out to anyone else. (Source: *SHRF Monthly Report*, SHRF, February 2004)

Livestock shot, villagers forced to cut up pork, money extorted, in Lai-Kha

In the afternoon of 3 June 2003, there were, for the most part, only old people and children in Naa Poi village as the majority of villagers had gone out to work at their farms. A column of over 30 troops from SPDC IB 250, based at Loi-Kaw town in Karenni State, came into Naa Poi village and asked to see the headman. When they learned the headman was not in the village, the commander ordered his troops to shoot some chickens and pigs in the village. As the troops spread out in the village and shot at any chickens and pigs they could find, chaos

ensued with the sounds of gunfire, and chickens, pigs and dogs running all over the village. When the noises died down, there were 27 chickens and 2 pigs lying dead in the village. The SPDC troops then ordered the villagers to string up the chickens and cut up the pigs, which took 2-3 hours to finish. As the troops prepared to leave, the village headman returned to the village. The commander of the troops called up the headman and said to him, “Why weren’t you in the village when we came? You should have known we were coming and been prepared. We need some more food to continue our long journey, and because you were not available we had to shoot all these ourselves. You need to help pay for the cost of the bullets used here, so collect 50,000 kyat and make it ready for us to pick up on our way back.” (Source: *SHRF Monthly Report*, SHRF, November 2003)

Displaced villagers robbed of their pigs in Murng-Kerng

On 4 June 2003, a patrol of about 40 troops from SPDC LIB 514 came and saw a pig sty belonging to displaced villagers outside the Murng-Kerng town relocation site in Murng-Kerng Township. Because no one was there at the time, the soldiers claimed that the sty belonged to Shan soldiers who had run away when they saw the troops coming. As a result, the soldiers seized all 15 pigs that were in the sty. Some of the soldiers conscripted a mini tractor in the town and carried all the pigs to their base.

One of the pigs’ owners, Lung Kham Ai, had gone home temporarily and returned to his pigsty just in time to see the tractor leaving with pigs on it from a distance. When he came closer, he could see that there were no pigs left in the sty. He went straight back home and told his relatives about it. His niece, Naang Thuay, who owned 5 of the 15 pigs, was shocked and cried until she fainted and a traditional doctor was called in to treat her. Although they later tried, they could not get back any of their pigs. The pigs’ owners, Lung Kham Ai and his niece, Naang Thuay, were originally from Loi Saang village in Yaang Loi village tract, Murng-Kerng Township, which had been forcibly relocated to the outskirts of Murng-Kerng town in 1997 by the then SLORC troops. (Source: *SHRF Monthly Report*, SHRF, November 2003)

A villager’s bull shot for meat in Murng-Paeng

On 21 June 2003, Kan-Tha-Wong (male, age 46), of Maak Kaa village, let his 3 cattle graze in a meadow outside his village and in the afternoon only 2 of them returned home. So he went out to the meadow in the evening to find it. On the way, Kan-Tha-Wong met a group of SPDC troops from LIB 360 carrying a lot of meat and 4 cow legs on shoulder poles coming from the direction of the meadow. As he reached the meadow, he saw a newly cut piece of cow hide and a cow head which he recognized as belonging to his missing bull ox. He carried the head of his bull ox back to his village and reported the incident to the village headman. The next day, he and some village leaders brought the head of the bull to the SPDC township office in Murng-Paeng town and lodged a complaint with the authorities. Although the authorities listened to their case and said they would make a careful investigation and take necessary steps, no action had yet been taken as of mid-August 2003, when this report was received. (Source: *SHRF Monthly Report*, SHRF, November 2003)

A displaced farmer robbed of his oxen in Lai-Kha

On 26 June 2003, Lung Lu took his draught oxen outside the village to graze when they were not working as he usually did. While Lung Lu was grazing his oxen as usual, a group of 5 soldiers from SPDC IB 64, led by Commander Hla Aung, came and pointed their guns at him. They then forcibly dragged the oxen away towards their military base. When Lung Lu and some village leaders went to complain, the commander of IB 64 said none of his troops had left the military base on the day in question. The commander accused the villagers of trying to defame the Burmese military, and ordered the cow owner to pay 1,500 kyat as a fine. The owner, Lung Lu, (male, age 54), was originally from Nam Tawng village in Wan Lur village tract, Lai-Kha Township, which had been forcibly relocated to Phuay Hai village in 1997 by the then SLORC troops. (Source: *SHRF Monthly Report*, SHRF, November 2003)

Displaced farmers arrested, money extorted, their farm hut looted and burnt in Lai-kha

On 20 July 2003, displaced farmers and their children were arrested and their farm hut looted and burnt by a patrol of SPDC troops from IB 64 at a remote farm near a relocated village, Kawng Wet, in Paang Saang village tract, Lai-Kha Township. Later, money was extorted for their release.

These farmers were originally from Kawng Wet village, which had been forcibly relocated by the Burmese troops some years ago, and they had temporarily come back to cultivate rice near it when the incident took place. The farmers and their children staying at their temporary farm hut were:

- (1) Zaai Zaw-Ta, male, age 41;
- (2) Zaai Naw, male, age 38;
- (3) Naang Kham, female, age 35;
- (4) Naang Non, female, age 21;
- (5) Naang Zing, female, age 14;
- (6) Naang Naang, female, age 12;
- (7) Naang Yong, female, age 9; and
- (8) Zaai Awng, male, age 7.

After arresting the farmers, the said SPDC troops searched the farm hut, took all the rice and food items, and burned down the farm hut. The farmers and their families were accused of being Shan soldiers and were taken to Paang Saang village. The farmers were released after community leaders in Paang Saang village tract guaranteed that they were only ordinary farmers, not Shan soldiers, and after 20,000 kyat was paid for their release. (Source: *SHRF Monthly Report*, SHRF, October 2003)

Displaced villagers robbed of their belongings, and an 8-year-old boy taken for 2 days in Nam-Zarng

In July 2003, displaced villagers who returned to temporarily stay and work at their former village were robbed of their belongings. In addition, troops from Military Operation Management Command No.21 based in Kho Lam village, Nam Zarng Township took an 8-year-old boy was taken away for 2 days and 1 night. The villagers were originally from Kung Sim village in Wan Hai village tract, Nam-Zarng Township, which had been forcibly relocated to Kho Lam village relocation site in 1997 by the then SLORC troops.

These villagers had been given permission by local SPDC troops to go back and farm the land at their former village during the rice cultivating season. Regardless, a patrol of the said SPDC troops came and robbed them of their belongings and took away the 8-year-old boy. During the time that they detained the child, they asked the child about Shan soldiers and activities of the farmers, before returning him to Kho Lam village relocation site. The soldiers took the following items from the villagers:

- (1) Lung Ti, male, age 40, 2 warm jackets, 3 pairs of shoes and 11,900 kyat;
- (2) Lung Wa-Ling, male, age 43, 3 warm jackets, 2 pairs of shoes, 2 pairs of trousers and 9,600 kyat;
- (3) Lung Zaam Pee, male, age 46, 2 warm jackets, 2 pairs of shoes and 18,600 kyat;
- (4) Lung Keng, male, age 49, 2 pairs of shoes, 6 kilograms of seasoning powder, 2 tin of cooking oil and 45,000 kyat. (Source: *SHRF Monthly Report*, SHRF, February 2004)

Displaced people forced to pay rent for lands bought from the military in Murng-Nai

Beginning August 2003, displaced people in the outskirts of Murng-Nai town were being forced to pay rent for their land to the SPDC troops of LIB 518 from whom they had bought it. About 70 families of displaced people, forcibly relocated from the surrounding villages in 1997 by the then SLORC troops, had bought plots of land to live on from the SPDC troops of LIB 518. All 70 families have been forced to either pay rent for those lands or leave.

When they were forcibly relocated in 1997, these 70 families had chosen to buy plots of land near their military base to live on that were offered by the SPDC troops of LIB 518. Each plot of land cost them between 7,000 and 10,000 kyat, depending on the size. After that time they built houses and lived on those lands.

However, in August 2003, the military authorities of LIB 518 told the villagers that because the land they lived on formerly belonged to the military, it was now needed to build a base for members of the people's militia. The people's militia had recently been trained by the Burmese military, and the villagers were required to leave. Those who did not want to leave immediately needed to pay rent on a monthly basis, indicated the authorities. Since then, the villagers have been forced to pay between 3,000 and 6,000 kyat for each plot of land, depending on its size, every month. (Source: *SHRF Monthly Report*, SHRF, March 2004)

Villagers robbed of their belonging at their houses in Kun-Hing

In November 2003, villagers of Saai Khaao village in Saai Khaao village tract, Kun-Hing Township, were accused of harboring Shan rebels and were robbed of their possessions at their houses by a patrol of about 50 soldiers from IB 246. The soldiers came to Saai Khaao village and surrounded the houses of Lung Kam and Pi Lu, saying that they saw some Shan soldiers run away from those houses as they approached the village. The soldiers thoroughly searched the houses but did not find any rebels or any weapons. However, they took everything of value they wanted in the houses. Lung Kam was said to have lost 30,000 kyat, 1-1/2 baht-weight of gold ornaments and a lot of clothes. Pi Lu lost 103,000 kyat, 2 baht-weight of gold ornaments and some clothes. (Source: *SHRF Monthly Report*, SHRF, February 2004)

Soldiers loot from villagers in Tachileik Township

On 21 November 2003, Pabong and Markyang in Fangmin tract, Tachileik Township were raided by Burmese army troops. Villagers reported that the troops said they were searching for hidden weapons but took everything valuable that they came across. One villager reported losing 700,000 even though there wasn't a weapon in his house. The troops were also reported to have destroyed paddy outside of the village limits. (Source: "Junta Employs Scorched Earth against Shan Army," S.H.A.N., 26 November 2003)

A villager robbed of his money and valuables in Kun-Hing

On 12 December 2003, 3 soldiers from SPDC IB 246 robbed the house of Lung Zin-Ta (male), and stole 985,500 kyat, 3 kyat-weight of gold ornaments and a ruby worth 30,000 kyat when it was bought long ago. The next day, Lung Zin-Ta and some community leaders went to lodge a complaint with the military authorities at IB 246. Even though the villagers knew the culprits and were able to mention their names, their case was not accepted. "It is difficult because there is no evidence," said the military commander who received the villagers' complaint. "Because you have not seized them and showed them to us we cannot take any action now." "Further more," added the Commander, "you have been too ready to accuse our soldiers without any evidence. I can charge you with defaming our army and punish you for this."

"However," the commander continued, "I will let you go this time. Next time if you accuse our soldiers without evidence, you will be harshly punished." (Source: *SHRF Monthly Report*, SHRF, March 2004)

SPDC's soldiers accused of looting local residents in Shan State

On 14 December 2003, LIB 316 of Talerh, 48 km northeast of Tachileik, issued order to each surrounding village tract to arrange for its provisions. "The village headmen complained it would be extremely difficult for them to track down the battalion's movements so they could prepare their food in time," said a trader from the area. "They therefore issued a new order that each household contribute 2,000 kyat (80 baht) to their daily allowances." Reports of confiscation of villagers' possessions were also received.

On 17 December, a gang on motor bikes and armed with machine guns raided the residence of U Sai Sein Na in Kun Hein Town in Shan States, robbing him of cash and over 76.75 grams of gold in necklaces, bracelets and rings. U Sai Sein Na, knowing the assailants, identified them as Saw Aung Thein of LIB 524, Zaw Naing of IB 286 and Bo Nan of IB 246. All 3 assailants were private soldiers stationed in local army battalions. U Sai Sein Na lodged complaints with their respective battalions. It was reported that the army did not take any action regarding the case following U Sai Sein Na's complaint. (Source: "SPDC's Soldiers Accused of Looting Local Residents in Shan State," *Mizzima*, 19 December 2003)

Unfair Levies and Taxes

Extortion in Tachileik

At the beginning of 2003, it was reported that the Burmese military junta had issued an order to all the townships in Shan State requiring the people to pay 'death tax' at the rate of 8,000 kyat per person who died. In Tachileik Township, however, people were being forced to pay much more than that. In addition to the 8,000 kyat 'death tax', they had to pay 300 baht (Thai) to the SPDC township authorities, 200 baht to the township municipality, as well as 100 baht to the undertakers for each death. For the burial and construction of a tomb, 3,000 baht had to be paid to the authorities. If the dead body was to be floated down the Mae Kong river, the same amount has to be paid to the authorities and 300 baht to the undertakers for taking the body to the river. (Source: *SHRF Monthly Report*, SHRF, April 2003)

High cattle tax

The troops from SPDC LIB 319 and Military Intelligence officials who are in control of Mang Se village, in Kut Khai Township, northern Shan State levied high taxes on cattle trading, a cattle trader reported. A person from Ma Bein village also indicated that on 16 January 2003, the tax rate for cattle was 10,000 to 100,000 kyat. The military would open fire over the cattle traders' heads if they didn't stop when the military asked them to. Before they reached the soldiers, they were required to throw down their swords and knives. They were then required to sit under gunpoint and the soldiers would search their property. They also had to give money to the soldiers for the bullets they used to open fire over the traders. The soldiers would then demand an arbitrary amount of money. Many cattle traders who crossed this area are starving. They do not dare cross the others check points. (Source: PYNG, 2003)

Extortion for Water Festival in Kaeng-Tung

On 7 April 2003, the Commander of the SPDC Special Triangle Regional Military Command issued an order requiring the townspeople of Kaeng-Tung, in all 5 town quarters, to donate money to the township authorities for the coming water festival. Each house has to pay 2,000 kyat no later than 9 April 2003.

An order was also issued to all village tracts to come and join the water splashing ceremony in town. The ceremony was held day and night at the lake in the center of Kaeng-Tung town from 13 to 15 April 2003. Five temporarily decorated villas were set up around the lake and popular singers from Rangoon were hired to entertain the guests. The regional commander himself came to the lake to enjoy the water splashing every day. When he came, young women were required to dance and welcome him and security was tight during his presence, with many soldiers, police and people's militia standing guard all around the lake.

Some families who did not have the money had to borrow from their friends and relatives to donate for the water festival because no one was allowed to defy the order. (Source: *SHRF Monthly Report*, SHRF, June 2003)

Extortion in Tachileik

Since April 2003, people in Tachileik Township were being forced to buy China-made electricity meter boxes from Wai Family Electrical Production and Supplies Co. Ltd. by the township SPDC authorities at unreasonably high prices.

In April 2003, Wai Family Co. announced that starting from May it would be solely supplying electricity 24-hours-a-day. In addition, the company required the people in Tachileik who wanted to use electricity to buy Chinese made meter boxes from the company at the following prices:

- 5 A (ampere) meter box	=	30,000 baht
- 10 A meter box	=	35,000 baht
- 20 A meter box	=	40,000 baht
- 30 A meter box	=	60,000 baht
- 50 A meter box	=	80,000 baht
- 60 A meter box	=	100,000 baht

The price of the electricity was going to be 8 baht per unit and everyone was required to buy new meter boxes from the Wai Family Co., including those who already had meter boxes, if they wanted the electricity. People had been complaining, especially those who already owned well functioning meter boxes, that this was a kind of extortion because the authorities forced them to buy meter boxes at such high prices. (Source: *SHRF Monthly Report*, SHRF, July 2003)

Money extorted in lieu of forced labor in Murng-Sart

Since August 2003, people in Murng-Sart Township were being required by SPDC military authorities to provide money instead of regular forced labor and the military to use for other purposes. In August 2003, SPDC troops of LIB 333 issued an order to village headmen, village tract headmen and community leaders to collect 5,000 kyat per household per month from the people in Murng-Sart Township for military use. The money would be used to support people's militia training and other areas in which civilian forced labor is regularly used, e.g., guarding the roads, clearing and maintaining the streets in the town. The people were told that if they provided the designated amount of money regularly, they would not have to provide forced labor for some of the work routinely requiring their labor. (Source: *SHRF Monthly Report*, SHRF, March 2004)

Extortion and forced labor in Lai-Kha

On 17 August 2003, 3 villagers from the outskirts of Lai-Kha town went together with a mini-tractor to gather bamboo to fence their rice fields. As they reached the edge of their rice fields with a truckload of bamboo, they were stopped by a group of local SPDC troops who the villagers of cutting bamboo without permission and confiscated the bamboo. The troops also detained the mini-tractor and the 3 villagers, and money was extorted for their release. Each of the villagers had to pay 1,500 kyat for the mini-tractor, 500 kyat for not having asked permission and 200 kyat for a pass to gather bamboo again. Altogether all of them had to pay 6,600 kyat for the mini-tractor and themselves, but their bamboo was confiscated.

A few days after this incident, local SPDC military authorities issued an order requiring owners of mini-tractors to provide a truckload of bamboo for each mini-tractor for the military for free. People who did not own any mini-tractor were required to build fences with the bamboo for the military, also unpaid. (Source: *SHRF Monthly Report*, SHRF, February 2004)

Money extorted for boxing-match entertainment in Kaeng-Tung

In November 2003, people in Kaeng-Tung Township were forced to buy tickets for a boxing match event organized by SPDC authorities at the Golden Triangle Regional Stadium in Kaeng-Tung town to raise funds for the families of the SPDC troops of the Golden Triangle Regional Command. The tickets, in the form of invitation letters, were distributed to all town quarters and villages in the Township. Each village or town quarter was required to buy from 100 to 500 tickets according to the size of its population, at the rate of 100 kyat per ticket. However, during the 3-4 days when the boxing matches were actually held at the said stadium, virtually all the seats were occupied by the SPDC troops and their families. Hardly any villagers were able to get a seat among them. The people complained that they had to pay for the event mainly to entertain the SPDC troops and their families. At the same time, the organizers, the authorities of the Golden Triangle Regional Command, said that the boxing match event had been a great success and had raised a lot of funds. (Source: *SHRF Monthly Report*, SHRF, March 2004)

Money extorted for flying lantern competition in Kaeng-Tung

On 1 November 2003, SPDC authorities in Kaeng-Tung Township called a meeting of village and community leaders and told them to collect money from the people to organize a flying lantern contest during the coming Buddhist religious light festival on the full-moon day of the 12th lunar month (8 November 2003). They were also told to make flying lanterns for their respective villages and quarters to take part in the contest. Each household was required to give 500 kyat to the SPDC authorities to be used as funds in organizing the contest. Entrance tickets to watch the contest, that was to be held at the township sports ground, were sold in advance and many people were persuaded to buy, at the price of 3,000 kyat. However, after money had been collected, many tickets sold out and flying lanterns made, ready to be launched, on the eve of the full-moon day, the SPDC authorities announced that the contest had been cancelled due to security reasons. Since flying lanterns had already been made, the villagers launched them at their respective Buddhist temples and monasteries on the full-moon day. But no one dared to inquire where the money, extorted from the people and from the ticket sales, had gone. (Source: *SHRF Monthly Report*, SHRF, March 2004)

People forced to provide food and money for military activities in Tachileik

On 14 December 2003, a column of SPDC troops from Ta-Lur based LIB 316 ordered the village and community leaders in Ta Lur, Murng Laen and Nam Khern village tracts to prepare packets of cooked food for their troops. One packet of food from each house was to be gathered and sent to the military camp at Kawng Ke, about 2 furlongs east of Ta Lur, by the villagers at 9:00 am in the morning of 15 December 2003. The order indicated that the troops were to patrol uninhabited jungle areas and needed the help of the people.

A few days later, on 18 December 2003, another order came from the same troops requiring the people from the same village tracts to provide money for the expenses of military patrols.

Each household was to provide 80 baht (Thai) to their respective leaders who were to take it to the military camp not later than 3:00 pm on 20 December 2003. In order to save the villagers the time for cooking, the soldiers would only accept help in the form of money in the long run, said the order. (Source: *SHRF Monthly Report*, SHRF, March 2004)

Forced Sale of Crops

The SPDC authorities' tricky ways of weighing

On 21 January 2003, the in-charge of the Farm Products Enterprise (FPE), U Aye Chit from Nam Kham Township, Northern Shan State set up a branch office at Mai Wee village to purchase paddy. On 6 March 2003, a local farmer said, "most of the farmers are illiterate and simple and they do not know how to weigh their paddy." In reality, the government limits 10 viss (40 lbs) for a basket of paddy. However, the in-charge rearranged the rate as 14 viss (56 lbs) for a basket of paddy. If a farmer carries 16 basketfuls of paddy, he would get only 10 baskets after weighing. A farmer who argued with U Aye Chit about the weighing was told that his paddy was mixed up with unnatural paddy and that was the reason for the difference. U Aye Chit said to the farmer "you shouldn't tell any one about this. If you tell others you will be arrested and your farmland will be confiscated." He told an officer at Namkham that the total 6,500 baskets of rice would be 9,000 baskets after purchasing. Some farmers who could not give the required amount of paddy had to pay 2,200 kyat per basket of paddy instead. (Source: PYNG, 2003)

SPDC troops are still collecting paddy from the villagers

On 23 January 2003, 30 soldiers from SPDC IB 33 went in to Namlon village tract in Shipaw Township, Shan State where mostly Palaung and Shan people are living. The soldiers demanded that villagers pay tax for the paddy. Each family was required to send 5 or 6 tin of paddy to the military camp. After the soldiers collected 800 tin of paddy from the villagers, they forced 2 rice mill factory owners to mill the rice without any payment. After that, they forced villagers who have horses to carry the rice back to their battalion (33) camp. (Source: PYNG, 2003)

People forced to sell rice quotas even before they could cultivate their rice fields in Nam-Zarng

In February 2003, farmers who had bought land from the SPDC authorities in Kho Lam village tract, Nam-Zarng Township, but had not been able to cultivate them yet. At the same time, they were already required to sell their rice quotas to the authorities at the rate of 5 baskets per acre. They were also forced to pay a rate of 2,000 kyat per basket if they did not have the rice.

In November 2002, SPDC troops from IB 64 and members of the Land Survey Department at Kho Lam village measured a stretch of barren land south of Kung Sim village in the area. They offered to sell it to people who did not have land to cultivate rice, at the rate of 2,000 kyat per acre. While the land was flat and looked good for cultivation, there was no water to irrigate the land. The authorities offered to dig irrigation ditches and divert water from nearby sources if enough land was purchased to be cultivated. Many landless farmers bought the land at about 5-6 acres per household. But up until the time of this report, the irrigation ditches had yet to be dug by the SPDC authorities.

On 7 February 2003, an order was issued by the SPDC authorities requiring the farmers who had bought the land to sell their (not yet grown) rice at a 5-basket-per-acre quota to the authorities, or pay in cash at the rate of 2,000 kyat per basket, without fail. (Source: *SHRF Monthly*, SHRF, April 2003)

Rice procurement puts farmers on the verge of starvation in Nam-Zarng

During late February and March 2003, a patrol of SPDC troops from IB 66, led by Commander Naing Oo, came to Kho Lam village tract in Nam-Zarng Township and ordered the farmers in the area to sell their rice quotas as designated by the SPDC authorities. The SPDC troops come to buy the rice quotas in Kho Lam area every year, but in 2003 they demanded about 2 fold more than 2002. This year farmers who had their own rice fields were required to sell 8 baskets per acre, as opposed to 4 baskets per acre last year. Each basket was sold at the rate of 300 kyat per basket, while it was 3,000 kyat per basket at the market. Villagers who did not have any rice fields but cultivated small plots of dry rice farm were required to sell 8 to 12 baskets per household without fail, regardless of whether or not they had enough rice left to eat.

The soldiers searched the granaries and houses of the farmers who were not able to fill their quotas. A few baskets of rice kept in the granaries as seeds for the next season were also measured and taken away by the SPDC troops. They also took the rice which the farmers kept in their houses for cooking their meals even though there were usually only 1-2 baskets. This left only 4-5 pyi for each household, which lasted only a few days. The farmers were thus stripped of what they had been relying on most for their survival. It was reported that, "There was hardly a family who did not weep especially those who were left with no money or other property." (Source: *SHRF Monthly Report*, SHRF, August 2003)

SPDC authorities forced farmers to sell paddy in Mu-se district

On 11 March 2003, Township PDC Chairman Captain Tin Win Naing, reportedly forced farmers to sell their paddy to the government in Namkham Township, Musea district, Northern Shan State. There was also a meeting at the Township office attended by personal from various departments of the wards and village tract PDCs to discuss the issue about purchasing paddy from farmers. In the meeting the captain said that 65,000 baskets had to be purchased in 2003. Last year, they were only able to purchase 40,000 baskets of paddy, so they received some bad looks from the commander. This year the commander ordered them to buy 65,000 baskets of paddy.

The farmers tried to negotiate in vain. Some farmers deserted their farmlands and searched for others jobs opportunities because 25,000 baskets more have to be sold to the government at the price of 560 kyat per basket. The captain also decided to take 1,200 kyat per basket from the farmers who could not sell the required amount of paddy to the government. (Source: PYNG)

Restrictions on mills in Tachileik

In late March 2003, SPDC military authorities in Murg Laen village tract, Tachileik Township, issued an order banning farmers in the area from trading and milling their rice until all the farmers had sold their rice quotas to the authorities. Farmers whose rice fields had been destroyed by flood and sand were not spared. Rice mill owners were warned not to

function until further order. If noises from any running mills were heard, the owners would be immediately arrested. (Source: *SHRF Monthly Report*, SHRF, August 2003)

Failure to fill rice quota sends farmers to the can

On 25 March 2003, more than 30 farmers who fled their homes near Taunggyi, Shan State, reported that approximately 50 farmers who were unable to meet their rice quota to sell the to the government rice procurement program were imprisoned. The farmers indicated that every household, both growers and non-growers of rice in Wan Pong, Nawngwawn tract were required to sell 80 tang (1 tang = 54 litres) to the government. As a result, many villagers went to jail and remained in jail at the time of the report because their families were unable to pay the fine for their release. (Source: "Failure to Fill Rice Quota Sends Farmers to the Can," S.H.A.N., 25 March 2003)

Rice procurement causes farmers to flee in Kun-Hing

In March and April 2003, many farmers from Wan Lao village tract in Kun-Hing Township fled after being forced to sell their rice quotas by the SPDC authorities so unfairly that it stripped them of all their belongings and put them in a very difficult situation. During the last growing season, many rice fields had been badly destroyed by insects. This prompted the farmers to report the situation to the concerned authorities, who consoled them and told them not to worry, as their rice quotas could be reduced. But no one came to look at the conditions of the rice crop, which later yielded only about half the amount produced the previous year. When the time came to sell the rice quotas, the authorities said they could not reduce the quotas because they would also have to do the same in other areas. They forced the villagers in Wan Lao area to sell the originally specified amount, telling them to share the burden with all the villagers in the whole village tract. Every house in the village tract had to provide a certain amount of rice, or money to buy rice, to fill up the village tract quota, after which many farmers had virtually nothing left to be able to continue making a living as farmers. Since then farmers have been fleeing one after another to different places. (Source: *SHRF Monthly Report*, SHRF, August 2003)

Unfair rice procurement causes death in Kun-Hing

In early April 2003, a displaced farming couple was so unfairly forced to sell nearly 2 fold of their originally designated rice quota by SPDC troops from IB 246 that the wife went into shock and fainted, and later died at a hospital, in Kun-Hing Township. Zai Wun (age 27), and his wife, Naang Seng Mawn (age 25), were originally from Kho Ngawk village in Kun Pu village tract, Kun-Hing Township, which had been forcibly relocated to the outskirts of Kun-Hing town in 1996 by the then SLORC troops. The couple lived with their 2 children at the relocation site. During the last rice-growing season, they leased a plot of land from another farmer and grew rice. They were required to pay the land owner 36 baskets of the rice produced for leasing the land, and sell 44 baskets to the SPDC authorities at the rate of 370 kyat per basket in accordance with the rice procurement policy. When the SPDC authorities came in March to collect rice quotas, the couple did not go to sell their rice because they had not yet paid for leasing the land and had decided to delay until they had paid the lease.

On 3 April 2003, even before they could pay the lease, a group of 16 soldiers from SPDC IB 246 came directly to their rice field and demanded the rice quota. When the troops saw that there were about 120 baskets of rice in all, they forcibly took 80 baskets instead of the

originally designated 44 baskets. The couple explained that they still needed to pay 36 baskets for the lease of the land and if the SPDC troops took away 80 baskets there would be only 4 baskets left for them. They pleaded with the troops to take only the designated 44 baskets and begged for mercy. The troops kept to their demand and forcibly took away 80 baskets. The couple was so shocked that the wife, Naang Seng Mawn, collapsed and fainted, unable to speak. Although her husband, Zaai Wun, and their relatives took her to the hospital in Kun-Hing town, Naang Seng Mawn did not recover and later died. She was survived by her husband Zaai Wun, son Zaai Kam (age 5) and daughter Naang Seng Ngern (age 3). (Source: *SHRF Monthly Report*, SHRF, August 2003)

A displaced farmer shot dead for being unable to provide rice quota, in Lai-Kha

On 29 April 2003, troops from SPDC IB 55 shot and killed a displaced farmer on the road just outside of Phuay Hai, Lai-Kha Township because he was unable to sell the quota of rice demanded by the troops. At the time of this incident, Zaai Zaam Pun was living in Phuay Hai village relocation site with his wife and 2 children, 8 years and 6 years old, and earned a living as a subsistence rice farmer. He was required by the SPDC authorities in the area to sell 60 baskets of unhulled rice, but unfortunately his rice field had only produced 15 baskets in the last season. When he was summoned by the authorities to sell his rice quota on 24 April 2003, Zaai Zaam Pun explained that he was only able to produce 15 baskets from his rice field. Moreover, the amount that his fields had produced had mostly been consumed by his family, and he also had no money to buy rice from others to fill up his quota.

A patrol of SPDC troops was then sent to search Zaai Zaam Pun's house where they saw his wife and 2 children living in a small shabby thatched house and only 3 baskets of rice which he kept to be used as seeds for the next rice growing season. The troops took away the rice and warned Zaai Zaam Pun that he would have to somehow find the remaining 57 baskets and fill up his quota no later than 30 April 2003, or face the consequences.

On the day of the incident, a patrol of SPDC troops again came to Zaai Zaam Pun's house and when they did not find him nor any rice in the house, they asked his wife where he was. The wife told them her husband had gone to find rice and the troops left the village. As the troops were leaving Phuay Hai village, they met Zaai Zaam Pun and some other villagers who were returning on the road outside the village. The troops asked Zaai Zaam Pun where the rice was so that they could come and collect it the next day. Zaai Zaam Pun said that he was not able to get any rice for the quota, and even for his children to eat, he had to beg around and was only able to get 3 milk-cans of rice. The SPDC troops became angry and shouted at him, "So, you don't want to sell us your rice?"

As Zaai Zaam Pun was trying to explain that he had tried as best he could but no one would lend him rice or money, the SPDC troops kicked at him and he fell to the ground. The SPDC troops then shot him dead at the side of the road east of Phuay Hai village. After they had shot Zaai Zaam Pun dead, the SPDC troops warned the other villagers to tell people that Zaai Zaam Pun had actually resisted the government authorities, otherwise they would have to face the same fate as him.

The victim, Zaai Zaam Pun, and his family were originally from Ter Leng village in Haai Seng village tract, Lai-Kha Township, which had been forcibly relocated to the outskirts of Lai-Kha town in 1997 by the then SLORC troops. (Source: *SHRF Monthly Report*, SHRF, August 2003)

Forced to sell rice to SPDC troops near Namtu

On 3 May 2003, SPDC troops from IB 22 led by Major Aung Myint, based in Namtu Township set up a camp between Namtu and Man Tong Township, Northern Shan State. Villagers in Man Tong, who came to sell rice in Namtu at the cost of 7,900 kyat per small sack, were forced to sell 10 sacks to the SPDC troops at the cost of only 3,500 kyat per sack. Villagers who refused to sell their rice to the SPDC for 3,500 kyat per sack, their rice were confiscated. The first time the SPDC troops claimed that the rice was for their own troops but later sold this rice to the villagers near their camp at the cost of 7,000 kyat per sack. (Source: PYNG, 2003)

Military Monopoly on Trade and Agriculture**More restrictions imposed, people forced to buy firewood, in Murng-Ton**

Since early 2003, military authorities from SPDC LIB 519 issued an order creating more restrictions on the movement of people in Wan Naa village tract, Murng-Ton Township, requiring them to ask for permission from the military every time they go to their farms outside their villages. A group of villagers who were all going to the same area were only given 1 document as a pass, with all their names and destinations written on it. Each person had to pay 100 kyat for the document. The pass was valid for only 5 days after which the villagers were required to ask for a new one. Villagers who wanted to gather firewood were not given permission and told that the forestry department had banned woodcutting in the area. Villagers were instead told to buy wood from the SPDC troops at the rate of 3,000 kyat per mini-truck-load of firewood. (Source: *SHRF Monthly Report*, SHRF, June 2003)

People forced to grow crops for the military in Tachileik

Since October 2003, people in Pa Leo and Kaeng Laab village tracts in Tachileik Township are being forced by the SPDC troops of LIB 433 to cultivate maize and chili for the military, without receiving anything for their labour and are subject to fines if the crops do not yield as expected. Maize and chili seeds are provided by the military and the people are required to cultivate them until they have been harvested. If the yields do not meet the minimum amounts designated, the growers are subject to a 2,000 kyat fine per household. Each household is required to grow 150 chili plants and 5 tin of maize seeds on an acre of land. (Source: *SHRF Monthly Report*, SHRF, January 2004)

5.10 Tenasserim Division

Note: Mergui-Tavoy District is an area demarcated by the KNU as part of Karen territory. Mergui-Tavoy falls into SPDC demarcated Tenasserim Division and is under the patrol of the 4th Brigade of the KNLA. The SPDC does not recognize Mergui-Tavoy as an official district.

Forced Sale of Crops

On 2 February 2003, Burmese troops based in Palauk village demanded the villagers from Pasawoak village tract provide the rice quota. The farmers had to provide the troops with 12 baskets of rice per acre. The total amount of rice that Pasawoak villagers had to give was 1580 baskets. The Burmese troops only paid them 370 kyat per basket of rice while the market price was 3000 kyat per basket. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2003)

Unfair Levies and Taxes

Burmese troops asked roofing leafs because they did not get the chicken

On 6 January 2003, a group of Burmese troops from LIB 401 led by second Lieutenant Zaw Win Hton arrived at Kawurt Hta village in eastern Mergui Township, Mergui district, and asked the villagers for 20 chickens. The villagers could not find 20 chickens for them, so the soldiers asked for 1000 pieces of roofing leaf to be sent to their camp in Theinbaw Na village instead. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2003)

Burmese troops extorted 25,000 kyat from a sawmill owner, demanded 50,000 kyat from the villagers

On 8 January 2003, a group of Burmese troops from LIB 410, led by 2nd Battalion Commander Kyaw Min, entered to Pasawlaw (Michaunglong) village in Yebyu Township, Tavoy district, and extorted 25,000 kyat from a sawmill owner. The name of the sawmill owner was not known. Those troops accused the villagers in Pasawlaw of hiding KNLA soldiers, and they fined the villagers 50,000 kyat. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2003)

Burmese troops demanded roofing leafs for their camp

On 15 January 2003, Camp Commander Sein Than from Burmese army LIB 403, based in Aye Bay village in Theyetchaung Township, Tavoy district, demanded 2,500 pieces of roofing leaf from Saw Kay and Htee Pah Doh villages. The villagers had to send the roofing leaves on 18 January without delay. The roofing leaves were for the military camp. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2003)

Burmese troops demanded betel nuts

On 21 January 2003, Camp Commander Yeh Aung Seo from Burma army LIB 410, based in Htoo Ler village in Pawklo river (Banchaung) in the east of Theyetchaung Township, Tavoy district, demanded 500 betel nuts from each betel nut plantation owner in Htoo Ler village. For those who could not pay, the Burmese troops asked them to cut down their betel nut trees to build a bridge at Nya Maw Hta in the village. (Source: *Monthly Human Rights Situation Report*; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, January 2003)

On 2 February 2003, Burmese troops based in Palauk village demanded 13 tons of wood from three village tracts in Palaw Township, Mergui district, Tenasserim Division. Those village tracts are Pasawoak (Wanzawoak) village tract, Paycha (Pyicha) village tract and Palauk village tract. The pieces of wood were for the Burmese troops to build 2 bridges between Paycha Hpo Lor and Wah Lor, to the east of Paycha village. (Source: *Monthly Human Rights Situation Report*; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, February 2003)

On 10 February 2003, Divisional Commander Lt. General Maung Bo attended and presided over a high school opening ceremony. After the ceremony, Pe village headman, Tin Sa collected money to cover the expenses of the ceremony from Patauk Nge, Sa Ma Taw, Jo Se Kwe (Leikaing), Lew Kwe Dot (Sinzwe), Ta Kot Hta (Tagondaing), Htee Oo Ooo (Hpabyoke), Pe Ta Kaat, and Pe village. Each village had to provide 1,000 kyat. (Source: *Monthly Human Rights Situation Report*; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, February 2003)

A villager from Kyauk Shaat village in Yepyu Township, Tavoy district reported that in 1991 LIB 409 had confiscated his 7.3 acres of cashew nut plantation without paying any compensation. The land was used to build their battalion head quarter. Afterwards the battalion officer allowed his family to collect the yield by paying 25,000 kyat per year to him. From 1991 to 2002, he paid that amount and was able to collect the crop from his plantation. Yet, on 10 February 2003, while his family was collecting cashew nuts from the plantation, the battalion adjutant, Captain Yan Naing arrived with his followers and told him that he was not allowed to collect the yield. At the same time U Ba Thein, a former owner of 10 acres of cashew nut plantation was also banned from collecting the yield from his own plantation which was confiscated by LIB 409 in 1991 without compensation. (Source: *Monthly Human Rights Situation Report*; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, September 2003)

On 12 February 2003, General Maung Bo, SPDC Local Military Operation Commander, ordered Peh-deh area chairman Han Sein to collect 1,000 kyat from each household in the following villages to cover the expenses of a new high school opening ceremony in Peh-deh area:

- (1) Pa-htaw-nge,
- (2) Hsan-ma-taung,
- (3) Ko-si-kwee,
- (4) Lu-hkwee-kho,
- (5) Ta-koe-hta and
- (6) Htee-o-oh,
- (7) Pi-ta-ka, and

(8) Pi-kee. (Source: KIC, 2003)

On 17 March 2003, a group of patrolling Burmese soldiers were attacked by Karen guerilla soldiers on the perimeter of Nawtaw Hkee village, northern Palaw Township, Mergui district. After the fighting, the Burmese troops demanded compensation from the villagers living in the Pasaw Oak, a forced relocation site. The villagers had to provide 600,000 kyat in compensation. (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, March 2003*)

On 7 April 2003, BA LIB 560 and 559 ordered Taung Nge village *Pyithusit* (SPDC's people militia) leader Win Bo to collect and send the villagers to their headquarters for military material and ration transportation purpose to Chaung Chi military outpost on Thai-Burma border. The headquarters are based in Leinnya, Mandaing in Bokpyin Township, Kaw Thaung district. Win Bo made the following demands of the villagers:

- (1) Manorone village, 15 persons, 150,000 kyat. (They went with demanded money);
- (2) Hti Nya Ou village, 10 persons or 150,000 kyat (They sent only money);
- (3) Hkechaung village, 5 persons or 100,000 kyat (They sent only money);
- (4) Hklaw Thoo Gaw village, 15 persons or 150,000 kyat (They went);
- (5) Mu Khwa village, 10 persons or 150,000 kyat (They went);
- (6) La Hpu Nga village, 5 persons or 100,000 kyat (They only sent 100,000 kyat);
- (7) Taung Nge village, 27 persons or 300,000 kyat (They only sent 300,000 kyat);
- (8) Kawbawk village, 25 persons or 250,000 kyat (They went);
- (9) Leinnya village, 35 persons or 600,000 kyat (They went); and
- (10) Mandaing village, 35 persons or 600,000 kyat (They went). (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, April 2003*)

On 27 April 2003, a troop from Burma army's IB 285 led by an officer, Htun Htun Kyaw, combined with *Pyithusit* (people's militia) led by Win Thein, entered to Kawurt village area in the east of Palaw Township, Mergui district and faced an ambush set by Karen soldiers. For this case they captured Kawurt village leaders Saw That Taw and Oo Shwe and asked for 50,000 kyat. Moreover, as that troop suffered 1 man killed and 1 man wounded, they demanded 120,000 kyat from Kawurt village. (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, April 2003*)

In May, it was reported that soldiers from SPDC LIB 561 were extorting money from travelers at Ban Law village jetty in Mergui Township. The soldiers demanded 25 kyat per person, 100 kyat per motorcycle, and 50 kyat per bicycle. The head of the people's militia, U Kyaw Ngwe reported the situation to the battalion commander, Zaw Myo Thant, who did not take any action regarding the report. (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, November 2003*)

On 10 June 2003, Coastal Region Military Command's Commander Brigadier Gen. Tha Aye demanded 20,000 betel nut saplings from Paw Klo area in the south east of Tavoy for his plantation. (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, June 2003*)

On 11 June 2003, the military in Palaw area ordered all the households in Pyicha village tract (in Palaw Township, Mergui district, Tenasserim division) to buy a picture of Senior Gen.

Than Shwe as a compulsory duty. They had to pay in cash at the rate of 10,000 kyat per picture. According to the report, all the nearby village tracts were also ordered to buy the picture of the military regime's leader. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, June 2003)

On 16 June 2003, Palaw Township chairman Oo Moo Khin Zaw, Agricultural Officer Oo Min Htun, and the Palaw town sections chairman and secretaries summoned a meeting at Ka-ne-they La village tract. In the meeting they demanded 100 betel nut saplings, 100 mango saplings, 100 cashew saplings, 100 cassava saplings, 100 oil palm saplings, 100 banana saplings, 100 pine apple saplings and 100 saplings of (Kin Mon Chin) from Ka-ne-they La village tract. They informed the village headman that all the village tracts must buy 5 new breed chickens each for their tracts which cost 950 kyat per chick and the villagers must pay for the total amount within the month of June completely. Palaw Township is in the north of Mergui district area in Tenasserim division. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, June 2003)

On 16 June 2003, it was reported that the village administration council in Maung Me Shaung village in Tavoy Township went around and collected money from every households which they called. The amounts were as follows:

- | | |
|---|----------------------|
| (1) Fund for hosting visiting officials | 300 kyat; |
| (2) Fund for general development in village | 200 kyat; |
| (3) Fund for people militia and fire brigade | 200 kyat; |
| (4) Fund for front line military personnel | 150 kyat; and |
| (5) Traveling cost for village administration council | 150 kyat every month |

The administration council collects more 1,000 kyat per month for football and sport funds in July of every year. The villagers have to pay from 300 to 1000 kyat depending on their living standards. It was also reported that the SPDC military had not conscripted any forced porters for almost 2 years. Instead, the each household has had to pay 500 kyat per month in porter fees. There are approximately 150 households in Maung Me Shaung village. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, June 2003)

On 22 June 2003, SPDC LIB 561 Column Commander Captain Min Zan Oo demanded 3000 palm leaves for roofing, 250 logs for fencing post, 5000 betel nut seeds and 5000 durian seeds from the villagers in Taket. The demanded items had to be sent to his station. Taket village is about 40 miles south east of Mergui town in Taninthayi Township. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

In the first week of July, the Yebyu Township Peace and Development Council (TPDC), in a northern township of Tavoy district, demanded 3 tons of planks and scantlings from each of the villages of Yapoo, Ywa Haun, Tahkawlo and Milage 60. The concerned villages had to send the demanded materials to Kaleinaung village (50 miles north of Tavoy by the bank of Tavoy River). The planks and scantling were to be used to build a TPDC office in Kaleinaung. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

On 10 July 2003, SPDC LIB 342 No.3 Company Commander Lt. Htun Myint demanded 30,000 kyat from each household at Pawa Plaw Hpa Htaw village, 50 km southwest of

Mergui. He said those who gave the demanded amount of money would be relieved from their forced labour duties, military portering, transporting rations and supplies to Lerhpahdoh outpost and guide duties etc. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

On 28 July 2003, Maj. Aung Kywe demanded money from Taket village tract, Teninthayi Township, Mergui district for a military training for the *Pyithusit* (SPDC's people militia). The villages had to provide 30,000 kyat and 2 sacks of rice for each member of the *Pyithusit* who was attending the training. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

On 29 July 2003, SPDC LIB 557 was conducting a military training for the *Pyithusit* and demanded money from Pawa Hta for their training. They received 170,000 kyat as they demanded. As the training progressed, they said the given money was not enough and again asked the villagers to give 2000 kyat per household. Pawa Hta is a village in Pawa tract and is situated between Mergui and Kawthoung town in Tenasserim Division. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

On 6 September 2003, a skirmish broke out between the KNLA and SPDC LIB 408 near Law Ther village, Yepyu Township, Tavoy District. As a result, 3 SPDC soldiers were killed and 3 of their firearms were taken by the KNLA. On 7 September, Company Commander Capt Kyaw Soe and his troops from LIB 408 arrived in Law Ther and demanded the lost arms. The villagers did not have any arms to give. Kyaw Soe then demanded that the villagers pay 500,000 kyat. He and his troops consumed 2 pigs and 6 tin of rice and then kidnapped the village headman and 1 villager. They also took 1 motorcycle from a villager. The villagers were able to collect 20,000 kyat from each household to pay the ransom for the release of the 2 villagers. After receiving the money, Kyaw Soe released the 2 villagers. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, September 2003)

On 19 September 2003, troops from SPDC IB 265 led by Lt Thura Tin Soe Aung demanded 55 fowl and 50,700 bamboo spikes from Anine village, Mergui Township, Tenasserim division. The communities were also forced to plant 1,500 oil palms for the military plantation. This year these farmers were ordered to pay 6 baskets of paddy rice per acre of rice plantation. A military officer demanded that the farmers pay in cash, which amounted to 10,000 kyat per household. The whole community paid a total amount of 430,000 kyat. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

In October 2003, No.12 Divisional Military Training Center Commander Lt. Col. Tin Myint demanded 7 ft. long readymade roofing sheets, made from woven palm leaves, from Pyicha, Myitchinzu, Lerhpahdoh, Kataungni, Wagon, Maw Kakle and Pasaw Oak villages. Each village had to send 100 roofing sheets plus 500 betel nut seeds to his training center office. This commander also demanded "crop tax" from Pasaw Oak and Panwehpoklo villages, which cost the 2 communities 700,000 kyat for the betel nut tax and 200,000 kyat for the cashew nut tax. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

On 2 October 2003, an SPDC "Entertainment Troop" arrived to Palaw town. For their arrival, the chairman from Palaw Township demanded 10,000 kyat each from Kanetheyla, Pawkato and Kema villages. The money had to be sent to his office at a certain time. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

On 11 October 2003, Battalion Commander Lt. Col. Khin Maung Aye from IB 280 near Palauk in Palaw Township Mergui district demanded "land tax" from whoever owned land in nearby villagers. He taxed 5,000 kyat per acre and if someone did not pay, all of his/her land would be confiscated, warned the commander. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

On 28 October 2003, the SPDC LID 20 tactical commander, Col. Tin Maung Oo, summoned the Tarawat Hta village headman to his frontline HQ and demanded 100 rattans from each household. The people had to send the rattan to him on 31 October without delay or excuse. If there were any delays, the village headman would be put into confinement for 28 days. Tarawat Hta village is located on the Tenasserim riverside. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

Since the beginning of October 2003, the military authorities were collecting fees from the travelers who crossed over the bridges between Mergui and Tavoy. They asked for 500 kyat per truck, 200 kyat per bicycle, 200 kyat per horse drawn cart, and 200 kyat per pick-up truck etc. Local people do not understand why the military officers were asking for a fee to cross the bridge. The bridges were built with the people's labor and money. Moreover, the local authorities were demanding other taxes in the area, such as 250 kyat for 1 truck, 100 kyat for 1 pickup and 100 kyat for a motorcycle. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, November 2003)

On 8 November 2003, Manorone village headman Saw San Lin was fined by the SPDC's No.342 LIB commander to pay an amount of money equal to the price of 1 walkie-talkie communication set. The headman was ordered by the same commander to go and find the displaced villagers (IDP) who were hiding in the jungle near by Manorone village. He was also ordered to persuade the IDPs to come back and stay in the relocation site. After looking for a long time, the headman could not find the IDPs. As a result, the military officer accused him of supporting the rebels and fined him the above mentioned amount. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, November 2003)

On 26 November 2003, timber traders from Thein Kun, in the east of Mergui informed Captain Khing Aye that Captain Kyaw Soe had extorted money from them. Captain Kyaw Soe had confiscated 2 chainsaws from U Hla Win and U Baw and demanded 300,000 kyat. After Kyaw Soe got the amount of money he demanded, he returned the chainsaws to the owners but not their identity cards. No action was taken to deal with their case. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, November 2003)

On 27 November 2003, villagers from Pa Wa village tract were fined 500 kyat each for not attending the opening ceremony of the Kywe Goo Bridge, which was held by local SPDC

authorities near Mergui town. Villagers from Manorone village tract were also fined 1,800 kyat per household. (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, November 2003*)

On 29 November 2003, troops from SPDC IB 25 captured 29 cattle belonging to a Pyinthadaw villager near Thu Kha a military camp in the east of Tavoy near the Thai-Burma border. After confiscating the cattle, the battalion commander, Col. Myint Swe, offered the cattle to a Thai cattle trader for 2,000 baht per head. When the trader went to redeem the cattle, the commander changed his mind and demanded 100,000 baht for all of the cattle. The next day, the Thai traders came and provided the amount of money demanded by the commander but only received 21 cattle. Before the cattle were captured, the Thai traders made an agreement with a cattle seller to pay 220,000 baht for the entire heard. After they bought the cattle from the SPDC officer, they sold the cattle and gave only 60,000 baht to the cattle seller. (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, November 2003*)

On 30 November 2003, a group of 15 Burmese from Taung Min Pyaung in Tavoy district were on their way to Thailand when they were stopped by Burmese Army troops who took their money and forced them to go back. They were going to Thailand to look for when work. When they arrived in Myin Kan Baw village, east of Tavoy, the militia demanded a fee of 1,500 kyat each to pass and 100 kyat each to stay for the night. The following day, they went up the Kamoethway River by boat, which they hired for 5,000 kyat per person. On the way, they were captured by troops from SPDC IB 280 at Nyaung Chaung Wa village. A platoon commander forced them to go back and extorted 100,000 kyat from them. (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, December 2003*)

Land Confiscation

In March 2003, the newly formed SPDC Artillery Battalion No.306, with headquarters in the east of Mergui district, confiscated 50 acres of villagers' agricultural land for their battalion's agriculture program. The land belonged to villagers from Mawtone and Ban La Moot villages. The majority of the villagers were either Burmese Muslim or Burman and all had proper certificates of Township from the Department of Agriculture. Both of the villages are in Taninthayi Township, Tenasserim division. (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, March 2003*)

93 acres of civilian land confiscated by Burma Army in the southern region

On 4 May 2003, it was reported that SPDC LIB 561 under the command of LID 13 confiscated 93 acres of civilian land in the south east of Taninthayi Township, Mergui. The LIB 561 headquarters are in Htonedaw village, Taninthayi Township and was ordered to establish work sites for their self-sufficiency. As a result, a 50-acre plantation and a 23-acre plantation were confiscated from Thabokleikgyi village. The land confiscation caused many local farmers to worry that their land would be next or that they would have to do forced labor when the agriculture project began. (Source: *Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, May 2003*)

On 6 September 2003, Yepyu Township Peace and Development Council in Tavoy district confiscated 5 acres of plantation owned by U Pai Hla Hsan without paying any compensation,

in order to build a township office. U Pai Hla Hsan is a Muslim who lives in Kalain Aung village. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, September 2003)

Looting and Destruction of Property by the Army

On 26 May 2003, soldiers from SPDC No.309 Artillery Battalion felled trees from plantations in the deserted village of Pyicha in Palaw Township, Mergui district, Tenasserim division. The trees fell on to the villagers' plants and destroyed 800 betel nut palms and 17 coconut palms. The plantation owners were 3 villagers who were forcibly relocated to the new Pyicha village on the sides of the Mergui-Tavoy car-road. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, May 2003)

On 4 July 2003, at about 9:00 pm, about 10 soldiers from LIB 433 led by Captain Ye Lin went into the The-chaung village, Yebyu Township. The soldiers climbed every house in the village and took the property that they found. The soldiers took livestock and other valuable items that they found in and under the house, even when the villagers were present. It as reported that the soldiers took pigs, chickens and house materials. They even verbally abused women and young girls in the village. The villagers were very unhappy about the robbery. As a result, they informed the column commander of that battalion, Major San Myint Oo, so that he could punish the soldiers. Instead, the commander replied that his soldiers did not do any looting in the village. (Source: "Lawlessness in Rural Areas in Southern Burma," *The Mon Forum*, HURFOM, Issue No. 11/2003, 30 November 2003)

On 9 July 2003, SPDC LIB 561 Column Commander Captain Min Zan Oo took 1 Honda boat engine, 5 gallons of gasoline, and 1000 dog-fruit seeds to eat, from Oo Kyaw Thaung at Tabet a village 70 km in the south-east of Mergui. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

On 16 July 2003, Maj. Aung Kywe, the 2 ICs of SPDC LIB 561 in Taninthayi Township in the east of Mergui district, Tenasserim division demanded 1 pig and 1 sack of rice from Tabet village for his men. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

On 15 July 2003, the SPDC LIB 342 second column commander, Maj. Kyaw Soe, and his troops entered Pawa Plaw Hpa Htaw village, Taninthayi Township, Mergui district, and took away some rice, curry powder, chili, cooking oil, salt, chickens and other food items from the villagers which all cost 50,000 kyat. He paid nothing for what he took. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

On 16 July 2003, SPDC troops from LIB 560 entered to Manorone village in the south east of Taninthayi Township and looted 70,000 kyat from a woman named Mwa De Mur. The victim did not know the name of the looters. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, July 2003)

On 19 September 2003, SPDC IB 25 led by Maj. Nyut Sein arrived to Nyaung Chaung Wa village and took 1 pig worth 25,000 kyat, alcohol worth 10,000 kyat, and other food items

from the village. The village headman demanded 4000 kyat from each house to cover the expenses for feeding the military. Nyaung Chaung Wa (Htee Klerhta) village is situated about 45 miles in the northeast of Tavoy, and it has 20 houses. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

On 19 September 2003, a group of about 10 men from IB 25 arrived in Htee Klerhta village about 45 miles in the northeast of Tavoy. They accused a couple, Saw Baw and Naw Lah Po, of supporting the KNU. They proceeded to loot whatever they saw from the couple's house which 30,000 baht and 120,000 kyat. While the soldiers were looting their belongings in their house, the couple ran away in fear and escaped. Now they are hiding in the jungle and do not dare go back to their village out of fear of the SPDC troops. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

On 28 November 2003, troops from SPDC No.12 Military Training Center and some members of the people's militia from Myit Chin Su, led by Col. Tin Myint, looted 2 pigs and 3 fowl from Naw Shee Goh at Pa Yo Kwee, in southern Tavoy. The villagers were also ordered to abandon their plantations, return to the relocation site, and not go out to their plantations again. The villagers had been forcibly relocated to the sides of the Mergui-Tavoy road in 1996. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, November 2003)

5. 11 Other Places in Burma

Farmers forced to sell cotton

On 30 January 2003, it was reported that 5 farmers of Pale Township, Sagaing Division were arrested by township authorities in the last week of the month for not being able to sell cotton harvests to the government on time. According to the government's quota, the farmers had to sell 50 viss per acre. If they could not do so the authorities threatened them with fines of 5,000 kyat per acre. But, in 2003, the yield was very poor as some crops were destroyed by the late monsoon downpours. The gap between the government's price and the black market price was so vast that many farmers complained that they would be unable to fulfil their quotas. Then the 5 farmers were arrested and were released 3 days later when their families paid the authorities money for their release. (Source: "Farmers Forced to Sell Cotton," DVB, 30 January 2003)

Farmers in trouble

On 19 March 2003, it was reported that farmers in Pwintphyu Township, Magwe Division, Upper Burma were facing many difficulties due to the corruption of the local authorities. At the time, it was the season for farmers to reclaim silted lands on the banks of local rivers, Irrawaddy, Mone and Mann. Traditionally, the villagers divided the lands with an allotment system and grew vegetables. Yet, the chairmen of the local authorities U Khin Maung Toe and U Myint Swe had bought 16 acres of silted land near Madare village and the farmers were facing losses, according to local villagers. Similarly, some silted lands near Zeegone were sold by the local authority chairman, U Win Myint with the excuse of repairing local primary school. The villagers had reported the matters to higher authorities, but there were no

actions from them. Farmers who were unable to sell their rice quotas [at the lowest rate] to the government buying centers were forced to pay the local authorities 3,000 kyat as a bribe. The chairman of the local authority, U Kyaw Tint also seized several acres of land on 25 February from a farmer, U Than Tun, who was unable to fulfill his rice quota. Moreover, the authorities forced the local rice mills to remain closed since February because the farmers were still unable to fulfil the sales of rice quotas and the people were facing rice shortage, according to the local people. (Source: "Farmers in Trouble," DVB, 19 March 2003)

Burmese toll bridges levying extravagant tax

On 20 March 2003, it was reported that toll collectors in the southern part of Burma levying unlawful taxes on vehicles passing through their tollgates in order to compensate for their insufficient salaries. According to a local trader, tollgates on bridges at Jaing, Than Lwin, and Sit Tawng along the Myawadi-Rangoon-Kaw Kareit motor were collecting excessive tax beyond the official limits. The official maximum toll at Sit Tawng Bridge was limited to 1,500 kyat per vehicle, yet, drivers were asked for 3,500 to 4,000 kyat. Similarly, the official rate at Than Lwin and Jaing toll bridges was 1,500 kyat per vehicle but lorries were made to pay 8,000 to 15,000 kyat. In addition to this compulsory toll, drivers have to add at least 20,000 kyat at the Thingann Nyi Naung Check Point to pay the DKBA, the Burmese MI, local army personnel, Burmese immigration officers, forest authorities, the USDA, and fire brigade personnel. Other personnel in charge at the tollgates/checkpoints also ask the drivers to provide for their pocket money to buy cigarettes, tea, and other food items. Reportedly, the Myanmar Police Force was complaining about the unlawful tax levying at the tollgates. Due to the excessive tax levies at the gates, many car-drivers were reported to be upset about not being allowed to travel freely and being delayed unnecessarily. (Source: "Burmese Toll Bridges Levying Extravagant Tax," *Mizzima*, 20 March 2003)

5.12 Interviews

Interview #1

Date of interview: 23 April 2003
Name: Ko Khaing Khaing (not real name)
Sex: Male
Religion: Buddhist

I returned to my homeland in Mon State on 18 April 2003. I got to Pa'an at 7:00 in the evening and then I paid 100 baht to sleep at the Shwe Aye Myo monastery.

On 18 April 2003, it was the day that I could get a bus to go inside Burma. When I crossed the border on the Burma side, the border committee checked my bags and asked for my ID. After that I passed through the gates into Myawaddy and got a car. The trip cost 3,500 kyat for 1 person. The car departed at 10:00 am and we reached Thein Ka Nyi Naung gates but the gates were closed for a checkpoint. The guards at the gate took things from the travellers. For example, they took cooking oil and other supplies for the home. I saw them take some goods from businessmen as bribes. After they checked our bags they let us continue and we reached Kawkareik at 2:00 in the afternoon. At the Kawkareik gates, there was another checkpoint and we had to stop the car. Each person had to get out of the car one at a time and be check by many people. They asked questions like, "Where are you from? What will you do? Did you come back from Mae Sot?" and they checked our ID cards. If they did not believe someone, they would arrest them. A person who did not have an ID card had to bribe the guards 1,000-5,000 kyat. Then they let us continue on our way.

When I came back to Thailand, we had to give the driver to bribe the guards at every gate. Only DKBA, Pa-o, and NMSP could go for free.

(Source: HRDU, 2003)

Interview #2

Name: Naw Htoo Paw (not real name)
Age: 30 years
Religion: Animist
Village: AAAA village, Pa'an District, Karen State
Occupation: Field farmer
Number of family: 4 persons

Q: Could you please tell us about the entering and looting by BA troops in your village?

A: On 14 June 2003, the BA troops from LIB 703 led by officer Tun Tun Win entered AAAA village. In the village his soldiers looted 3 packets of smoke and 5 packets of sweet cooking powder (Ajinomoto), and also stole 1 chicken and 1 pyi of rice, which altogether worth 1,000 baht.

Q: Did they do anything on you while attending in your house?

A: When a soldier came into my house he took off his pants. I was afraid of him if he would rape me and then I took up my baby and ran away to the neighboring house.

(Source: Free Burma Rangers, 2003)

Interview #3

Name: Saw Ba Ther (not real name)
Age: 48 years
Religion: Animist
Village: BBBB village, Pa'an District, Karen State
Occupation: farmer
Number of family: 6 persons

Q: Can you tell us about the entering and looting by BA or DKBA troops in you village?

A: On 12 June 2003 (am), the BA troops entered BBBB village. Because they clashed with KNLA troops and then fined the village headman with 1 pig and 30 chickens. They also took away villagers' 3 pots, 2 machetes, and 7 pyi of rice (1 pyi = 2 Kg) and also looted 3 chickens belonged to Kyaun Tha Mu.

(Source: Free Burma Rangers, 2003)

Interview #4

Name: Saw Paw Yah (not real name)
Age: 33 years
Religion: Buddhist
Village: CCCC village, Pa'an District, Karen State
Occupation: Hill farmer
Number of family: 6 persons

Q: Have you village ever been oppressed, looted and demanded by BA or DKBA troops?

A: Yes. On 20 July 2003, the DKBA troops led by officer Pah Daw Bo demanded from our village, 1 chicken and 7 tin of rice (1 tin = 16 kg) and also 5 porters to carry their supplies to Htee Per Village.

On 10 June 2003, the BA troop from LIB 703, Column 2 led by Bo Kyi Tun came to the farm huts at CCCC village and looted 2 chickens belonging to Pah Shwer A, as well as Kyaun Ngwe Aye and Kyaun Bu Taw and 1 chicken belonging to Kyaun Pah Pa. They also looted 4 dishes, 3 spoons, and a package of sweet cooking powder (Ajinomoto) belonging to Eh Hser Pu. On the same day they entered CCCC village beat and punched a villager with a gun. After that they called him along with them to Kyauk Ta Lay Kho and released.

(Source: Free Burma Rangers, 2003)

Interview #5

Name: Saw Law Eh (not real name)
Age: 57 years
Religion: Buddhist
Village: DDDD village, Pa'an District, Karen State
Occupation: field farmer
Number of family: 10 persons

Q: Can you tell us about BA troops entering, date, and looting in your village?

A: On 17 July 2003 (am), the BA troops from LIB 703 led by Officer Tun Tun Win entered DDDD village and looted a pig belonged to Ma Than Yin as well as 12 chickens in village. They slept there for a night. In the morning when they left, demanded 4 porters to carry their supplies to Klaw Ka Ti. On the same day some troops left behind at the motor road summoned the village headman, Saw Per Hai to come toward them. When he arrived they slapped his face 2 times and forced him to carry supply to Htee Nyar Li Kyo. The troops also slapped a villager Saw Pah Kwa' back neck 2 times when they saw him on the car road. In the evening the troops again entered Kyauk Ta Lay Kho Village and asked Saw Pah Nar Lo to climb and pluck coconut. Because he could not climb, then they beat him 2 times. In village the troops demanded 1 basket of rice and looted from shop, 10 gas lighters, 2 watches, 2 batteries, and 2 packets of dry noodle as well as 1 packet of smoke from village headman's house. On the same day they left for Kho Maw Kee camp.

(Source: Free Burma Rangers, 2003)

Interview #6

Name: Naw Hser Tha (not real name)
Age: 55 years
Religion: Buddhist
Village: EEEE village, Pa'an District, Karen State
Occupation: field farmer and salesman
Number of family: 4 persons

Q: Can you tell about the BA troops entering your village and what they were doing?

A: After the BA's troops misfired on each other, they came directly into the village and kicked the villagers. They kicked my face one time and pushed me into a big hole with gun-threats. And again they called me back out.

Q: Can you tell us which base the troops came from?

A: The troops were from LIB 703 and the names of commanders were Major Shwe Win and Tun Tun Win.

Q: What time did they come to your house?

A: They came and searched the house at about 9:00. In my house they looted 44,000 kyat, a bottle of sesame oil, 5 viss of dry fish, 4 viss of fish paste, 1 package of Ajinomoto and 2 machetes. They did not allow us to go back to the house. They said they were searching for weapons, but actually the troop looted belongings. They also accused us of hiding the members of KNU, but they found nothing and no evidence for accusing.

Q: Did the troop loot any else things?

A: They shot a pig dead that belonged to my younger brother for meat that was estimated to be worth over 40,000 kyat. But, I could not say the exact costs of the other belongings. I estimate the calculated costs to be 80,000 – 90,000 kyat. While the troop was entering my house they kicked my back and my children as well. One of the soldiers kicked my chest and the other soldier stepped on my thighs. Because I was afraid of them I did not dare to speak out. I learned that they were ordered to come here for fighting. However, when they arrived here they only practiced oppression, torture, and looted villagers' belongings.

(Source: Free Burma Rangers, 2003)

Interview #7

Name: Naw Mu Paw Loo (not real name)
Age: 45 years
Religion: Buddhist & Animist
Village: EEEE village, Pa'an District, Karen State
Occupation: Farmer
Number of family: 8 persons

Q: Can you tell us about what the BA troops did in your village?

A: The BA troops entered the village and asked me to attend my house. They accused that I did not allow them to attend the house and I would cut them with a knife, then they took the ladder away. After that they called the family down to the ground. We had to jump down to the ground due to the ladder having been taken away. When I was on the ground they accused me of being a wife of a Karen resistance member and then they beat me with the gun butt. Soon, after that the village headman arrived and asked the troops why I was beaten. The troops told the village headman that it was because weapons were found in the house and they would be cut with a knife. So, they beat me. The village headman knew I would be beaten more if he asked any more. The troops looted from my house, 13,000 kyat as well as 3 female sarongs, 3 blankets, 3 male sarongs, 2 towels, 1 basket of rice (1 basket = 32 kg), and 2 chickens. All belongings together were worth 50,000 kyat. They threatened the villagers that they would burn down the village if the KNLA attacked during the time they were in the village. They also accused EEEE village of supporting the KNU. They told the villagers to eat or destroy all their belongings. The BA troops often come and demand food from the villagers' farm huts that are located close to the motor road.

(Source: Free Burma Rangers, 2003)

Interview #8

Name: Naw Mu Mu (not real name)
Age: 32 years
Religion: Baptist Christian
Village: EEEE village, Pa'an District, Karen State
Occupation: teacher
Number of family: 1 person

Q: Can you tell us about the BA troop entering and looting in your village?

A: On 15 July 2003, a troop of BA soldiers came to our village and looted from me: 1 towel, 7,300 kyat of schoolchildren's school fees as well as a teacher's (friend of mine) 1 towel, 1 wristwatch, and 1 torchlight.

Q: Can you mention the troop, its base and commanders' name?

A: It was a troop from BA LIB 703 and commanded by Officer Tun Tun Naw and Tun Tun Win. The troops did not loot only from us but they looted the other villagers' cash, jewelry, and belongings also. In the village they shot to death villagers' domestic animals such as chickens, ducks and pigs for meat. Moreover, they tied up the men, then beat and tortured them severely, even the pregnant women they tortured as well.

(Source: Free Burma Rangers, 2003)

5.13 Documents and Orders

Order # 1

Western Division Military Headquarter:
No. (2) Military Strategy Command

Date: 8-1-2003

To:

Chairman
..... village

Subject: Sending the wood, bamboo and leaves to the military camp:

Confirm with the Chairman to arrange and send the wood, bamboo and leaves as follows, from the village for building the A-nan-kwin military camp. The materials of wood, bamboo and leaves must be sent on 21st January 2003 without failure.

The required materials are;

- | | |
|---|----------------|
| 1. 9 feet length and 45 inches round of wood | - (3) poles |
| 2. 6 feet length and 54 inches round of wood | - (3) poles |
| 3. 12 feet length and 18 inches round of wood | - (10) poles |
| 4. 6 feet length and 18 inches round of wood | - (38) poles |
| 5. 2 feet length and 36 inches round of wood | - (20) poles |
| 6. 12 feet length and 36 inches round of wood | - (10) poles |
| 7. 6 feet long of wood of wrist measurement | - (70) poles |
| 8. Leaves for the shelters | - (300) sheets |
| 9. Bamboo | - (80) poles |

Signature:

Camp in charge

A-nan-kwin military camp

(Source: BLC, 2003)

Order #2

To: Chairman

_____ Village

Date: 24 February 2003

Subject: Transporting 500 pieces of roofing to the camp

I am informing you that you must send 500 pieces of roofing in one or two days and you must not be absent.

Camp Leader
Anandway Camp

(Source: KHRIC, 2003)

Order #3

To: Chairman

_____ Village

Date: 20 September 2003

You must send the betel nut and hammocks that Captain Thein Htun asked for immediately.
Note: send one chicken for him as well.

Anandway Camp

(Source: KHRIC, 2003)

Order #4

To: Chairman

_____ Village

September 21, 2003

Subject: Bring 50 Myo Trees and you will get a package of rice as you asked.

1. In early September, before the 13th, the Chairman disappeared at the Anandway camp football match evening meal. Tomorrow, September 22, 2002, you must come to Anandway camp to get rice and I am letting you know that you must bring 50 Myo trees, measuring 5 Thaung (length of forearm) and 3 Htwa (measure of circumference). You must not come later than the 3rd waning of September.

Camp Commander
(Instead of)
Anandway Camp

(Source: KHRIC, 2003)

6. Rights of the Child

“As long as the dictatorship continues to devote half of its budget to military expenditure and to flagrantly violate human rights, Burmese children will continue to be denied proper health care and education, and child labor will remain a major problem. As for any country, the children of Burma are its future. They are direct victims of the acts of violence committed by the military dictatorship and its deplorable management of the country.”

(Source: Grumiau, Samuel, “Growing Up Under the Burmese Dictatorship,” International Confederation of Free Trade Unions, August 2003)

6.1 Situation of Children in Burma

A large segment of Burma’s population is made up of children, with 42% under the age of 18 years. While according to traditional culture children are valued and cherished in Burma, the ruling military dictatorship does not regard children’s development and welfare as a priority. As Burma became a signatory party to the UN Convention on the Rights of the Child (CRC) on 15 August 1991, they are bound to uphold its mandates. The CRC affirms that every child has the right to protection, the right to life, and the right to survival and development. The CRC also specifically refers to the protection of children in armed conflict and mandates that no child under 15 should take part in hostilities; that children should not be separated from their parents except for their own well-being; that States should protect children from harm and neglect; and that all children should be entitled to the rights enshrined in the convention, without discrimination. The SPDC, (then SLORC) established a new Child Law on 14 July 1993, in order to “implement the rights of the child recognized in the Convention.” The child law states, “The State recognized that every child has the right to survival, development, protection and care, and to achieve active participation in the community.” (Chapter 5, paragraph 8) However there is striking evidence that the SPDC continually flouts both the CRC and their own Child Law.

Almost half of the state budget is allocated to the army, despite the fact that the country is not exposed to any external threats, leaving very little for the vital education and health care systems. Decades of military mismanagement of the economy has resulted in a catastrophic economic situation and is forcing the vast majority of parents to rely on the contribution of their children working in order to feed their families. The worst forms of child labor – whether in the army, the construction industry, domestic work, the mines or elsewhere – are present throughout Burma. Children are by no means exempt from the forced labor imposed on hundreds of thousands of the Burmese population by the Tatmadaw or armed forces. Moreover, the SPDC continues unabated to forcibly recruit children into the army, some as young as eleven years old. Boys are not the only ones exposed to abuse by the military as young girls are frequently forced to serve as porters and sexual slaves for army troops.

Ethnic minority children are often more vulnerable to abuse due to the fact that the on-going civil war is often fought in ethnic minority areas. In addition to contending with the discrepancy between access to social services available to the military and civilian populations, ethnic minorities face the more direct consequences of internal conflict. Children living in ethnic minority areas, like other members of their communities, continued to be subjected to physical injury, torture, rape, murder, forced labor, and forced relocation.

Children in these areas were also forced to witness atrocities carried out against their family and community members; to endure separation from their families and communities; and to suffer from extremely limited access to health care, education, housing, and food. There can be no improvement in the situation for the children of Burma without a radical change in the government and progress towards democracy.

6.2 Status of Education of Children in Burma

"The junta's neglect of the sector has made the country's education system worse than it ever was. They never spend enough money on education."

- Dr Thein Lwin, from the Teacher Training for Burmese Teachers Program (Source: Moe, Kyaw Zwa, "Junta Blamed for Education Woes," *Irrawaddy*, 14 May 2003)

On 30 August 2003, newly appointed Prime Minister, General Khin Nyunt, claimed in a speech that since 1988 the military regime has opened over 6,000 new basic education schools, increased the number of teachers by 49,000 and increased the number of students attending primary school by 2.3 million. In addition, Khin Nyunt indicated that the regime has opened over 122 new universities and colleges and increased opportunities for technical and computer education (source: *Under Pressure*, ALTSEAN, July-September 2003). Yet, at the same time, the population of Burma has increased from 48 million to 56 million. The reality of the education system in Burma is far from satisfactory and does not serve the needs of most children (source: *Burma's Child in Education*, ABFSU, August 2003).

The Burmese government spends 7 times less on education than on the armed forces. In 1998-99, 6.98% of the state budget went to education as compared to 49.93% for defense. Since 1990, government expenditure on civilian education has dropped by 70 percent, and the most recent statistics indicate that spending on education is currently equivalent to less than 1% of the GDP. According to World Bank figures, Burma's military government spends only \$0.28 per year for every child in a public school. In order to uphold the standards set out in the UN Convention on the Rights of the Child, the SPDC must focus both greater energy and funding on increasing access to basic education for all children. (Source: Zin, Min, "Hard Lessons," *Irrawaddy*, Vol 11. No. 6, July 2003)

A report commissioned by the International Confederation of Free Trade Unions, "Growing Up Under The Burmese Dictatorship," indicates there are approximately 39,000 state-run primary schools in the country, or one for every two villages. Only 46% of them have toilets, and 17% have running water. Children who live in remote areas may have to walk hours to even reach a school and UNESCO estimates that some 2,000 villages are more than 3 kilometers from the nearest school. The problems are even greater in secondary schools, of which there are fewer than 3,000 in the whole country. UNICEF notes that according to a joint inquiry by the Ministry of Education, the UNDP and UNESCO, 57% of schools are overpopulated due to inadequate buildings. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

Due to scarce resources and inadequate funding, the school system is unable to provide for the needs of Burma's youth. Drop-out rates in Burma are among the highest in Asia, with poverty being the main reason why students are unable to complete their studies. Many children do not attend school at all, and the majority does not complete their high school

education. According to UN figures, a startling 98% of Burmese students drop out before finishing high school. Even at the primary level of education, only relatively well-off families are able to afford to send their children to school. Government figures indicate that less than 55% of children registered in a school complete primary education. In 1999, 75% of children between the ages of 5 and 9 went to school, while the numbers reduced to 35% of 10 to 13-year olds and barely 26% for 14 and 15-year olds. This means that 750,000 Burmese children drop out of primary education every year, with 630,000 of these children coming from rural regions. (Source: *Children and Women in Myanmar: Situation Assessment and Analysis*, UNICEF Myanmar, April 2001)

Parents who cannot afford to send all their children to school often choose to educate their sons over their daughters. As a result, less than one third of all female students who begin primary school manage to graduate (source: CEDAW, 2002). The high drop out rate of female students stems from traditional beliefs about gender roles as well as early marriage and pregnancy of girl students. Most girls and young women are expected to manage both educational and domestic responsibilities, which often results in poor scholastic performance and leads them to drop out of the educational system. A young mother of two laments, "The cost of education is too high. I can't afford to send both of my children to school. I know it is sad and unfair to my daughter, but I have to take her out of school so that my oldest son can go onto the ninth grade." This mother lives in Shwe Pyi Thar, a new satellite township in Rangoon where she runs a clothing store at the local market. "I have educated my daughter up to the fourth grade, but now she'll have to help me in the store," (source: Zin, Min, "Hard Lessons," *Irrawaddy*, Vol. 11 No. 6, July 2003).

According to official propaganda and national law it is the government's policy to provide free education to all children. However, in reality parents are forced to pay enrollment fees, most of the costs associated with building, maintaining and equipping schools, along with provision of school supplies, uniforms and the wages of the teachers. A recent education report, published by the Foreign Affairs Committee of the Thai-based All Burma Federation of Student Unions (ABFSU), indicates that parents must pay an initial 3,000 kyat (US\$3) enrolment fee for primary education, and then continue to pay at least 500 kyat per month for in-school tuition. An average Burmese salary is between 5,000 and 6,000 kyat per month, making it not only difficult to afford education, but often impossible (source: Zin, Min, "Hard Lessons," *Irrawaddy*, Vol. 11 No. 6, July 2003). In rural and ethnic regions education is an even greater financial burden on the community, as the government assumes even less financial responsibility there by promoting so-called "self-reliance" programs, where the funds for the school are collected directly from the community (source: *Burma's Child in Education*, ABFSU, August 2003).

Along with enrollment fees and tuition, parents are often expected to pay additional expenses, such as for IT equipment. Some schools may ask for a contribution towards computers, although they are not always purchased, the school may lack electricity, or there is no teacher actually capable of using a computer. Parents are also forced to make yearly contributions to the parent-teacher association, as well as the compulsory membership to the State sponsored Union Solidarity and Development Association (USDA), which is the junta's civilian wing established to support the activities and policies of the SPDC. Another hidden cost includes the purchasing of exam questions in advance by pupils who can afford it, and even bribing teachers to receive higher marks. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

Success in school ultimately depends on the amount of financial resources the children's parents have. Because of the inadequate pay teachers receive, many resort to only teaching the most basic theoretical fundamentals during school hours and encouraging students to pay extra for evening classes where they are given the opportunity to actually ask questions and attempt exercises. On average the salary for primary school teachers is US\$5 per month and US\$6-8 for secondary school teachers. However, it takes an estimated US\$50-\$100 per month to feed a family in Burma. To supplement their incomes, teachers charge on average between US\$2-6 a month per subject and per pupil for extra lessons. Those pupils who can afford to pay for these extra lessons are far more likely to pass their exams, either due to favoritism from their teachers or because they have understood the subjects better. According to the ICFTU, approximately 50-80% of pupils attend private lessons outside of normal school hours. Children who cannot afford such lessons fear they are being discriminated against and risk losing their motivation. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

In an interview conducted by the ICFTU, a primary school teacher in Rangoon explains, "In my primary school, which achieves quite good results, the pupils need between 15,000 and 30,000 kyat (between US\$15-30) a month on average in order to attend classes, including their schoolbooks and private lessons. I know that is too much for most parents, particularly if they have a lot of children, and do not like to force the pupils to attend my private lessons, but I have no choice: after a 10-year career I only earn 5,000 kyat per month (it was 3,000 at the start of my career, but at the time the kyat was worth more). When I retire my monthly pension will only be 1,500 kyat. My rent is 28,000 kyat per month; I have to pay 52 kyat a day for the bus to and from school, plus food, clothes, etc. So to survive I have to encourage my pupils to attend my private lessons. School starts at 9:00 am and goes on till 3:30 pm, from Monday to Friday. From 3:30 to 4:30 pm I hold a first series of private lessons at the school, which cost 1,000 kyat per month. About 20 of the 30 pupils come to them. Then, from 5:00 to 6:30 pm I hold more advanced private lessons in my own home and about 12 pupils attend them, each paying 4,000 kyat per month for 3 days per week. I have to run that kind of system in order to survive myself, but it makes me sad to know that not all my pupils have the same opportunities since they cannot all afford to attend the private lessons." Such economic pressure on teachers ultimately results in inequality in the education system, in which poorer students suffer. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

Schools in Burma also face a desperate shortage of textbooks. More often than not schools use out-dated schoolbooks from the 1950s or 60s, since the government does not update them or distribute any new ones. It was reported that in some areas, students resort to drawing straws in order to get their own government-provided book. A tenth grade student at Basic High School in Tamwe Township in Rangoon, Nyein Nyein, indicated, "The unlucky ones who draw the shortest straw have to copy someone else's or buy a textbook in the market." (Source: Zin, Min, "Hard Lessons," *Irrawaddy*, Vol 11. No. 6, July 2003)

The government has also failed to invest adequately in teacher training, which ultimately results in an unsatisfactory education for the majority of children. 35% of primary teachers are unqualified. The ICFTU reports; "Teachers at a primary school we visited in Rangoon are supposed to be teaching English, but a conversation with them can scarcely go beyond the conventional "Hello, how are you? Fine, thank you." This is not because they are shy and scared of chatting to foreigners, but because their knowledge of English is purely theoretical. A private teacher of languages explains, "They just read aloud from their textbooks, and their

pronunciation is so bad that language teaching is extremely ineffective in Burmese state schools, though we were amongst the best in this field 50 years ago.” (Source: Grumiau, Samuel, “Growing Up Under the Burmese Dictatorship,” International Confederation of Free Trade Unions, August 2003)

Schools for Children of the Military Elite and Private Schools

In addition to schools for civilians, the SPDC has established a primary and secondary education system exclusively for the children of high-ranking army officers that lend to maintaining the social hierarchy. These schools have more modern equipment and offer luxury amenities, such as computers and computer training, school trips, sports, etc. The best schools require registration fees that are beyond the means of ordinary people. According to the ABFSU, these registration fees can range between US\$100-\$200 per year. At these schools children are indoctrinated to believe that the army must always be obeyed and never criticized. The children of the highest-ranking officers are occasionally able to study abroad after completion of their studies in these types of schools. (Source: Grumiau, Samuel, “Growing Up Under a Military Dictatorship,” International Confederation of Free Trade Unions, August 2003)

Aside from public schools and the SPDC’s exclusive schools, other private education institutions do exist. However this alternative is only open to Rangoon’s elite of wealthy businessmen, top-ranking officials, their close associates, and foreign diplomats. At the International Language and Business Center in Rangoon, tuition starts around 1.1 million kyat (US\$1,160) per year for kindergarten students and rises as students move onto higher grades. Many private schools cost even more, and only the upper echelon of society is capable of paying this. (Source: Moe, Kyaw Zwa, “Educating the Elite,” *Irrawaddy*, Vol. 11 No. 6, July 2003)

Young Students and Political Activism

After the 30 May massacre in 2003 and the ensuing crackdown on Burma’s opposition, including the re-arrest of Aung San Suu Kyi, the SPDC ordered schools across Burma to close their doors in an attempt to stop any dissent from brewing among students and spilling out into the streets. The Burmese military regime has continually closed down schools in order to suppress the population, particularly since the pro-democracy demonstrations in 1988 in which students played a central role and many sacrificed their own lives. Students have long been regarded as the vanguard of the pro-democracy movement. (See chapter on assembly and association for more information about the events of 30 May at Depayin.)

While schools in Burma rely entirely on teacher-centered methodologies and encourage rote learning, whereby students’ participation in the classroom is largely passive and controlled, teachers are also forced to ensure that their students do not get involved in anti-military activities. “Government policies such as militarization, Burmanization and pessimism about democracy have always been included in the curriculum, particularly in the history subjects,” (source: Zin, Min, “Hard Lessons,” *Irrawaddy*, Vol 11. No. 6, July 2003). Student Unions are strictly banned and any assembly of students, regardless of whether the purpose is artistic or social, has been banned by the government. Instead students are encouraged to conform and are frequently coerced into joining the Union Solidarity and Development Association (USDA), which means joining in activities organized by army officers and performing for high-ranking officials when they visit schools. Students are quickly indoctrinated with the

ideals of not questioning authority or thinking critically, reinforcing military ideology and rules.

In 2003, the ABFSU reported the arrest and detention of a high school student from Monywa, named Chan Thar Kyaw (age 15). He was arrested and imprisoned because of participation in a political protest on 30 May, which was the same day as the State sponsored attack on Daw Aung San Suu Kyi and members and supporters of the NLD near Depayin, Sagaing Division. (Source: *Burma's Child in Education*, All Burma Federation of Student Unions, August 2003)

Education in Ethnic Minority and/or Conflict Areas

Ethnic minority children, particularly those in areas of active conflict, suffer the most from Burma's failing education system. Children in these areas endure on-going civil war and subsequent human rights violations, including forced labor, forced relocation, rape, and summary executions. In addition, they face a lack of schools compounded by the fact that existing schools are constantly forced to shut down due to military campaigns in the area. Schools in rural regions populated by the ethnic minorities are critically under-funded and under-staffed. Attendance at such schools is also low, with just 10% of Karenni children and 20% of Karen children attending classes. The drop out rate is also alarmingly high, with just 1% of primary school students completing their secondary education. Shan children are considered among the most vulnerable and have a high level of illiteracy (source: Lwin, Dr. Thein, "Learning in a Democracy," *Irrawaddy*, Vol. 11 No. 6, July 2003). Children in rural areas are often expected to contribute to the harvesting of crops, as well as looking after the youngest members of a family, which contributes to low attendance (source: Grumiau, Samuel, "Growing Up Under a Military Dictatorship," International Confederation of Free Trade Unions, August 2003).

When the government fails to provide a school for a village, the residents may try to remedy the situation by building and maintaining their own primary school. In this case, the local residents are responsible for hiring teachers, as well as paying their salaries- sometimes with only a few bags of rice. The level of education in schools such as these is reportedly quite basic due to the lack of resources. Many do not manage to teach the students more than basic literacy. The ICFTU explains, "Sometimes the teachers themselves have not studied beyond the 6th grade at primary level, but bravely attempt to pass on what little knowledge they have acquired," (source: Grumiau, Samuel, "Growing Up Under a Military Dictatorship," International Confederation of Free Trade Unions, August 2003). Such schools' examination certificates are not generally recognized by the government or by the state secondary schools, resulting in few prospects for pupils to obtain further education. However, it is only within these independently-run schools that teaching can be conducted in an ethnic minority's mother tongue. Although the SPDC has failed to provide children from these areas with equal access to an education, the military regime is vehemently opposed to teaching in any language other than Burmese. Therefore, the Burma Army has been reported to destroy and burn down such schools when it encounters them.

The use of the Burmese language at government schools discourages and alienates many students. Teachers sent from Rangoon to rural villages often are reportedly unmotivated and unable to communicate properly with the students (source: Grumiau, Samuel, "Growing Up Under a Military Dictatorship," International Confederation of Free Trade Unions, August 2003). In addition, the SPDC's curriculum is reported to promote the Burmese language and culture, while vilifying opposition groups. Conversely, curriculum in schools run by the

ethnic groups can be extremely nationalist and is thought to promote a degree of xenophobia (source: Lwin, Dr. Thein, "Learning in a Democracy," *Irrawaddy*, Vol. 11 No. 6, July 2003).

As an estimated 600,000 - 1 million people in Burma are internally displaced persons or IDPs, children living under these conditions have virtually no access to education, adequate food or medicine. Instead they live their lives on the run from military campaigns against their communities and are forced to try and survive in the jungles. "Even though the IDPs' living conditions are tremendously challenging and they struggle daily to find food to survive, some villagers manage to set up small 'class-rooms' in the jungle, a true testimony to their determination to provide their children with an education. These schools move with the IDPs and the best educated provide lessons on the alphabet and other essentials. Several NGOs and exiled Burmese trade unions send brave activists out to the jungles to locate IDPs and provide them with bags of rice, medicine, and basic school supplies." (Source: Grumiau, Samuel, "Growing Up Under a Military Dictatorship," International Confederation of Free Trade Unions, August 2003)

Education of Children in Burma - Partial List of Incidents for 2003

Shan State

Namtu Township

At the beginning of 2003, every primary, middle and high school in Namtu Township, located in northern Shan State, was ordered to erect a stone pillar in front of the school by the township authorities. Teachers were instructed to collect 300 kyat from each student in order to build this pillar. In addition, they were ordered to purchase television sets by collecting fees of 150 kyat from each student.

Such a demand was excessive for some students. A teacher from a Palaung village explained, "If we are unable to collect the amount of money that the township authorities have requested we will have to pay with our own money. Some student didn't have enough money to pay, so we had to pay for them." She also elaborated on how her own financial difficulties were discouraging her from continuing her work. "I receive only 8,000 kyat per month from the government. It is not enough for one month." Villagers are often burdened with purchasing rice and other essentials for teachers. Most of the villagers in Shan State are poor and the price of such commodities is quite high for them. (Source: *Palaung Youth Newsletter*, PYNG, Issue #3, August 2003)

6.3 Status of Health of Children in Burma

Children often suffer the most from the government's severe neglect of Burma's deteriorating health care system. While the UN Convention on the Rights of the Child demands that children's "right to life, and the right to survival and development" are protected, the SPDC has failed to make significant efforts to ensure proper healthcare and access to such care which would protect these rights. According to the U.S. Department of State, the Government has cut official expenditures on public health care even more sharply than it has cut spending on education, with government expenditures on health care in 1998-99 equal to a mere 0.3% of the GDP. In 2001, UN sponsored studies revealed that 109 of 1,000 children died before

reaching the age of 5, and only 1 out of 20 births in rural areas was attended by a doctor. Another study conducted jointly by the Ministry of Labor and the United Nations Population Fund (UNFPA) in 2001 found that 7.9% of children under 5 years of age were severely malnourished. A report published by the Ministry of Health and UNICEF in 2000 found that nation-wide 35.3% of children under 5-years old are moderately to severely underweight, 33.9% are moderately to severely underdeveloped, and 9.4% are moderately to severely emaciated. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004).

According to UNICEF, of the 1.3 million children born in Burma every year, 92,500 die before reaching their first birthday, and 138,000 die before reaching the age of five. The infant mortality rate before one year of age was 71 per 1,000 live births in 1996 (73 in rural areas and 66 in urban areas), and the mortality rate of children under the age of 5 was 106 per 1000. The main causes of illness and death among Burma's children are pneumonia, diarrhea, tuberculosis, malaria, measles, hepatitis B and AIDS. Malnutrition also encourages the development of these illnesses, as does the lack of sufficient clean water in approximately 15,813 villages. (Source: *Under Pressure*, ALTSEAN, July- September 2003)

In 2003, more than one out of every three children in Burma who were under the age of five were undernourished, which coincides with the fact that a quarter of all families in Burma have below subsistence level incomes. This leaves the vast majority of children at a high risk for developing the above-mentioned diseases. According to UNICEF's Burma section, the majority of infant deaths are caused by lack of medical attention and knowledge. This is a direct result of lack of funding as the Government directs most state resources to military expenditures and not to healthcare. In 1998-99, a mere 2.6 % of the state budget was allocated to the health sector. The result is a health care system with insufficient facilities, too few health care workers, inadequate health education programs and lack of rural services. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

According to the Burmese government's figures for 1999, the public health system had 6 hospital beds, 3 doctors and 2 nurses for every 10,000 inhabitants. Yet, healthcare infrastructures are unevenly distributed with children living in border areas or predominately ethnic-minority areas having the least access as well as being the most vulnerable, with only one hospital for every 132,500 inhabitants and one rural health center for 221,000 people. Children in these areas are not only exposed to the dangers of armed-conflict, such as landmines and crossfire, but access to immunizations and medical treatment is usually unavailable as government hospitals are unlikely to be built in these areas. In addition, most international aid organizations are denied access to conflict areas where the need for health care is the greatest. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

Children and HIV/AIDS

The Burmese government has only recently begun to acknowledge that HIV/AIDS is a health issue that must be addressed. According to Burma's Ministry of Health, there are 180,000 people infected with HIV/AIDS in Burma. UNAIDS estimates the figure to be somewhere between 170,000 and 420,000 people. However, researchers at the Johns Hopkins School of Public Health contend that using a "conservative approach" as many as 832,100 individuals could be HIV positive (source: "AIDS in Burma 2003," *Irrawaddy*, December 2003).

UNICEF reports that the most common mode of HIV transmission to children under 15 years of age is from their mothers, which is preventable.

Children with HIV/AIDS not only face difficulties in obtaining adequate healthcare, but they also face difficulties accessing government services because of the social stigma associated with the disease. The British Ambassador to Burma, Vicky Bowman, explained, "It saddens me when I hear that some local orphanages and hospices, who have overcome bureaucratic obstacles to provide care to the vulnerable, nonetheless won't take children whose parents have died of AIDS, let alone treat and care for those in the final stages of the disease. It seems to stem from a deep-rooted attitude that anyone who suffers from HIV/AIDS has brought it on themselves and doesn't deserve help." (Source: "An Interview with Vicky Bowman," *Irrawaddy*, May 2003)

With rising numbers of Burmese children being trafficked into the sex industry, children are also increasingly vulnerable to contracting HIV/AIDS inside Burma and abroad. The AIDS epidemic has sadly fuelled the demand for young prostitutes who are mistakenly believed to less likely be infected. The demand in neighboring countries for young 'virgin' girls, increases the likelihood that children trafficked will be sold multiple times to customers who will have unprotected sex with them. (For more information on child trafficking see section on child trafficking further in this chapter and for more information on HIV/AIDS see Chapter on the Situation of Health and Education)

In Shan State, it was reported that authorities began to encourage teachers to include HIV/AIDS education in their curriculums, in order to achieve their HIV/AIDS eradication campaign that is supported by international humanitarian aid. However, it is not known how much support the teaching staff is receiving to achieve this end. Moreover, the curriculum is taught in the Burmese language at government schools, making it difficult for Shan children to understand. (Source: *Palaung Youth Newsletter*, Issue #3, PYNG, August 2003)

6.4 Children in Prison and Labor Camps

Children in Prison

In 2003, the youngest political prisoner in Burma was born. At the end of 2002, Ma San San Maw, an NLD member, was arrested by Military Intelligence (MI) in Rangoon for complaining about the state of the economy in Burma to authorities as she stood in line for rice. She was sentenced to prison for her complaints. On 4 October 2003, she was hospitalized in Insein and gave birth on 5 October to a baby boy, who she named Aung San Oh Wei in honor of Burma's national hero, General Aung San, the father of Aung San Suu Kyi. The day following the birth, they were sent back to Insein Prison making new born Aung San Oh Wei the youngest political prisoner in Burma. Prior to the birth of Aung San Oh Wei, the youngest political prisoner was three-year-old Ma Thein Wunna Khin. She was held by the authorities when her father, Ko Kyaw Wunna of Pegu, fled to Thailand after he was accused of distributing political pamphlets. When a mother is arrested in Burma, it is common for her young children to stay with her inside her prison cell so that she can continue to care for them. (Source: "The Youngest Political Prisoner in Burma," DVB, 14 October 2003)

Women and their children face extreme difficulties and suffer from diseases while in Burmese prisons due to the inadequate health care, unsanitary conditions and lack of nutritious food that all prisoners must endure. The Democratic Voice of Burma interviewed Daw Khin San New, who was arrested and imprisoned in 1989 while she was pregnant and later gave birth in prison, about prison conditions. Daw Khin San New reported, "After I gave birth to my baby, they didn't give me enough water. It was very difficult to wash my baby and the nappies. If I used clean water, they beat me up. I could have used dirty bath water but I didn't like to do it. I had to let them beat me up so that I could wash my baby. I was not allowed to dry my baby clothing for three consecutive days when the official came to visit the prison. There were TB sufferers in the prison. The children were affected badly. Babies suffered from TB and skin diseases. The food was very poor for the mothers. They only gave us small boiled eggs sometimes." (Source: "The Youngest Political Prisoner in Burma," DVB, 14 October 2003)

Children in prison have no access to medicine, besides that provided by family members. The majority of these children suffer from malnutrition. No provisions are made for children's development; there are no books or toys, and children's movements are restricted to inside the cells. Upon reaching the age of five, children are taken away from their mothers and put into the care of social services if there are no relatives to take responsibility for them. Some reports indicate that children are sent to orphanages, while others are sent to military training camps and are later forced to become child soldiers (source: "The Youngest Political Prisoner in Burma," DVB, 14 October 2003). In addition, women giving birth in prison do not receive adequate pre-natal care and during birth they are only assisted by a midwife, who is a fellow prisoner. A high number of children born in prison die during childbirth due to complications.

Juvenile Prison Laborers

There are also an unknown number of juveniles serving time for petty offences in prison labor camps. Conditions in prison labor camps are notoriously difficult, and there are no special provisions made for underage prisoners. Children are sentenced for different reasons, such as not registering with local authorities or fleeing the army after forced conscription. Ethnic children are particularly targeted in certain areas. The situation in labor camps is dire, with many adults and children dying due to the extremely harsh conditions of the work environment. Long hours with no breaks while performing dangerous work, combined with inadequate food, physical abuse, exposure to infectious diseases and a total lack health care, results in an especially vulnerable position for such children. There are no figures available for the child deaths in labor camps.

Child Soldiers in Prison

If a young boy is caught trying to escape serving in the army he is given a choice; either return to the army to face further abuse, or serve time in prison, after which they will be free to leave. Many child soldiers choose the second option, believing that life away from the army can only be an improvement. However, former child soldiers in prison often face further abuses at the hands of criminal prisoners. With minimal or no protection from the prison authorities, former child soldiers have reported that rape and physical abuse occur regularly.

6.5 Child Labor

“When the orders arrive during the harvesting season, the parents may have no alternative but to keep working in their fields if they want to have something to eat during the months that follow, so they have to send their children in their place to work for the SPDC. The same happens when the father is dead: the mother cannot leave the children at home alone, so has to send her eldest son. Sometimes orders are received to send one person per family.”

- A Shan woman exiled in Thailand explains children’s role in government forced labor. (Source: Grumiau, Samuel, “Growing Up Under the Burmese Dictatorship,” International Confederation of Free Trade Unions, August 2003)

As the economic conditions have continued to deteriorate in Burma, and poverty has become endemic, children are often needed to work in order to raise enough income for families to survive. Other children are forced to work to simply support themselves, after being orphaned. According to 1992 UNICEF data, it has been estimated that as many as 4 million of a total 11.8 million school-age children may be working in Burma. Although the law sets a minimum age of 13 for the employment of children, in practice the law is not enforced. In addition, Burma has not ratified either the ILO Convention 138 concerning the minimum age, or Convention 182 on the worst forms of child labor. However, Burma has ratified the UN Convention on the Rights of the Child (1991). Despite this, children are still frequently seen working on the streets, and begging to supplement their family income. (See section on Begging)

In a report published this year by the International Confederation of Free Trade Unions (ICFTU), researcher Samuel Grumiau explains, “In the context of the dire economic climate that prevails as a result of the military dictatorship’s policy, the income of the adults alone is no longer enough for most families to live on. Within Burmese society, children have traditionally been allotted certain tasks such as helping their parents during harvests, fetching water, caring for their younger brothers and sisters, etc., but in the current context many children are deprived of any chance of attending school and are obliged to enter the employment market as of age ten. The majority give their wages to their parents.” (Source: Grumiau, Samuel, “Growing Up Under the Burmese Dictatorship,” International Confederation of Free Trade Unions, August 2003)

According to the ICFTU, 70% of the Burmese population lives in rural areas, and as a result it is quite common for school age children to work on their family’s farm or contribute to the family’s livelihood in some manner. Children in urban areas can be found engaged in various sectors such as food processing, street vending, refuse collecting, light manufacturing, and employed in the restaurant trade. Urban establishments regularly employ those from poorer and more rural areas who migrate to the city in search of greater prosperity. Children who accompany their families usually travel from one place to another in search of work with their parents. Consequently, many of these children have never attended primary school and lack access to both education and vocational training, as well as access to any kind of health care. (Source: Grumiau, Samuel, “Growing Up Under the Burmese Dictatorship,” International Confederation of Free Trade Unions, August 2003)

Children can also be found working as domestic servants in Burma’s towns and cities. Some of these children have been recruited by intermediaries that travel around poorer rural areas searching for pools of laborers, especially in the North. Children are also often seen on the

street or at roadside stalls selling goods. Many children work along-side their parents or run the small family-business themselves on behalf of their families. While these children would ideally be in school, they are forced to bring in whatever income they can to help their families. Very young children can be found selling souvenirs and food in tourist areas. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

When parents work in factories they may ask their employers to also hire their children. Due to the lack of regulations of industries, as well as workers rights or unions, few companies take into consideration the age of those they employ, especially when they are not directly producing goods for export. The safety conditions found in many factories are deplorable. The ICFTU reported that in a Rangoon glassworks, children as young as 14 earn 300 kyat (US\$0.30) per day for melting glass all day without wearing any protective gear. In that same plant, mothers who have just given birth bring their newborns with them to the factory and place them meters from furnaces to monitor them while they work. Other forms of employment that expose children to serious hazards are the construction and mining industries. As there is little government regulation, employers are free to hire children and fail to provide their employees with safe working conditions. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

While inside Burma it is uncommon to find children working in the sex-industry, young girls are sold to brokers and transported to nearby countries such as Thailand and Bangladesh to work in the sex industry. According to UNICEF's Burma section a number of prostitutes in Rangoon claim to have begun prostituting at the age of twelve. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003) (See section on trafficking)

In addition to working to support their families, children, like adults, are often pressed into service to carry out forced labor for the military and into working in military owned industrial zones. Despite the SPDC's pledges to stop child labor and orders banning forced labor, authorities continue to force both children and adults to work without pay on military and government projects including infrastructure development projects, income generating projects for the military, and to provide support for military operations. The U.S. Department of State reported that on 16 August, a 15-year-old student and 3 or 4 other youths disappeared from a Rangoon teashop, and are believed to have been forcibly taken by government authorities for military portering. The boy's family has not been able to locate him and his whereabouts remain unknown. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

Forced labor includes such work as portering, road construction, sanitation and building maintenance for military camps, building construction, acting as messengers and various other chores for military personnel. Child porters and soldiers alike are forced to carry loads much too heavy for them while walking extremely long distances. They are commonly beaten by officers when they are unable to keep up with the physical demands placed upon them. Children are used as landmine sweeps and human shields under enemy fire. In this situation children are exposed to mistreatment, physical abuse and sexual assault. Young girls may be used as sexual slaves when forced to provide labor to the military. The ILO has

repeatedly condemned the use of child labor in Burma, and specifically called on the SPDC to demobilize and rehabilitate all child soldiers. (See section on Child Soldiers)

In many cases, when the military demands forced labor from families or villages, children are sent, either to free their parents to work for the family's livelihood, or to ease the burden on the village. At particularly busy times in the harvest, men must stay and finish work in the fields in order to guarantee a source of food and income for the family. At these times it is especially common to see children doing forced labor in place of adults. When a village is assigned a particular task, such as building a road or a ditch, they may be given a limited amount of time, or may wish to have it completed as quickly as possible, so as to return to their own work. Subsequently when this situation arises, children are sent out to work with their families. (See chapter on forced labor for more information)

Forced Labor Involving Children - Partial List of Incidents for 2003

Pegu Division

Toungoo District

On 2 June 2003, SPDC troops from IB 92 based in Kaw Thay Der, Kler Lar forcibly seized 250 villagers, including men, women, and children. These villagers from Tantabin Paw Ta Tu Township in Toungoo District were forced to porter and carry food rations for the troops from Klerlar upwards to Tha Aye Hta and Wah Soe villages, where the army's frontline camp was located. (Source: KORD, 2003)

On 9 July 2003, SPDC troops from IB 92 base in Kaw Thay Der, led by Warrant Officer Htun Wae, again forcibly collected villagers from nearby Kaw Thay Der village, in Tantabin Township of Taungoo District, and ordered them to carry military ammunition up to their front line camp at Naw Soe. This time the villagers included three female children: Naw Naw S'pyah (age 15), Na Sa Ri (age 13), and Naw Moo Paw (age 15). (Source: KORD, 2003)

6.6 Child Soldiers

"Burma has a poor human rights record, but its record on child soldiers is the worst in the world.... To be a boy in Burma today means facing the constant risk of being picked up off the street, forced to commit atrocities against villagers, and never seeing your family again."

– Jo Becker, advocacy director of the children's rights division at Human Rights Watch (Source: Rand, Nelson, "Myanmar Child Soldiers Face Uncertain Future After Forced Conscription," AP Worldstream, 4 May 2003)

International law prohibits the recruitment of children under the age of 15 into the armed forces. Such recruitment has been recognized as a war crime under the statute for the International Criminal Court. In 2000, the United Nations General Assembly adopted an optional protocol to the Convention on the Rights of the Child that raised the minimum age for participation in armed conflict to 18, and prohibited all forced recruitment of children below age 18. Burma is a party to the Convention on the Rights of the Child, but has not yet signed and ratified the optional protocol. The International Labor Organization's Worst

Forms of Child Labor Conventions, adopted in 1999, recognizes the forced recruitment of children under the age of 18 for use in armed conflict as one of the worst forms of child labor.

In 2002, the State Peace and Development Council (SPDC) claimed that the army was comprised entirely of volunteers aged 18 and older. In May 2002, the Permanent Mission of the Union of Myanmar to the UN stated, "the Government prohibits the enlisting of recruits under the lawful age [of 18 years]. The under age are not allowed to apply for recruitment. Action is taken on any infringement of the Regulation under the Defence Services Act," (source: *Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict*, Coalition to Stop the Use of Child Soldiers, 16 January 2004).

Despite mounting evidence, the SPDC continues to refuse to acknowledge the problem of child soldiers in their country. In response to *My Gun was as Tall as Me*, a report on child soldiers published by Human Rights Watch in 2002, Col. Hla Min the deputy head of the Ministry of Defense's international affairs department said, "I am totally flabbergasted at the assertions in the Human Rights Watch report. The Myanmar Defense Forces does not recruit underage and, in fact, MDF is a voluntary army. Today, after 98 percent of all the insurgents have made peace with the government, there is not much need for recruitment as accused by certain quarters." Again, U Kyaw Tint Swe, Burma's ambassador to the United Nations, in a statement to the U.N. Security Council on 14 January 2003 said, "there is no credible evidence of the use and recruitment of children by the Myanmar armed forces." (Source: Nakashima, Ellen, "Burma's Child Soldiers Tell of Army Atrocities," *Washington Post*, 10 February 2003)

The law in Burma stipulates that recruiters are subject to imprisonment for up to seven years for recruiting children. In practice, the law is routinely ignored and recruiters receive incentives in the form of cash and bags of rice for every recruit—regardless of age—that they deliver to recruitment centers. Human Rights Watch has estimated that children may account for 35 to 45 per cent of new recruits into the national army, or 70,000 or more of Myanmar's estimated 350,000 soldiers (source: *CRC Briefing*, Coalition to Stop the Use of Child Soldiers, February 2004). There is no evidence of any recruiters actually being sanctioned or punished for recruiting children. Without a credible threat of criminal or disciplinary action, many recruiters will continue to seek out children, some as young as eleven years old, who are especially targeted as they are easily intimidated by threats and lured by false promises. Children may be promised a good wage and a better life, or they may simply be threatened with prison if they refuse to join the armed forces (source: Becker, Jo, "Children as Weapons of War," *World Report 2004*, Human Rights Watch, January 2004).

In 'A Gun as Tall as Me', advocacy director for the Children's Rights Division of Human Rights Watch, Jo Becker, writes that Burma is the world's single largest users of child soldiers. This accounts for approximately one-fourth of the 300,000 children currently believed to be participating in armed conflicts around the world. Since 1988, Burma has doubled the size of its army, and concurrently, the number of child recruits continues to grow. "Forced recruitment of children by government forces is so widespread that the United Nations secretary-general recently placed Burma on an international list of violators that flout international laws prohibiting the recruitment and use of children as soldiers." (Source: Becker, Jo, "A Gun as Tall as Me," from Human Rights Watch, *Asian Wall Street Journal*, 20 January 2004)

In the past, Burma and its political allies have been able to persuade the UN Security Council that Burma's armed conflict is an internal matter that should not concern the Council. Yet, the Security Council has begun to reject that argument in the face of ample evidence of blatant violations against children in conflict. In 2003, the Security Council asked the Secretary-General for a progress report on governments and groups known to recruit and use child soldiers. The Security Council indicated a willingness to engage in dialogue with such parties to develop action plans to end child-soldier use. The Council also stated its intention to consider additional steps if no progress was made, including possible sanctions. Comparatively, in other countries where child-soldier use is also widespread, programs have been enacted to demobilize child soldiers and help them reintegrate into their communities. However in Burma, no such programs offering critical assistance (namely disarmament, demobilization, and reintegration or DDR) to former child soldiers exist. (Source: Becker, Jo, "A Gun as Tall as Me," from Human Rights Watch, *Asian Wall Street Journal*, 20 January 2004)

The Security Council's initiative to publicly list and "name and shame" countries which use child soldiers intended to hold abusive parties responsible, and was the first time that the Council had taken such action. In an address the Council, UN Secretary-General Koffi Annan said, "By exposing those who violate standards for the protection of children to the light of public scrutiny, we are serving notice that the international community is finally willing to back expressions of concern with action." While the actions of the Security Council will possibly foster a climate to persuade offenders to implement reform in their nations, these initiatives require systematic application, cooperation from third party governments, and follow-through to be successful. (Source: Becker, Jo, *Children as Weapons of War*, Human Rights Watch World Report 2004)

In April 2003, the United Nations Commission on Human Rights also adopted resolution 2003/12 which deplored continuing human rights violations in Burma, including the "systematic use of child soldiers," and called on the government to take immediate action to end the use of forced labor, including by the armed forces, (Source: *Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict*, Coalition to Stop the Use of Child Soldiers, 16 January 2004).

Child Soldiers in the Tatmadaw

"If a bad person gives an order, you have to follow it. If he says burn the village, you have to burn it. If he says kill a person, you have to do it."

– Aung, former child soldier recruited at age 14 (Source: Nakashima, Ellen, "Burma's Child Soldiers Tell of Army Atrocities," *Washington Post*, 10 February 2003)

"If a boy refused to eat his food, was late or missed a task, the other soldiers would often be forced to beat the victim with bamboo strips or a whip, Naing said. There were other forms of punishment, the former soldiers said, such as jumping in the sand like frogs for 10 minutes, or lying flat on the ground and staring at the sun. One boy was stripped naked, his hands and legs tied, Naing recalled. After 20 or 30 blows, his skin was bloody. An officer rubbed salt into the wounds on his back. The boy screamed in pain. Hours later, he was dead."

(Source: Nakashima, Ellen, "Burma's Child Soldiers Tell of Army Atrocities," *Washington Post*, 10 February 2003)

The national armed forces of Burma, or Tatmadaw, has the overwhelming majority of Burma's child soldiers serving in its ranks with an estimated 70,000 children. These children, some as young as eleven, are commonly abducted by recruiters from public places such as off the street, in train stations, ports, teashops, and even schools. In ethnic areas the Tatmadaw systematically sets quotas for the recruitment of new soldiers and porters, and prior to launching new offensives there is great pressure to increase troop numbers. Children are taken in Rangoon, as well as from Outer Burma, and are refused contact with their families, some never seeing their parents again. Soon afterwards the new recruits are sent to the front lines, usually ill-trained and ill-equipped. Sometimes even amphetamines are reportedly fed to these children to make them more aggressive and willing to fight. (Source: Nichols, Hans, "Real Guns for Burma's Lost Boys," *The Times* (London), 3 January 2003)

Under the control of the Tatmadaw, these children experience frequent beatings, systematic humiliation during training, are cheated of their wages, and are forced to participate in armed conflict and human rights abuses against civilians. Children fight, carry weapons, lay and clear landmines, and suffer as slaves and porters for army troops- all of which may have serious and deadly consequences. They endure a harsh and isolated existence, and have no means of escape. Children suspected of desertion are subjected to physical abuse and beatings, long prison terms, forced re-recruitment, and in some cases summary execution. (Source: *Child Soldier Use 2003: A Briefing for the 4th UN Security Council Open Debate on Children and Armed Conflict*, Coalition to Stop the Use of Child Soldiers, 16 January 2004)

Nay, currently a refugee in Thailand and forcibly conscripted at age 13, reported his own experiences. "The officers used to beat us for all sorts of reasons, especially when they'd been drinking. We were paid next to nothing, they refused to let us contact our parents and we had to mistreat villagers, impose forced labor on them and beat them if they were not efficient enough. Then, during the night in the barracks I could sometimes hear the cries of someone or other being tortured. There were sometimes battles with ethnic armies; I was terrified. I still have nightmares about it now, I see the images over and over again, and hear the sounds of all the horrors." (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

Human Rights Watch reported a story of a boy recruited at age 13 while attending a festival with friends. He indicated that recruiters threatened him and his friends with jail time if they refused to join the army. He said, "We were all students so we showed our student cards, but they tore them up. Then he [a corporal] threatened us and showed us his gun. We were afraid, so we agreed. We didn't dare try to run away." (Source: Becker, Jo, "A Gun as Tall as Me," from Human Rights Watch, *Asian Wall Street Journal*, 20 January 2004)

Child soldiers are forced to follow officers' orders to commit human-rights abuses against civilians, including rounding up villagers for forced labor, burning villages, rape, and carrying out executions. One 14-year-old boy described witnessing his unit massacre a group of 15 women and children during operations against ethnic Shan in Shan State. He said that the soldiers blindfolded the women, "then six of the corporals loaded their guns and shot them. They fired on auto. The women had no time to shout. I felt very bad because there were all these people in front of me, and they killed them all. After the mothers were killed they killed the babies. They swung them by their legs and smashed them against a rock." (Source: Becker, Jo, "A Gun as Tall as Me," from Human Rights Watch, *Asian Wall Street Journal*, 20 January 2004).

Following Human Rights Watch's 2002 publication, *My Gun was as Tall as Me: Child Soldiers in Burma*, several ex-child soldiers along the Thai-Burma border were interviewed in 2003 by various journalists. One 14-year-old boy named Kyaw Zay Ya was interviewed by journalist Ellen Nakashima. The interview revealed, "He was taught how to hold an assault rifle and aim it at an enemy. He was taught how to pull a trigger, aim at the next enemy and pull the trigger again. He learned all this, he says, by the time he was 12, when he was officially declared a soldier of Burma and sent to the front lines of a long-running civil war." Kyaw was "press-ganged into the army at age 11, took part in combat repeatedly and felt afraid and very far from home." (Source: Nakashima, Ellen, "Burma's Child Soldiers Tell of Army Atrocities," *Washington Post*, 10 February 2003)

Another boy interviewed by journalist Ellen Nakashima following Human Rights Watch's report, Naing Win, was forcibly recruited at age 15 after being stopped by authorities without an identification card in a train station in Mandalay and told he could join the army or go to prison. He reported that by age 16 he was ordered to fight on the frontlines and forced to take amphetamines with whiskey by his commander. He reported that during one clash, he was ordered to throw grenades at the enemy but was so high on amphetamines, that he was throwing stones. In addition, he indicated that he forgot to remove the pin from one grenade before he threw it and was ordered to retrieve it and do it again. Following a battle with ethnic Karenni rebels, which his unit won, he reported that his commander ordered 40 villagers to be human mine sweepers causing many to die or lose limbs because of the explosions. He also reported witnessing the rape of Karenni women and was told by a general "that raping women serves 'to give the soldiers energy'." (Source: Nakashima, Ellen, "Burma's Child Soldiers Tell of Army Atrocities," *Washington Post*, 10 February 2003)

While some boys have been taken off the street, others have gone through extensive military training government-run schools for children. The Ye Nyunt (Brave Sprouts) Youth program is a network of military training camps for children based at army camps. Children who graduate from such schools are likely to join the military upon completion of their studies. Human Rights Watch reported Ye Nyunt camps in at least five locations in Shan State, as well as additional camps in Kayah and Chin States, and Rangoon and Tenasserim divisions. Witnesses have reported children as young as four-years-old at such camps receiving schooling as well as military training. The majority of the children enrolled in this program are orphans or street beggars, and therefore especially vulnerable to recruitment with no one else to care for them (source: *CRC Briefing*, Coalition to Stop the Use of Child Soldiers, February 2004). Some children attending these youth military training camps are also reportedly sent to the frontlines before they reach the age of 18. One former attendee of the youth military training camps reported that he was taken at age 14 along with all of the boys in his camp who were over the age of 13. They were subsequently trained to be soldiers and sent to battle (source: Nakashima, Ellen, "Burma's Child Soldiers Tell of Army Atrocities," *Washington Post*, 10 February 2003).

While many child soldiers eventually find life in the army unbearable and try to escape, those who succeed have few options. Many child soldiers see no future for themselves and develop very negative self-images. Former child soldiers can suffer from anxiety, grief, and depression. Flashbacks, nightmares, and learning difficulties are also often reported. Afraid to return home, many end up working illegally in neighboring countries, or join opposition groups to fight against their former captors.

Child Soldiers in Ethnic Armed Resistance Groups

Children are also present in Burma's armed opposition groups, although child recruitment has declined in recent years as many opposition groups have shrunk in size and resources. It is estimated that there are just over 6,700 child soldiers in the combined armed opposition groups. Sensitive to world opinion, many groups have been prompted to make public commitments to end the use of child soldiers and are responding positively to international pressure. Yet, the reality of the situation of ethnic groups makes the issue much more complex. Unlike the Tatmadaw, most ethnic armies do not forcibly conscript child soldiers. Yet many children who have experienced grave injustices at the hands of the Tatmadaw and have lost their families and homes due to on-going armed conflict willingly try to join the 'rebel' armies. As a means of self-defense and self-determination, many of these ethnic groups train children to be the new generation for their revolutionary forces and its future leaders. While progress has been made, many of these armed groups lack the political will or resources to actually demobilize child soldiers from their ranks. Even if children are demobilized in such armies they have little or no other educational opportunities, and sometimes the army may be the only 'family' the children know.

A Karrenni Army general told Human Rights Watch, "We have some ideas for projects for some of our young boys in the army, but we can't get any support from outside organizations . . . No resources means no skills . . . The only option for child soldiers is if we can have a special school for them, not only for reading and writing but also for vocational skills like carpentry or auto mechanics. We can't send fourteen and fifteen-year-olds to ordinary kindergarten. The most important thing for these young people is education." (Source: Becker, Jo, "Children as Weapons of War," *World Report 2004*, Human Rights Watch, January 2004)

In January 2003, the *London Times*, reported an interview, conducted by journalist Hans Nicholas, of a 13-year-old Karen boy who had joined the armed wing of the KNU in June 2002. The boy, Saw Yo Ba, reportedly joined "for the same reasons that child soldiers join militias the world over: a place to belong, a chance for revenge, a thing to do." Yo Ba reported that his father had been shot and killed in the family's ancestral village while his mother's body had been found mangled in a field when he was 11 years old. Both were killed by the Tatmadaw. In his unit of the KNU armed wing, Yo Ba reported being looked after and fed three meals each day. Unlike child soldiers in the Tatmadaw, he did not report being forced into combat or to commit human rights abuses against villagers and he is able to leave at any time. Yet, because he lacks a family and home to go to, he has few options. (Source: Nichols, Hans, "Real Guns for Burma's Lost Boys," *The Times* (London), 3 January 2003)

Forced Conscription of Children in Militias

Since the Depayin Massacre on 30 May 2003, otherwise known as "Black Friday," when Aung San Suu Kyi and other NLD representatives and supporters were attacked by a government organized mob, the Burmese regime has intensified military buildup nationwide. This buildup includes the widespread forced recruitment of villagers for military training and forced membership in militias, such as the newly created *Pyithusit* (People's Militia). Children have also reportedly been forcibly taken for recruitment in militias. (For more information about forced military training, see chapter on forced labor.)

In Shan State, refugees have reported, that since June 2003, the SPDC has forced each village tract to provide 1,000 male recruits between the ages of 16 - 50 years of age for up to two months of military training. The recruits are not only forced to join the militia groups, but they must also accompany SPDC troops on patrol and wear uniforms. This demand by the government for able-bodied men has taken a hard economic toll on agricultural communities. In some villages so many men have been forcibly conscripted that families have no male members to tend to their fields and have suffered a loss of crops. (Source: *Under Pressure*, ALTSEAN, July - September 2003)

On 3 July, military training commenced for people in Chan Aye Tha Zan, Aung Myae Tha Zan, Ma Ha Aung Myae, Pyi gi Tha Kon and Pa Thein Kyi Townships, in Mandalay Division. USDA members and battalions from the Central Military Headquarters organized the training. Approximately 30 people attended each training session. The training lasted about 1 month. Each month there was a training and they would continue to have monthly trainings as long as was needed. The authorities reportedly held some trainings in high schools for the students. The students had to participate. (Source: HRDU, 14 August 2003)

On 5 July, Col. Soe Thein based in Nakawngmu village, Mongton Township ordered all young boys above the age of 15 living in the area to join the militia. In order to gain 2,000 new recruits in the militia, both young boys and girls were forced to join. Col. Soe Thein claimed these youth would be protecting their Township and country from foreign attack. A Palaung village headman reported that the villagers were upset about such forced conscription and do not want any involvement in arms. Instead, the villagers simply want to be able to tend to their crops. (Source: Palaung Youth Newsletter Issue #3, PYNG, August 2003)

Conscription of Child Soldiers – Partial List of Incidents for 2003

Boy kidnapped by army while walking home

In March 2003, a 16-year-old boy named Kyaw, deserted from the Burmese Army. In October 2002, Kyaw, who was a 9th grade student in the southeastern town of Thongwa, had been walking home from school with friends when a car pulled up alongside him. Military men jumped out of the car and grabbed him and 4 of his classmates. The 16-year old was then forced to join the military. After only 1 month of training in Thongwa, he was sent to the frontlines. Kyaw said many of the soldiers he served with were under 17-years of age. In fact, 20 of the 50 soldiers in his section and 70 of the 150 in his battalion (IB 343) were minors. The youngest was only 11.

While in the army he experienced harsh treatment and was punished by the officer in charge of his section when he could not carry heavy loads. Kyaw told an AP reporter, "He beat me, slapped me, kicked me and whipped me with a stick." Kyaw had no real skills to deal with jungle guerilla warfare. "I knew if I stayed there I would die," he said. So, on 11 March 2003, Kyaw fled from his post in the Tojo Mountains, a few miles from the Thai border, and was captured by Karen rebels who then held him in captivity at their own military camp. After interrogation by the KNU, Kyaw was released and sent across the border into Thailand to find work illegally as a migrant laborer. After 6 months in the military Kyaw said, "I just want to go home and see my mother and father." (Source: "Myanmar Child Soldiers Face Uncertain Future After Forced Conscription," AP Worldstream, 4 May 2003)

Shan State

Mong Ton Township

On 5 July 2003, Col. Soe Thein based in Nakawngmu village, Mongton Township ordered all young boys above the age of 15 living in the area to join the militia. In order to gain 2,000 new recruits in the militia, both young boys and girls were forced to join. Col. Soe Thein claimed these youth would be protecting their Township and country from foreign attack. A Palaung village headman reported that the villagers were upset about such forced conscription and do not want any involvement in arms. Instead, the villagers simply want to be able to tend to their crops. (Source: *Palaung Youth Newsletter*, Issue #3, PYNG, August 2003)

Deserters tell of torture

On 24 and 26 November 2003, 28 child soldiers fled from their conscription. Two of the deserters from the Burmese military told Radio Free Asia in an interview that the military regularly forces children into service, beats them and prevents them from contacting their families. Cpl. Than Naing said that the military seizes young boys, between 13 and 14-years of age, as they leave school. Both he and his friend Yan Paing Soe had been kidnapped in this way and forcibly conscripted while minors. While some parents were lucky enough to find their children and pay for their release, it took seven years for Than Naing to find his family. Once in the army the boys were poorly fed and forced to do the labor of grown men. Yan Paing Soe told Radio Free Asia, "It was as if they were torturing the soldiers." Both Than Naing and Yan Paing Soe were able to escape, along with 26 other soldiers, and defected to the opposition Shan State Army on 24 and 26 November 2003, after killing their commanding officers. (Source: "Myanmar Army 'Tortures' Child Recruits," United Press International, 16 December 2003)

Arakan State

Children lured into Burmese Army with money

In July 2003, three young illiterate villagers, all minors, were enticed into joining the army with promises of money in Arakan State. Maung Shwe Sein (age 16), Maung Thein Win (age 17), and Maung Pru Thein (age 16), were all from Kring-chhaung village in Buthidaung Township, close to the Bangladesh border. According to a relative, each of the new recruits' parents were given 20,000 kyat (US\$20) for their children on 15 July 2003. For some time the Burmese Army has been offering money to parents in order to attract new recruits in the area. (Source: "Luring Villagers into Burmese Army," Narinjara, 31 July 2003)

Rangoon Division

Fifteen-year old child soldier returned home blinded

On 22 January 2003, the Democratic Voice of Burma broadcasted the story of Maung Aung Myo Thant, a 15-year-old from Sipintha Ward, Yenangchaung, in central Burma. Soldiers kidnapped Maung Aung Myo Thant in July 2002 at the Zawbwagyi Kone Bus Station as he was on his way home from work in Rangoon. He was then locked up in a room for 2 days at the family quarters of Danyin Kone Soldier Recruitment Camp. He was later transferred to

Taungdwingyi Soldiers Training School, led by Colonel Thein Lwin, where he attended basic military training. When he became ill, he was given the wrong injection and was blinded as a result. An army officer returned him to his home in Yenangyaung on 3 December, where the local people took him to see an eye specialist in Minbu in order to repair the damage. Unfortunately it was too late.

This was not an isolated incident. The Democratic Voice of Burma also reported in the same broadcast that another 15 year-old from Yenangyang, Maung Kyaw Thet Lwin, was forced to join the army in December 2002. He was taken for training to Phaunggyi Training School. His parents did not find out about his whereabouts until January 2003, and have not been allowed to see him. (Source: "Forced Soldier Returned Home, Blind," DVB, 22 January 2003)

Kidnapped child soldier tells of abuse at the hands of the army

In August 2003, authorities kidnapped a 14-year old boy while on his way home from his private tuition class. Yan Naing, an ex-pupil of No.3 State High School in Hlaingthaya Township of Rangoon. While he was hitchhiking home, as it was quickly getting dark, a patrol car stopped and picked him up. Yan Naing explains, "I didn't have my student card with me. I was unable to do anything to prove my identity. They gave me two options: to join the army or to go to jail. I said that I didn't want to go to jail as it is not good for my reputation and I had to join the army." Yan Naing was first sent to Mingaladon Recruiting Camp and later to training camp No.9 of the Basic Military Training Corp., where he received 4 ½ months training. After completing training he joined LIB 343, based at Ye in Tenasserim Division, southern Burma. He spent one week there and was included in military operations on the front line. Yan Naing reported that child soldiers made up one third of his regiment. The children had either run away from their homes and ended up in the army or had been abducted while running errands for their parents or coming home from tuition classes.

Yan Naing related the conditions that child soldiers experience. "I have not only seen how they brutalized child soldiers who tried to run away, I myself took part in it. The reason is – when someone was caught trying to flee from the training school, all the trainees had to punch the 'culprit' once. There were 250 trainees. It was impossible for the victim to bear. I saw this with my own eyes at the training school. His eyebrows were broken, teeth broken, cheeks broken. They asked me to punch him and when I refused I was brutalized myself. If someone punched the victim very softly, they told the person, 'not like this, punch him like this' and punched the person."

Later Yan Naing later managed to escape from his post while his regiment LIB 343 was sitting on Bayintnaung Hill, Walakhee District of Karen State. He fled to a KNU controlled area. (Source: "Burmese Child Soldier's Interview," DVB, 19 March 2003)

SPDC abducts and forces military enlistment of 16-year old

On 12 September 2003, the SPDC abducted Naing Lin Aung (age 16), from Hlaingthaya Township and forcibly placed him in military basic training.

Naing Lin Aung was visiting his grandmother in Rangoon when he was taken by authorities, whom then confiscated his watch, clothing, and money, and sent him to Basic Training

School No. 3, in Ya Myi Thin Township, Mandalay Division. He was assigned to First Company as soldier no. 192.

Naing Lin Aung's father, U Soe Naing, was not informed of his son's forced conscription. When Naing Lin Aung did not return home his father made inquiries to the police, hospitals, and local officials. On 16 September, U Soe Naing discovered that his son would be sent to Insein-Da Nyin Kone Soldier Collection Point. U Soe Ning was finally able to see his son at the Army Basic Training School No. 3. The basic training course ended on 30 January 2004. (Source: Yoma 3, 2003)

15-year-old abducted at train station by army

On 17 September 2003, Mg Khin Maung Than, the 15-year old son of U Khin Maung and student at Hlaingthaya High School No. 2 disappeared in Hlaingthaya Township.

After leaving school, Mg Khin Maung Than realized that he had forgotten his umbrella at school and returned to retrieve it. On the way back to his house, while at the Mekwat market, 2 people abducted him into a sidecar and sent him to the Danyingon military collection camp. He then attended military training in Pyinmanar District, Yeni Township, (La Ka Ya /5). His official date of entry into the army was 24 September 2003, session 7/2004, and his I.D. No was (Tha/288985).

U Khin Maung was searching for his son since the day he disappeared. He had to spend 150,000 kyat at the Mingaladon Record Office, in order to find out about the whereabouts of his son. After discovering that his son was in Pyinmanar district at the Yeni Township training school, he went to visit him. At their meeting, the son explained to his father through tears how he had been arrested and begged his father to take him home. The boy's military training finished on 20 February 2003.

On 27 January 2004, U Khin Maung went to the ILO office in Rangoon in order to ask for the release of his son from the army. The ILO planned to meet with SPDC leaders on 29 January 2004 to discuss the issue of child soldiers. According to U Khin Maung's relatives, the SPDC was giving money to their army so that they could continue to collect child recruits. (Source: Yoma3, 2004)

Mon State

Child soldier refuses to return home out of fear for his life

In May 2003, the Human Rights Forum of Monland reported the story of a 16-year-old orphan child soldier from the Burmese Army who, after being deported by Thai authorities at Three Pagoda Pass, refused to return home out of fear that if rearrested he would be killed by his commander. The boy, from Pyin-wa village in Delta area of Irrawaddy Division, Soe Min, had fled from Burmese Army's Infantry Battalion No. 101 based Mergui District in Tenasserim Division, in the southernmost part of Burma. While in his battalion, he had been detained and seriously tortured by Major Soe Naing after complaining about the lack of adequate food. Once on the frontlines, he fled into Thailand. Later he was arrested by Thai police, imprisoned for 1 week for illegal migration, and deported back to the border with other Burmese migrant workers. When asked why he was so afraid to return, he replied that

execution was the standard punishment for soldiers arrested after desertion from the frontlines.

After the boy's parents died, he had lived with an uncle until Recruitment Battalion No. 93 convinced him to join the army. There were about 16 children in his group of 40 new recruits given basic military training in Thanton town of Mon State. He attended military training school for 4 months, stayed at his battalion base for 1 week and was then sent for 6 months to the front-line in offensives targeted against ethnic rebels. Although the commanders in his battalion said his salary was 4500 kyat per month and that he would receive 5000 kyat per month for time spent on frontline, he actually received 500-800 kyat per month. His commanding officer, Major Soe Naing took most of his and the other new recruit soldiers' salaries. (Source: HURFOM, 31 May 2003)

6.7 Child Trafficking

The SPDC has continued to make claims that it is fighting human trafficking, announcing the arrest of 417 human traffickers between July 2002 and 21 August 2003. In July 2002, a Working Committee for Prevention against Trafficking in persons was established. The SPDC has further declared that 82,251 citizens have been educated about the issue of human trafficking. (Source: *Under Pressure*, ALTSEAN, July - September 2003)

However, there is ample evidence documenting the contrary. In September 2003, the U.S. Department of State reported that Burma is one of 15 countries to be placed on Tier 3, the lowest of US government standards, for its failure to comply with the minimum standards of 2000's Trafficking Victims Protection Act. The US government condemned the Burmese government in its failure in the "elimination of trafficking, and failure to make significant efforts to do so." (Source: "Progress in the Fight against Trafficking in Persons," U.S. Department of State Press Statement, 10 September 2003)

There is no law in Burma that specifically prohibits the trafficking of persons, although the Penal Code prohibits kidnapping and the Suppression of Prostitution Act and the Child Law include provisions against the sale, abuse or exploitation of children. However, these laws are not effectively enforced. In more recent years, the government has made it difficult for single females to obtain passports and there are regulations preventing girls under the age of 25 from crossing the border without a guardian accompanying them. The fact that the majority of women and girls lured or forced across borders do so without passports makes this regulation totally ineffectual in the prevention of trafficking. At the same time, there is reported widespread complicity among local government officials. Yet, there have been no known arrests or prosecutions of complicit officials. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

Girls and boys in Burma are trafficked most commonly to Thailand, but also to China, India, Bangladesh, Taiwan, Pakistan, Malaysia, Singapore, Japan, and countries in the Middle East for sexual exploitation, factory labor, construction labor, and to work as household servants. It has been reported that in Bangladesh Burmese girls are openly sold as concubines in public markets (source: Varner, Lynne K., "Myanmar's Campaign against Women and Children," *Seattle Times*, 19 March 2003). Internal trafficking also occurs from poor agricultural areas to more urban areas where prostitution flourishes, such as trucking routes, mining areas, and

military bases. Most observers estimate the number of trafficked victims to be at least several thousand per year. Yet, the SPDC's unwillingness to make their own estimates, their pervasive security controls, restrictions on the flow of information, and lack of transparency make it impossible to obtain any definite figures. The government also refused any independent assessment of their efforts to combat trafficking.

The Sex Industry

The U.S. Department of State reported in 2003, "Child prostitution and trafficking in girls for the purpose of prostitution--especially Shan girls who were sent or lured to Thailand--continued to be a major problem. In Rangoon and Mandalay, diplomatic representatives noted widespread employment of female prostitutes who appeared to be in their early teens and for whom there was reportedly a high demand. Additionally, some brothels offered young teenage 'virgins' to their customers for a substantial additional fee." (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

Young Burmese women, some under 18 years-old, either fell prey to lying agents or are lured by acquaintances across the border into Thailand. As the standards of living have risen in Thailand, the thriving sex industry now recruits girls from poorer neighboring countries. A UN report estimated 300,000-400,000 children in the region were victims of trafficking, mainly for the sex industry. It is estimated that up to a quarter of sex workers in Thailand are under 18 years-old (source: "Too Many East Asian States Fail their Children, UN Report Says," AFP, 5 May 2003). Those suffering from personal problems are especially easy victims. Some trafficked Burmese become 'rental' wives of local men before being forced later into prostitution. The rise in HIV infection rates in Thailand has created a greater demand for young 'virgins' from Burma, who are believed to be disease free. These girls, as young as 12 or 13, may be repeatedly sold as virgins because they fetch a higher price. These girls are at high risk of HIV/AIDS infection and other sexual diseases because they lack education, ability to negotiate condom use with their clients, and access to health services, while often forced to serve up to 10 customers a day (source: "Too Many East Asian States Fail their Children, UN Report Says," AFP, 5 May 2003).

Dr Nwe Nwe Aye, regional cross border project coordinator of the Save the Children, an international NGO, indicated that while some migrant children might not engage in sex work from the beginning, they may get involved later as a result of indirect pressure from brothel owners. She indicated, "Owners pay less for girls who are housemaids and give them limited freedom in contrast to the girls who sell sex....The girls later voluntarily become sex workers in order to earn a higher income." She also noted that the majority of trafficked children from Burma were uneducated ethnic minorities. (Source: "'Shattered Dreams' to Educate Migrants," *The Nation* [Bangkok], 12 November 2003)

Organized Begging

Burmese children living either in the regions close to Thailand, or in Thailand itself, run the risk of being trafficked into Thailand's major cities where they are forced to beg in the streets. In some cases, their parents receive a sum of money (anywhere between US\$25-50) in exchange for selling their children to brokers. In other cases, children who are already vulnerable due to their life circumstances (such as orphans, street children, or having divorced parents) are promised a better life by brokers if they go to Bangkok. A researcher for the International Confederation of Free Trade Unions (ICFTU) explained, "The desire to discover new horizons and, above all, a large city such as the Thai capital, helps the intermediaries to convince the children to go with them. On arrival, they are sold to people who force them to beg. The children often have to walk the hundreds of kilometers between the Burmese border and Bangkok, off the beaten track, to avoid police controls." (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

According to the ICFTU, while a child begging in Bangkok may potentially earn up to US\$80 a day by begging, their 'owners' receive the profits and may not take adequate care of the children. Most child beggars live in dirty overcrowded conditions, with many other children. They are provided little food, and often no medicine or treatment when they are ill. These children have no opportunity to obtain an education, and are at an increased risk of becoming drug users. Children are also regularly beaten if they do not earn sufficient money and have little or no contact with their families. (Source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

6.8 Children in Armed Conflict

The UN Convention on the Rights of the Child, specifically refers to the protection of children in armed conflict and provides that every child has the right to life, survival and development; that no child under 15 should take part in hostilities; that children should not be separated from their parents except for their own well-being and protection; that states should protect children from harm and neglect; and that children of minority and indigenous populations should freely enjoy their own culture, religion and language, as well as all other rights enshrined in the convention, without discrimination.

Children living in conflict areas in Burma are routinely deprived of most of these rights; violence committed against children being the most blatant breach of these rights. Children are murdered by the army and security forces, and are victims of rape, torture, and landmines. Girls under the age of 18, and sometimes boys, are routinely raped by SPDC troops operating in their communities. Children doing forced labor, particularly clearing roads and forced portering, are often forced to act as human minesweepers and human shields. In free-fire zones, known as "Black Areas," troops regularly shoot at villagers and into homes, regardless of whether there are children present. Children of internally displaced people, or IDPs, who's total numbers are estimated at between 600,000 to 1 million, and are forced 'to live on the run' are particularly vulnerable to such violence.

Even when a child is not a direct target of violence, children living in areas of armed conflict are subjected to numerous hardships. Family, community and cultural life in these areas is continually disrupted by violence and insecurity. Children witness killing and violence directed against their own family, neighbors and community members. The emotional and mental toll that this will take over a lifetime is incalculable. These children are denied the right to grow up in an environment that nurtures and promotes their development.

Violence against Children – Partial List of Incidents for 2003

Mon State

Ye Township

Ten-year-old orphan seriously injured in crossfire

On 2 January 2003, after fighting had broken out between a Mon rebel group, led by Nai Sok Klein, and IB 61 of the Burmese Army, led by Captain Tin Aung Khaing, a mortar shell hit a 10-year-old Mon boy in Hangan village, in the southern part of Ye Township, Mon State. Roughly 20 mortar shells were issued from both sides, and a house was also completely destroyed. The 10-year-old orphan had come to the village of Hangan, from his neighboring village, in order to purchase rice in the market. He was seriously injured by the stray mortar shell, and subsequently taken to Moulmein Hospital, in the capital of Mon State, where he had his left hand and leg amputated. As a result of the ongoing fighting in the area, local people face serious human rights violations committed against them by the Burmese Army, but are also forced to pay taxes to armed groups on both sides. (Source: HURFOM, No.1/ 2003, 31 January 2003)

Shan State

Kunhing Township

Eight-year-old boy murdered by government troops

On 1 April 2003, an 8-year-old son of displaced farmers was shot dead by a patrol of SPDC troops from IB 246 at a remote opium farm in Kun-Hing Township, Shan State. The boy, Zaai Kaw, was originally from Long Maw village, but had been forcibly relocated to the outskirts of Kun-Hing Town in 1996 by government troops. In late 2002, SPDC troops in Kun-Hing Township provided opium seeds and encouraged displaced farmers to grow opium. About 25 of the displaced farmers, who could hardly earn enough to feed their families, decided to give it a try.

At the time of the incident the 8-year-old boy was alone in a hut at the relocated village of Long Maw, as his parents were off a mile away with other farmers tending to their opium fields. A patrol of SPDC troops from IB 246 searched the village for what they said were Shan rebels. When they found the boy, the SPDC troops shot him dead. The boy's body was found 30 yards from the hut in which his parents had left him. All of the rice and other foodstuffs from the hut had been stolen. Later some SPDC troops related to villagers that they had raided an opium farm and a deserted village named Long Maw, in which Shan rebels were hiding. They said all the adults had fled, but had left 1 son there, which the troops had shot dead.

After the incident, the farmers were reluctant to go tend their opium farms for fear of being shot at, which negatively affected the yield of the opium. The opium seeds were provided by SPDC troops on a condition that each farmer sell 3 viss of opium sap at the market rate after the harvest. In mid-April 2003, when Capt. Soe Win Maung from Column 1 of the SPDC's IB 246 gathered the opium farmers to collect the opium, only some of the said 25 opium farmers could barely meet the quota. Others had to buy opium from elsewhere in order to fill their quota at the rate of 50,000 kyat per viss, and later sold it back to the SPDC troops at the rate of 20,000 kyat per viss. (Source: *SHRF Monthly Report*, SHRF, June 2003)

Lai-hka Township

Two boys, 11 and 13, shot dead by government troops

In February 2003, 2 children were shot dead by SPDC troops as they were riding in an ox-cart with their mother near Mark Kawk village in Paang Saang village tract, Lai-hka Township, Shan State. Two farming families had been staying in 2 separate farm huts some distance from their village, in order to work their fields. When a patrol of SPDC troops from Nam-Zarng-base IB 66 saw them, they accused the farmers of being members of the Shan resistance. The farmers explained that they were not members of the Shan resistance but ordinary villagers from Mark Kawk village, and that they had come to stay for a few days and work at their farms because it took too much time to travel back and forth each day. The SPDC troops ordered the farmers to return to their village at once, and the farmers only had time to take what their ox-carts could carry and hurried back to their village. The troops then took what they wanted from the 2 huts and burnt them to the ground. They also stole 2 oxen that the farmers had left grazing in a nearby meadow.

Some days later, 1 of the farmers, Pa Nung, and her 2 sons drove their ox-cart in order to look for whatever was left at their farm. But as they approached the farm, some SPDC troops who were guarding the road shot at them. Pa Nung's 2 sons were hit and died on the ox-cart, but Pa Nung jumped down and escaped back to their village. Her sons, Zaa Kam, aged 13 and Zaa Pawk, aged 11, were hit in the head and in the chest respectively. The SPDC troops also stole the 2 cart-oxen left behind. (Source: *SHRF Monthly Report*, SHRF, November 2003)

Murng-Yarng Township

Thirteen-year old robbed of his possessions

On 5 May 2003, a 13-year-old boy from Wan Kong village in Wan Kong village tract, Murng-Yarng Township, was robbed of his chickens by a group of SPDC troops from LIB 328 while he was on his way to sell them at the market in Murng-Yarng town. Early in the morning the boy, Zaa Taan, was given 5 chickens by his parents in order to sell them and sent along with 6 or 7 other villagers who were going to market. Their village, Wan Kong, was about 6 miles from the town. When they had gone about 3-1/2 miles, they were stopped by a group of SPDC soldiers. The SPDC soldiers, from LIB 328, searched them and the goods that they were bringing to market. The soldiers took some vegetables from each of the other villagers and took 3 of the boy's chickens. Zaa Taan later sold his remaining 2 chickens, both hens, for 5,000 kyat at the market. The other 3 chickens, which had all been cocks, would have fetched him an additional 9,000 kyat, as the cock's market price was 3,000 kyat a-piece. (Source: *SHRF Monthly Report*, SHRF, November 2003)

Nam Zarng Township***Displaced villagers robbed of their belongings and 8-year old boy detained for 2 days and 1 night***

In July 2003, displaced villagers who had returned to their former village in order to temporarily stay and work were robbed of their belongings, and an 8-year-old boy was taken away for a period of 2 days for questioning by SPDC troops from Military Operation Management Command No.21 based at Kho Lam village, Nam Zarng Township, Shan State. The villagers included:

- (1) Lung Ti, male, age 40, lost 2 warm jackets, 3 pairs of shoes and 11,900 kyat;
- (2) Lung Wa-Ling, male, age 43, lost 3 warm jackets, 2 pairs of shoes, 2 pairs of trousers and 9,600 kyat;
- (3) Lung Zaam Pee, male, age 46, lost 2 warm jackets, 2 pairs of shoes and 18,600 kyat; and
- (4) Lung Keng, male, age 49, lost 2 pairs of shoes, 6 kilograms of seasoning powder, 2 tins of cooking oil and 45,000 kyat.

The villagers were originally from Kung Sim village in Wan Hai village tract, Nam-Zarng Township, which had been forcibly relocated to the Kho Lam village relocation site in 1997 by the then SLORC (State Law and Order Restoration Council) troops. These villagers had been given permission by local SPDC troops to go back and farm their land at their former village during the rice-cultivating season. However, a patrol of the above-mentioned SPDC troops came and robbed them of their belongings and took away an 8-year-old boy for 2 days and 1 night, during which they questioned the child about Shan soldiers and the activities of the farmers, before returning him to the Kho Lam village relocation site. (Source: *SHRF Monthly Report*, SHRF, February 2004)

Tenasserim Division***One adult and one child IDP murdered by soldiers***

On 19 September 2003, 20 soldiers from SPDC unit number IB 224, led by Maj. Tun Tun, entered Maw Kee IDP site, in the Manorone area in the east of Mergui, in Tenasserim Division. One child and one adult were shot dead when the military opened fire into the IDP site. The military also captured 3 families, consisting of a total of 12 people, and sent them to Manorone forced relocation camp. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, September 2003)

6.9 Sexual Assault against Children

Throughout 2003, incidents of rape of both young women and girls continued to be reported, particularly in ethnic areas. In May 2002, the Shan Women's Action Network (SWAN) and the Shan Human Rights Foundation (SHRF) released a report entitled *License to Rape*, which documented widespread and systematic rape of at least 625 girls and women in Shan State by Burmese soldiers. Not only were the women and girls raped, some were tortured over a period of months or gang raped. One fourth of the rapes ended in murder. The youngest rape victim whose case was included in the report was a five-year old girl. (Source: Varner, Lynne K., "Myanmar's Campaign Against Women and Children" *Seattle Times*, 19 March 2003)

In April 2003, Refugees International released a report, *No Safe Place*, independently confirming *License to Rape* and provided further evidence that larger numbers of women and girls from other ethnic minority groups are also targeted and raped by SPDC soldiers. Most recently an April 2004 report published by the Karen Women's Organization (KWO) documented recent, widespread abuses against Karen women and girls by the Burmese army. The new report entitled *Shattering Silences* documented 125 cases of rape perpetrated by soldiers over the period of eighteen months. This report demonstrated that the Burmese military is clearly targeting women and girls from a multitude of ethnic minority groups for rape in order to terrorize the population and communities at large. (For more information see the chapter on women.)

Despite the overwhelming evidence, which has been continually reported, the SPDC has continually denied the occurrence of rape. Moreover, the authorities have been reported to actively take measures to prevent information about the pervasive human rights abuses perpetrated in ethnic minority areas from being revealed. The efforts have ranged from forcing villagers to sign affidavits indicating that rapes did not occur and conducting trainings to instruct villagers how to lie to international monitoring institutions about the situation of human rights (for more information see chapter on freedom of expression). The frequent rape of girls and young women is particularly demoralizing to ethnic communities, as it conveys the notion that the community is unable to protect even its most vulnerable members. While several cases from 2003 are recorded here, it is important to note that the vast majority of rape cases go unreported and undocumented.

Sexual Assault Against Children – Partial List of Incidents for 2003

Karen State

Pa-an District

Seventeen-year old girl raped and murdered

On 6 August 2003, combined DKBA troops from Central Security, led by Moe Kyo, and troops from No.555, led by Pah Daw Bo, came into Htee Kli Tha village and shot and arrested a villager. The 46-year-old resident of Si Paht Day Kee village, Saw Ta Ku Ku, was wounded by both small and heavy guns (RPG-7). Then Moe Kyo raped and killed the man's 17-year old daughter, Naw Mu Kut. Finally the troops burned down Saw Ta Ku Ku's hut containing 8 baskets of paddy, and looted another 10 baskets of rice as well as all of his pigs and chickens. Saw Ta Ku Ku has not been released since being arrested. The KNU reports

that this was the first time rape was committed by DKBA troops in Pa-an District. (Source: Department of Information, KNU, 2003)

Karenni State

Timoso Township

Follow-up of 4-year-old child's rape

In 2003, it was reported that the government had taken some action against one rape case that had been reported to officials in August 2002. An army captain had reportedly raped a 4-year old child in Yusomoso, a mainly Catholic village in Timoso Township in Kayah State. Villagers were apparently offered 20,000 kyat (approximately US\$20) by military authorities to drop the case. In early 2003, after pressure from religious leaders, the government arrested the accused captain and relieved his battalion commander of his post. While it may be considered as some progress, local army officers warned village leaders to report any future problems to the military, and not to their church. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

Shan State

Christian student raped at checkpoint while on her way to school

On 15 January a Christian Lahu student was raped while bicycling to school. The girl had left her home early in the morning to attend school. When she arrived at the Mine Pyin Check point, a soldier of the Burmese Army Unit Mine Pyin Riflemen, named Myit Naing, raped her in the tent at the gate. The girl, a 10th standard high school student, was unable to continue her schooling after the incident, as she is unable to sit for the 10th standard exam. (Source: Free Burma Rangers, June 2003)

15-year-old Lahu girl raped and murdered

On 5 February 2003, when a 15-year-old girl's mother and brother left their home in order to tend to their fields, soldiers from the Burmese Army Unit Mine Pyin came to her home in Mine Pyin, Lah Hu village and raped her. Twenty Burmese soldiers had come to her village that day and later left in the evening.

When the girl's mother and brother returned home they did not see her. The Christian Lahu family later found the girl's dead body inside their barn. She had been raped and murdered by the visiting Burma Army troops. (Source: Free Burma Rangers, June 2003)

Mong Ton Township

Fourteen-year-old girl raped by captain

On 5 January 2003, a 14-year-old student was raped by an SPDC soldier, Capt. Thin Za Ong, from LIB 360 in her house at Pung Pa Khem village, Pung Pa Khem village tract, Murg-Ton Township. On the morning of the incident, Naang Kham Non (not her real name), was alone in her house preparing for school after her parents had left to work on their farm. As Naang

Kham Non was changing her clothes after eating her morning meal, Capt. Thin Za Ong entered her home, dragged her into an inner room and raped her.

When Naang Kham Non failed to arrive at school by 9:00 am, a teacher came to look for her at her house, which was not far from the school. As the teacher entered the house, she witnessed Capt. Thin Za Ong raping Naang Kham Non and shouted at the captain. The teacher then went and reported the incident to the village tract leader, U Khin Maung Lat. When questioned by the village tract leader, Capt. Thin Za Ong confessed his crime and offered to pay compensation. He also requested that the leader and teacher not report the crime to his superiors. Capt. Thin Za Ong paid compensation totaling 300,000 kyat - 50,000 kyat to the village tract leader, 50,000 kyat to the teacher and 200,000 kyat to the victim, Naang Kham Non. The case was then closed. (Source: *SHRF Monthly Report*, SHRF, June 2003)

Nam-Zarng Township

Ten-year old girl and woman gang raped

On 2 March 2003, a 10-year-old Shan girl and a Lahu woman were raped by 5 SPDC soldiers from IB 66 on a deserted farm about 2 miles from Kho Lam village in Kho Lam village tract, Nam-Zarng Township of Shan State. On the day of the incident, Naang Mon (age 10), went with a neighbor named Pa Na-Khaa, who was over 30 years of age, to collect wild vegetables outside the Kho Lam village relocation site. They were originally from Nam Khaai village in Nawng Hee village tract, but had been forcibly relocated to Kho Lam in 1997 by government troops. While they were collecting wild vegetables, 5 SPDC troops from IB 66 suddenly appeared and raped both of them at gunpoint.

Pa Na-Khaa later lodged a complaint with the IB 66 camp commander at Kho Lam, who claimed that he would take responsibility in dealing with the matter. On 4 March 2003, Naang Mon was taken by her relatives to a hospital in Taunggyi, the capital of Shan State. However, Naang Mon did not recover and died at the hospital on 7 March 2003. When Naang Mon's parents and relatives requested 300,000 kyat from the SPDC troops as compensation for Naang Mon's life, they were threatened with imprisonment and even death if they told any outsiders about the incident. (Source: *SHRF Monthly Report*, SHRF, May 2003)

Namhasn Township

SPDC officer tries to rape Palaung girl in Namhsan

On 25 May 2003, at 8:00 pm, SPDC troops, from IB 23, based in Namhasn Township in Northern Shan State and led by Shwe Lay, came to Pang Ma village. They proceeded to steal 2 boxes of Chinese beer, 5 bottles of Mandalay Rum whisky, and 2 boxes of beef from villager U Paw Khun's shop. Afterwards, Officer Shwe Lay attempted to rape U Paw Khun's 17-year-old daughter, Ma San San Oo.

However, Ma San San Oo cried out loudly and Shwe Lay reluctantly released her. Her father reported the incident to the village headman, who in turn reported it to the IB 23 commander, Than Tun. As of the date of this report, no action had been taken. (Source: *Palaung Youth Newsletter*, Issue #3, PYNG, August 2003)

Lawk-Zawk Township**16-year-old raped at home by soldier**

On 21 June 2003, an SPDC soldier raped a 16-year-old girl in her home at Lin Lam village in Wan Paeng village tract, Lawk-Zawk Township, Shan State. On this date 3 SPDC troops, led by a commander notoriously known by locals as Bo Myo Myint Ho Phaa (Commander Myo Myint of Ho Phaa), came to Lin Lam village and entered Lung Saam's house, located at the edge of the village. At that time the following people were present in the house:

- (1) Lung Saam, male, age 60, head of the family;
- (2) Naai Kham, female, age 43, Lung Saam's wife;
- (3) Naang Seng, female, age 16, their daughter; and
- (4) Zaai Dip, male, age 10, their son.

The SPDC troops ordered Lung Saam, his wife and their son to go and collect the village headman, while the troops waited at the house with their daughter, Naang Seng. Although the parents were concerned about the welfare of their daughter, they did not dare defy the soldiers' orders. As the villagers left their house, Commander Myo Myint ordered 2 of his men to stand guard at the entrance of the house compound, while he dragged Naang Seng into the inner room of the house and raped her.

Although Naang Seng managed to cry out a couple of times, no one dared to come to her aid. When Lung Saam and his wife returned, they found their daughter crying inside the house, but all of the SPDC troops were outside of the house. Commander Myo Myint then denied any wrong doing to Lung Saam and his wife, claiming that she was crying only because she was afraid of them. The commander also warned the villagers that they would come and shoot dead whoever dared to accuse them of raping their daughter. (Source: *SHRF Monthly Report*, SHRF, January 2004)

Sexual Assault Against Migrant Children in Thailand**Thirteen-year-old girl assaulted and raped by landlord**

On December 11, it was reported by a source from the migrant worker's community, that a young girl was raped by her landlord in Mahachai, about 35 km southwest of Bangkok. As her cries for help were ignored, the Mon girl was raped by a man named Nai Od at "Thawatchai Chang-Ruey Flat" on Derm Bang Road.

The local source reported that Nai Od, 27-year-old son of the owner of the 30-room apartment building, along with 3 others came to the room rented by 2 Mon sisters around midnight on 11 December. The men brought with them several bottles of beer and asked the girls if they could come inside their tiny apartment in order to drink beer with them. The girls refused, but Nai Od violently slapped the elder sister and forced them to stay inside their room.

After the men got drunk, the landlord's son began to molest the younger sister. When the elder sister tried to stop Nai Od, a fight broke out between them. The elder sister told her younger sister to flee. The 2 girls had fled in different directions, when the youngest girl was unfortunately found hiding by one of Nai Od's friends. Nai Od captured the 13-year old girl and dragged her back into the room where he raped her while she pleaded for help from the

surrounding neighbors. The source noted Nai Od had brandished a gun in order to keep people from impeding him.

The 2 girls were originally from Ye Township, Mon State, in southern Burma. Roughly 50,000 registered migrant workers have left that area in order to come to work in the fishing industry in Mahachai, Thailand. (Source: “13-Year-Old Girl Assaulted and Raped by Landlord,” Kao Wao, 17 December 2003) (See chapter on migrants and women for more information.)

6.10 Personal Accounts

Child Soldier Interview

Name:	Ye Maung Kyaw (not real name)
Age:	22
Education:	8 th standard
Ethnicity:	Burman
Religion:	Buddhist
Marital status:	Single
Source:	Interviewed by Department of Information, KNU, 17 September 2003

Ye Maung Kyaw joined the army when he was 17 years old, on 4 April 1997. As a second corporal, with number Ta-eu-bu / 82940, he was responsible for battalion troop number LIB 338. While in the army his salary was 5,400 kyat per month (about US\$5.50), however after taxes for social gatherings and funerals, mother and child care protection, and a general battalion fund he received 4,700 kyat per month. Ye Maung Kyaw explained that he was forcibly recruited into the army, as are many boys in his village when they reach 14 or 15-years old. He claims that both soldiers and recruitment officers demand one person from each family in his village join the armed forces. He attended intersect/communication training for 4 months, and lived in Mae-tha-war for 5 months, Ma-ner-plaw for 5 months, and Kwee-lah-hay for 5 months while serving in the army.

Ye Maung Kyaw was involved in fighting on the battlefield in Kwee-lah-hay, Ta-khaw-boe-khee (Mae Lah) and Maw-pah-thu. After becoming bored and unhappy serving under the SPDC for two years, the former child soldier decided to desert in order to try and join forces with the KNU. When asked about future plans he said, “I want to recombine with the KNU forces and continue fight back the military junta until I die.” Yet, he is unaware of politics and lacks knowledge of political parties. He has however witnessed human rights violations at the hands of the SPDC. It was common for him to see troops looting livestock, such as chickens and ducks, from the villages they entered. Porters were also forced by his battalion to carry weapons cartridges. Ye Maung Kyaw explained that human rights abuses are perpetrated by SPDC troops because the army fails to provide adequately for their own troops, and as a result they are forced to resort to looting villages in order to feed themselves. Porters are tortured, he claims, because of officers' direct orders to do so.

7. Rights of Women

7.1 Background

Although the military regime became a party to the Convention on the Elimination of Discrimination of Women (CEDAW) in 1997, it has made no serious commitment to improving the lives of the women of Burma. While the SPDC claims that women's status in Burma remains one of the highest in the world, UN Special Rapporteur Prof. Paulo Sergio Pinheiro warned that Burma is indeed in violation of fulfilling some CEDAW articles. Widespread poverty disproportionately affects women, particularly as they do not receive equal pay for equal work. In addition, at the 59th session of the UN Commission on Human Rights, Special Rapporteur on Violence against Women, Ms. Radhika Coomaraswamy proclaimed, "Violence against women by the State remains the most serious problem faced by women in Myanmar," (source: "Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women," *Fifty ninth session of the Commission on Human Rights*, United Nations Economic and Social Council, Agenda Item 12 (a), 27 February 2003).

Women in non-Burman ethnic nationality areas are particularly vulnerable to human rights abuses and suffer the worst abuse and discrimination. Health care, including access to family planning methods, and education are severely underdeveloped in these areas. Female illiteracy rates in conflict and remote areas are estimated at between 70-80%. Ethnic women are subject to forced relocations, forced labor, forced portering in war zones, and physical, mental, and sexual abuses. Forced marriage has also been known to occur after a soldier rapes a woman or to secure more loyalty to the SPDC, especially if a woman is from an influential family. Women in conflict areas are so vulnerable to abuse that they may feel they have no choice but to flee, becoming refugees or migrants.

Women in Politics

Although Burma signed the UN Convention on Political Rights in 1954, males dominate the Burmese political sphere and women continue to be denied full political participation. As girls frequently receive less educational opportunities than boys and are perceived as less intellectually capable, cultural gender stereotypes prevent women from participating in politics. Since 1962, the number of women reaching high-level positions in their careers has declined, and as women are barred from serving in the military, they are effectively blocked from all positions of leadership in the country. There are no women in the SPDC Cabinet, no female ministers, and only one female director general. Even within the state sponsored "women's committees" women are disproportionately represented. For example, the Chair and Vice-Chair of the National Women's Affairs Committee are both men and 16 of the 32 members are men. State/division, district, and township level committees are all chaired by men, with the second-level position commonly held by the chairman's wife. If women do achieve a political position with some decision-making abilities, it is often because of the influence of their husbands or male relatives. Within local village government, sticking to tradition, most authority figures such as village heads and village council members are men. NLD General Secretary Daw Aung San Suu Kyi explains, "Our women are rarely allowed to achieve decision-making positions even though they are able and well qualified. This means they are neither assured of their right to security nor their right to shape their own destiny."

Many women voiced their desire for democratic change by taking to the streets in protest of the military dictatorship during the pro-democracy uprising of 1988. During the violent suppression of peaceful protesters, hundreds of women were gunned down in the streets of Rangoon and other towns. Several women, including Daw Aung San Suu Kyi of the NLD, rose to prominent political leadership roles in the independent political parties that were formed soon afterwards. 16 female MPs, out of the 485 who were democratically elected to Parliament in the 1990 elections, continue to be denied the ability to carry out their mandate by the SPDC. Since that time, women continue to be systematically harassed, interrogated, and detained for their political beliefs and activities. In June 2003, the Assistance Association for Political Prisoners, a Thailand based Burmese activist group, reported that at least 71 women were incarcerated as political prisoners (source: AAPP, 2003). Women in prison face sexual abuse and rape at the hands of the military authorities. Even wives and mothers of male political prisoners have been harassed by Military Intelligence and are left solely bearing the financial responsibility of their family in the absence of their husbands and sons. (Source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003)

On 30 May 2003, the government sponsored Union Solidarity and Development Association (USDA), police, soldiers, and hired thugs attacked Aung San Suu Kyi, the NLD, and hundreds of their supporters during a peaceful organizing trip in Upper Burma. The SPDC reported that four people were killed and 50 people injured while unofficial sources indicate that the numbers were higher. The confrontation has come to be known as the "Depayin Massacre" or "Black Friday" and there is sufficient evidence which indicates that the attack was well planned and organized by the SPDC and other state authorized parties. During the attack, female supporters were stripped of their clothes, robbed of their valuables, brutally beaten, and some even raped. Eyewitness testimonies reveal that the attackers screamed such derogatory statements as, "Those of you women who have destroyed our race! Those who want to make Kala their husbands! Come and make us your own husbands before you choose the Kala as you husbands!" Kala is a derogatory term used to refer to people of Indian or Muslim decent. In this case, it is an insult referring to foreigners as the SPDC has often tried to cast a negative light on Aung San Suu Kyi's marriage to a British man, Michael Aris (source: *The Second Preliminary Report*, The Ad Hoc Commission on Depayin Massacre (Burma)). Aung San Suu Kyi was re-arrested by the SPDC, as were more than 200 other NLD members including NLD Deputy Chairman U Tin Oo. NLD offices were forced to close and arrests continued after the attacks. At the same time, the attacks illustrated the SPDC's lack of interest and willingness to enter into a peaceful and meaningful dialogue with the opposition that would bring about democratic change in Burma. (Source: *Briefing: Black Friday and The Crackdown on the NLD*, ALTSEAN, 24 July 2003)

On 16 June, the Association of the South East Asian Nations (ASEAN) urged Burma's Foreign Minister U Win Aung to release Daw Aung San Suu Kyi from detention as soon as possible. Various human rights organizations and international governments called for an independent inquiry into the events of 30 May. Yet, the SPDC failed to respond and continued to crackdown on the democracy movement throughout the rest of the year. The crackdown included a propaganda campaign in which Aung San Suu Kyi's personal character was targeted and she was called a "willful and hard headed person liable to rash judgements followed by blind action," (source: "Daw Suu Kyi, the NLD Party and Our Ray of Hope (Part 1)," *New Light of Myanmar*, 5 July 2003). The SPDC claimed that Aung San Suu Kyi had been taken into "protective custody" and would be released as soon as peaceful environment reemerged in the country. Yet, over a year after the event, at the time of this report, the SPDC

had failed to release her or to conduct a transparent investigation into the events of the 30 May. (Source: "WLB's Statement on the Occasion of Daw Aung San Suu Kyi's Birthday," Women's League of Burma, 19 June 2003)

In 2003, women appeared to be taking more leadership roles in pro-democracy groups. In July, a female candidate received the second highest number of votes for the position of chairperson of the Network for Democracy and Development (NDD). At least 30% of the leadership roles in the organization are filled by women, according to NDD. The Democratic Party for a New Society (DPNS) has also set a goal to fill at least a third of their leadership roles with women for an upcoming conference. While women's participation in powerful positions within political parties of the opposition movement is marginally better, there still needs to be a concerted effort on all sides to allow those women who are qualified to fully participate in shaping the political destiny of Burma. (Source: *Under Pressure*, ALTSEAN, July 2003).

7.2 Health of Women from Burma

The SPDC allocates the majority of State resources to the maintenance of its armed forces which has resulted in inadequate healthcare services for the people of Burma. In turn, women's access to healthcare is also alarmingly low. Statistics for 2002 indicated that the SPDC spent less than 1% of the GDP on education and health. Women do not have a significant presence in the decision-making bodies of the government, which has resulted in a total lack of consideration of women's health issues, such as cancer of the uterus and ovaries, osteoporosis and family planning. Mental health issues, such as counseling services for victims of domestic and sexual violence are also not considered by government officials. Cultural taboos and strict government control over the flow of information impede discussion and education about sex or women's health issues. A report by UNICEF-Myanmar identifies the underlying causes of illness and death among women as lack of "security, access to basic health services, quality of health services, and family and community awareness and participation." Moreover, a UNICEF – Myanmar report in 2001 indicated that there was only one basic health worker for every 3,400 persons, which translates to 1 health worker for every 4 villages. Because of high costs and the poor quality of care provided at hospitals, most villagers end up relying on traditional healers or volunteer health workers who have limited knowledge and training. Although public hospitals are supposed to be free, in practice patients have to purchase their medications and medical equipment when they go for treatment. It has also been widely reported that patients may have to supplement doctors' meager incomes with bribes if they are to receive adequate attention and care. As the main provider of birth spacing services and contraception is the high cost private healthcare sector located in urban centers, many women are unable to access this important service. According to a UNICEF report, at least 35% of the population does not have access to reproductive health services. The cost of birth delivery in a hospital has been estimated at 450,000 kyat, which is beyond the reach of most women (a teacher's monthly salary is approximately 6,000 kyat) (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003).

The majority of women do not have access to the technology that screens for breast and cervical cancer, endometriosis or other illnesses that specifically affect women. Nearly 25% of women have no access to antenatal care, with women in rural areas being disproportionately affected, resulting in poor health for both mothers and their babies.

Between 70 and 80% of mothers give birth at home, assisted by midwives or traditional birth attendants. Maternal mortality is one of the highest in South East Asia, with approximately 580 deaths per 100,000 live births. More than half of these deaths take place far from any public health institution, yet over a third take place within public hospitals and clinics due to the lack of equipment to deal with possible complications. Even in public hospitals, midwives often carry out the deliveries (source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003). The prenatal mortality rate for the babies of adolescent girls is 46-67 per 1000 births, which is twice that of mature women. The United Nations Population Fund has estimated that 57% of maternal deaths take place at home. This is due to the lack of access to healthcare facilities, the high cost of services, and unsafe abortions (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003).

Although more than 20% of women in Burma need birth spacing services in order to protect their own health and limit their families' size, birth spacing services and contraceptives are available in less than half of Burma's townships. As the SPDC continues to restrict the flow of information and fails to provide sexual and reproductive health information to its citizens, women's knowledge of contraception is limited to their own experiences and that of women in their communities. It has been estimated that only 28% of fertile-age women in Burma use a modern method of contraception, in comparison with 72% of women in neighboring Thailand (source: Belton, Suzanne and Cynthia Maung, "Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border," *Forced Migration Review*, January 2004). Few people in Burma use condoms because of costs and social taboos. If a woman is found in possession of a condom she can be charged with prostitution, as it is a common misconception that only sex workers use condoms (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003).

Abortion remains illegal, even in cases of rape or incest. Despite this, it has been estimated that unsafe abortions account for 50% of maternal deaths (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003). Burma's health department ranks abortion as the third main cause of illness, and complications arising from abortions comprise 20% of all hospital admissions (source: Belton, Suzanne and Cynthia Maung, "Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border," January 2004). Abortions do occur in hospitals, but more often than not women seek the help of untrained practitioners. Women use a variety of methods to induce abortion, including ingestion of large doses of traditional herbs to cause menstruation and deep abdominal massages. Often foreign objects such as sticks, bamboo or other objects are inserted into the vagina. Infections and other complications are highly common leading to infertility or death. Approximately 750,000 abortions are known to occur per year and roughly 14% of married women between the ages of 15 and 49 have had at least one abortion during their married lives. To add to these numbers, post-abortion contraception is usually not provided at hospitals and subsequent abortions are not uncommon (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003).

In ethnic minority areas, such as the ethnic border states, there is significantly less access to healthcare than in major urban centers. Women in rural ethnic areas also face the dangers of ongoing armed conflict between ethnic rebel groups and government armed forces which often thwart their movement and abilities to access the existing health care services. In a 2003 report, the International Confederation of Free Trade Unions reported that the border regions contain one hospital for every 132,500 inhabitants and one rural health center for 221,000

people (source: Grumiau, Samuel, "Growing Up Under the Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003). The Women's League of Burma has reported that in some areas 7 out of 10 women have swollen thyroid glands (goiter), which is easily preventable and treatable. In the remote ethnic Chin State, 80% of women suffer from gynecological problems (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003). Women who are on the run or in relocation sites, suffer from exposure to the elements, lack of clean water and sanitation, not enough food and no medicine, and are thus more likely to contract diseases such as malaria, anemia, hepatitis and dysentery.

HIV/ AIDS

HIV/AIDS and other sexually transmitted infections continue to be a serious threat to the health and safety of women in Burma. High mobility, sex work, trafficking, low utilization of contraception, and a lack of perception of risk all contribute to the growing rise in HIV/AIDS infection. While Burma's health minister claimed, in 2003, that 180,000 people were currently infected with AIDS, UNAIDS estimated the figure was between 170,000 and 420,000. However, researchers at Johns Hopkins School of Public Health indicated that using a "conservative approach" as many as 832,100 individuals could be HIV positive (source: "AIDS in Burma 2003," *Irrawaddy*, December 2003). The Government has begun to take action on AIDS prevention and education, yet many obstacles remain to the proper dissemination of information, such as language. A member of SWAN (Shan Women Action Network) explained, "The government sends employees to the villages of the Shan people to talk about AIDS. One person from each household must attend these presentations, but they are given in Burmese." As the Shan language is completely different than Burmese, many villagers may not even understand such discussions (source: Grumiau, Samuel, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003). The ethnic areas of Shan and Kachin State are among the highest prevalence zones of HIV/AIDS infection and one source estimated that up to 65% of sex workers in Shan State are possibly infected with HIV (source: *Free Burma Rangers*, June 2003).

The World Health Organization (WHO) has stated that government repression and a lack of honesty about infection rates encourages the spread of HIV infections. The WHO has criticized the SPDC for failing to provide prevention programs for prostitutes and their clients, because its official policy is that men are faithful to their wives (source: *Arrested*, ALTSEAN, April 2003). As the restricted flow of information in Burma continues to hurt prevention and care efforts, the SPDC does not always give out accurate information about HIV/AIDS and has been known to manipulate awareness campaigns for their own benefit. Women in Karen State have reportedly been told that if they leave Burma they will contract the disease, in order to prevent women from seeking refuge in neighboring countries (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003).

Cultural taboos also contribute to the lack of HIV/AIDS knowledge among the populace. HIV/AIDS education is targeted towards married women, leaving many young women and girls uninformed and at greater risk of transmission. While premarital sex occurs, it is culturally unacceptable causing single women to be unlikely to seek out information or condoms for fear of being shamed. In research conducted in the Tak province of Thailand among Burmese migrant workers, it was found that less than 15% of married women had ever seen a condom. Even fewer knew how to use one properly (source: "AIDS Takes the Backseat in Burma: An Interview with Chris Beyrer," *Irrawaddy*, 20 July 2004). The World

Health Organization has said women “...feel subservient; they feel as if they are not trained and have the type of support system that will allow them to speak out. Most don’t feel empowered to insist on condom use,” (source: *Abused Bargaining Chips: Women’s Report Card on Burma*, ALTSEAN, March 2003).

There continues to be a deep-rooted attitude that anyone who suffers from HIV/ AIDS has brought the condition upon themselves and does not deserve help. Vicky Bowman, the British Ambassador to Burma, noted in an interview with the *Irrawaddy* magazine, “I wonder if most people in Burma know, however, that the main cause of HIV infection for Burmese women is being married, whether to a drug user, or to a man who has been with high-risk groups like sex workers, either here or overseas.” Both de-stigmatization and compassion are still needed to fight the disease in Burma. (Source: “An Interview with Vicky Bowman: The British Solution,” *Irrawaddy*, Vol. 11. No.4, May 2003)

7.3 Women and Forced Labor

Burma ratified Article 11 of the ILO convention No.29 in 1955; the article states that the use of compulsory labor must be confined to males between the ages of 18 and 45 and only used under very limited circumstances. In addition, the SPDC passed a law in October 2000 banning forced labor under Section 374 of the Penal Code. Despite these laws, the SPDC not only continues to use forced labor but does not hesitate to use women in all kinds of forced labor, such as building railways, hydro-electric dams, building and maintaining military supply roads, digging ditches, breaking stones and portering for troops in war zones. As forced labor is particularly prevalent in rural areas inhabited by ethnic minorities, ethnic women are routinely taken for forced labor duties, including teenage girls. It is common for households to send women to fulfill forced labor quota requirements if the men in the household are busy doing other work, such as farming, that is critical to a family’s survival.

Forced labor, in particular forced portering, puts women at great risk of sexual violence. It is common practice for military troops to use female porters as “comfort women,” in which after hauling heavy military equipment during the day women are raped by troops at night. If a woman tries to escape such a situation she risks being starved, beaten, tortured, or killed. In addition to being vulnerable to sexual harassment and abuse during forced labor, women most often do not receive adequate food, water or medical treatment. This combined with the physical strain of forced labor puts their health at risk. Women who are pregnant are not exempt from forced labor assignments. Generally it is possible for people to pay another person to go in their place, but women who cannot afford to do so must risk their own health and that of their unborn child to carry out what are often arduous tasks. (Please see chapter on forced labor for more information.)

Women and Forced Labor - Partial List of Incidents for 2003

Karen State

On 13 March 2003 SPDC troops from LIB 599 demanded 600 porters, both male and female, to carry military food supplies to Ko La Wah Lu camp in Mon Township, Karen State. (Source: KORD, 2003)

On 2 June 2003, SPDC troops from IB 92, based in Kaw Thay Der, Kler Lar of Tantabin Paw Ta Tu Township in Toungoo District, forcibly seized 250 villagers including men, women and children. The villagers were forced to porter for the military and carry the troops' food rations from Kler Lar up to Tha Aye Hta and Wah Soe village, where their frontline camp was located. (Source: KORD, 2003)

On 11 June 2003, combined SPDC troops from IB 92, led by Win Htun, and IB 39, led by Win Soe, forcibly seized villagers from Wathokho, in Tantabin (Tawtatoo) Township. The villagers, numbering 29 people, including 4 women, were subsequently forced to carry items for the SPDC troops to Tha Aye Hta and Wah Soe, where their camp on the Karenni State border was located. The 4 women were:

- (1) Naw Poe Wah with her suckling baby;
- (2) Naw Eh Moo Say Lay Wah with her suckling baby;
- (3) Naw Moo Paw with her suckling baby; and
- (4) Naw Lah Moo with her suckling baby.

The SPDC troop's (Sa Ba Ha) military strategy, in order to control (Ta Pa Ka) Southern Command, included forcibly collecting 200 porters from the villages in the Kler La area and forcing the villagers to carry things from Tha Aye Hta up to their front line camp on the Karenni State border at Pimukho. As the villagers were forced to continuously carry things back and forth from Kler La to Pimuhta, some could no longer bear the abuse and managed to escape by fleeing to the Wah Soe area. (Source: KORD, 2003)

On 9 July 2003, SPDC troops, from IB 92 base in Kaw Thay Der and led by warrant officer Htun Wae, forcibly collected villagers from Kaw Thay Der village in Tantabin Township of Taungoo District and ordered them to carry their military ammunition up to their frontline camp at Naw Soe. The female villagers included:

- (1) Naw Ma, age 30;
- (2) Naw Ah Sei, age 26;
- (3) Naw S'pyah, age 15;
- (4) Naw Sheh Ni, age 21;
- (5) Naw Sa Ri, age 13; and
- (6) Naw Moo Paw, age 15. (Source: KORD, 2003)

On 23 July 2003, SPDC troops IB 29, led by Warrant Officer Htun Wai, forced Kaw Thay Der villagers to carry military supplies to Naw Soe, Htaw Ta Tu Township, Toungoo District, in Karen State. Those villagers included the following women:

- (1) Naw Blu Doh, age 23;
- (2) Naw Mer Poe, age 25;
- (3) Naw Sa Gay, age 28;
- (4) Naw Eh Dee, age 19;
- (5) Naw Htoo Lweh, age 18; and
- (6) Naw Neh Ni, age 23.

In the same day this troop again forcibly collected 47 porters, both men and women, in Kaw Thay Der village and ordered them to build a fence for their camp. (Source: KORD, 2003)

On 10 September 2003, SPDC troops from IB 26 base in Kaw Thay Der, led by Officer Htun Kyaing, forced 5 women and 2 men from Kaw Thay Der village in Htaw Ta Htoo Township of Taw Oo District to porter military equipment up to their Naw Soe camp. (Source: KORD, 2003)

On 13 September 2003, the same troop (IB 26) and Officer Htun Kyaing again forced 4 women villagers from Kaw Thay Der to carry their military equipment up to their Naw Soe camp. (Source: KORD, 2003)

On 15 October 2003, a group of SPDC troops, from IB 73 and headed by Officer Aung Nyunt Win, forcibly ordered 6 women and 14 men from Hoo Mu Der village in Taw Ta Htoo Township of Taw Oo District to do construction work at their military camp. That same day the troop also forced 4 women and 11 men from Klaw Mi Der village to carry their military food supplies up to Pet Let Wa. (Source: KORD, 2003)

On 29 October 2003, the same SPDC troops, from IB 73, based in Klaw Mi Der village in Taw Ta Htoo Township of Taw Oo District, and led by officer Aung Nyo Win, demanded 10 villagers from Hoo Mu Der village, including 8 men and 2 women, to cut bamboo for them. (Source: KORD, 2003)

On 1 November 2003, SPDC troops from IB 73 base in Klaw Mi Der of Htaw Ta Htoo Township in Taw Oo District, commanded by Major Aung Nyunt Win, forcibly collected women and children from Kheh Der, Hu Mu Der, Ler Kla Der and Klaw Mi Der villages. The villagers were ordered to contribute labor for the reconstruction of the Klaw Mi Der and Peh Leh Wah military base camps. At the same time, this troop forcibly extorted 12,000 kyat each month from the 4 villages of Kheh Der, Hoo Mu Der, Ler Klah Der and Klaw Mi Der. Moreover, on 4 November 2003, this same troop extorted 10,000 kyat from Hoo Mu Der villagers as well. (Source: KORD, 2003)

On 2 November 2003, SPDC troops from LIB 20 Column 2 controlled by Officer Htay Win and active in the Shan Gyi area, forcibly collected 2 villagers from each of villages of Taw Ku and Zee Pyu in order to perform “massage” for troops at Pa Yah Ywa village. On 4 of November, these same troops ordered that the 2 persons from each village be rotated and replaced by 2 new villagers every 2 days. (Source: KORD, 2003)

Mon State

SPDC's military battalion, LIB 273 forced the majority women in Yebyu Township to provide labor in the construction of embankments for dikes in their township area of Tenasserim Division, in the southern part of Burma. Lt. Col. Mee Sar from LIB 273 demanded that the village chairmen from 4 villages in the surrounding area contribute villagers on 20 July to perform unpaid labor in the construction project. Soldiers took villagers from half of the households in the 4 villages.

As the majority of men were busy working their own farms, women had to provide the labor and work at the construction site. Women from the villages of Sin-swe, Ye-ngan-gyi, Paya-thon-zu, and Sin-chaung were forced to construct the embankment. Besides taking villagers

for forced labor in the embankment construction, the battalion also stole cattle and other farming equipment used in cultivation from the villagers. The villagers were also forced to work on the military's farms. (Source: *The Mon Forum*, Issue No.7, HURFOM, 31 July 2003)

Shan State

It has been reported that young girls in eastern Shan State have been forced to provide entertainment to SPDC military officers. Before their much celebrated water festival, girls attending various schools and colleges are forced to practice dances. Instead of freely enjoying their New Year festival, they are later forced to perform for the pleasure of military officers and entertain the officers as the officers see fit. The girls don't receive any compensation for their performances. (Source: Free Burma Rangers, June 2003)

7.4 Violence against Women

Women in Burma continue to be subjected to various forms of violence perpetrated against them by both their own communities and the military government. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified by the SPDC in 1997, and the government is therefore bound to make attempts at reducing gender-specific violence. However, there is continuing evidence from both local and international NGO's, as well as the U.S. Government, that the military regime specifically targets ethnic women and uses rape to control ethnic minority populations, and effectively turns women's bodies into battlegrounds. Such violence is a violation of the following rights and freedoms: right to life; right not to be subject to torture or to cruel, inhuman or degrading treatment or punishment; right to equal protection according to humanitarian norms in time of international or internal armed conflict; right to liberty and security of person; and right to the highest standard attainable of physical and mental health.

In May 2002, SWAN and Shan Human Rights Foundation (SHRF) released a report entitled *License to Rape*, which documented the widespread and systematic rape of at least 625 girls and women in Shan State by soldiers from 52 military battalions between 1992 and 2001. Not only were the women and girls raped, some were tortured over a period of months and 61% were gang-raped. One fourth of the rapes ended in murder, and many of these crimes took place within military bases and in forced relocation sites. Out of the total 173 documented incidents, there was only one case in which the perpetrator was punished. More commonly, the complainants were fined, detained, tortured or even killed by the military if they tried to seek justice. Given the extreme brutality of the rapes (which included beating, mutilation, and suffocation), the fact that 83% were committed by officers in most cases in front of their own troops, and the impunity with which they were carried out, the report shows how rape is both condoned by the government and used as a weapon of war in order to terrorize and subjugate the ethnic Shan.

Even though this report was later corroborated by a U.S. Department of State investigation, the SPDC called the women's accounts of rape fabrications. Far from trying to prevent such atrocious attacks, it was widely reported and documented by organizations such as SWAN, that the military went into villages and forced people to sign petitions stating that the rapes did not occur. Men are unable to protect their wives, mothers and daughters from such rape, as they often flee as the army approaches or risk charges of collaboration with rebels or risk being forced into the Army. The frequent rape of girls and young women is particularly

demoralizing to ethnic communities, as it conveys the notion that the community is unable to protect even its most vulnerable members.

In April 2003, Refugees International released a report, *No Safe Place*, independently confirming *License to Rape* and provided further evidence that larger numbers of women and girls from other ethnic minority groups are also targeted and raped by SPDC soldiers in a pattern of abuse. Forty-three cases of rape or attempted rape of women from the Karen, Karenni, Mon, Tavoyan, and Shan ethnic groups were documented and 75% of women interviewed said they knew someone who had been raped. In only two of these cases were the rapists ever punished. An author of the report, Veronika Martin of Refugees International noted, "Rape is widespread and committed with impunity, both by officers and lower ranking soldiers. The culture of impunity contributes to an atmosphere in which rape is permissible." While several cases from 2003 have been recorded, it is important to note that the vast majority of rape cases go unreported and undocumented because of a lack of access to victims as well as shame, fear, and cultural constraints against the frank discussion of rape.

Most recently an April 2004 report published by the Karen Women's Organization (KWO) documented recent, widespread abuses against Karen women and girls by the Burmese Army. The new report entitled *Shattering Silences* documented 125 cases of rape perpetrated by soldiers over the period of eighteen months. High-ranking officers committed half of the rape cases documented, 40% were gang-rapes, and in 28% of the cases the women were killed after being raped. This report reaffirmed that the Burmese military is clearly targeting women and girls from a multitude of ethnic minority groups for rape in order to "reward" troops for fighting, terrorize entire communities into submission, and to control and exploit the resource-rich ethnic states.

While both *License to Rape* and *No Safe Place* called for an outside independent inquiry into the cases of rape perpetrated by the military, the Government continually refuses to cooperate. Prof. Paulo Sergio Pinheiro, the UN Special Rapporteur on the Situation of Human Rights in Burma, has not been allowed access to conflict areas in Shan State so that he may corroborate information provided to him about Burmese Army rapes in his own previous interviews with refugees in Thailand. At the same time, the presence of international NGOs in Shan State has not curtailed the regime's troops from continuing to commit sexual violence. Gang-rape of villagers by soldiers occurred in the township of Murng Hsat at the end of May while members of the International Committee of the Red Cross were conducting one of their periodic field missions. In the midst of SPDC denials, more rapes continue to be reported.

SWAN has documented the rape of a further 138 women and girls in Shan State by the SPDC military since *License to Rape* was compiled. Of the cases this year, seventeen were girls under 18: two of these girls, aged 10 and 13, were gang-raped so brutally that they died shortly afterwards of their injuries. Another girl of 13 was gang-raped and beaten so badly that her face became permanently disfigured and she suffered permanent psychological damage. SWAN also warned that there continued to be impunity for the perpetrators of these crimes. Of the incidents reported in 2003, no one was punished. In only one case did the rapist provide monetary compensation to the victim, in exchange for her dropping the case. (Source: *SWAN Monthly Newsletter*, SWAN, September 2003)

Throughout 2003, there was ample evidence that the SPDC tried to cover up incidents of rape by their troops to prevent international monitors from discovering the evidence. Before a visit of an International Committee of the Red Cross (ICRC) team to Laikha town in Central Shan

State on 9 December 2002, village elders were threatened by military authorities. From 2-12 December, the ten-member ICRC team conducted a ten-day assessment visit to Central Shan State, traveling by road east from Taunggyi to Loilem, Namzarng, Murng Nai and Laikha. Two days prior to their visit to Laikha, police and military authorities ordered some local teachers, headmen and ex-government officials to come to the Laikha police station. Once at the police station the villagers were ordered to form a so-called civilian “committee” which would accompany and liaise with the ICRC. The members of the “committee” were instructed to record all questions asked by ICRC members, and threatened to be “careful” when answering any questions. A representative of SWAN indicated, “It is very clear that the military regime wants to use the presence of ICRC in Shan State to help deny the charges that they are licensing rape of ethnic women.” The representative further added, “But if they really have nothing to hide, why are they asking villagers to be “careful” when answering questions?” (Source: *SWAN Monthly Newsletter*, SWAN, 6 January 2003)

The military regime continued to obstruct justice in these rape cases. People throughout Central and Southern Shan State have been forced to sign documents that state that Burmese troops had not committed any sexual violence in their areas. In early February, local military officers threatened to cut out the tongues and slit the throats of villagers who dared speak out to the ICRC during their visit to Shan State in January 2003. Village and village tract headmen were threatened with large fines and up to 5 years imprisonment if members of their community spoke about abuses to the foreign investigators. These were not idle threats as on 2 February, SPDC troops beat two displaced villagers in Laikha Township for speaking about abuses to ICRC officials (source: *Charm Offensive*, ALTSEAN, January-March 2003). As ICRC conducted missions to Shan State throughout the year, the teams reported the high presence of military personnel and the reluctance of villagers to cooperate or speak with them. It was also reported that local military authorities and the USDA trained and instructed villagers in Shan State and other areas, on how to lie to international monitoring organizations. These trainings were often accompanied with threats of physical harm. There is no protection mechanism provided for survivors and/or witnesses who dare to testify against the military, and there is nowhere for the rape survivors to turn to inside Shan State for any medical or social support, let alone for legal recourse. Some rape survivors have fled to Thailand for their own safety (source: *Stop License to Rape in Burma*, SWAN, 17 March 2003). (See chapters on freedom of expression or freedom of assembly and association for more information.)

Women outside of the ethnic border-states and areas of armed resistance are also subject to sexual violence perpetrated by state sanctioned personnel. According the U.S. Department of State, eyewitnesses reported government-sponsored attackers raped several female democracy supporters during the 30 May attack on the NLD and Aung San Suu Kyi, also known as the Depayin Massacre. In general, it is unsafe for women to travel at night without a male escort. Employers of women who work at night must provide some form of transport to return workers to their homes. Even taxis are reportedly dangerous for women at night, who risk both robbery and rape. Sex workers traveling at night must typically pay substantial additional fees to taxi operators or risk being raped, robbed, or turned over to the police. Sex workers arrested by police are sometimes raped and robbed while in custody. There are also no laws against sexual harassment in Burma. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

Domestic violence against women; including physical, emotional, and sexual abuse, is also a significant and increasingly prevalent problem in Burma. Most people have little knowledge about domestic violence and other gender-based human rights problems. Domestic violence is considered a private matter between a husband and wife and cultural taboos often thwart women from reporting incidences of abuse. Pervasive discrimination against women by the military government encourages people to accept domestic violence in the home and community as normal. Under an oppressive government that uses force to control the general populace, citizens become accustomed to the idea that physical power is an effective way to control others and it helps to justify domestic violence. Burmese living in refugee camps are especially susceptible to domestic violence. According to Earth Rights, "They have limited contact with the outside world, no way to make a living, no land, no livelihoods, no income. People are bored, they are anxious because they have no money to buy food and clothing, and they see no change in the future. For the men, who are, according to stereotypes and social roles, supposed to provide economically for their families, it can create a lot of frustration. This frustration and feeling of powerlessness can lead to a desire to take control over something, anything. Sometimes, violence within the family becomes the way men try to deal with their frustration and try to feel like they have some control over something in their lives." (Source: "Facing Violence Amongst Ourselves: Domestic Violence in Refugee Communities," Earth Rights International, 2003)

The human rights abuses that women experience often occur simply because they are women. Women who have been raped are sometimes punished and even killed by their own family members. A woman interviewed by Earth Rights International revealed the story of one such victim who had been raped by her brother's friends. "After knowing this, the parents felt so angry with the daughter that they beat her to death, put her body into a big bag and threw it into the river. She did not get any mercy even though she told them that she had been raped. The parents did not accuse their son." Men may believe that it is their right to control their wives through violence, and women are criticized for divorcing abusive husbands. (Source: "Facing Violence Amongst Ourselves: Domestic Violence in Refugee Communities," Earth Rights International, 2003)

Physical Violence against Women - Partial List of Incidents for 2003

Karen State

Pregnant woman abused by SPDC troops

On 15 June 2003, the Burmese Army's troop LIB 703 Column 2, led by Major Shwe Win and Company Commander Tun Tun Win, misfired at soldiers from their own side from LIB 703 Column 1, led by Major Tun Tun Naw. After fighting, they came directly into a nearby village in the Pa'an District and told the villagers they had fought with the Karen National Liberation Army (KNLA) troops. Once inside the village, they tied up some of the residents and proceeded to severely beat and torture them. The villagers were accused by the troops of having connections with resistance groups. The SPDC looted villagers' belongings and slaughtered domesticated animals for meat, without paying any form of compensation. The troops also threatened to burn the village to the ground if any more clashes with the KNLA occurred. Although it was a Sunday, and villagers had collected for worship, the troops accused them of gathering in order to fight. None of the locals dared to speak out about the events. That evening, troops accused a villager of having contact with the KNU and kicked his pregnant wife twice in the stomach. Because of the injuries she sustained in the attack, the

pregnant woman fled to hideout in the jungle as an IDP. (Source: Department of Information, KNU, 2003)

Shan State

Two women beaten unconscious and their motorcycle stolen

In the middle of 2003, 2 women were beaten until they lost consciousness and robbed of their motorcycle by SPDC troops from LIB 331 in Tachileik Township, Shan State. One of the women later died of her wounds sustained from the beating.

On 22 August 2003, Naang Seng (age 17) and Naang Long (age 17), from Saai Murng quarter in Tachileik Town, were going to their pineapple orchard by motorcycle when they were stopped by a group of 3 SPDC troops near the orchard located about 2 miles north of the town. As the women stopped their motorcycle, the SPDC troops beat and kicked them and wrested the motorcycle away from them. The troops repeatedly beat and kicked the women severely, causing them to lose consciousness.

Some villagers from Pong Lo village, which was not far from the site of the incident, found the 2 unconscious women and took them to the local hospital. Although the women regained consciousness after being treated at the hospital, 1 of them, Naang Seng, was so seriously wounded in the head that she died at the hospital on the same night. The parents and relatives of the 2 women, together with village and community leaders, later lodged a complaint with the SPDC authorities at the Tachileik Township Office. There was no progress however with regard to the case. (Source: SHRF Report, February 2004)

(See section on Rape and Sexual Violence- list of incidences for sexual violence against women.)

7.5 Trafficking of Women

"They are victims of physical and sexual abuse, of cultural prejudices, and have to deal with marital instability and the adverse impact on their children."

- Jean D'Cunha of the United Nations Development Fund for Women on why the personal costs of migration for women is far higher than for men. (Source: Macan-Markar, Marwaan "Migrant Convention Not a Magic Solution," *Irrawaddy*, 14 February 2003)

Women comprise a large percentage of persons trafficked out of Burma, and are the most vulnerable to exploitation. Women from ethnic minority groups, including Shan, Karen, Rohingya, and Mon, are at an even greater risk of becoming the victims of trafficking. Women are trafficked from Burma into neighboring countries such as Thailand, Malaysia, Singapore, Japan, Taiwan, Bangladesh, and Pakistan as well as Middle Eastern countries. They can be found doing manual labor, working in factories, domestic work, and working in the sex industry. Internal trafficking also occurs from poorer agricultural areas to urban centers, mining areas, areas near military bases, and cities along trade routes and the border where prostitution flourishes. While ultimately the cause of such trafficking is the desperate economic situation in Burma, Deep Ranjani Rai of the Global Alliance Against Traffic in Women noted that the attitudes of women's families also adds to the cycle of

migration and exploitation. A woman's family may pressure her to earn more in order to contribute to the family's finances. "We hammer the states all the time, but families have a greater influence over these women than other factors [government or laws]," she pointed out. "Often, the women who go abroad have no respite, because the families at home keep demanding money." (Source: Macan-Markar, Marwaan "Migrant Convention Not a Magic Solution," *Irrawaddy*, 14 February 2003)

The SPDC continually claimed that it was making progress fighting human trafficking; announcing the arrest of 417 human traffickers between July 2002 and 21 August 2003. In July 2002, a Working Committee for Prevention against Trafficking in persons was established. The SPDC has further declared that 82,251 citizens had been educated about issue of human trafficking (source: *Under Pressure*, ALTSEAN, July–September 2003). Conversely, many contend that the SPDC's measures against trafficking are really attempts to deter migration out of the country and to prevent information about human rights abuses from being reported to the outside world. The SPDC's deputy intelligence chief, Maj. Gen Kyaw Win said part of the SPDC's "Anti-Human Trafficking Campaign" would include efforts to "teach people about negative consequences of working abroad." Likewise, the SPDC is creating "Human Trafficking Prevention Committees" in many states and divisions that collect data about people between the ages of 16 and 25 and thoroughly check people traveling to border areas. Concern has been raised that such committees are being used to hinder the movement of and the freedom of expression of women. These committees ultimately treat female victims like criminals, instead of pursuing the traffickers and addressing the root causes of trafficking. Moreover, it has been reported that restrictions on women's movement has done little more than to make travel more costly (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003).

There is no law in Burma that specifically prohibits the trafficking of persons, although the Penal Code prohibits kidnapping. However, the law is not effectively enforced. In fact, there is widespread complicity among local and border officials who profit in the form of bribes. In more recent years, the government has made it difficult for single females to obtain passports and there are regulations preventing girls under the age of 25 from crossing the border without a guardian accompanying them. The fact that the majority of women and girls lured or forced across borders do so without passports makes this regulation totally ineffective in the prevention of trafficking (source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004). In September 2003, the U.S. Department of State reported that Burma was 1 of 15 countries to be placed on Tier 3, the lowest of US government standards, for its failure to comply with the minimum standards of 2000's Trafficking Victims Protection Act. The US government condemned the SPDC for its failure in the "elimination of trafficking, and failure to make significant efforts to do so." (Source: "Progress in the Fight Against Trafficking in Persons," U.S. Department of State Press Statement, 10 September 2003)

Women Trafficked to Thailand

Trafficked women are often deceived by promises of good jobs in areas such as restaurant work, only to end up in the sex industry. Researcher Pimpawun Boonmongkon of Mahidol University in Thailand found three main trafficking patterns in Mae Sot, Tak Province, a point of entry for Burmese into Thailand. Young Burmese women either fell prey to lying agents, were lured by acquaintances, or were even sold to brokers by their own relatives. Women suffering from personal problems were especially easy victims. Some trafficked

Burmese became 'rental' wives of local men before being forced later into prostitution. Burmese women working in the sex industry in Thailand often face aggressive sex, gang rape and unprotected sex that causes physical and mental trauma. They are also at high risk of contracting HIV/AIDS and other sexually transmitted diseases because they lack access to health services, education, and empowerment to enforce condom use. (Source: "Shattered Dreams' to Educate Migrants," *The Nation*, 12 November 2003)

In 2003, Thai policy towards migrants became increasingly strict which has reportedly caused more women migrants to turn to sex work. It was reported some women who were trafficked to Thailand in order to do factory work have been turning to prostitution as labor laws were tightened. During crackdown on illegal migrant workers during the year, recruiters reportedly traveled to factories and workers' barracks in Mae Sot in order to entice young women to enter the trade with promises of higher wages and brothel owners' close relationships with Thai authorities. Women lacking other forms of income during immigration crackdowns are especially vulnerable. Even female workers who hid in the nearby jungle waiting for the factories to reopen were targeted. (Source: Manning, Kevin R., "Wooing Women Workers," *Irrawaddy*, 1 October 2003)

Police accepting bribes and lending their complicity to the sex trade can also end up facilitating it. "Police are known to sell girls to brothels after they arrest them," said Moe Swe of YCOWA. Young Burmese women arrested in Bangkok have been approached by brokers and immigration officials en route to the border area near Mae Sot and given the choice of becoming sex workers or being deported. A 1993 report by Asia Watch indicated, "The deportation process in many cases... becomes a revolving door back to the brothels." (Source: Manning, Kevin R., "Wooing Women Workers," *Irrawaddy*, 1 October 2003).

While factory wages for illegal Burmese migrants average roughly 2,000 baht per month with 12-hour workdays, a woman can earn 250 baht from one hour of sex with a client. After deductions for their living expenses, prostitutes can earn an average of 6,000 to 10,000 baht per month. By comparison, inside of Burma garment factory workers earn a mere 8,000 kyat (US \$8 or 320 baht) to 20,000 kyat (800 baht) per month. Some women who have steady factory jobs choose to become prostitutes part-time for extra income, noted Dr Cynthia Maung, who treats sex workers at her health clinic in Mae Sot. Most of the women who turned from factory work to brothel work hoped to save enough money for their families so that they could then return home. (Source: Manning, Kevin R., "Wooing Women Workers," *Irrawaddy*, 1 October 2003)

Women Trafficked to China

Thailand is not the only bordering country that receives trafficked women who ultimately end up working in the sex industry. China's one-child policy has resulted in a shortage of women in many rural villages in the eastern part of the country and many poor village men cannot afford to pay the price of a dowry. It has been reported that these men are increasingly employing brokers in both China and Burma to find them a wife. The buying of Burmese wives has become a thriving business along the border. As women and girls are drawn to the border in search of work and in order to escape poverty, the brokers reportedly have an easy time finding recruits. However many women reportedly end up fleeing the harsh and isolating conditions of their new Chinese homes and ultimately traveling thousands of miles to return to towns along the border on the Chinese side where they end up working as prostitutes. (Source: Seng, Naw, "One Way Ticket," *Irrawaddy*, 1 January 2004)

In early 2004, the *Irrawaddy* magazine reported the story of a Burmese woman named Nandar who was lured by a female Burmese broker at the age of 17 from Mandalay to the Chinese border. The broker promised her a restaurant job paying 30,000 kyat (US \$30) per month in Muse, a Burmese town opposite the Chinese town of Ruili. However, once the pair arrived at the border there was no job. Nandar was then sold to a Chinese trafficker who, after drugging her and a group of four other Burmese girls, took her deep into China. Nandar said she was sold to a 50-year-old Chinese man for 18,000 yuan (US\$ 2,180) but she received none of the fee. The other girls went for between 5,000 and 20,000 yuan, depending on their youth and beauty. Nandar spent three years in the Jiangsu Province, as the wife of a Chinese farmer, and after she could no longer bear the conditions and a failed suicide attempt she fled back to the border. (Source: Seng, Naw, "One Way Ticket," *Irrawaddy*, 1 January 2004)

For Burmese women who go to China, returning home is excessively difficult. Re-entering Burma to live or visit family is nearly impossible as they face imprisonment for leaving the country illegally. Mya Maung, a former employee of Save the Children, asserted that the Burmese authorities arrested two Burmese girls who had fled their Chinese husbands in 2003, as they re-entered Burma. Both were sentenced to long prison terms for illegally exiting the country. Many Burmese women are caught in limbo in towns such as Ruili, left with no choice but to enter the sex industry because of the lack of other work opportunities. Such women then become vulnerable to HIV/ AIDS infection as well as heroin addictions. (Source: Seng, Naw, "One Way Ticket," *Irrawaddy*, 1 January 2004)

Sex Workers in Burma

As the economy continues to spiral downward and ordinary people are unable to feed themselves, women inside of Burma are turning to the sex trade to supplement their families' incomes. Women inside Burma who engage in prostitution usually do so on a part-time basis to supplement their primary work. At the same time, some are relying more heavily upon it in economically hard times, as they feel that sex work provides a better pay rate and better working conditions than other forms of employment as a laborer or factory worker. Following the onset of US sanctions in July 2003, the garment industry was highly affected and the SPDC claimed that women who lost their jobs in the garment factories were driven into prostitution. Yet, the expanding sex industry existed long before the US sanctions were imposed. Several reports following the SPDC's claims indicated that women had been driven to prostitution because of the SPDC's economic mismanagement. Although prostitution is illegal and punishable by three years in prison the industry continues to grow. Female prostitutes are often subjected to abuse when arrested or while incarcerated. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

Prostitution flourishes in urban areas, along trade routes, and on international borders with large numbers of sex workers found concentrated in large cities. Reportedly, young girls were commonly seen standing on street corners, in popular nightclubs, and in hotels looking for clients in Rangoon. Some sex workers who cater to higher paying clientele are provided with an apartment, telephone, and their bosses arrange their clients over the telephone. Young women who work on the streets in Rangoon face exploitation by sex bosses, referred to as 'pha-gaung' in Burmese. Exposed on the streets, women are extremely vulnerable to other abuses and must often pay off the local authorities in the form of cash bribes as well as sex. In response, some women in Rangoon have reportedly formed their own working group.

(Source: Hongsar, Banya, "Young Women Prop Up the Regime," *Kao Wao News*, No. 57, 16 November 2003)

A newer phenomenon of the "fashion show" also provides an avenue for women to earn easy income through sex work. Fashion shows have reportedly become a popular nighttime diversion for wealthy businessmen in downtown Rangoon. One advertising executive told a reporter from the Irrawaddy, "When we are worried or sad, we go to the pagoda. When we are happy, we sing karaoke and we watch fashion shows." The women who work the shows by parading down the catwalk to Western pop tunes are paid by men for their company, and may offer sex services for payment after the show. Some dancers have said that they are pressured by their managers to bring in a certain amount of money every night, which ultimately means having sex with men for cash. (Source: O'Connell, Chris, "Burma A La Mode," *Irrawaddy*, 1 October 2003)

Concurrently, the rate of HIV infection in Burma continues to grow as the sex industry does. Sex workers infrequently carry condoms in an attempt to avoid arrest by the secret police. If a woman is seen purchasing or possessing condoms she is usually suspected of prostitution, as it is still uncommon for contraception to be utilized in Burma. According to a study by the Burma Center Netherlands, 52% of all female sex workers in Burma were HIV positive. The same report indicated that HIV prevalence among commercial sex workers tested in Rangoon and Mandalay increased from approximately 4% in 1992 to 26% in 1997. General rates of HIV can easily increase as clients pass the virus onto their wives, just as some sex workers may infect their own husbands. Due to the lack of substantial HIV/AIDS education and prevention programs, and the Government's attitude toward women's purchasing of condoms, HIV/AIDS continues to be spread to the public through the sex industry. As a result, women not only endure economic hardships, but they are also exposed to grave health risks.

The Imperial Beer Shop in Tavoy

It April, it was reported that in a bar in the city of Tavoy in southern Burma, men could easily buy alcohol and sex. The "Imperial Beer Shop," located near the Launglone transportation terminal, was able to openly operate as a brothel with the co-operation of local authorities and Military Unit No.19 of the Burmese Army who reportedly accepted 500,000 kyat per month in bribes from the owner of the business. The nightspot employed roughly 18 girls between the ages of 18-20 years from Rangoon and other Burmese cities. While ordering drinks customers were free to fondle the girls who cost 5,000 kyat for one service at a table and are available for sex services after negotiation. (Source: "Sex and Drink in the City," *Kao Wao News*, No. 42, IMNA, 7 April 2003)

Trafficking of Women - Partial List of Incidents for 2003

Trafficked woman granted asylum in Australia

In April 2003, it was reported that a Burmese woman trafficked into the sex industry in Australia was finally granted refugee status. The woman was originally from Shan State and had been raped by the SPDC as a young girl. She had been trafficked first into Thailand, and then eventually onto Australia. (Source: ALTSEAN Report Card, April 2003)

Twenty-nine sex workers arrested in police raid

On 3 May 2003, 29 Burmese women were arrested in the city of Chiang Mai in the north of Thailand and charged with selling sex services. None of the women had work permits or visas, and many were trafficked from Shan State.

After police raided a karaoke restaurant at around midnight, some women broke into tears saying that they did not want to be sent back to a life of poverty in Burma. Police said that they believed the women were tricked into working for the restaurant, and later forced to provide sex services. "Working in Thailand allowed them to make money which they sent back to their families. In Burma they were jobless and had no income," said Police General Suthep Detraksa.

Activist Ben Sawasdiwat, organizer of Traf Cord, the northern Non-Governmental Organization working on the human trafficking issue joined the police raid and noted that the situation of human trafficking for sex purposes in the North of Thailand was growing out of control. "In this case, we will force police to file a lawsuit against the restaurant's owner in order to stop the cycle of human trafficking, or at least decrease it," said Ben.

Many brothels in the North of Thailand hide behind the front of restaurants and cafes, while trafficking in women from Burma to provide sex services for their clients. As the economic situation in Burma worsens, there is an ample supply of women desperate to get out. (Source: "29 Alien Sex Workers Arrested in Police Raid," *The Nation*, 4 May 2003)

Migrants and traffickers arrested in jungle

On 25 June 2003, 88 illegal Burmese migrants, including 35 women, and 2 traffickers were arrested by village security forces in Mae Sot, Thailand. The group was apprehended while trying to cross the Tha Nong Thong Chai mountain range en route to Kamphengphet Province, Thailand. Most were planning to travel on to Bangkok by road after emerging from the jungle, said an official from the Mae Sot district office. The arrested migrants were deported back to Burma by Thai immigration.

The migrants had paid the traffickers in advance for their trip; 6,000 baht (US\$ 143) for the Mae Sot to Kamphengphet leg, and an additional 2,000 baht if they chose to continue to Bangkok by car. As the Thai authorities increased the number of roadblocks between the border town of Mae Sot and Bangkok in 2003, the jungle route became favored by traffickers. Comparatively, in 2002 the whole trip could have been made by car for a 4,000 baht fee. The need to trek across the mountains led to a doubling of the cost in 2003, claimed officials in Mae Sot.

Nearly all of the Burmese migrants had borrowed money in order to pay for their trip, hoping that they would obtain good-paying jobs in Bangkok and be able to quickly pay off their debts. "The money I used to travel to Bangkok was borrowed in Burma because I could not find enough money to feed my family. Now I am in custody and the interest is growing day by day," said a tearful father of 5.

An NGO official noted that solving the human trafficking problem in Thailand is difficult because the root of the problem is the lack of economic opportunities and depressed wages in Burma. Traffickers are attracted by the fees they receive from the migrants, who in turn fulfill

the demand for cheap labor sought by entrepreneurs in Thailand. However, if convicted the traffickers face prison terms of up to 10 years. (Source: Shin, Aung Su, "Migrants and Traffickers Arrested in Jungle," *Irrawaddy*, 25 June 2003)

7.6 Rape and Sexual Violence - Partial list of incidents for 2003

Rape and Murder

Karen State

Pregnant woman with 3-year-old daughter raped and murdered

On 6 February 2003, a member of the Burmese People's Militia raped and killed a pregnant Karen woman after throwing her 3-year-old daughter into a stream to her death in Theyetchaung Township, Tenasserim Division in southern Burma.

According to a local villager, a woman named Naw Ka Myit Cho, the 23-year-old daughter of Saw Hsa Sit and Naw Kya Mit from a relocation site beside the Mergui-Tavoy road in Theyetchaung Township, disappeared after returning to her deserted village in order to tend to her fields. On 14 February, villagers found her body outside of Htee Oo Ooo (Hpabyoke), the deserted village.

It was later learnt that a man named Maung Aye, member of Pe village's *Pyithusit* (the "People's Militia" supported and armed by Burmese Army troops), raped Naw Ka Myit Cho at the outskirts of Ler Kwe Dot (Sinzwe), a relocated village. After raping the woman, Maung Aye took her to Htee Oo Ooo village and slashed her to death.

Furthermore, the *Pyithusit* member threw the victim's 3-year-old daughter into Pi stream and ran off with 40,000 kyat and 3 gold necklaces. Naw Ka Myit Cho was 3 months pregnant at the time.

Village elders reported the case to the headman of Pe village and to Pe's *Pyithusit* commander. However, they have not received any reply to their complaint, nor heard of any measures taken against the culprit. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2003)

Girl raped and murdered after her father shot by DKBA troops

On 6 August 2003, combined DKBA troops from Central Security led by Moe Kyo, and troops from No. 555 led by Pah Daw Bo, came into Htee Kli Tha village and shot and arrested a villager. The 46-year-old resident of Si Paht Day Kee village, Saw Ta Ku Ku, was wounded by both small and heavy guns (RPG-7). Then Moe Kyo raped and killed the man's 17-year-old daughter, Naw Mu Kut. Finally the troops burned down Saw Ta Ku Ku's hut containing 8 baskets of paddy, and looted another 10 baskets of rice as well as all of his pigs and chickens. Saw Ta Ku Ku has not been released since being arrested. The KNU reported that this was the first time rape was committed by DKBA troops in the Pa-an District. (Source: Department of Information, KNU, 2003)

Mon State

Woman raped during pipeline guard duty

In late February 2003, a 17-year-old Mon woman was raped while guarding the Kanbauk-Myaingkalay pipeline. She was substituting for her husband who was fishing that day. (Source: HURFOM, June 2003)

Shan State

One woman killed, two others raped, in Shan State

On 13 August 2003, a woman was killed while 2 others were raped in the forest over the course of 2 nights by a patrol of SPDC troops from IB 64 in Murng-Kerng and Lai-Kha townships, Shan State. While the 3 women from Saa Le village in Murng Yaai village tract, Murng-Kerng Township, were traveling to their farm, they came across a patrol of 15 SPDC troops from Lai-Kha-based IB 64, led by Major Tin Aung Soe. The 3 women were:

- (1) Pa Pong, age 50;
- (2) Naang Mint (not her real name), age 18; and
- (3) Naang Zing (not her real name), age 17.

The SPDC troops accused the women of being the wives of Shan soldiers and arrested and captured them. Once they stopped for the night in the forest, somewhere in Murng-Kerng Township, the troops killed Pa Pong and dumped her body down into a pit. Then the troops proceeded to rape the 2 other women throughout the night.

The next day the SPDC troops continued their patrol back to Lai-Kha Township and shot dead a villager's buffalo they found on the way. The troops stopped for the night again to smoke the meat of the buffalo, and again raped the 2 women all night long. The following morning, the SPDC troops put the smoked meat into their backpacks, released the women, and continued back to their base.

Villagers claim that at least once a month a patrol of SPDC troops from IB 64 patrol the area between Murng-Kerng and Lai-Kha towns, staying 1-2 nights in the forest to hunt villagers' cattle for meat, and regularly abuse the villagers they came across. (Source: *SHRF Monthly Report*, SHRF, January 2004)

Fifty-eight-year-old woman raped and strangled to death

On 4 October 2003, at 7:30 pm, Corporal Nay Win and his soldiers, under the leadership of Battalion Commander Myo Tint, from Burma Army LIB 549 and under Military Operations Command-12, arrested and raped a woman. Naw Kyin Shwe (age 58) was raped by the soldiers in At-then-goe village, Htee Swah village tract, Ta-nay-cha Township of Pa-an District, Karen State. After raping Naw Kyin Shwe, they took out both her eyes and strangled her to death nearby the LIB 549 base. (Source: CCB, 2003)

Two sisters raped and murdered in front of their father in Shan State

On 16 October 2003, 2 sisters were raped and their bodies were dumped into a hole in the ground while their father was tied up to a tree by SPDC troops. The SPDC troops from LIB 515 perpetrated the violence at a remote farm south of Wan Zing village in Wan Zing village tract, Kae-See Township of Shan State.

Lung Loi Thawn (age 60) and his 2 daughters, Naang Khin (age 22) and Naang Lam (aged 19) were reaping rice at their remote farm in Wan Zing village tract when a patrol of SPDC troops from Lai-Kha-based LIB 515, led by Commander Hla Khin, came to their farm. The SPDC troops proceeded to tie Lung Loi Thawn to a tree and then raped Naang Khin and Naang Lam. After raping the 2 women for some time, the troops left the farm, taking the women with them into the forest.

Because Lung Loi Thawn and his daughters had not returned, some of their relatives came to look for them and found Lung Loi Thawn tied up to the tree at his farm. Unfortunately, they were unable to find the 2 women that same day. After a few days, some of the villagers who had continued to search for the 2 sisters detected a foul smell coming out of a hole in the ground in the forest. Upon closer inspection, they discovered the sarong that one of the women was wearing on the day of the incident, caught on a root just inside in the mouth of the hole. However the hole was so deep and narrow that no one was able to go down into it in order to look for the bodies of the women.

The villagers then came to the conclusion that after raping the women to their satisfaction, the SPDC troops might have either dumped them into the hole alive or first killed them and then dumped their bodies into it. (Source: SHRF Report, February 2004)

Husband tied up while wife raped and killed

On 26 November 2003, a displaced woman was raped and killed while her husband was tied up by a patrol of SPDC troops from IB 64 at a remote farm in Wan Thi village tract, Lai-Kha Township.

Naang Sa (age 20) and her husband, Zaa Leng (age 23), were originally from Zizawya Khe village in Wan Thi village tract which had been forcibly relocated in 1996-97 by the then SLORC (State Law and Order Restoration Council) troops. On the day of the incident, Naang Sa and Zaa Leng were transporting rice from their remote farm and were taking rest in a farm hut when a patrol of about 40 SPDC troops from column 3 of IB 64, led by Commander Myint Soe, came across the couple.

The SPDC troops seized and tied up Zaa Leng outside the farm hut and gang-raped Naang Sa inside of the hut. Afterwards, the troops left the farm taking Naang Sa with them for some time. Zaa Leng then managed to untie himself and searched for his wife, but he was not able to find her anywhere in the area.

Zaa Leng later returned home and reported the incident to the village leaders. After some discussion, several village elders and leaders along with Zaa Leng went to the base of IB 64 to inquire about his wife. The guards at the entrance gate did not allow the villagers entry and told them that none of the troops there had been going out over the last 2-3 days because they were conducting important meetings.

The villagers could do nothing further but return quietly to their village. However, 3 days later Naang Sa's body was found floating in an abandoned well, locally known as Nam Waw Tawng Kuay or Nam Waw Mon, in the area of her farm. (Source: SHRF Report, March 2004)

A woman raped and killed in Kun-Hing

In the afternoon of 12 December 2003, Naang Mai (female, age 35), of Wan Lao village went alone to look at her farm as well as gather wild vegetables along the way when she ran into a patrol of about 40 SPDC troops from IB 246.

The SPDC troops forced Naang Mai to go with them until night fell when they stopped for the night at a deserted village (relocated), Naa Mon, in Wan Lao village tract. Naang Mai was raped by the SPDC troops all night and her cries were occasionally heard by some other guides.

At daybreak, the SPDC troops beat Naang Mai to death and dumped her body into an abandoned well at Naa Mon and continued their patrol towards Saai Khaao village tract. (Source: *SHRF Monthly Report*, SHRF, August 2004)

A handicapped woman gang-raped causing death in Lai-kha

One night in late 2003, a group of soldiers from LIB 515 gang-raped Pa Ong (age 40), a mentally handicapped woman, outside Maak Laang village in Naa Mang village tract, Lai-Kha Township. The troops had gone to the village to steal villagers' livestock and seized Pa Ong, dragged her out of the village and gang-raped her. Pa Ong was found lying outside and brought back into the village by some sympathetic villagers. She managed to tell the villagers that she had been dragged out of the village and raped by the Burmese soldiers, using the gestures of her hands to help describe the incident. She died 4 days later.

The villagers were sure that the perpetrators were SPDC troops from LIB 515 because several villagers saw them roaming the streets on the night of the incident. (Source: *SHRF Monthly Report*, SHRF, June 2004)

Rape

Shan State

Christian student raped at checkpoint while on her way to school

On 15 January 2003, an 18-year-old Christian Lahu student was raped while bicycling to school. The girl left her home early in the morning in order to attend school. When she arrived at the Mine Pyin checkpoint, a soldier of the Burmese Army Unit Mine Pyin Riflemen, named Myit Naing, raped her at the tent of the gate. The girl, a 10th standard high school student, was unable to continue her schooling after the incident, as she was unable to sit for the 10th standard exam. (Source: Free Burma Rangers, June 2003)

Burmese army defectors testify to continuing impunity for rape

On 17 January 2003, 3 soldiers who defected from the Burmese Army at the Thai-Burma border testified to Shan Women's Action Network members that their commanding officer boasted to them about raping women.

The soldiers, age 17, 19 and 26, who had defected with their weapons from Company 2 of LIB 226 across the border from Piang Luang into the northern Chiang Mai province of Thailand, testified that their commanding sergeant Myint Htay had boasted to them about having raped "5 or 6" women in Shan State.

The 3 soldiers, all forcibly recruited into the SPDC's army within the past year, had been stationed at the border for only a few months, after undergoing training near Kengtung.

"If officers feel comfortable boasting to their troops about raping women, it is clear that the culture of impunity for sexual violence in the Burmese Army is still in place," said Hseng Noun of SWAN. (Source: *SWAN Monthly Newsletter*, SWAN, 20 January 2003)

Four women returning from planting rice raped in Murng-Kerng

On 23 January 2003, 4 women from Wan Pek village in Ham Ngaai village tract, Murng-Kerng Township, who were returning from planting rice, were raped all night long by a group of 15 SPDC troops. The troops, from LIB 514, were standing guard on the way back to the women's village. The 4 victims were:

- (1) Naang Purng (not her real name), age 38, single;
- (2) Naang Em (not her real name), age 32, married with 1 child;
- (3) Naang Mung (not her real name), age 35, married with 1 child; and
- (4) Naang Lu (not her real name), age 26, married with 1 child.

On the day of the incident, the women had gone to plant rice as hired hands at a rice field some distance from their village. They were returning home at about 5 o'clock in the evening when SPDC soldiers stopped them along their way.

When the women did not return home in the evening their husbands and relatives went to report this to their village and community leaders. However, no one dared to go out and look for the women, as there were SPDC troops guarding the road in the direction the women had gone.

The women were raped by all the SPDC troops throughout the night and were only released at about 6:00 am the following morning. After the women returned from their ordeal and had related their plight to their husbands and relatives, everyone went to report the incident to the village and community leaders. The leaders then led the villagers to the base of LIB 514 and complained to the battalion commander, Lt. Col. Win Tint.

The battalion commander, however, claimed that the perpetrators could not only be SPDC troops, but also rebel troops such as SSA-N (Shan State Army - North), a ceasefire group, or SSA-S (Shan State Army - South), a non-ceasefire group. The commander said that he would make the necessary enquiries and let the villagers know who the real culprits were. He promised that if it indeed were his troops he would take serious actions against them, and with that he dismissed the villagers.

After sometime passed and no progress was heard of in the case, the villagers and their community leaders went to inquire at the LIB 514 base. They were told not to return again and that they would be informed if the culprits were found. However, there was still no news about the case by late March 2003. (Source: *SHRF Monthly Report*, SHRF, April 2003)

Military gang-rape occurs as International Committee of the Red Cross visits Shan State

On 30 January 2003, the same day as a team from the International Committee of the Red Cross (ICRC) was visiting Central Shan State, a woman was gang-raped only a few miles away by SPDC troops, local villagers reported.

The incident occurred in a village near the town of Laikha, when a patrol of troops from a military base at Kho Lam detained the 35-year-old Shan woman inside her own home. In the presence of her 4 children, she was gang-raped by 8 soldiers.

The ICRC, which spent several days in the Laikha area, was conducting its second visit in 2 months to Central Shan State in order to assess the conditions of the local population. Their policy is not to publicly expose human rights violations, but to raise issues confidentially with relevant authorities.

"We are very disturbed that such abuses are continuing under the very noses of international monitors," said Nang Mo Lao of the Shan Women's Action Network. "It throws into serious doubt the regime's sincerity about reform." (Source: *SWAN Monthly Newsletter*, SWAN, 11 February 2003)

Displaced villagers raped while forced to porter for SPDC troops in Kun-Hing

On 9 February 2003, 4 displaced villagers, including 1 man and 3 women, were forced to porter and carry meat for SPDC troops from IB 246 at Paang Wat village (relocated) in Ho Yaan village tract, Kun-Hing Township. The 4 displaced villagers were:

- (1) Zaai Num, male, age 20 (not his real name);
- (2) Naang Maai, female, age 40 (not her real name);
- (3) Naang Suay, female, age 15 (not her real name); and
- (4) Naang Leng, female, age 16 (not her real name).

These 4 villagers were originally from Mai Silee village (relocated) in Kaeng Lom village tract, but had been forcibly relocated in 1997 to Ka Li village relocation site in Kun-Hing Township by the authorities, then called SLORC (State Law and Order Restoration Council).

It is common practice for displaced villagers to return to their old grazing fields, located in their former village. Here they can find abundant grass and water, and can leave their cattle for sometime, returning every few days to care for them.

On the day of the incident, the above-mentioned villagers returned to their old village, Huay Aw (relocated), in order to tend to their cattle. They came across a group of SPDC soldiers who had slaughtered 2 buffaloes and were cutting up meat from the carcasses.

The encounter was so sudden that the villagers had no time to escape and they were subsequently forced to serve as porters and carry the buffalo meat for the SPDC troops as

they set off to resume their patrolling of the area. When they reached the place originally called Paang Wat village in Ho Yaan village tract, they stopped for the night.

After the SPDC troops roasted and ate the meat, they tied up the man, Zaai Num, and raped the remaining 3 women. 5 officers raped the women throughout the night, until all 4 of them were released the following morning at about 8:00 am. The women were then warned by the troops not to speak of the incident, and the soldiers threatened to come after them and kill them if they did.

A second lieutenant, who led 18 SPDC troops from IB 246, raped the women with his other officers. 2 of the offending officers' names were Soe Myint and Maung Cho, known by the villagers simply as a 2-striped Sergeant and 1-striped Sergeant respectively, probably Corporal and Lance Corporal. (Source: *SHRF Monthly Report*, SHRF, April 2003)

Woman raped while soldiers restrain her husband

On 5 April 2003, a captain raped a 20-year-old woman in Shan State while another soldier restrained her husband. On 7 April, the woman and her husband reported the rape to SPDC authorities in the area. However, after no action was taken they began to fear for their safety and fled across the border to Thailand. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

Girl gang-raped in Tachileik while gathering bamboo

On 6 April 2003, while gathering bamboo shoots to eat in the forest near Saw Kong village in Murng Phong village tract, Tachileik Township, a woman was gang-raped by 5 SPDC soldiers from LIB 526.

On the day of the incident 3 women from Saw Kong village, including Naang Sao (age 19), Naang La and Naang Seng, went together to gather bamboo shoots in the hills outside their village. As they were digging bamboo shoots, a group of 5 SPDC soldiers suddenly approached them.

All 3 women were frightened by the site of the approaching SPDC troops and fled. While 2 managed to escape, the third, Naang Sao, was unfortunately captured by the troops. The SPDC troops raped Naang Sao in turns in the bamboo forest where they had caught her. After all 5 of the SPDC troops had raped the girl to their satisfaction, they left Naang Sao alone in the forest.

Upon hearing of the incident from the 2 women who had escaped, some villagers from Saw Kong village gathered together and went in search of Naang Sao. The villagers found her sitting alone and crying in the forest where they consoled her and later took her home.

Although villagers of Saw Kong had submitted letters of complaint to the SPDC authorities in Murng Phong village tract and Tachileik town, they had not yet received any response at the time this report was received in July. (Source: *SHRF Monthly Report*, SHRF, August 2003)

Laborer raped by SPDC corporal

On 14 April 2003, SPDC troops from LIB 349, headed by Major Myint Htun, entered the U Bo Chaung area in Nyunglebin where villagers were forced to pan for gold. A section commander of the troops, Corporal Saw Aung, pulled a woman down to the ground and raped her. The woman, Ma Soe Soe, had 2 children and lived in Shan Kyay section of Shwe Kyin Town. After being raped, Ma Soe Soe went to Major Myint Htun and complained about the incident, requesting that action be taken against the offending section commander. Instead of taking action Major Myint Htun gave the victim 1 sack of rice and 10,000 kyat, while at the same time threatening her not to pursue the case any further. (Source: KORD, 2003)

Young girl gang-raped by police

On 19 April 2003, while returning home after visiting relatives, a young girl was gang-raped by police in Arakan State. The 23-year-old victim, Rohima Khatun, from Yaung Chaung village in Buthidaung Township, was being accompanied home by her 62-year-old maternal uncle, Moniruz Zaman, at the time of the incident. The pair was walking home on foot from Razar Bill village in Rathedaung Township after visiting their relatives. When they reached at a bushy area near Khadir Para village of Buthidaung Township, they came upon 3 policemen from Tuor Para police camp, who were searching for some criminals. Two of the police officers separated Moniruz Zaman from his niece by taking him away to the nearby jungle and tying him to a tree with a rope. At the same time the remaining policeman took the victim to an isolated place and forcibly raped her. Afterwards, the other 2 policemen returned and also raped the girl in turn.

After the rape the uncle was released and the police forced the pair to sign a blank piece of paper. They were threatened with dire consequences if they complained about the incident. The niece and her uncle managed to return home at about 4:00 in the afternoon that day. The day following the rape, the victim along with her uncle and the Village Peace and Developing Council (VPDC) Chairman of Yaung Chaung village went to the office of Military Intelligence (MI-18) in order to report the incident. The offending police officers were called to appear at the MI-18 office on 20 April. However, the culprits failed to appear and the case was deferred to 26 April for settlement. (Source: Kaladan Press, 12 May 2003)

Two Li Shaw women raped by SPDC troops

On 8 May 2003, SPDC troops based in Namtu Township in northern Shan State raped 2 women who were returning home from the weekly market.

Two SPDC soldiers from IB 22 based in Namtu had been sent on duty to Mai Wee Township in northern Shan State. On 8 May, the soldiers came across the 2 ethnic Li Shaw women, Aye Sila (age 20) and Ann Lee (age 26) who were returning to their farms near Pang Low village. The troops dragged the women into the jungle while covering their faces with T-shirts and raped them.

After raping the women, the 2 soldiers threatened to kill them if they told their parents or their village headman about the rape. A few days later, their fathers went to report the rape to the commanding officer of IB 22 in Namtu. However, until now the 2 soldiers have not been punished. (Source: *Palaung Youth Newsletter*, Issue #3, PYNG, August 2003)

SPDC rapes 2 Palaung women while walking home

On 28 May 2003, at about 7:30 pm, approximately 30 SPDC troops, from IB 23 based in Namhsan Township, Shan State, raped 2 Palaung women named E Khay and E Shi La, when the women were returning from Namhsan to their village of Ru Long.

The township officer reported this incident to the commander of IB 23, Col. Than Tun. The colonel replied, "How can I punish my soldiers if you do not know who the commander is, what the troops' names are and do not have any witnesses? You have tried to accuse the Tatmadaw without any fact. If you don't have any witnesses, don't accuse the Tatmadaw or you will die. Get out of here now!" (Source: *Palaung Youth Newsletter*, Issue #3, PYNG, Aug. 2003)

Villagers gang-raped by military while ICRC in Shan State

In late May of 2003, in eastern Murng Hsat Township, located about 40 km from the northern Thai border inside Shan State, IB 221 from the Burmese Army began a new forced relocation program. SPDC troops uprooted over 1,300 villagers from 11 villages. Three of these villages were burned to the ground. Villagers were rounded up and tortured under the guise of discovering information about Shan resistance activities. Women were repeatedly gang-raped by the military. These atrocities occurred while the International Committee of the Red Cross was conducting one of their periodic field missions to Shan State. (Source: *SWAN Monthly Newsletter*, SWAN, September 2003)

Arakanese woman gang-raped by SPDC

On 1 June 2003, a 25-year-old Rohingya woman from San Nyin Way (Lambabil-East) village, Buthidaung Township, of Arakan State was gang-raped by 3 SPDC soldiers from Battalion No.556. Village elders reported the incident to the battalion, but no action was taken against the perpetrators. (Source: *ALTSEAN Report Card*, ALTSEAN, April 2003)

Five daughters of displaced farmers detained and raped in Nam-Zarng

On 28 June 2003, 5 daughters of displaced farmers, between the ages of 13 and 16, who were helping their parents at a farm in Nam Wo village (relocated) in Nawng Hee village tract, Nam-Zarng Township, were arrested and detained. They were raped for 2 days and 2 nights by a patrol of SPDC troops from IB 66. The girls who were raped included (not their real names):

- (1) Naang Seng, age 16;
- (2) Naang Naang, age 15;
- (3) Naang Mya, age 13;
- (4) Naang Zing Mya, age 13; and
- (5) Naang Law, age 14.

At the time of the incident, some displaced farming families were taking turns helping each another cultivate rice and soy beans on farms in the area of their former village, Nam Wo. They had been forcibly relocated in 1996-97 by the authorities' troops, then known as SLORC (State Law and Order Restoration Council).

On 28 June, a patrol of about 40-45 SPDC troops from IB 66, led by Commander Kyaw Myint, came and surrounded several families of farmers at their camp where they were temporarily staying together. The SPDC troops ordered the farmers not to leave, and as they surrounded the camp they picked out 5 young girls among the farmers. The troops then led the girls away some distance.

The girls were raped repeatedly over the course of 2 days and 2 nights by the SPDC troops before they were released and allowed to return to their parents, who were being detained with the other farmers at their camp. (Source: *SHRF Monthly Report*, SHRF, August 2003)

Woman raped and her father beaten, while husband forced to attend people's militia training in Shan State

In early August 2003, a woman was raped by SPDC troops from IB 64 at a rice field near Ta Maak Laang village, about 4-5 miles north of Lai-Kha town. Later the woman's father was beaten by the same troops until he lost consciousness, at their house in Maak Laang village. Naang Nyo (not her real name, age 20), had gone to tend the family's rice field outside their village alone, since her husband was forced by SPDC authorities to attend a 45-day people's militia training. Many other people in Lai-Kha Township were also forced to attend. Sometime in early August 2003, when Naang Nyo was tending to the rice, 3 SPDC troops from IB 64 found and gang-raped her at the edge of the field.

Roughly 3-4 days later, the same SPDC troops came to Naang Nyo's house in Maak Laang village at about 6:30 in the evening. They informed Naang Nyo that her husband wanted to smoke and told her to fetch 50 rolls of cheroot cigarettes and follow them immediately. They promised her that she could return soon after.

Naang Nyo did not dare to go, and so her father told the SPDC troops that it was already quite late and pleaded with them to let her go the following morning. The SPDC troops became angry and one of them struck Naang Nyo's father harshly in the back with his rifle butt, causing him to fall prone to the ground and lose consciousness.

The SPDC troops left immediately after beating Naang Nyo's father. Naang Nyo then ran and called for help, and some villagers and their leaders came to her house. Naang Nyo's father was treated by some of the village elders and he regained consciousness after about 20 minutes. (Source: *SHRF Monthly Report*, SHRF, December 2003)

Lahu woman gang-raped by soldiers at her farm

On 16 August 2003, Captain Aung Chan Win and his troops, from Burma Army LIB 519, came and stayed at Nam Yon village, Mong Tong (Mine Ton) Township, in Shan State. At that time, a farmer and his wife were planting rice in their hillside field. Capt. Aung Chan Win and his troops approached the couple and fired shots at them. While the farmer fled out of fear, his wife, a 30-year-old Christian Lahu woman, was unable to escape because the soldiers had caught her by the hand. Then, Capt. Aung Chan Win questioned her about her husband and accused him of being a soldier for the Shan State Army (SSA). He slapped her face and said, "Your husband is a Shan State Army soldier, tell us about that." The woman replied that her husband was just farmer. Then, the captain continued to slap her face and raped her. After he raped her, his 20 soldiers raped to her one by one.

Later the troops returned to the village. The woman was unconscious when other villagers came to search and care for her. Capt. Aung Chan Win threatened the village headman by saying, "Nobody must talk about this incident. If other people find out about this I will punish you and your villagers." Thus, the villagers were too afraid to report the rape. (Source: Free Burma Rangers, 2003)

Displaced women raped while gathering mushrooms in Kun-Hing

On 21 August 2003, 3 displaced women from Ka Li village relocation site in Kun-Hing Township were raped by 4 SPDC troops from IB 246, led by Commander Tin Win, in the forest north of their village.

The 3 women, Naang Nguay (age 21), Naang Non (age 30), and Naang Poi (age 18) (not their real names), were originally from Loi Khio village in Loi Khio village tract, Kun-Hing Township, which had been forcibly relocated to Ka Li village relocation site in 1996 by the then SLORC (State Law and Order Restoration Council) troops.

The women were gathering mushrooms together in the forest north of their village when the above-mentioned SPDC troops suddenly appeared and raped the women at gunpoint. After raping the women, the troops warned them not to tell anyone about it, or else they would come clandestinely and shoot dead their entire families.

The women had accordingly kept it secret until 28 August 2003, when a neighbor friend named Naang Awng came and asked Naang Non to go with her to gather mushrooms. In order to prevent other women from meeting the same fate, Naang Non related her plight to Naang Awng.

For some time after the incident, none of the women in the village dared to gather mushrooms in the forest by themselves, without being accompanied by at least 4 or 5 men. (Source: *SHRF Monthly Report*, SHRF, December 2003)

Drunken soldiers including captain rape wife in front of husband

On 28 August 2003, at about 2:00 in the afternoon, a group of 5 drunken SPDC soldiers, led by Captain Hla Than, came across a couple fishing. The husband and wife were fishing at a river near Myaing Ka Lay village in Karen State. The soldiers proceeded to arrest the pair and rape the woman in the presence of her husband. The woman was released later that evening, but by 4 September the husband was still being held in custody. (Source: MAN, 6 September 2003)

SPDC forces young females to pay in order to cross checkpoint

During the first half of 2003, a Lahu woman who fled from Mongton in Shan State to Mae Sai, Thailand reported that women and girls under 25 years of age were not allowed to cross the border at the Mong Hsat, Mongton, Mong Pyaand and Tachileik checkpoints.

However, SPDC troops give permission to women under 25-years old to cross the checkpoint if they pay a 50,000 kyat bribe to border authorities. Some young female who are related to members of the SPDC are also allowed to cross with a special card.

Furthermore, young girls who do not have the money to pay a bribe can still cross the checkpoints if they are willing to “perform” in front of the soldiers. Reportedly girls are being forced to do things that they don’t want to. (Source: *Palaung Youth Newsletter*, Issue #3, PYNG, August 2003)

Rape in Murng-Paeng

On 4 December 2003, Naang Phawng (not her real name) (age 19), from Yaang Maai village, Yaang Maai village tract, Murng-Paeng Township was collecting wild vegetables near a rice field about 1 mile east of her village, when a group of 5 SPDC soldiers from IB 43, led by Commander Aung Myint Htun, came towards her and called her to them.

As Naang Phawng got near them, Commander Aung Myint Htun ordered 2 of his troops to go and stand guard in different directions, and dragged her into a nearby bush and raped her. After raping Naang Phawng to his satisfaction, the commander ordered the 2 soldiers who were with him to rape her as well.

Naang Phawng was released after being raped by 3 SPDC soldiers and she came directly back to her village and related her plight to her parents and village leaders. But no one dared to lodge a complaint with the military authorities for fear of reprisal. (Source: *SHRF Monthly Report*, SHRF, April 2004)

7.7 Interviews

Interview #1

Name: Naw Sa Thaw (not real name)
Age: 30 years
Religion: Animist
Village: AAA village, Pa’an District, Karen State
Occupation: Field farmer
Number of family: 4 persons

Q: Could you please tell us about the entering and looting by BA troops in your village?

A: On 14 June 2003, the BA troops from LIB 703 led by officer Tun Tun Win entered AAA village. In the village his soldiers looted 3 packets of smoke and 5 packets of cooking sweet powder (Ajinomoto), and also stole one chicken and one pyi of rice, which were altogether worth 1,000 Baht.

Q: Did they do anything to you while attending in your house?

A: When a soldier came into my house he took off his pants. I was afraid of him if he would rape me and then I took up my baby and ran away to the neighboring house.

(Source: Free Burma Rangers, 2003)

8. Rights of Ethnic Minorities

8.1 Background

Burma is one of the most ethnically diverse countries in the world, with over 135 different ethnic groups, and its population speaking over 100 different languages and dialects. Ethnic minorities and indigenous peoples are believed to represent approximately one-third of the state's 52 million inhabitants, which includes an estimated population of 2 million Chinese and Indian. The major ethnic groups include Chin, Kachin, Karen, Karenni (or Kayah), Mon, Rakhine (or Arakan), and Shan. These major ethnic groups are predominately located in the border areas. Because of Burma's location, it has acted as a historic buffer between the neighboring powers of China, India, and Siam (Thailand). Over the past 2,000 years, many ethnic groups have migrated across Burma. The impressive and unique diversity found in Burma has been a source of conflict throughout Burma's history and in the more recent attempts to create a democratic nation state. Throughout its entire existence as an independent state, Burma has experienced a complex set of conflicts between the central government and ethnic minority groups. More than half a century of civil war has caused immense suffering and devastation for Burma and its people. A series of ceasefires between the SPDC and armed ethnic opposition groups since the late 1980s have brought relief in some areas but no real solutions and fighting continues. The Government's determination to preserve a unified state remains the main justification for military rule, and armed conflict is a root cause of ongoing human rights abuses and a deepening humanitarian crisis in ethnic minority areas. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003)

Before the British annexed the territory of Burma, as a province of British India, the people inhabiting the land were ruled by various separate kingdoms and local tribal leaders. The kingdoms in the central Irrawaddy plains made successive attempts at pushing the boundaries of their territories further into the hills but the geography of the land served to isolate those in the hills from those in the plains. Before Burma achieved independence in 1948, there had been no political integration of the minority national territories with the Burman areas. The non-Burman indigenous nationalities in Burma were politically autonomous before and during the time of British colonial rule. Under colonial rule, ethnic differences became further amplified through the system of government under which Burma was administered as two separate territories: 'Ministerial Burma', areas predominately Burman, and the 'Frontier Areas', where ethnic minorities lived.

In Ministerial Burma, the traditional monarchy was abolished and a form of parliamentary home rule was introduced. For the most part, the frontier areas were left under the local authority of their traditional headmen and chiefs. Ethnic minorities, principally the Chin, Kachin, and Karen, were preferred for recruitment into the colonial army and the natural resources of minority areas were the most heavily exploited with little investment in return. This divide and conquer strategy not only created divisions and resentments which carry on until this day, but it ultimately set the peoples of Burma on different paths of political and economic development (source: Smith, Martin, *Time For Change*, Minority Rights Group International, May 2002).

The Burman majority has always held the roots of anti-colonial sentiment, while after early resistance, many of the hill peoples were more welcoming to the British than the Burmans.

Like the Burmans, plains or valley-dwelling minority groups, notably the Mon and Shan, have languages with long and rich written traditions. With British annexation, Christian missionaries promoted education and the transcription of minority languages into writing for the hill peoples, galvanizing a sense of modern ethnic or national identity among peoples that previously had been scattered or politically disparate. Cultural and political organizations swiftly followed, the most important of which, the Karen National Association (KNA), was formed in 1881. Such new influences and institutions, however, created a sense of unease among many Burman nationalists who regarded Christianity, like Indian and Chinese immigration, as a divisive element in the British arsenal of 'three Ms': missionaries, merchants and military (source: Smith, Martin, *Burma(Myanmar): The Time For Change*, Minority Rights Group International, May 2002).

During the Second World War, Burman nationalist forces aligned with the Japanese Imperial Army and were involved in a series of bloody clashes with ethnic minority groups who stayed loyal to the British. They later turned against the Japanese and cooperated with the returning British army. However, atrocities committed during the early months of the Japanese campaign, particularly in Karen communities in the delta, left deep-seated enmity among many ethnic nationalists that remain today (source: *Myanmar Backgrounder: Ethnic Minority Report*, ICG, 7 May 2002).

From 1945 to 1948, a new state structure had to be developed in order for Burma to become independent. General Aung San, the Burman independence leader, stated: "In my opinion it will not be feasible to set up a unitary state. We must set up a Union with properly regulated provisions to safeguard the rights of the national minorities." Independent Burma was created on the understanding that it would be a federal union. The separate political rights of the minority national areas were recognized in the January 1947 agreement between General Aung San and the British Prime Minister Attlee. The rights of the ethnic national groups were also recognized in the February 1947 Panglong Agreement between Burman leaders and other national groups, in the commission of inquiry on the frontier areas, and in the independence constitution of 1948. Each of these fundamental political and legal documents recognized rights of self-determination of the indigenous nationalities. The 1948 constitution gave each nationality representation in a Chamber of Nationalities at the national level. The constitution specifically only recognized four states for the Karen, Karenni, Shan, and Kachin. Only the Shan and Karenni were granted the right to separate after 10 years. For other groups, territory was not provided for in the constitution. Many groups felt that the constitution did not grant equal rights and representation to the ethnic groups, which led to increased tensions and numerous armed resistances. In the case of the Karen, these began as early as 1949. The present constitution of Burma, enacted in 1974 under General Ne Win, gives no autonomy to the ethnic nationalities. Under the SPDC, there is no respect for minority languages, cultures, or political aspirations. The Government's response to the minority nationalities is purely militarized. In spite of this reality, Burma still claims to be a "union", and the anniversary of the Panglong Agreement has been celebrated every year since 1962 as "Union Day." (Source: Smith, Martin, *Time for Change*, Minority Rights Group International, May 2002)

The Panglong Agreement, between General Aung San and Chin, Kachin, and Shan leaders, is the closest that the minority ethnic groups and the majority Burmans have ever come to having a successful and peaceful union and is often considered the starting point for future negotiations. The challenge to create a sense and structure of national unity in the new Union from peoples that had formerly been administered separately, while still respecting their rights to ethnic autonomy, was first attempted here. However, the Karen – which constituted

one of the largest minorities – boycotted these negotiations, believing that the British would grant them an independent state, and there were strong critics also among other ethnic groups. The agreement is also important because it, in many respects, is what led to independence a year later. Respected Shan resistance member and scholar, Dr. Chao Tzang Yawngwe, has noted, "The Panglong Accord and its principles or the Panglong spirit is at the very heart of our past, present, and future. The Panglong vision, shared by all non-Burman leaders and by General Aung San, was to establish a democratic, federal Union, based on federalism, the equality of states, and their self-determination. In the final agreement of 12 February 1947, 'full autonomy in internal administration' (Article 5) and the enjoyment of democratic 'rights and privileges' (Article 7) were guaranteed for the Frontier Areas, and hence some ethnic minority peoples. No one state was envisioned as being the mother-state (Pyi-Ma), superior to or above other states. The Panglong spirit is critical to future attempts at building the nation because it provides a solid and historical basis for democracy, peace, and real people's power" (source: "An Evening with Dr Chao Tzang Yawngwe," Kao Wao, 16-20 February 2002).

8.2 Ethnic Politics, Nationalism, Armed Resistance, and Ceasefire Groups

Ethnic minorities or non-Burman people make up one third of the population of Burma and occupy approximately half the land area of the country. The population of Burma is estimated to be 50 million people, therefore there are nearly 20 million ethnic minorities living on 55% of the land area or 371,000 sq. km. Burmans make up 60% of the population. Ethnic minorities are thought of as such because they are disenfranchised from full citizenship. The term "ethnic nationalities" is often used to refer to non-Burmans because of the varied and strong ethnic identities within the country.

The ruling military regime regards the ethnic minority groups with intense suspicion because of their lack of unity throughout the history of Burma. The ethnic minority groups have felt the loss of political and economic power even more acutely than the majority population as both the SPDC government and military are overwhelmingly Burman in make-up and are widely perceived as a foreign force in ethnic minority areas. Ethnic minority groups are economically marginalized while their social, cultural, and religious rights are suppressed. Ethnic minorities consider themselves discriminated against and have openly accused the SPDC of a deliberate policy of "Burmanization". While many ethnic groups originally fought for independence, today almost all have accepted the Union of Myanmar as a fact and merely seek increased local authority and equality within a new federal state structure. The military government, however, still suspects them of scheming to split the country and sees this as justification for its repressive, often brutal policies in minority areas. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003)

Non-Burman armed ethnic groups have been fighting the military government and their army, called the Tatmadaw, to varying degrees for more than 50 years. Scores of opposition groups have formed, split, reunited, and dissolved at various times over the years. While most ethnic minority armies have been fighting the SPDC army, some have at times cooperated with it against other groups, or they have fought each other over territory or other resources. In 1976 minority nationalists formed an alliance called the National Democratic Front (NDF). The NDF continues to seek a political solution to the national question in Burma, and seeks a

federal union with equality and self-representation for the nationalities. As stated at their 1987 congress, the political goal of a federal union is envisioned as, "Each republic government is to have full power of self-government, while the central government shall exercise the power defense, foreign affairs, finance and monetary affairs, post and telecommunications, airways, waterways, railway communication, and federal judiciary," (source: Center for World Indigenous Studies, 2002).

The group originally called for a ceasefire in Burma only if all ethnic armies agreed to it, but since its formation, groups—including the New Mon State Party (NMDP) and the Kachin Independent Organization (KIO)—have brokered ceasefire deals with the ruling military junta. Although the military junta has signed cease-fires with individual ethnic groups, at the beginning of the year, seven ethnic groups, who remain members of the NDF, had not agreed to ceasefire deals and continued to fight against the ruling State Peace and Development Council (SPDC). NDF members include: The Arakan Liberation Party (ALP), Chin National Front (CNF), Karen National Union (KNU), the Lahu Democratic Front (LDF), the Palaung Liberation Front (PLF), Pa-O Liberation Organization (PLO), and Wa National Organization (WNO). Since 1989, the NDF has formed the nucleus of a new grouping, the Democratic Alliance of Burma (DAB), which includes majority Burman opposition groups as well. The NDF has called on the SPDC to hold a tripartite dialogue and to declare a nationwide ceasefire, but the SPDC has so far refused. The military government has continued to refuse to negotiate with joint ethnic fronts, including the NDF, stating it will only negotiate with ethnic groups individually (source: *Irrawaddy*, 2002).

The armed struggle underwent a brief revival in the aftermath of the 1988 uprising and 1990 election when thousands of Burman activists fled to the jungle bases of ethnic armed opposition groups, raising expectations for the emergence of a more powerful, truly national alliance. By then, however, the ceasefire movement was already underway, which was soon to include most of the major ethnic nationalist armies and undercut any prospects of a serious armed challenge to the central government. The ceasefire policy, initiated by the State Law and Order Restoration Council (SLORC) secretary-one, Lt-General Khin Nyunt, has had profound affects on the armed opposition's resistance struggle. Ceasefires have included agreements to end fighting, but with no political details. Under truces reached, ceasefire forces are allowed to maintain their weapons and territories – and join political discussions—until a new constitution is introduced. Originally many ethnic leaders were encouraged by the 1990 elections and the ceasefires spread to include even more parties, including the Kachin, Mon, Palaung, Pa-o and Shan members of the NDF. By 2003, over 17 ethnic forces had peace, though not political-agreements, around the country. (Source: Smith, Martin, *Burma (Myanmar): The Time for Change*, Minority Rights Group International, May 2002)

During 2003, armed clashes and intensive government sponsored operations continued in non-ceasefire areas, especially in the Chin, Karen, Karenni and Shan borderlands. From the mid-1990s, the situation of the armed resistance groups was steadily undermined, as a series of splinter groups broke away to make their own cease-fires. The 1995 defections of the Democratic Karen Buddhist Army (DKBA) and Shan State National Army (SSNA) were particular blows to Karen and Shan forces. The ceasefire movement and the decline of its individual members seriously diminished the NDF's military strength. At the beginning of 2003, the only groups with significant military strength included the KNU, the Karenni National Progressive Party (KNPP) and the Shan State Army (SSA). These three groups have formed a new military alliance, including also some smaller groups, but their aims are largely defensive. Throughout the year the KNU, KNPP and Shan State Army (SSA) remained

active along the Thai-Burma border, the Arakan Liberation Party (ALP) along the Western border, and Chin National Front (CNF) along the India-Burma border. (Source: "Ethnic Groups Warm to Thaksin's Offer," *Irrawaddy*, February 2003)

Some of the largest armed clashes in 2003 occurred between the Karen National Liberation Army (KNLA) - the armed wing of the KNU - and joint SPDC and DKBA troops in Maepalae region of Myawaddy Township, Karen State after a KNU base was attacked in August. Local villagers and prisoners were forced to act as landmine sweepers and military porters for the SPDC. According to a KNU representative, those that were wounded were either shot or bayoneted to death (source: "Clashes between KNU and SPDC troops," DVB, 16 October 2003). The ensuing fighting continued until mid-October and resulted in the displacement of approximately 1,500 people. A few hundred were able to cross the Thai-Burma border (source: "Myanmar Troops Take Karen Rebel Base, Hundreds Displaced," AP-World Stream, 17 October 2003). In December, the SPDC's offensive resumed again when a KNU base was shelled by the SPDC and DKBA in Kyauk Khep, opposite Tak Province. In addition, armed clashes occurred within Karenni State (source: "Karens Retire to Fight another Day," SHAN, 1 December 2003). (See SPDC Campaigns of Abuse against Minority Villagers for further information.)

The SPDC military government has responded to any ethnic group's demands of self-determination with counter-insurgency military operations. All demands for political autonomy have been rejected as illegitimate. The special councils and ministries that existed during the parliamentary era for the ethnic states were abolished. The SPDC military has engaged in relentless counter-insurgency operations in areas controlled by the ethnic nationalist armies since the mid-1960s. Borrowing from American military tactics during the Vietnam War, a strategy known as the "Four Cuts" has been employed. It aims at cutting off the rebels from the four main links of food, funds, intelligence, and recruits between them and local villagers. While the program has been extremely effective in paralyzing the various insurgency groups, the general population in ethnic areas has suffered gravely because of it. Millions of people have lost their homes and livelihood as numerous villages were forcibly relocated and food and crops destroyed. Scores of other civilians have been killed. Since 1996 alone, more than one million people have reportedly been displaced by the forced relocation program launched by the SPDC in Karen, Karenni (Kayah) and Shan states. While hundreds of thousands have fled to neighboring countries such as Thailand, some are living in hiding within their own country. A human rights group working with British Parliament, Jubilee Campaign stated, "Altogether over 648,000 Karen, Karenni and Shan people have been internally displaced inside Burma by the Burmese military. Many of them are hiding in the jungle with no food or medicine and are killed on sight by Burmese troops." (Source: SHAN, 2002)

Since 1988, most ethnic minority organizations have expressed support for democracy, seeing it as chance to gain a voice in national politics and press for a redress of their long-standing grievances. But few leaders of the dominant ethnic militant groups regard democracy as an end in itself. Their main concern is to secure local political and administrative authority, further development of their regions, and enjoy the right to maintain and practice their language, culture and religion without constraints. The strength of ethnic minority organizations traditionally has been measured in military terms. The shift in national politics since 1988 and subsequent ceasefires, however, has transferred the main struggle from the battlefield to the political and administrative arena. The primary challenge for ethnic minority organizations today is to build political and organizational capacity – individually,

and collectively – to ensure that they are not left out of negotiations about the future of Burma and can continue to represent the interests of their communities. They also need to help rebuild their war-torn communities and economies, in order to reestablish a sense of normalcy and confidence in the future (source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

8.3 Need for Tripartite Political Dialogue

In October 2000, national reconciliation talks commenced seemingly working towards democracy in Burma. The talks were held between democracy leader, Daw Aung San Suu Kyi, and the ruling State Peace and Development Council (SPDC), excluding ethnic minority groups. In 2002, while there were hopes that the talks would move from "confidence building" to the more substantial issue of democratic reform, ethnic minorities insisted that their voices be heard as well. International rights groups called on the SPDC and the democratic opposition to broaden their dialogue to include at a minimum the concerns of ethnic minorities. Pro-democracy parties representing eight major ethnic groups assembled an informal coalition known as the United Nationalities Alliance (UNA), with the objective of forming an alliance to prepare for eventual tripartite talks. The UNA regularly meets to discuss issues like: participation in bipartite dialogue between Daw Aung San Suu Kyi and the Rangoon military junta, the needs of the ethnic nationalities, how to solve political problems, literature and culture of the various nationalities, and the right to map their own destinies. Of the eight member groups, seven parties won seats at the Multiparty General Elections held in 1990 (source: "Ethnic Groups Form a Political Alliance," *DVB*, 5 August 2002).

In 2003, relations between the military junta and the NLD dissolved when NLD leader Aung San Suu Kyi, Vice Chairman U Tin Oo, NLD members and supporters were attacked near Kyi village, Depayin Township, Sagaing Division on 30 May. According to the SPDC, 50 people were injured and 4 people were killed. Yet, numerous other unofficial sources and eyewitness accounts indicate that the numbers of dead wounded and missing are significantly higher. The incident and following reprisals have been described by ALTSEAN, a Thai based NGO, as the "most ruthless and bloodiest attack on the democracy movement in Burma since the 1988 massacre" (source: *Briefing: Black Friday and the Crackdown on the NLD*, ALTSEAN, 24 July 2003). Whilst the SPDC claims that the perpetrators of the attack were genuine anti-NLD protestors, it has been widely acknowledged that the SPDC orchestrated what some have described as a "massacre". Following the attack, Aung San Suu Kyi and the NLD leadership were placed under house arrest, NLD offices were closed, and NLD members and political activists were jailed (source: *The Second Preliminary Report*, The Ad hoc Commission on Depayin Massacre (Burma), May 2004). (Please see chapter on assembly, association, and movement for more information about the incident at Depayin.)

Both ethnic groups in Burma and members of the International Community condemned the attacks on the NLD. Furthermore, both the US and the European Union imposed new sanctions upon the military regime. In the wake of growing international pressure, the SPDC reshuffled on 25 August, replacing General Khin Nyunt with Lt-General Soe Win as Secretary One of the SPDC. Lt-General Soe Win is believed to be responsible for organizing the attack on the NLD on 30 May. General Khin Nyunt, who is often perceived as a moderate and open to dialogue with the NLD, was moved to the newly created position of Prime Minister. The reshuffle was believed to be an attempt by the SPDC to appear more moderate

to avert the growing international criticism. Concurrently, on 30 August 2003, the newly appointed Prime Minister Khin Nyunt announced that the SPDC was to implement a seven-point roadmap to democracy. The first step in this process was the resumption of the National Convention, which was suspended in 1996. According to the military junta, the National Convention would be followed by a national referendum and then free and fair elections (source: *Special Report: On the Road to Democracy*, ALTSEAN, May 2004).

Prime Minister Khin Nyunt's announcement of the seven-point road map failed to mention anything relating to the participation of ethnic groups in the National Convention. There was no mention of ethnic autonomy or a halt in the military operations perpetrated against non-cease fire ethnic groups (source: "Ethnic Agendas: The PM's Road Map To Nowhere" *The Irrawaddy*, 6 September 2003). By December however, the military junta was placing greater emphasis upon the participation of ethnic groups in the national reconciliation process. Pressure was placed upon non-ceasefire groups to sign ceasefire agreements, and on ceasefire groups to participate in the National Convention (source: *Special Report: On the Road to Democracy*, ALTSEAN, May 2004).

Some ethnic groups declared conditional support for the National Convention. The conditions included the implementation of ceasefire agreements, the participation of political and non-ceasefire groups in negotiations, and the release of political prisoners (source: *Special Report: On the Road to Democracy*, ALTSEAN, May 2004). By the end of the year a number of ethnic groups had agreed to send delegates, including the Kachin Independence Organisation (KIO), Shan State Army North, Shan State Army (SSA), New Democratic Army – Kachin (NDA-K), Kayan New Land Party, Karenni State Nationalities Peoples' Liberation Front (KNPLF), and Shan State Nationalities Peoples' Liberation Organisation.

In November 2003, the KNU agreed to enter discussions with the military junta, despite repeated clashes throughout the year (source: "KNU Meets Junta," *Irrawaddy*, 24 November 2003). The SPDC agreed to non-conditional negotiations, and between 3-8 December a KNU delegation met with the Burmese Prime Minister General Khin Nyunt to discuss his seven-point roadmap to democracy in Rangoon (source: "KNU to Determine Credibility of Road Map," *Irrawaddy*, 4 December 2003). As a result, the KNU and military junta made a verbal agreement to cease hostilities, which was to be effective from 10 December 2003 (source: "Myanmar Junta, Karen Rebels Agree to Ceasefire during Peace Talks," AFP, 10 December 2003). These negotiations have been described as a "landmark" in SPDC-KNU relations as the KNU has been fighting for independence for over 50 years (source: "KNU and SPDC Agreed on Provisional Ceasefire," DVB, 22 January 2004). However, in late 2003 there were serious doubts about the legitimacy of the negotiations after SPDC troops attacked Karen New Years Day Celebrations. In addition, SPDC military attacks continued against civilians, seriously undermining the agreement. (See the Obstruction and Interference of Holidays and Other Cultural Events / Denial of Cultural Expression and Identity section of this chapter for further information.)

The implications that the verbal ceasefire will have upon the remaining non-ceasefire groups and the NLD are still unknown. Although, there is speculation that the remaining groups will be compelled to sign ceasefires as they will be unable to contend with both internal and external pressures without the support of the KNU. There is also speculation that the agreement could potentially sideline the NLD and Daw Aung San Suu Kyi, and bring legitimacy to the regime at a time when members of the international community are imposing sanctions on the government (source: "KNU Ceasefire: A Bargaining Ideal?"

Mizzima, 11 December 2003). At the time of writing, the National Convention had not been completed and no progress had been made within Burma towards a tripartite political dialogue. It is yet to be seen whether this will occur in the near future.

8.4 SPDC Campaigns of Abuse against Minority Villagers

The economic ruin faced by Burma is reflected in the armed forces. 50% of the national budget is spent on the military. Even though there is no foreign threat, the government commonly does not provide sufficient wages or supplies to its inflated personnel. The SPDC military, or Tatmadaw forces, often reside in ethnic areas and demand support from the poor civilian population. When civilians simply cannot afford to give provisions of food or livestock, even after threats and intimidation, they are robbed of everything they own by the armed forces. Food, livestock, and personal possessions are all taken. Rape and the use of villagers for forced labor as porters for the military troops without compensation are widespread. People who are taken for forced labor are also used as human mine sweepers in ethnic areas. Members of various ethnic groups are subject to theft, re-location, forced labor, rape, torture, and murder at the hands of the Tatmadaw forces. This strategy makes it easy for the SPDC to maintain so many troops, while also effectively terrorizing many citizens at the same time. These highly vulnerable citizens are left caught in the crossfire between the armed insurgent groups and the military, with nowhere to hide.

The worst human rights abuses in 2003 occurred within ethnic minority areas. The U.S. Department of State's *Country Report on Human Rights Practices - 2003* cited incidences of rape of Karen, Karenni, Mon, and Tavoyan women perpetrated with the aim of intimidating the ethnic populations. Extra-judicial killings, beatings and torture, forced labor, land confiscation, forced re-location and forced military training in ethnic minority areas were also reported. Ethnic leaders were subject to restrictions upon their freedom of movement and were required to gain permission from the government prior to making domestic travel (source: *Country Report on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). In December, ethnic minority villages and crops were destroyed by SPDC troops along the Thai-Burma border (source: "KNU accuses SPDC of breaking verbal ceasefire agreement," *DVB*, 26 December 2003). (For more information on specific abuses see relevant chapters.)

SPDC campaigns of abuse in Shan State

In Shan State SPDC troops committed repeated human rights abuses, including rape and extra-judicial killings. In many of these cases, the SPDC claimed that the victims were sympathetic to Shan resistance members. For example, in March 2003, 2 farmers were killed in Nam-Zarng Township, Shan State after being accused of assisting or being Shan soldiers (source: *Country Report on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). In May, 17 women were abducted and repeatedly raped after being accused of being married or related to Shan soldiers in Murng Lung Township (source: *SHRF Monthly Report*, SHRF, May 2003). In April, a man was forced to act as a guide for SPDC troops in Murng-Ton Township. After witnessing his thorough knowledge of the area he was accused of acting as a guide for Shan soldiers and was consequently executed by SPDC soldiers (source: *SHRF Monthly Report*, SHRF, April 2003). In both the south and center of Shan State, ethnic minority villagers

continued to be forcibly relocated to “deprive armed ethnic groups of civilian bases of support” (source: *Country Report on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004).

SPDC campaigns of abuse in Arakan State

In May 2003, the Amnesty International report entitled *Myanmar: The Rohingya Minority: Fundamental Rights Denied* outlined the continued perpetration of human rights abuses against the Muslim Rohingya population in Arakan State, in western Burma. The military junta denies citizenship status to most Rohingya on the grounds that their ancestors allegedly did not reside in the country at the start of British colonial rule, as required by the country’s highly restrictive Citizenship Law. According to the report, “Rohingyas are believed to be subjected to the most harsh restrictions and reprisals in Myanmar.” In 2003 these restrictions and reprisals included land confiscation, forced labor, restrictions on freedom of movement, forced evictions, and arbitrary taxes (source: *Myanmar: The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004). (See the chapter on freedom of religion for more information)

8.5 Abuse of Ethnic Minorities by Ceasefire Groups

Although the ceasefire deals reached between the SPDC and several ethnic armed resistance groups during the last decade are claimed by the ruling Burmese military junta to be one of their major achievements in their ‘peace’ efforts, in reality many local ethnic communities in the ceasefire areas are faced with even more difficult living conditions than before. In order to promote their own ethnic culture in ceasefire areas, some ceasefire groups have committed actions that have infringed on the cultural rights of other local ethnic peoples. This ethnic nationalism is creating further divisions and resentment among various ethnic groups, and destroying any possibility of harmonious co-existence within the communities. (Source: SHRF, 2002)

Human rights violations committed by the DKBA

In late 1994, complaints by Buddhist soldiers over discrimination by the predominantly Christian Karen National Union (KNU) leadership erupted into open conflict, and a few hundred soldiers broke away to form the Democratic Karen Buddhist Army (DKBA). The armed splinter organization subsequently surrendered to the SPDC military regime and accepted material support and control over parts of Karen State in return for help fighting against KNU strongholds. This divide and conquer strategy led to the fall of Manerplaw, the KNU’s General Headquarters, in January 1995 and of all remaining KNU base areas along the Thai border in a second major offensive in 1997. The DKBA’s main bases are located in Pa-an Township, with other bases in townships in both Karen and Mon States, such as Kawkaeik, Kya-inn-seikyi, Three-Pagoda-Pass, and Kyaikmayaw. As demonstrated previously, sporadic fighting continued between KNU and DKBA troops in 2003. After the SPDC occupied KNU strongholds, they ceased to provide monetary or food assistance to the DKBA.

Without financial support the DKBA was unable to feed its soldiers or obtain more recruits. The SPDC encouraged them to do their own business, and as former KNU members their

familiarity with border areas has enabled them to conduct sizeable trade via the Myawaddy-Mae Sot border in eastern Burma. Some of this trade includes the trafficking of drugs, as the SPDC gives members of the DKBA 'special privileges', making them free from punishment of crimes. Other privileges accorded to DKBA members include freedom from forced labor and tax payment to the SPDC. As the DKBA does not currently have any major military operations against the KNU, the soldiers are used primarily to protect the organization's businesses. As an armed organization, the DKBA has mimicked many of the human rights abuses committed by the Burmese Army against both Mon and Karen villagers.

The DKBA has also undertaken various contracts from the SPDC for the implementation of development projects, especially road construction, in Karen State. In most of such development projects, the DKBA conscripts forced labor, using hundreds of civilians to contribute unpaid labor. Additionally, like the Burma Army, they have conscripted forced labor in order to construct military barracks and to work on the DKBA's rice-farms and fruit and rubber plantations. For example, in June 2003, DKBA troops threatened to shoot and kill 21 villagers in Pa-an district, Karen State if the village head did not comply with their demands for forced labour (source: US State Department, 25 February 2004). The DKBA also collects taxes from civilians, is involved in gambling and robbery activities, and the general abuse of power and discrimination against civilians (source: HURFOM).

In late 2001, there were religious clashes between Muslims and Buddhist monks in Pegu, Prome, and some townships in Rangoon, the capital of Burma. The clashes originated from anti-Muslim sentiment among some Buddhist monks after the 11 September attacks in the USA. This sentiment has also infected members of the DKBA, as the organization is based on Buddhism. Many of the DKBA's members have anti-Muslim sentiment and have accused Muslim civilians of being members of political groups, religious extremists, and terrorists. When DKBA soldiers come upon Muslims in villages, farms, or the jungle it is common practice for the soldiers to beat or torture them.

In early 2003, 70 Muslim homes were destroyed by the DKBA to make way for road construction in Kaman Kashu village, Karen State. The residents were asked to leave their properties, and when they complained, the DKBA burnt down their homes, preventing them from collecting their belongings (source: "All Roads Lead to DKBA," *Irrawaddy*, June 2003). After the incident, the villagers could not return to their land, as Burmese soldiers were guarding the village. Muslim villagers were reported to have previously been forced from their homes in Ta Kwet Po, Yinbaing, Keylarta and Kamawle. DKBA soldiers now reside in these villages, preventing return (source: "Muslim Village Torched in Karen State," *Irrawaddy*, 30 April 2003).

The DKBA claims that they are representing the Buddhist Karen people and that their activities should only benefit their own ethnic people. As a result, members of the DKBA are widely involved in discrimination, especially against ethnic Mon people. In the conscription of forced labour, DKBA commanders select Mon villages and order the village headmen to send villagers to contribute unpaid labour, while at the same time not requiring Karen villagers to contribute labour. It is also widely believed that the DKBA has been involved in human trafficking to Thailand for many years. In their plans to monopolize the trade in human trafficking into Thailand, they intimidated, threatened and oppressed their competition of Mon traffickers. When they could not abuse traffickers, they made problems for the parents and relatives of the human traffickers instead (source: HURFOM, 2002).

In rural areas where DKBA troops took bases, the Mon, Karen and other ethnic people faced not only oppression by SPDC authorities and military, but they also suffered from violations of human rights committed by the DKBA. The SPDC's support of the DKBA is an attempt to create further divisions among ethnic people; reasoning that if there are many conflicts within the ethnic nationality groups, any attempts to gain rights of self-determination by the various ethnic nationalities will fail. Whenever the international community asks the regime for national reconciliation, with the inclusion of ethnic representatives in tri-partite negotiations, the regime can refuse by pointing to the divisions among ethnic peoples. The DKBA is therefore being used as a tool for the political policies of the SPDC (source: HURFOM, 2002).

Cultural persecution of Shan by the Pa-O ceasefire group in Tawng-gi (Taunggyi)

Since the ceasefire deal between the SPDC and a Pa-O armed group a few years ago, local Shan communities in the area under the Pa-O ceasefire group's control have been complaining about cultural persecution, especially concerning the ancient Buddhist holy site "Kaad Ku," in Tawng-gi Township. "Kaad Ku" is a famous historical site where thousands of pagodas have been built over the past two thousand years. It is one of the main tourist attractions in Southern Shan State, where tourists and pilgrims from all over Burma and abroad come to visit every year. Local Shan communities have complained that the inscriptions in Shan script on many of the ancient structures at the holy site are being removed and destroyed by members of the Pa-O ceasefire group in the area, with tacit approval from the SPDC authorities. The Shan inscriptions are being replaced with ones in Pa-O script. Those who have tried to put up new Shan inscriptions or signs have been intimidated. The Shan see this as an attempt to destroy the cultural evidence which points to the fact that Shan people, since ancient times, have been living in the area and have been involved in the building and maintaining of the holy site.

In December 2001, when a monk from Singapore, who was invited by the Pa-O ceasefire group, donated 72 million kyat for the repair and maintenance of "Kaad Ku", the event was marked by the construction of 4 stone-pillar monuments at the 4 corners of the site. The pillars each had 4 sides with inscriptions in Chinese, Pa-O, Burmese, and English, without a line in Shan. The justification was given by the Pa-O ceasefire group that only those who had donated hundreds of thousands of kyat in a single installment would be honored with an inscription in their language. Thus, 1 side went to the main donor, the Chinese monk from Singapore, the second to the leader of the Pa-O ceasefire group who donated 3,000,000 kyat, the third was taken by the 1st Secretary of SPDC, Lt. Gen. Khin Nyunt, who donated 2,000,000 kyat, and the last side was in English script was for the expected foreign tourists. Since the stone-pillar monuments will serve as proof for the future generations as to whom the major donors of the holy site were, all the credit will go only to those recorded on the pillars. The Shan's effort at maintaining the site, though they have long been regular donors, will not be recognized, thus threatening their legitimacy in the area.

Furthermore, Shan villagers from the Shan villages in the surrounding areas of "Kaad Ku" holy site are often banned from wearing Shan attire and advertising in the Shan language. The Shan members of the committee that looks after the holy site are required to wear Pa-O dress. The feelings of the local Shan are clearly expressed with 1 Shan villager's statement: "The fact that we do not have rich people among us who could donate hundreds of thousands in one single installment is because we have been continuously donating what we have earned

during our life times. Our ancestors had been doing that since ancient times, generation after generation, down to our time. I feel as if all our efforts have been ignored and our cultural heritage destroyed," (source: *SHRF Monthly Report*, SHRF, May 2002).

8.6 Obstruction and Interference of Holidays and Other Cultural Events/ Denial of Cultural Expression and Identity

The SPDC views all forms of expression that have not been co-opted or otherwise controlled by the State to be threatening. As a result, the SPDC ruthlessly suppresses the freedom of ethnic minorities to celebrate their cultural identity. In addition to facing the hardships that all Burmese citizens have been subjected to under military rule, ethnic minorities in Burma are also victims of a system of discrimination that threatens the survival of their cultures. In many cases it has only been an incredible act of collective will that has allowed these unique cultures to survive. This partial list below demonstrates incidents that occurred during 2003.

Violence during Mon National Day celebrations

On 17 February, 2 drunk SPDC police officers stabbed 2 people causing serious head and stomach injuries during Mon National Day celebrations in En-du village, Pa-an Township after they provoked an argument with the victims. The police officers attempted to stop traditional Mon dancing during the celebrations claiming that the participants "did not understand the meaning of Mon songs." They then threatened to throw a grenade into the crowd. Following the incident the crowd dispersed and the celebrations were consequently cancelled. The participants were permitted to celebrate Mon National Day in February. (Source: "SPDC's Police Officers Disturbed Mon National Day Celebration," *The Mon Forum*, HURFOM, 28 February 2003)

SPDC proposes name change for Chin National Day

In February, the military junta requested that the annual Chin National Day celebrations be re-named "Chin State Day". According to the *Chinland Guardian*, this request was consistent with the regime's policy of ethnic assimilation, and was implemented to discourage Chin nationalism. (Source: "Chin around the World Celebrate National Day," *Chinland Guardian*, 21 February 2003)

Restrictions placed upon books printed in Mon language

In October, HURFOM reported that restrictions had been imposed upon magazines translated from Burmese and printed in the Mon language for the past 2 to 3 years in Rangoon. Mon magazines with religious content relating to well known monks are published once a year, however books in the Mon language are only permitted to be printed occasionally. These restrictions are implemented by the Censorship Board, and are reported to be harsher than the previous government, the Burmese Socialist Programme Party (BSPP). (Source: "Printing of books in Mon language barred," *The Mon Forum*, HURFOM, 31 October 2003)

Obstruction of Karen New Year Celebrations

On 22 December, the SPDC launched an attack against Karen New Years Eve celebrations in Waw Dan village, Kawkareik Township, Karen state. Artillery shells were fired at the celebration area during a Karen New Years Eve ceremony marking the harvesting of a new crop, where 2 schools were in attendance. Non-one was injured, but later celebrations planned to be held at the same location and attended by 40,000 people were cancelled. This was in breach of the KNU/SPDC verbal ceasefire negotiated to begin on 10 December. (Source: "KNU Accuses SPDC of Breaking Verbal Ceasefire Agreement," DVB, 24 December 2003)

8.7 Discrimination in Education

Children belonging to ethnic minorities living in rural areas are especially at risk of being denied access to adequate education. They are relegated to substandard educational facilities, poorer quality of instruction, fewer teaching materials, and fewer opportunities for higher education than the rest of the population. According to *Gathering Strength: Women from Burma on Their Rights*, a 2002 report released by Images Asia, "Of the 750,000 children who drop out of primary school each year, 630,000 are rural students. Government figures show that 84% of the annual drop-outs from primary school are in rural areas, with the lowest enrollment for the primary level age group in eastern Shan, Karen, and Arakan States," (source: Belak, Brenda, *Gathering Strength: Women from Burma on Their Rights*, Images Asia, January 2002). In rural ethnic areas, where a large percentage of the people are mobile because of poverty or internal displacement, most children miss out on opportunities of education. Nationwide school coverage is low in general, but especially in rural and ethnic areas. Many villages have never had a school, and others that have a primary school do not go beyond the 4th standard.

Political unrest has profoundly affected access to education in Burma. In areas of armed conflict, primary, middle, and high schools closed repeatedly because of fighting or forced relocation. Karen and Karenni children in particular, both in past and present, have been denied education because of civil war in their areas. In some areas close to borders that have seen fighting for decades, instability prevents government schools from opening at all. Some opposition groups have opened their own schools, but they are critically under-resourced. Often they have no books and are staffed by volunteer teachers who have not even passed the tenth standard themselves. In Karen State there are several hundred schools maintained by the KNU, but the teachers are often paid no salary at all and sometimes the villagers cannot even afford to supply them with rice because of their own dire economic circumstances. Some other ethnic opposition groups continue to operate schools in remote rural areas under ceasefires, but they are still plagued by problems arising from the lack of funding and resources.

Schools, besides lacking the basic teaching materials and supplies, are often used as a place to enculturate students who are forced to undergo the process of "Burmaization" at school. Not only are students forced to learn and speak in Burmese, but they are also often forced to perform Buddhist worship. One teacher has said, "There are various religions among the students. Before the class begins, the authorities force all the children to worship in the Buddhist way. It is difficult for Muslim students. They don't want to do it, but they are forced

to," (source: Belak, Brenda, *Gathering Strength: Women from Burma on Their Rights*, Images Asia, January 2002). In 2003, there were incidences of Naga and Chin Christian children being educated in Buddhist monasteries without the consent or knowledge of their parents. The children were taken from their families on the pretense that they would receive a free, secular education, but instead were converted to Buddhism (source: *Country Report on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). (See chapters on health and education and freedom of religion for more information.)

Discrimination in education against Rohingya

The discrimination suffered by the Rohingya population in Northern Rakhine State, western Burma, is severe and widespread. The Rohingya are not regarded as one of the country's 135 races, and most do not qualify for citizenship under the 1982 Citizenship Act. As a consequence, Rohingya children are unable to attend state-run secondary school, as attendance is only permitted for citizens. (Source: *Country Report on Human Rights Practices- 2003*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004) (See The Freedom of Belief and Expression chapter for further information.)

Discrimination in education against the Mon people

Though ethnic groups have their own primary languages, Burmese language is the sole language of instruction in all state schools. Even in ethnic areas, primary and secondary state schools do not offer any instruction in the local ethnic minority language, even as a second language. The New State Mon Party (NMSP) has built Mon National Schools in various parts of Mon State, in order to provide instruction in the Mon language. The curriculum has been provided by the Mon National Education Committee and is sponsored by the NMSP. The Mon Education Department has established schools in most of the villages in Ye Township over the past 25 years. After losses in NMSP territory to the SPDC, the regime has gradually taken over such schools, forcing the teachers to instruct only in the Burmese language, and further implementing the SPDC's assimilation policy.

8.8 Land Confiscation and Burman Resettlement

Confiscation of land in northern Arakan State for Burmese junta's model villages with special VIP privileges for residents

The SPDC has established 'model villages' in the northern part of Arakan State for the rehabilitation of ethnic Burmans. There are now more than 30 such model villages in the 3 townships, which are occupied by settlers brought in from Burma proper. The land provided for the new settlers has usually come from areas confiscated from the original village inhabitants. The residents of the villages are released hardcore criminals, HIV patients, drug addicts, homeless people, and retired armed forces personnel. Most of the settlers have been brought to the area with enticements of a better life, while some have been forcibly brought. Shortly after the settlement programs were initiated a few years ago, many of the new settlers were given land, cattle, 1 year's foodstuff, homes and other necessary amenities such as generators and television sets. Though the Burmese junta has given all of the necessary land

and homes to the Burman settlers, many find life harsh and boring compared to Burma proper and have returned to their original homes.

In order to resettle ethnic Burmans in so-called 'model villages', the State Peace and Development Council has been confiscating privately owned land from Rakhine and Rohingya residents in the border townships of Maungdaw, Rathedaung, and Buthidaung of Arakan (Rakhine) State, in the western part of Burma. Furthermore, residents are forced to provide free labour and building materials for the construction of the villages. Below, a Rohingya man from Rathedaung explains the impact of the establishment of model villages near him:

"Five years ago, they established a NaTaLa village near [a village]. Last year, they set up another one close to [another village]. It has about 100 houses and I had to work on that. It is about seven kilometres from my village. The Chairman instructed us that the people from our village had to build seven houses and we did it. If 10 people work together, it takes five days to build one house. I built one house and other villagers built the other houses. I also had to make fences around the houses. The new settlers arrived during the last rainy season [mid-2003]. They were Burmese, not [Rakhine]," (source: *Myanmar; The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004, pg. 23).

Residents of the model villages are given special advantages and privileges including food rations, TVs, health clinics, and government-run schools, which differs significantly from the conditions in the traditional non-Burma villages nearby. Besides teaching materials in the schools, students are given free books and school uniforms. As SPDC officials regularly pay visits to these model villages, the township authority is always careful to meet the needs of the model village residents, who enjoy special VIP treatment in comparison to their poor neighbors. The differential treatment of citizens has caused growing resentment among the original inhabitants of the township. The establishment of Na-a-fa model villages in the area has also raised concern because of the consequential rise in both crime rates and the spread of HIV among the local population. This resettlement of the Burman population is seen as a threat to the ethnic balance of the area (source: "Confiscation of Land for Burmese Junta's Model Villages," *Narinjara*, 16 April 2002).

Resettling of Burmans and Wa and discrimination against the Shan people in Shan State

Since 1996, more than a million people have been displaced by the forced relocation program launched by Rangoon in Karen, Karenni (Kayah) and Shan states. Hundreds of thousands have also fled to neighboring Thailand. However, whereas there are refugee camps for those coming from Karen and Karenni states, there are no facilities for the Shan. This has resulted in the Shan working as cheap illegal laborers, who are often exploited by their Thai employers, in order to survive.

The military continued to forcibly relocate Shan villages in Shan State during 2003, especially in areas where ethnic activists and rebels were active, where military facilities were to be placed, and in areas targeted for the development of international tourism. In early April 2003, villagers of Wan Mai Tin Loi village in Murng-Pan Township were ordered to leave their village by SPDC military authorities. At the time of this report, the villagers were either displaced or had fled to Thailand. In addition, the area was in the process of being developed as a military stronghold for the SPDC, and was utilizing local labor (source: *SHRF*

Monthly Report, SHRF, July 2003). According to the U.S. Department of State Department, it was estimated that forced relocations had produced hundreds of thousands of refugees, with as many as 1 million internally displaced persons within the country.

In addition, a large scale re-settlement of between 50,000 and 100,000 ethnic Wa occurred to areas formally inhabited by Shan villagers in Eastern Shan State. These Wa settlers were moved from Northern Wa-controlled areas on the Chinese border to the Thai border opposite Chiang Rai and Chang Mai, Thailand, causing the displacement of Shan Villagers. Specific incidents were also reported in 2003. In January, The United Wa State Army (UWSA) facilitated the confiscation of land from Shan villagers in Murng Haang Village Tract, Murng-Ton Township for a group of ethnic Wa settlers, with the support of the SPDC. The UWSA also confiscated land, vegetable gardens, and rice fields. When the villagers went to the local authorities to complain, they were told it was an order issued by their superiors and nothing could be done (source: "Land Seized for 'Wa' Settlers in Murng-Ton," *SHRF Monthly Report*, SHRF, May 2003).

8.9 Appendix

SPDC List of the Composition of the Different Ethnic Groups under the 8 Major Ethnic Races in Myanmar

A. Kachin comprises 12 different groups.

- (1) Kachin
- (2) Trone
- (3) Dalaung
- (4) Jinghpaw
- (5) Guari
- (6) Hkahku
- (7) Duleng
- (8) Maru (Lawgore)
- (9) Rawang
- (10) Lashi (La Chit)
- (11) Atsi
- (12) Lisu

B. Karenni (Kayah) comprises 9 different groups.

- (13) Kayah
- (14) Zayein
- (15) Ka-Yun (Padaung)
- (16) Gheko
- (17) Kebar
- (18) Bre (Ka-Yaw)
- (19) Manu Manaw
- (20) Yin Talai
- (21) Yin Baw

C. Karen (Kayin) comprises 11 ethnic groups.

- (22) Kayin
- (23) Kayinpyu
- (24) Pa-Le-Chi
- (25) Mon Kayin (Sarpyu)
- (26) Sgaw
- (27) Ta-Lay-Pwa
- (28) Paku
- (29) Bwe
- (30) Monnepwa
- (31) Monpwa
- (32) Shu (Pwo)

D. Chin comprises 53 different ethnic groups.

- (33) Chin
- (34) Meithei (Kathe)
- (35) Saline
- (36) Ka-Lin-Kaw (Lushay)
- (37) Khami
- (38) Awa Khami
- (39) Khawno
- (40) Kaungso
- (41) Kaung Saing Chin
- (42) Kwelshin
- (43) Kwangli (Sim)
- (44) Gunte(Lyente)
- (45) Gwete
- (46) Ngorn
- (47) Zizan
- (48) Sentang
- (49) Saing Zan
- (50) Za-How
- (51) Zotung
- (52) Zo-Pe
- (53) Zo
- (54) Zahnyet (Zanniet)
- (55) Tapong
- (56) Tiddim (Hai-Dim)
- (57) Tay-Zan
- (58) Taishon
- (59) Thado
- (60) Torr
- (61) Dim
- (62) Dai (Yindu)
- (63) Naga
- (64) Tanghkul
- (65) Malin
- (66) Panun

-
- (67) Magun
 - (68) Matu
 - (69) Miram (Mara)
 - (70) Mi-er
 - (71) Mgan
 - (72) Lushei (Lushay)
 - (73) Laymyo
 - (74) Lyente
 - (75) Lawhtu
 - (76) Lai
 - (77) Laizao
 - (78) Wakim (Mro)
 - (79) Haulngo
 - (80) Anu
 - (81) Anun
 - (82) Oo-Pu
 - (83) Lhinbu
 - (84) Asho (Plain)
 - (85) Rongtu

E. Burman (Bamar) comprises 9 ethnic groups.

- (86) Bamar
- (87) Dawei
- (88) Beik
- (89) Yaw
- (90) Yabein
- (91) Kadu
- (92) Ganan
- (93) Salon
- (94) Hpon

F. Mon comprises 1 ethnic group.

- (95) Mon

G. Rakhine comprises 7 ethnic groups.

- (96) Rakhine
- (97) Kamein
- (98) Kwe Myi
- (99) Daingnet
- (100) Maramagyi
- (101) Mro
- (102) Thet

H. Shan comprises 33 ethnic groups.

- (103) Shan
- (104) Yun (Lao)

- (105) Kwi
- (106) Pyin
- (107) Yao
- (108) Danaw
- (109) Pale
- (110) En
- (111) Son
- (112) Khamu
- (113) Kaw (Akha-E-Kaw)
- (114) Kokang
- (115) Khamti Shan
- (116) Hkun
- (117) Taungyo
- (118) Danu
- (119) Palaung
- (120) Man Zi
- (121) Yin Kya
- (122) Yin Net
- (123) Shan Gale
- (124) Shan Gyi
- (125) Lahu
- (126) Intha
- (127) Eik-swair
- (128) Pa-O
- (129) Tai-Loi
- (130) Tai-Lem
- (131) Tai-Lon
- (132) Tai-Lay
- (133) Maingtha
- (134) Maw Shan
- (135) Wa

9. Rights to Education and Health

9.1 Background

“Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care.”

- Article 25 of the Universal Declaration of Human Rights

Burma has one of the poorest health records and lowest standards of living in the developing world. Health and education are given incredibly low priorities in the national budget, and lip-service to these issues often takes the place of substantial reforms or programs. The root causes of problems in these arenas, such as the effects of landmines and forced labor on health and the effect of school closings and censorship on education, are not dealt with in meaningful ways because of political considerations. Low salaries and lack of transparent and effective supervision has made it easy for corruption to flourish among medical personnel and educators. Patients more often than not have to pay a bribe to be seen by a doctor, get a bed in a hospital or receive essential medicine. Primary school students can pay to receive better grades or get private tutoring from their teachers. The value of higher education in Burma has deteriorated considerably as during the times that universities are actually open, students are given rush degrees in order to prevent any political opposition to the military regime from springing up on university campuses.

The political situation in Burma has a direct impact on the poor quality of education and healthcare available to the general public. The level of access a person has to health and education infrastructure depends on their economic status, geographical location and individual, family or ethnic group relations with the military regime. For example, a Burmese military officer and his family living in Rangoon have access to education and medical treatment that are unavailable to a family that is part of an ethnic and religious minority group living in a conflict area on the border. As yet, the military regime has been unwilling to address these inequalities to ensure that all people living in Burma, regardless of their ethnic group, religion, political affiliation, economic status or geographical location have access to adequate health care and education. (For more information about the health and education situations of specific populations such as refugees, women, children, political prisoners and IDPs, please see appropriate chapters.)

Government Spending on Health and Education

A 2002 report by Nonviolence International, *Myanmar's Expenditures on the Military, Health and Education*, states that: "Myanmar's military expansion comes at the cost of ordinary people's health and education." According to this report, Burma has the highest rate of military expenditure, in comparison to health and education spending, of any other ASEAN nation. At present, the SPDC spends approximately 50% of the national budget on defense. In contrast, World Bank figures show that the regime allocates only US\$ 0.28 annually to educate each child in public school (source: "Hard Lessons," *Irrawaddy*, July 2003). The most recent statistics available in 2003 cited the SPDC's expenditures on all civilian education as equivalent to less than 1% of the national GDP.

Government expenditure on public health has been cut even more dramatically than spending on education. Total government spending on health has declined by more than 70% since 1990, and in 1998-99 the SPDC's health budget was equal to only 0.3 % of the GDP. (Source: *Country Reports on Human Rights Practices* - 2003, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

9.2 Situation of Education

"Recent political developments among ethnic opposition groups have sought to encourage national reconciliation and the building of a multi-ethnic, pluralistic society. Such moves should include the abandonment of nationalist biases in the classroom in favor of curricula that reflect the multicultural reality of Burmese society. At the same time, pupils should receive an education that is broad and balanced; that promotes their spiritual, moral, cultural and physical development; and that prepares them for the opportunities, responsibilities and experiences of adult life in a multicultural society."

- Dr Thein Lwin, principal of Teachers Training for Burmese in Thailand. (Source: "Learning in a Democracy," *Irrawaddy*, 6 July 2003)

"The State shall pay special attention to the young and promote their education."

- Section 34, Chapter IV of the 1947 Constitution

Education in Burma has been severely affected by more than four decades of military rule. The military regime views potentially politically active university and high school students as one of the biggest threats to their grip on power, therefore all-non military education is treated as expendable. All civilian schools and universities throughout Burma suffer from a lack of resources and qualified educators, a problem found in many developing countries. Unique to Burma however, is the fact that the junta actively tries to thwart universal and advanced higher education. As a result, Burma has some of the highest drop-out rates in Asia, with 98% of students dropping out before they complete high school. (Source: "Hard Lessons," *Irrawaddy*, July 2003)

In order to receive higher education in Burma several conditions must first be in place: the student must not be politically active or have politically active family members; the universities must be open; and the student must be from a social and economic group and have an educational background that makes higher education feasible. When these conditions are met, a student then faces a university system where teaching materials and classroom topics are heavily censored, group activities are restricted, and freedom of thought is generally hindered. Students are then rushed through courses that focus on memorization rather than critical thinking and upon graduation are ill-equipped to find quality employment. (See chapter on children for information on primary education.)

The U.S. Department of State's 2003 report on the situation of human rights in Burma noted that school attendance and educational attainment had declined during the year. The report attributed this to rising school fees, as the regime continued to divert funding from education to maintaining the army. In 2003, the average teacher was paid only 7,000 kyat (US\$ 7.00) per month, a wage inadequate to provide for basic living needs. As a result, many educators were forced to abandon teaching. In areas where families were not able to pay extra money for tutorials and other unofficial fees, teachers simply stopped working, forcing schools to

shut down. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

It is also true that women and girls are less likely to receive an education than their male counterparts. When parents cannot afford to educate all of their children, they usually choose to send their sons to school while keeping their daughters at home to help with household work. This discrimination is most evident in higher education, with female students twice as likely to drop out as male students. (See also section in this chapter on Adult Illiteracy.) (Source: "Growing up under the Burmese dictatorship," International Confederation of Free Trade Unions, August 2003)

Adult Illiteracy

In August 2003, the SPDC reported that 31,879 'illiterates' had become literate (source: "Myanmar injects huge investment in border areas development," Xinhua, 21 August, 2003). However, high levels of illiteracy, especially among women, remain a concern. A January 2002 report by Images Asia provides the following information:

"The 1983 census is the most widely quoted source of demographic information, and its figures for illiteracy, in the absence of others, continue to be used by many UN agencies. At the time the census was conducted, the measured literacy rate for men was 82% and for women 71.3%. However, it is not known to what degree these figures accurately reflected the situation in rural areas, since many areas had been excluded from assessment for decades by poor infrastructure and civil war. As the education system has deteriorated over the past 16 years since this survey was taken, it is likely that these figures do not reflect present levels of literacy. UNICEF estimated in 1995 that overall literacy had dropped to about 55%, and reiterated a figure of between 50 to 60% in its 1999 'Situation Analysis,' on the basis of the 'significant proportion of adults who claim they have never been to school.'

All figures appear to conceal significant variations not only between the sexes but also between different areas of the country. The 1983 census shows male to female literacy rates of 86%: 77% in the predominantly Burman divisions, compared to 65%: 50% in the predominantly ethnic states. Community leaders in some border areas, where there is very little data available, have estimated a female illiteracy rate as high as 80%. Surveys conducted in the mid- 1990s in refugee camps along the Thai-Burmese border showed that less than 50% of Mon women between the ages of 20 and 30 were literate and that 50 to 60% of Karenni women in all age groups were literate. Among both these ethnic groups, rates of literacy generally decreased with age, evidence that more young women are gaining access to education with time, a reason for cautious optimism. However, in both ethnic groups and among all age categories, male literacy remained notably higher than female, usually by 10% or more. Surveys conducted in Karen refugee camps during the same period showed similar results to those of the Karenni, with average literacy rates among women 20 to 40 years of age slightly over 60%, while men in the same age groups averaged nearly 75%. These studies also indicated that women's illiteracy inhibited their access to non-formal education, including various kinds of training offered in the camps.

According to the women we interviewed, illiteracy in Burmese is prevalent in areas of Burma where ethnic languages are more commonly used, particularly among women who rarely leave their villages. Since teaching of ethnic languages is discouraged in many areas, for students, learning to read and write Burmese often means studying a second or third language.

Even literacy in women's mother tongues often is not perceived to be important in farming communities where it does not always serve any immediate purpose in terms of vocation or life skills.

The most common reasons behind high illiteracy rates among women are non-attendance and drop out. Government attendance surveys in 1991 showed that one third of the population overall had not completed any standard of schooling and only 7% had completed 9th or 10th standards, with much lower attainment for women than men. Again, significant differences were recorded between urban and rural areas. Almost 77% of women in urban areas attended school compared with less than 56% of rural women." (Source: Belak, Brenda, *Gathering Strength Women from Burma on Their Rights*, Images Asia, January 2002)

High School Education

According to statistics from the SPDC's Ministry of Education, as of July 2003 there were a total of 1,748 high schools in the country as a whole, to serve over 7 million high-school age students. Beginning in 2001-2002, the SPDC announced plans to initiate a six-phase 30 year plan to improve education (source: "More School-Age Children in School in Myanmar," Xinhua, 7 August 2002 & "Myanmar makes progress in higher education," Xinhua, 9 July 2003). To date, however, there has been no improvement in addressing the many obstacles which hinder access to secondary education. In 1999, the military regime itself released figures showing that only 26% of 14 and 15 year olds in the country attended school. These percentages are believed to have been similar in 2003 (source: "Growing up under the Burmese dictatorship," International Confederation of Free Trade Unions, August 2003).

Government high schools are disproportionately concentrated in urban areas. Most of these schools are overcrowded and many reportedly lack even basic materials and furnishings. Schoolbooks used often date back to the 50s or 60s because there is no money for new and updated texts (source: "Growing up under the Burmese dictatorship," International Confederation of Free Trade Unions, August 2003). In addition, high schools do not have enough textbooks for all students. It has been reported that for each course students often have to draw lots to see who will get a real copy of the textbook. Those students who do not receive a textbook have to either copy or buy another textbook.

Students also suffer from the lack of qualified teachers. In 2000, the SPDC's education research department released statistics showing that 60,843 primary teachers and 49,920 secondary-level teachers had been unable to receive teacher training. However, these figures include only those teachers who are directly appointed by government authorities. In many schools there is an extreme shortage of teachers which forces local education officials and school administrators to hire additional teachers using school funds or money collected from local residents. Many of these teachers, especially those teaching at the high school level, lack training and qualifications. Thus government statistics reflecting the number of teachers who have not received training are likely to understate the problem.

Students are also constrained by rigid and outdated teaching methods employed within the classroom. In Burma, learning is not student centered and students are expected to learn by attending lectures and memorizing facts. Students are not encouraged to participate in discussions, to critique material, or to offer their own knowledge and experiences during classes. This teaching style directly correlates with the current political structure, where people are prohibited from openly criticizing or questioning government officials or anyone

of higher rank or status. (For information on academic freedom see chapter on Freedom of Opinion, Expression, and the Press.)

The primary reason causing most students to drop out of school is their parents' lack of financial resources to contend with all of the required extra expenses and fees. Parents must contribute funds to purchase uniforms, schoolbooks, exam papers, and to maintain school buildings. In addition parents are forced to contribute annual 'donations' to finance student festivals, the parent-teacher association, sports events, and pay fees for their child's compulsory membership to the regime-controlled Union Solidarity and Development Association (USDA). (Source: "Hard Lessons," *Irrawaddy*, July 2003)

Students also face a large financial burden when they are forced to pay for private tuition classes to supplement what they learn in the classroom. High school teachers in Burma make only an average of 7,000 kyat (US\$ 7.00) per month, which is not enough to live on. In order to supplement their government salaries, most teachers are forced to teach private classes after school hours. Increasingly, students report that teachers intentionally leave out information they need to pass state exams from the classroom lectures, forcing students to attend tuition classes if they want to pass the course. In addition, many teachers reportedly favor those students who attend their tutorials outside the classroom and are more likely to give them better grades. High school students reportedly pay from 3,000 - 20,000 kyat per month for private tuition classes. One report estimated that between 50-80% of students attended private classes. Students who could not afford to attend these classes reported that they felt discriminated against. (Source: "Growing up under the Burmese dictatorship," International Confederation of Free Trade Unions, August 2003)

In addition to the failure of the regime's 30 year program to improve education, a joint project between the Ministry of Education and UNICEF has also failed to achieve positive results. The Continuous Assessment and Progression System, or CAPS program, has been implemented in schools throughout the country, and is supposed to assess a pupil's progress throughout the year. Both teachers and students however, are reportedly unclear about what should be accomplished under the program. This lack of specific evaluation criteria has only led to increases in corruption, with students bribing teachers for higher grades. In the over 10 years since its inception, there has been no review as to the progress of the CAPS program. Instead, the All Burma Federation of Student Unions (ABSFU) notes that the regime has used the program to further its own agenda. ABSFU reports that students who wish to receive good grades must follow orders and participate in sports fairs and other activities organized by regime officials, as well as special performances for military officials and visiting dignitaries. (Source: "Hard Lessons," *Irrawaddy*, July 2003)

Due to the deteriorating levels of education available at government schools, students and parents are increasingly turning to other educational options when these are available. In Arakan State, a large number of students are reportedly leaving government schools to enroll in schools run by Buddhist monasteries (source: Narinjara, 2002). In urban areas, private schools, which include a student hostel, are also becoming more common. Students attending these schools register with public schools to sit for nation-wide examinations, but take all their classes at private facilities. However these schools are too expensive for most high school students and their parents. In Rangoon, a year of private school tuition costs from 500,000 - 900,000 kyat. In 2001, the SPDC announced that students could not sit for their high school matriculation exams if they did not attend a government school. This move was a conscious effort to undermine the growing popularity of non-government educational options

for high school. (Source: *Education Report 2002*, Foreign Affairs Committee-All Burma Federation of Student Unions, May 2003)

Students in rural areas often lack the chance to attend even an ill-equipped government school. Many villages only have “affiliated” schools, which require residents to pay for teachers’ salaries and other necessities (source: “Growing up under the Burmese dictatorship,” International Confederation of Free Trade Unions, August 2003). In border areas, some opposition groups have established their own high schools, however these schools almost always suffer from a lack of funding and other resources (source: Belak, Brenda, *Gathering Strength Women from Burma on Their Rights*. Images Asia, January 2002). In addition, ongoing armed conflict in border areas frequently interrupts students’ education and a number of high school-age male students join armed groups instead of attending school.

University Education

In July, the SPDC Ministry of Education reported that over 100 new universities and colleges had been established since 1988. The regime also reported that 777,174 students were studying at higher institutions in 2003 (source: “Myanmar Makes Progress in Higher Education,” Xinhua, 9 July 2003). Despite these optimistic claims, the reality is that only a small percentage of people in Burma are able to continue their education past high school. For most students, the biggest obstacles to pursuing higher education are economic. In order to support their families, many students have to quit school to take jobs that don’t require a high education level. Often young people are forced to migrate to other countries where there are more employment opportunities. Other people cannot attend universities because they have fled their homes or been imprisoned for political activities. According to a 2002 report by Images Asia, out of an estimated population of 10.5 million people between the ages of 15 and 24, only 374,112 were studying at the country’s 53 post-secondary institutions." (Source: Belak, Brenda, *Gathering Strength Women from Burma on Their Rights*, Images Asia, January 2002)

The erratic nature of civilian higher education in Burma since 1988 has deprived a generation of young people of the chance for quality higher education. Those students who have attempted to continue or begin university studies, have faced numerous obstacles in obtaining a quality education, including frequent school closures and low standards for materials, facilities and educators.

In the 8 years between the military coup in 1988 and the December 1996 student uprising, universities and colleges in Burma were open for only a total of 30 months. In August 1998, the SPDC allowed universities to open for one month and students were called to take examinations. Following this however, universities remained closed until June 2000.

When the universities reopened in 2000, the SPDC instituted key changes to minimize possibilities for students to engage in political activities on campus. In the new curriculums, one year’s course content was packed in to 3 months and 2/3 of the available courses were offered by mail. Before students could enroll they had to take an oath that they would not become involved in political activities or join any political parties. Many students refused to agree to these terms, and only 1/3 of previously enrolled students were allowed to re-enroll in 2000. Those students who were permitted to enroll found that they were not allowed to

choose which campus they would attend, but instead were assigned to one by government authorities.

The military government also went to the extra expense of building university facilities on the outskirts of major cities near military barracks in order to stop students from gathering and protesting. The main campuses of Rangoon University and Rangoon Institute of Technology, which had been centers of student protest in the past, were moved 20 kilometers outside of Rangoon. Students from the provinces were being spread out among the new universities in order to prevent a concentration of students. The distance of the campuses prevented some students from attending classes regularly because they couldn't afford transportation (source: "Situation of Human Rights in Myanmar," Economic and Social Council Resolution on Burma at the United Nations Commission on Human Rights 2001, Fifty seventh session, Agenda item 9, 12 April 2001). All of these constraints in higher education remained in place throughout 2003. In June, the regime delayed the reopening of universities after the summer holiday for three weeks following the USDA attack on the NLD convoy and the arrest of Daw Aung San Suu Kyi and other opposition leaders.

The regime's paranoia continues to impose a stranglehold on the freedoms and civil liberties necessary for a high-quality education. All student gatherings including those of religious, ethnic, artistic, and cultural groups as well as departmental meetings and social functions are directly controlled or else prohibited by school officials. Two thirds of university students now study through correspondence courses, and those students who remain on campuses are subject to frequent security checks by guards. The junta recruits and pays students to act as informants on both their teachers and other students who express 'revolutionary' views. Professors have also been forced to conform to the military authorities' way, informing on other instructors and their own students. Teachers are forced to join the SPDC's civilian organization, the USDA, and attend military trainings. Those who fail to carry out these duties lose out on any chance of promotion and may lose their jobs and risk being labeled 'anti-government.' These restrictions, added to the fact that many professors make only 20,000 kyat (US\$20) per month, have led hundreds of Burmese educators to leave the country for work at universities abroad. Many other teachers of science and foreign languages have left their posts to work in the private sector where they can earn higher wages. To date, the regime has done little to address the causes of this brain drain and the resulting severe shortage of qualified educators. (Sources: "Hard Lessons," *Irrawaddy*, July 2003 & "Growing up under the Burmese dictatorship," International Confederation of Free Trade Unions, August 2003)

While most ethnic groups in Burma have traditionally placed a high value on education, it is hardly surprising that today university degrees are seen as increasingly worthless. A large number of graduates remain unemployed after graduation. In a country in desperate need of engineers, doctors, educators and other professionals, few people who receive degrees in these areas are able to perform competently in these fields. In addition to the low quality of instruction, employers are wary of hiring new graduates, who may have simply bribed the teacher to pass their courses. (Sources: "Within Burma's Outward Smiles, Wincing of Pain," *Boston Globe*, 16 March 2003 & "Growing Up Under The Burmese Dictatorship," International Confederation of Free Trade Unions, August 2003)

Disparity between Civilian and Military Education

The hallmark of the current education system in Burma is the discrepancy between education received by the military and their families and that which is available to the civilian population. Following the 1988 pro-democracy movement, the military authorities embarked on a campaign to strengthen the armed forces and commenced establishing military institutions for education. The government has yet to release information on military educational institutes. As a result, student enrollment and government budget allocation given to these institutions is unknown. However, a comparison of civilian and military institutes of higher learning clearly reveals that the SPDC has invested most of the resources allocated for education into military institutions while neglecting and oppressing civilian education.

While the civilian population has to struggle to pay education expenses for their children, the children of the military get higher quality education with financial support from the government. Although the SPDC manages all primary schools in the country, it also operates 15 primary schools open only to the children of military elite. During summer holidays, these schools run computer training, English courses and field trips. Upon completion of high school, these students are usually easily accepted into any Military Institute and are eligible for scholarships and scholastic awards. In order to qualify for this preferential treatment, older students, in addition to having parents with high-level connections to the regime, are also themselves required to join the USDA. (For more information on primary level education see chapter on children.)

The majority of university students in Burma are forced to struggle to pay ever rising tuition costs, while contending with insufficient facilities and learning materials. In direct contrast, members of the military elite are able to attend Military Institutes for no cost or for reduced fees. These institutes boast computer access, modern libraries, well-equipped scientific labs and other resources. Students at these institutions are also sometimes given the opportunity to attend short-term trainings given by foreign scholars and professionals in specific subjects. While civilian high schools and universities have faced frequent closures since the 1988 military coup, military institutions have remained open. As a result, to some degree military school graduates have been trained to run the civilian education system, and reportedly a third of the graduates of military schools enter civilian universities as lecturers and tutors.

At the post-secondary level, the regime established the Defense Services Academy (DSA) in 1955, where many of the ruling generals received their education. More recently, the junta has established the Defense Services Institute of Medicine, the Defense Services Institute of Nursing, the Defense Services Technological Academy and the Defense Services Technical Colleges. In 2002, the Government opened the Maritime University which operates under the auspices of the Ministry of Transportation. This university offers bachelors degrees in engineering with concentrations in naval architecture, marine engineering, river and ocean engineering and marine electrical systems and electronics. The Maritime University also offers a bachelors of Science degree specializing in nautical science. An Aerospace Engineering University was also opened in 2002 by the Ministry of Science and Technology. This institution offers undergraduate degrees in engineering with concentrations in aerospace propulsion and flight vehicles, and aerospace electronic systems and instrumentation. Entrance into these programs is highly competitive, and only 100 students are accepted annually for each program. Students who are able to obtain recommendations from military gazette officers or have other high-level military connections have a distinct advantage in the application process, as the selection boards for entrance into these programs are run by

military officials. In addition, a number of graduate programs at civilian universities are only open to students from a military background.

Due to the poor quality of civilian education, students from non-military backgrounds have become interested in applying to military institutes. While civilian students may be accepted into military institutes, the government has created a strict system of application, which includes mandatory recommendations from various government officials, including military officials. This system ensures that the applicants, and the applicants' relatives, have had no history with opposition political parties and no criminal history. The applicants must also promise not to be involved in politics and pledge to serve in the army for a number of years upon graduating. In some universities, which are affiliated with but not directly under the auspices of the military government, students are screened for such things as USDA membership and political affiliations before they are allowed to take entrance exams. Students who attend these universities are also required to go into military or government service upon graduating. Students who are related to the military elite are favored above civilian applicants and in many cases military students do not have to pay tuition, unlike civilian students.

Following graduation, those students loyal to the military are rewarded with educational and employment opportunities not open to the public. The military government provides well for its army students and gives them stipends, scholarships, and for the very elite, chances to study abroad.

In addition, members of the military elite are also able to attend diploma trainings and post-graduate programs at civilian universities with financial support from Defense Services. Due to the high cost of these programs, which include courses for languages, computer science, and technical subjects, civilian students who do not receive government support are usually unable to enroll. (Source: Education Report 2002, Foreign Affairs Committee-All Burma Federation of Student Unions. May 2003 & "Hard lessons," *Irrawaddy*, July 2003)

Universities Supported by the Military

- (1) Sagaing Regional Co-operative College
- (2) University of Development of National Races, Sagaing
- (3) Mandalay University of Foreign Languages
- (4) Defense Services Technical College, Mandalay
- (5) Nationalities of Youth Resource Development Degree College, Mandalay
- (6) Defense Services Academy, Maymyo, Mandalay
- (7) Defense Service Technological Academy, Mandalay
- (8) Mandalay Regional Co-operative College
- (9) Myanmar Aerospace Engineering University, Meikhtilar, Mandalay
- (10) Yangon University of Foreign Languages
- (11) Defense Services Institute of Medicine, Yangon
- (12) Yangon Co-operative Degree College
- (13) Central Co-operative College, Phaunggyi, Yangon
- (14) Nationalities Youth Resource Development Degree College, Yangon
- (15) Defense Service Institute of Nursing, Yangon
- (16) Myanmar Maritime University, Yangon. (Source: ABSFU)

Access to IT Education

In January 2001, the SPDC launched an official program for 'e-education.' Prior to this the government had been pressuring public high schools to build multi-media classrooms. In January 2003, Secretary General Khin Nyunt announced that 1,300 government high schools had built multi-media classrooms. However, even if these numbers are accurate, this still represents only 2.2% of the 58,082 high schools that the government claims to run throughout the nation. As only 7.5% of the government budget goes towards education, government officials generally force teachers and parents to fundraise or contribute their own money to build these IT facilities. Many parents reportedly were required to pay 5,000 to 10,000 kyat each towards the cost of these multi-media classrooms.

In some cases when school administrators are unable to collect enough money to build these multi-media classrooms, they resort to temporarily renting computers and other IT equipment from other schools or corporations. This equipment remains in place only long enough for government authorities to host official opening ceremonies and then computers and other resources are often returned. Even those schools that are able to purchase this equipment often do not have the funds to maintain it, and in many cases these multi-media classrooms are shut down soon after opening.

In border areas, IT facilities are non-existent, and students living in these areas, especially those who are members of ethnic minority groups, are extremely unlikely to ever have access to computers. Even in urban areas, most students have little chance to use computers, unless their parents can afford to enroll them in expensive private courses. Students are also hampered by government restrictions on Internet access that apply throughout the country. (For more information on restrictions on the internet see chapter on Freedom of Opinion, Expression, and the Press.)

Burma receives the greatest amount of assistance in IT education through the Center for the International Cooperation for Computerization (CICC) from Japan. The CICC regularly holds IT training courses in Japan for Burmese students. However these programs are open only to members of the government organized "Myanmar Computer Science Association". As with most other coveted educational opportunities, preference is always given to those applicants with connections to the military elite. (Source: *Education Report 2002*, Foreign Affairs Committee-ABFSU, May 2003)

Updates on Education

More fees for students and teachers in Shan State

In January, every primary, middle and high school in Namtu Township, Shan State was ordered to erect a stone pillar in front of the school by the township authorities. Teachers were told to collect 300 kyat from each student to build this pillar. When students could not afford to pay these fees, the teachers had to use their own money. A female teacher from a Palaung village reported on the difficulties of being a teacher. "I received only 8,000 kyat per month from government. It is not enough for one month." Villagers also have to provide rice to the teachers and pay for some of their other expenses. (Source: "School Teacher Was Forced to Collect Money from Its Student," Palaung Youth Network Group Newsletter, August 2003)

Students forced to donate money for school repair

In March, it was reported that students attending No.2 State High School in Ye Town, Mon State were forced to 'donate' 13,000 kyat (US\$ 13) to school officials in order to repair and rebuild the school. Parents found it difficult to pay the 13,000 kyat, but some expressed fears that if they did not provide the money their children would be punished and would fail their classes. (Source: "The Government School Building with the Students' Money," *The Mon Forum*, HURFOM, 31 March 2003)

Rising school fees in Moulmein

In June, it was reported that school fees for students in Moulmein, Mon State had increased significantly since the previous year. One teacher reported that the reason for the increased fees was the government's failure to provide funds to repair and rebuild school buildings. Parents were also forced to contribute funds towards a computer system. (Source: "High education tax during school opening days," *The Mon Forum*, HURFOM, 30 June 2003)

9.3 Situation of Health

"When I worked in a Karen village, I also saw how people's health was inter-related to other issues. I saw the use of forced labour, forced porters. I saw these problems and came to realize we cannot solve them by continuing treating the villagers. We had to change the system."

- Dr. Cynthia Maung, Founder of the Mae Tao Clinic for Burmese refugees and migrant workers (Source: "Step by Step to Solutions," *Bangkok Post*, 10 November 2003)

In December 2002, Lt.General Khin Nyunt announced that "the health situation in Myanmar has improved dramatically in recent years," (source: *New Light of Myanmar*, 2002). Almost a year later the regime followed up with 'evidence' of this claim, citing the establishment of two new medical institutes, and the construction of 140 new hospitals since 1988 (source: "Myanmar Makes Achievements in Health Sector," *Xinhua*, 25 November, 2003). Yet, this improvement has not been evident to the thousands within the country who continue to die annually from diseases that are preventable and treatable. As non-military expenditures such as health care continue to be a low priority in government spending, the health care system remains with insufficient facilities, too few health care workers, inadequate health education programs and lack of services in rural areas. Moreover, the health problems of many people in Burma are exacerbated by the ongoing armed conflict which disproportionately affects ethnic minorities in border states. People living in conflict areas are directly affected by landmines and military violence, while migration and forced relocations have caused malnutrition and other conditions that lead to the spread of disease.

According to the WHO World Health Report 2000, Burma is ranked 139th out of 191 countries in terms of the overall level of health of the population. Women can expect to live 7.1 years with a disability and men 7.4 years. Life expectancy for men is 54.6 years, for women 59.9 years. In the ASEAN region only Cambodia and Laos have lower life expectancies. Many of the countries ranked lower than Burma are suffering from the ravages of AIDS, a problem which has yet to come to a head in Burma. Lt. Gen Khin Nyunt condemned the findings of the WHO report saying, "The WHO report, based on false

information from antigovernment sources aimed at tarnishing the image of the country is unjust and unacceptable...The ministry totally rejects the assessment." However it is difficult to see how the SPDC can effectively argue that public health is a national priority. According to WHO, in 2000 the SPDC spent only 4 'international dollars' per year on health for each citizen. In comparison, neighboring Thailand spent 136 international dollars per person, and even developing countries like Bangladesh and India spent 17 and 13 dollars per person, respectively.

Women, children and ethnic minorities are disproportionately affected by the lack of health care. More than 92,500 of the 1.3 million children born each year in Burma will die before they reach their first birthday. Another 138,000 children will die before the age of 5. Many more children will suffer from acute respiratory infections, diarrhea related diseases, tuberculosis or malaria, which, along with measles, hepatitis B and AIDS are the leading causes of morbidity and mortality among children in Burma. More than one third of children under age 5 will become malnourished, most commonly when they are between 1 and 3 years old. UNICEF cites the cause of the vast majority of these deaths as a lack of medical attention and knowledge. (For more information on children's health see chapter on children.) (Source: "Growing up under the Burmese dictatorship," International Confederation of Free Trade Unions, August 2003)

A significant percentage of women continue to die in childbirth, especially those women who live in rural areas. Estimates vary from between 100-580 maternal deaths per 100,000 live births. While more than half of these maternal deaths occur at home, over a third occur in government facilities, which lack the resources to provide adequate emergency obstetric care. According to figures from UN agencies, only 1 in 20 births in rural areas are attended by a doctor. Many other women die from unsafe abortions, which are illegal in Burma and must be obtained outside the public health system. (For more information on women's health see chapter on women.) (Source: UNICEF & *Country Reports on Human Rights Practices* - 2003, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State)

Access to Health Care

In November 2003, the SPDC announced it had spent over US\$ 70 million since 1988 to upgrade the healthcare system. The regime reported that there are currently 757 hospitals in the nation, an increase of 140 since 1988; with 52 hospitals, 82 dispensaries and 70 rural health centers currently operating in underserved border areas. (Source: "Myanmar Makes Achievements in Health Sector," Xinhua, 25 November, 2003)

Despite the regime's claims of improvement, the reality is that most illnesses and deaths in Burma continue to result from inappropriate or inadequate treatment and/or knowledge, which ultimately stem from a lack of resources. As with education, cost is the biggest obstacle preventing people in Burma from accessing needed health care. In government hospitals, patients often have to pay a bribe to be seen by a doctor, get a bed, or to receive medicine. Families of patients must provide all essential drugs and supplies in public facilities, or else rely on unregulated private practices. To see a private doctor and receive medicine or an injection reportedly costs between 1,000-2,000 kyat. An operation in a private hospital is at least 150,000 kyat, and more for complicated procedures. Giving birth in a private hospital is approximately 80,000 kyat. However one family in Tenasserim Division reported having to pay 25,000 kyat to give birth in a government hospital. Only the very wealthy can afford to go to elite private clinics with high levels of care. (Source: "Growing

up under the Burmese Dictatorship,” International Confederation of Free Trade Unions, August 2003)

While NGOs have made efforts to extend the public health care system, huge disparities in access to health services and information continue to exist. Burma’s health care system has been found to be more discriminatory than that of any other country in the ASEAN region in terms of responsiveness. People’s access to healthcare is directly correlated to their ethnic background, income level and whether they are civilians or military personnel. In 2000, the WHO ranked Myanmar 190 out of 191 countries in terms of the gap between potential health services and actual performance.

With medical infrastructure heavily concentrated in central urban areas, border areas have only one hospital for every 132,500 people and one rural health center for every 221,000 people (source: “Growing up under the Burmese Dictatorship,” International Confederation of Free Trade Unions, August 2003). Even within government hospitals patients routinely die from negligence and lack of treatment. One doctor reported that in hospitals health workers try to cut costs by reusing syringes (source: “Within Burma’s Outward Smiles, Winces of Pain,” *Boston Globe*, 16 March, 2003).

In 1999, WHO statistics showed that Burma had 29.7 physicians, 26.1 nurses, 22.1 midwives, and 2.1 dentists per 100,000 people. This rates Burma on the level with countries like Cambodia, which has 29.7 doctors per 100,000 but far below neighboring India, with 48 doctors per 100,000.

In addition, medicines in Burma are often expensive and difficult to obtain. The only high-quality drug manufacturer in Burma is the government-owned Myanmar Pharmaceutical Factory (MPF). As this company fails to produce the amount of medicine needed, approximately 95% of all medicine is smuggled in from India and Bangladesh and sold on the black market. A tablet of Paracetamol (an analgesic) sells for 25 kyat on the black market, while a day laborer is paid a maximum of 500 kyat a day (source: Narinjara, 2002). A growing problem is the use of unregulated imitations of popular drugs which may be passed off as the original product. In November, 16% of a random sample of drugs collected from pharmacies in Burma failed a WHO laboratory test for quality. Dr Thein Myint, a public health expert with the National Health and Education Committee (NHEC), a Burmese exile group based in Thailand, estimates that 60% of drugs used in Burma are produced by unregistered companies. Fake drugs are not only appearing in pharmacies but also in government hospitals. Among the most common fakes are antibiotics such as tetracycline, anti-malarial drugs, drugs used to treat TB, and anti-venom for snakebites. Medicines made with fake or substandard ingredients are often ineffective at treating illnesses, leading to a higher death rate. (Source: “WHO Steps Up Action Against Fake Medicines,” AP, 11 November 2003 & “Bad Medicine,” *Irrawaddy*, January-February 2003)

Malnutrition

In May, the Asian Human Rights Commission (AHRC) released a statement demanding that the regime’s so-called Human Rights Committee take action in response to the SPDC’s role in denying citizens the right to food. AHRC stated: “Empirical evidence suggests that every day millions of people there [in Burma] go hungry, hundreds of thousands are seriously malnourished, and that some are indeed starving... Torture is used to obtain rice. Fear is

instilled to deprive people of basic economic rights and retard their capacity to react.” (Source: “Hunger Still Rampant in Burma,” Asian Tribune, 9 May 2003)

An August report by the International Confederation of Free Trade Unions illustrated that the average Burmese family does not earn enough money to adequately cover their living costs including food, housing, personal and household essentials and school fees for children. This correlates with UN statistics indicating that over a third of children under age 5 are malnourished. (Source: “Growing Up Under The Burmese Dictatorship,” International Confederation of Free Trade Unions, August 2003)

In 2003, the situation in Arakan State was particularly bad. In July, government-granted private monopolies of the transport of essential goods within the state had led to a 30-120% increase in the costs of basic foodstuffs and fuel (source: “Monopoly on Transport Sends Essential Prices Up in Burma,” Narinjara, 21 July 2003). In September, Narinjara News reported that a famine in the western part of Arakan State had caused the price of rice to increase by a third and that rice had disappeared from the open market (source: “Why Is Dollar Increasingly Smuggled into Burma?” Narinjara, 5 September 2003).

Access to Clean Water and Sanitation

Throughout the developing world, lack of sanitation and access to clean water is a major concern. When adequate systems are not in place for the disposal of human waste, cholera and diarrhoeal diseases can rapidly spread, causing illnesses and deaths. A 2000 survey conducted by UNICEF estimated that in rural Burma only 57% of the population had access to improved sanitation, where in urban areas 84% of the population had access. A previous survey conducted in 1997 estimated that 34% of the population nationwide lacked access to safe drinking water (source: UNICEF). In July 2003, the SPDC announced that, largely through the efforts of International NGOs, an increasing number of villages in central Burma had obtained access to potable water (source: “Over 4,000 Villages in Myanmar Have Improved Water Supply,” Xinhua, 1 July 2003).

Malaria

More people in Burma die of malaria than of any other disease, with an estimated 80% of the population living in malaria-prone areas. According to the WHO, in 2000 there were over 2.9 million malaria cases, leading to 5,000 deaths in areas throughout the country. UN statistics, which take into account the fact that many deaths from malaria go unrecorded, state that annual fatalities from malaria could be as high as 30,000. The greatest number of cases and highest mortality rates occur in the remote border areas. Malaria is also endemic in many of the country’s prisons. High fatality rates in these areas are the result of the lack of medication and treatment for the disease. (Sources: UNICEF; “Bad Medicine,” *Irrawaddy*, January-February 2003 & “More Malaria-Prone Areas Found in Myanmar,” Xinhua, 12 May 2003)

Tuberculosis

The SPDC has stated that tuberculosis is the second priority disease in the country’s national health program. In 2002, a WHO study reported that approximately 20,000 people die annually from tuberculosis, and about 85,000 people contract the disease each year. WHO has been working to set up “TB control centers” with the goal of establishing one in every township. The WHO has categorized Burma as one of 22 countries with a high rate of TB,

however the organization has stated that the cost of treatment in Burma is low compared to other countries. WHO estimates that 4.5% of TB patients are infected with HIV, and 60 to 80% of AIDS cases suffer from TB.

HIV/AIDS

A Study by Johns Hopkins University released in March 2003, described the HIV/AIDS situation in Burma as “a widespread generalized epidemic,” which has resulted in only “limited” national response. Estimates as to the number of people currently infected with the disease vary considerably. The SPDC Ministry of Health reports a figure of 180,000, UNAIDS estimates the number to be between 170,000 and 420,000, and researchers at Johns Hopkins state that using a “conservative approach” up to 832,100 people could be HIV positive (source: “AIDS in Burma,” *Irrawaddy*, 2 December 2003). The Johns Hopkins study puts the incidence rate of the disease at a minimum of 3.46%, giving Burma the highest infection rate in Asia after Cambodia (source: “Edging Towards Disaster,” *Irrawaddy*, 4 May 2003). UNAIDS has also reported that in some regions of Burma the infection rate could be as high as 13% (source: “Aids in Asia Moving at Double the Speed of Africa,” *Times of India*, 4 February 2003).

In 2002, the regime’s own data showed that 2% of military recruits were HIV positive, as well as 1.23% of blood donors and 2.13% of pregnant women (source: “The British Solution,” *Irrawaddy*, 4 May 2003). High-risk groups, such as sex workers, face a dramatically increased likelihood of contracting the disease. Reliable estimates put the infection rate among sex workers at 50-60% (source: “Edging Towards Disaster,” *Irrawaddy*, 4 May 2003). HIV infection rates among Burma’s intravenous drug users are among the highest in the world. The infection rate in this group is exacerbated by a shortage of syringes along with other medical supplies. Therefore, the spread of the disease is facilitated by widespread needle sharing.

Internal migration for the purpose of employment is also a cause of the spread of HIV. Hundreds of thousands of people work seasonally in the jade and ruby mines in Shan and Kachin States and it has been found that many young adults who are HIV positive in central Burma have worked in the mines, bringing HIV with them when they return home. The virus is also spreading in prisons where needles are often re-used several times, and in monasteries where young men shunned by their families move to die.

Burma’s already overburdened health system is ill equipped to deal with the medical needs of growing numbers of AIDS patients. People who are living with HIV/AIDS in Burma rarely have access to counseling or anti-HIV drugs. In addition, there is a countrywide shortage of antibiotics for TB, which kills most AIDS patients. It has been reported that once a patient is diagnosed with AIDS he or she usually dies within 3 months. One doctor in Sittwe, reported that the government hospital in the city doesn’t have any wards for HIV/AIDS patients, despite the fact that there been a rise in people infected with the disease in Arakan State. (Source: “Nowhere to Go for HIV/AIDS Patients,” *Narinjara*, 9 June 2003)

In addition to a lack of government services, people with HIV/AIDS and their relatives are also forced to contend with social discrimination. Hospices reportedly sometimes refuse to treat AIDS patients, and some orphanages will not provide shelter to children whose parents have died of the disease. (Source: “The British Solution,” *Irrawaddy*, 4 May 2003)

This misinformation and stigmatization has been fueled by the government's failure to release accurate and timely information to the public about HIV/AIDS. While the SPDC first publicly acknowledged the presence of the disease in 1999, it is only in the last few years that the regime has begun taking more proactive measures to address the growing epidemic. Such measures include labeling HIV/AIDS 'priority disease number three' in the national health program, and cooperating with a number of International Non-Governmental Organizations (INGOs) and UN organizations to initiate programs for prevention and treatment. In February, it was reported that the junta had enacted a new law to centralize, regulate, and more closely screen blood donations, in order to reduce transmission of HIV and other diseases. (Source: "Blood Law to Save Lives, Says Doctor," *Myanmar Times*, 3-9 February 2003)

The military government finally took a decisive step in recognizing the HIV/AIDS epidemic by cooperating in the implementation of the 2003-2004 UNAIDS joint program. This comprehensive strategy for addressing the HIV/AIDS crisis involves the junta, international aid groups, regime-affiliated aid groups, and the National League for Democracy. This program outlines five key areas that need to be addressed in order to halt the spread of the disease. These areas include: transmission among intravenous drug users, raising awareness among the general population; and providing treatment and support services for those already infected with the disease. Those running the program have stated that working with the NLD is an integral part of the strategy.

While the UNAIDS joint program is an important step, the regime continues to impose barriers that create difficulties in effectively reversing the spread of the disease. HIV/AIDS testing by western aid groups remains prohibited, as the SPDC still hopes to hide the true scale of the problem. Also, despite growing infection rates, the junta has not substantively increased funding to combat the disease, or to address health care needs in general. In April, the World Health Organization criticized the regime for its failure to institute AIDS prevention programs for sex workers and their clients, because government policy is that 'men are faithful to their wives,' (source: "Dictatorships and Disease," *New York Times*, 17 April 2003). There have also been reports of rising arrests of women found in possession of condoms, who are then charged with prostitution. Most news about HIV/AIDS in Burma is still censored, and in August it was reported that the word "condom" had been used in the national press for the first time (source: "WHO Lauds Myanmar's Progress in Promoting Condom Use," AP, 21 August, 2003). Meanwhile, a public AIDS forum organized in November by the Association of Medical Doctors of Asia, was cancelled by the junta, and both the SPDC Prime Minister and Health Minister failed to attend a December ceremony in Rangoon to mark World AIDS Day (source: "AIDS in Burma," *Irrawaddy*, 2 December 2003 & "SPDC Refuses to Discuss AIDS with Its People," DVB, 3 Dec 2003). In light of this continuing lack of sufficient political will to combat HIV/AIDS, experts say that current efforts will only slow the growth pattern of the virus, but have little hope of reversing the trend (source: "Edging Towards Disaster," *Irrawaddy*, 4 May 2003).

The SPDC's refusal to acknowledge the facts of the situation affects not only Burmese citizens, but also neighboring countries. As drugs, migrant workers and sex workers leave the country, Burma has become an AIDS exporter. In neighboring China, India and Thailand, the provinces with the highest HIV rates are those that border Burma. A report released by Johns Hopkins School of Public Health has connected outbreaks of HIV and injection drug use with overland heroin trafficking routes originating in Laos and Burma and spreading throughout the region.

Mental Health

Mental health is an often overlooked aspect of health care in many societies and the situation is exacerbated in Burma by the lack of resources allocated to health care in general. Ongoing civil war and violence is accompanied by an increase in mental health disorders. Studies of refugees on the Thailand-Cambodia border found that 55% suffered from some form of depression and 15% from post-traumatic stress disorder. The literature on the subject indicates that because mental trauma is a concern for a sizeable portion of war-affected populations, it should be addressed as a major public health issue.

Support for People with Disabilities

In theory, Burma's laws provide significant assistance to people with disabilities, including 2/3's pay for up to a year after a temporary disability and a tax-free subsistence allowance for those with permanent disabilities. In reality however, assistance is severely limited. In addition, there are no laws requiring that buildings, transportation or government facilities be accessible to people with disabilities. A few small organizations, both domestic and international, provide limited support to those with disabilities but most people are forced to rely on their families. Military veterans are given priority for any available benefits. The numerous civilian victims of landmines living in conflict areas usually receive little if any assistance. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

International Humanitarian Aid

We recognize one of the limiting factors to making donor assistance in Burma effective is the embryonic nature of genuine domestic NGOs, as opposed to government-organized NGOs.... For an effective national response to a problem like HIV, the government must also make life easy for concerned citizens who want to set up non-governmental organizations...That means liberalizing the existing laws on NGOs, which date back to the days of state socialism.

- Vicky Bowman, British Ambassador to Burma (Source: "The British Solution," *Irrawaddy*, 4 May 2003)

International Non-Governmental Organizations began re-entering Burma in 1991, with the majority of them working in the health sector. This was a controversial move because many people felt that an INGO presence in Burma would provide legitimacy to the military regime. However, INGOs that decided to work in Burma argued that some issues, such as the spread of HIV, could not wait for a change in the political situation. From the start, the SPDC has shown a preference for working with intergovernmental organizations such as UNICEF, UNDP and WHO, which play a larger role in funding than INGOs. Many of these organizations have taken a lead in development, especially in the areas of management and assessment, and often they are the only buttresses against the collapse of government health and education programs.

INGOs have been more active in implementing development projects at the community level and have focused their efforts on training rather than providing hard resources or cash. In 1994, the SPDC decided to accept offers of assistance from international agencies and NGO's in areas covered by the Border Areas Development Program "as long as they do not threaten national security and solidarity." As a result, some organizations have established their own

programs and some have funded projects through local community groups, however they have not used a common structure, system or method.

In order to work in Burma, INGOs have to sign a Memorandum of Understanding (MOU) which outlines the conditions under which they are allowed to work. To be granted a MOU, INGOs first must approach the relevant ministry, such as the Ministry of Health and then have their case presented by a ministry representative to the Foreign Affairs Committee. After this, if all goes well, final permission to operate is granted by the Cabinet.

Problems faced by INGOs working in Burma include: lack of accurate information; lack of access to all parts of the country and an inability to address the underlying problems that affect health such as forced labor, forced relocations, and armed conflict. INGO's are also hampered by a shortage of trained personnel in ethnic areas and political restrictions on whom they associate with. They are also frequently subject to arbitrary whims of local military commanders and SPDC officials regarding their status.

Throughout 2003 the debate on humanitarian aid in Burma continued. This debate is not over *whether* humanitarian aid should be provided, but rather about the *manner* in which aid should be dispersed. The NLD and most political opposition groups continue to argue that humanitarian aid cannot be divorced from a political context, as the problems such aid is addressing are at root political. In January 2002, a Strategic Coordinating Committee of the Burmese democracy and ethnic movements released a statement on humanitarian aid. The statement called for aid to be distributed only in consultation with the NLD and local community leaders; that aid be delivered directly to the recipients through credible INGOs without SPDC involvement; and that delivery of aid to border areas be monitored by an independent body. Burma activists have further urged that aid should contribute to the process of national reconciliation including political and economic reforms.

In a March 2003 report, the Alternative ASEAN Network on Burma (ALTSEAN) criticized the regime for using women as "bargaining chips" to garner increased aid. "An alarming development is how the SPDC is attempting to utilize the suffering of women to solicit international aid and partnerships without committing to concrete, sustainable and accountable actions of their own," the report stated. (Source: "Myanmar Using Women's Suffering to Get Aid: Rights Network," AFP, 9 March 2003)

The largest aid development in 2003 was the creation of a UNAIDS program to support the SPDC's national plan for addressing the HIV/AIDS crisis. The program will involve UN agencies, government departments, NGOs and INGOs, with funding coming through a newly created joint funding mechanism, the Fund for HIV/AIDS in Myanmar. Various international donors, including Great Britain, Sweden, and Norway, have already committed US \$21.3 million to the 3-year initiative. Donors made it clear that they intend the funds to be distributed in a transparent manner and that involvement and consultations with the NLD will be a key part of the strategy. (Source: "Britain Gives US\$15.7 Million to Fight AIDS in Myanmar," AP, 28 April 2003 & "Britain Announces Aid Donation to Burma," *Irrawaddy*, 28 April 2003)

Dr. Myat Htoo Razak, a Burmese doctor who specializes in HIV/AIDS policy and planning, expressed the following concerns about the UNAIDS joint program: "It is crucial that the Expanded Theme Group of the UN and "community advisory groups" make working together a priority when planning and implementing intervention programs. It is also essential that

those groups include different segments of the community and should not exclude members of certain political or ethnic groups. Without active participation of such groups in the decision making process, the international assistance will benefit those who work with international agencies rather than the people of Burma. In addition, support for ethnic groups and people living in the border areas should be a high priority for donor agencies because of the serious impact of HIV/AIDS in some of these communities.” (Source: “Facing the Challenge,” *Irrawaddy*, 4 May 2003)

9.4 Personal Accounts

Personal Accounts Related to Health

High cost of medical care in Mon State

Interview Date: 12 June 2003
Name: U Win Tei (not real name)
Ethnicity: Burman
Religion: Buddhist
Address: Mon State

My mother lives in XXXX village, XXXX Township, Mon State and she has seven children. There is a problem to live in our village. We have to pay tax 5 to 6 times a month to the military government. One pyi of rice cost 350 kyat to 500 kyat. The food and vegetables price is also high. If we are sick we can't get enough medicine in the village hospital. We have to buy medicine from the shop and it's very expensive. People usually die because they do not have money to buy medicine to take care themselves. It is 7 to 8 miles from the township hospital to our village. It is a very big problem for the poor people to go to the hospital and pay money to the hospital. The township hospital also doesn't have enough medicine. That is very big problem for the poor people who go to the hospital. People who have enough money and people who work for the military can get care in a good place in the hospital. There isn't equal treatment for poor people and rich people in the hospital. Poor people have a problem when they buy medicine because the hospital sells low quality medicine and a low price to them, the price is lower than outside the hospital.

Now my mother, Daw Su Mya Thin (not real name), who is 67 years old, was sick. We took her to get checked by the village doctor and it cost a lot of money, but she did not get better.

My brother, my sister, and I discussed taking her to the hospital funded by Japan in Yangon Division to get treatment for her. It cost over 1,000,000 kyat to get treatment there. The fee for the specialist doctor is 40,000 to 1,000,000 kyat. The fee for the doctor's check is 10,000 to 50,000 kyat. There are also the fees for diagnosis, x-ray, cleaning, and patient transport that we must pay. We cannot buy the medicine for the treatment inside the hospital. We must go outside to a pharmacy to buy the medicine and then bring it back. We must also pay for the nurse who looks after our mother.

I saw many poor people in the hospital who came to get treatment. I really feel for them because they don't have any money to pay. They have many different kinds of problems. Most of them earn about 500 to 1,000 kyat each day. If they have a child who is at least 12 years old, they must work to help the family make money. Some families don't have a place to stay, so they have to seek asylum in a church or monastery outside of the town.

We cannot live in Burma because we had to see all of our property to pay for our mother's treatment. So, we left Burma and came to Thailand to work and live. We don't spend a lot of money here because we have to send money for our mother in the hospital. Our mother has had the treatment for almost one month. It already cost over 1,000,000 kyat.

(Source: HRDU, 2003)

Personal Accouts Related to Education

Excessive fees for primary education

Interview Date: 4 August, 2003
Name: Ko Htut (not real name)
Son: Maung Soe Aye Than (not real name)
Address: Zya Thirit Township, Mon State

I left Mae Sot and went back to Moulmein to take my children to school. On my way home at the Myawaddy gate on the Burma border, the border care group checked every one of the passengers. The border immigration took everything that people had like oil, ajinomoto (msg), clothing and dolls. They also took slippers for themselves. The border immigration led by General Kyi Win and That Zin used to check and forcibly confiscate things from passengers. They also confiscated food. Again at Moulmein gate, they asked the travelers: "where did you come from and where will you go?" And they also check the travelers ID card. They took our IDs to the Division Immigration office. We needed to go to the office to pay money and get our IDs back. They usually check people who came back from Mae Sot. If people don't have IDs to cross the border, they have to pay money to the Burmese Immigration authorities.

I took my children to school when I reached home in Moulmein. I had to pay a bribe or some kind of present for the teacher. I had to pay the school 500 to 1,000 kyat for other fees, but I didn't understand what kind of fees. The school collected money from the students 2 times a month. They had many reasons for collecting money from the students. The reasons were to buy computers, to raise money for a football match and many other things. Many students left school and came to Mae Sot to make money and help their parents. Many families had problems with their daily food. Usually girl students had to throw their shame away when they studied because their parents were mostly poor and could not buy supplies for them. Many students come to Mae Sot to make money to attend the 10th standard. Their lives are sometimes destroyed because some work leads to trouble. They had to pay at least 50,000 to 100,000 kyat for the standard class fee and school attendance fee. They also had to pay 400,000 to 500,000 kyat for tutor fee.

I left my child with his grandmother in Moulmein and came back to Mae Sot with my husband. We send money for our children to his grand mother to pay for his study fee and for his food. I had to leave my 7-year-old child and find work to make money for our life. When I left him, my son cried and said to me, "Don't leave me alone for along time. Come back to me immediately when my school closes." He bowed to us and said good bye with his face full of tears. He said, "I want to go and stay with Mum and Dad in Mae Sot, that's why I don't to stay in Burma. The food is not good and I don't like to live in Moulmein."

(Source: HRDU, 4 August 2003)

The miserable conditions of Mandalay university students

Interview Date: 15 September 2003
Name: Ma Win Win Aye (not real name)
Sex: Female
Ethnicity: Burmese
Religion: Buddhist
Address: Mandalay

According to Ma Win Win Aye, the students who are studying at Prime University located near Maha-myaing section in Mandalay have many troubles. The students have to attend the tutoring sessions for their subjects and have to rent apartments with their personal money. Some students cannot afford to enter university even though they received the highest scores on their high school exams. For the students who cannot afford to study at university, there is only one way for them to continue studying which is through the Distance Education Program. In addition, when they have free time they have to work as daily wage-workers in order to make money for their school fees.

The Mandalay Prime University is now located in Ahmapura town although recently it was moved from Mandalay town. The old building of the previous Prime University now appears to be completely damaged.

The students are having difficulties due to transportation and traveling costs because there is no dormitory or boarding house near the university. Everyday the students have to rent a taxi to go to the University. Mostly, each student has to spend at least 500 kyat for transportation fees for one day. In addition, they have to pay tuition fees of 10,000 – 20,000 kyat including stationary.

Another difficulty, that students face, is that some are accused of being involved with revolutionaries. Those who are accused are taken out of school and detained. When the school is open and students are studying, it is guarded by soldiers, police, and intelligence officials. The students have to study under strict discipline. They are not allowed to go and come freely.

The teachers call meetings once a month at the school. In the meetings, the teachers discuss how the government develops the country, how it prioritizes the students, and tries to promote education. They also talk about how education is not the government's responsibility alone. The students and their parents must contribute. They discuss how they must take responsibility for their country to make change despite the fact that the international community has imposed sanctions. Parents and students are required to assist in order to improve the national education level and the country's development. They indicate that this is our responsibility alone because foreign countries are prohibited in our country. We are responsible for our country and for rebuilding it. The teachers have to lead this discussion with the students as a follow up to the speech that Prime Minister Khin Nyunt gave to the teachers on the same topic.

“For me, I totally understand about the students' lives and I feel with them as I always have to pay the attention to them. When I was staying in the student hostel, one student named Ma Moe Nyo, who lives in Kyauk-pa-dong Township, came to continue her third year studies in Mandalay University. Because her parents could not afford to support her after her second

year, she stayed and worked as a receptionist at a department store owned by a Chinese national to support her third year of study. She worked hard and saved money as much as she could in order to support her Distance Education Program. But fate turned her life in a direction she never expected. During March 2003, the unidentified store-owner forced her to have the sex with him. She did not dare complain or even mention the incident to anyone until 20 August 2003. After that, she left her job with 200,000 kyat, which the violator gave her as compensation. She came back and stayed at the boarding house. She told me about everything that happened to her. She added that no one would pay attention to her if she reported the incident because the violator has connections with the government authorities.” Ma Win Win Aye added that there were also many other school-girls, particularly those who came from far away places to study in Mandalay University and suffered from the same problem as her.

(Source: HRDU, 2003)

10. The Freedom of Belief and Religion

10.1 Background

Burma was designated one of six “countries of particular concern” in March 2003 by the US Secretary of State for particularly severe violations of religious freedom. This is the fourth consecutive year Burma has been so designated. The majority of the population of Burma is Theravada Buddhist, although this is often combined with veneration of pre-Buddhist deities called ‘nats.’ Buddhist monks number more than 300,000 and there is also a small percentage of Buddhist nuns. Buddhism is inseparably entwined with the Burmese national identity, which is used and promoted by the current military junta. However, there are also significant numbers of Christians and Muslims. According to official Government statistics almost 90% of the population practices Buddhism, 4% practice Christianity, 4% Islam and 2% practice Hinduism, traditional Chinese religions and Animism. There is also a small Jewish population in Rangoon. It is thought these figures probably understate the numbers of non-Buddhists living in Burma. (Source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

Religious affiliation is linked with ethnicity, with Buddhism being the dominant religion of the Burman majority. Christianity is the majority religion among ethnic minorities mostly concentrated in the border ethnic states such as the Chin, Kachin, Karen, Karenni, and Naga. Muslims are found in most areas of Burma, with a large concentration in Arakan State amongst the Rohingya. Hinduism is practiced mainly by Tamil and Bengali populations concentrated in major cities. Chinese ethnic minorities generally practice traditional Chinese religion. Smaller ethnic groups in northern areas still practice traditional indigenous religions.

The 1974 constitution states the “the national races shall enjoy the freedom to profess their religion, provided that the enjoyment of any such freedom does not offend the laws or the public interest.” However in practice the government closely monitors and infiltrates religious organizations through its internal security apparatus and, in various ways, systematically denies freedom of religious expression irrespective of religion. All organizations must be registered with the government and although there is a directive that exempts some religious groups from this in practice it is impossible to operate without registration. The SPDC strictly controls the proselytizing and practicing of other religions, forbids the building of new religious buildings and demolishes existing ones. (Source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

Although there is no official state religion the successive military regimes have closely allied themselves to Buddhism. The state mandated curriculum in elementary schools contains Buddhist doctrine and all students must recite a Buddhist prayer. In some schools students may be exempt, but in others, children from all religions are forced to conform. (Source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

The persecution of religious groups is bound together with the SPDC’s wider policies of suppressing opposition to their rule and formulating a ‘national identity.’ As religious affiliation is connected to ethnicity and dissent, the junta has coercively promoted Buddhism over other religions and in some cases forcibly converted the non-Buddhist ethnic minorities to Buddhism, in the interests of national unity. The Chin Human Rights Group (CHRO) comments, “The SPDC seems relentless in Burmanizing the country by systematically

destroying significant and symbolic identities of non-Burman ethnic groups,” (source: Salai Za Uk Ling & Salai Bawi Lian Mang, *Religious Persecution: a campaign of ethnocide against Chin Christians in Burma*, CHRO, February 2004). As an old saying clearly illustrates this idea, *Buddha bata, Myanmar Lumyo* - "to be a Myanmar is to be a Buddhist." However when Buddhists show signs of dissent, the SPDC is quick to crack down on their activities, and shows little respect to the *Sanga* (Buddhist clergy). Tensions between the Buddhist and non-Buddhist population have often been manipulated by the junta during periods of increased opposition, to draw attention away from politics. An example of this was cited after the Depayin incident in 2003, the Government was accused of fuelling anti-Muslim sentiment to draw attention away from the arrest of Aung San Suu Kyi and NLD members.

Discrimination is widespread against members of minority religions, who disproportionately face abuses such as travel restrictions, forced labor, and land confiscation. For non-Buddhists discrimination occurs at upper levels in the public sector, Muslims are actively discouraged from entering military service and if any non-Buddhist aspires to promotion above middle ranks, they are strongly encouraged to convert by their superiors. (Source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

10.2 Religious Discrimination against Christians

The main Christian groups in Burma are Baptists, Roman Catholics, and Seventh Day Adventists. The authorities oppress Christian groups through both overt and covert means. Christian groups continue to face difficulties in obtaining permission to build new places of worship in most regions. It has been reported that in some parts of Chin State the authorities have not allowed for the construction of any new churches since 1997. In addition, authorities in Rangoon have instructed some Christians not to refer to their churches as such but as “social centers” instead. This situation has led to Christian groups building small churches on side streets or other unobtrusive sites with only informal approval. Yet, informal approval leaves these churches vulnerable to permission being rescinded suddenly, construction being stopped and buildings being destroyed. (Source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

Freedom for Christian groups to practice their religion has also been curtailed, with religious activities being both disrupted and prohibited. In 2001, over 80 house churches in Rangoon were shut down resulting from the lack of proper permission to conduct religious meetings (source *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003). In 2002 and 2003 evangelists in South Dagon Township near Rangoon were threatened with arrest if they opened their home churches and kindergartens. Dr Salai Tun Than, a prominent Christian political prisoner who was released from prison this year, reported that whilst in jail his freedom to practice his religion was extremely limited. The prison authorities reportedly did not allow him to have a bible or to take Holy Communion. (Source: “Christian Political Prisoner, Dr. Salai Tun Than Released After Hunger Strike in Burmese Jail,” Christian Solidarity Worldwide website, <http://www.cswusa.com/Reports%20Pages/Reports-Burma.htm>, 6 May 2003)

Christians have also been prohibited from proselytizing and in some Chin areas it has been prevented by, among other methods, arresting and physically abusing the Christian clergy. In April 2002, two Chin pastors were arrested ostensibly for having unregistered guests in their

house, although it is thought they were arrested in an effort to force them to stop proselytizing in the Dagon North area. They refused to stop, and so were sent to Insein Prison. The pastors and their families have since, reportedly, been released from prison. Reports from other areas such as Kachin and Shan States reveal the authorities' attempts to prohibit the Christian clergy from proselytizing by granting permission for events, rescinding the permission and then allowing the event to occur much later or on a smaller scale. (Source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

All publications, religious and secular, are under strict control and censorship. Indigenous language translations of the Bible cannot be imported legally, however they can be printed with government permission but getting this permission is a lengthy and difficult process.

In other attempts to thwart Chin Christians from worshipping, military units have repeatedly removed Christian churches and established new military camps in their place. Military camps have also been built on the sites of Christian graveyards. Chin Christians have been forced to assist in removing their religious buildings and to build the new military camps. In addition, Chin Christians have been forced to remove structures such as crosses placed outside of villages, which are often replaced with pagodas through forced labor. It has been reported that Chin Christians are then forced to clean and maintain these and other Buddhist shrines. (Source *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

Although forced labor is a problem throughout the country, reports indicate it is used in particular in ethnic areas and is tied to efforts to repress people's freedom to adhere to their religion. In 2001, there were reports that in Karen State's Pa-an Township, army units repeatedly conscripted porters from worshippers as they left Sunday services at some Christian churches, causing young men to avoid church attendance. In July 2003, in Hmun Halh in Chin State, SPDC soldiers entered a church and disrupted the service by ordering the worship leaders to leave immediately to work as porters. (Source: Rogers, Benedict, "Burma: Religious Freedom Survey," Forum 18 News, 17 August 2004) (See chapter on forced labor for more information.)

Christians in all areas have to face the authority's attempts at conversion as the regime strongly promotes Buddhism over Christianity in often manipulative ways. In Chin areas, this campaign to Burmanize the ethnic minorities has reportedly involved increases in military units stationed in Chin State, relocation of Burman Buddhist monks from other areas, and construction of Buddhist monasteries and shrines in Christian areas, often by forced labor or with funds collected through unfair taxation. Chin Christians that convert to Buddhism are promised monthly payments and Buddhists are able to take advantage of reduced price rice supplied by the government, free food distributed on Sunday mornings when Christians are in church and exemption from forced labor. Amongst the Naga ethnic group there were credible reports that the military forcibly converted hundreds of tribal Naga's, on the promise of governments jobs. Those who resisted were abused and kept as bonded labor by the military. It was also reported that SPDC soldiers were promoted to higher ranks if they married Christian women in both Chin and Naga ethnic minority areas and converted them to Buddhism. (Source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

The issue of religious tolerance is closely linked with ethnic insurgencies against the military government. Many of the groups still actively engaged in fighting with pro-government

troops are from Christian areas such as the Karen, Karenni, Kachin and Chin. In his inauguration speech for the meeting on "Freedom of Religion: Human Right Denied in Burma," Father del Prete, secretary of the Pontifical Missionary Union, said, "the military Junta ...perseveres in a constant persecution against the Catholic Church and human rights." He further linked this to the perception of church activities being connected to 'northern guerrillas' (source: "Burma Not Treating the Church Fairly, Says Missionary," Zenit.org, 19 January 2003). Persecution in Chin areas has also risen since 1988 when opposition groups started developing active insurgencies against the SPDC. Before this time, according to the CHRO, the Chin practised their religion with little interference from the government. (Source: Salai Za Uk Ling & Salai Bawi Lian Mang, *Religious Persecution: a Campaign of Ethnocide against Chin Christians in Burma*, CHRO, February 2004)

In Karen areas there continues to be fighting between the pro-military and government-backed Democratic Karen Buddhist Army (DKBA) and the Karen National Union (KNU) who are predominately Christian. The DKBA's treatment of Christians has reportedly improved in recent years in the areas they now oversee, however during the mid 1990's torture and persecution of Christians was a regular occurrence (source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003). Yet, in an offensive directed against the KNU in October 2003 the DKBA took control of the Mae Ple Do valley and overran a field hospital administered by Christian Freedom International (CFI), an international Christian human rights NGO. CFI staff reported the DKBA fired until the hospital staff had fled from the building. This is the fourth CFI hospital that has been lost in the last four years due to SPDC and DKBA forces. (Source: "Christian Hospital Overrun by Burmese Militia; Attack Occurs 'Next Door to APEC Summit,'" U.S. Newswire, 23 October 2003)

Persecution of Christians - Partial List of Incidents for 2003

Chin State

Five Chin Christian children escape from Buddhist monastery

In January 2003, 5 of several children from Chin State who had been taken to various Buddhist monasteries ran away from the monasteries and arrived back in Matupi. At the time this was reported, 2 children still remained in the monasteries.

Salai Val Thang was placed at Rangoon Hill Buddhist Mission Center, located at Thit Seih Kan ward, Theinkan village of Mingladon Township in Rangoon, while Salai San De Thang, Salai Se Ki, and Salai Aung Naing Myo were placed at Yuamah Pari Gati Buddhist school. Salai Lai Thang still remains at Rangoon Hill Buddhist Mission Center and Salai Kam Lian Thawng, son of Pu Ri Sang in Matupi, is still at Sule Thein Daw Kyi school in Rangoon. They are all between the ages of 8 and 17.

The children were taken to the monastery on the pretext of giving them a better education, however instead they were placed in Buddhist Monasteries and were made to put on robes, take lessons on Buddhist precepts and follow strict monastic disciplines. (Source: "5 Chin Christian Children Escape from Buddhist Monastery", *Rhododendron Publication*, CHRO, January - February 2003)

Twenty-one Christian villages in Chin State forced by SPDC to supply wood to build Buddhist monastery

On 10 February 2003, it was reported that the SPDC was forcing 21 villages in Chin State to supply timber for construction of a Buddhist monastery in Thangtlang town, central Chin State.

The order was signed by Captain Aung Naing Oo of Burmese Army LIB 268. A total of 21 villages from 4 village tracts were affected by the order. The following are the villages which were obliged to supply timber for building the monastery:

A. Vangzang village tract

- (1) Sopum (a);
- (2) Sopum (b);
- (3) Vanzang;
- (4) Farrawn;
- (5) Tlanglo;
- (6) Tlangpi;
- (7) Lungding;

B. Bawipatlang tract

- (8) Aibur;
- (9) Leitak (a);
- (10) Leitak (b);
- (11) Leitak (c);
- (12) Cawngthia;
- (13) Kuchah;
- (14) Hmawngtlang;
- (15) Phaikhua;
- (16) Bungtlang;

C. Vailamtlang tract

- (17) Thau;
- (18) Hmunlipi;
- (19) Hriangkhan;
- (20) Thlualarn; and

D. Zahnaktlang tract

- (21) Sihhmuh;

Upon completion, the monastery will house 15 Chin children whose parents are newly converted to Buddhism from Christianity. The children will have a chance to study free of charge and their parents will be exempt from serving as porters or any kind of forced labor. As new converts, they also enjoy other special privileges such as subsidized rations and other basic commodities. (Source: "21 Christian Villages in Chin State Being Forced by SPDC to Supply Wood to Build Buddhist Monastery," *Rhododendron Publication*, CHRO, 10 February 2003)

Karen State

No.1 Military Strategic Command forces Christian villagers to extend monastery

In February 2003, the No.1 Military Strategic Command forced villagers from Myitta village, 35 km east of Tavoy town, to work 3 to 5 times a month to extend and maintain a Buddhist monastery set up by the military.

The residents of Myitta village are Karen Christians who were forcibly relocated. One person per household was summoned by No.1 MSC commander. They were paid nothing, and if a householder could not attend they had to pay 500 kyat for substitution. The commander forced the villagers to collect sand, river shingle and boulders from the river and carry it to the monastery even on Sundays. The commander also warned villagers not to group up and discuss or deliver speeches because such activities are against the SPDC's law. As the Karen Christians 'group up' in churches or in member's houses for prayer services, they became scared by the warning. Reports from people who fled to Thailand from Myitta village say they felt they were being oppressed because they are Karen.

The No.1 MSC has named Myitta village "Ideal Myitta Village." The villagers there have suffered religious and ethnic oppression since the SPDC troops invaded and setup their frontline headquarters in February 1997. Since that time other Karen villagers around Myitta village have been forcibly relocated to Myitta village, and have not been allowed to go back and live in their own villages. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2003)

Sagaing Division

Hundreds of Naga ethnic group flee Burma due to religious persecution

On 27 July 2003, there were reports of hundreds of ethnic Naga people who lived in the border areas of Burma, fleeing the country following alleged religious persecution by the military junta. The Naga People's Movement for Human Rights (NPMHR) claimed that several Christian Naga families living in Burma were forcibly converted by the monks in remote areas of Sagaing Division. Moreover several Churches located in the border areas have been destroyed by the junta when they refused to abide by the order. (Source: "Ethnic Naga's Forced to Flee Burma," *Mizzima*, 27 July 2003)

10.3 Religious Discrimination against Muslims

There are an estimated 2 million practicing Muslims in Burma, 4% of the population according to official government statistics. This is likely to be an underestimate however as the ruling junta refuses citizenship to many Muslims living in the country. Research conducted by Human Rights Watch puts the figure closer to 10%. (Source: *Crackdown on Burmese Muslims*, HRW, June 2002)

There are four main ethnically distinct Muslim communities in Burma. In the North and Mandalay are the ethnically Chinese Hui with roots in Yunnan who dominate much of the cross border trade. The second group arrived during colonial times from India and Pakistan and are mostly based in Rangoon and Mandalay. In the central plains are the ethnically Burman Muslims who were converted between the 9th and 14th centuries by Arab traders and scholars. The fourth group is the Rohingya who live mainly in Northern Arakan State and have a common cultural heritage with Bangladeshi Bengali Muslims

Muslims face abuses of their right to practice their religion freely and discrimination based on their religion from both the government and the majority Buddhist population. Muslim groups have experienced a virtual ban on constructing or renovating mosques in all locations. Freedom of assembly for Muslims has been curtailed with authorities refusing permission for religious gatherings and restrictions on the number of Muslims who can gather in one place. The SPDC only allows 200 Muslims to perform the Haj to Mecca each year. For 2003, this figure remained unchanged with the 200 reportedly including 70 pro-SPDC Muslims chosen by the military authorities. According to the Muslim Information Center of Burma, it is believed that these 70 were chosen in order to gather information about activities of other Burmese Muslims performing the Haj and Burmese Muslim organizations abroad (source: "Muslim Haj Situation in Burma", Muslim Information Center of Burma, 4 February 2003). Muslims also often face difficulties traveling within Burma with high bribes being asked and identity cards defaced or torn up by immigration officials.

Forced labor and the killing of villagers who refuse to be porters continues to be reported disproportionately from Muslims. During the month of Ramadan, in 2000, the Imman (a Muslim religious leader) of a mosque in Karen State was shot and killed as he asked to be exempt from portering duties as it was the Islamic fasting month.

Anti-Muslim violence continued to be an issue throughout the year as in previous years. 2001 was a particularly bad year with violence flaring in several different locations. In February 2001, riots broke out in Sittwe and then in May in Taungoo, Pegu Division. In both cases Muslim residences, mosques and businesses were targeted and authorities were slow to intervene to protect Muslim property. While there is no direct evidence of the government's connection to the anti-Muslim violence, there were credible reports that it was instigated by USDA members or military personnel wearing robes of Buddhist monks. In Irrawaddy Division, in June 2003, there were unofficial reports linking the USDA to provoking anti-Muslim violence. (Source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

Violence flared again in 2003 in central Burma in Kyaukse, Mandalay Division and since that time Muslims in many areas have had freedoms curtailed. Security has been increased in towns in Northern Arakan State and, although there is no official curfew, people found on the streets after 10:00 pm have been arrested and there are reports of soldiers being on every

street corner in Sittwe, as they were in the coup of 1988. (Source: "High Security Alert in Towns of Northern Arakan," Narinjara, 15 December 2003)

Relations between the Buddhist community and the Muslims continued to be strained and have been exacerbated in some locations by the open distribution of an anti-Muslim book entitled *In Fear of Our Race Disappearing*. The book first appeared in print in 1997 or 1998 and distribution has been increasing since 2001. According to the book, Muslims will replace Buddhists in the country unless actions are taken against them. In 2003, the book was reportedly distributed openly for the first time in the markets of Kyaukse and distributed to Buddhist monasteries whilst authorities did nothing to stop it. Residents in Kyaukse have also been told to boycott Muslim shops and not rent land or houses to Muslims. (Source: "Anti-Muslim Booklets Sold in Kyaukse," DVB, 5 February 2003)

The SPDC readily exploits the anti-Muslim sentiment that is present within Burma for its own gains. There is a history of anti-Muslim riots breaking out in Burma when the government wants to divert the public's attention from political and economic concerns. Commentators have noted that the anti-Muslim violence that has taken place in the past year, in particular that at Kyaukse and Pyinmana town, was orchestrated by the government to take the spotlight away from the incident at Depayin when Aung San Suu Kyi and members of NLD were arrested. (Source: "SPDC Attempts to Divert Peoples Attention from Depayin Massacre," Kaladan Press, 26 July 2003)

Anti-Muslim sentiment has existed in Burma since colonial times when Muslims took up many occupations as traders, businessmen, laborers, civil servants and moneylenders. Those involved in money lending, also known as the Indian chettyar profession, were often viewed as cheating the Burmese by stealing their money and land. Generally accorded higher status by the British, the Indians were often resented by the Burman population. Anti-Muslim feeling has taken on a new dimension however since the attacks of 11 September 2001 in the USA. Initially the SPDC refuted the existence of any terrorist organizations in Burma, yet in August 2002, Burma became a signatory to the US-ASEAN declaration on cooperation against terrorism. Colonel Hla Min, spokesman of the SPDC, said that the government learned that there are Muslim rebel groups in Burma who have been trained by the Taliban in Afghanistan and in terrorist training camps in the Middle East (source: "Myanmar Says Muslims Trained by Taliban and in Middle East Camps," *AFP*, 8 August 2002). This was met with strong denials from Muslim groups in Burma who fear the SPDC are hijacking world concern over the war on terrorism, as an excuse to further persecute Muslims in Burma. In May 2003 a Burmese man was arrested in Pakistan with alleged links to al-Qaeda, after which the SPDC reiterated its commitment to investigate all links to terrorism in Burma and also mentioned links between the Rohingya and terrorism. Representatives from Rohingya groups have rejected any connection with terrorist groups. While Rohingya groups have been struggling against the Burmese government for years, they insist their movement is independent of a larger Islamic movement. (Source: "Myanmar Vows to Investigate National Arrested in Pakistan on Charges of Aiding Al-Qaeda," *AP*, 19 May 2003)

This anti-Muslim feeling is being fanned in particular by Win Rathu, a prominent Mandalay monk who has been preaching sermons accusing Muslims of being the source of all the problems in Burma. He further contends that the US sanctions are not aimed at the ruling junta but rather due to the presence of links between the country's Muslims and al-Qaeda. (Source: Ozturk, Cem "Myanmar's Muslim Sideshow," *Asia Times*, 20 October 2003)

The Situation of Discrimination against Rohingya

The Rohingya are a distinct group of Muslims living in the predominantly Buddhist Arakan State. They are ethnically and religiously related to the Chittagonian people of Southern Bangladesh. There are approximately 1.4 million Rohingya, nearly one third of the population, mostly concentrated in the northern townships of Maungdaw, Buthidaung and Rathedaung. The Rohingya experience severe legal, economic and social discrimination, as the Government denies the right to citizenship to most Rohingya. This is due to Burma's highly restrictive citizenship laws which stipulate that to gain citizenship, one's ancestors must have resided in the country before British colonial rule started in 1824. The majority of Rohingya immigrated during the period of British colonial rule, therefore they are not viewed as citizens of Burma. Despite this, Rohingya are not issued Foreign Registration cards which are issued to foreigners who wish to reside in the country. In terms of international law they are currently stateless. There were reports towards the end of 2003 that some Rohingya leaders in Arakan State received assistance from the SPDC to travel in order to rouse support for the SPDC's road map to democracy and national convention. The leaders were secretly told by Military Intelligence that if Muslims supported the SPDC in future elections, Rohingya would be given identity cards and recognised as another race of Burma. (Source: "Muslim Leaders Are Called Up to Help The 'Road Map'," Narinjara, 5 November 2003)

In 1978 and 1991/92 more than 250,000 Rohingya fled to Bangladesh. Most of these left because of the lack of food caused by the junta's discriminatory policies. Many of these refugees have now been 'voluntarily' repatriated although the voluntariness of this has been seriously questioned. Today there are an estimated 19,000 - 21,000 Rohingya refugees remaining in two camps in Bangladesh who refuse to repatriate, fearing human rights abuses including religious persecution. In May 2003, there was a sharp increase in numbers being repatriated, matched by an increase in complaints of coercion, intimidation and forced repatriation. (Source: *Conflict, Discrimination and Humanitarian Challenges in Northern Arakan State*, Forum Asia, 8 October 2003) (See chapter on refugees for more information.)

The government has used various means to try and force the Rohingya out of Burma and to discriminate on the basis of their religion. Rohingya are required to gain permission to leave their village areas, which often requires bribery. After the riots of 2001 in Sittwe, travel restrictions tightened and now Rohingya can no longer obtain travel passes to go beyond Buthidaung and Maungdaw. Sittwe is also prohibited. This has had devastating effects on the Rohingya denying them access to markets, employment opportunities, higher education and health services. (Source: *Conflict, Discrimination and Humanitarian Challenges in Northern Arakan State*, Forum Asia, 8 October 2003)

A 1983 decree by the government announced "Muslim free zones" in certain townships in Arakan State such as Gwa and Taung-gut. In these townships, mosques have been destroyed and land confiscated. Moreover, government buildings, monasteries or pagodas have been built on land where previously mosques had stood, ensuring they were not rebuilt. In other areas original resident Muslims were allowed to stay but all "new" Muslims were refused permission to buy plots or houses. As part of the SPDC's policies of Burmanization, "model villages" have been established to resettle Buddhists (Rakhine and Burman) onto Muslim land. This has been happening since the 1950s. Land has been confiscated and forced labor used to build these villages, 26 of which now exist in Northern Arakan State.

This confiscation combined with the other discriminatory practices is destroying the economic base of the Rohingya. This also affects their ability to practice their religion fully. For example, in February 2003, the Eid festival was celebrated by thousands of Rohingya Muslims in Arakan State. However, the ritual of sacrificing animals could only be carried out by a small number of well off Muslims, as the military authorities' strict controls over economic activity and movement by the SPDC has resulted in most Muslims being too poor to be able to observe this tradition. In order to obtain permission to sacrifice animals 2,500 kyat, the leather and 2kgs of beef from the sacrificed animal had to be paid to the Nasaka (border security forces). (Source: "Eid- ul- Azha (Eid Festival) Celebrated in Arakan," Kaladan News, 19 February 2003)

Persecution of Rohingya - Partial List of Incidents for 2003

TPDC Chairman ordered to vacate 26 dwelling houses at Maungdaw Town

On 14 June 2003, the Maungdaw TPDC Chairman gave notice to families living in 26 homes at Shikdar Para (Moma Kayandan), Maungdaw Town, Arakan State that they must evacuate their houses by the end of the month. The families of the following people were affected:

- (1) Haji Yunus,
- (2) Abdul Matalab,
- (3) Mohamed Dullah,
- (4) Yasin,
- (5) Mohamed Jalil,
- (6) Nazo Mullah,
- (7) Abul Foras,
- (8) Abul Kalam,
- (9) Zibu Rahman,
- (10) Shukur,
- (11) Hala Boda,
- (12) Ayub Ali,
- (13) Mono Meah,
- (14) Mohamed Alam,
- (15) Hakim Ali,
- (16) Basar,
- (17) Abu Tahir,
- (18) Mohamed Ayub,
- (19) Mohamed Kha Sim,
- (20) Lalu,
- (21) Ali Akbar,
- (22) Kha Lu,
- (23) Say Tu,
- (24) Ms. Nasima Khatun,
- (25) Ms. Mazuma, and
- (26) Ms. Shuna Bi Bi.

It was reported that the affected villagers appealed to the Chairman of Township Peace and Development Council (TPDC) to allow them to continue their stay until the end of the monsoon and they also requested an alternative site for their resettlement. However, by 26 June, the date of the report, there had been no response from the authorities.

There were no instructions from the authorities regarding compensation or an alternative site for their resettlement. Moving the village during the Monsoon season would cause many difficulties with building new huts, commented one of the villagers.

In August 2002, the TPDC ordered villagers to vacate these same houses but the authorities had verbally allowed them to continue their stay after being bribed according to one of the householders. (Source: "TPDC Chairman Ordered to Vacate 26 Dwelling Houses at Maungdaw Town", Kaladan News, 26 June 2003)

Repair works of Maungdaw Jame Mosque halted again

On 11 July 2003, the Chairman of the Maungdaw TPDC, Capt. Hla Pho, issued an order to stop again all the repair works of the Maungdaw Jame Mosque.

Authorities had prohibited all repair and extension work on the mosque for the previous 4 years. However, permission was received after repeated requests in June 2003 from the Chairman of the Maungdaw District Peace and Development Council.

Accordingly, the mosque management had collected and purchased necessary building materials. When work was in progress however, it was ordered to stop leading to substantial financial losses to the mosque.

The Jame Mosque is one of the biggest and oldest mosques in Arakan, which now stands partly in ruin and requires immediate repairs and extension. (Source: "Repair Works of Maungdaw Jame Mosque Halted Again," Kaladan News, 21 June 2003)

Communal tension in Maungdaw Township

On 15 July 2003, in Nga Khuu Ra village, a fight between a monk called U Thu Ma Na and students from the Islamic school led to a riot between the Buddhist and Islamic communities within the township.

To deter this riot from escalating into all out violence, the authorities "invited" the community leaders to meet for a discussion. The meeting was held on 20 July at the monastery of Ahtat Puee Ma village, Maungdaw. Attendees were the Regional Commander of the Region 5 of the border security force, the Commander of the No.18 Military Intelligence, police, local peace and development council members and the communities' leaders including the religious leaders.

On 15 August 2003, however, the local authorities had to intervene again to control the communal tension between Buddhist monks and students from the Islamic school. The authorities feared the tension could have developed into violence again. (Source: "Communal Tensions Almost Flare up to Violence," Narinjara, 15 August 2003)

Money extorted from farmers for model village

On 17 August 2003, it was reported that the Buthidaung TPDC Chairman extorted 250,000 kyat from 5 farmers under the pretext of establishing a model village for Buddhist settlers.

On the 9 August, under orders from the TDPC Chairman, a survey team headed by an officer named San Mya Kyaw, went to Nanragoon village in Buthidaung township to make a field survey of the farmland, measuring 22 acres, to establish the model village. The TPDC then seized the land which belonged to the 5 Rohingya farmers as follows:

- (1) Mohamed Yunus, son of Fayas, 4 acres;
- (2) Mohamed Tayub, son of Golam Hussain, 3 acres;
- (3) Farid Ullah, son of Gulam Hussain, 4.6;
- (4) Abul Hussain, son of Hussain, 6 acres; and
- (5) Gura Meah, son of Hussain, 4.4 acres.

A few days later the 5 farmers approached the Chairman and requested their farmland be spared from the project, their request was granted on the payment of a bribe of 250,000 kyat. (Source: "Money Extorted from Farmers for Model Village," Kaladan News, 19 August 2003)

Nasaka collecting paddy from farmers for model villagers in northern Arakan

On 9 December 2003, the Nasaka (Border Security Force) of Maungdaw Township in Arakan State started collecting paddy from Rohingya farmers to give to Buddhists in Natala, a model village, according to villagers. The Nasaka authorities verbally ordered the villagers to pay 2.5 tawn (1 tawn = 35 kgs) of paddy per acre from the farmers although in practice they collected 2,000 kyat per acre. Villagers doubted that all the money went to the model villagers.

The model village was constructed for Buddhist settlers using forced labor from Rohingya villages. In addition they had to supply funds and house building materials for model villagers even after their lands were confiscated. (Source: "Nasaka Collecting Paddy from Farmers For Model Villagers In Northern Arakan," Kaladan News, 30 December 2003)

Further clashes in Maungdaw town

On 11 December 2003, local women and students clashed with local police in the city's predominantly Rohingya Muslims area of Myo Ma Kayan Dan (Shikdar Para) in Maungdaw town in Arakan State. The authorities were trying to evacuate the 26 houses that they had previously given orders to evacuate in July 2003 (see previous incident).

The Maungdaw TPDC Chairman Captain Hla Pho accompanied by some policemen went to Myo Ma Kayan Dan village to evacuate the 26 houses. It was reported that while the policemen were trying to destroy one of the houses, some students from nearby State High School of Maungdaw Town and women from the village put up a resistance, resulting in a series of pitched battles between the two sides. The police later fled the scene. A woman, Somira Begum was slightly injured in the clash.

Later, having heard about the clash, more policemen came from their camp as reinforcements. As a result, more students from the nearby high school joined the clash. According to reports

of the villagers, due to mass involvement of students in the clash, police and SPDC authorities no longer dared to continue their evacuation program and retreated to their camp. The next day, the village PDC Chairman, together with some villagers, was called to the Township PDC Office to resolve the problem, but the outcome was unknown at the time the incident was reported.

"We, as human beings we have the rights to stay in our village. Despite rehabilitation, they forced us into the streets to demolish our society" said a woman who participated in the clash. (Source: "Move to Destroy Centuries Old Village Foiled," Kaladan News, 23 December, 2003)

Further restriction imposed on the freedom of movement of the Rohingya

On 21 December 2003, Kaladan News reported that the SPDC authorities had imposed severe restrictions on the movement of the Rohingya in Northern Arakan.

According to the report, for Rohingya to travel from Buthidaung to Maungdaw, a distance of 16 miles within the same locality, they have to obtain recommendation first from the VPDC paying 200 kyat, then Form 4, (which is normally used for foreigners) with recommendation from Township Immigration Office paying 500 kyat. After that they have to approach with all these papers and recommendations, to the Nasaka transit camp at the gate of Buthidaung town for its permission paying a further 200 kyat. Finally, they have to appear before the offices of TPDC and DPDC submitting all the relevant papers and recommendations for approval by paying bribes of 500 kyat and 200 kyat respectively.

According to a Rohingya businessman to make his return journey, he has to pay 200 kyat at the District Immigration office of Maungdaw. For staying 1 night at Maungdaw he has to pay 500 kyat to the Maungdaw Nasaka check post, 3 miles off the Maungdaw town, and another 500 kyat to the Buthidaung Nasaka transit camp.

Thus, a person has to pay a total of 2,800 kyat in order to get permission for a round-trip from Buthidaung to Maungdaw and vice versa, not including any other expenses. For a one-month resident permit it is necessary to pay 15,000 kyat to the Nasaka check post of Maungdaw. If any traveler is found to have not complied with the order they are imprisoned for 6 months with hard labor. (Source: "Further Restriction Imposed on the Freedom of Movement of the Rohingya," Kaladan News, 21 December 2003)

Persecution of Muslims - Partial List of Incidents for 2003

Irrawaddy Division

Anti-Muslim pamphlets distributed in Burma

On 5 July 2003, at around 8:30 pm, a group of USDA members distributed anti-Muslim pamphlets in Irrawaddy Division, according to a Buddhist merchant, speaking on condition of anonymity.

It was reported that Ye Kyi Township USDA members led by U Thein Aung distributed the pamphlets to the villages in Ye Kyi Township. Similarly, the USDA Myaung Mya Township members also distributed the anti-Muslim pamphlets to the villages in the Myaung Mya Township of Irrawaddy Division on 25 June 2003.

Some of the Muslim elders reported the matters to the Inspector of Ye Kyi police Station, U Tin Maung, who replied that they (the police) could not take any actions against the USDA members as their plans are supervised by the USDA central authorities.

The Muslims in Irrawaddy Division were reportedly in 'fear and trembling' over the possible brutalities planned by the USDA. (Source: "Anti-Muslim Pamphlets Distributed in Burma," Muslim Information Center of Burma, 20 July 2003)

Karen State

Kawkareik check-point authorities arrested Burmese Muslims because they couldn't extort money from them

On 26 July 2003, the authorities at the Kawkareik-Hlaing Wa Township check-point, Karen State, arrested and detained Muslim passengers traveling from Rangoon to Myawaddy who could not pay the amount of money demanded from them. According to A Buth Lar who was part of the group, Captain Myint Aung arrested him and 7 others. He was released after paying 200,000 kyat and having his ID card confiscated. The others remained detained. (Source: "Kawkareik Check-point Authorities Arrested Burmese Muslims Because They Couldn't Demand Money from Them," MAN, 1 August 2003)

SPDC Authorities and DKBA Leaders are checking mosques for security reasons

On 1 August 2003, SPDC troops from IB 335 led by Lieutenant Commander Htu Win Naing and Immigration Officer Kyaw Min Naing went to the mosque in Minhla and asked when the mosque was built and who provides funds for running it. They also asked about the situation of people who come and go from the mosque.

The authorities told the mosque leaders that they were checking for the sake of security, as recounted by the son of U Maung Han, mosque leader's relative, in a phone conversation from Minhla Township, Bago Division with a member of MAN based in Mae Sot. This was not the first incident of the SPDC collecting information about mosques.

On 5 August 2003, DKBA Captain Thar Htoo met with mosque leaders in Hlaingbwe Township, Karen State and told them not to participate in politics. He told the leaders that

politics is not their business. Moreover, Captain Thar Htoo indicated that if any problems occurred, the mosque would be set on fire, reported one of the mosque leaders. (Source: "SPDC authorities and DKBA leaders are checking mosques for security reasons," MAN, 16 August 2003)

Mandalay Division

Riot between Muslim and Buddhist communities in Pyinmana

On 19 July 2003, there was a riot between Muslim and Buddhist communities in Pyinmana Town in Mandalay Division of central Burma. The riot allegedly started after a quarrel between a Muslim shopkeeper and a Buddhist monk over the shopkeepers' refusal to sell the monk rice. According to a report on the Democratic Voice of Burma the riot took place in front of the monastery and involved around 1000 people including about 30 to 40 monks. The mob threw stones at the mosque and attacked the Muslims. Some Muslim shops and houses were completely destroyed. Police quelled the riot and arrested Ms Daw Thet, the Muslim shopkeeper and some others, although the monks were not even questioned according to a lawyer from Rangoon. (Source: "Riot in Pyinmana, Mandalay Division," Democratic Voice of Burma, 21 July 2003)

Many people in Pyimana think that the riot was planned by the authorities, in order to divert the minds of the people when there was growing public resentment against the SPDC over the Depayin massacre. At least 9 Muslims were killed while their properties worth millions of dollars were destroyed. (Source: "SPDC Attempts to Divert People's Attention from Depayin Massacre," Kaladan News, 26 July 2003)

Eleven dead, fourteen injured in religious riots in Kyaukse

On 19 October 2003, religious riots broke out at 6:00 pm between Buddhists and Muslims in Kyaukse, Mandalay Division. It was reported that 11 people, including a 1-year-old child and a pregnant woman were killed and 14 seriously injured. The riots were brought under control at around 11:00 pm by 4 Mandalay based army companies including No.14 Police Lone Htein [Riot] Battalion.

According to reports from AFP the disturbances started due to a minor dispute after a stone, which was part of a competition in the festivities for Buddhist Lent, was thrown into a monastery compound. This sparked anger among the monks who mistakenly believed the occupants of a nearby mosque were responsible. Several Muslims were injured in the following unrest, but the conflict was resolved. However exaggerated rumors of the incident spread to politically active monks in Mandalay, who then traveled to Kyauske and started the deadly riots and fires. (Source: "Monks Under Curfew," AFP, 4 November 2003)

During these riots, 2 Muslim mosques, 2 big stores, 26 houses and some cars and bicycles were torched and destroyed. Kyaukse Township police personnel and *Pyithu Swan Arr Shin* (people's voluntary forces) members who tried to control the riots were struck by catapults and rocks. One deputy superintendent of police and one *Swan Arr Shin* member were wounded in the attack.

The authorities cut off telephone lines and issued a temporary state of emergency and buses between Mandalay and Kyauske were reportedly stopped, according to a Mandalay resident.

A curfew on the town was imposed. Residents living near a Muslim mosque in Mandalay were also issued warnings following the attacks in Kyauske. (Source: "11 Dead, 14 Injured in Religious Riots in Kyaukse," DVB, 22 October 2003)

Mon State

Travel restrictions for Muslims

On 11 July 2003, U Win Kyaing (age 42) and Zaw Min Naing (age 35) were arrested by the border and immigration authorities at the Ye entrance checkpoint because they were holding Burmese ID that indicated that they were Muslims. This is according to U Aung Shwe who was traveling with them and is also Muslim. U Aung Shwe was not arrested as he had put his religion as Buddhist on his ID card and his face is similar to a Burmese face.

Other Burmese Muslims who work in Thailand also report they have to lie and pretend to be Buddhist because if they don't it is very difficult for them to travel as Muslims. Many Burmese Muslims are reportedly registering as Buddhists in order to get Burmese IDs to travel and to pursue their education without trouble. (Source: "Islamic Who Converted to Buddhist Will Get Burmese Identity Card and Easy for Them to Travel," MAN, 12 August 2003)

Muslim flees Burma after confiscation of his home

In November 2003, a male Muslim resident of Kyaikmayaw in Mon State fled Burma for Mae Sot after the Burmese government confiscated his home without compensation or explanation. (Source: "Muslims Flee Religious Persecution," *Irrawaddy*, 11 November 2003)

Rangoon Division

Anti-Muslim attacks in southern Burma

On 25 and 26 October 2003, a group, including Buddhist monks, raided the properties of local Muslims in Thinganggyun Township attacking the owners and destroying property. One business man U Htay Kywe was hospitalized and had 9 stitches for the wounds on his head. The attackers also poured petroleum on him whilst demanding money, but they didn't burn him according to a local resident. On 26 October, the group continued attacking the owners and employees of a local Muslim restaurant.

Authorities arrested the attackers although most local people believe that it was the authorities that systematically organized the assaults. (Source: "Anti-Muslim Attacks Spread to Southern Burma," DVB, 29 October 2003)

Muslims flee religious persecution

In November 2003, reports were received from Muslims who had relocated to Mae Sot of the religious persecution and confiscation of property that forced them to flee Burma.

Thuya Aung, owner of First Winner Company, an import-export firm in Rangoon, fled to Mae Sot, when his company was reportedly confiscated by Military Intelligence because it was owned by a Muslim. Before confiscating his business assets, officers took possession of

his business passport and identification card, and seized computers and company documents. They checked his documents and released him after finding no faults on the condition he didn't sue them. He fled to avoid further arrest. (Source: "Muslims Flee Religious Persecution," *Irrawaddy*, 11 November 2003)

Sagaing Division

USDA sets village on fire and kidnaps 32 Muslim students in Sagaing Division

On 25 January 2003, a Muslim village was set ablaze and 32 Muslim students abducted. The attack was reportedly carried out by a large group of people led by around 20 men disguised as Buddhist monks, who were said to be members of USDA. Enn Ywa village in Katha Township consists of 120 Muslim houses and over 110 Muslim students study a religious education at the madrasah (religious school). The group entered the village and burnt 45 houses, a mosque and the madrasah to ashes. The whereabouts of the students remains unknown according to their relatives in Mae Sot. (Source: "USDA Sets Village on Fire and Kidnaps 32 Muslim Students in Sagaing Division," Muslim Information Center of Burma, 4 February 2003)

Anti-Muslim riots take place in Burma

On 6 March 2003, a group of people reportedly set ablaze about 15 Muslim houses including a mosque and a madrasah in Kant Ba Lu Township of Sagaing Division in upper Burma. It is reported that a quarrel took place between a Muslim from Htan Taw village and a non-Muslim also from the same village, while both of them were driving their carts. The non-Muslim organized some of his friends and started to torch the houses. Htan Taw village consists of about 120 houses, half of which belong to the Buddhist community. Local authorities neither took actions against the lawbreakers nor issued any order prohibiting them from conducting similar aggressions in the future. (Source: "Anti-Muslim riots take place in Burma," Muslim Information Center, 20 March 2003)

Tenessarim Division

SPDC authorities ban Muslims from praying in Burma.

On 14 June 2003, SPDC Military Intelligence officers in Tenessarim Division allegedly ordered the Muslim community to close down their Jamaat Khana (houses where Muslims make prayers), according to a merchant from inside Burma who spoke on condition of anonymity.

Chief of the MI No.6, Captain Saw Win and Police Intelligence Chief U Thaung Aye of Kaw Thaung Myo (town) ordered Muslims to close down two Jamaat Khana in Kaw Thaung Myo. One Jamaat Khana was in Shwe Pyi Tha village tract about 4 miles away from Kaw Thaung and the other was on Aung Thu Kha street of Kaw Thaung Myo..

Jamaat Khana are used for prayers by those who cannot go to far away mosques. These Jamaat Khana were sometimes used as religious schools for very young children. (Source: "SPDC Authorities Ban Muslims from Praying in Burma," Muslim Information Center, 28 July 2003)

SPDC authorities ban Muslims' prayers in Burma

On 14 July 2003, Major Soe Aung, commander of the Burma Navy No.302 and Peace and Development Council authorities of Ye Kan Taung Kyun Zu in Mergui Township reportedly ordered the Muslim elders of the island-villages not to make Azan (the calls for prayers) in the mosques. The Ye Kan Taung (Kyun Zu) archipelago consists of 12 villages. (Source: "SPDC Authorities Ban Muslims' Prayers in Burma," Muslim Information Center Burma, 1 August 2003)

Closure and Destruction of Mosques and Madrasahs - Partial List of Incidents for 2003

Arakan State

Islamic school demolished in western Burma

On 9 March 2003, the local junta authority of Buthidaung Township in Rakhine State reportedly knocked down a madrasah.

The madrasah situated at Rwak-nyo-daung village was built close to a Muslim graveyard. The local Burmese junta officials, claiming that the madrasah was illegal since it was constructed in the premises of the graveyard, demolished the main structure of the school.

The executive committee members of the school board including Rabiullah, son of Muhammad, were charged with illegal construction of religious schools without the proper permission of the Department of Religious Affairs.

About 60 students were enrolled in the madrasah when it was demolished. (Source: "Islamic School Demolished in Western Burma," Narinjara, 26 March 2003)

6 madrasah committee members and teachers arrested

On 15 March 2003, Nasaka officials in Buthidaung Township arrested 3 committee members and 3 teachers of a madrasah Rwa Nyo Daung village. The reasons for the arrest were believed to be that an extension to the madrasah was built without obtaining authorization from the Nasaka. The 6 people arrested were reportedly tortured through various methods including electric shock. At the same time, it was reported that the Nasaka authorities forced the villagers to destroy the entire madrasah building on 17 March, which resulted in 150 students having no school.

The six persons arrested were the following:

- (1) Mostafa Kamal, ex-chairman of Rwak Nyo Daung village;
- (2) Salamat Ullah, member of the madrasa committee;
- (3) The Chairman of the Rwak Nyo Daung VPDC;
- (4) Maulana Ashraf Ullah, teacher;
- (5) Maulana Nurul Islam, teacher; and
- (6) Maulana Fayas Ahamed, teacher. (Source: "6 Madrassa committee members and teachers arrested," Kaladan News, 21 April 2003)

On 10 September 2003, five out of the six arrested were reportedly sentenced to seven years in jail for building the extension on the madrasah. Court No.2 of Buthidaung Township, Arakan State was responsible for sentencing the five people. The only person not appearing on the list of those sentenced to jail time was Maulana Narul Islam, who reportedly ran away to Bangladesh. (Source: "Five Rohingya Sentenced for 7 Years Jail in Buthidaung," Kaladan News, 10 October 2003)

SPDC authorities destroy mosque in Burma

In March 2003, an over-200-year-old mosque in Kyauk Pyu township of Arakan State was destroyed by the township authorities, according to reports. The mosque was situated in Pyin Pyu Maw village only about 2 kilometers away from the heart of Kyauk Pyu. (Source: "Anti-Muslim Riots Take Place in Burma," Muslim Information Center, 20 March 2003)

Demolition of a mosque in Sittwe

On 21 July 2003, it was reported that the Arakan State Peace and Development Council Chairman, Major General Maung Oo, ordered the local police to demolish a mosque in Akyab (Sittwe), the capital of Arakan state. The mosque was built in front of Akyab University without permission from Burma's Ministry of Religion and the high court had ruled for its demolition.

During the demolition of the mosque, members of the Muslim community started a riot, which resulted in a skirmish with police in which several people were injured including police and Muslim women. The mosque was completely demolished by the police.

After the demolition of the mosque, the Muslim leader of that area informed a powerful Muslim businessman, Shafi Aullar, from Singapore of the incident. He is a business partner of Re Naing Win, the son of Prime Minister Khin Nyunt, and they have a large number of business interests in both Burma and Singapore. He is also close to Khin Nyunt due to his large number of investments in Burma.

The business man informed Khin Nyunt of the demolition of the mosque who then ordered its immediate rebuilding. At the time of this report the mosque was in the process of being reconstructed under the supervision of Major General Maung OO. (Source: "Arakan State Peace and Development Council Chairman in Deep Trouble after Demolition of a Mosque in Arakan," Narinjara, 9 September 2003)

Arson attack on a mosque and its guesthouse

On 4 November 2003, it was reported that a group of Rakhine youths made an arson attack on Abdul Salam Dowashi mosque and its guesthouse at around 9:00 pm in Zabor Para village, Buthidaung Township, Arakan State.

According to a man who was praying in the mosque, 4 Rakhine youths, backed by police and the Union Solidarity and Development Association (USDA) members secretly entered the mosque compound and torched it and its guesthouse while the mosque goers were praying inside. The blaze in the mosque was brought under control within a few minutes by those praying in the mosque. Yet, it took half an hour to extinguish the fire, by which point the guesthouse was completely gutted.

Most of the villagers believed that SPDC authorities and USDA members instigated this arson attack, in order to create riots between the 2 communities. The police investigation has yet to find any clue or culprits, however villagers prefer not to inquire further into the incident to avoid problems in the future according to a local resident. (Source: "Arson Attack to A Mosque and Its Guesthouse," Kaladan News, 2 December 2003)

Arson against the madrasah in Maungdaw

On 8 November 2003, an unidentified group reportedly burned down a thatched bamboo Islamic religious school near Myo Ma Cinema in downtown Maungdaw. Local residents indicated that they felt the arson was an effort to invoke conflict between the Buddhist and Muslim communities. Yet, community leaders reportedly prevented any conflict from occurring. At the time of the report, the authorities had not found anyone responsible for the arson attack. The fire caused 50 students to lose their school. (Source: "Arson against the Islamic School in Maungdaw," Narinjara, 23 November 2003)

Following this event all mosques in Maungdaw town were under police guard during prayer time for the month of Ramadan. During the same week, 2 other thatched roofed mosques on the outskirts of Maungdaw town were set on fire by groups of youth however, they were saved by those worshipping in the mosques. (Source: "Mosques Under Guards During Prayer Times," Kaladan News, 24 November 2003)

Personal Accounts

Eyewitness account of riot in Kyaukse broadcast on Radio Free Asia

"When I ran there to see, the firemen had already put out the fire, so we approached further and looked and we saw the bones and the flesh. We saw a small skull. There was a skeleton of an adult and a skull. I heard the people near there saying that the dead woman was pregnant," he said, adding that he broke down in tears when he realized the dead woman was his own niece. "I saw a small skull that could be assumed to be a child's skull and a larger skeleton."

The man also reported seeing many more corpses of people who had died in the fires. "Soon we saw one corpse after another. They were taking them away to the hospital."

"Even though at first I thought it was impossible to destroy the mosque that was opposite the police station, later my next-door neighbor telephoned me. My family also told me that people were destroying the Su Gyi mosque."

The man said he was forced to take refuge in a neighbor's house. "Later, I heard noises. It was the sound of a crowd marching toward us. They were shouting, 'Yay, yay.' Well, it was impossible to stay inside this house anymore. So I went to the opposite house, which is a Buddhist family's house, to ask for help. I said, 'Please give my wife and children permission to seek shelter. Please help,' and so they said, 'your entire family should come. We will help you.' And so we sent the children."

"They allowed us to bury them around 1:30 pm. We brought all the burned bodies of 11 people, including the fetus, in bags. We went to the Muslim cemetery. We buried them. We

buried them only on the 20th, around 2:00 pm," he said, adding that many of the bags contained body parts that were difficult to sort.

The eyewitness told RFA there had previously been no tension between the two communities, who had mingled freely throughout the district. "We have been living together with love, laughter, and happiness. When the incident took place, the Buddhists helped us and only they helped and hid our families as well," he said. (Source: "Eyewitness account of riot in Kyaukse," Radio Free Asia, 29 October 2003)

10.4 SPDC Control over Buddhism

Theravada Buddhism is the majority religion of Burma and as such, the SPDC aligns itself with Buddhism as a way of maintaining legitimacy, whilst at the same time controlling and limiting the activities of the Sanga. Buddhist monks have always played a key role in shaping civil society and promoting harmony based on the teaching of the Buddha Gotama. However the ruling junta denies this role and systematically curtails any activities by Buddhist clergy that promote human rights and political freedom. The SPDC strictly controls the organizations and activities of the Sanga. Since the late 1990's, the SPDC has only allowed nine state recognized monastic orders. All other organizations of monks are banned. These nine order are under the authority of the State sponsored State Monk Coordination Committee (Sangha Maha Navaka Committee – SMNC). Monks must follow a code of conduct, infractions of which are punished by criminal penalties and monks can also be tried by military tribunals for "activities inconsistent with and detrimental to Buddhism," (source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003). In some major temples in Mandalay, Moulmein and Rangoon, monks' activities are monitored by military personnel who are hired by the Ministry of Home Affairs specifically for this purpose, (source: Hongsar Banya, "Buddhist Monks: Stay Away from Politics," Kao Wao, 14 August 2003).

The Government works to control monks who may be involved in political activities through travel restrictions, arrests, pressure on Buddhist leaders to expel 'undisciplined' monks. The Government also forces monks to sign documents indicating they will stay away from politics. Certain monasteries are also prohibited from allowing members of political parties to be overnight guests. Adherence to these rules is strictly monitored and in the last week of July 2003, Burmese secret agents searched the Suvannabumi Mon Temple in Thaketa town, looking for evidence linking the monks to anti-Rangoon activities. In August 2003, monks in Moulmein, Mon State were ordered by the SPDC to stay away from engaging in politics and stay inside the monastery in the event of any 'people strikes' in the town. (Source: Hongsar Banya, "Buddhist Monks: Stay Away from Politics," Kao Wao, 14 August 2003)

Since 1990 more than 100 monks have been arrested for supporting democracy and human rights, half of these have reportedly been released, some are still serving life sentences. These reportedly include the Venerable U Kalyana of Mandalay, a member of the Aung San Red Star Association and the Venerable U Kawiya of the Phayahyi monastery in Mandalay. (Source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003)

The SPDC uses the imagery and language of Buddhism in an effort to increase its legitimacy both nationally and internationally. Government officials are frequently depicted by state

controlled media paying homage to Buddhist monks and making donations at pagodas. There are reports that in 2003, the SPDC conducted large Buddhist ceremonies on its western borders in order to lengthen its rule and ward off invasion by neighbouring 'Muslim' countries (source: "Buddhist Rites to Prevent Foreign Invasion!" Narinjara, 2 September 2003). Although no links can be established, there has been speculation that the Government has used Buddhism to legitimize its own agenda on a number of occasions. For example, monks, or people dressed as monks have been involved in many of the acts of violence against Muslims and in the Depayin incident on 30 May (see chapter on assembly and association for more information about the incident at Depayin). The prominent Mandalay monk, Win Rathu, nick-named the 'fighting monk' for his stand against the country's Muslims, has also been denounced by some as just an agent of the Government, who is espousing SPDC ideologies rather than Buddhist ones. (Source: Ozturk, Cem, "Myanmar's Muslim Sideshow," Asia Times, 20 October 2003)

The SPDC's support of Buddhism is also seen through the funding of two state Sangha universities in Rangoon and Mandalay. In addition, in 1998, the Government opened the International Theravada Buddhist Missionary University (ITBMU) in Rangoon to "share Burma's knowledge of Buddhism to the people of the world," (source: *International Religious Freedom Report 2003*, U.S. Department of State, 18 December 2003). Throughout 2003, Burma was preparing for the fourth world Buddhist summit, scheduled to take place in 2004. The military regime awards prominent monks with religious titles every year. Yet, those who have spoken out against the Government are not considered to receive an award. One eminent monk asserted that the award ceremony is a method for the SPDC to cultivate support from the Buddhist population within the region (source: "Burmese SPDC Junta Award Religious Title to A Buddhist Monk in Bangladesh," Narinjara News, 11 March 2003).

As the SPDC uses Buddhism to boost its legitimacy it also uses it to discredit opposition groups. There were reports during the year of the junta ordering journals and magazines to print a story accusing members of exiled political groups of smuggling women's sarongs printed with Buddhist symbols into the country. This allegation was rejected by members of the pro-democracy movement based on the Thai-Burma border. Specifically, U Bo Thaung, the former vice chair of the National League for Democracy (Liberated Area) indicated, "We will never use religion for our political gain." (Source: Kyaw Zwa Moe, "Junta Pushes Sarong Story," *Irrawaddy*, 24 October 2003)

Persecution of Buddhists - Partial List of Incidents for 2003

Mandalay Division

One monk killed in clash between monks and soldiers in Mandalay

On 27 October 2003, Burmese soldiers opened fire on Buddhist monks killing 1 and seriously wounding 2 others. The clash occurred during a demonstration by 1000 monks from New Masoeyein and Myataung monasteries who were demonstrating against the arrest of a monk named Ashin Werathu. Initial reports said he was arrested by authorities for delivering anti-Muslim sermons (source: "One Monk Killed in Clash between Monks and Soldiers in Mandalay," DVB 29 October 2003). However, more recent reports say that he was arrested for claiming that reports saying that Burmese exiled dissidents had been responsible for shipping women's sarongs bearing Buddhist symbols, were fabricated by the military. According to Mandalay residents he had been warned on this issue personally by Maj. Gen. Ye Myint (Central Military Command Commander and Chairman of Mandalay Division Peace and Development Council) but he refused to comply and was then arrested. (Source: "Mandalay Said Calm Following Religious Unrest," DVB, 31 October 2003)

Novices at both monasteries were ordered to go home, their classes were closed and a curfew was imposed around the monasteries, with authorities ordering the monks not to leave the monasteries after 12:00 noon. The authorities also stopped the traditional religious Tazaungdaing festival according to local residents.

The authorities also detained 20 monks at Masoeyein Monastery and ordered them not to go out on the risk of being shot by the order of the military commander of Central Military Command, General Ye Myint. (Source: "One Monk Killed in Clash between Monks and Soldiers in Mandalay," DVB, 29 October 2003)

Pegu Division

Clash between Buddhist monks and local police in Paukkhaung

On 12 August 2003, local police in Paukkhaung, Pegu Division searched Kyauksri monastery and demanded that one monk be defrocked to be arrested. Approximately 100 novice monks live in the monastery. The police had come to monastery to examine the guest list as there were visiting monks. The police claimed that the visiting monks were violating the rules of Buddhist lent by not remaining in their own monastery. The police attempted to detain some of the visiting monks. Instead, the monks detained the six policemen for the night and the army had to come to resolve the issue. After some discussion, the monks were released, the monastery ordered to close for 5 days, and the novices ordered to return to their homes. (Source: "Clash between Monks and Police in Paukkhaung," DVB, 14 August 2003)

Shan State

Monks killed, money extorted from villagers in Kun-Hing

On 29 March 2003, SPDC troops from IB 246 shot dead a Buddhist monk and wounded another, who later died at a hospital, at Tham Loi Kong forest monastery 1-1/2 miles southwest of Kun-Hing town, Kun-Hing Township.

SPDC troops in camouflage military fatigues knocked at the door of the monastery at around 4:30 am. As the abbot monk opened the door and lit a candle, the SPDC troops entered the monastery and without mentioning a word shot dead the abbot monk. The abbot monk was a Mon national, 83 years old and carried a monk title U Uttama. He had been living at the monastery for 4 years and 9 months together with 2 novices.

Zao Long Kaw (age 43), 1 of 2 novice monks saw the incident and recognized the SPDC troops. He fled the monastery but was wounded as the troops shot after him. He ran to Loi Kong village, about 1 mile west of the monastery, and was sent to the hospital in Kun-Hing town by the villagers, who also immediately reported the incident to the SPDC troops of IB 246. The other novice monk (age 13), crept away and escaped without being seen by the SPDC troops.

The wounded novice monk died at the hospital at around 7:00 pm that evening. Before he died he confirmed it was SPDC troops who shot him and the abbot monk and that among the troops he clearly recognized Capt. Than Naing Oo of Co.3 who had often visited the monastery in the past.

After they had taken care of the bodies of the monks, about 15 leaders and elders of Loi Kong village were summoned to the IB 246 base by the battalion commander. The commander told the villagers, "Concerning the case in which Shan soldiers shot dead our Burman monk, I will help cover it up, but you Loi Kong villagers must find 200,000 kyat of money for me. I will report it to my superiors so that the news does not spread". The villagers dared not argue, but collected the money among them and gave it to the commander within 15 days. (Source: "Monks killed, money extorted from villagers in Kun-Hing," SHRF monthly report, SHRF, May 2003)

Buddhist Novice monks robbed of their alms in Kaeng Tung

On the 8 November 2003, 3 Buddhist novice monks who were returning from begging alms were robbed of their alms by SPDC troops at Pha Yaang Gate, in Kaeng-Tung town. Buddhists in Kaeng-Tung town had organized an alms-giving ceremony to which they invited all Buddhist monasteries in the Township to come and receive alms. Hundreds of monks from surrounding villages came to the ceremony and returned with bowls and bags full of alms.

Novice monks, Saang Suk (age 11), Saang Khan (age 10) and Saang Long (age 9), from Seng Mung monastery, about 1 mile west of the town, were stopped by 2 of the 7-8 SPDC troops. The SPDC troops searched the novice monks and took away all the money and some food among the alms before they let them go. The specific extortions were as follows:

- (1) Saang Suk, lost 200 kyat, 1 packet of meat and 1 packet of sticky rice;
- (2) Saang Khan, lost 200 kyat, 2 packets of pork and 1 packet of sticky rice; and
- (3) Saang Long, lost 100 kyat, 1 packet of sausages and 1 packet of sticky rice. (Source: "Buddhist novice monks robbed of their alms in Kaeng-tung," SHRF Monthly Report, SHRF, February 2004)

11. Freedom of Opinion, Expression, and the Press

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

- Article 19, Universal Declaration of Human Rights

“(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.”

- Article 27, paragraph 1, Universal Declaration of Human Rights

11.1 Background

Freedoms of opinion, expression, and the press have been virtually non-existent in Burma since the military coup of 1988. The Press Scrutiny Board, a division of the powerful Ministry of Information, examines every publication for anything perceived as ‘anti-government.’ Similar censorship boards retain tight control over art, music, film, performance, and all other forms of artistic expression. All authors, publishers, journalists and poets must submit a personal biography to the board of literary censorship. The board then investigates to find out if these individuals have any association to opposition political parties or connections to other people or groups deemed threatening by the regime. Anyone suspected or proved to have ‘undesirable’ connections is placed on a blacklist and their work is not allowed to be published.

People’s access to information in Burma is officially limited to one main State run news agency that disseminates information to government controlled newspapers, radio, and television stations. Burma’s four daily newspapers are all published by the News and Periodicals Enterprise, a division of the Ministry of Information. While in 2003 there were approximately 50 private weekly and monthly magazines published in Rangoon, all were kept under close scrutiny by the regime. Burmese people are well aware that much of the news from official sources is propaganda, and to find out what is really happening in their own country and the rest of the world they must depend on sources of information outlawed by the regime.

The main sources of outside information are the daily Burmese-language radio broadcasts by Radio Free Asia (RFA), Voice of America (VOA), British Broadcasting Corporation (BBC), and the Democratic Voice of Burma (DVB). In addition, a limited number of publications by exiled groups working along the Thai/Burma border are regularly smuggled into the country. The SPDC is aware of and attempts to cut off these sources of information. Outside radio broadcasts are closely monitored and sometimes scrambled, and individuals caught distributing or possessing dissident news material are punished. As of 2003, within Burma, there was still almost no underground press activity, as the students who undertook such activities in the past, have largely been imprisoned, killed, or forced into hiding or exile.

As part of their overall effort to control information, the military regime severely restricts all forms of communication. Without a government permit, which is expensive and difficult to obtain, individuals can be arrested for possessing or using fax machines, mobile phones, photocopiers or computers. The Internet can only be accessed through a company called Bagan Cybertech, which is partially government owned and is also run by Ye Naung Win, the son of Burma's Prime Minister, Lt. Gen. Khin Nyunt. The cost of this service however, has effectively barred most people in Burma from being able to use the Internet. (See section on the internet and electronic mail in Burma, below.)

International Media watchdog groups such as the Committee to Protect Journalists (CPJ) and Reporters Sans Frontieres (RSF) have repeatedly criticized the Burmese regime for its suppression of press freedoms, and its imprisonment of journalists. RSF's annuals ratings of countries by their level of 'Press Freedom' placed Burma in the 164th place, above only North Korea and Cuba, out of the 166 countries reviewed for 2003. (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

11.2 SPDC Laws Restricting Freedom of Opinion, Expression, and the Press

(Source: Burma UN Service Office)

The Official Secrets Act 1923

This law makes it an offence, among other things, to possess, control, receive or communicate any document or information, the disclosure of which is likely to affect the sovereignty and integrity of the State or friendly relations with foreign nations or is otherwise prejudicial to the safety of the State (section 5). No exception is made for disclosure of classified information on public interest grounds. Anyone convicted of an offence is liable to be punished with imprisonment for up to two years, or with a fine, or with both. Other, lesser known laws have been used by the military regime to justify their frequent clampdown on freedom of statement. These include:

The Burma Wireless Telegraphy Act 1933

This act makes it an offence to possess, without official permission, any 'wireless telegraphy apparatus'. This law was amended in 1995 to cover the use of unlicensed fax machines, and again in 1996 to cover computer modems. Anyone found possessing these apparatus without official permission was made liable to be imprisoned for up to three years or fined up to 30,000 kyat. In April 1996, the SLORC used this law to prosecute James Leander Nichols, a close friend of Aung San Suu Kyi, on charges of operating unregistered telephone and facsimile lines from his home in Rangoon. Nichols was sentenced to three years' imprisonment, but died two months into his prison term, allegedly as a result of previous medical problems.

Section 122, Penal Code of Burma

This section of the Penal Code makes it an offence to commit treason against the Government. This offence is punishable with death or with imprisonment for life. Several of the NLD functionaries who attended meetings in Mandalay in September and October 1990 with a view to forming a provisional government-in-exile after the election results were disregarded, were arrested and sentenced from 10 to 25 years' imprisonment under this section.

The Law Protecting the Peaceful and Systematic Transfer of State Responsibility and the Successful Performance of the Functions of the National Convention against Disturbances and Oppositions

This law makes it an offence, among other things, to incite, demonstrate, deliver speeches, make oral or written statements and disseminate anything which would 'disrupt and deteriorate the stability of the state, community peace and tranquility and prevalence of law and order', or 'affect and destroy national reconsolidation', or 'affect, destroy and belittle the tasks being implemented at the National Convention for the emergence of a firm and enduring Constitution and cause misunderstanding among the people'. It also forbids anyone from drawing up or writing or distributing a Constitution for the country without legal authorization, and makes any attempts at collaboration in any of the above-mentioned acts an offence.

Each of these acts is made punishable with imprisonment from between three months to twenty years and a possible fine. Organizations found guilty of any of the offences risk being banned or disbanded and their properties confiscated. This law was used, for example, against nine students in September 1996 after they had distributed leaflets outside Aung San Suu Kyi's house in Rangoon. Observers believe this law specifically targets the NLD and Aung San Suu Kyi who, in 1996, announced that she and her colleagues had decided to write a new constitution for the country due to the SLORC's continued refusal to hand over power to the 1990 elected representatives.

Emergency Provisions Act 1950

This law confers sweeping powers on the authorities to silence and punish any real or perceived dissent, even in the absence of a proclaimed state of emergency.

It is an offence, punishable with imprisonment for up to seven years, to commit any act which 'violates or infringes upon the integrity, health, conduct and respect of State military organizations and government employees towards the Government' (art. 5(a)), or 'causes or intends to spread false news about the Government' (art. 5(e)), or 'causes or intends to disrupt the morality or the behavior of a group of people or the general public' (art. 5(j)).

Article 3 renders any act which is 'intended to cause, or causes, sabotage or hinders the successful functioning of the State military organization and criminal investigative organizations' liable to be punished with death or life imprisonment.

Similar punishment is prescribed for 'collecting and divulging, or intending to divulge, information to people involved in treason against the State, on the movements, the strength, the location, the guidelines and regional defense strategies of the State military organizations

and criminal investigative organizations who are engaged in preserving the stability of the State' (art. 2).

The Printers and Publishers Registration Law 1962

This law has historically been the main instrument of official censorship, requiring all books, magazines, other periodicals, song lyrics, and motion picture scripts to be submitted for vetting to the SPDC prior to publication or, in some cases, prior to distribution. The effect has been to shut out any criticism whatsoever of the regime. Anyone who fails to comply with any rules or regulations framed under the law could be imprisoned for up to seven years and fined up to 30,000 kyat.

State Protection Law 1975 (also known as the 'Law to Safeguard the State from the Dangers of Destructive Elements')

This law allows the Government to declare a state of emergency in a part or the whole of Burma and to restrict any fundamental rights of the citizens in specified regions or all over the country (section 4).

The law gives the authorities sweeping powers: anyone who is suspected of having committed, or who is committing, or who is about to commit, any act which 'endangers the sovereignty and security of the State or public peace and tranquility', can be imprisoned for up to five years without trial on the orders of the executive (section 14, as amended by Law 11/91, dated 9 Aug. 1991).

This law also allows the executive to pass restriction orders under which anyone can be confined to a specified area or have their freedom of movement otherwise restrained, or be prohibited from possessing or using specified articles (section 11). No order passed under this law can be the subject of an appeal to any court, although appeals are allowed to be made to the Union Cabinet.

The Television and Video Law

This law provides for compulsory licensing of television sets, video cassette recorders and satellite television by the Ministry of Communications, Posts and Telegraphs, and of the video business by newly constituted State or Divisional Video Business Supervisory Committees. The latter have been given responsibility for deciding on the grant of video business licenses and for inspecting and supervising video businesses within their territorial jurisdictions.

The law also provides for mandatory censorship of all videotapes, whether locally produced or imported, by a Video Censor Board composed of government officials and representatives of the public. The requirement of obtaining censorship certificates has been extended also to videotapes imported by foreign diplomatic missions or agencies of the UN for public exhibition. Operation of a television transmission business without permission from the SPDC is punishable by imprisonment for up to five years or an unspecified fine.

The Motion Picture Law

This law creates a regime of censorship for conventional cinematograph films. A license must be obtained from the Myanmar Motion Picture Enterprise, a State agency, in order to produce any kind of film. Violation of the terms and conditions of a license are punishable with a fine ranging from 5,000 kyat to 50,000 kyat and with revocation of the license. The law also provides for the establishment of a Motion Picture Censor Board. Foreign diplomatic missions and the UN have been made subject to the censorship regime under this law. Appeals against decisions by both entities can only be made to the Ministry of Information whose decisions on appeals are final and conclusive.

The Computer Science Development Law

This law requires anyone who wishes to import, possess or use computer equipment, notably those with networking or communication facility, to obtain a license from the Ministry of Communications, Posts and Telegraphs. It also requires those who wish to set up 'a computer network or connecting a link inside the computer network' to apply for prior sanction to that Ministry' (section 28).

The Ministry is granted absolute power to grant or refuse licenses and sanctions and to impose conditions. Failure to obtain a license or sanction is made punishable with imprisonment for between seven and 15 years and with an unspecified fine (sections. 31, 32).

It establishes strict controls on the formation and operation of computer-related associations. Three types of associations may be formed with official sanction (the Computer Enthusiasts, Entrepreneurs' and Scientists' Associations), all others are illegal. Anyone forming, running or belonging to an illegal association is liable to be punished with imprisonment for up to three years, or with a fine, or with both.

The law in Burma makes attempts or conspiracy to commit an offence punishable with the same severity as the offence itself.

11.3 State of the 'Freedom of the Press' in Burma

In 2003, the regulation and restrictions on press freedom in Burma remained some of the world's most repressive. In the international rankings of press freedom by Reporters Sans Frontiers, Burma was rated at third from last place for the second consecutive year. The continued repression of the press in Burma indicates that restrictions were not eased during 2003. (Source: "Burma third from last in World Press Freedom Ranking," *Mizzima*, 20 October 2003)

Strict government censorship of all publications continued throughout the year and the SPDC continued to prohibit journalists from reporting on any events of real importance. Topics banned from media coverage included: natural disasters, the AIDS epidemic, human rights developments, drugs, debates about government policies, criticisms and commentary about the poor state of the national economy (such as the banking crisis in February), or any local, national or international news which could be seen as uncomplimentary to the Government (such as the 30 May attack near Depayin). On 17 February, there was also a ban on reporting

about the deaths of 14 students in a bus crash on the road from Syriam to Rangoon (source: *Burma - 2004 Annual Report*, RSF, 20 October 2004).

Severely restricted in the news they can print, the 50 or so private journals published in Burma are also regularly forced to pay stiff bribes just to get non-offensive materials approved by the State censorship boards. If an article is found to violate government standards, the editors are forced to change the entire layout of the magazine to hide the removal of the censored material. There is therefore a strong incentive for magazine editors and writers to engage in self-censorship in order to avoid this extremely time-consuming and expensive process.

One publication which appears to be able to operate with slightly less censorship is *The Myanmar Times*, a glossy weekly magazine launched in March 2000, and published in English and Burmese. The magazine is privately owned by an Australian publisher, but is closely linked with the Office of Strategic Studies (OSS), which is controlled by military intelligence chief Lt. Gen. Khin Nyunt (who was appointed to the position of Prime Minister on 25 August 2003). The *Myanmar Times* has more latitude than any other news source in the topics it is allowed to cover, and reported issues have included articles about the reopening of NLD offices and the dialogue between the regime and Aung San Suu Kyi. Many analysts have argued however, that *The Myanmar Times* is just a more subtle propaganda tool controlled by Khin Nyunt and is primarily aimed at attracting foreign investment. In terms of increasing access to information, *The Myanmar Times* has had little impact as, at 500 kyat per copy, most Burmese cannot afford to purchase the publication.

Harassment and arrest of journalists also continued throughout 2003. The offices of newspapers were repeatedly visited by government officials in order to warn journalists and publishers about specific incidents about which they were not allowed to write or print. Most notably these included the banking crisis and the 30 May attacks on Daw Aung San Suu Kyi's motorcade near Depayin, Sagaing Division. (See chapter on assembly and association for more information about the events of 30 May.)

Foreign journalists, while not subject to the same risks and pressures as Burmese journalists, also face restrictions on reporting news from Burma. International journalists who write articles critical of the regime can find themselves banned from the country. Swedish journalist, Bertil Lintner, a reporter for the *Far Eastern Economic Review* and internationally renowned authority on Burma, has been blacklisted from the country for the past sixteen years. No foreign journalists are allowed to live in Rangoon, with the exception of one correspondent for China's official Xinhua News Agency. Visiting foreign reporters must apply for special journalist visas as well as a "Permit to Conduct Journalistic Activities." In the past, reporters granted visas were kept under close surveillance by Military Intelligence (MI) agents, who often tried to prevent them from interviewing opposition leaders, including Aung San Suu Kyi. (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

As a result of the heavy control of journalism in Burma, most citizens choose to get their news from various foreign radio stations. These are the BBC, Voice of America, Democratic Voice of Burma, and Radio Free Asia. In 2003, it was reported that close to 95% of civilians, as well as members of the military rely on foreign radio broadcasts for information about events inside Burma. (Source: "Thanks to the foreign Burmese radio services," *Narinjara*, 11 June 2003)

Publications in Burma go through two levels of screening in addition the censorship that writers and printers impose upon themselves. Initially there is pre-publication censorship, which is administered by the Literary Works Scrutinizing Committee, a branch administration under the Ministry of the Interior. Following this, publications are reviewed every Saturday by the Censorship Committee, which decides whether to give authorization for distribution of the material. Every three months a review of media activity is sent by the Censorship Committee to the Ministry of the Interior. After an initial authorization by the central censorship office in Rangoon, publications are directed to their local office for regular screening (source: *Burma - 2004 Annual Report*, RSF, 20 October 2004). Publication agencies are also frequently sent government prepared stories to be printed. Compliance in using this material often brings monetary benefits but refusal may result in a government crackdown on the dissenting office. (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

Military junta ban the reporting of the banking crisis

In February 2003, Burma's financial sector fell to near collapse as a result of the Government's closer of about a dozen investment firms that had previously offered higher interest rates than the banks. The public began lining up to make withdrawals and checks could not be cashed after the Central Bank had banned transfers and placed a limit on withdrawals in order to limit the economic impact. (Source: "Myanmar Media Black out News of Bank Runs," AP, 20 February 2003)

On 19 February, the Press Scrutiny Board called a meeting and warned business magazines not to publish anything mentioning the banking crisis and threatened them with reprisals should they fail to comply. Even Rangoon's only independently owned newspaper, *The Myanmar Times*, which had previously been given slightly more press freedom, was restricted from mentioning the situation. This censorship followed the Central Bank's policy of trying to prevent further economic collapse. In a statement released in March, Reporters Sans Frontieres stated that, "[the] blackout imposed by the military junta on a crisis in Burma's banking system is flagrant violation of the right of the Burmese people to be freely informed." (Source: "Burma - News blackout: Flagrant Violation of the Right of the Burmese People to Be Freely Informed," RSF and Burma Media Association, 5 June 2003)

Journalist killed in Sagaing Division

On 30 May, in Sagaing Division, a photojournalist named Tin Maung Oo, who had frequently worked with the NLD was beaten to death by military backed assailants on the road to Depayin outside of Kyi village. He had been trying to take photographs of the violence during the attack on the NLD motorcade. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

Censorship of the 30 May, "Depayin Massacre"

Immediately following the 30 May attack on Aung San Suu Kyi and the NLD motorcade in Sagaing Division, the military authorities cracked down on potential sources of unrest. While the international media reported that the attack had been pre-meditated and SPDC-backed, all domestic news agencies were restricted from publishing views and information other than that which supported the SPDC claim that anti-NLD individuals had attacked the convoy

after the NLD had tried to incite the people to make an armed uprising and other "acts counter to democracy". (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

The Government's English language newspaper, *The New Light of Myanmar*, ran a series of articles that began after the incident at Depayin in which an alleged NLD member published a first person account of his experiences with the NLD and Aung San Suu Kyi. The overt criticisms in the articles were seemingly intended to discredit Aung San Suu Kyi and drive support away from her. (Source: "Daw Suu Kyi, the NLD Party and Our Ray of Hope (Part 1)," *New Light of Myanmar*, 5 July 2003)

Students have historically been a source of opposition, and the SPDC therefore suspended all primary, secondary, and university classes throughout the country immediately following the 30 May attack. The closures affected all schools under the Ministry of Education but the Yangon Technology University, which is run under the Ministry of Technology, was also shut down. The summer break for schools was therefore extended until 1 July. (Source: "Myanmar Officials Turn Away University Students after Suu Kyi Detention," AP, 2 June 2003)

Arrest and sentencing of a sports writer

On 17 July, MI agents raided the office of a well-known weekly sports magazine named *First Eleven*. During the raid the agents arrested five employees, including Editor Zaw Myint, chief officer Dr. Than Htut Aung, another staff member Soe Pa Pa Hlaing, Myint Zaw — who worked for a separate but affiliated news journal in Rangoon. In addition, they arrested the chief editor, Zaw Thet Htway, who had also been a former member of the Democratic Party for a New Society, a banned political opposition group, and had spent time incarcerated as a political prisoner in the 90s. During the raid the agents allegedly beat Zaw Thet Htway and confiscated unregistered equipment including fax machines, a computer with an installed modem, and a satellite dish. (Source: "Journal Office Raided, Editors Arrested," *Irrawaddy*, 22 July 2003)

Four of the staff members were released after two days of questioning but Zaw Thet Htway was kept in custody and on 28 November he was sentenced to death by a special court inside Rangoon's Insein Prison under article 122/1 of the law on high treason for allegedly plotting to assassinate government officials and create instability in the country. The sentence was later commuted to three years imprisonment.

Exiled Burmese media groups claimed that MI had warned Zaw Thet Htway in June of 2003 after *First Eleven* had published an article questioning the spending of an international grant for the development on Burma's community football programs. He had subsequently published an article about fines imposed on a Burmese football team that did not participate in an Asian Football tournament. (Source: "Outrage over Death Sentence Passed on Sports Magazine Chief Editor," RSF, 3 December 2003)

Journalists Freed in 2003

In 2003, the SPDC reported the release of four journalists, though one of these, Yan Aung Soe, had been released in December 2002 after serving three years and two months in Myaungmya Prison. Yan Aung Soe had frequently published academic reviews between 1994 and 1997 and was imprisoned in October 1998 after having edited and distributed leaflets for the NLD. Initially he had been sentenced to a few weeks imprisonment, but this was subsequently changed to 59 years by a special prison tribunal. The sentence was later abrogated.

On 16 March 2003, the SPDC reported the release of journalist Myint Thein, who had served six years and three months in Thayet Prison. He had written articles relating to international relations before his arrest on 4 December 1996. He was seized by police during the student demonstrations in Rangoon in 1996 and was subsequently beaten quite severely during his interrogation.

On 28 April 2003, journalist, Dr. Zaw Min, and literary critic, Ko Htay Thein, were released after 14 years imprisonment. They had originally been sentenced to 20 years on charges of being linked to the Communist Party of Burma. Both suffered severe health deterioration during their incarceration and Htay Thein had attempted suicide several times while in prison. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

11.4 Continuing Detention of Journalists

Despite the military's continued claims to have released large numbers of political prisoners, there were still at least 16 journalists in prison at the end of 2003. The Committee to Protect Journalists (CPJ) reported that there were 10 journalists incarcerated as of 31 December 2003, though Reporters sans Frontiers (RSF) reported the total to be 15 as of the same date. The combined lists gave the names of 17 prisoners, though the status of one of these, Maung Maung Lay Ngwe, remained unclear as of 2003.

U Win Tin

U Win Tin, the 73-year-old former editor-in-chief of the *Hanthawati* and vice chairman of the Burma's Writers Association, completed his 15th year in prison during 2003. Originally arrested on 4 July 1989 for allegedly arranging a "forced abortion" for a member of the National League for Democracy (NLD), he was later sentenced to an additional 10 years in 1992 for "writing and publishing pamphlets to incite treason against the State" and "giving seditious talks." U Win Tin had been a senior leader with the NLD and worked in 1988 to establish independent publications during the brief period of press freedom brought on by the student led democracy movement. On 28 March 1996, U Win Tin's sentence was extended by another seven years after he was charged under Section 5(e) of the Emergency Provisions Act for having "secretly published anti-government propaganda to create riots in jail." Included among these prison publications was a report for the U.N. Special Rapporteur for Human Rights in Burma about the conditions inside Rangoon's Insein Prison.

In 2003, he was being kept in the Prison Ward of the Rangoon General Hospital as he was in very poor physical condition. Due to extended years of poor treatment in Burma's prisons, he

was suffering from numerous diseases and health disorders. On 5 February, Amnesty International met with him for close to an hour and reported that his health was steady but that he was suffering from urinary problems. On 21 March, UN Special Rapporteur for Human Rights in Burma Paulo Sérgio Pinheiro also spent an hour visiting with U Win Tin. In 2003, he turned 73 years old and his cumulative prison sentence was 20 years, ending in 2009. (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

Ohn Kyaing and Thein Tan

On 6 September 1990, Ohn Kyaing and Thein Tan were arrested along with four other leaders from the NLD and sentenced to seven years in prison by a military tribunal. According to the State radio broadcast, the group was charged with "inciting unrest by writing false reports about the unrest, which occurred in Mandalay on 8 August 1990." Ohn Kyaing was the editor of the *Botahtaung* newspaper and one of the most prominent of Burma's journalists. In 1988, he became actively involved with the pro-democracy movement. He was elected to parliament as the NLD representative for a district in Mandalay in the 1990 elections. Thein Tan was a freelance journalist and was also involved with the NLD. Despite both men's sentences having been reduced to 10 years, they were both still in prison at the end of 2003. (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

Maung Maung Lay Ngwe

Maung Maung Lay Ngwe's status at the end of 2003 was uncertain. The Committee to Protect Journalists believed that he may have been released though they could not follow up on his status or find any records of his sentencing. He was arrested in September of 1990 after writing and distributing publications that were collectively titled *Pe-Tin-Than* (Echoes). He was charged with producing material that would "make people lose respect for the Government." (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

Sein Hla Oo

Sein Hla Oo was a freelance journalist and former editor for the *Botahtaung* newspaper. He was arrested on 5 August 1994 on charges of contacting anti-government groups and spreading information damaging to the State. On 6 October 1994, he was sentenced to seven years in prison. Government officials claimed that Sein Hla Oo had "fabricated and sent anti-government reports" to diplomats in foreign embassies, foreign radio stations, and foreign journalists. He was elected to Parliament in 1990 representing the National League for Democracy (NLD) and had previously been imprisoned for his political activities. Though his second sentence of seven years had expired by 2003, he was being made to complete the remainder of the abrogated 10 year sentence from his previous conviction, of which he had only served one year and eight months. (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

Aung Htun and Tha Ban

Aung Htun was imprisoned in February 1998 for contributing to a seven-volume text that documented the history of the Burmese student movement. He had been a writer and activist involved with the banned, All Burma Federation of Students Unions. His sentence totaled 17 years in prison for violating the 1962 Printer and Publishers Registration Act (three years), the 1950 Emergency Provisions Act (seven years), and the 1908 Unlawful Associations Act (seven years). In 2003, he was being confined in Tharawaddy Prison.

Arakanese journalist Tha Ban and five others were also prosecuted for their involvement in the writing of the same seven-volume text. Tha Ban was a former editor at *Kyemon* newspaper and a prominent Arakanese activist. He was sentenced to seven years and was being held at Insein Prison. In 2003, he underwent surgery for his degenerating eye-sight. Both Tha Ban and Aung Htun were reportedly suffering from a variety of illnesses. (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

Aung Pwint and Thaung Tun

Aung Pwint, who worked as a videographer, editor, and poet, was arrested in early October 1999. Thaung Tun, who worked as an editor, reporter, and poet and is better known by his pen name Nyein Thit, was arrested separately though also in early October 1999. The Committee to Protect Journalists reported that the two men were arrested for "making independent video documentaries that portrayed 'real life' in Burma, including footage of forced labor and hardship in rural areas." Aung Pwint was employed at a private media company that produced videos that were used for tourism and educational purposes, but he also worked with Thaung Tun on video documentaries. Their videotapes managed to get circulated throughout Burma through underground networks.

The Committee to Protect Journalists also stated that, "The military government had prohibited Aung Pwint from making videos in 1996, 'because they were considered to show too negative a picture of Burmese society and living standards,' according to Human Rights Watch." Human Rights Watch previously awarded Aung Pwint a Hellman-Hammett grant in 2001 in recognition of his efforts to disclose the realities in Burma.

Aung Pwint and Thaung Tun were tried together, and they were both was sentenced to eight years in prison. Aung Pwint was initially held inside Insein Prison though later he was transferred to Tharawaddy Prison. Thaung Tun was incarcerated at Moulmein Prison, according to the Thailand-based Assistance Association for Political Prisoners in Burma (AAPPB). (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

Zaw Thet Htway

(See sub-section on the arrest and sentencing of a sports writer in the section on the state of the 'Freedom of the Press' in Burma, above.)

Kyi Tin Oo

Kyi Tin Oo, who was 61 years old in 2003, was imprisoned on 1 March 1994 and sentenced to 10 years in prison by a special court inside Insein Prison under articles 5(j) of the Protection of the State Act and 17(l) of the Illegal Associations Act. The main source of incrimination came from his political writing in the monthly magazine *Moe Wai*, which closed in 1996 for financial reasons, and the magazine *Tha-bin*, which was banned in 1988. He had been previously arrested for his dissenting publications and, as of 2003, had spent 19 of the past 40 years of his life in prison. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

Sein Ohn

Sein Ohn, who had worked as a camera operator with the NLD, was arrested in September 1996 and sentenced to 10 years in prison for distributing uncensored video material and possessing "undeclared" imported equipment (a video camera and video cassette recorder). He had shot extensive footage of Aung San Suu Kyi and made documentary videos that were critical of the military's policies. In 1996, Sein Ohn produced a video that documented peasants complaining of the failure of the Government to provide relief after extensive flooding in the Irrawaddy delta. As of 2003, Sein Oo was suffering from internal health problems and was being held at Mandalay Prison. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

Aung Myint

Aung Myint was arrested on 14 September 2000 by MIS officials and later sentenced to 21 years in prison on 20 December of the same year. He was charged with disseminating news about the NLD to foreign news agencies and western embassies in Rangoon. He was also known by the pseudonym "Phya Pon" Ni Loan Oo under which he had previously written for the magazines *Cherry* and *Mahaythi*. Much of his writing was banned by government censors or rejected by privately owned magazines. At the end of 2003, he was still being held at Insein Prison. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

Aung Zin Min

Aung Zin Min was arrested in December 1996 and sentenced to seven years in prison for supporting the 1996 student demonstrations through his poetry. His work was primarily published in the magazine *New Style*, which he partly edited. By 2003, he was suffering from depression and serious memory problems which began the previous year. He received limited support from his family, and the food supplements that he did get were reported to be inadequate to support his nutritional requirements in prison. In 2003, his health continued to decline and he was kept at Thayet Prison, in the centre of Burma. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

Kyaw San

Kyaw Saw, known by the pseudonym Cho Seint, was arrested in May, 1997 for his support of the 1996 student protests. He wrote articles and poems expressing his solidarity with the demonstrators. These were published in opposition magazines. He was sentenced to seven years and sent to Tharrawaddy Prison shortly after his arrest. During his initial interrogation

he was badly beaten which caused partial deafness. He is the grandson of Thakin Kotaw Hmime, one of the fathers of Burma's independence along with Gen. Aung San. His family has been deprived of resources by the Government, and he has received few visitors or assistance from outside of the prison. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

Khin Maung Win

Khin Maung Win, also known as Sunny, is a photographer and cameraman who was imprisoned in June 1997. He was charged with participation in a group of dissidents involved with subversive activities who were termed "puppets of the American government" by the then Gen. Khin Nyunt (he has since been named Lt. Gen.). Khin Maung Win was sentenced to seven years in prison as a result of his assistance with an interview of Aung San Suu Kyi prior to a 1997 Association of South-East Asian Nations (ASEAN) summit. At the end of 2003, he was still being held at Loi-Kaw Prison, over 300 km north-east of Rangoon. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

Monywa Aung-Shin

In September 2000, Monywa Aung-Shin was arrested and subsequently sentenced under article 17(20) of the Emergency Act to a seven-year prison term. He had been an editor for the magazine *Sar-maw-khung* (Literary World) before it was banned in 1990 and then worked as one of the NLD's press officers. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

11.5 Academic Freedom

There is no academic freedom in Burma, and the Ministry of Education controls the selection of all faculty and students at universities. No new academic programs or courses can be initiated in the country without government permission. All academic discussions and seminars must be government sponsored, and moderators and university faculty members leading these events are chosen by the regime. The Ministry of Education, Ministry of Science and Technology, Human Resource Departments, and Ministry of Defense regularly organize academic seminars and symposiums affiliated with foreign institutes or governments, under the titles "Social Development," "Economy," "Education," or "Human Resources." Many Burmese scholars are invited to these events and encouraged to "freely" participate and present their papers and research on specific topics. However, all papers and other information presented by scholars at these seminars are banned from public distribution, and reports from these seminars are generally ignored by the military authorities once the event is over. (Source: *2002 Education Report*, ABFSU, May 2003)

In their *Country Report on Human Rights Practices - 2003*, the United States Department of State indicated, "The Government continued to restrict academic freedom severely... The Ministry of Higher Education routinely warned teachers against criticizing the Government. It also instructed them not to discuss politics while at work." The SPDC further extended their control of schools, as in previous years, by coercing professors and teachers into joining the Union Solidarity Development Association (USDA), the government's civilian mobilization organization. (Source: *Country Reports on Human Rights Practices - 2003*, the Bureau of Democracy, Human Rights, and Labor, 25 February 2004)

University professors are forbidden to say anything critical in their lectures about the curriculum, the education system or the military regime in general. MI and government officials regularly join university meetings to remind academics of these laws and to intimidate them into submission. Members of MI are reportedly present in every classroom to report on teachers or students who speak out against the military regime. All academic articles and papers are subject to censorship, and academic publications cannot be issued, or even distributed within the university, without government permission. Burmese scholars who criticize the Government or contradict government policy are frequently prohibited from publishing articles in their field of study. (Source: *2002 Education Report*, ABFSU, May 2003)

Newsletters, research booklets and academic reviews issued by the departments of various educational institutes have been banned since the start of military rule in 1962. Students are prohibited as well from publishing course reviews and study guides, and only government sponsored textbooks on these subjects are available. Students are also discouraged from undertaking research and writing outside of their coursework. (Source: *2002 Education Report*, ABFSU, May 2003)

Thesis proposals from graduate students studying subjects such as History, Burmese, English, International Relations, and Social Development, must all be submitted to MI and university authorities for approval. A small number of Burmese students are able to pursue graduate studies at universities in Japan and Singapore through scholarship programs. However, officials from the Burmese Embassy reportedly show up to monitor these students' thesis defenses to ensure that none of their research could be interpreted as 'anti-government.' (Source: *2002 Education Report*, ABFSU, May 2003) (For additional information on education in Burma see chapter on about rights of education and health.)

Regime ban on magazine articles by historian

In March, the Censorship Office banned the publication of all articles written by historian, Than Tun. Previous articles by Than Tun had appeared primarily in *Klaya*, a monthly magazine based out of Rangoon. The ban came after the historian had refuted the Government's claims that three white elephants found in Western Burma's Arakan State over the past few years were an omen of coming good fortune for the country. It was also claimed that Than Tun's articles, which had previously focus on Burma's 18th century dynastic history, had made too many references to events that could be applied to the country's current situation. (Source: "Junta Bans Historian's Articles," *Irrawaddy*, 18 March 2003)

11.6 Freedom of Speech and Freedom of Expression

The SPDC restricts freedom of expression in any form. Government reprisals most commonly fall on those who have expressed criticisms of any aspect of the military authority or policies. In 2003, incidents relating to the distribution of leaflets critical to the regime and vocal statements along similar lines regularly resulted in the imprisonment of anyone involved either directly or indirectly.

Subsequent to the 30 May attack on Aung San Suu Kyi and her motorcade near Depayin, Sagaing Division, there was an increase in the incarceration of those who peacefully expressed their views. Most of those involved in these acts were charged under Article 5(j) of the 1950 Emergency Provisions Act, which provides for up to seven years' imprisonment for "anyone who causes or intends to disrupt the morality or behavior of a group of people... or to disrupt the security or reconstruction of stability of the union". This law was applied to similar acts of expression in previous years. (Source: "Myanmar: Amnesty International's Second Visit to Myanmar Official Statement," Amnesty International, 22 December 2003)

Arrest of protesting nuns

On 16 January, two Buddhist nuns were arrested for staging a protest outside of the Rangoon City Hall. The nuns were shouting slogans against the rising cost of living in Burma as well as handing out leaflets calling for the release of all political prisoners and political reforms. The nuns were both sentenced in November at a court inside Insein Prison to terms of 13 years. After the arrest, the two women, who were labeled as "pseudo nuns" by the military authorities, were forced to disrobe and were then tortured. (Source: "Two arrested 'pseudo nuns' received NLD support: Myanmar junta," AFP, 17 January 2003)

SPDC threatens villagers before ICRC missions

On 3 February, in retaliation for speaking to ICRC members about government abuses, two displaced villagers from Laikha Township were beaten by SPDC troops. Military officials met with villagers in public meetings at various villages in Shan State to warn them about speaking about abuses to foreigners. Village headmen were threatened with large fines and up to five years imprisonment as a reprisal for any of their villagers who violated this order. (Source: "No Disclosure to ICRC - Shan State people threatened by Burmese Army Officers," Asian Tribune, 28 February 2003)

The ICRC continued to make visits throughout the year to Shan state, prior to which military officials made repeated threats to the local civilians. Some villagers of particular concern were ordered to leave the area during the visits. According to refugees who fled to Chiang Mai, Thailand after the ICRC's second visit in January, two villagers were beaten by military personnel until they were "bathed in blood". After the ICRC's third visit in June, 2 other villagers were taken from their home and never seen again. As a result of these military reprisals, some Shan families left their homes and headed for the Thai border. (Source: "Red Cross visits Shan area 4th time," Shan Herald Agency for News, 9 September 2003)

Villagers trained to lie to international monitors

On 16 February, government officials held a seminar at Yong-Dong village, Mudon Township, Mon State, where they informed locals how about to "communicate" with international organizations and cover up evidence that could incriminate the military and authorities. Over 100 USDA members attended the training and one claimed that, "We are told not to tell the truth about forced labour to international organizations... It's a course in how to lie to people who ask questions." (Source: "USDA train villagers to lie to international institutions," IMNA, 27 February 2003)

Discovery of listening device

On 22 March, UN Special Rapporteur for Human Rights in Burma Paulo Sergio Pinheiro abruptly ended his fifth mission to investigate the situation of human rights in Burma after he found a listening device hidden in a room where he was interviewing political prisoners. Despite having been granted permission to freely conduct his activities, Pinheiro discovered the listening device during an interview and therefore cut short his mission four days earlier than he had originally intended. He also stated that he felt very angry and disappointed as a result. (Source: "UN rights envoy cuts short Myanmar visit after bugging incident," AFP, 24 March 2003)

Protest in front of British embassy

On 4 April 2003, after a two man protest outside of the British embassy, eight students were arrested and one fled into the embassy. The protesters were members of the People's Students' Oway Front. During the protest they waived red flags marked with the fighting peacock symbol and shouted slogans. The seven other members were arrested because of their association with this group, despite their lack of direct involvement in the protest. The People's Students' Oway Front had earlier released statements calling for the release of political prisoners. (Source: "Eight students arrested over embassy protest in Myanmar, exiled group says," AFP, 6 May 2003)

Police dismissed for discussing Depayin Incident

On 13 June, six police officers from Khamaunggyi police station in Kawthaung Township were detained. This happened after the men had gotten drunk in June and loudly voiced their complaints about the incident at Depayin. Prior to that time, the men had been warned by senior police officers about discussing their views on the subject. On 3 August, the officers were dismissed from service and sentenced by a police tribunal to one year of hard labour. The arrested officers were: Police Superintendent Thein Win, Police Sergeant Tin Tun, Police Corporal Khin Maung Win, Police Privates Zaw Zaw, Zaw Zaw Aung, and Myo Zaw Oo. (Source: "Six Policemen Dismissed for Discussing 30 May Incident," DVB, 13 August, 2003)

Restriction of ethnic minority expression

In mid-June, SPDC officials visited Wa leaders in Panghsang, Shan State and reportedly warned them not to contact the NLD or other political groups, or to speak out about Daw Aung San Suu Kyi's imprisonment.

On 1 July, however, seven ethnic ceasefire groups including the Kachin Independence Organization, New Mon State Party, Kayan New Land Party, Karenni National People's Liberation Front, Shan State Nationalities People's Liberation Organization, Paulaung State Liberation Organization, and Shan State Peace Council wrote to Senior General Than Shwe in a joint letter expressing concern about the 30 May incident at Depayin.

On 18 August, it was reported that Lt-Gen Thura Shwe Mann had met with other ceasefire group leaders in Kachin State; including U Za Khom Thain Yain, the chairman of New Democratic Army – Kachin (NDAK) in Panwa and, U Lamung Tu Jai, the chairman of Kachin Independent Organization (KIO) in Loinza. It was reported that ethnic leaders were told again in these meetings not to publicly express anything regarding the 30 May attacks. (Source: "Gen. Khin Nyunt meets ceasefire groups' leaders," DVB, 19 Aug 2003)

Released prisoners silenced

Between 26 June and 24 July the military regime claimed that 91 political prisoners held in conjunction with the 30 May attack on the NLD had been released. These released prisoners were required to sign contracts stating that they would not discuss anything about the events of 30 May. This form of conditional release is consistent with the SPDC's regular practice, though it is not applied in all cases. (Source: *Released Prisoners Given a Silence Order, Irrawaddy*, 24 July 2003) (See chapter on arbitrary arrest for more information about the situation of political prisoners.)

Arrest of shopkeeper

On 7 July, a shopkeeper from Mandalay was arrested after he refused an order from police to remove a photo of General Aung San and Daw Aung San Suu Kyi that was hanging in his shop. He was later released on the same day but was ordered to check in with police every month. It was also reported that schools in Mandalay were forbidden to display photos of General Aung San. (See section 11.9 Personal Account, below.) (Source: HRDU, September 2003)

Youths arrested for distributing Leaflets

On 23 August, NLD youth members from Kemmendine Township were arrested after handing out leaflets protesting the events of 30 May and the military's refusal to implement democratic reforms. The leaflets were copies of a widely disseminated letter that was sent to the Committee Representing the People's Parliament (CRPP). (Source: "Burmese Youths Arrested for Distributing Leaflets on May Clashes," DVB, 23 August 2003)

On 5 September, members of the NLD Youth Wing, Ko Thein Naing Oo and Ma Tin Tin Nyo from Dala Township were both sentenced to seven years in prison after having distributed leaflets referring to the 30 May incident near Depayin, Sagaing Division. The two

youths were charged with allegedly attempting to incite the people to revolt under Act 5(j). (Source: "NLD Youth Sentenced," DVB, 16 September 2003)

At the end of September, seven youths were arrested in Rangoon after reportedly handing out pamphlets denouncing the SPDC's 'Roadmap to Democracy'. The pamphlets were copies of a statement released by the All Burma Student Democratic Front (ABSDF). (Source: "Seven Students Arrested in Myanmar Capital: Dissident Group," AFP, 23 October 2003)

On 17 September, the SPDC sentenced Ko Myo Khin, the head NLD youth member from Yankin Township, who had been detained on 3 June, to three years imprisonment. Ko Myo Khin along with three other NLD youth members wrote a letter the day after the 30 May attack at Depayin, urging the regime to reopen the NLD Headquarters. (Source: "Democracy Party Youth Leader Sentenced to Three Years in Jail," DVB, 26 September 2003)

On 3 October, two youths were arrested while traveling to Kinmunchone Village in Kayan Township, Rangoon Division. Yankin Township NLD youth member, Ma Myint Myint Soe and former political prisoner, Ko Han Win Aung were detained by MI. Ko Han Win Aung was reportedly arrested because of his earlier involvement in distributing leaflets critical of the SPDC's 'Roadmap'. Ma Myint Myint Soe was apprehended because she happened to be traveling with Ko Han Win Aung at the time. The two individuals were taken to Insein Prison. (Source: "Youths Arrested For Planning To Distribute Anti "Road Map" Leaflets," BBC, 19 October 2003)

According to the U.S. Department of State, throughout the year, the Government arrested dozens of others for distributing anti-government leaflets, including Thet Naung Soe, Nandar Sit Aung, Zaw Lin Tun, Kyaw Soe Moe, Kyaw Kyaw, and Win Ko. (Source: *Country Reports on Human Rights Practices - 2003*, the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

Solo protest by ex-soldier

In September, 46-year-old Phone Aung was arrested after staging a solo protest outside of the Rangoon City Hall, where he had stood with a piece of paper hanging from around his neck. The paper demanded political reforms and the release of all political prisoners. In December, he was sentenced to seven years incarceration by a court inside Insein Prison. (Source: "Myanmar democracy demonstrator sentenced to seven years in jail," AP, 12 December 2003)

11.7 Freedom of Expression in the Arts

Writers, poets, filmmakers, actors, musicians, painters, and other artists in Burma are subjected to numerous restrictions which seriously inhibit their freedom of expression. The heavy censorship of the Press Scrutiny Board restricts any artistic expression that might be distributed to repeated themes and only permits the distribution of works whose content refrains from any challenge to the status quo. The censorship board ensures that nothing produced in Burma or imported from outside the country can be interpreted as "anti-military" or "western-influenced" which could be detrimental to "national security" or "culture." The SPDC grants large subsidies, awards, luxuries, and chances to go abroad on artists who choose to be pro-military and who stay away from expressing any ideas deemed political. Artists who fail to fall in line with government policy are isolated and unable to get their artistic work published, distributed, or displayed. Many well known writers and artists are currently living in exile due to the content of their artistic expression.

SPDC dominance of literary gathering

From 6 to 17 January, the Literature and Journal Association, an SPDC run organization, ran a series talks and presentations in Shan State. These dates fell in the Burmese month of Pyatho, during which literary compositions were traditionally celebrated. These talks were given in the cities of Thipaw, Kyawt Me, Lasho, Muse, Kwan Lone, Tant Yan, Lawt Kaing, and Ho Pan. Prior to the events, the local SPDC officials in each city gave talks to the audience in order to disseminate government-sanctioned viewpoints. (Source: "Burmese Literature and Journal Group Will Hold Literature Talk in Shan State," *Mizzima News*, 5 January 2003)

Censorship of Film and Television and Restrictions on Actors

Filmmakers in Burma are required to submit their scripts to the Press Scrutiny Board, and the censorship boards are notoriously sensitive about what might be interpreted as "anti-regime." Filmmakers in Burma are restricted in how much film they can buy, and after the shooting, the completed film must again be approved by the censors before it is released. Filmmakers are also required to occasionally produce government propaganda films. Actors who work in these films receive benefits and recognition. It has been the case that actors who have participated in pro-military films have won the Burmese Academy Awards. It is also common for actors to be seen in posters or TV specials, which promote the army. Beautiful young female actors dressed in military uniforms appear on calendars saying, "We're with you!" Such actors are given opportunities for great popularity and wealth.

The two television stations in Burma are known for their overt endorsement of the military regime, and most of the programming is dedicated to showing the "achievements" of the military. There are a limited number of Chinese TV programs and foreign cartoons which make their way onto the airtime. Foreign films are also subject to censorship.

Censorship of Music and Musicians

Musicians face many difficulties in finding ways to express themselves through their music in Burma. The economic situation has made music a formidable occupation as instruments and music lessons are prohibitively expensive for all but the wealthy military and business elite, and finding venues at which to play is difficult. Lyrics to music are put through the same censorship as other writings, and even the musical style itself is often censored. Rock and Roll music is now common in Burma, and other western influenced styles, such as rap, are making their way in, but most western music is not widely available. Instead, Burma has an active "copy" industry, where original western melodies are converted into Burmese lyrics deemed un-harmful to the regime or the "national culture." The regime continues to monitor dress styles of musicians, and forbids them to dance on stage. The regime encourages (through the offering of privileges) musicians to sing government and pro-military songs and to perform at government sponsored events. Those who attempt to refuse are threatened with not being able to have their music produced.

Censorship of Painting, Photography, Sculpture, other Visual Arts, and Performance Art

Painters, photographers, sculptures, and other visual artists are also subjected to military scrutiny. As visual art played an important role in the 1988 uprisings, the regime has taken efforts to put an end to art deemed 'revolutionary.' After the military reestablished power in 1988, the fine-arts building at Rangoon University was destroyed and the fine arts program discontinued. Today it is only possible to study visual arts under private tutorship, or at the Cultural University (CU) in Rangoon. The CU, a military institute, is a prime example of the situation of artistic expression in Burma. According to an ABFSU report, 'The Current Education System in Burma', the CU only accepts 100-150 students per year, who are all required to be USDA members. The authorities at the Cultural University admit students according to such requirements, without first learning of the applicants' artistic abilities. In addition, the Minister of Culture of the SPDC has told CU students that if they do not participate in any student strikes or demonstration, the regime will ensure them positions as officers in government administration. At the CU, students of Music and the Dramatic Arts are denied the chance to study international music and western plays, due to prohibitions from the military regime. The professors, lecturers and schoolmasters of the university are academics from the elite military society and military servicemen.

In her book, "Living Silence," author Christina Fink reports that in Burma, art exhibition organizers are required to submit a detailed written description of each of the art items to the Information Ministry prior to any art exhibition in Burma. Then, before the exhibition opens, the authorities come to do a final inspection. If any of the art pieces are considered to be "subversive," the art is not only taken down or away, but also stamped "censored" on the art work itself.

Performance art in Burma has also been restricted. The SPDC has promoted dance as part of its campaign to retain "national culture," yet dancers are only given career opportunities in such government sponsored campaigns or events. Comedy also suffers under the military eye, and comedians who make jokes, however innocent, that are considered to be "disruptive" are often threatened, interrogated, or even detained

11.8 Control of Computer Technology and Communications

Telecommunications in Burma

Telephones have greatly increased in Burma over the last decade but they still remain relatively limited outside of cities. There is approximately 1 phone for every 200 people, with this ratio rising in rural areas. The use of mobile phones in Burma has steadily increased since their introduction in the 1990s. In 2003, the US State Department reported that "[government] security personnel regularly screened private correspondence and telephone calls," (source: *Country Reports on Human Rights Practices - 2003*, the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004). The SPDC also maintained heavy control of all electronic communication equipment through the use of licensing and rationing policies. The possession of unregistered equipment such as telephones, fax machines, or modems was punishable by imprisonment and/or a fine. The law regulating this was enacted in 1996 and those found guilty of transgressing it can face up to 15 years imprisonment. (Source: "Internet Censorship and Burma: Does the End Justify the Means?" *Wired*, 18 March 2003)

Though laws, such as the Burma Wireless Telegraphy Act 1933 (see above), are already in place to control the use of telecommunications equipment, the SPDC began in May 2003 to draft a new communications law which would further serve to regulate the slight, but growing, use of telecommunications equipment and services. (Source: "Myanmar Drafts New Communications Law," *Xinhua*, 6 October 2003)

Deliberate tampering of civilian phone lines

On 28 January, during a phone conversation with British Foreign Office Minister Mike O'Brian, Aung San Suu Kyi's phone line was cut after repeated interference. There had been recent reports of deliberate interference with Aung San Suu Kyi's phone line preceding this event. (Source: Foreign Commonwealth Office, UK, 28 January 2003)

The Internet and Electronic Mail in Burma

The Internet was officially introduced in Burma in January 2000 when the Ministry of Post, Telegraph and Communications became the sole internet provider in the country. Initially, to connect to the Internet, individuals and businesses first had to obtain a license from the ministry. This was extremely difficult for the average citizen, as priority was first given to government officials and organizations, then to foreign embassies and foreign businesses, and finally to favored local businesses. In March 2002, Bagan Cybertech, a "semi-government" company run by the son of the Military Intelligence chief, Lt. Gen. Khin Nyunt, and its private joint venture partner, Maykha, began offering public e-mail accounts and restricted internet access. Overall this has done little to democratize internet access, as the company requires that customers pay an installation fee of US\$ 260, which puts access out of reach for most of the population who make an average of about US\$ 15 a month. As of 2003, over 20,000 people had registered for e-mail accounts through Bagan Cybertech.

In Burma it remains illegal for companies to operate unlicensed private computer networks connected to their overseas offices. On 10 July 2002, the Ministry of Post, Telegraph and

Communications issued an order stating that companies must obtain permission to establish such networks which could be used to connect to the Internet. Those found to be in violation of this order can face from 7 to 15 years in jail (source: AP). The Government also monitors the content of e-mails for any "anti-nationalistic" sentiment. At the beginning of 2000, the Ministry of Post, Telegraph and Communications issued regulations for the Internet in which any mention or discussion of politics was explicitly banned.

Through Bagan Cybertech, public users are allowed to send and receive e-mails and have access to about 900 web sites. One sales manager for BaganNet said that in the future they will try to open up more sites requested by subscribers, but only if this is cleared with the board members, who are members of the military elite. Sales manager Ye Htut stated, "Internet users will be able to access all web sites except free e-mail and sites which could have an ill-effect on Myanmar culture." Sites currently accessible include computer-related sites, corporate websites for hotel chains, airlines, international banks, electronics companies, sports sites, a few foreign universities, the World Bank, the International Monetary Fund, and Nasdaq. However internet users are blocked from access to any international news sites, web-based e-mail accounts or search engines. At present some companies and NGOs which have close ties to the Government are being allowed to apply for accounts that will allow them unrestricted internet access. However it is unknown whether or not this permission will be granted by the Government. Prices for these accounts are very steep, at US\$ 500 for installation charges, US\$ 300 in annual maintenance charges, as well as regular monthly charges.

One law, enacted in 1996, bans the use of the Internet to "undermine the state, law and order, national unity, national culture or the economy." Those who transgress this law risk up to 15 years in jail. The rules also ban any online material considered by the regime to be harmful to the country's interests and any message that directly or indirectly jeopardizes government policies or State security secrets. (Source: "Internet Censorship and Burma: Does the End Justify the Means?" *Wired*, 18 March 2003)

On 10 March 2003, the first two public internet cafes were opened up in Rangoon where users pay 1,000 kyat for an hour of online access. Bagan Cybertech stated that they would be offering e-mail accounts through these two cafes in the near future. Users were required to register their name, identification number and contact address on their first visit to either of these locations. (Source: "First Internet Cafes Launched," *Irrawaddy*, 21 May 2003)

11.9 Personal Account

Source: Interviews by Human Rights Documentation Unit
Interview date: 15 September 2003
Name: U Lay Phyu (not real name)
Sex: Male
Ethnicity: Burman
Religion: Buddhist
Marital Status: Married

I work as a mirror frame maker in my own shop. I assigned my son Maung Zin Aung (not real name), as the person responsible for my shop because I cannot work any more, as I am becoming old and unhealthy. I basically handed my job over to my son and I usually stay at home and relax.

On 7 July 2003, at approximately 9:00 am, an SPDC car arrived and stopped in front of our shop. Three soldiers got out of the car and walked forward to my shop. One of them was a General but the other two were normal soldiers who did not wear uniforms. They entered my shop through our alter room without permission. They took down the photo of General Aung San and Daw Aung San Suu Kyi that we had hanging on the wall near our alter without reason.

After they took it down, these unidentified men had an argument with my son Maung Zin Aung.

The General said, "Don't put these photos on the wall."

Immediately, my son Maung Zin Aung replied, "Why can't we put these photos that my father cherishes and feels strongly attached to on the wall?"

They handcuffed Maung Zin Aung and scolded him saying, "We don't want to see shopkeepers keep these kinds of photos anymore." They asked Maung Zin Aung, "Are you Aung San Suu Kyi's supporter?"

It was at this point that I arrived in my shop.

"What is wrong with my son that you have handcuffed him?" I asked the unidentified men.

The General said, "We have come to take down these photos as our commanding officers ordered."

"You don't need to take down the photos of Aung San Suu Kyi and her family in our shop." I added, "We have had these photos for over 40 years. Furthermore, Aung San Suu Kyi is a leader chosen by and representative of the public, so we keep her photo and respect her."

After I said this, the General asked me to follow them.

"I can follow you if you un-cuff my son's hands," I replied.

After they un-handcuffed my son, they took me to an investigation camp which is run by the Military Intelligence. I met with two unidentified higher ranking MI officers. They started interrogating me as soon as I arrived. They forbid me to put Daw Aung San Suu Kyi photos in my shop. Instead, they offered me a new suitable place where I could make a shop or a home. They threatened that my shop would be closed and I would be detained if I did not obey their orders. I objected that we have been taking care of these photos since I was child as Aung San Suu Kyi is a daughter of our General Aung San and I do not know what my mistake was.

The MI commanders raised one more question saying, "Are you involved with the political parties?"

I absolutely have never been involved or interested in politics. Then they said, "We trust you and are just telling you not to put these photos in your shop again but we will give you a new place (to live). We have to tell you about this because of the commanding officers' order. "

I said, "I do not accept your offer and I will continue to hang these photos in my shop. You can arrest me if you want."

Finally, the MI officers ordered me to come to their camp once a month to sign a promise that I am following their orders. Then they released me.

Maung Zin Aung., son of U Lay Phyu, with unhappiness, said that nowadays many of the generations in Burma have never seen a photo of General Aung San, which he was able to see when he was in school.

12. The Freedom of Movement, Assembly and Association

12.1 Background

Throughout 2003, the State Peace and Development Council (SPDC) continued to restrict, monitor and interfere with the movement of the people of Burma, especially in border areas. Similarly, the rights to assembly and association continued to be effectively denied. In 2002, there were rising hopes for improved conditions for these rights when Aung San Suu Kyi was released from house arrest and the National League for Democracy (NLD) was allowed to reopen offices around the country. Yet, the feeling of optimism was not long lasting as Aung San Suu Kyi and the NLD were subject to intense harassment during their tours around the country in the first five months of 2003. The SPDC's true attitude towards the freedom of assembly and association was clearly illustrated on 30 May when the State sponsored Union Solidarity and Development Association (USDA) led an organized attack on Aung San Suu Kyi and NLD supporters. The attack resulted in the re-imprisonment of Aung San Suu Kyi and many other leaders of the NLD. At the same time, NLD offices across the country were closed and assembly for opposition political activities was effectively banned.

There has been overall a notable absence of the freedoms of assembly and association throughout the period of military rule in Burma, especially since the 1988 coup and formation of the State Law and Order Restoration Council (SLORC). Under the SPDC these freedoms have been further restricted, and labor unions, student unions and private civic associations have all been banned. Through its extensive intelligence network and administrative procedures, the SPDC systematically monitors the travel of all citizens, especially the movements of politically active people in the country. All residents in Burma are required to carry national identity cards, showing their citizenship status, normal place of residence, date of birth, name of father, and so on. Since 1990 these cards have also been required to contain information on the holders' ethnicity and religion. All residents and citizens of Burma are required to apply for these cards, with the exception of the Muslim Rohingya minority, who are not considered citizens by the government (see chapter on religion for further information). As possession of these national identity cards is mandatory in order to buy train or bus tickets, to register with a local council outside one's normal place of residence, to vote in any future election, or to enroll in institutions of higher learning, those without such cards face severe restrictions on their freedom of movement.

Citizens with proper identification are able to travel freely within the country except for limitations in areas of ethnic armed activity. However, there is the requirement that any person who spends the night at a place other than his registered domicile must inform the police in advance, and that any household that hosts a person not domiciled there must submit to the police a guest list. The name of the overnight guests must be reported to and registered with the local authorities. SPDC Order 1/90, issued on 22 May 1990 stated: "action will be taken against all those who fail to report people illegally residing in their home."

Authorities sometimes enter homes during night hours to check registration documents of occupants, as part of government efforts to monitor people's movements. Security forces also

commonly search private premises and other property without warrants. In addition, curfews have also been enforced in parts of Burma.

12.2 International Travel

Leaving the country legally requires the possession of specific government authorization, which it is extremely difficult to obtain. The SPDC carefully scrutinizes prospective travel abroad. This produces rampant corruption as many applicants are forced to pay large bribes to obtain passports to which they are otherwise entitled. According to the US Department of State, applicants for passports and exit visas had to pay approximately 300,000 kyat, which is comparable to an annual salary. In addition, single women under 25 years of age were reported to have paid up to 1,000,000 kyat or \$1,000 US. The official board that reviews passport applications denies applicants in some cases solely on political grounds. All college and higher education graduates who obtain passports (except for certain government employees) are required to pay a specific education clearance fee to reimburse the government for the cost of their education. The authorities on occasion restrict the issuance of passports to young women applicants seeking work abroad, reportedly to prevent young women from being enticed to travel abroad for jobs in the commercial sex industry. Burmese citizens are required to return their passports to the authorities each time they re-enter the country, and a new passport application must be submitted each time they want to travel outside the country.

12.3 Restrictions on the Movement of Women

Throughout the 1990s, Burma received increased international attention regarding the situation of human trafficking of women and girls into the sex industry. As a result, the SPDC has imposed stricter regulations for women's travel, both domestic and international, which are ostensibly to prevent the trafficking of women. Due to a great deal of international media attention on the trafficking of women in Shan State, women between the ages of 16 to 25 in Shan State are restricted from traveling without the company of a guardian. In some other border areas, it is compulsory for women to possess a special permit when traveling between towns. Women under the age of 25 are particularly restricted from traveling abroad unless accompanied by a guardian. Unmarried women also face enormous difficulties obtaining passports. Women are also banned from marrying foreigners, which the SPDC alleges is a measure to stem human trafficking. (Source: Belak, Brenda, *Gathering Strength: Women from Burma on Their Rights*, Images Asia, January 2002)

At the end of 2002, the SPDC reportedly formed "Human Trafficking Prevention Committees" in various states and divisions to monitor the movements of both men and women between the ages of 16 and 25. The SPDC claimed that these committees would help prevent the movement of women into the sex industries of neighboring countries. At the same time, concern has been expressed that these committees will do more to limit freedom of movement and expression than to deter trafficking.

Despite all of these restrictions, hundreds of thousands of young women from Burma travel to neighboring countries because they find it difficult or impossible to make a living in Burma. More often than not, these young women travel with the assistance of a broker or by

paying heavy bribes to officials along their journey. In many cases, the heavy restrictions on women's movement have made little difference except to make travel more expensive. Restrictions on women's movement also forces many to rely on traffickers to whom they often have to pay even higher fees and are put into a compromising and powerless position rendering women more vulnerable to exploitation and abuse. In effect, the SPDC's alleged anti-trafficking measures serves to create the need for women to utilize the services of traffickers due to their inability to move freely.

12.4 Restriction on Movement of Migrant Workers to Thailand

On 13 October 2001, a law came into effect which imposed harsh penalties on those seeking to leave Burma illegally. This is part of an effort by the regime to stem migration flows. Large billboards have been erected in many townships accusing those who wish to leave Burma of "fleeing the country". Checkpoints near border areas such as Myawaddy, Karen State reportedly even have orders to turn back young people to stop them from migrating. Ironically, money repatriated by these workers is crucial in helping many people in Burma to survive. Despite the SPDC's laws attempting to deter migration, there is an estimated one million Burmese migrant workers in Thailand.

Throughout 2003, the border with Thailand remained open and relations between the SPDC and Thai government continued to improve. The product of their relationship has been increased cooperation on many issues including regulating Burmese migrant workers in Thailand. In June 2003, Thailand and Burma signed a Memorandum of Understanding (MoU) through which 400 illegal workers would be officially deported each month to the SPDC reception center in Myawaddy, Karen State. Since August 2003, when the MoU was implemented, 400 illegal Burmese migrant workers have been deported each month in this process. The increased participation of the SPDC in the deportation process has raised concerns of augmented persecution of those that are sent back to Burma (source: *Out of Sight, Out of Mind*, Human Rights Watch, February 2004). Moreover, there are no international organizations conducting regular independent monitoring of the conditions at the reception center. The International Committee of the Red Cross (ICRC) is the only organization, which has been able to visit the reception center on both deportation and non-deportation days in coordination with the Burmese authorities.

The reception center in Myawaddy was established following a MoU reached with Thailand in November 2001, through which the SPDC agreed to establish a series of reception centers to facilitate the deportation of migrant workers back to Burma. Currently the only center to be operational is the one located in Myawaddy, across the border from Mae Sot, Thailand. At this center, deportees go from table to table to be screened by five different state branches. These include the Ministries of Health and the Interior, the police, the immigration authorities and the army and/or DKBA. The deportees are photographed and have their fingerprints taken. These are then checked against existing files. Under SDPC Regulation 367/120-(b) (1), those who have emigrated illegally may be subject to up to seven years imprisonment (source: *Out of Sight, Out of Mind*, Human Rights Watch, February 2004). Yet, most are reportedly transported back to their hometowns and there made to sign a pledge to the local authorities that they will never attempt to illegally migrate again.

Members of opposition groups based along the Thai–Burma border fear and report that former pro-democracy activists who have recently surrendered to the SPDC identify returned migrants suspected of being involved with opposition groups who are then handed over to military intelligence. Deportees are also subjected to a mandatory blood test without any explanation at the reception center. This test is used to check migrants for a number of communicable diseases such as HIV/AIDS, Malaria, TB, and Sexually Transmitted Diseases. A number of human rights organizations have protested this mandatory HIV/AIDS testing, and the reported separation of 20 individuals who tested positive for HIV/AIDS. Such mandatory testing contravenes UN HIV Principles and Guidelines to which both Thailand and Burma are signatory. (See Section 12.14 for an interview with a Burmese migrant worker who was deported through the reception center in Myawaddy and detained for HIV testing in December 2003.)

12.5 Laws Restricting the Freedoms of Assembly and Association

The most far-reaching law prohibiting free association and assembly is Order 2/88, which the SPDC (then SLORC) issued on the day it assumed power. This law outlaws strike centers and the gathering of more than five people in one place. While this law has not often been enforced, there are many other laws which have. The most frequently used law is the 1908 (1957) Unlawful Association Act which allows for the detention of up to five years of anyone who is a member of or assists in any way an association outlawed by the regime. A number of organizations, including political parties, student unions, profession groups, religious associations, as well as armed opposition groups, have been declared illegal under this Act. This Act contravenes international human rights standards; and its incompatibility with international standards is underlined by the arbitrary, indiscriminate, and heavy-handed manner in which it is applied, usually to suppress peaceful dissent.

The Law on Formation of Associations and Organizations or Law No. 6/88 of 30 September 1988, defines an organization or association as an “*organization, union, party, committee, headquarters, syndicate, front,...or similar association and organization that may not have a name but is composed of a group of people for a purpose or program.*” All organizations which fit into this description are required to obtain permission to function, without which they have no right to operate. If denied permission, members of an organization may be subject to up to three years imprisonment. (Source: *Myanmar; Justice on Trial*, Amnesty International, 30 July 2003)

Order 1/90 was issued on 22 May 1990 to remind people that “action will be taken against all those who fail to report people illegally residing in their homes.” Under existing laws any person not normally residing in a house who stays for one night or more must be registered at the local township office. This order threatens to charge persons failing to do so under section 124 of the criminal code, “for failing to disclose to the authorities concerned either an act or a conspiracy that amounts to high treason.” The order was issued following the arrest of two members of the ABSDF after they had been hiding in Rangoon for some time. Another regulation, SLORC Order 1/91, issued on 30 April 1991, prohibits public servants from engaging in party politics.

Since July 1998, the SPDC has used section 5/1(g) of the 1961 Habitual Criminal Offenders Act against NLD MPs in order to restrict the activities of the NLD. This act puts repeat offenders on permanent probation, forcing them to sign up with local authorities on a daily basis. This 1961 act was intended to be applied only to monitor and restrict habitual criminals and not to limit, monitor and control political activity. The SPDC has misapplied this act, and has used it to issue restraining orders against NLD MPs. These orders, which force MPs to remain within a prescribed area, violate the provisions of the Universal Declaration of Human Rights.

In 2003, the military junta continued to restrict the right to assembly and association except for government approved organizations such as the USDA. The Government continued to harass the NLD and coerce members to abandon the party or deter them from gathering to listen to speeches given by Aung San Suu Kyi. Following the events of 30 May, the NLD was restricted from all assemblies and gatherings. The Government hindered religious gatherings as well. Government approved political parties were required to seek authorization prior to conducting meetings or assemblies.

12.6 Restrictions on Foreigners in Burma

As the military government aims to promote tourism, restrictions on travel within the country for foreigners have been moderated. Foreigners wishing to travel as tourists in Burma are usually able to obtain one-month visas within 24 hours from Burmese embassies abroad. In September, it was reported that Burma would launch an electronic visa system, which would allow travelers to obtain visas over the internet within 36 hours. The main server for the online visa service would be maintained by the Ministry of Foreign Affairs with the cooperation of the Intelligence and Immigration Departments. Burma would be the first Southeast Asian nation to utilize the e-visa system (source: "Myanmar to Introduce E-visa System," Xinhua, 16 September 2003). In addition, at the beginning of the year, the SPDC indicated plans to grant visas on arrival for travelers on certain airlines (source: "500,000 Foreign Tourist Visit Myanmar in 2002," Xinhua, 24 January 2003). Yet, despite the ease of restrictions, military intelligence continued to monitor the movement of foreigners within the country and to question citizens about conversations with foreigners. In addition, the Government required foreigners and local inhabitants to obtain permission before leaving the country. Diplomats were exempt from this rule.

Select categories of applicants, such as foreign human rights advocates, journalists and political figures continue to be denied entry visas unless traveling under the agency of a sponsor and with a purpose acceptable to the SPDC. In 2003, some foreign diplomats or Rangoon based NGOs were required to obtain advanced permission from the government before traveling outside of Rangoon. This requirement was remitted for the International Labor Organization (ILO) during the year.

International Non-governmental Organizations (INGOs) are subjected to monitoring and restrictions by the SPDC. In order for INGOs to operate programs inside Burma, they must obtain MoUs from top generals in the SPDC (an exception is the INGOs which are in Arakan State under the UNHCR mandate for the Rohingya repatriation). One of the restrictions in these 'MoUs' states that "... (NGO) representatives and personnel shall not interfere with the political and religious affairs of Myanmar and shall abide by the laws and regulations of Myanmar." In addition, INGOs conducting field activities were required to have a

government representative on all visits. According to the US Department of State, the authorities required complicity to this rule during periods when the SPDC was concerned with the activities of the democratic opposition. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, United States Department of State, 25 February 2004)

As the Government heavily monitors the activities of INGOs, diplomats, and foreign journalists, Burmese citizens are often heavily questioned, arrested or deterred from having contact with them. This was specifically illustrated this year when the International Committee of the Red Cross (ICRC) conducted missions in accordance with authorization they had received in 2002. The SPDC granted the ICRC permission to travel to areas of eastern Burma, including Shan and Karenni States, to monitor the conditions of villagers and prisoners in prisons and labor camps. During the ICRC visits to Shan State in January, it was reported that villagers were threatened with bodily harm if they shared information against the Government. The Shan Women's Action Network (SWAN) also reported that local officials were ordered to record all questions posed by ICRC representatives. During the ICRC's fourth mission to Shan State, in September, it was reported that local military officials warned villagers not to communicate with the foreigners (source: "Red Cross Visits Shan Area 4th Time," SHAN, 9 September 2003). In addition, ICRC representatives reported a significant military presence in the villages that they visited, causing villagers to be averse to working with them (source: "ICRC on Fifth Trip to Shan Township," SHAN, 30 September 2003). (Please see chapter on freedom of expression for more information.)

The SPDC exhibited their tendencies to monitor the activities of diplomats again in March when the UN Special Rapporteur on Human Rights for Myanmar, Paulo Sergio Pinheiro made his fifth mission to investigate the situation of human rights in Burma. Despite the fact that SPDC authorities had granted him permission to conduct his activities, a bugging device was found hidden in the room when he was conducting interviews with political prisoners on 22 March. The mission was concluded 4 days earlier than planned and Pinheiro left Burma indicating that he was very angry and disappointed with the Government of Myanmar. Prior to his arrival, Pinheiro had sought assurances from the SPDC that he would be allowed to go anywhere and meet with anyone. Moreover, the SPDC had also agreed upon the terms of privacy when Mr Pinheiro met with political prisoners. While the SPDC indicated to Mr Pinheiro that they agreed to his terms, their actions were clearly contrary to that agreement (source: "Bugged UN Envoy Departs with Vow to Pursue Mission," *Bangkok Post*, 26 March 2003).

12.7 Restrictions on Political Parties

In 1988, political parties were allowed to form for the first time in decades. Over 200 such parties were formed, yet as of 1993, following the 1990 elections which were never honored, only 7 remained legal. Notably, among the first parties to be de-registered were those which represented ethnic minorities and those which had collectively called for a federal constitution in their party manifestos. However, some of the parties which were formed by the ethnic minority groups that had made cease-fire agreements with the SLORC between 1989 and 1993 were removed from the list of "unlawful associations." In 2003, there were 10 legally registered political parties, most of which were inactive.

In the beginning of January, the SPDC officially refused to acknowledge the United Nationalities Alliance (UNA), which is comprised of eight national race political parties which won seats in the 1990 elections. While the SPDC had indicated on several occasions that they would not recognize the party, this was the first time that SPDC officials made a statement and had military intelligence officials warn UNA leaders. The UNA is comprised of the Arakan League for Democracy (ALD), Chin National League for Democracy (CNLD), Kachin State National Congress for Democracy (KNCD), Karen National Congress for Democracy (KNC), Kayah State all Nationalities League for Democracy (KNLD), Mon National Democratic Front (MNDF), Shan Nationalities League for Democracy (SNLD), and Zomi National Congress (ZNC). The statement came at the same time as increased USDA pressure on the NLD causing concern over the possible consequences to the UNA activities. (Source: "Burmese Authorities Refuse to Recognize United Nationalities Alliance," DVB, 13 January 2003)

In February, the SPDC issued a statement calling for the cooperation of all 10 legal political parties as the country moved toward democracy. Despite this call for unity, reports of harassment on political activities and political parties, particularly the National League for Democracy, were reported throughout the year. (Source: "Myanmar Govt Urges Political Parties to Help Democracy Transition," Xinhua, 13 February 2003)

12.8 Prohibition of Free and Independent Trade Unions

In 2003, there were no free trade unions in Burma despite the fact that under the 1926 Trade Unions Act, workers may form trade unions with the authorization of the Government. In addition, Burma ratified the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) in 1955 and is bound, as an ILO member, to apply the principles of freedom of association. However, the SPDC has been criticized for not bringing its laws into compliance with Convention No. 87 by refusing to recognize independent trade unions and harassing workers who attempt to organize.

Several of Burma's laws relate to freedom of association and union organizing, but each is inconsistent with international standards and ignored in practice. The SPDC does not recognize any independent labor unions in Burma. Rather, civil servants, who form the majority of the white collar work force, are compelled through various coercive means, to join the Union Solidarity and Development Organization. The SPDC actively suppresses attempts by workers to organize, and workers who try to form or join such unions are liable to be harassed, arrested and tortured. They are also under constant surveillance by the police and military intelligence

12.9 The Union Solidarity and Development Association

The Union Solidarity and Development Organization (USDA) recently gained international attention for its role in the harassment of Aung San Suu Kyi and the NLD. Most notably, the USDA has been recognized for its lead role in the violent attack on the NLD near Depayin, Sagaing Division on 30 May 2003 (please see section below on the freedom of movement of the NLD for more information). The USDA has often been employed by the SPDC to intimidate and obstruct Aung San Suu Kyi on her visits around the country or to engage in activities such as defacing NLD billboards. Although it is clearly an instrument of the State, SPDC officials utilize the USDA to mask and distance their role in initiating such human rights abuses and to give such actions the appearance of popular grass roots support.

The USDA was formed on 15 September 1993, about two weeks after the SPDC announced that they were holding a national convention to write a new constitution. The USDA is registered with the Ministry of Home Affairs, and although it is not a political party, some claim that it was created to rival the opposition National League for Democracy for popular support. The USDA mandate is to support the activities and policies of the military, and the association was created by the junta to give the illusion that the regime enjoys popular support from its citizens. Membership in the USDA is virtually compulsory for school children, civil servants and anyone seeking the favor of the generals. In 2003, the USDA claimed to have 16 million members (source: Moe, Kyaw Zwa, "Forced Backing for the Road Map," *Irrawaddy*, 22 September 2003).

The organization claims that membership is voluntary, and that the purpose of the association is essentially social, yet even at the basic and middle school levels, students are pressured to become members. This pressure includes the incentive that if the students have fulfilled their "social" requirements, they receive extra marks on their final examination and recommendations from their schoolteachers. Members of all ages are given social and economic incentives for joining. USDA members have the privilege of attending vocational, language, management and other courses. In October, SHAN reported that the USDA was active again requiring that each village in Kentung, Mongyawng, Monghpyak, and Tachileik choose 5 villages to become new USDA members. The villagers were also required to provide food for the families of USDA members. USDA members were exempted from taxes and other duties ordered by the authorities. A member from Tachilek reported that university students who joined earned at least an additional 20 marks. (Source: "USDA Rises Again," SHAN, 11 October 2003)

Until September 2003, the organization claimed to be non-political, and members were required to stay away from party politics. In September, following an organizational meeting, the Mon State USDA announced that it will become a legal national political party to compete in the elections as according to Prime Minister Khin Nyunt's seven-point road map to democracy (source: "USDA to Become 'Legal Political Party'," DVB, 9 October 2003). Moreover, since its formation the USDA has been directly involved in opposing the NLD, and recently has been involved in organizing events to call for the abolishment of the NLD. USDA members, along with the police and MIS forces have been actively involved in pressuring NLD members to resign, and in coercing or often forcing other citizens to sign papers stating their "loss of trust" in the NLD, the CRPP, and/or certain elected MPs. In another disturbing trend, USDA members and leaders have been increasingly involved in the arbitrary arrests of those suspected to be in opposition to the regime, going along with SPDC and MIS agents, or even sometimes alone. The USDA has also achieved the power that

enables members and leaders to call upon people to "contribute" their labor for free. USDA involvement in forced labor has been especially notable over the last few years.

The USDA claims further to be fully supported by their own businesses, such as the Myan-Gon-Myint Group of Companies. Yet the organization receives the majority of its support, both direct and indirect, from the military regime. In contrast to attacks on the NLD, the military's 'New Light of Myanmar' consistently praises the USDA. In September 2000, Senior General Than Shwe addressed the USDA annual general meeting and praised it as, "a reliable force, serving the historic duty of undertaking tasks in line with our three main national causes..."

The tight relationship between the SPDC and USDA can further be seen through the power and privileges that comes to USDA members. In the past, BSPP members were appointed by the military as Township PDC authorities. Now it is USDA members that are appointed to these prestigious posts.

Examples of Forced Attendance at Mass Rallies

Forced attendance for rallies supporting Khin Nyunt's seven point road map

On 20 September, the USDA organized a rally to exhibit support for Prime Minister Khin Nyunt's 7-point road map plan. The rally took place at Thuwunna Stadium, Thingankyun Township, Rangoon. According to government run media sources, over 15,000 people attended the rally. At the same time, a local resident reported that students and civil servants were ordered to attend the rally, and the USDA organized transportation for people in remote areas. Another local resident indicated that the USDA provided 200 kyat and free lunch to some of the attendants. (Source: "Forced Backing for Road Map," *Irrawaddy*, 22 September 2003)

On 24 September 2003, Maj. Mya Win, the director of artillery from Rangoon headquarters arrived in Tavoy town. He organized all the families from Artillery Battalion No.302, 304, 307 to conduct a demonstration to express support for the 7-point road map, created by Prime Minister Khin Nyunt. (Source: *Monthly Human Rights Situation Report*, Mergui-Tavoy Information Department, KNU, October 2003)

On 25 September, Major Mya Win went to Mergui and conducted another demonstration with Artillery Battalion No. 301, 201, 309, 306, 501 and 401 to show that they support the 7-step road map. (Source: *Monthly Human Rights Situation Report*, Mergui-Tavoy Information Department, KNU, October 2003)

On 28 September 2003, Coastal Region Military Command Commander Own Myint ordered the people in Mergui district to assemble in Mergui's Mya Aeya football ground for a demonstration to show that they support the 7-step road map announced by Prime Minister Khin Nyunt. The commander mentioned that each household was required to send 2 people to attend. If not, they would be charged 500 kyat for the absent number of people. (Source: *Monthly Human Rights Situation Report*, Mergui-Tavoy Information Department, KNU, October 2003)

12.10 Other Social Organizations in Burma

No independent human rights or pro-democracy groups are allowed to operate inside Burma. Those that did in 2003 were able to do so only from outside the country. People in Burma are only allowed to associate with social organizations approved by, and under the control of the SPDC. In addition to the USDA, the government backs its own organizations, and pressures the population to join them. Government sponsored organizations include: The Myanmar Medical Association (MMA), Myanmar Red Cross (MRC), Myanmar Maternal and Child Welfare Association (MMCWA), Myanmar Anti-Narcotic Association, Auxiliary Fire Brigade, Parent Teacher Associations, Women's Welfare Association and the Myanmar Nurses Association (MNA).

The extent to which these organizations, which are located at township levels across the country, are dominated by the SPDC, varies. However, the organizations are generally led by senior officials with military backgrounds, or the wives of senior officials, military officers, or USDA members, as is often the case with the chairpersons of the local MMCWA. Members of these organizations are expected to participate in pro-military and USDA rallies, or anti-opposition rallies, and often the political agendas of the regime have more precedence in the organization than the actual social issues the organizations are supposed to address.

A select number of local NGOs, mostly religious and church-backed organizations, are able to operate limited social programs. However, SPDC laws confine them to religious activities. These groups are not allowed to be registered as non-governmental organizations (NGOs) in Burma and are instead registered under the Ministry of Home and Religious Affairs. This non-NGO status limits these organizations' access to overseas funding and their ability to conduct in-country training with foreign experts. Local NGO programs are also under constant surveillance from the SPDC and SPDC backed social organizations. For the most part, individuals in SPDC controlled areas of Burma who desire to work for their communities have no alternative but to join government sanctioned organizations. (Source: HRW)

12.11 Restriction of Villagers in Border Conflict Areas

Roadblocks and Checkpoints in Conflict Areas

During 2003, domestic travel continued to be monitored and numerous checkpoints existed along all major travel routes. During periods of military operations or political tension, more checkpoints were opened and roads blocked. This was particularly true following the events of May 30 and the attack on Aung San Suu Kyi and NLD members and supporters near Depayin, Sagaing Division. Military officials severely restricted movement to prevent the transfer of information and the possibility of people organizing and protesting (see section on harassment of Daw Aung San Suu Kyi and the NLD for further information).

In areas of ethnic insurgency, there are often severe restrictions placed upon movement. In "brown" or "black" areas, people wishing to leave their villages often must obtain a permission slip from local officials before they can go out to tend their farms, or travel. These permission slips are usually only obtained if a "fee" is paid. In relocation sites, people are often not allowed to return to their land, as they have been warned that anyone moving about

in their former fields and towns will be shot on sight. In addition, it is common for the army to burn houses and place landmines in the former fields and towns of relocated communities to further prevent people from returning.

In July 2002, Amnesty International released a report entitled, *Myanmar, Lack of Security in Counter-Insurgency Areas*. The report noted that despite improvements in some urban centers, human rights abuses committed by the Tatmadaw and its allies against ethnic populations in and next to war zones in Burma continued unabated. These included draconian restrictions of freedom of movement, assembly and association. (See also torture, extra-judicial executions and forced labour chapters). The Shan Human Rights Foundation, Karen Human Rights Group, Human Rights Foundation of Monland, and other human rights organizations documented multiple human rights abuses of villagers suspected of supporting or having connections with ethnic resistance groups. As a result of these heavy restrictions and blatant human rights abuses, many residents in such areas have been forced to abandon their livelihoods, and relocate or migrate in order to survive.

Restriction of Movement of Villagers in Conflict Areas - Partial List of Incidents for 2003

(For more information see chapter on Internally Displaced People and Forced Relocation.)

In May 2003, it was reported that State Peace and Development Council's No.1 Strategic Commander, Col. Soe Thet, who had to shift his frontline HQ to Yahpoo village in the northern area of Yebyu Township (Tavoy District in Tenasserim Division, the southern most region of Burma), ordered villagers to build sentry posts along Ye-Tavoy car-road before 25 May 2003. After the posts were completed, personnel from the Democratic Karen Buddhist Army (DKBA) and the Karen Peace Army (KPA) were posted there. The assigned armed troops allowed vehicles to pass through the gates in the day time (6:00 am - 6:00 pm) only. No vehicle was allowed to travel at night (6:00 pm - 6:00 am) time. The No.1 Strategic Command issued an order that no vehicle was allowed to travel at night (6:00 pm - 6:00 am) on the Ye-Tavoy car-road. Moreover, the villagers were restricted from going out of their houses between (9:00 pm - 6:00 am). The villagers were required to construct fences around their concerned village and to leave only 2 openings for entering and exiting the village. Before 9:00 pm, if the villagers need to travel from house to house they are not allowed to use a flashlight. They were only allowed to use candles or kerosene lamps said the order. The commander further said that those did not follow the orders would be punished effectively. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, May 2003)

On 18 July 2003, Bo Kyaw Myo Htun of SPDC IB 73, ordered all Karen and Burmese villages in the plain region of Tan-ta-bin Township to make lists of family members and lists of cattle. The villagers had to pay 150 kyat for the family list and 600 kyat for a list of cattle. He instructed those who failed to make cattle lists to be fined 5,000 kyat. (Source: KIC, 2003)

On 29 July 2003, troops from Burma Army LIB 703 Column 2 led by Bo Sein Win combined with DKBA troops led by Pah Daw Bo and Moe Kyo came to Ta-rit-po-kwee Village in Lu Plein Township of Pa-an District. Within 3 days, they planned to clean the areas from Htee-tha-blu-toe, Htee-nya-ah-kee, Ma-ka-law-kee, Ta-kha-kee, Htee-wa-bway-kee, Htee-pah-reh, Htee-mo-kee, Khaw-thoo-kee villages. They issued order to those who were cultivating crops for their livelihood close to the foot of mountain and in the flat area must not go to their

paddy fields. If anyone was found, they would be shot on the spot. (Source: Department of Information, KNU, 2003)

On 25 August 2003, SPDC IB 73, led by officer Myo Htun based in Klaw Mi Der, ordered all villagers from the villages around Klaw Mi Der area, Taw Ta Tu Township, Taungoo district to get a pass from him if they wanted to go out of their villages or sleep in their paddy huts or on another plantation. To get this pass, villagers had to pay 200 kyat each. They had to buy this pass every month. (Source: KORD, 2003)

On 1 September 2003, the DKBA troop base in Lay Po Hta, Dwe Lo Township, Mutraw district, led by Officer Maung Chit established a "Block and Destroy" operation in the area and forced the villagers in surrounding area to get an exit pass or travelling pass from him. Every villager over the age of 14 was required to get this exit pass from him at the cost of 200 kyat per person. (Source: KORD, 2003)

On 2 September 2003, DKBA commander Kyaw Than instructed his troops to block the villagers in the area from going out to their fields and into the jungle in Doo Tha Htu district, Thaton Township. He instructed his troop to shoot and kill if they found any one of the villagers in the jungle or in the fields. (Source: KORD, 2003)

On 22 September 2003, DKBA battalion Bo Be and SPDC IB 1, led by Battalion Commander 2 Saw Mya Oo, instructed villagers in Khaw Po Pleh, Shwe Oak and Kwee Lay village tracts not to go out of their villages. Anyone who was found carrying rice or a bundle of cooked rice was to be shot and killed. Villagers in the area did not dare to go out to tend their farms and as a result, paddies were heavily destroyed by both household animals and wildlife. (Source: KORD, 2003)

On 5 October 2003, DKBA Bo Lweh blocked the villagers of Toe Teh Khee, Klaw Hta and Kwee Lay Pya villages in Bilin Township from going out of their villages. (Source: KORD, 2003)

On 10 October 2003, combined SPDC and DKBA troops led by Eh Hser and Zaw Zaw banned villagers of Ta-roi-khee village, Tha-ton Township, from going to their upland paddy fields. As a result, 7 upland paddy fields were ruined belonging to Saw Nag Taw, Kaw Lar Po, Baw Na Pa, Maung Htun Win, Pa Ba, Than Htun and Maung Lo. (Source: KNU, 15 January 2004)

On 30 October 2003, Henry of DKBA prohibited villagers from going to their paddy fields and as a result the paddy fields of Noe-hkeh-hta villagers, Thaton were spoiled. The villagers were:

- (1) Tee Maung Lay,
- (2) Naw Thein Khin,
- (3) Naw Meh,
- (4) Maung Chai,
- (5) Maung Thay Nge,
- (6) Maung Keh,
- (7) Saw Ka Doe, and
- (8) Pa Ta Klay Pa She.

In addition, paddy fields in Htaw-po-hta village, Bi-lin Township were spoiled, belonging to the following villagers:

- (1) Tee Pa Kha,
- (2) Aung Zaw Win,
- (3) Tee Law Lah,
- (4) Maung Mya,
- (5) Tee Maung Bi,
- (6) Naw Paw Lah, and
- (7) Maung Kee.

A total of 16 hill paddy fields were spoiled. (Source: KIC, 2003)

On 10 November 2003, troops from a column of SPDC LIB 20, led by Bo Htay Win, and from a column of SPDC IB 73, led by Bo Aung Nyunt Win, banned all villagers living in villages in areas at the foot of the mountain and in the plain areas beginning from Sha-zee-bo village to Swa-lo village, from going out of their villages. The troops warned the villagers that they would be considered as an enemy, if they went out of their villages. (Source: KIC, 2003)

12.12 Restriction on the Movements of Religious Minorities

Rohingya Muslims in Arakan State continued to face heavy travel restrictions in 2003, which prevented them from moving from village to village, let alone throughout the country. Most Rohingya Muslims do not qualify to receive a national identity card under the requisites of the 1982 Citizenship Act, possession of which is necessary for free travel in the country. Under the provisions of this act, a citizen must be able to prove that they are one of the 135 "national races" or else that their ancestors settled in Burma prior to British colonization in 1823. Rohingya are not considered one of the 135 national races and most are unable to prove their ancestral origins in Burma. Those without a national identity card must obtain permission from the authorities prior to any domestic travel.

Since February 2001, Rohingya have been banned from traveling to Akyab (Sittwe), the capital of Arakan State. Rohingya are also required to obtain permission and a pass from the authorities to travel from village to village. This rule emerged following a meeting on 7 June 2000 held by Maj. Gen. Aung Htwe, the commander of the Western Command in the Arakan State capital Akyab (Sittwe). The meeting was attended by members of all Township Peace and Development Councils (TPDC), District PDCs, the Director of Immigration, the Head of the MI and Director of the NaSaKa (Western Area Command) Headquarters. Thereafter, Rohingya were permitted travel between their localities only with the possession of recommendations or exit passes from the Township PDC, District PDC, Military Intelligence, or Area Commander of the NaSaKa. In addition, they had to fill out "Form-4" issued by the Department of Immigration. To obtain these documents, the Rohingya traveler has to pay the authorities a sum of 2,800 kyat to process an Exit Pass that is usually valid only for 24 hours. Any Rohingya who is found to be traveling with improper documentation, is accused of illegally trying to immigrate and is jailed for 3 years. (Source: ARNO, 2002)

In most cases, passes are only granted for a 12-hour period; only on rare occasion are Muslims permitted to stay outside their village overnight. To travel further, for instance, to

the Township capitals at Maungdaw or Buthidaung or the state capital at Sittwe is virtually impossible. The only Muslims able to travel to Sittwe, or further to Rangoon, are those who can afford to bribe SPDC officials. Muslim traders have been reported to have paid bribes of 500,000 kyat to be able to travel to Rangoon (source: Narinjara News, 2002). Those who have overstayed their passes and have difficulty returning to their villages risk being deleted from their family list. In the event that this happens, they are considered guests in their own homes and villages when they do return home (source: *Conflict, Discrimination, and Humanitarian Challenges in Northern Arakan State*, Forum Asia, 8 October 2003). (For more information, please see the chapter on freedom of religion.)

Further restrictions imposed on the freedom of movement of the Rohingya

In December, Kaladan news reported that the authorities had imposed new and increased restrictions on the movement of Rohingya in Arakan State. A Rohingya attempting to travel the 16 miles from Buthidaung to Maungdaw had to go through several steps in order to do so. First, a recommendation form costing 200 kyat must be obtained from the Village Peace and Development Council. A "Form 4", which is usually used for foreigners, and a recommendation costing 500 kyat must be obtained from the Township Immigration Office. With all of these documents, the Nasaka transit camp at the Buthidaung town gate must grant permission for 200 kyat. Thereafter, the Rohingya traveler must go to the Township Peace and Development Council and the District Peace and Development Council offices to receive approval and pay more fees of 500 and 200 kyat. In order to stay in Maungdaw over night, the Rohingya traveler must pay 500 kyat at the Maungdaw Nasaka checkpoint, which is 3 miles out of town, and 500 kyat to the Buthidaung Nasaka transit camp. To return, the Rohingya traveler must pay 200 kyat at the District Immigration office. The total cost of receiving permission to go on the trip is 2,800 kyat. A one-month residence permit costs 15,000 kyat. If a traveler is found to be in non-compliance with these procedures, he will be subject to imprisonment for six months to engage in hard labor. (Source: "Further Restrictions Imposed on the Freedom of Movement of Rohingya," Kaladan, 21 December 2003)

Curfew in Maungdaw following arson attack on mosque

Following an arson attack on a mosque in Maungdaw on 4 November 2003, the authorities imposed a dusk to dawn curfew for Rohingya in Maundaw, Arakan State. Initially, the curfew was from 6:00 pm to 6:00 am and later reduced to 10:00 pm to 5:00 am. Despite the change in curfew timeframe, Kaladan News reported that the police continued to observe the initial curfew restrictions. Police arrested Rohingya found outside around 8:00 pm. The police would then detain the Rohingya person in an isolated location until 10:00 pm when they were taken to the police station and charged them with not complying with the curfew restrictions. The detainees were reportedly released after paying some sort of fine in the form of money or goods. The curfew continued through the beginning of 2004. (Source: "How Long Curfew Would Be Continued!! Continued Curfew Paralyzes Movement of Rohingyas in Northern Arakan," Kaladan, 18 January 2004)

12.13 Restriction on the Movements and Harassment of Daw Aung San Suu Kyi and the NLD

"It could be argued that all the progress that had been achieved since the process of dialogue began in 2000 had been undone in one stroke."

– UN Special Rapporteur for Human Rights in Myanmar, Professor Paulo Sergio Pinheiro in his report to the UN General Assembly. (Source: "Interim Report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar," Fifty eighth session of the United Nations General Assembly, Item 119 (c), 5 August 2003)

"A climate of fear has now descended on Rangoon," said a senior Asian diplomat. "It is reminiscent of the period before the crisis of 1988 – an economic crisis, political uncertainty and a military crackdown. An all-pervasive atmosphere of uncertainty has now descended over the whole country."

(Source: Jagan, Larry, "Generals on the Offensive, But Also at Odds over Suu Kyi," IPS, 4 June 2003)

In May 2002, Aung San Suu Kyi was released from 19 months of house arrest. NLD offices had been allowed to reopen in January 2002, prior to her release. These moves by the SPDC were thought to be steps of great progress towards political change in Burma. Secret talks, brokered by UN Special Envoy Razali Ismail of Malaysia, had been taking place between the SPDC and the NLD and Aung San Suu Kyi since the end of 2000.

Any tenuous optimism arising from these developments was effectively shattered by the events of 2003. During the first half of the year, the SPDC continually refused to engage in dialogue with Aung San Suu Kyi and the NLD. The SPDC's sentiment towards the dialogue became clear as UN Special Envoy Razali Ismail was denied entry to Burma for the first half of the year. On 21 January Lt Gen Soe Win stated, "The SPDC not only will not talk to the NLD but also would never hand over power to the NLD," (source: "No Plan to Talk to NLD and We Are Not Afraid of USA," DVB, 28 January 2003). At the same time, harassment of Aung San Suu Kyi and the NLD's movement and campaigning was excessive during her trips to Chin and Kachin State in the first half of the year. It was also clear that the state sponsored social organization, the Union Solidarity and Development Association (USDA), combined with local authorities were responsible for creating obstacles for the NLD activities, threatening NLD supporters from greeting or supporting Aung San Suu Kyi, and harassing the NLD convoys.

This rapidly intensifying harassment came to a head on 30 May in an incident that has come to be known as the "Depayin Massacre" or "Black Friday". On 30 May, Aung San Suu Kyi, U Tin Oo, and other NLD members and supporters were brutally attacked in a remote village near Depayin, Sagaing Division (see full details of the event below). As the attack was perpetrated by local authorities, members of the USDA and other individuals recruited for the attack, it is believed that Sr Gen Than Shwe was also behind it, as an event of that magnitude could not occur without his permission. The attacks resulted in the end of Aung San Suu Kyi's freedom and she was initially detained in an undisclosed location and held incommunicado. Later, she was transferred to house arrest at her family home in Rangoon where she remained at the time of this report. U Tin Oo, NLD vice chairman, who had been

traveling with Aung San Suu Kyi at the time of the attack, was also detained and remained in Kale Prison, Sagaing Division at the end of the year. The entire NLD Central Executive Committee was arrested as well. The attack also resulted in the closure of NLD offices across the country and a ban on all opposition assemblies, meetings, and activities. Despite international and domestic calls for an independent investigation into the events of 30 May, the SPDC held firm to their claim that only 50 people were injured and 4 people died following a violent outbreak "that was instigated by the NLD." Throughout the rest of 2003, the crackdown on the democracy movement continued with ongoing arrests, intimidation, and harassment of NLD leaders, members and supporters. At the end of February 2004, the Assistance Association for Political Prisoners (Burma) (AAPP) reported that approximately 265 people were either detained, killed, or missing in conjunction with the massacre at Depayin and the ensuing crackdown on the democracy movement (source: AAPP, 29 February 2004). (For more information about the arrest of political activists, please see the chapter on arbitrary arrest.)

The following sections outline the growing harassment leading up to the incident at Depayin, the involvement of key SPDC officials in orchestrating the attacks, and the crackdown that occurred afterwards to cover the authorities' complicity.

Timeline of Harrassment Leading up to the Incident at Depayin

In **April**, Aung San Suu Kyi, accompanied by NLD vice chairman U Tin Oo and members of the NLD Youth Wing, journeyed to Chin State in her seventh trip since being released from house arrest in May 2002. Prior to the convoy's departure, there were reports of anti-NLD and anti-Aung San Suu Kyi pamphlets distributed in Gangaw, Magwe Division, where she was expected to stay for one night. Reports of harassment commenced with the first day of the trip on 3 April. In Aunglan, Taungdwingyi, Minbu and Pwintbyu, Aung San Suu Kyi attempted to deliver speeches but was drowned out by loud music played by the local fire brigades (source: "Surprise- Daw Aung San Suu Kyi Harassed," DVB, 3 April 2003).

On **8 April**, in Kale, Sagaing Division, Aung San Suu Kyi was able to deliver a speech to an estimated 35,000 to 40,000 people. While there was no overt harassment or interference by the authorities as in other locations, the No.17 regional military intelligence unit was reported to have videotaped the people in attendance from atop a fire engine. In addition, the intelligence officials demanded the names of all the youth providing security for Aung San Suu Kyi. (Source: "Aung San Suu Kyi Gets Rousing Welcome from 35,000 People in Kale," DVB, 8 April 2003)

On **6 May**, Daw Aung San Suu Kyi, NLD vice chairman U Tin Oo, and 12 members of the Youth Wing commenced what was expected to be her longest political tour since release from house arrest in May 2002.

On **8 May**, Daw Aung San Suu Kyi and her convoy were greeted by hundreds of supporters in Shwebo despite the fact that local residents had been warned by USDA officials not to gather in large crowds. (Source: "Crowds Flock to See Myanmar's Aung San Suu Kyi Despite Warnings," AFP, 8 May 2003)

On **9 May**, the local authority chairman of Momeik threatened the local NLD chairman, U Myint Swe. In the evening, members of the USDA destroyed sticks meant for hanging an NLD signboard. (Source: "Daw Aung San Suu Kyi in Phakant," DVB, 14 May 2003)

On **10 May**, Brigadier General Than Tun of the SPDC admitted that the authorities had tried to deter NLD supporters from coming out and greeting Daw Aung San Suu Kyi during her travels, claiming these measures were taken as a means of preserving peace and stability. The statement further indicated that the authorities would not impede Daw Suu's journey and NLD supporters were free to greet her in front of respective NLD offices. (Source: "Government Spokesman Admits Preventing Supporters from Welcoming Suu Kyi," DVB, 10 May 2003)

On **13 May**, the secretary of the Katha District USDA, U Htay Aung, held a grand dinner party celebration for those who had participated in harassment of Aung San Suu Kyi and the NLD convoy in Indaw and Katha, Saigaing Division. (Source: "Daw Aung San Suu Kyi in Phakant," DVB, 14 May 2003)

On **14 May**, local authorities in Tanaing, Kachin State ordered the Tanaing NLD chairman, U Kason Sinwa Naw, not to greet Aung San Suu Kyi with brass bands or loud speakers. In addition, the commander and members of the No.8 Intelligence Base arrived in Tanaing to coordinate methods of harassing Aung San Suu Kyi. It was also reported that in Momeik, members of the USDA were preparing for Daw Suu's arrival by making daily trips out to villages where she was expected to speak. The residents of the villages were told not to welcome the NLD convoy. Four truckloads of USDA members were reported to have arrived in Myitkyina, Kachin State in preparation for Daw Suu's visit. (Source: "Daw Aung San Suu Kyi in Phakant," DVB, 14 May 2003)

On **16 May**, Daw Suu and the NLD convoy encountered a group of 300 USDA members protesting her presence as they attempted to cross a bridge into Myitkyina, the capital of Kachin State. The USDA members stopped the NLD convoy armed with catapults and small objects to be used as weapons. While the USDA members were reported to have put their faces up against the motorcade, no one was hurt or attacked. (Source: "Myanmar's Suu Kyi Encounters 'Most Serious' Protest," AFP, 16 May 2003)

On **19 May**, 100 USDA members with posters and banners protested the NLD convoy as they arrived in Waingmaw and held a signboard raising ceremony for the local NLD office. On the same day, military authorities denied Daw Suu and her group permission to go to Kachin Independence Organization controlled Hlaingza, where she was expected to give a speech at the Town Hall. In addition, it was reported that Sergeant Soe Nyung of Military Intelligence No.21 warned General Secretary of the DKO, Dr. Tuja, not to receive Daw Aung San Suu Kyi and her group. (Source: "Daw Aung San Suu Kyi and team at Bhamaw, Kachin State," DVB, 20 May 2003)

On **20 May**, 300 USDA members armed with machetes and sticks blocked Aung San Suu Kyi and her group 3 miles outside of Bhamaw. The USDA members shouted slogans while photographing and video taping the NLD group. When the NLD group members started to video tape and photograph as well, the USDA members attempted to grab their cameras and hit them. The USDA members also banged on the car containing U Tin Oo. (Source: "Daw Aung San Suu Kyi and Team Left Bhamaw for Shwegu," DVB, 20 May 2003)

On **24 May**, the War Office in Rangoon issued a directive putting all armed forces on a state of emergency. (Source: "Burma War Office Places All Armed Organizations on State of Emergency," DVB, 26 May 2003)

On **25 May**, members of the USDA shouted slogans such as “Run for your lives or you will have to pick up your own corpses!” over loud speakers at supporters waiting to greet the NLD group as they passed through Kyidauk Pauk village near Mandalay. The supporters were also intimidated by over 100 USDA members carrying catapults, sticks and other weapons. One person was reported to have sustained a head injury. A brick was reportedly thrown at Daw Aung San Suu Kyi’s car but did not result in any damage. (Source: “Myanmar Pro-democracy Activists Sentenced to Prison, Suu Kyi’s Party Reports Harassment,” AP, 26 May 2003)

On **27 May**, the SPDC issued a statement admitting that clashes between pro-junta supporters and pro-NLD supporters occurred. At the same time, the SPDC said that the NLD must accept that there are “those who support the NLD, there are also those who do not.” Therefore, the NLD must be careful not to disturb the peace or to cause anyone harm. (Source: “Myanmar’s Military Junta Tells Opposition to Accept Protest,” AFP, 27 May 2003)

30 May and the Massacre at Depayin

After being harassed throughout their tour of Kachin State and Sagaing Division, Aung San Suu Kyi and the NLD convoy were brutally attacked just outside of Kyi village on their way to Depayin, Sagaing Division. Due to the build up of harassment and other measures taken by the SPDC prior to 30 May, it is widely believed that the attack was premeditated and well planned by the military authorities. The Ad Hoc Commission on The Depayin Massacre (Burma), formed by representatives of different Burmese opposition groups based on the Thai-Burma border to investigate the events of 30 May, conjectures that the purpose of the attack was either to hinder the NLD’s activities or to eliminate the NLD altogether. Altsean-Burma, an NGO based in Thailand, has called the incident on 30 May, “the most ruthless and bloodiest crackdown on the democracy movement in Burma since the 1988 massacre.” (Source: *Briefing: Black Friday and the Crackdown on the NLD*, ALTSEAN, 24 June 2003)

On **30 May**, Daw Aung San Suu Kyi and her team commenced the day in Monywa and left for Budalin where they reopened an NLD office and raised a signboard. As the group left Budalin for Depayin, cars of USDA members started to follow them. Around 8:00 pm, the NLD team reached Kyi village and were warmly greeted by the villagers. As the group continued, two monks blocking the road just 100 yards outside of Kyi village stopped the NLD group and requested that Daw Aung San Suu Kyi give a speech. When the NLD security in-charge, Tun Zaw Zaw went to explain that Daw Aung San Suu Kyi did not have enough time to make a speech as it was already late, the passengers of the cars following the NLD started shouting slogans such as “We don’t want axe handles and cynics who rely on foreign stooges!” The USDA members, along with men dressed as monks, and others got out of their cars wearing white arm bands and carrying iron rods, bamboo sticks and metal spikes. They proceeded to attack the villagers standing nearby. More vehicles containing USDA members and others assisting them arrived to the scene and started to beat the NLD members as well. (Source: *The Second Preliminary Report*, The Ad Hoc Commission on Depayin Massacre (Burma), May 2004) The exact numbers of attackers and NLD members involved in the incident is unknown but estimates range from 500 to several thousand.

The attackers reportedly shouted, “Those of you women who have destroyed our race! Those who want to make Kala their husbands! Come and make us your own husbands before you choose the Kala as you husbands!” (“Kala” is a derogatory term referring to people of Indian or Muslim decent. In this case, it is an insult referring to foreigners as the SPDC has often

tried to cast a negative light on Daw Aung San Suu Kyi's marriage to a British man, Michael Aris). Women's clothing was torn off leaving them half or fully naked and the attackers bashed their heads into the ground. (Source: *The Second Preliminary Report*, The Ad Hoc Commission on Depayin Massacre (Burma), May 2004)

One witness, Ko Zaw Zaw Aung, of the NLD Mandalay Youth Wing, reported, "We had no weapons. Our leaders didn't allow us to defend or react when we are attacked by the other side. To say all, we were told to endure the beating. The severity of the beatings became so bad that they would beat anyone that moved after the beating. 'This person is not dead yet, keep on beating,' they shouted. 'I am afraid. Please spare me,' if someone shouted like that they would keep beating the person. They would also beat up people who were walking by. 'We build roads and bridges and we don't include you. What has your Aung San Suu Kyi done for the country? She is the wife of an Indian who obeys his order,' said the thugs and they kept on beating people who were already limp and lifeless." (Source: "Eyewitness Accounts of Black Friday," DVB, 14 June 2003)

Members of NLD Youth attempted to protect Daw Aung San Suu Kyi's car by linking arms and encircling it. They were all subject to severe beatings and the attackers broke windows on the car containing Daw Aung San Suu Kyi. Her car was able to drive away towards Depayin. The car containing U Tin Oo was also attacked. One witness reported that he got out of his car to fight off an aggressor and ran away. Other NLD members who tried to run away towards Depayin were pursued by the attackers. Residents of Depayin reportedly came to the scene chanting, "Long live Daw Aung San Suu Kyi." As a result, the USDA issued a curfew on the spot and military troops soon arrived to confront the villagers. The situation remained unstable until around 2:00 am. (Source: "Eyewitness Tells of Bloody Friday," *Irrawaddy*, 6 June 2003)

Around 11:00 pm, members of the *Pyithu Swan-ar Shin* (People's power or force of the people) and police arrived to commence removing dead bodies on trucks. One truck driver reported that his truck and 10 others were detained by the North-Western Command. He was instructed to go with a captain of the North-Western Command who drove his truck to the scene of the attack. The truck driver was ordered to help load bodies onto the truck. He reported putting 17 dead bodies on his truck alone. When they returned to the North-Western Command, he and the others were invited to join a feast and paid 300,000 kyat for their assistance. (Source: *The Second Preliminary Report*, The Ad Hoc Commission on Depayin Massacre (Burma), May 2004)

On the morning of **31 May**, approximately 60 NLD members who were able to hide returned to the site of the attack. The police and military officials soon arrived and arrested them. (Source: "Eyewitness Tells of Bloody Friday," *Irrawaddy*, 6 June 2003)

The SPDC's Claim

As the SPDC has not allowed an independent investigation of the events of 30 May, it is impossible to ascertain the precise number of dead and wounded. The SPDC reported that the attacks resulted in four people dead and 50 wounded. In addition, the SPDC took extensive measures to prevent information about the event from being released. Both during and approximately one week after the attack, phone lines in Monywa and Depayin were reported to be cut, and vehicles were not allowed to pass through the area (source: "Eyewitness Tells of Bloody Friday," *Irrawaddy*, 6 June 2003). It was also reported that villagers in the area and participants in the attack were ordered to sign pledges that they would retell the events of 30 May in accordance with the SPDC's contentions (source: "Killings, Rapes in Well-Planned Attack by Burmese Junta," RFA, 5 September 2003).

The SPDC claimed and publicized that the violence of 30 May was instigated by Aung San Suu Kyi and the NLD. On 2 June, Labor Minister Tin Win reported, "These incidents happened because Aung San Suu Kyi had taken advantage of her party organizational trip to campaign publicly, thereby making many people resent her actions," (source: "Myanmar Cracks Down on Opposition; Nation's Military Rulers Hold Pro-democracy Activist Aung San Suu Kyi for a Third Day. Party Offices and Universities Are Shut Down," *LA Times*, 2 June 2003). The SPDC has continually denied any responsibility for the events of 30 May, and in a letter from Sr. General Than Shwe to another Asian leader, he accused Aung San Suu Kyi and the NLD of planning a violent uprising that would cause chaos, mass demonstrations, and instability in the country. The alleged goal was to take over government offices, banks, and factories. He further claimed that Aung San Suu Kyi was working to cooperate with armed groups despite her commitment to nonviolent measures. As a result, Sr. General Than Shwe indicated that the SPDC was compelled to take action to prevent the compromise of national security (source: Kazmin, Amy, "Junta Says Suu Kyi Planned Uprising Burma," *Financial Times*, 11 July 2003).

On 10 June, the Myanmar Information Committee issued the following statement regarding the events of 30 May:

"An official inquest is being conducted by the Police Department under the Ministry of Home Affairs. Preliminary investigation reveals that the incident began when the convoy of Daw Aung San Suu Kyi attempted to plow through the crowd that was blocking the road. Up to that point there were no incidents of violence.

However, since some people were hit by the cars in the convoy, a melee ensued between the followers and opponents of Daw Aung San Suu Kyi. As it was nighttime and in an area with no public lighting, there was much confusion and things got out of hand.

Finally, when the police regained control of the situation, four persons were found dead and 48 persons injured. As a result, the Depayin Police Station has opened a case under Section 304 (A) of the Penal code.

Contrary to the exaggerated reports circulated by some quarters, I wish to confirm once again that only four persons died during the incident, not 70 or more as alleged." (Source: Myanmar Information Committee, 10 June 2003)

Evidence of Premeditation

Eyewitness testimonies of the USDA's involvement in the attacks are not the only evidence lending to the SPDC and USDA's accountability in organizing the violence. Weeks before the attack occurred, the SPDC increased riots and weapons training as well as harassment and surveillance of the NLD. Approximately one week before the attack, the War Office in Rangoon put all armed organizations on a state of emergency. Furthermore, it was reported that Lt Gen Soe Win, Secretary 2 of the SPDC and a senior leader of the USDA, was responsible for planning the attacks on 30 May. Minister for Home Affairs Col Tin Hlaing, who is also a leader in the USDA, is also believed to have been a key planner in the attack. The two were reported to be in Monywa, near the site of the attack, on the same night, and were reported to have sent orders to the attackers. In addition, Brig-Gen Kyaw Hsan, one of the secretariat members of the USDA and Burma's Minister of Information arrived in the area at the end of the month. Many believe that the presence of these three significant leaders of the USDA in the area of the attack is not coincidence but evidence of the planning and premeditation of the event. Others indicate that an attack of this magnitude could only occur with the consent of Senior-General Than Shwe. (Source: Moe, Kyaw Zwa, "Military Leaders Behind Black Friday," *Irrawaddy*, 9 June 2003)

On 5 September, Radio Free Asia recorded the testimony of a former USDA member who participated in the attack, which provides further evidence of the USDA and SPDC's involvement in planning the events of 30 May. He indicated that he had been recruited and complied for fear of being accused of supporting the opposition. According to his testimony, the authorities ordered all USDA members in the area to assemble at the No.1 State High School by 27 May. At the high school, the recruits were trained and provided with free food. He further explained that the authorities attempted to conceal the attack by hiring men to dig holes in which to put bodies. He reported that approximately 100 bodies were brought to be buried "including people who were alive with serious injuries." The authorities also attempted to conceal the events by forcing villagers to sign affidavits attesting to the death of only four people during the night. Those who were recruited to participate as attackers were also made to sign pledges that they would retell the events of the night according to the SPDC's stories, to which they were briefed. (Source: "Killings, Rapes in Well-Planned Attack by Burmese Junta," RFA, 5 September 2003)

Deaths, Disappearances, and Detention Resulting from 30 May

The US Department of State reported that at least six pro-democracy supporters were killed including four NLD members, San Myint, Tin Maung Oo, Thein Toe Aye, and Khin Maung Kyaw. A Buddhist monk, U Panna Thiri, and a student, Min Zaw Oo, both from Monywa were also confirmed to have been killed in conjunction with the attack. The National Coalition Government of the Union of Burma (NCGUB) reported that 70 people were killed and 200 hundred were injured. Eyewitness accounts and other unofficial sources indicate that as many as 100 may have been killed while others remained missing, wounded, or detained. On 10 July, it was reported that only eight of the people from Mandalay who had accompanied Aung San Suu Kyi had returned home. Information about the status and whereabouts of the others was still unavailable (source: "Missing People from Mandalay," DVB, 10 July 2003).

It is certain that, Aung San Suu Kyi and U Tin Oo were both arrested and held in undisclosed locations in what the SPDC called "protective custody." The SPDC claimed that the NLD

leaders would be released when the situation in the country had become stable again. Other leaders of the NLD were put under house arrest while numerous NLD supporters and eyewitnesses to the attacks were detained. Initial efforts by foreign diplomats such as Mike O'Brien, British Foreign Minister, to make contact with Aung San Suu Kyi were unsuccessful. The ICRC was granted permission to visit some of the prisoners arrested on 30 May but was not able to meet with Aung San Suu Kyi until July. Only UN Special Envoy Rizali Ismail was able to meet with her on 10 June while she was being detained in a hut at Insein Prison. Simultaneously, the SPDC ordered NLD office across the country to close and banned opposition assemblies and activities while delaying the reopening of schools and universities after summer holidays for two weeks. (For more information about the continued arrest of political activists in conjunction with and following the Depayin Massacre, please see chapter on arbitrary arrest.)

Incidents of Harassment of the NLD Following 30 May

Anti-NLD demonstration training

On 6 June, it was reported that local authorities in Rangoon and other locations around the country were calling residents of different neighborhoods to be trained to hold anti-NLD demonstrations. A lawyer from Rangoon indicated that he believed the order to make these preparations must have come from the senior leaders saying, "Nobody dares to do such a thing without approval from the top military leaders." (Source: Moe, Kyaw Zwa, "Regime Organizes More NLD Attacks," *Irrawaddy*, 6 June 2003)

NLD supporters' businesses undermined

On 4 July, a shop owner in Mandalay reported that the authorities ordered all 4000 shops at the Zegyo market to be dismantled by the end of June. According to the authorities, the order is part of an attempt to make the market appearance similar to the rest of Mandalay City. Yet, because many of the shop owners are NLD supporters, they feel that this is an attempt to punish them for endorsing Daw Aung San Suu Kyi on her trip in Mandalay. (Source: "NLD Supporters' Businesses Undermined," DVB, 4 July 2003)

Myanmar state media launches fresh attack against Suu Kyi

On 8 July, the government run newspaper, *The New Light of Myanmar*, published an article allegedly written by a former discontented NLD member. The article highlighted that Daw Aung San Suu Kyi was breaking the law drafting a new national constitution independent of the constitution that the government is drafting. The penalty for such an action is 5 to 10 years in prison for an individual. For a group, the penalty is suspension or termination. The writer further commented that in drafting a national constitution with the participation of only a few people indicates that the NLD leaders are "not genuinely concerned about the future of the country." (Source: "Myanmar State Media Launched Fresh Attack against Suu Kyi," AP, 8 July 2003) (For more information on the State control of media and information, please see chapter on freedom of expression)

Difficulties for NLD members in Thaton Township

On 9 September, a NLD member in Thaton Township reported some details about the situation in his area and nearby villages. The NLD member reported that the authorities were trying to persuade NLD members to quit working for and supporting the NLD. The authorities also stated that if the NLD members would join them, they would have many advantages. The NLD member continued that sometimes he has guests staying at his house. When the guests leave, the authorities always question him. The authorities always ruin the business that he has and as a result, his children's education has been delayed. After his children passed tenth standard, they wanted to attend university but the authorities would not allow this to happen. His children are only allowed to continue their studies through the Distance Education Program. (Source: HRDU, 2003)

Myanmar blocks Suu Kyi followers' march

On 10 October, approximately 30 NLD members attempted to visit Aung San Suu Kyi at her home in conjunction with the Full Moon day that marks the end of Buddhist lent. Their attempt to visit her followed her return to her home and placement under house arrest after a gynecological operation. The group was denied permission to proceed at a checkpoint near Aung San Suu Kyi's home. (Source: "Myanmar Blocks Suu Kyi Followers' March," AP, 10 October 2003)

Celebrating National Day

As National Day approached, members of the NLD in Rangoon organized National Day celebrations. A few days before the event, it was reported that monks and other people were called to meet with the authorities and warned against engaging in political assemblies. Officials indicated that they were specifically opposed to NLD members wearing their uniform of a traditional Burmese Pinni jacket and a Kachin longyi. Those hosting the event assured the authorities that the National Day celebrations would only be for NLD members to come to the pagodas, make offerings, pray and listen to sermons. On National Day, several hundred NLD Youth members were reported to have gathered and ascended Shwedegon Pagoda wearing their NLD uniforms. Approximately, 100 military intelligence officers and pagoda security officials came to the gathering carry batons while photographing and video taping the activities. The intelligence officials warned the students that the law only permits the assembly of 5 people and therefore, they should disperse. The students exited in pairs and moved onto another NLD celebration organized at a monastery. (Source: "Preparing for 'National Day'," NCGUB News Desk, 18 November 2003)

12.14 Interviews

Migrant Worker Officially Deported from Thailand through Myawaddy

Source: Interviewed by Human Rights Documentation Unit
Interview Date: 23 January 2004
Name: Zaw Oo Htin (not real name)
Sex: Male
Religion: Buddhist
Occupation: Construction Worker

On 12 December 2003, at a different work place [in Thailand], we were taking a break to eat lunch when the immigration police came to our work place. We were eating at the time and some people ran away when they saw the police. They arrested me and took me to the Immigration Detention Center (IDC).

I was there for 3 days. The immigration police were waiting until they had a certain number of people to deport us. I heard that they had a quota to send to Myawaddy. I also heard that the Myawaddy officials were demanding a certain number of people. My friend, who had been deported before, told me this. I do not know how many they wanted exactly. I just know that they were waiting to fill a quota. When we were deported, there were over 100 of us.

They sent us across the (Thai-Myanmar Friendship) bridge in a car and the Myawaddy officials had us sit on the ground on the bridge for a little while. Then they put us on a bus and took us to the Myawaddy playground. At the playground, they asked us to sit down and a high-ranking official gave us a speech. He talked to us about how dangerous we are because we went to work in another country. He said that we should just stay and work in Burma. He said that this time, we would be forgiven. He warned us that if we did this again, we would be charged with illegally leaving the country.

After the speech, we were questioned for our personal information and then we were given blood tests for HIV/AIDS. We were questioned by authorities from both Myawaddy and Rangoon. They asked us where we were from, when we went to Thailand, how many brothers and sisters we have, what does our family do. They did not ask us directly if we were involved with politics, but they asked indirectly. They asked many specific questions. For example, they asked; what did you do in Mae Sot, who are your friends, when did you leave Burma, what problems did you have in Burma that made you leave?

At the playground, there was a military barrack building and we had to sleep there for one night. They told us that they were going to send us to Pa'an the following day at 7:00 am. From Pa'an we would be sent to the place that we were from. I was the only person in the group from Arakan State, so they put me in the group to go to Rangoon.

There were about 10-15 people who stayed in Myawaddy and did not go to Pa'an. They stayed because they were from Myawaddy but they needed high-ranking officials to support them in order to stay.

Everybody was sent to Pa-an, but they transported us in different groups. When we first arrived in Pa-an, we went to the immigration office. The police then came and picked us up to take us to the police station/detention area. We had to stay there for the night. At first, they

did not lock us in but someone ran away. After that, they locked us in. At this point, I was with a group of people who were all going to Rangoon. The officials did not say anything to us in Pa-an. They only told us not to run away because they would transport us to Rangoon the next day.

The next day, they sent us directly to XXXX Hospital in YYY Township, Rangoon Division. At the hospital, we had to have another blood test for HIV/AIDS. They told us that they were checking us because we had come back from another country. It took one week to get the results of the tests and we had to wait in the hospital. Military Intelligence (MI) guards stayed with us the whole time.

When I got my results, they were negative. Then they took x-rays of us as well. They told me that my lungs did not look so good and that I should not smoke so much. When we were finished, the MI's told us that we could not just go. We needed to wait for our parents or family to come and get us. Our parents needed to guarantee that they would not let us go to Thailand again.

I found a woman in the hospital who had come to visit a sick family member. I asked her to sign for my release and pretend to be a member of my family. She helped me.

13. Internally Displaced People and Forced Relocation

13.1 Background

Internal displacement and forced relocation was rampant throughout Burma in 2003. In nearly every state and division of the country people were forced from their homes, causing the number of internally displaced people (IDPs) to grow further this year. Out of Burma's total population of 50 million, most sources estimate that Burma has well over one million IDPs (source: "Burma Background," Refugees International, 2004). Conservative estimates indicate that as of December 2003, a total of 2,536 villages had been destroyed or relocated along Burma's border with Thailand, resulting in an IDP population of at least 632,978 in this area alone. (Source: *Six Month Report*, BBC, July-December 2003)

Without question, hundreds of thousands of villagers in Burma have experienced forced eviction according to the United Nation's definition of the term. According to the UN, forced eviction is the "permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to appropriate forms of legal or other protections." (Source: *The right to adequate housing (Art. 11.1): forced evictions*, CESCR General Comment 7, paragraph 3, Committee on Economic Social and Cultural Rights, 1997)

In the United Nation's resolution regarding Forced Evictions, the UN states that "the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing," (source: paragraphs 1 and 3, UN Human Rights Commission Resolution 1993/77: Forced Evictions). Thus, it is clear that the fundamental human rights of Burma's IDPs have been violated. The UN reiterated in 2002 that "the requisite imperative of housing for personal security, privacy, health, safety, protection from the elements and many other attributes of a shared humanity, has led the international community to recognize adequate housing as a basic and fundamental human right," (source: Report No. 1, Housing Rights Legislation, Review of international and national legal instruments, UN Housing Rights Program, UN-HABITAT and OHCHR, 2002). This right, which Burma's military government has violated for decades, is enshrined in Article 25 (1) of the Universal Declaration of Human Rights.

For over half a century the most significant population displacement has occurred in Burma's outlying ethnic minority areas, where the military government has been at war with a number of armed opposition groups. Ethnic minorities such as the Rohingya of Arakan State, the Shan, Karen, Kachin and Karenni, in addition to smaller ethnic groups living in the same areas, have suffered disproportionately. Notable in 2003, was the large-scale forced relocation in Southern Karenni State due to heavy fighting in the area in December. To clear this area of civilians the SPDC began a three-month program to relocate every villager in Southern Karenni State to government-controlled relocation sites. Once IDPs have left their original communities they are often much more vulnerable to further human rights abuses such as forced labor, arbitrary detention and deprivation of livelihood.

13.2 Causes and Situations of Displacement in Burma

The major causes of forced relocation and internal displacement in Burma are the following:

- (1) Conflict Induced Displacement and the "Four Cuts" Campaign
- (2) Development Induced Displacement
- (3) Displacement Resulting from Resource Scarcity

1. Conflict Induced Displacement and the "Four Cuts" Campaign

In the volatile border regions, where armed opposition groups engage in battles with the SPDC, villagers nearby are put in danger of being hurt or killed as a result of the fighting. This danger may force villagers to flee either temporarily or permanently to a safer region. In addition, the SPDC will often force villages to supply food, porters and other items to support soldiers, leaving the villagers with nothing left to support themselves. This is another conflict-related source of IDP flows.

However, the SPDC's "Four Cuts" Campaign has caused far larger numbers of IDPs. In 1974 the SPDC began to secure combat zones by first preventing civilian support of insurgents. The military government has been determined to completely cut off 4 main types of supplies to the resistance groups: 1) food 2) funds 3) recruits, and 4) information. In an attempt to reach this goal, the Burmese Army has enacted large scale forced relocation.

In some border areas, which the regime has labeled brown areas, systematic forced relocation programs have been carried out. In other areas, which were classified as black areas or "free-fire" areas, all villages were destroyed, fields and paddy barns were burnt, and anyone found in the area was shot on site. These campaigns against civilians were intensified after the 1988 pro-democracy uprising. In 1996-1997, the military regime launched further intensive initiatives to forcibly move or wipe out all rural villages in areas not directly under their control. Currently, under the "Four Cuts" Campaign, villagers suspected of having contact with the resistance are detained, tortured, and executed; Burmese government troops systematically extort and pillage villagers' crops, food supplies, livestock, cash and valuables. Any village suspected of supporting opposition forces is forced to relocate. The evicted villagers are usually told that they will not be permitted to go home until the opposition groups have capitulated. Relocated persons are not compensated for the loss of their homes nor are they given enough time to collect all of their belongings. Villagers must leave behind their elderly and sick relatives, as well as their livestock. Once an area is cleared of villagers it is designated a "free-fire" or black area. Houses, villages, and crops left behind are often pillaged and then dismantled and/or scorched to prevent the return of villagers. In some cases landmines are laid on the roads leading into villages, or in abandoned fields and homes.

2. Development Induced Displacement

Since the 1990s, there has been a growing trend of the military displacing civilians from their houses and land which is then used by the army for the construction of military bases, government income-generating projects or to grow food for troops. One large scale income generation project that displaced villagers in Shan State during 2003 is the planned Ta Sang dam on the Salween River. In preparation for dam construction over 300,000 Shan and other ethnic people were forced to relocate (source: Salween Watch, 2004). Government road and railroad projects have been other sources of development induced displacement. One such

displacement occurred in September 2003 when 1,400 households in two wards in the Mon state capital of Moulmein were forced to leave their homes to make way for a new railroad project in the city. (Source: "Over 1,400 Families Relocated For New Railway Station," Kao Wao, IMNA, 24 September 2003)

3. Displacement Resulting from Resource Scarcity

In some areas of Burma the SPDC makes excessive demands of unpaid labor and taxes on villages, further impoverishing communities that do not have many resources to begin with. Because of these demands some villagers have no choice but to leave their homes in search of locations where they will not be as heavily taxed and where they can find enough food for themselves and their families. In 2003, some residents of Murg Haang village in Shan State lost almost all of the land on which they had depended for their livelihood. In cases such as this villagers must relocate in order to survive. (SHRF, 2003) (See the Deprivation of Livelihood for more information.)

Most often, IDPs resettle to an area that falls into one of four groups:

- (1) A state-controlled relocation site or satellite town
- (2) An area under full SPDC control
- (3) An area or camp controlled by an armed opposition group
- (4) The jungle, fields, or other remote, usually "free fire" or black areas of Burma

1. Displacement into State-Controlled Relocation Sites and Satellite Towns

Forcibly relocated villagers are generally required by the SPDC to move to an area designated by the government as a "relocation site." Relocation sites are most often located in villages or towns near army bases, near car roads where there are no other villages, or in barren areas without resources or transportation. In cases of urban resettlement or "beautification" projects, the townspeople are moved to outlying areas of the city called "satellite towns."

Satellite Towns

These new towns are usually located a few miles outside a city where there are very few facilities. The populations of satellite towns are composed of those forced to relocate from the nearby city by the military government. In the last six years, the junta has forcibly resettled tens of thousands of impoverished people from city centers into these distant slums. Clean water is scarce and sanitation is poor in these areas. In addition, the relocated people face great travel difficulties, as public transportation into the cities is either nonexistent, or extremely poor and unreliable. Employment in the new satellite towns is scarce. Most often there are inadequately equipped schools in these towns providing some education for children, but healthcare is a serious problem since the few clinics that exist in town are woefully understaffed and under supplied. City hospitals, also understaffed and under supplied, are difficult to get to.

The Relocation Sites

“The fact that 42% of IDPs in eastern Burma choose to live on the run and in hiding rather than move to government-run relocation sites adds credence to the fact that many relocation sites resemble concentration camps.”

(Source: “Burma’s Internally Displaced: No Options for a Safe Haven,” Refugees International, 10 October 2002)

Although “the practice of setting up new towns has become somewhat less common in recent years,” more than 350,000 IDPs are currently living in government relocation sites (source: Country Reports on Human Rights Practices - 2003, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2004). In most “relocation sites” little preparation or organization is done to receive the displaced people. The SPDC is unconcerned whether or not water, food, cultivatable land, employment or services are available in the new areas. The burden of sheltering and caring for the displaced at relocation sites generally falls on the local community. This results in further depletion of the resources available to the original population. No humanitarian assistance comes from the government, although at some sites there is very limited assistance from church organizations. In some cases, rice has been distributed to the IDPs during the initial relocation period, but these rations are insufficient and the distribution period is short. One refugee who came from the relocation site at Mawchi in Karenni State stated that rice intended for the relocated people was diverted and sold by local township authorities.

Generally, the SPDC troops force one person from each family in the relocation sites to work on a daily or weekly basis. This forced labor includes clearing bushes and trees from the roadsides both inside and outside the relocation sites, cleaning military buildings, cultivating land for the military bases, hauling water for the troops, building fences around the military camps, digging bunkers, road construction, portering for the military and other general servant work. The villagers are also forced to work in the infrastructure projects in the area. Moreover, they are made to pay various fees for development projects, military funds and food for visiting troops.

Services at the relocation villages vary from site to site, as each site is under the responsibility of relevant state or township committees. However, in general there are no arrangements made to provide services for the relocated people. **Access to water** varies. In some sites streams and lakes are available water sources in addition to wells. Yet in some sites, such as the Shadaw relocation site in Karenni State, the lack of drinkable water has resulted in several problems, including sickness and deaths caused by chemicals that were added to the water in an attempt to clean it. **Sanitary facilities** are usually nonexistent for IDPs and they are either required to build their own latrines, or use outer areas of the sites for these purposes. Among other things, the poor water and sanitation at the sites, as well as rampant malnutrition due to regime confiscation of food stores, has resulted in increased levels of sickness and mortality. **Health care facilities** are either missing altogether or they are seriously under-equipped and under-supplied. There is no **access to electricity** in most sites, and in some, such as Shadaw relocation site in Karenni State, flashlights are banned and the sale of dry cell batteries is not permitted in the site. Among other effects, this lack of provisions for light at night increases the vulnerability of women. **Education facilities** are also insufficient or nonexistent. In most cases, IDPs establish makeshift schools themselves. If there are pre-existing schools, school buildings, teaching materials and teachers are never

sufficient, and families often do not send their children to school as they cannot afford the school costs, or they require their children to help in the family's attempts for survival. (See chapter on health and education for more information.)

At all relocation sites in Burma, access to farmland and employment is a serious problem for the relocated villagers. In some sites, IDPs are able to access farmland around the relocation site, yet this allocated land is usually insufficient for basic survival or unsuitable for farming. In other sites, access to surrounding land is denied, especially when villagers are relocated to sites where local residents are already farming the land, either for themselves or for the military. New refugee arrivals at the Thai border in 1999 reported that they had been able to find daily labor at local farms near the relocation sites, earning between 40 and 120 kyat per day. In some cases, villagers are permitted to return to their former farms and plantations, yet due to the restrictions imposed on their movement out of the relocation sites and the dangers these villagers face while traveling, most are unable to make a living in this way.

Villagers in relocation sites live in constant fear of the violence and demands of the government forces, both inside and outside the relocation sites. Villagers are not permitted to leave the sites without passes, which they must purchase from either SPDC soldiers or local authorities. The passes are usually only valid for 1 day, from dawn to dusk, although in rare cases week passes have been granted (see chapter on Freedom of Movement). This leaves the villagers little time to travel to their places of work, complete their work, and then return. In addition, security for the villagers outside of the relocation sites is notoriously bad. Villagers seen outside the camps are vulnerable to capture, arrest, torture, and killing, even if they hold valid passes, as they are accused by SPDC troops of leaving the camps to support rebel forces. Women are especially vulnerable, and many cases of rape have been reported by women who have gone outside the camp to forage for vegetables or get water (for more information see the chapter on The Rights of Women). The local authorities do nothing when villagers report cases of abuse.

2. Displacement into Areas under Full SPDC Control

Many villagers suffering from abuse under the SPDC's "Four-Cuts" Campaign, or who have been ordered to move, but haven't been given a specific relocation site, have chosen to resettle in areas under full SPDC control. Many feel these areas are safer and more stable than the conflict areas. However, employment is often difficult to obtain in these areas as most of the displaced villagers are farmers and available farmland is usually scarce. In larger towns or cities farmers are often forced to work as day laborers in low paying jobs.

The displaced families' struggle to survive is compounded by the fact that they had no choice but to leave behind many of their belongings when they left their home. Although villagers sometimes move near other family members who have been living in areas under full SPDC control for some time, their relatives are often unable to provide the extra support needed, as they are suffering themselves.

In addition, the IDPs living in areas under SPDC control are subject to the same abuses as the other villagers around them. These include the demands for forced labor, fees, and restrictions that are commonplace across Burma. Yet because the abuses committed are sometimes less than in areas under the Four-Cuts Campaign, many villagers choose to face the risk of moving to areas under full SPDC control.

3) Displacement into Areas and Camps Controlled by Armed Opposition Groups

Villagers who have been forced to flee their homes and villages for any of the above mentioned reasons, are sometimes able to seek shelter in areas controlled by armed opposition groups, where they feel they have some protection from SPDC abuses. Several of the armed opposition groups operate camps and resettlement sites in their areas of activity. However, in these camps and sites, supplies and services are very limited, and often temporary. Access to food, education and health varies from site to site, as does the level of security. Almost all such places lack employment opportunities. Therefore, the IDPs have to live off of whatever the opposition groups can provide for them. These areas have become increasingly fewer as the SPDC has stepped up military operations and vastly decreased the amount of territory controlled by ethnic opposition forces.

4. Displacement into Jungles, Fields, and Other Remote, Usually "Free Fire" Areas

There are over 268,000 IDPs hiding in the border conflict areas of Burma. These IDPs constitute the group with the least access to basic survival needs. These villagers have fled into hiding, despite the risks, because of various factors. These IDPs include:

- (1) Those who have fled SPDC troops in advance of their arrival;
- (2) Those who could no longer stand the abuses they suffered in their villages;
- (3) Those who were ordered to move from their village to a relocation site or other place, and who chose not to do so; and
- (4) Those who have fled from relocation sites due to unlivable conditions.

These IDPs are regarded as enemies by SPDC troops, as the areas where most villagers hide are located in black or "free-fire" zones. If seen by the military these IDPs are captured, tortured or shot on sight. Their shelters, rice plantations and belongings are looted or destroyed when discovered. Under the guise of ridding areas of opposition forces, the SPDC has launched several "search and destroy" operations, in which soldiers root out and destroy everything they see in a given area, including people. Government troops often plant landmines on paths that they suspect the IDP villagers use, and they practice a "scorched earth" policy of looting, destroying and burning any signs of habitation or food supply. Troops have even been known to cut down fruit trees growing naturally in the forest in these operations in an attempt to make it impossible for anyone to survive in the forests or jungles. Villagers often hide in areas near their old villages and risk working in their land and harvesting their crops in secret. This work is extremely dangerous, and if crops are discovered by soldiers, they are burned or destroyed. If the villagers are unsuccessful in harvesting rice, they forage for other sources of food in the forests. Villagers in hiding, for the most part, are unable to travel outside of their area of hiding to purchase other necessities, and must make do with what they can find around them.

Health is a major concern for people in hiding. Life in the tropics without shelter or adequate food leads to high sickness and mortality rates from malnutrition, diarrhea, malaria, minor injuries and other easily preventable illnesses. With a complete absence of health care facilities, people mainly rely on herbs and traditional medicine. Although there are some backpack healthcare teams which reach some IDPs in hiding, the medicine and care they are able to provide is insufficient for the numbers of IDPs in need.

IDPs hiding in the jungle are sometimes able to operate temporary makeshift schools with volunteer teachers. These schools lack any supplies, and they are forced to shift from place to place depending on SPDC troop movements. With the increase in SPDC military activity in recent years, and the common occurrence of "search and destroy" operations, the number of these schools has been greatly reduced. "Fear, constant movement and the daily struggle just to survive make education a very low priority for most IDPs." (Source: IDPs in Burma, Burma Issues, 2003)

Thai Policy Towards IDPs in Burma

"We are unwelcome guests in...Thailand."

(Source: Human Rights Violations in Karen States, Burma Testimony Delivered by Naw Musi, June 19, 2003)

The IDP population in Eastern Burma grows as more villagers are forcibly relocated and choose to stay in Burma, fearing rejection or mistreatment if they seek refuge in Thailand. As a non-signatory to the 1951 International Convention on Refugees and its 1967 protocol, Thailand argues that it is under no legal compulsion to provide asylum for any refugees. The Burmese Border Consortium reports, "Current [Thai] policy is not to allow any new refugees and, if this policy continues, it may become increasingly difficult for new refugees to enter the country. Nevertheless there remain hundreds of thousands of Internally Displaced Persons as potential refugees." (Source: BBC Six-Month Report, BBC, July-December 2003)

The Provincial Admission Boards (PABs), which determine whether or not a refugee can officially stay in one of the nine Thai border refugee camps, ceased to function as of late 2001. When the PABs were functioning, only those people determined to be fleeing from fighting were allowed to remain in the camps and it has been reported that only a fraction of the monthly arrivals to the camps fit this specific criteria. Since 2001, the Thai government has maintained the attitude that there are no new arrivals and officially, has not allowed for increases in the camp populations. Moreover, the Thai government has based its policy on preventing any conditions that would serve as a pull factor encouraging more refugees to enter the country and severely limits the role of the UNHCR. As a result, those who do make their way into the camps face difficulties in procuring food and other aid if they stay unregistered. Many also fear deportation if they are discovered as unregistered in the camps. According to Refugees International, the IDP populations inside Burma are aware of the obstacles that they may face in attempting to obtain access to the camps as news has traveled back across the border (source: Refugees International, 2002). Refugees from Shan State face even greater obstacles as the Thai government considers all Shan to be economic migrants and does not allow for the establishment of a camp or for the provision of humanitarian assistance. The Shan Human Rights Foundation estimates that since 1997 over 300,000 people in Shan State have been forcibly relocated. Of this group, about half have sought refuge in Thailand, while the remaining 150,000 Shan IDPs are enduring harsh conditions inside Burma. All refugees residing outside of the camps in Thailand are viewed as illegal immigrants and vulnerable to arrest and deportation by the Thai authorities.

Refugees International reports that, "This confusion about who actually qualifies to be called a refugee is compounded by the refugee-seekers themselves. Rather than describe themselves by their starting point — i.e. the reason they fled Burma — many people look to their present situation, i.e. their status as illegal workers...Forced labor and forced relocation are human

rights abuses, they are not "economic reasons," and those people fleeing such violations are escaping first and foremost from persecution," (source: Development of Democracy in Burma, Testimony to U.S. Senate Committee on Foreign Relations Subcommittee on East Asian and Pacific Affairs by Refugees International, 18 June 2003). In addition, Refugees International notes that the Thai army and border police have effectively sealed off the border from IDPs seeking refuge.

13.3 Situation in Arakan State

Since the early 1990's the Muslim ethnic minority in Northern Arakan State (also known as the Rohingya) has been subject to large scale internal displacement. This continued to be the case throughout 2003. The Rohingya population of Arakan State currently stands between 700,000 and 1½ million, making up as much as 50% of Arakan State's total population and up to 80% in Northern areas of the state. Some Muslims in Arakan State do not identify as Rohingya but as Arakanese Muslims.

Most forced relocation in Arakan State is connected to SPDC efforts to:

- Install military and police camps
- Confine the Rohingya population to Northern Arakan State
- Settle Buddhist people throughout Arakan state in "model villages"
- Bring the small ethnic minorities (notably the Mro) from their original, remote mountain locations to the plains.
- Establish farmland to support SPDC security personnel and new settlers

Within Arakan State there is significant displacement due to the government's continuing discrimination and repression of the Rohingya minority. The SPDC's abuses against Rohingya, including denial of citizenship, forced labor, and arbitrary confiscation of property, continue to prompt new IDP flows and limit the reintegration of those who have returned from refugee camps in Bangladesh.

Due to forced relocation to the far North, Muslim villages outside this area are reportedly becoming rare. Most of the Rohingya who lived in the Kyauktaw, Mrauk-U or Minbya districts have been forcibly displaced to the north over the past few years. These forced relocations, which go hand in hand with serious human rights violations, have been denounced by the UN Special Rapporteur on Burma, notably in February 1993 and January 1995. According to villagers still living in Rathidaung, out of the 53 Muslim villages existing in the district before 1995, only 2 remained in 1999.

Land confiscation for commercial purposes by the SPDC Border Security Force has become common, causing villagers to seek new homes. Land has been taken in order to begin shrimp farms and rice fields to support SPDC security personnel. Those whom the land is taken from do not receive any compensation for their loss, and are sometimes forced to work on the same fields that were confiscated from them. (For more information about discrimination and displacement of the Rohingya see chapters on Freedom of Belief and Religion, and Refugees.)

Model Villages in Arakan State

The SPDC has been setting up model villages since the early 1950s with the intent to dilute the ethnic minority cultures by exposing them to mainstream Burman ways. The establishment of these villages has resulted in the displacement of thousands of Rohingya people to less fertile lands, usually without adequate time to prepare or any compensation.

The model villages are usually composed of poor Buddhists from Arakan State who support the military regime. Sometimes poor Burman villagers from central Burma are brought to populate model villages along with “retired civil servants; former prisoners; former insurgents and ethnic minorities such as the Kamein, Daingnet, Mro and Thet, who live in the highlands near the border with Bangladesh and Chin State,” (source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004). In some cases readymade houses, farmlands, bullocks and carts are provided to new settlers in model villages, along with free rations for more than one year and free labor from Muslim forced laborers. However, the Free Burma Rangers, a Thailand based humanitarian assistance NGO, reported in 2003 that due to recent media attention to forced labor in Arakan State, the SPDC has now reduced their use of forced labor to accommodate the “model villagers.” The Free Burma Rangers report that these new settlers have been responsible for various crimes against Muslim villagers including picking fights and stealing livestock.

With regime supporters in nearby villages, the SPDC hopes the minorities will adopt more pro-regime views and abide by government regulations more closely. The model villages also serve as reliable sources of information for the SPDC about the situation in Burma’s ethnic Rohingya areas.

Prior to 1992, a number of model villages were established in Maungdaw and Buthidaung Townships of Arakan State. Following the formation of the *Nasaka* (an SPDC Border Security Force) in 1992, the construction of model villages became more rapid. “In practice the *Nasaka* is responsible for implementing the model village program in Rakhine State. However, officially the program is under the supervision of the Ministry for Development of Border Areas and National Races.” (Source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004)

“A model village is usually built to house about 100 families. Each family reportedly receives one to four acres of land, a pair of oxen and a house. The large majority of these model villages have been built on land that was confiscated from the Rohingya population. Houses and other facilities such as schools and health centers in the model villages are often built by forced labor by the Rohingya population. The majority of people in model villages do not cultivate the land allocated to them, and instead rent it out to Rohingya farmers, in some cases the same people from whom the land was originally confiscated. Although according to an official decree of 1997 the renting of land by inhabitants of model villages is no longer allowed, the practice continues.” (Source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004)

It was reported in 2003, there were already 26 model villagers in Northern Arakan State containing approximately 100 houses in each one (source: *Conflict, Discrimination and Humanitarian Challenges in Northern Arakan State*, Forum Asia, October 2003). Many model villages continue to be built in Arakan State’s Northern Muslim areas forcibly displacing increasingly more Rohingya villagers.

Forced Relocation in Arakan State - partial list of incidents for 2003

More Burmese families arrive in western Burma for rehabilitation

In January 2003, 37 families were brought from Rangoon to live in 'model' villages in Rathedaung Township as well as Thazin-myaing and Padauk-myaing in Buthidaung Township. The villagers were sent to the new location in order to be 'rehabilitated.' Local Nasaka security forces and SPDC officials provided rice, food and cattle to the new arrivals after confiscating these items from the nearby villages. (Source: "More Burmese Families Arrive at Western Burma for Rehabilitation," Narinjara, 17 January 2003)

Arakanese village set ablaze by the army

In November 2003, Sinn Rwa, an Arakanese village in Buthidaung Township, 80 miles north of Sittwe, (the capital of Arakan state) was destroyed by the local troops from LIB 263. The Sinn Rwa village was located near the base of LIB 263 and the villagers were mostly dependent upon work provided by the LIB 263. A villager from a nearby village said he could not confirm whether the burning had anything to do with a captain from the Battalion being murdered a week before the village was destroyed. The location of LIB 263 is nearby the Buthidaung - Maung Daw motor road. (Source: "Village Set Ablaze by the Army," Narinjara, 4 December 2003)

Sixty houses relocated for bridge construction

On 7 November 2003, the Chairman of Tamu District Peace and Development Council ordered 60 houses in Tamu, on the bank of Indo-Burma border, to relocate within 50 days so a bridge could be built across the stream. People were asked to pay between 3,000 and 10,000 kyat for a new plot to rebuild their homes. "Three officials came to demand money for new plots for our houses. Authorities charged 10,000 kyat for houses with house numbers and 3,000 kyat for those without house numbers. For a good location, you must pay 10,000 kyat extra," a youth from Hna-hmwar-sone quarter said.

Fifty-eight households who were living in Hna-hmwar-sone quarter No.1 at the time, situated between Tamu and Nant-Phar-Lon market were ordered to relocate south of Maj. Maung Maung Aye's (Chairman of Tamu District Peace and Development Council) location. Though peoples in this area had owned their homes for generations, the authorities ordered them to evacuate. "Some of these households depend on their domestic gardens for food. These people suffer most. They have no choice because it is an order from government to relocate within 50 days from the 7th of this month. If we don't move, they may use force to relocate us," a local person from Tamu said.

Nant-Phar-Lon market in Tamu becomes an important location for Indo-Burma trade since the opening of official border trade between 2 countries. Unlike the old bridge, the new bridge will be constructed well inside Burma and people do not need to cross India in order to reach Nant-Phar-Lon market from Tamu. (Source: "Sixty Houses Relocated for Bridge Construction," Network Media Group, 11 November 2003)

Residents of Taungbru left relocated for new battalion and jail project

On 15 November 2003, residents of Taungbru (Day Banna) village, Maungdaw Township, were forcibly relocated to allow for the authorities to build a new army battalion and jail project. The village contained over 53 houses and a Muslim graveyard, all of which was destroyed. The authorities provided land near a mountain in Taungbru village for those who were displaced but did not provide any compensation. One villager indicated, "Whenever the SPDC wishes to establish a new army battalion or other projects in Arakan State, they always target Muslim villages, mosques and graveyards to destroy though there are available places for the establishment of army battalions." A local villager added, "Some of these households have to depend on their domestic gardens in this area. These people suffer most. But they don't have any choice because of authorities said it is an order from government to relocate." (Source: "Residents of Taungbru Left Relocated for New Battalion and Jail Project," Kaladan, 15 November 2003)

Army demolishes village for recreation park

On 29 November 2003, a village headman reported that the Burma Army demolished 100 houses in Kya Mathouk village near LIB 20. The houses, mostly located near the eastern side of the Sittwe-Kyauk Tan motor road, were destroyed in order to construct a soldier recreation area, Nadarwan Garden Park. The army was also reported to have confiscated paddy fields, gardens and forest areas from the villagers. All was confiscated without compensation and villagers were reportedly trying to establish new homes on unused land near their deserted village. One employee of the Township Council, U Hla Soe Aung was also reported to be a victim of the forced relocation, as his was house destroyed. The village had reportedly existed in that location for 100 years before it was demolished. (Source: "Army Demolishes Village for Recreation Park," Narinjara, 16 December 2003)

SPDC army burnt 26 houses in northern Arakan State

On 11 December 2003, local women and students foiled an attempt by the SPDC army to destroy Myo Ma Kayan Dan (Shikdar Para) village of Maungdaw Town in Arakan State. On 12 December 2003, regarding this matter, District Peace and Development Council (DPDC) Chairman called a meeting with some villagers to request that the meeting attendants ask the villagers to vacate their houses. The next day, they did as requested, but the villagers didn't comply. Lt. Col. Soe Htwe, DPDC Chairman of Maungdaw District collected 20,000 kyat per head from the meeting attendants to compensate the villagers for their homes. The authority also promised to provide an alternative site for the uprooted villagers.

On 27 December 2003, the TPDC Chairman, Captain Hla Pho, accompanied by Military Police and Border Security Force went to the village at 10:00 am and started destroying the houses. There were about 200 armed men in total. The Tactical Operation Commander (TOC) No.1 headquarters from Buthidaung Township supervised the operation.

The armed groups blocked the Maungdaw-Buthidaung road and Maungdaw-Alay Sankyaw road until 3:00 pm and destroyed all 26 houses. Some village youths resisted, while the military groups attacked and destroyed the houses. But, later on, the youths stopped resisting, were arrested by the Nasaka and were carried away. The fate of the 2 youths was still unknown at the time of the report.

About 6 months prior to the incident, on 14 June 2003, the TPDC Chairman ordered the evacuation of these 26 houses. Families of the following individuals were ordered to evacuate:

- (1) Haji Yunus,
- (2) Abdul Matalab,
- (3) Mohamed Dullah,
- (4) Yasin,
- (5) Mohamed Jalil,
- (6) Nazo Mullah,
- (7) Abul Foras,
- (8) Abul Kalam,
- (9) Zibu Rahman,
- (10) Shukur,
- (11) Hala Boda,
- (12) Ayub Ali,
- (13) Mono Meah,
- (14) Mohamed Alam,
- (15) Hakim Ali,
- (16) Basar,
- (17) Abu Tahir,
- (18) Mohamed Ayub,
- (19) Mohamed Kha Sim,
- (20) Lalu,
- (21) Ali Akbar,
- (22) Kha Lu,
- (23) Say Tu,
- (24) Ms. Nasima Khatun,
- (25) Ms. Mazuma, and
- (26) Ms. Shuna Bi Bi (Source: "26 Dwelling Houses Destroyed by SPDC Authorities in Northern Arakan," Kaladan, 30 December 2003)

13.4 Situation in Chin State

Estimates by the Chin National Front (CNF), a pan Chin nationalist movement, indicate that forced displacement is a significant problem in Chin State with a total of up to 50,000 people displaced from their homes. According to the Chin Human Rights Organization (CHRO) tens of thousands of IDPs have fled from Chin State into neighboring Mizoram State, India. IDPs left Chin State where “documented reports indicate persistent human rights violations including forced labor, rape, arbitrary arrests, executions and religious persecutions.” The IDPs were hoping to find safer living conditions in hiding, in India. (Source: “Chin Refugees Being Evicted En Mass in Northeastern India,” CHRO, 6 March 2002)

However, it was reported that the “Chin who seek protection have not found safety in India. They are subject to deportation and intimidation by local authorities and activist groups such as the Young Mizo Association (YMA), which recently destroyed the hotel of a man of Burmese origin accused of raping a nine-year-old Indian [Mizo] girl. Following this incident in mid-July, the YMA took to the streets to vent their xenophobic views. Its members destroyed homes and belongings and threatened Burmese with harm if they did not leave their towns by a given deadline, the latest of which was August 20th [2003]. Since then, close to five thousand Chin have been forced to leave. Reports by local human rights groups state that the police supplied trucks to move refugees back to the border. They also stationed police at the border to prevent anyone who had returned to re-enter India,” (source: *Forced Back: Burmese Chin Refugees in India in Danger*, Refugees International, 5 September 2003). Forced evictions of Chin people from Mizoram State began in August 2001, causing at least 100 families to return to Chin State to live as IDPs by the end of 2002 (source: CHRO, 2002). In 2003, as many as 6,000 refugees returned to Chin State as a result of worsening security and forced deportation from India, causing a significant rise in the number of IDPs within the state (source: CHRO, 2003). (See The Situation of Refugees for more information.)

Forced Relocation in Chin State - Partial List of Incidents for 2003

More people returning to Chin State

On 2 September 2003, it was reported that as many as 6000 refugees reentered Burma from Mizoram State in Northeast India. Most of the returnees were compelled to go back to Burma due to the evictions in Aizawl and other areas. The Young Mizo Association (YMA), a powerful local youth body, gave the Chin a deadline to leave Mizoram State, India and is threatening the Chin population still remaining. People are really afraid of such threats because the Chin have seen the YMA mobs destroy property and manhandle people. Many of those who returned to Chin State were escorted to the border by Indian police. The Mizoram Superintendent of Police makes regular updates on the number of those who have crossed the border into Burma. Once they have crossed into Burma those who have no identity cards have reportedly been given a compulsory three month jail sentence, while Burmese authorities conduct a background check on each individual. (Source: CHRO, 2003)

13.5 Situation in Karen State

Note: Dooplaya, Pa-an, Papun, Nyaunglebin and Toungoo Districts, as reported below, are all areas demarcated by the KNU as Karen territory. Dooplaya District falls mostly in SPDC demarcated Karen State and partially in SPDC demarcated Mon State. Dooplaya District is under the patrol of the 6th Brigade of the Karen National Liberation Army (KNLA). Papun and Pa-an Districts fall entirely in SPDC demarcated Karen State. Papun District is under the patrol of the 5th Brigade of the KNLA and Pa-an is under the patrol of the 7th Brigade of the KNLA. Toungoo falls partially in SPDC demarcated Pegu Division and partially in SPDC demarcated Karen State. Toungoo is under the patrol of the 2nd Brigade of the KNLA. Nyaunglebin falls in SPDC demarcated Pegu Division and is under the patrol of the 3rd Brigade of the KNLA. The SPDC does not recognize these as official districts. Instead, the SPDC considers there to be 3 districts (North to South: Kawkaik, Pa-an and Myawaddy) and 7 townships (North to South: Than Daung, Papun, Hlaing Bwe, Pa'an, Kawkaik, Myawaddy, and Kya In Seik Gyi) within SPDC demarcated Karen State. These townships do not correspond with the KNU demarcated districts and townships, even for those which share the same name.

In 2003 Karen State continued to have one of Burma's gravest IDP situations. According to the Burmese Border Consortium there were 196,234 IDPs in Karen State in December 2003, half of which are living in government controlled relocation sites while the other half has stayed in hiding. Conflict-induced displacement was rampant in Karen State during 2003. In January, the SPDC's dry season offensive against the Karen National Union (KNU) forced hundreds of Karen villagers to flee to escape fighting, forced portering and forced labor. SPDC troops were reported to have hunted down many of these IDPs and destroyed their hiding places in the jungle. (Source: Department of Information, KNU, 2003)

Below are the estimated IDP population in 4 of Karen State's 6 Districts. This information is compiled from 2003 reports released by the Free Burma Rangers (FBR), Karen Human Rights Group (KHRG) and Burmese Border Consortium (BBC).

IDPs in Karen State		
District	# of IDPs in 2003	* FBR, July 2003 ** KHRG, 2003 *** Karen Monthly Human Rights Situation Report, Northern Karen State, January 2003 **** BBC 6-month report, July-December 2003
Dooplaya District	23,183*	
Toungoo District	5,000**	
Papun District	8,489***	
Pa-an District	4,000****	

At the end of 2003, the BBC also reported the following about the displacement of villagers in Karen State: "While the military bases of the ethnic opposition forces have been pushed close to the border, it is apparent that the majority of civilians displaced by skirmishes and militarization were located in contested areas around 100 kilometres further inside Burma. The main exception to this trend was the displacement of 4,000 civilians caused by SPDC's offensive towards the KNLA's 7th Brigade headquarters north of Myawaddy [in **Pa-an District**]. Reports from the field also suggest that militarization, or the deployment of troops, artillery and para-military forces, caused more civilian displacement than actual gun-fire during 2003." (Source: *Six-Month Report*, BBC, July - December 2003)

“The general situation [in Pa-an District in 2003] was bleak and continuing to deteriorate. The Burmese Army, reinforced by the Democratic Karen Buddhist Army (DKBA)... continue to force villagers to labor for the army and at least once a year attack the villages in the Dawna area... Interviews with IDPs indicated increased forced labor in road construction, with no food or pay given to the IDPs working on the roads. The Burmese Army and DKBA kill and steal livestock from most of the villages that they visit. At least 700,000 kyat worth of villagers' possessions were stolen or destroyed by the Burmese Army or DKBA troops. Ten farm houses were burned to the ground and many in this area have recently moved into hiding because of the constant persecution by the Burmese Army and DKBA,” (source: FBR, 2003). In Pa-an District “there [was] increasing pressure on IDPs and villagers to have no contact with outsiders and to follow all instructions given by the Burmese Army and their proxy army, the Democratic Karen Buddhist Army (DKBA).” (Source: FBR, 2003)

In **Papun District**, it was reported that out of a population of 13,969 people in the northernmost part of the district, 8,489 were IDPs in January 2003 (source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2003). In addition, KHRG estimates that approximately 5,000 IDPs were hiding in the jungles of Tantabin Township (source: KHRG, 2003).

The Burmese Army had been building roads in **Nyaunglebin District** during 2003 and had cut off travel by villagers both to their fields and to other villages. The Free Burma Rangers received many reports citing numerous villagers who had been hurt or killed by SPDC land mines, while others were shot at by the SPDC troops. Forced portering, confiscation of personal property and other human rights violations are a common occurrence in the IDP areas of Nyaunglebin District. At present, many children are not able to study because of Burma Army activities and the resulting food shortages. In the 14 villages the FBR team visited, there were only 4 schools operating. (Source: FBR, 2003)

Dooplaya District was reported to have approximately 23,183 IDPs. The villagers in this district, particularly in Kya Aye Township, have reportedly been facing constant military offensives causing them to flee and make shelters in the jungle. According to the Free Burma Rangers, they had insufficient food, were suffering from serious diseases, and lacked sufficient security. Many were reportedly in need of medical attention and some were suffering considerably due to the lack of sufficient medicine, proper food and shelter. (Source: FBR, 2003)

The Burmese regime has not mounted a major military offensive in **Toungoo District** since 1996, but continuous repression and harassment is forcing increasingly more villagers into mountainous areas. As a result, the KHRG estimates at least 5,000 are now in hiding in these areas. SPDC patrols are reported to hunt them down, trying to force all civilians into army-controlled villages where residents are regularly used as forced labor to maintain military access roads and porter supplies to outlying army camps. In these villages, even food supplies are tightly controlled; rice cannot be bought without the permission of the military, and farmers must hand over all food crops to soldiers, who are reported to eat most of it and hand back only tiny and insufficient rations. Furthermore, new units of the SPDC's notorious *Dam Byan Byaut Kya* execution squads have been created to penetrate all areas of Toungoo District, and were reportedly moving between villages with lists of civilians to kill. (Source: KHRG, 2003)

Another threat to the security of Karen IDPs is the SPDC Guerrilla Retaliation Units, which are active in Karen State, particularly in Toungoo District. "The Guerrilla Retaliation Units' sole purpose has been to locate and execute any villager who has had any contact with the KNU, even if that contact was as tenuous as supplying a bowl of rice to, or portering a load for the KNLA a decade ago. Operating in small units of five to ten men and often traveling by night, their ranks are filled with men handpicked from regular battalions who were noted for being particularly brutal...The handful of different Guerrilla Retaliation Units now known to be working in Toungoo District cover the areas in and around Klaw Mi Der village tract in Tantabin Township; in the Bu Sah Kee-Saw Mu Der region, also in Tantabin Township; around the Kler Lah relocation site; and throughout most of the villages to the west of the Day Loh River in Than Daung Township... Previously confined to the plains areas in the western portion of the District, their expansion far into the hills is a disturbing development... The fear which villagers have of the Guerrilla Retaliation Units and their methods is enough for some villagers to flee into the surrounding hills.

The *Wei Za* Guerrilla Retaliation Unit has swept through many of the villages to the west of the Day Loh River – terrorizing, exploiting, pillaging, and murdering many of the villagers who live there; as a result driving many of them have had to take flight into the jungles. The *Wei Za* unit is based in Bayinnaung Army Camp, close to Than Daung Gyi. It appears that they have formed as a special unit from within Infantry Battalion (IB) 124, also based in Bayinnaung army camp." (Source: KHRG, 2003)

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Nyaunglebin District

In January 2003, the SPDC troops sent a bulldozer to clean out Kyauk Na Gar village which had over 150 houses. Kyaut Na Gar village was situated in Shwekyin Township, Pegu Division, about 30 minutes walk from Shwekyin town. Villagers were forced to leave their homes without compensation and relocate to Kan Pae Aai and Kyaut Law Hta where they had to buy land from the military. People who had relatives in the town moved in with them, while the others slept under trees and bamboo. The displaced villagers included 70 Karen households, about 80 Burman households and a few Shan families. In Kyauk Na Gar villagers cultivated lemon orchards for a living. People also grew coconuts, jack fruit, and mangoes. Burmese Army IB 57 and LIB 350 are responsible in this area. (Source: FBR, 2003)

On 22 July 2003, Burmese Army troops from IB 60 shot and killed a 57-year-old IDP man, stole his rice supply and money, and then continued their patrol. (Source: FBR, 2003)

In July and August, the Kler Lwe Htoo Free Burma Rangers relief team brought supplies, medical care and encouragement to IDPs in Ler Doh Township of Naunglaybin District, Karen State. The team treated over 800 patients, distributed medicine, emergency cash, food, clothing, bibles, hymnals, and educational materials such as cassette players with educational tapes. (Source: FBR, 2003)

Pa'an District

On 21 February 2003, a combined SPDC and DKBA force attacked the villagers at Ti Baw Plaw, burning down villagers' field huts and cow fences. This attack disrupted the feeding of the cows and bulls during the difficult rainy season. (Source: FBR, 2003)

On 10 June 2003, Major Shwe Win from BA LIB 703, Column 2 and DKBA officer Pah Daw Bo ordered villagers from Htee-tha-blu-hta and Si-pah-Day Village who are cultivating for their livelihood close to the foot of mountain to leave from their farms and farm-huts within 3 days. They claimed that it was an area occupied by KNLA. All of the villagers were required to leave and if anyone was found they would be shot on the spot. (Source: Department of Information, KNU, 2003)

From 11 June 2003 to 14 June 2003, DKBA troops, led by Pa Daw Boe and the SPDC troops from LIB 702 Column 2, ordered the villagers of Htee-tha-blu-hta and Si-pah-day villages to stop working on their paddy fields and leave within 3 days. (KIC, 2003)

On 14 July, SPDC soldiers arrested approximately 130 people, including political activists, who were attempting to flee to Thailand. The arrests occurred along a temporary road between Myawaddy and Vallay Kee in Karen State. (Source: "30 Arrested Near Border," *Irrawaddy*, 17 July 2003)

"In a major offensive on 17 October 2003, Myanmar government forces have taken an ethnic Karen stronghold near the border with Thailand, leaving about 1,500 people homeless and in hiding, observers in northern Thailand said Friday. The offensive against the 7th Brigade headquarters of the Karen National Liberation Army began last month in Pa-an district of Karen State, opposite the Thai town of Mae Sot, a Western relief worker said on condition of anonymity." (Source: Associated Press Worldstream, "Myanmar troops take Karen rebel base, hundreds displaced," 17 October 2003)

Papun District

On 9 April 2003, SPDC troop Division 66, LIB 6, led by Commander Aung Kyaw, ordered Pgo Ler villagers to relocate to Bler Per village. He threatened that those who refused would be dealt with seriously by the military. (Source: KORD, 2003)

Beginning on 30 December 2003, troops from the SPDC LIB 568, LIB 512, LIB 18 and IB 3, under military command 2 and 3, LID 55 launched their military operation in Na-yo-hta village tract, Lu-thaw Township. As a result, villagers in the southern part of Na-yo-hta village tract fled into the jungle and were still hiding there at the time of this report. The number of families and persons from each village who fled were:

- (1) Keh-kho-mu-doe village, 71 families, 440 persons;
- (2) Kho-lay village, 25 families, 180 persons;
- (3) Bler-lu village, 17 families, 120 persons;
- (4) Ka-leh-lor village, 30 families, 229 persons;
- (5) Thay-pa-hti village and Ma-mee village, 35 families, 230 persons;
- (6) Lay-wah village, 21 families, 125 persons;
- (7) Kler-thoo village, 33 families, 237 persons;
- (8) Poe-khee-thoo village, 24 families, 166 persons;
- (9) He-po village, 17 families, 83 persons; and

(10) Saw Mu Plaw village tract, 4 families, 23 persons.

The total number of families and villagers who fled was 277 families and 1,833 persons.

Due to the activities of the SPDC troops, villagers in Kaw-lu-doe village tract also had to flee into the jungle. The villages evacuated were Nu-thoo-hta, Nu-thoo-khee-ploywa-mu-do, Thway-doe, Lay-baw-mu, Kya-la-doe, Kler-khee and Htee-ta-kay-hta villages. The total number of fleeing villagers was estimated at more than 1,000 persons. (KNU Headquarters, 21 January 2004)

On 30 December 2003, in Muthraw (Papun) District, Karen State, the Burmese Army LIB 568 attacked the village of Ka Lae Lo, chased the villagers out, looted their homes, burned 2 rice barns and destroyed 2 more. Two villagers were tortured. The attacking battalion was divided into 2 columns, #1 commanded by Thaing Shwey and #2 commanded by Aung Mya Htoo. LIB 568 was assisted by Saw Kyu Kyu and Saw Paw Lu and 10-15 men of the break away Karenni factions - Kayin Solidarity Organization (KSO) and Karenni National Peoples Liberation Front (KNPLF). After attacking Ka Lae Lo, LIB 568 chased the villagers of Lay Wah, Thay Ba Htee and Mar Mee into the jungle. These people along with the villagers of Ka Lae Lo number 557 persons and have fled south deeper into Muthraw district, Karen State, within a day's walk of Naw Yo Hta village. One woman gave birth as the people fled, 1 woman gave birth today on 7 January 2004, and there were 4 more expectant mothers. All of these IDPs were living in hiding high in the mountains with only the food they escaped with. More Karen IDPs were expected to arrive in this area shortly after. (Source: FBR, 2004)

According to the Free Burma Rangers, there are now over 1,000 new Karen and Karenni IDPs who are fleeing attacks by the Burmese Army and undergoing forced relocation. These IDPs are hiding in the jungle in the northern area of Muthraw district, Karen state, northeast of the village of Naw Yo Hta. Many are sick and for all of these IDPs, food is running out. (Source: FBR, 2004)

Toungoo District

On 17 December 2003, at 1:20 pm, SPDC troops guarding the bulldozer for road construction, clashed with the KNLA troops at Mu-Day between Klay-Soe-Khee and Kaw-Thay-Doe village, where an SPDC bulldozer was destroyed and a captain, a sergeant, a private and a driver were wounded. As a result, on 18 December 2003, the SPDC troops forcibly relocated Klay-Soe-Khee village. (Source: Department of Information, KNU, 2003)

On 19 December 2003, at 4:45 pm, troops from SPDC IB 92 burned down 2 houses belonging to Saw Maw Ka and Saw Way Traw of Klay-Soe-Khee village. On that day, at 4:00 pm, the SPDC troops operating nearby burned down the village of Maw-Tu-Doe. (Source: KNU, 27 December 2003)

On 22 December 2003, SPDC Tactical Command 551, under LID 55, moved into many areas in Tan-Ta-Bin Township. In Maw-Tu-Doe village the SPDC troops burned down 9 houses, 1 of which belonged to Saw Ka Ma and was worth about 2,500,000 kyat. These troops also burned down Klay Soe Khee village, where the house of Saw Way Traw was worth about 300,000 kyat and the house of Saw Maw Ka was worth about 180,000 kyat. (Source: KNU, 27 December 2003)

On 23 December 2003, The SPDC troops forced Klay-Soe-Khee villagers to relocate within a day and, as a result, villagers' domestic animals and items left behind were looted and destroyed by the SPDC troops. The SPDC troops did not allow the villagers to come back and take any of them. (Source: KNU, 27 December 2003)

13.6 Situation in Karenni State

The Burmese Border Consortium reported that the total IDP population in Karenni State stood at 56,850 in 2003. Fifty thousand of these IDPs were reportedly in hiding or in temporary settlements, while the remaining 6,850 are living in SPDC-controlled relocation sites. In 2003, this unfortunate situation worsened dramatically. In December, the SPDC began to systematically relocate all villagers in Southern Karenni State to SPDC-designated relocation sites such as Mahntahlay, near Pasaung (on the west bank of the Salween river), greatly increasing the number of Karenni IDPs.

Moreover, much of Southern Karenni State has now been made a free-fire zone. In December 2003, 1,000 new SPDC soldiers from Naunglaybin District, Karen State were reassigned to Southern Karenni State in order to oversee and enforce this large-scale forced relocation. According to many Karenni, the SPDC Army may be taking advantage of the verbal KNU-SPDC ceasefire negotiated in late 2003 to concentrate their forces against the Karenni people. Due to the intense militarization of the area at present, it is very difficult to estimate the size of the IDP population in Karenni State with any certainty, but it is surely in the tens of thousands. The Burmese Army patrols the area frequently, which prevents relief teams from accessing Karenni IDPs.

As of 2003, there were three types of displacement in Karenni State: conflict-induced; development-induced; and displacement arising as a result of resource scarcity. Development-induced displacement in Karenni State during 2003 included forced relocation of villagers to make way for a new road linking a Wolfram mine (near the Karenni-Karen border) to Mawchi. The Burmese Army was clearing out all villagers in the road's path and has laid mines to keep people from returning. (Source: FBR, 2004)

Conflict-induced displacement exists in Karenni State as a result of the Karenni National Progressive Party's (KNPP) efforts to secede from Burma. Burma's military government has strongly resisted KNPP's succession efforts and, since the 1960s, has used displacement as a tool to secure areas and cut off supplies and information from KNPP forces. This displacement has been accompanied by the confiscation of land and natural resources by the military, greatly impoverishing local communities.

The successive military regimes of Burma have carried out large scale forced relocation programs three times in Karenni State. The first large scale relocation was under the BSPP, occurring predominately in No.2 District of Karenni State, where an estimated 50 villages were burnt down and tens of thousands of villagers became homeless. The second Karenni relocation took place under the SLORC, who forcibly relocated many villages in No.3 District of Karenni State, resulting in the death of about 500 villagers from malaria and diarrhea. Then, in 1996, the military government once again carried out its forced relocation program across the Karenni area. A forced relocation order with a deadline of 7 July 1996 was first given to villagers living between the two major rivers in Karenni State, the Salween and the Pon. According to the order, the villagers were required to vacate in seven days and

go to SPDC-designated forced relocation sites. The villagers were warned that seven days after the order, the area would be declared a free-fire zone, and anyone found in the area would be considered a rebel and shot dead on sight.

In 2000, the SPDC permitted many Karenni people who had been living in forced relocation sites since 1996 to return to their own villages. The villagers however, were ordered to report to the nearest SPDC outpost at least once a week. As of 2002, these villagers were not allowed to stay overnight at their farms, and have been required to possess 20 kyat travel passes, allowing them day travel to their farms. Villagers are prohibited from carrying military uniforms or traditional guns used for hunting. The sale of medicine, batteries and rice is restricted, as is travel. Villagers are only allowed to travel between villages twice a week—on Tuesdays and Thursdays. While in transit, National ID cards are checked, and villagers are required to pay 20 kyat at every checkpoint. This situation remained fairly constant throughout much of 2003, until December when the SPDC began its newest large-scale forced relocation campaign in Karenni State. Predicted to last three months by the SPDC, this relocation project aims to force every villager in Southern Karenni State into government controlled relocation sites.

Situation in Karenni State Relocation Sites

Relocation sites have been scattered throughout Karenni State at Shadaw, Ywathit, Mawchi, Pah Saung, Baw La Keh, Kay Lia, Mar Kraw She, Tee Po Kloh and Nwa La Bo. As more villages were relocated, more sites such as Mahntahlay relocation site were created. All are under complete control of the SPDC Army, since they are usually located adjacent to army bases. Although living in the jungle has always been fraught with security problems and food scarcity, some people still remain there. However, many have relented and moved to one of the numerous government relocation sites.

Conditions at the relocation sites are extremely basic, remaining only slightly better than the IDP's situation in hiding. International relief organizations have no access to the relocation sites in Karenni State. Villagers in relocation sites often lack proper shelters, pure drinking water, food and medicine, which contribute to many deaths. Approximately 1,000 villagers in No.1 District alone have died in both forced relocation sites and IDP hideouts. At each of the large sites, there is evidence of an intention to provide health care to IDPs, either at a health facility inside the site or at a nearby health centre. In practice, however, facilities are woefully under-supplied. At some sites, such as Htee Poh Kloh and Mar Kraw Shay, IDPs reported there were no health facilities at all. The villagers also face SPDC demands for forced labor. A certain number of villagers have to go to the nearest SPDC Army base everyday where they are forced to offer free labor to perform tasks such as digging trenches, making fences, fetching water and collecting firewood. Women and children are also made to do forced labor.

Officially, the villagers are not allowed to go out of the relocation sites to farm. Recently, villagers from some sites have been allowed to farm outside the sites, but they must return at the end of the day. Troops are reportedly lax in securing the relocation site perimeters realizing that villagers have no choice but to forage for food outside the camps. The villagers often flee relocation sites on the pretense of searching for food nearby, when, in fact, they leave for long periods of time to go into hiding in the jungle, usually near their old villages. The continual flight of relocation site residents has been ongoing since the sites were first established and many villagers report that the current population of the relocation sites is much less than what they were initially. (Source: NCGUB & KNAHR, 2002)

Situation of Karenni IDPs in Hiding

A large number of villagers who have been ordered to leave their villages since 1996 remain displaced outside relocation sites. In the first few months following the order to relocate in 1996 there were at least 13,537 IDPs living in hiding. These villagers find their lives are in great danger as they are constantly being hunted by SPDC troops. While in hiding IDPs have no access to education or healthcare. IDPs on the run fall ill frequently due to lack of proper shelter and often die from treatable diseases. The most common illnesses amongst IDPs are malaria, diarrhea and skin infections.

IDPs in hiding are constantly on the move, particularly when SPDC troops approach their hideouts. Villagers have to travel in all kinds of weather, sleep on the ground, eat what they find in the jungle and drink bacteria-ridden water. Most IDPs in hiding are not able to farm, so food is very scarce causing numerous IDPs to die from starvation (source: CSW, November 2000). For a time after they flee, IDPs in hiding often live off rice they are able to take with them, but these food stores do not last long. Many IDPs in hiding cannot build fires at night in some places due to the proximity of the SPDC Army. Because nighttime temperatures are often at or near freezing in their hiding places, a night without fire is a severe hardship (source: FBR, 2004).

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Beginning on 10 December 2003, the Burmese Army forced the villagers of No.2 and No.3 Townships of District 2, Karenni State to relocate along the Mawchi- Toungoo road to porter for the Burmese Army as well as to build a new army camp 1 mile west of Mawchi at Kaw Ku. The Karenni have reported that the Burmese Army is building a new road from Mawchi south east to Htee Lay Kee in No.1 Township of No.2 district to serve the new Wolfram mine there. Also starting the same date, 80 Karenni women and 40 Karenni men were forced to carry supplies for the Burmese Army from Mawchi to the Karen-Karenni border. The Burmese Army has also brought 1,000 new soldiers up from the Kaukkyi area (Naunglebin District, Karen State), to reinforce these operations. The Karenni say the Burmese Army is taking advantage of the Karen unofficial ceasefire to concentrate their forces against the Karenni. (Source: FBR, 2003)

On 13 December 2003, a Karenni man, Saw Day Khwa, was killed and his daughter (age 14) badly wounded, when they stepped on a mine laid by the SPDC to keep relocated villagers away from their original villages. The father and daughter were forcibly removed from their hometown, Lo Ka Lo village, earlier in 2003. The Burmese Army unit that placed this mine was LIB 568, commanded by Thin Shwee Oo. (Source: FBR, 2004)

On 26 December 2003, the 55th Division of the Burmese Army at Mawchi ordered all Karenni villagers north and south of the Mawchi road to relocate to Mahntahlay near Pasaung (on the west bank of the Salween river), or be shot on site. This order applied to 50 villages in 3 different townships. The order stated that, "If any fail to come in ten days, they will be considered rebels and will be shot on sight." Before the 10 days were up, 100 troops of the 55th Division, Burmese Army arrived at Pha Ho village to the east of Nat Taung Mountain, and on 29 December, the army chased the villagers out of their homes, shooting at them with machine guns and mortar. However, there were no reported deaths. The largest concentration of IDPs fled to Northern Muthraw district, in neighboring Karen State, where 995 Karenni IDPs and 678 Karen IDPs are in hiding together. Their food and medicine has

now run out. The Burmese army has laid land mines around their original villages to prevent the villagers from returning. The area of and surrounding their homes villages is now a free fire zone, so all villagers still in the area have been declared enemies and will now be shot on site. The village headmen were told that within 3 months all Karenni villagers would be cleared out of district 2, and placed in the relocation site. (Source: FBR, 2004)

Of the estimated 1,000 Karenni IDPs who fled to Muthraw District, Karen State, in December 2003, 831 villagers are accounted for. These people were from the following villages in Karenni State:

- (1) Phahoe village, 188 persons;
- (2) Kawaw Jo village, 45 persons;
- (3) Behkee, 27 persons;
- (4) Yu Hae daw Ko village, 175 persons;
- (5) Ka Ya Kee village, 168 persons;
- (6) Kaw Ka Daw Ko village, 65 persons; and
- (7) NU Thu Kee, 163 persons.

These 831 Karenni IDPs are still hiding in Northern Muthraw District, Karen State. The Burmese Army patrols and fires on any civilians it sees in this area. (Source: FBR, 2004)

13.7 Situation in Mon State

“Almost all the [Mon] displaced persons are hungry and in serious poverty.”

(Source: “No Land to Farm,” *The Mon Forum*, HURFOM, 20 September 2003)

In 2003, the scale and intensity of the IDP problem in Mon State paled in comparison to that of neighboring Karen State. However, the number of IDPs in Mon State did continue to rise over the year, predominately due to ethnic conflict. The Mon Relief and Development Committee (MRDC), a Mon relief organization based on the Thai-Burma border, reported in 2003 that there were approximately 40,000 displaced villagers in Mon territory (source: “Population Displacement is Humanitarian Crisis in Burma,” *The Mon Forum*, HURFOM, May 2003). Five thousand of these IDPs currently reside in SPDC controlled relocation sites, while others are in hiding (source: “Mon Resettlement Site Swells to More Than 5000 IDPs,” *Kao Wao*, 7 July 2004). The Human Rights Foundation of Monland reported that most IDPs in 2003 came from Ye Township (source: “No Land to Farm,” *The Mon Forum*, HURFOM, 20 September 2003). The displacement in Ye Township was due to intense SPDC military operations against a splinter group of the ethnic Mon Army based in Southern Ye Township led by veteran Mon Army commanders. Three SPDC Army battalions were dispatched to the area in May and June who forbade all villagers from farming their land or leaving their village for any reason (source: *The Mon Forum*, HURFOM, July 2003). To avoid being accused of helping the Mon rebel army and undergoing torture, it was reported that “people [from Southern Ye Township] sneak out from their villages separately to avoid the SPDC’s eyes, then try to get to Tavoy Resettlement Site through the thick, dense jungle. These IDPs risk being tortured or shot dead by the BA if found escaping from their villages,” (source: “Mon Resettlement Sites Swells to More Than 5000 IDPs,” *Kao Wao*, 7 July 2004). Mon IDPs “are in a desperate situation, they flee their villages and many are victims of the conflict. Mon IDPs are forced to porter for the SPDC and they are rounded up to work on slave labor projects. They are suffering from extreme hardship” (source: “Displaced People beyond the Border,” *Kao Wao*, 11 July 2003).

Mon villagers also experienced development-induced displacement in 2003. The SPDC's railroad project which aims to make the capital of Mon State the terminus for the Rangoon rail line caused forced relocation in the Moulmein area. The railway station itself will occupy about 200 acres and is to be built at the Myenegone cemetery in Moulmein. Up until the time of this report, the railway line ended at the terminal in Mottama, on the opposite bank of the Salween (Thanlwin) river. After the new road and rail bridge, which was under construction at the time of this report, across the river are opened, passengers will be able to ride all the way to Moulmein by train, without taking a ferry. This project caused thousands of homes in Mon State to be forcibly relocated without any government assistance. (Source: "Over 1,400 Families Relocated For New Railway Station," Kao Wao News, IMNA 24 September 2003)

The military regime has a history of displacing Mon villagers for development projects. The single most common reason for flight in the early 1990's was the construction of the railroad between Ye and Tavoy, which covered a distance of 160 kilometers. In late 1993, SLORC began rounding up villagers in Mon State as forced laborers to build the railroad. The use of forced labor on this project continued until at least 1998. Over this period of time, thousands of Mon, Karen, and Tavoyan villagers were forced to work on the railroad for up to two weeks per month without pay. Because villagers were unable to tend to their fields during the months of labor on the project, villagers lost the ability to sustain themselves and had no option but to flee their homes.

"The other major development project that affected the Mon was the gas pipeline that was to be built to carry natural gas from the Gulf of Martaban, across [Mon State] and into Thailand. The original route was to have taken the pipeline through Three Pagodas Pass, though a shorter land route coming out further south at Nat Ei Daung was finally agreed upon. In preparation for the pipeline, which would be vulnerable to attack by ethnic minority forces, Mon and Karen villages were forced to relocate, and in 1995, the SLORC created a new army command position, the Tenasserim Coastal Military Command, whose headquarters were in Tavoy. The increase in Tatmadaw soldiers in the area led to an immediate increase in the forced recruitment of civilians as porters and as laborers to build new army barracks in the region, and this contributed to refugee and IDP outflows from 1994 onwards." (Source: "The Ethnic Minorities" & "The Mon," HRW, September 1998)

Some reports indicate that forced relocation decreased after 1995 when the New Mon State Party (NMSP) made a cease-fire agreement with SLORC. However, continuing Mon resistance by the Mon Revolutionary Army (MRA) alongside the Karen National Liberation Army (KNLA) has ensured that much of Mon State has remained a war zone up until 2003. Several armed groups, including the SPDC Army, have been active in the so-called cease-fire zones of Mon State. Some Mon people argue that this has made the IDP situation in Mon State worse than before the cease-fire deal with the SPDC in 1995. (Source: Kao Wao, 1 November 2002)

In most cases, whenever forced relocation happens in rural Mon State, the commanders who order the villagers to leave their homes do not provide a resettlement site. Instead they tell the villagers that they can resettle anywhere but their former village. Sometimes after Mon villagers have been displaced they try to return to their original villages despite the dangers, to harvest cash crops such as betel-nut or to cultivate paddy in the fields. When the battalion that forced them to relocate is replaced with a more lenient battalion, IDPs are sometimes able to return to their original homes. When more brutal battalions arrive, they flee again. (Source: HURFOM, 2002)

The Mon people become IDPs not only because of armed fighting between the Burmese Army and ethnic armed groups, but also because of human rights violations, land confiscation and unemployment (source: “No Land to Farm,” *The Mon Forum*, HURFOM, 20 September 2003). Some villages are accused of being rebel bases, and villagers are suspected of being rebel-supporters. As a result, they are often forced to relocate. Even if the village is not forced to move, they suffer more than other villages from torture and killing by the SPDC, so many villagers flee in fear and live as IDPs (source: HURFOM, 2002).

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IDPs tortured by SPDC

On 17 March, 2 Mon IDPs from Kalokkani Refugee Camp, Naing Po Peik and Naing Niti were arrested in eastern Mon State by soldiers from LIB 258 led by Colonel Nyo Maing and Captain Minn Naung. The 2 IDPs were accused of having contact with Naing Pann Nyunt, (the leader of an armed Mon splinter group) and beaten with rifle butts and tortured for the whole night. (Source: “Refugees tortured by SPDC,” DVB, 21 March 2003)

Land confiscation in Ye Township for SPDC artillery regiment

In May 2003, the Burmese Army confiscated about 600 acres agriculture lands near a Mon village, Morkanin, in northern Ye Township in order to construct a base for Artillery Regiment No.317. The regiment commanders confiscated more land than they needed for the base. One villager, knowledgeable about the Burmese Army said, “Normally, to deploy a battalion or regiment, it needs only 300 acres of land maximum.” The land was owned by civilians and used as rubber and fruit gardens. “Like the previous confiscation, the army did not pay compensation. Without informing us, they just came and took the land,” said local villagers. The newly deployed AR No.317 is under the command of Artillery Division No.606. The SPDC regime has a plan to deploy about 10 artillery regiments in Mon State and currently they have deployed about 9 regiments already. Many families remained in the villages without land, work or employment. (Source: *The Mon Forum*, HURFOM, 31 May 2003)

Over 1,400 families relocated for new railway station

In September 2003, residents in 2 wards in the Mon state capital of Moulmein were ordered to abandon their houses for a new railroad project. Over 1,400 houses in Myenegone and Hlaing wards have already been destroyed by order of the SPDC. Photos of houses being destroyed were taken on 21 September by ward authorities. The owners had to pay 1,500 kyat to get a photo taken.

Authorities compensated those whose houses are being relocated, but the price varies from a thousand kyat per square foot for brick houses to 200 kyat for wooden houses and 140 kyat for thatched roof houses. In return, local residents will be granted land available for housing in Phetkhin and NganTe wards of the city. They will have to buy land in these new areas. Prices are not yet known. The new sites will be on lots approximately 80 by 60 feet per household. The authorities will resettle those who can afford to build expensive brick houses along the main road, while those who can only afford wooden or thatch roofed houses, will be given land farther away from the main streets. (Source: “Over 1,400 Families Relocated for New Railway Station,” Kao Wao & IMNA, 24 September 2003)

Beautification project in Moulmein

On 20 September 2003, it was reported that in Moulmein city, the Moulmein City Development Committee decided to check the houses in the city. If the Committee felt that a house was not appropriate for the city, the house owners had to rebuild it. The Committee sent a direction letter to each Ya Ya Ka (Village Peace and Development Council) office to take action on this decision. The letter stated that if a house does not have 2 floors with a roof or with iron sheeting, it must be rebuilt. The people were ordered to rebuild their houses within 6 months. There were some people who were able to rebuild their houses but there were some people who could not because they had no money. Many people believed that the authorities would force people to move out if they could not rebuild their houses in the given time. (Source: HRDU, 2003)

50 families flee to Halockhanee refugee camp

On 30 September 2003, it was reported that over 50 families from Yebyu and southern Ye Township had recently arrived at Halockhanee refugee camp inside Burma, on the Thai border. The villagers were fleeing human rights abuses by the SPDC army. (Source: "Fighting Continues in Southern Ye," Kao Wao and IMNA, 30 September 2003)

13.8 Situation in Shan State

"Since March 1996, the Burmese military regime has forcibly relocated over 1,400 villages throughout Central Shan State. Over 300,000 people have been ordered to move at gunpoint."

(Source: "Shan Refugees: Dispelling the Myths," SWAN, September 2003)

Starting in 1996 the SPDC has engineered forced relocation in Shan State on a scale so massive that many observers conclude that it is intended to permanently change the ethnic composition of the region. In 2003, these campaigns intensified, worsening the plight of the Shan State IDP population, which currently stands at approximately 275,000 according to the Burmese Border Consortium. 200,000 are reportedly in relocation sites, while the remaining 75,000 are in hiding. Since March 2003, the SPDC has tightened security in Shan areas, resulting in closer government monitoring of all travelers. Despite their increasingly restricted movement, the number of people crossing into Thailand from Shan State has risen from an average of 1,000 per month from January to March 2003 to 1,300 people per month after a ban on travel was announced in March. This increase in IDPs fleeing Shan State suggests that conditions for IDPs there have greatly deteriorated.

The Free Burma Rangers conducted a relief mission to southeastern Shan State in March 2003 (for the full report see <http://www.dictatorwatch.org/>). The relief team documented cases of rape, torture, and forced labor inflicted upon IDPs. Such circumstances have forced IDPs to move two or three times in an attempt to improve their situation (source: *Running the Gauntlet: The Impact of Internal Displacement in Southern Shan State*, IRC, USAID, Chulalongkorn University, December 2003). However, those who lived as IDPs in Shan State and later fled to Thailand have consistently reported that ongoing village relocations and forced labour in central Shan State was their main reason for fleeing (source: *BBC Six-Month Report*, BBC, July - December 2003).

Forced relocation in Shan State often takes place in the name of crop substitution and drug eradication programs. In 1996 the SLORC delineated a huge area of Central Shan State, and ordered the forced relocation and destruction of every village in the region. The villagers were forced to move into sites directly under military control. By 1998, over 1,400 villages in 12 townships had been forcibly relocated and destroyed, displacing a population of at least 300,000 people. (Source: *Charting the Exodus from Shan State: Patterns of Shan Refugee flow into Northern Chiang Mai Province of Thailand 1997-2002*, SHRF, May 2003)

A number of Shan ethnic organizations including the Shan Human Rights Foundation believe the regime's true motive in forcibly relocating large numbers of Shan State villagers is the "Burmanization" of the multi-ethnic Shan State population. Indicative of this SPDC campaign to suppress and 'Burmanize' Shan people was Khin Nyunt's January 2002 response to the International Labor Organization's (ILO) investigation into the alleged killing of villagers in Kengtung. Khin Nyunt, who was Secretary One of the SPDC at the time, casually stated to the ILO that "there were only a few villages in the area [of Kaeng Tawng]," when in fact these villages were relocation sites to which 50-60 formerly thriving villages were forced to move in 1996. Khin Nyunt also denied the existence of several victims because their villages "did not exist" (they had been relocated). Khin Nyunt further corrected SHRF's use of one village's Shan name, referring to it by a Burmese name instead. This village is in one of the areas where the military regime is now relocating Burmans. In response to Khin Nyunt's statements, SHRF notes that, "the intent of the SPDC to Burmanize the region, erase the Shan history and identity, and its own crimes in the process, is thus frighteningly apparent." (Source: *SHRF Monthly Report*, SHRF, March 2002)

Damming the Salween

SPDC plans to build three dams on the Salween River progressed in 2003. It is estimated that the dams will "affect 10 million people representing 13 ethnic groups living along the river," and "thousands of people have already been displaced in preparation for the construction," (source: *BBC Six-Month Report*, BBC, July - December 2003). Salween Watch, a Chiang Mai-based environmental organization estimates that over 300,000 Shan and other ethnic people have already been forced to relocate from central Shan State to make way for the Tasang dam (source: Samabuddhi, Kultida, "Salween is Home to New Dam Row," 9 April 2003). The dam projects have already attracted the attention of environmentalists and human rights activists because of expected environmental destruction and large scale forced relocation. Construction of the first dam will begin in 2007 near Tasang in Shan State. The other two dams will be built on the Thai Burma border, in the Mae Sariang District of Mae Hong Son province. The Thai government foresees electricity being distributed by 2012 (source: "PM Backs Damming of Salween," *The Nation*, 14 March 2003).

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A village forced to move in Murng-Pan

In early 2003, villagers of Wan Mai Tin Loi village in Murng-Pan Township, were ordered to move by the SPDC LIB 332. At the end of 2002, SPDC troops from LIB 332, led by Commander Htun Myint, stationed at Loi Waw Ma Hill in Murng-Pan Township, summoned the village leaders of Wan Mai Tin Loi village to a meeting at the military camp. He told them they must relocate their village in early 2003 in order to allow more SPDC troops to be deployed in the area. Since then, the villagers have left the village little by little in different

directions and have become internally displaced. Since April 2003, the SPDC troops have started to build a new military stronghold at the relocated village and people in the area are being used for the construction work. (Source: *SHRF Monthly Report*, SHRF, July 2003)

Land seized for ‘Wa’ settlers in Murng-Ton

In January 2003, on the orders of local SPDC military authorities, members of United Wa State Army (UWSA) ceasefire group seized land from local villagers in Murng Haang village tract, Murng-Ton Township, for a group of Wa settlers who they had relocated from northeastern Shan State. The Wa were resettled at an old village, Nam Hoo, northeast of Murng Haang village. In allotting land for cultivation to the Wa settlers, the UWSA also seized some land, including rice fields, vegetable gardens and woodland, from the local villagers, on the orders of the commander of IB 65 of the SPDC.

When the owners of the confiscated land tried to file a complaint with the SPDC township authorities in Murng-Ton town in order to get back their land, they were told that the local SPDC had given the land to the ‘Wa’ only because they were ordered by their superiors and no one could do anything about it. Some of the villagers who lost almost all of their land on which they had to depend for their livelihood were shocked, but there was nothing they could do, except to walk out of the SPDC township office, crying. (Source: “Land Seized for ‘Wa’ Settlers in Murng-Ton,” *SHRF Monthly Report*, SHRF, May 2003)

Land and property confiscation in Kun-Hing

In January 2003, the land and property of a villager was confiscated and 15 village leaders were arrested, tortured and detained for 6 days by SPDC troops of IB 246 in Kun-Hing Township. Following a skirmish in Ka Li village in Ka Li village tract, Kun-Hing Township, with an unknown armed group in the evening of 10 January 2003, in which 1 SPDC soldier was killed, SPDC troops from IB 246 suspected Shan soldiers to be the killers and arrested 15 villagers of Ka Li, including the headman, Lung Kaang Nyo (age 51).

Lung Hom, a well-to-do villager of Ka Li who was also to be arrested, was not at home at the time of the SPDC troops’ arrival. So the troops confiscated his property, including a medium-sized tractor, 2 rice mills, 2 small-sized tractors, 27 tons of lumber and a concrete house with a compound.

The 15 villagers were detained in a jail at a military camp and interrogated for 6 days and 5 nights, during which they were beaten and tortured by SPDC troops. Finally money was extorted for their release. The Ka Li village headman had to pay 100,000 kyat and the 14 others had to pay 50,000 kyat to be released. Lung Kaang Nyo, the Ka Li village headman, was so severely beaten during his detention that his eyes were black and painful until several weeks after his release. (*SHRF Monthly Report*, SHRF, May 2003)

Residents advised to move from Tasarng dam area

In February 2003, villagers were advised to relocate from the Tasarng Dam area. Bangkok-based MDX and Burma’s Ministry of Energy signed an agreement on 20 December to build the Tasarng Dam, located between Mongton and Mongpan Townships of Shan State. As excavations by foreign firms on both sides of the projected dam site continue, some Burmese officers counseled a preemptive departure of local residents in the vicinity. One militia leader,

told villagers "If you continue to stay, you will be forced to work [to construct the dam] with little or no pay," he said. "And in the end, after the dam is finished, you will still be thrown out of your homes anyway. You should therefore move while you still have time." Rangoon had already forcibly relocated 1,500 villages in the area, but some 20 villages still remain, the largest one being Wan Sala with 57 households. In 3 other villages in the immediate neighborhood of the dam site: Tanghseng, Palao and Hsophsim, they are only about 10 households each. (Source: "Residents advised to move from Tasarng Dam Area," SHAN, 14 February 2003)

Fifteen thousand Shan have been displaced from homes north of Salween

In March 2003, a relief mission into South Eastern Shan State reported that in areas north of the Salween River, most Shans had been relocated to Mong Pan and Mong Ken Tong (a forced relocation site), leaving behind Lahu, Lisu, and Pa-O villagers who the SPDC forced to produce opium. The team estimated that over 15,000 Shan have been displaced from this area. (Source: "Relief Mission, Mine Victim And Additional Analysis of Burma," Dictator Watch, 23 June 2003)

Fifty families forced from their homes

In March 2003, villagers on islets of the Parng, a tributary of the Salween, were ordered to move out, leaving some 50 families homeless, according to an aid worker. (Source: "Burmese Refugee on the Rise: Unfortunately Thailand Does Not Recognize Shans as Refugees," SHAN, 13 May 2003)

UWSA forcibly occupies 42 houses and paddy lands

On 5 March 2003, UWSA 171 forcibly occupied 42 houses and paddy lands (1000 EK) at Nam Yoom village, Mongton Township. The villagers requested payment for the houses and paddy lands. The UWSA paid only 100,000 baht for all the houses and paddy lands. Within the last year, Khin Nyunt sold the Mongton areas to the UWSA for 2 million US dollars. None of the villagers were satisfied with that, but they could not do anything to the UWSA. Most of the villagers fled to Mongton and Mong Ssat areas because the Wa Army, who had begun living in the village, did not allow them to stay unless they entered the UWSA. Nam Yoom village is near the Thai-Burma border and it is a good place to trade, especially drugs, so the UWSA wanted very much to have that village under their control.

On 30 April 2003, the Burmese Army and Wa Army combined and conducted a military operation in the area. They entered Lahu and Shan villages and killed 7 people, 1 of which was a 5-year-old child. The troops cut the child into 2 parts, and then threw her body away. They also cut her mother's neck, killing her. The villagers became very afraid and ran away. There are a total of 17 families from 1 Lahu village who are now IDPs. The relief team provided medicine and other supplies. (Source: Lahu Free Burma Rangers Relief Mission – Eastern Shan State, FBR, 7 June 2003)

Repeated relocation and land confiscation in Murng-Nai

On 19 March, displaced villagers who were forcibly relocated in 1996 and were permitted to return in 2002, were again forced to move and their property confiscated by SPDC troops at military training school in Kaeng Tawng area in Murng-Nai township.

Villagers of Nam Tum Nur village in Nawng Hee village tract, Murng-Nai Township, were forcibly relocated to Wan Nawng village in Ton Hoong village tract in 1996 by the then SLORC troops. In July 2002, the villagers were told by the SPDC in the area that they could return to their original village. About 20 households returned. Since their original houses were all ruined, they built small bamboo shelters. As their new crops and vegetables grew to eatable sizes, the SPDC troops from the military training school near the village often came and stole them.

On 19 March 2003, the villagers of Nam Tum Nur village were ordered to relocate back to Wan Nawng village relocation site by the training school authorities on the grounds that the village was too close to the school and it would be confiscated for the expansion of the training ground. (Source: *SHRF Monthly Report*, SHRF, October 2003)

NaKawngMu villagers fled to Mong Hsat, Mongton and Tachilek

On 18 May 2003, the Shan State Army (SSA) shot at the Burmese Army based in Mong Ham, Mongton area. Then, the Burmese Army accused the SSA and villagers of staying together in NaKawngMu village. After the accusation, the Burmese Army shot at NaKawngMu village with a MM-81 mortar. Some houses were destroyed and 2 children (1 girl about 8 years old and 1 boy about 14 years old) were hit by the shots and died. Some other villagers were injured. Some villagers fled to Mong Hsat, Mongton and Tachilek. Now, the UWSA are living in NaKawngMu village. (Source: Lahu Free Burma Rangers Relief Mission – Eastern Shan State, FBR, 7 June 2003)

Arrest, torture, detention, extortion and forced relocation in Murng-Ton

On 20 May 2003, Zin-Ta, the village headman of Paang Keng village in Murng-Ton Township was arrested and the village was forced to relocate by the SPDC troops from IB 225. Following the arrest of the village headman, in the afternoon, a column of about 60-70 SPDC troops from IB 65, led by commander Hla Myint, came to Paang Keng village and asked to meet the headman, and the villagers told them that the headman was taken away by IB 225 5:00 that morning. IB 225 denied having arrested the headman.

Commander Hla Myint accused Paang Keng village of being one of the villages supporting the Shan resistance forces, and ordered the villagers to move away before 23 May 2003. From the afternoon of that day onwards, anyone found in the village would be shot on sight, said the order. (Source: *SHRF Monthly Report*, SHRF, July 2003)

Two pregnant women shot dead during forced relocation in Murng-Sart

On 25 May 2003, 2 Shan villages in Murng Kok village tract, Murng-Sart township, were fired at and burnt down by SPDC troops from IB221, killing 2 pregnant women in the process. On the day of the incident, 60-70 SPDC troops from IB 221 separated into 2 groups and came to Kho Pen and Ho Murng village. They shouted at the villagers to leave immediately, firing their guns randomly at the houses. 2 pregnant women in Kho Pen village were hit and killed before they could leave their houses.

The troops burnt all 20 houses in Kho Pen village and 29 houses in Ho Murng village. Then they picked 17 female villagers, accused them of being related to Shan soldiers and detained them at the military camp at Murng Kok village. Two of the women were only 15 and 16 years old. Each of these women was raped by several soldiers every night from 25 to 28 May 2003. Reportedly, the SPDC troops burnt the villages because of the bomb blast between the 2 villages on 21 May 2003, which had wounded 2-3 SPDC troops. The SPDC troops accused the villagers of siding with the Shan soldiers and of deliberately rigging the bomb to harm them. (Source: *SHRF Monthly Report*, SHRF, July 2003)

Four hundred IDPs relocate near Shan rebel stronghold

During October 2003, more than 400 Shan IDPs opposite Chiangmai were authorized by Thai authorities to relocate near another Shan rebel stronghold according to a local social worker who just returned from a Shan border base. The relief worker said all 84 people, including children, taking refuge near Loimon base, opposite the village of Laktaeng in Wianghaeng district, and another 174 near Loikham base, opposite the village of Kaenoi in Chiangdao district, would join the 182 people who are already at Loilam, another Shan State Army base opposite Wianghaeng district. The base is under the command of Maj Khieofah. "The good news is that we will be allowed to deliver relief assistance to this new IDP camp which is 3 km inside Shan State, after all have been transferred there," she added. (Source: "IDPs allowed to Regroup," SHAN, 11 October 2003)

13.9 Situation in Tenasserim Division

As in previous years, residents of Tenasserim Division experienced rampant forced relocation in 2003. The Burmese Border Consortium reported that there are approximately 64,894 IDPs currently in Tenasserim Division, 58,000 of which are now living in 1 of 39 government-controlled relocation sites. 6,596 IDPs are reportedly living in hiding. As of December 2003, 139 villages have been destroyed by the SPDC in Tenasserim Division. (Source: *Six-Month Report*, BBC, July-December 2003)

The causes of internal displacement in Tenasserim Division this year included the SPDC's continuing "Four Cuts" Campaign. Throughout the year the Burma Army swept the Thai-Burma border area in Tenasserim Division in an attempt to locate and uproot villagers that may be supporting ethnic rebel armies with information or supplies. In one instance, villagers from the Ye Phyu area in Tenasserim Division fled to Cheoh Dide village during the early rainy season, after their farms were confiscated by the Burmese Army. (Source: *Displaced Beyond the Border*, Kao Wao, 11 July 2003)

Also contributing to the IDP population in Tenasserim Division is small scale, armed fighting that has occurred in Yebyu Township (the Northern-most township in Tenasserim Division) since 1998, when former Mon soldiers from the Mon National Liberation Army (MNLA), resumed fighting against the military government to protest the constant use of forced labor in the area (source: HURFOM, 2003). In addition, numerous other villagers were made homeless as a result of the construction of new SPDC military bases. The presence of villagers currently living in an area is not factored into the SPDC's decision of where to build new army bases. Therefore IDP flows in Tenasserim Division often stem from such military construction projects.

Forced Relocation in Tenasserim Division - Partial List of Incidents for 2003

Burmese troops inform refugees in Thailand they can come home to Burma

In January 2003, Burmese troops from No.1 Strategic Command, based in Kamoethway area, in the east of Tavoy, informed villagers in Thailand that they can come back to Burma beginning January 2003 and live in 3 villages which were destroyed by Burmese troops: Thukat, Kochoang or Kaymoechon village. Any family wishing to return can live in any of those villages, but they must inform the Burmese troops responsible for those areas. It is not known why the Burmese troops are allowing villagers in Thailand to go back to these 3 designated villages while the villagers who are in forced relocation sites inside Burma cannot.

Those 3 villages are located on the Burmese transportation route to Thai border. Some analysts say if there are no villagers there, it will be difficult for the Burmese troops to secure their new road to the Thai border and the new artillery battalion, which are under construction. If there are villages in the area when the KNLA attacks the new road, the SPDC can allege villagers collaborated with the KNLA. Therefore, the villagers would then try to stop future KNLA attacks. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2003)

Eleven Tavoyan families were forced back to resettle in a deserted Karen village

On 8 January 2003, Thai authorities, cooperating with Burmese troops from IB 108, forcibly resettled 11 Tavoyan families from Ban Bongti, Kanchanaburi Province, Thailand to Kawsawwah village, Tenasserim Division (see map below). Kawsawwah was a Karen village deserted after a Burmese Army offensive. In early 2003, Burmese troops also forcibly relocated 20 Burmese families from Taung Thone Lon village and to Kawsawwah. The resettled villagers lack security, because the SPDC has designated the area a free fire zone. Local Thai authorities were reportedly planning to send back more villagers to Kasawwah, increasing the number of IDPs in Tenasserim Division. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2003)

On 1 March 2003, Burmese troops from LIB 265 burnt down 3 houses and 2 huts at a villagers' hiding site in the jungle, in Tenasserim Township, Mergui District. While on their operation to search and kill IDPs in the jungle a troop from LIB 265 was attacked by Karen soldiers. After the attack, the Burmese soldiers discovered a villagers' hiding site and burnt down the 3 houses and 2 huts. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, March 2003)

On 10 March 2003, LIB 17 ordered 49 households, totaling about 300 people, from Met Wah village, Mergui District, to move to the road beside their village within 5 days. Burmese troops gave them 30 x 30 feet per family to stay in relocation site. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, March 2003)

Villagers fled due to “the 50,000,000 kyat road” construction

In May 2003, it was reported that Karen villagers relocated to consolidated villages near the “50,000,000 kyat road” continued to flee to the jungle and remain as IDPs. The road project commenced over 5 years ago and the Burmese military authorities collected approximately 50,000,000 kyat (US\$ 50,000) from Karen villagers in Township X, Tavoy District throughout the construction, which is the source of its name. The Karen villages in Township X have been viewed as a conquered area due to the history of ethnic insurgence. In accordance with the “4-Cuts” Campaign, the military has relocated these villagers into consolidated villages. While the ethnic resistance in the area has declined over the years, the Burma Army has continued to perpetrate human rights abuses. Some local human rights groups have reported that human rights abuses in the area have actually increased. Unable to endure the ongoing human rights abuses, some villagers have reportedly fled from the consolidated villages. Those that do are reportedly pursued by the Burma Army troops, who are believed to shoot without warning as many believe the SPDC does not want the Karen villagers to share information about the perpetration of human rights with the outside world. Many of these villagers live as IDPs in the jungle and attempt to survive without access to humanitarian aid. The choice of villagers to live as IDPs in the jungle over living in a consolidated village is testament to the unlivable conditions in the latter. (Source: “Forced to Facilitate Their Own Oppression,” Dictator Watch, 21 May 2003)

On 3 September 2003, the SPDC army defense headquarters ordered the Coastal Region Military Regional Commander (CRMC) to search for a site to set up the headquarters of a tank and cavalry battalion. The order specified not to worry about whether the place was owned by anyone, if there was a village there or not. Currently the Burmese armies have a plan to set up 1 ‘tank and cavalry battalion’ in each military division, which will include 5 companies per battalion. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, September 2003)

On 18 September 2003, Coastal Region Military Commander Brigadier Gen. Ohn Myint ordered all the military units under his command, LID 8/20/13 and No. 1/2/3 Strategy Command, to sweep IDP hiding sites along the border. The troops were ordered to destroy all paddy fields and capture any IDPs they found. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, September 2003)

On 26 September 2003, Coastal Region Military Command (CRMC) No.3 Strategic Commander Col. Kyaw Zwa decided to set up his frontline HQ at Kameik village 6 miles in the north of Myitta village, 35 miles in the east of Tavoy. To do this he forced all the Kameik villagers to move to the edge of Klerhpu village. According to 1 of the Klerhpu villagers, the Commander did not allow the people to take housing materials with them. The people had to collect bamboo from the nearby forest and build their new houses at the new site. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

On 12 October 2003, 30 men from SPDC's LIB 432, led by Maj. Htun Htun burnt down 2 houses belonging to 2 IDPs, Naw Na Moo and Saw Klishaw. These houses were located in Manorone, a relocated village about 35 miles southeast of Mergui town. When the soldiers left the village they brought Naw Aye Myint and her 2 children and Hpati Htun Thein with them and tied them up in Htee Nya Ou village monastery compound. (Source: *Monthly Human Rights Situation Report: Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, October 2003)

13.10 Situation in Kachin State

It is certain that the Kachin people have undergone a significant amount of displacement during 2003. Yet, due to the lack of access to information from the area, the scale of the IDP problem in the area of Kachin State remains uncertain. Armed Kachin groups, such as the Kachin Independence Organization (KIO) and the Kachin Democratic Army (KDA), actively fought for independence from Burma from the 1960s to the 1990s. Because these groups launched attacks against the Burmese Army for such an extended period of time, thousands of villagers were displaced. It is estimated that up to 100,000 villagers were forcibly relocated by the SPDC between 1960 and 1999 to facilitate the Burmese government's counter-insurgency operations. (Source: "Kachin State," BERG, September 2000)

Although cease-fire arrangements were negotiated between the military regime and the Kachin Independence Organization (KIO) and the Kachin Democratic Army (KDA), land confiscation and forced displacement continue. Cease-fires have enabled ethnic minority armies to keep their arms and territory, while also becoming rich through the mining of natural resources. (Source: "Kachin State," BERG, September 2000)

Moreover, the poverty now afflicting the Kachin as a result of the intense fighting between the SPDC and the Kachin armed ethnic groups from 1960 to the 1990s is undoubtedly severe and has led to significant rural displacement. All armies fighting in Kachin State have drawn on resources owned by villagers in the area. There have been reports of the SPDC confiscating land to grow crops for government troops. Without enough resources at home, many Kachin have been forced to move and work in the mining industry or in the service sector in urban areas of Kachin State in order to survive. (Source: "Kachin State," BERG, September 2000)

13.11 Interviews

Interview with SPDC Official Ordered to Forcibly Relocate Residents of a Village in Mon State

Interview Date: 8 April 2003
Name: U Maung Oo (not real name)
Occupation: Police Officer
Address in Burma: Mon State

The cities and villages in Mon State are affected by the SPDC. The people who live around Thabyuzaya, Kyet Mayaw, and Paloo Kyoe feel really bad because of the SPDC's activities. Some people cannot produce the required amount of rice for the government at the end of the year. The SPDC confiscates their rice fields and livestock, so many people move to the border because cannot make their living anymore. Some people have to sell their valuable belongings to pay money instead of giving rice. Many farmers cannot pay the rice because of bad weather ruining their farms. If this happens the SPDC will come and confiscate their rice farms.

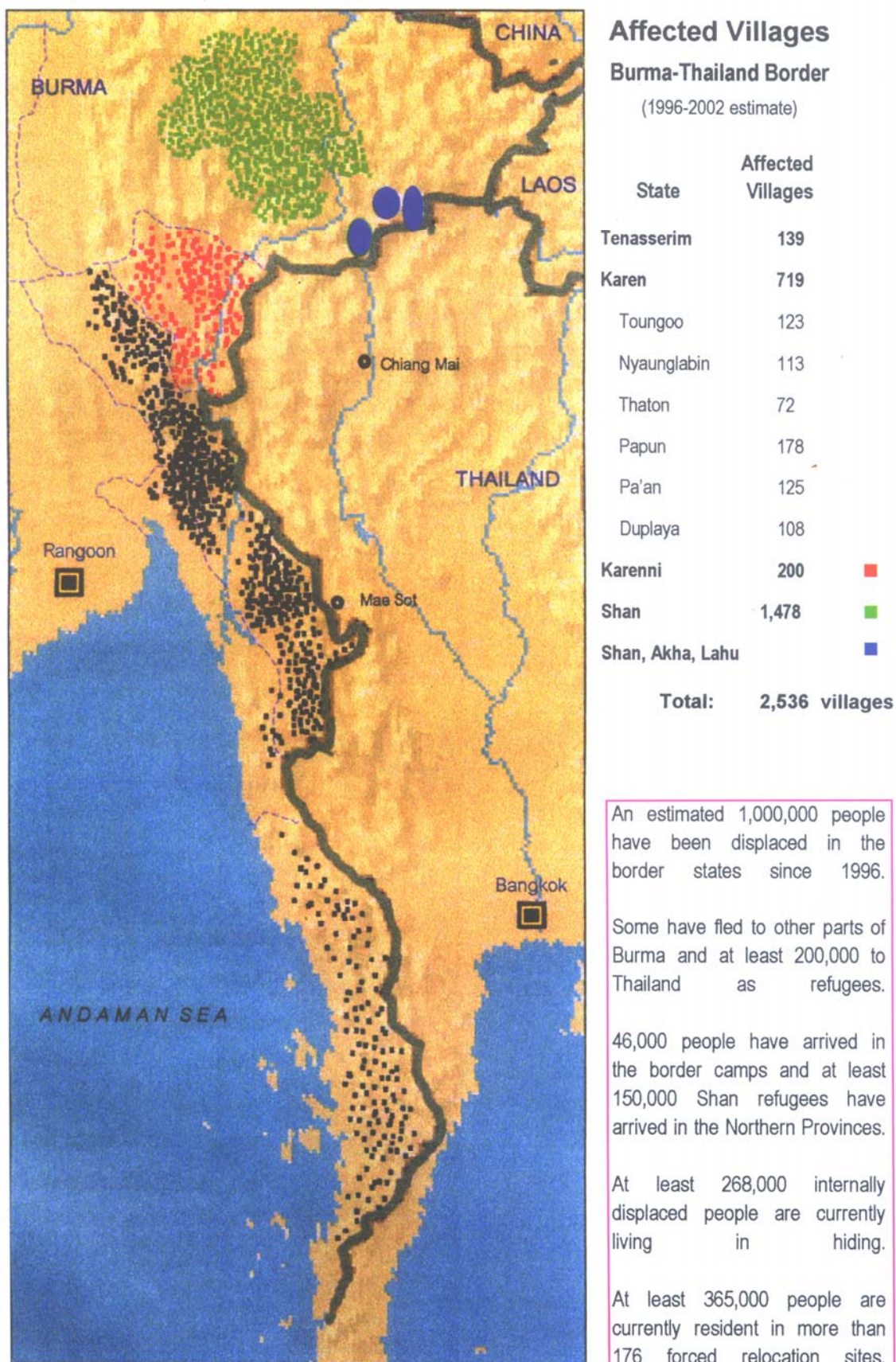
I will tell my personal experience. The military commander ordered me to relocate to XXXXX XXXX village, Mon State by 31 March 2003. I know the villagers really felt troubled. The police and soldiers went to every house in the village and threatened the villagers and ordered them to move. At first we did not know why we had to relocate them. Finally, I found out from the police that a western country was going to help the SPDC build a nuclear power plant in that area. I know that the military also planned to build to a military camp in that area and force the villagers to build it. (Source: HRDU, 2003)

Interview with a 27-Year-Old Rohingya Man from Central Maungdaw in Early 2004

“The eviction process started about two years ago. First they evicted 40 houses in [a village] near Maungdaw. Eighteen families protested and refused to dismantle their houses. They were arrested and sent to Buthidaung jail. They are still there. They detained mostly the head of the family but they also jailed some women, even one pregnant woman. She gave birth inside the jail. Eighteen people are still in jail about this case. After that, they evicted 15 houses in [another village], also near Maungdaw. Then they evicted 60 houses in my village. My house was among them. This happened one year ago [2003]. I did not receive any written order from the Nasaka, but the Nasaka called our Chairman and provided him with a list of houses with the name of each family head. The Chairman summoned all the people mentioned in the list. He ordered us to vacate the land and explained, ‘The land where your houses stand is registered as paddy land. So, you must leave.’ Nobody dared to protest after what happened in the other villages. I was given five days time to leave my house and dismantle it. We were not given any other place to go.” (Source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004)

13.12 Maps





(Map source: *Six Month Report*, BBC, July-December 2003)

14. The Situation of Refugees

“People fleeing Burma are responsible for the largest displacement and migration in all of Southeast Asia.”

(Source: “Forced Back: Burmese Chin Refugees in India in Danger,” Refugees International, 9 May 2003)

“(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.”

–Article 14, Universal Declaration of Human Rights

14.1 Background

According to the U.S. Committee for Refugees, more than 600,000 Burmese refugees and asylum seekers remained in countries neighboring Burma at the end of 2003. Driven out by the ruling military regime’s policies and practices that suppress their freedom and violate their human rights, refugees and asylum seekers have fled to countries including Bangladesh, India, Malaysia and Thailand. Refugees flee forced labor, forced relocation, torture, rape, and other human rights violations perpetrated by members of the Tatmadaw (armed forces) or other State sponsored individuals or organizations. As the SPDC continues to try and eliminate all armed and unarmed resistance, the military presence and involvement in every area of the country and all aspects of life continues to grow, forcing many to leave their homes fleeing to neighboring countries or to become displaced within Burma. There are an estimated one million internally displaced people in Burma who have the potential to become cross border refugees in times of increased military conflict.

In Thailand, the U.S. Committee for Refugees reports a population of over 400,000 refugees, the majority of whom are from Karen, Karenni, Mon, and Shan ethnic groups. At the same time, there are more than one million migrant workers in Thailand who go there for many of the same reasons as refugees. A new trend is more ethnic Burmese leaving Burma from both urban and rural areas in family groups. They usually become migrant workers and leave Burma due to forced labor, heavy taxation, corruption, inability to maintain an adequate standard of living and interference with their livelihood through the theft or confiscation of land, property and livestock.

In 1992, over 250,000 Rohingya fled religious persecution and other gross human rights violations in Arakan State to take refuge in Bangladesh. While most have been repatriated, there are still over 20,000 Rohingya refugees in the two remaining refugee camps as well as over 100,000 who are living and working among the Bangladeshi communities (source: Forum-Asia, 2003). Rohingya have also fled to Malaysia while the refugee population in India of approximately 50,000, consists mostly of ethnic Chin people. In smaller numbers, other ethnic groups including Burman, Kachin, and Rakhine have also fled to Bangladesh, India, and Malaysia.

The Refugee Convention states that refugee protection rests on the principle of *non-refoulement*, which dictates that no refugee should be returned to any country where he or she is likely to face persecution on grounds of race, religion, nationality, political opinion or

membership of a particular social group. This principle has been repeatedly violated by the governments of Bangladesh, India and Thailand, who continue to forcibly repatriate refugees back to areas where their safety cannot be guaranteed.

14.2 Situation in Thailand

Refugee Demographics in 2003

The Burmese Border Consortium (BBC) reported a population of 139,568 refugees living inside the Thai border refugee camps at the end of 2003, which is a small decrease in numbers from the end of 2002. Throughout the year, there was a low rate of new arrivals which was attributed to weather conditions such as an unusually long and heavy rainy season. The decrease in arrivals has not been attributed to an improvement in the human rights situation in Burma. In addition, the number of new arrivals was balanced by the departure of approximately 1,200 refugees from Mae Khong Kha camp prior to the camp relocation. Yet, there remains a significant hidden population of new arrivals in the camps who stay despite the Royal Thai Government's policy of "no new arrivals" which denies this population the opportunity to become registered camp refugees. Since the end of 2001, new arrivals have not been able to officially register in the camps. In addition, the Ministry of the Interior and the UNHCR conducted the last official population headcount in 1999. As a result, there is a growing discrepancy between the official camp population as recorded by the Ministry of the Interior and the actual population. From 1999 to 2003, the monthly rate of new arrivals has averaged from 750 to 800. (Source: *Six-Month Report*, BBC, July–December 2003)

The breakdown by age and sex reported by the Karen, Mon and Karenni Committees in December 2003 was as follows:

Group	Families	Adult*		Children		Under 5 years		Total
		Male	Female	Male	Female	Male	Female	
Karen	18,657	33,530	32,057	12,821	12,015	7,368	7,164	104,955
Mon	2,243	3,880	3,932	1,602	1,463	636	727	12,240
Karenni	4,430	7,415	6,330	2,349	2,391	1,578	1,685	21,748
Total	25,330	44,825	42,319	16,772	15,869	9,582	9,576	138,943

* For Karen and Mon, this is over 12 years old, for Karenni over 14 years old. (Source: *Six-Month Report*, BBC, July–December 2003)

A significant number of Burmese refugees and asylum seekers reside outside of the camps. Due to a variety of factors including ethnicity, political involvement, or Thai policy, these groups are either not recognized as refugees or not accounted for in any official refugee population numbers. According to the BBC, there are approximately 50,000 ethnic refugees residing outside of the camps, 2,000 UNHCR recognized Persons of Concern, 500 political refugees, and 200,000 Shan refugees. (Source: "Overview of the Situation of Burmese Refugees in Thailand," Burmese Border Consortium, 6 November 2003)

Thai Government Policy towards Refugees and Asylum Seekers

"They were activists, but according to government policy we have to send back all illegal immigrants or anyone who doesn't have work permits or identification cards."

- Thai Military Officer commenting on the arrest and deportation of Burmese pro-democracy activists in Sangklaburi, Kanchanaburi province, in December 2002 and January 2003. (Source: "Myanmar Dissidents Living in Fear under Thai Crackdown," AFP, 23 January 2003)

Thailand is one the main destinations for political dissidents, ethnic minorities, and any other groups fleeing from the oppressive policies and practices of the SPDC military regime. However, Thailand is not a signatory to the 1951 United Nations Convention on the Status of Refugees (Refugee Convention) and as a result, is not obligated to follow any international norms or standards in the treatment or protection of refugees. Thailand also lacks an adequate legal framework with which refugee status determination can be made. This creates a tenuous environment for those who come to Thailand seeking protection and security. The Thai government's attitude towards the refugees is based on the belief that any assistance offered by NGOs and the UNHCR serves as a 'pull' factor to encourage refugees to enter Thailand and a deterrent to their eventual repatriation. According to Thai policy, the nearly 140,000 people residing in the refugee camps along the Thai-Burma border are displaced persons in temporary shelters fleeing the effects of fighting. Ethnic refugees living outside the camps, political activists in urban areas, Shan refugees, and migrant workers who can also be considered refugees are all classified as illegal migrants according to Thai law and are vulnerable to arrest and deportation.

Many prominent members of the international community disagree with the Thai government's contention that the presence of the camps and some limited assistance 'encourages' people to come to Thailand as refugees. Instead there is overwhelming evidence that people flee to Thailand as a last resort, to escape an intolerable situation of systematic SPDC abuses. The majority of people arriving in refugee camps have previously been living on the run as IDPs inside Burma. The Burmese Border Consortium estimates that at the end of 2003 there were 268,067 IDPs living in hiding inside Tenasserim Division, Mon State, Karen State, Karenni State, and Shan State, all of whom are potential refugees. There are many other IDPs who are living in over 176 resettlement areas controlled by the SPDC, where they are frequently conscripted for forced labor and forced portering, as well as subjected to many other abuses (please see the chapter on forced labor for more information). A large number of people living in these areas also attempt to flee to Thailand. (Please see chapter on internal displacement and forced relocation for more information on IDPs.)

However, since 1992, the Thai government has based its policies on only allowing those fleeing fighting or systematic human rights abuses to remain in Thailand. Refugees who are allowed to stay are placed in camps close to the borderline and the Thai government severely limits the role of the UNHCR. As a method of solving the refugee problem, the Thai government has worked to promote cease-fires and cooperation between ethnic resistance groups and the SPDC military regime. Thai Prime Minister Thaksin Shinawatra has worked diligently to improve historically troublesome relations with Burma since he came to office in 2001. His efforts have been supported by a government filled with a large proportion of high level businessmen who have little interest in Burmese asylum seekers and activists. The Thai

government has been consistently criticized for compromising humanitarian standards for the sake of economic interests and appeasing the Burmese military regime.

In 2003, the Thai government continued to improve economic and political relations with the SPDC while advancing harsher policies towards Burmese asylum seekers and refugees. Since the end of 2002, Thai authorities have expressed that Thailand would no longer allow foreign groups working against neighboring countries to operate on Thai soil. Burmese political activists operating in exile in Thailand fell into this category. Moreover, on 29 December 2002, Secretary General of the National Security Council, General Winai Phattiyakhul stated, "Thailand would not welcome refugees from Burma and other neighboring countries anymore," and "from now on, Thailand would force refugees to go back where they came from." These sentiments continued throughout 2003 as the Thai government engaged in several crackdowns on pro-democracy activists outside of the refugee camps and tightened restrictions on refugees in the camps. (Source: "Thai Army Raided Karen Village in Sangklaburi," Forum-Asia, 3 January 2003)

During a crackdown on illegal migrants in Sangklaburi, Kanchanaburi province, which commenced in late 2002 and continued through early 2003, the offices of several Burmese pro-democracy organizations were forced to close. Activists' personal belongings were confiscated, landlords were instructed not to rent to illegal residents, and many activists were arrested. Seven activists who were arrested on 20 January 2003 were reportedly deported to Burma on 22 January. While local Thai officials admitted to knowing that the seven were activists and that they were staying in Sangklaburi peacefully, they expressed that Thai policy compelled them to deport the group because they did not hold any legal documents permitting them stay in the Kingdom. By the end of the month, Kyaw Kyaw Htet of the People's Democratic Front, a Burmese pro-democracy group working in exile in Thailand, reported that approximately 60 activists who had been residing in Sangklaburi had been forced back to Burma. While Thai officials repeated again and again that the crackdown was merely an enforcement of Thai immigration law, it coincided with Prime Minister Thaksin's first visit to Burma since border fighting broke out in May 2002. The visit was held from 9-10 February (source: "Myanmar Dissidents Living in Fear Under Thai Crackdown," AFP, 23 January 2003). Prime Minister Thaksin returned from the meeting with Senior General Than Shwe indicating that Thailand would promote national reconciliation in Burma. In early March, the Thai 3rd Army was ordered to push Burmese ethnic armed groups out of Thailand in an attempt to force them to negotiate with the military regime (source: Nanuam, Wassana, "Army Told to Give Rebels a Hard Time," Bangkok Post, 2 March 2003).

Again in July, the Thai authorities led a crackdown on pro-democracy and opposition groups based in Mae Sariang, Mae Hong Son province. The authorities ordered the offices of pro-democracy and ethnic organizations to be closed and vacated by the end of the month if they did not possess legal documents allowing them to stay in Thailand. Two days prior to the deadline, the border police entered the office of the Karen Women's Organization (KWO) and arrested six members. As a result, other groups indicated that they would close their offices in accordance with the order and relocate either inside Burma or to undisclosed locations. These groups included the All Burma Students' Democratic Front, the Karen National Union, and the Network for Democracy Development (source: Moe, Kyaw Zwa "Dissidents Targeted in Mae Sariang," Irrawaddy, 29 July 2003).

The UNHCR and the Refugee Status Determination Process

Until the end of 2003, individual asylum seekers outside of the refugee camps could apply to the UNCHR for recognition as a refugee, also known as Person of Concern (POC) status, by the conditions in article 1(A) of the 1951 Refugee Convention. POCs receive a document certifying they are refugees under the UNHCR's mandate. The document includes their photographs, some biographical information, and the UNHCR's address and contact information in the event that a POC encounters difficulties with the Thai authorities. POCs receive a small monthly subsistence allowance from the UNHCR and tend to reside in urban areas. Refugees in the border camps are not eligible to receive POC status. Instead, the UNHCR grants status to asylum seekers who are not part of the border caseload. Asylum seekers who have registered with the UNHCR but whose cases have not yet been determined are also provided a certificate indicating that they are under the protection of the UNHCR. (Source: *Out of Sight, Out of Mind*, Human Rights Watch, February 2004). However, POC status and possession of UNHCR documents does not guarantee any greater protection as many POCs and those who are awaiting determination have reported harassment, extortion, confiscation of documents and arrest by both the police and immigration police. Some POCs have also reported being deported back to Burma.

Following the 30 May attack on Aung San Suu Kyi, NLD members and supporters near Depayin, Sagaing Division, this option of seeking POC status from the UNHCR came under fire making the already difficult situation for refugees and asylum seekers increasingly so. While Prime Minister Thaksin joined with other members of the international community in calling for the release of Aung San Suu Kyi, he simultaneously warned all Burmese dissidents in Thailand against staging protests or demonstrations. When 11 members of the Democratic Federation of Burma demonstrated peacefully in front of the Burmese Embassy in Bangkok demanding the release of Aung San Suu Kyi on 26 June, they were arrested and charged with illegal entry to Thailand. Yet, the 11 activists all possessed documents from the UNHCR confirming their status as Persons of Concern (POC) (source: "Police Chief Warns Burmese Dissidents," Bangkok Post, 30 June 2003). The 11 activists had all applied to the UNHCR, had been reviewed through the UNHCR's Refugee Status Determination process and were recognized for their legitimate fear of persecution upon return to Burma.

In response, Prime Minister Thaksin accused the UNHCR of undermining the sovereignty of Thailand and operating without properly sharing information or informing the Thai government of their activities. Disapproving of the POCs' ability to "roam freely around the country," Prime Minister Thaksin proposed that all POCs be transferred to a border refugee camp to which the UNHCR agreed. At the end of 2003, the POC population consisted of approximately 1,900 Burmese asylum seekers. All of whom were at risk of being stripped of their POC status in the event that they refused to move to a border camp (source: "Thai Border Camps to Take 1,500 Myanmar Refugees," AFP, 2 July 2003). Furthermore, in July, the Thai government announced a new policy that all new asylum seekers from Burma should not go to Bangkok or other urban centers. Instead, all refugees and asylum seekers should seek admission to the border refugee camps through an admission procedure to be determined by the Thai government. As of 1 January 2004, all asylum seekers and refugees who approached the UNHCR would be considered for admission to the camps and not for Persons of Concern or refugee status from the UNHCR on an individual basis (source: "Suspension of refugee status determination processing for new applications from Myanmar asylum-seekers as of 1 January 2004," UNHCR, 6 January 2004). At the time of this report, the urban refugee

population had yet to be relocated to the border camps and many had been presented with the option for resettlement in countries such as the USA and Norway.

The Provincial Admission Boards

Newly arrived asylum seekers to the camps also face great obstacles finding official permission to remain in Thailand. The Provincial Admission Boards (PABs), which handle the cases of new arrivals to the refugee camps, stopped meeting at the end of 2001 and therefore did not examine any new cases in 2003. While they were meeting, the PABs only considered those who were fleeing from direct fighting in border areas. Since the middle of 2000, the PABs had been rejecting the majority of cases with the justification that they did not fit the criteria of fleeing from fighting. This is despite the fact that in the 1998 working arrangements worked out between Thailand and the UNHCR, it was noted that people fleeing "the effects of fighting," should also be given consideration. UNHCR's statistics show that 38,088 persons sought admission to Thailand from May 1999 to June 2003. Of these, 11,731 were accepted as refugees (31%), while 10,408 were rejected (27%) and 11,288 (42%) are still waiting for a decision to be made regarding their status. UNHCR has stated that they believe that the 10,408 rejected cases have a legitimate fear of persecution if they return to Burma and they are appealing the decision to repatriate these individuals. Currently 5,541 of these cases have been reconfirmed as rejected with 330 people already repatriated. (Source: *Six-Month Report*, BBC, July-December 2003)

Situation in the Camps

Due to continued armed conflict and pervasive human rights abuses in Karen, Karenni, and other ethnic border areas, refugees continued to arrive to the nine refugee camps along the border throughout 2003. Because Thai policy has not allowed for new arrivals to the camps since the end of 2001, many new comers fear deportation if they make their presence known. As a result, new arrivals remain in the camps as a hidden unregistered population. Because the last official Ministry of the Interior (MOI) and UNHCR population headcount was conducted in 1999, the difference between the official and unofficial number of refugees in the camps is significant.

Refugees flee to Thailand in search of greater security. Yet, those residing in the camps still face many risks including human rights abuses perpetrated by their own communities and by Thai citizens. In addition, their fundamental rights are limited because Thai policy confines refugees to the camps and does not allow them to go outside. If refugees do go outside of the camps, they face arrest, deportation, and abuse from the Thai population. Moreover, as camps are situated close to the borderline, refugees also face security threats from across the border. (Source: "Overview of the Situation of Burmese Refugees in Thailand," Burmese Border Consortium, 6 November 2003)

In the past, refugees only received partial assistance from humanitarian aid organizations and remained self reliant in many ways. When different ethnic opposition groups controlled greater areas of land near the border, the refugees were able to engage in black market trade and to maintain small farms to provide for their needs. Others found employment in seasonal labor or raised small gardens to maintain a simple but poor life similar to conditions living inside Burma. As the Burmese Army dominated the ethnic opposition groups in the border areas, the Thai government tightened control of the refugees' movement and made self-sufficiency increasingly difficult. In 1997, refugees in some camps were restricted from

exiting, making foraging and gathering vegetables outside the camp impossible. Relief organizations have gone from providing 50 percent of staple diet needs in 1984 to 100 percent by the mid 1990s. In addition, refugees have become increasingly dependent upon relief organizations for other basic living necessities such as cooking materials, clothing, housing materials, and cooking fuel.

Because refugees are no longer able to supplement their diet through foraging or additional wages earned from seasonal labor, nutritional intake has been impacted. Refugees receive a basic food basket of rice, salt, yellow beans, oil, and fish paste from relief agencies. In 2001, BBC conducted a food consumption/nutrition status survey in Mae La and Karenni Camp 2. Again in May 2002, a rapid nutrition survey was conducted in Ban Don Yang, Tham Hin, and Umpiem Mai refugee camps. The surveys revealed that the refugee diets were lacking in micro-nutrients while excessive in carbohydrates. Despite the fact that most refugees living in Mae La and Karenni Camp 2 have been in Thailand for a considerable amount of time, they are very poor and are unable to supplement their rations. The BBC survey indicated that the average monthly expenditure for food is about 55-70 baht per family. In addition, registered refugees often share their rations with those who are unregistered and do not receive any. As a result, most refugees suffer from chronic malnutrition. The BBC study showed that as a result of poor living conditions, frequent infection, and a diet lacking in animal protein and micronutrients, low-level, chronic malnutrition is prevalent among children in the camp. The survey indicated that the acute malnutrition rate for children averaged at 4.9%. According to the World Health Organization, less than 5% is acceptable. (Source: *Six-Month Report*, BBC, July–December 2003)

In March 2002, the Ministry of the Interior instructed the BBC that in the future supplies must only be sent for the registered camp population of 108,000, as determined by the UNHCR and the Ministry of the Interior (MOI). BBC was also notified that they would not be permitted to provide food and supplies to new arrivals in the future. According to the BBC, providing only for the registered population would cause an extreme food and supply shortage as well as insufficient nutrition in the camps. The policy was not enforced in 2002 but remained an issue in 2003. The BBC reported that shortages were averted through compromise and discussions between the UNHCR, MOI, and BBC were ongoing to find a solution to the issue of the unregistered refugee population. (Source: *Six-Month Report*, BBC, July–December 2003)

In conjunction with the policy that the refugees in the camps are only temporarily displaced people, Thailand does not permit the refugees to build permanent structures. As a result, most homes and buildings are assembled with materials that are obtained locally such as bamboo and wood. Most homes are not durable and suffer from damage each rainy season. Deforestation of areas local to the camps has become an increasing source of tension for the Thai authorities and forestry services. While various reports indicated that illegal logging activities in these areas have caused greater damage, Thailand started to impose restrictions on the refugees' ability to cut bamboo in 1997. These restrictions have increased through the years and in 2002, it was reported that the sale of bamboo to refugees was barred in some areas. Consequently, refugees rely on humanitarian organizations such as BBC, to supply building materials as well. (Source: *Six-Month Report*, BBC, July–December 2003)

Damage to the environment caused by the refugees was highlighted as one of the main reasons for the relocation of Karenni Camp 3 to Karenni Camp 1 in 2002. Similarly, in 2003, deforestation and illegal logging practices were emphasized as a pivotal motivation behind

the relocation of Mae Khong Kha refugee camp, located in Mae Sariang Township of Mae Hong Son province. The camp was situated in close proximity to the Salween National Park and Thai authorities had long felt that the refugees were responsible for or contributing to the illegal logging and felling of timber in the area. Fearing that the refugees would not agree with the relocation, Thai Border Security Forces warned the camp population not to demonstrate against the move. Members of the Karen Refugee Committee reported that the refugees supported a relocation feeling that Mae Khong Kha was subject to too many natural disasters (source: "Thai Security Officer Warns Burmese Refugees, No Protest Against Relocation," Network Media Group, 14 July 2003). Yet, in October, it was reported that many refugees were voluntarily returning to Burma for fear of the new location. Mae La Oon, the new camp site, is located 4 kilometers from the Thai-Burma border and opposite Manerplaw, the former KNU headquarters now controlled by the SPDC. Many refugees feared cross border attacks and did not trust the Thais to provide proper protection (Source: "Some refugees go back to Burma as the New Relocation Site Seems Insecure," Network Media Group, 21 October 2003). According to BBC, approximately 1,200 refugees returned to Burma preceding the move which commenced on 25 November and completed in early 2004 (source: *Six-Month Report*, BBC, July–December 2003).

Situation of Women in Refugee Camps

Most refugees in camps live in family units, either arriving as such or reuniting after separate arrivals. The ratio of males to females is 51:49 and there are relatively few single mothers. The average family size is 5.5 people. Nearly 6% of households are headed by single women. Women tend to be under-represented in the committees that organize the day-to-day administration of the camps, but are active in areas such as teaching, health care work and home visits to gather information about the daily routine of refugees. Obstacles to increased participation of women in camp administration are lack of education and basic knowledge about their rights. There are various women's groups in all the camps, some focusing on the daily needs and welfare of women and some on the more political aspects of women's rights. (Source: *Six-Month Report*, BBC, July–December 2003)

The majority of refugee women come from ethnic minority groups and suffer from a wide range of human rights violations prior to arrival in the camps. Ethnic minority women living in conflict areas are used as forced labor on infrastructure projects and forced porters for the military, are subject to the constant threat of rape and have virtually no personal security. Conditions in the camps vary from place to place, but women have generally suffered from the recent tighter restrictions on movement outside the camps and have seen their ability to be self-sufficient decline. The conditions of refugee women strongly effect children, of whom women are the primary caregivers.

Situation of Refugee Children

Although the decision to flee one's home is usually made by adults, children are deeply affected by the situation. The physical dangers for children during flight are immense. They are threatened by landmines, shelling, sudden attacks and their health is put at severe risk due to long days of walking without adequate food and water. They become malnourished and their resistance to diseases, such as malaria, is lowered. Unaccompanied children are vulnerable to neglect, military recruitment, sexual assault and other types of abuse. Children also suffer greatly from the emotional effects of fleeing their homes. They leave behind friends, relatives, possessions and established social structures and witness the fear and

uncertainty felt by adult authority figures. This is in addition to their exposure to the factors that caused their flight to begin with, such as the killing, torture, rape and use of forced labor of their family and community members. All of this, along with shortages of basic resources, can lead to harmful effects of the physical, psychological and social development of refugee children.

Children born of Burmese parents in Thailand are not eligible for Thai citizenship. The Thai government denies citizenship to children born to both legal and illegal immigrants and refugees from Burma. At the same time, under Burma's Citizenship Act, these children are ineligible for citizenship because they were born outside of the country by parents who left illegally. As a result, a growing population of stateless children is emerging, born from both migrant workers and refugees. Beginning on 1 July 2003, the Thai government allowed birth certificates to be issued to babies born to registered camp refugees. This move was considered a major step forward in the issue of stateless children. (Source: *Six-Month Report*, BBC, July–December 2003)

Situation of Specific Ethnic Groups of the Refugee Population

Situation of Karen Refugees

The Karen, like the other ethnic minority groups, have settlements on both sides of the Thai/Burma border. With an estimated population of between 3 and 4 million, they are one of the largest ethnic minority groups in Burma. The majority of Karen support and consider themselves represented by the KNU and its army, the Karen National Liberation Army (KNLA). Large numbers of Karen refugees began crossing from Burma in 1984, and since that time they have received assistance from the KNU-linked, Karen Relief Committee (KRC). At the end of 1994, 400 former KNLA soldiers left to form the break away Democratic Karen Buddhist Army (DKBA). They claimed that KNLA Christian commanders had persecuted Buddhist KNLA soldiers. The split was partly engineered by the SPDC as part of their 'divide and rule' strategy, and since 1994 the DKBA troops have attacked Karen camps inside the Thai border, sometimes in cooperation with the Burmese military.

Throughout 2003, Karen villagers continued to flee to Thailand due to fighting, conscription of forced labor, and numerous other human rights abuses. Yet, on 22 November, Col. San Pwint of the SPDC Ministry of Defense met with KNU Secretary General Padoh Manh Shah, Deputy Chairman Gen Bo Mya, and other KNU leaders in Mae Sot, Thailand. The purpose of the visit was to discuss Prime Minister Khin Nyunt's seven-point road map to democracy and the possibility of future talks between the KNU and the SPDC. In response, the KNU sent a delegation of 5 junior officers to Rangoon to investigate the genuineness of Prime Minister Khin Nyunt's plans for national reconciliation from 3-8 December. The meeting resulted in Gen Bo Mya expressing that he had diminished doubts about Khin Nyunt's intentions and a verbal cease-fire agreement was reached. In addition, Gen Bo Mya expressed the need to establish peace for the future of the country. In the beginning of 2004, the KNU and SPDC held their first round of cease-fire talks in Rangoon. (Source: "KNU Returns from Rangoon," *Irrawaddy*, 9 December 2003)

Despite the verbal cease fire agreement and the continuing cease-fire discussions, reports of human rights abuses including forced labor, forced relocation, extortion, looting and arbitrary killing committed by SPDC troops have not abated. According to BBC, a cease-fire agreement could cause conditions, which would result in the spontaneous repatriation of

refugees independent of any repatriation programs. Yet, due to the nature and length of the SPDC's campaigns to wipe out the ethnic resistance and overtake the border ethnic states, the conditions inside Burma may not be suitable for the return of the refugees and the population of Internally Displaced Persons inside Burma. Decades of laying landmines and destroying villages will call for proper planning before the two populations can fully return and reestablish their lives (source: *Six-Month Report*, BBC, July- December 2003). While some refugees have expressed the desire to return to their homes in Burma, they wish to do so under the conditions of true peace and safety. Conversely, others expressed doubt about the SPDC's impetus along with fears that peace would not be long standing (source: Paung, Shah and Aung Su Shin "Refugees Pray for Peace," *Irrawaddy*, 20 January 2004). As of the time of this report, a formal written cease-fire agreement between the KNU and the SPDC had not been reached.

Situation of Karenni Refugees

In 1989 the small Karenni State, with a relatively low population, Karenni State had four separate armed groups. In the early 1990s two of these groups signed cease-fire agreements with the SPDC, which left the two larger groups, the Karenni Nationalities People's Liberation Front (KNPLF) and the Karenni National Progressive Party (KNPP) continuing their armed struggle against the Burmese government. In 1992, as a result of mass forced relocations carried out by the SPDC (then SLORC) in their area of operations, the KNPLF was forced into a cease-fire agreement. As the situation remained insecure, most people who had fled the area did not return. The KNPP also signed a cease-fire with the Burmese government in March 1995, but by June SLORC troops had violated the agreement and it was discarded. In 1996 the Burmese military began a large-scale forced relocation program in areas they perceived as sympathetic to the KNPP. By the end of March 1998 there were 12,500 Karenni refugees in Thailand, and today there are over 20,000. (Sources: BBC & HRW, 2001)

Situation of Mon Refugees

The Mon have been struggling for autonomy since 1948 led by the New Mon State Party (NMSP) and its armed wing, the Mon National Liberation Army. There are nearly 2 million Mon people. When Mon refugees began to flee to Thailand in growing numbers, the NMSP, like the KNU, formed their own organization, the Mon National Relief Committee, to coordinate assistance to the refugees. In June 1995 the NMSP signed a cease-fire treaty with the Burmese military, which enabled them to retain their arms within a few areas in Mon State. The agreement also mandated that Mon refugees in Thailand be repatriated, which was done the following year. The newly repatriated refugees however remained afraid to return to their homes, and instead established new camps in NMSP-controlled territories. Currently these individuals remain internally displaced within Burma, while a further 13,000 remain in camps in Thailand. (Sources: BBC & HRW)

In late 2001, fighting broke out between the NMSP and the Hongsawatoi Restoration Party (HRP), a breakaway group from the NMSP which formed in November 2001, with the SPDC. As a result of the fighting, the situation of the Mon resettlement sites was tenuous throughout 2002 and the refugees faced new obstacles in obtaining proper food. In conjunction with the fighting, new landmines were laid making farming and foraging exceedingly dangerous. In conjunction with the Thai crackdown on opposition groups working in Sangklaburi in late 2002, the HRP office was forced to close and several members decided to return to the

NMSP at that point. In the beginning of 2003, approximately 100 members of the HRP were reported to have reunited with the NMSP. (Source: Seng, Naw "Mon Splinter Group Members Return," *Irrawaddy*, 3 January 2003)

Throughout 2003, it was reported that Mon refugees continued to arrive to Khalokhani refugee camp, located inside Mon State, as well as locations in Thailand. Refugees fled from both fighting and human rights abuses such as forced labor and portering in Mon State, particularly near Ye Township. (Source: "Thais to Close Down Refugee Camp," DVB, 22 May 2003)

Situation of Pa-O Refugees

The Pa-O live primarily in the Taunggyi area of southwestern Shan State. A smaller number live in the Thaton area of Mon State in Lower Burma. The Pa-O in the Thaton area have largely become "Burmanized" and like their neighbors the Mon and Karen, they have adopted Burmese language, dress and customs. The Pa-O in southwestern Shan State have learned to speak Shan, but have maintained their own distinct language and customs.

Forced relocation programs carried out by the SPDC have been particularly sweeping in Mon, Karen and Shan States, the states where most of the Pa-O live. The Pa-O Nationalist Army signed a cease-fire with SLORC in 1991, but because the Pa-O live in many of the areas where other rebel groups are still active they have been swept up in the forced relocations and human rights abuses for which the ruling junta has become infamous. (Source: Pa-O Human Rights Watch)

Situation of Shan Refugees

Shan State is the largest ethnic minority state in Burma, and one of the most ethnically diverse. While the Shan are the largest ethnic group in Shan State, there are many other ethnic groups inhabiting the State such as the Palaung, Lishau, Lahu and Wa. At one time, Shan State was an autonomous region in Burma. The Shan were promised the right to secede from Burma after 10 years when independence from the British was gained in 1948. Yet, this agreement was not honored as civil war between the ruling authorities and the ethnic nationalities prevailed following independence. For decades, Khun Sa, the notorious drug warlord, ran his drug production operations in Shan State and along the Thai border with the support of various Shan armed groups. In January 1996, Khun Sa officially surrendered to the Burmese government and Burmese troops launched a major relocation program in attempt to eliminate all support for the Shan armed resistance groups and to control the region's natural resources. It is estimated that within a 6-month period between March and September 1996, more than 450 villagers in the area between Namsan-Kurung and Heng-Mong Nai were moved to relocation sites. By 1998, it was estimated that over 300,000 Shan in central Shan State had been affected by the relocation programs. In 1999, the SPDC sanctioned the Wa to lead resettlement programs relocating Wa people from the China border to the Thai border area across from Chiang Rai and Chiang Mai, Thailand. By 2002, 50,000 to 100,000 people had already been moved with the intention of resettling 250,000 Wa people. (Source: Caouette, Therese M, and Mary E. Pack, *Pushing Past the Definitions, Migration from Burma to Thailand*, OSI & RI, December 2002)

The programs of forced relocation and other human rights abuses have led Shan and other ethnic groups from Shan State to flee across the border to Thailand. In November 2003, the

Burma Border Consortium (BBC) estimated a population of approximately 200,000 Shan refugees in Thailand, and arrivals in Fang district alone reached a rate of approximately 925 people each month during the year. However, due to the fact that Shan language and culture is closely related to Thailand's, many Shan people have been able to find temporary seasonal work across the border when fighting or economic factors made it difficult to survive in Shan State. As a result of their prevalence as migrant laborers, and more importantly the large amount of illegal drugs produced in Shan State, Thailand has consistently refused to recognize any Shan people as refugees, instead labeling them 'economic migrants.' As a result of Thailand's position towards the Shan, NGOs are largely prohibited from providing them with any assistance. Access to healthcare is minimal, and children have little opportunity for education.

Many Shan and humanitarian organizations contest the Thai government's notion that all Shan are economic migrants. In a report entitled *Charting the Exodus from Shan State*, the Shan Human Rights Foundation presented evidence illustrating that most new arrivals to Fang district, Thailand originate from one of the twelve townships that were subject to the forced relocation programs which commenced in 1996. Prior to 1996, the numbers of Shan people arriving in Fang district were reported to be around 4,000 per year. They would arrive during the dry season from January to May. In addition, most were men ranging in age from 20 to 40 years old. However, after 1996 the number of arrivals increased ranging from 8,000 to 15,000 each year. Unlike those who arrived prior to 1996, there was no seasonal correlation to their arrival time. In addition, 32% were under 18 years old and 15% were 45 years or above, and approximately half were working age adults. SHRF argues that those arriving as migrant workers do not bring their families as it would only create complications for staying in Thailand. Instead, the difference in age groups indicates that full families were arriving in flight of persecution and not in search of work. (Source: *Charting the Exodus from Shan State*, Shan Human Rights Foundation, 2003).

The majority of the Shan people who have fled Burma live in the fields and orchards of Chiang Mai, Chiang Rai, and Mae Hong Son provinces. Most are able to survive on the meager wages of seasonal work. Without any official status, Shan people in Thailand are subject to abuse by their employers and frequent arrest and detention. A health concern for Shan refugees is their unprotected exposure to pesticides in the orange orchards where they live and work. (Source: *Six-Month Report*, BBC, July-December 2003)

Shan refugees also settle in one of the two unofficial refugee camps located along the border. The camp populations range from 2-3,000. The camp locations are close to areas where the SSA has been carrying out anti-drug operations and continuing its opposition against SPDC/Wa troops. In these areas the situation remains very volatile and insecure. If there is an SPDC/Wa attack, the refugees in these camps would almost certainly have to flee into Thailand.

Timeline of Major Refugee Related Events on the Thai/Burma Border in 2003

January

On 1 January, "Pro-democracy and dissident groups as well as the News Media Group and the Burmese Women's Union received a warning from Thai intelligence agencies to close their offices for ten days during the visit of Deputy Prime Minister General Chavalit Yongchaiyudh to Mae Hong Son. Around the same time, intelligence officers from the Naresuan Taskforce of the Third Army started to collect information from all pro-democracy and dissident groups in Mae Hong Son in the same pattern as security officials' behavior in the crackdown in Sangkhlaburi district." (Source: *Out of Sight, Out of Mind*, Human Rights Watch, February 2004)

On 10 January, the KNU reported fighting between the Burmese Army and the KNU had broken out earlier in the week and resulted in the death of one captain and nine soldiers from the Burma Army. Two KNU soldiers and ten Burmese soldiers were wounded. The fighting caused approximately 300 Karen villagers to flee to Thailand in search of refuge. (Source: "Rebel Army Says Myanmar Officer, Nine Soldiers Killed in Clashes," AFP, 10 January 2003)

On 15 January, it was reported that approximately 614 ethnic Karen villagers crossed the border to Wallay, Phoppra, Thailand as a result of dry season fighting in Karen State. The Karen villagers were allowed to stay in the village's monastery and were provided with clothes and rice by BBC. It was anticipated that the group would return to Burma when the fighting dissipated. (Source: "Changing Politics A Worry for Myanmar Refugees," AP, 15 January 2003)

On 20 January, nine Burmese pro-democracy activists and one child based in Sangkhlaburi, Kanchanaburi province were arrested in a joint army-police operation to crackdown on illegal residents. Seven were deported on 22 January and one was sentenced to 48 days in a Thai prison for harboring illegal immigrants. In addition, those who were considered illegal were fined 4,000 baht each. (Source: "Dissidents to Be Forced out Ahead of Talks," *The Nation*, 22 January 2003)

On 21 January, Thai army Commander in Chief Gen Somdhat Attanand went to Burma to meet with SPDC officials to discuss a myriad of issues including drug suppression and repatriation of Burmese refugees. In addition, the topic of pro-democracy activists working in Thailand was addressed. Before his visit, the General indicated that Thailand would not proceed with repatriation plans until they could "ensure a safe environment in Burma." At the same time, he indicated that Thailand would eliminate all opposition groups conducting activities on Thai soil. (Source: "Army Commander Headed to Burma," *Irrawaddy*, 16 January 2003)

On 23 January, SPDC troops seized the KNU's Law Khaw Camp while attacking three other camps during their first major offensive of the dry season. On 24 January, a KNU officer reported that their troops had withdrawn from Lay Khaw which caused nearly 700 Karen villagers to escape across the border to Phop Phra district, Thailand. SPDC officers ordered the village headman and two monks to return so as to encourage the villagers to return as well. Yet, the refugees were too frightened to return and remained in the monastery at Yaphaw in

Thailand. Some indicated that they feared forced labor. In addition, the refugees indicated that they did not want to be placed in Umpiem Mai refugee camp. The village headman indicated that if the conditions in their village improved, they would return to Burma. (Source: Shin, Aung Su, "Junta Seizes KNU Camp," *Irrawaddy*, 24 January 2003)

On 30 January, approximately 600 Karen villagers returned to their villages in Burma. The villagers had been part of a larger group of refugees who crossed the border fleeing fighting between SPDC and KNU troops in Lay Khaw and U Ru Hta villages. While the group of 600 was concerned about how they might be treated by the DKBA upon their return to Burma, they felt that they wanted to return to their homes. (Source: Shin, Aung Su, "Refugees Return Home," *Irrawaddy*, 31 January 2003)

On 31 January, DVB reported the Thai authorities' plan to commence a three-month-long crackdown on illegal migrants in conjunction with a crackdown on drug trafficking. According to reports from KNPP Joint Secretary Saw U Reh, the crackdown was scheduled to begin on 1 February. In regards to the situation in Mae Hong Son, Saw U Reh reported "There are increasing movements and numbers of Thai soldiers here. They are increasing the troops for border security reason, I was told but I don't know the number. They have been restricting the movements of refugees in the camps for awhile." In regards to the situation of Mae Sariang, Ko Htay Aung of NDD indicated the following: "We have also heard that it is not only in the Mae Sariang area but also they are planning to tighten the securities in refugee camps and the areas connecting to inner Thailand. With this kind of restrictions, we will not have any chance to move. There will be more difficulties for refugees." (Source: "More Arrests in Thailand," DVB, 31 January 2003)

February

On 24 February, it was reported that "Prime Minister Thaksin said support from NGOs for Burmese ethnic groups was interfering with the government's effort to mediate peace talks between Rangoon and the rebels. A senior military source said the NGOs would be closely watched as authorities tried to bring the parties to the negotiation table." (Source: *Out of Sight, Out of Mind*, Human Rights Watch, February 2004 & "NGOs Hampering Burmese Peace Effort," *Bangkok Post*, 24 February 2003)

March

"In March, it was reported that villagers fleeing SPDC military expansion and operations in Eastern Shan State continued to arrive at a de-facto refugee camp opposite Mae Fah Luang on the northern Chiang Rai border." (Source: *Charm Offensive*, ALTSEAN, Burma, 1 January – 31 March 2003)

On 2 March, Thai Defense Minister General Thammarak Isarankurana Ayudhaya reported that the Thai Third Army had been instructed to take stricter measures when dealing with the KNU and Shan State Army as a method of pushing the armed groups to negotiate with the SPDC government. The General indicated that the Thai army should push the groups out of Thailand and not allow entry for any reason. The instructions were issued following Prime Minister Thaksin's trip to Rangoon after which he stated that Thailand would assist in creating national reconciliation in Burma. (Source: Nanuam, Wassana "Army Told to Give Rebels A Hard Time," *Bangkok Post*, 2 March 2003)

On 4 March, Third Army Commander Lt-General Udomchai Ongkhasing reported that the Third Army had forced Shan State Army troops in the mountains of Chiang Mai, Chiang Rai, and Mae Hong Son provinces to lower ground in order to prevent them from attacking SPDC troops. Lt-Gen Udonmchai also indicated that representatives were sent to meet with SSA leader Chao Yodsuek in order to convince him to negotiate with the SPDC government. (Source: "Army Forces Shan State Troops Off Mountains to Appease Burma," *Bangkok Post*, 5 March 2003)

Yet on 5 March, the SSA denied reports that they the Third Army had forced them to relocate from the mountains. At the same time, the SSA spokeswoman, Nam Khur Hsen, indicated that the SSA troops were not on Thai soil but in SSA territory. Therefore, there was no reason for the Thai Army to expel them from the northern mountains of Thailand. (Source: Moe, Kyaw Zwa, "Shan State Army Unmoved," *Irrawaddy*, 5 March 2003)

At the beginning of March, the Karen Women's Organization (KWO) indicated that 3,500 new refugees arrived to Noe Poh refugee camp in the first two months of 2003. The refugees were reported to be from five different villages in Karen State including Kyar Ein and Kyondo and fleeing from increased conscription of forced labor and forced porters. It was also reported that the Thai government had been blocking Burmese Border Consortium food and supply deliveries to Noe Poh camp for over one week. The reason for the block was unknown and stalled construction of bamboo shelters for new arrivals. Moreover, this was the first instance of supplies being blocked since the camp opened in 1997. (Source: Paung, Poe, "Refugees Continue to Arrive," *Irrawaddy*, 5 March 2003)

On 6 March, a group of over 100 people comprised of refugees from Mae La camp and their relatives were arrested and detained by Thai soldiers when they went outside of the camp to collect dry leaves for roofing. The group was handed over to the Tak Province Immigration Office. (Source: "100 Karen Refugees Missing," DVB, 6 March 2003)

April

In April, the Burma Border Consortium reported that nearly 1,000 Shan refugees arrived to Fang District of Chiang Mai Province each month. The majority of the refugees were fleeing from relocation site in Central Shan State. (Source: Burma Border Consortium, Update No. 1/2003, 2 April 2003)

It was reported that 67 Mon families arrived to Khalokhani (resettlement site) in Kanchanaburi district during the month. Relief organizations were only able to provide for 1/3 of each individual's needs due to continual reductions in aid. (Source: "Thais to Close Down Refugee Camp," DVB, 22 May 2003).

On 10 April, a Muslim religious leader from Mae La refugee camp was detained by camp rangers after he tried to connect a water supply line without permission. The Muslim man was tied to a tree and his beard was cut with a knife. As a result, more than 100 Muslims gathered to assail the rangers and prevent them from harming the man. While most of the rangers ran away, one opened fire on the crowd with an assault rifle injuring one Karen woman and one Muslim man. The crowd then beat the remaining ranger until he was unconscious. (Source: "Rangers Clash with Muslims in Thai Refugee Camp, Three Injured," AFP, 11 April 2003)

May

During May, it was reported that approximately 30 families arrived to Khalokhani Refugee Camp in Kanchanaburi District. The majority of the refugees were from Ye Township, Mon State and fled fighting in the area. (Source: "Thais to Close Down Refugee Camp," DVB, 22 May 2003)

On 7 May, Thai authorities ordered the population of disabled refugees from Karenni Camp 3 to relocate to Karenni Camp 1 before the end of the month. The group of approximately 35 disabled families had remained in the site after Thai authorities ordered Karenni camp 3 to move to Karenni camp 2 in August 2002. It was reported that Thai authorities informed camp leaders that all refugees who remained in the area following the deadline would be subject to arrest and deportation. Camp leaders expressed concern about difficulties the disabled refugees would face building new homes in the new location. (Source: "Disabled Refugees in Karenni Camp to Be Relocated," Network Media Group, 12 May 2003)

On 8 May, a heavy rainstorm coupled with strong winds destroyed 300 huts and injured five Karen refugees in Mae Khong Kha camp in Mae Sariang. (Source: "Rainstorm Crashes 300 Refugee Huts, 5 Injured in Karen Refugee Camp," Network Media Group, 9 May 2003)

On 22 May, it was reported that Thai authorities informed the Burmese Student Association of their plans to close Tham Hin camp in Ratchaburi province. (Source: "Thais to Close Down Refugee Camp," DVB, 22 May 2003)

On 27 May, Hina Jilani, the UN Special Rapporteur on Human Rights, expressed concern over the declining human rights situation in Thailand. Her concern included the Thai government's increased pressure and crackdowns on Burmese pro-democracy activists in exile in Thailand. She stated, "Many of the Burmese human rights defenders feel very insecure with regard to their freedom of movement inside Thailand." (Source: "Human Rights Defender Hits at Thailand," *Irrawaddy*, 28 May 2003)

On 30 May, Daw Aung San Suu Kyi, her convoy, and thousands of National League for Democracy supporters were attacked in what has been called an act of State-sponsored violence in a small village just outside of Depayin, Sagaing Division, Burma. Eyewitness accounts report that members of the USDA, monks, and others used bamboo sticks and iron rods to beat members of the NLD convoy and supporters who had gathered. Some women had their clothes torn off and were left naked. The total number of fatalities and injuries is still disputed. The event also resulted in the imprisonment of Daw Aung San Suu Kyi, U Tin Oo and other leaders of the NLD.

June

On 4 June, approximately 30 protestors gathered in front of the Burmese embassy in Bangkok to call for the release of Aung San Suu Kyi, who had been taken into custody and held in an unknown location following the attack on the NLD convoy and supporters on 30 May. After 10 minutes, police ordered the demonstrators to cease or face arrest. (Source: "Myanmar Exiles Rally for Suu Kyi in Thailand," Reuters Alertnet, 4 June 2003)

On 17 June, six people gathered and commenced a hunger strike outside the Burmese Embassy in Bangkok. The protestors planned to refuse food for 58 hours in conjunction with

Aung San Suu Kyi's 58th birthday the following day. The group was relocated to the UNHCR headquarters by the Thai authorities, where they were joined by three additional protestors and their activities continued. (Source: Shine, Aung Su and staff reporters, "More Hunger Strikes for Suu Kyi's Release," *Irrawaddy*, 18 June 2003)

On 25 June, following a warning from the SPDC that pro-democracy activists in exile might take hostages to protest for the release of Aung San Suu Kyi, a senior Thai police official reported that security for Myanmar diplomats in Thailand would be tightened and exiled pro-democracy activists would be monitored closely. Lieutenant General Jumpon Manmai, head of Special Branch police indicated that pro-democracy activists would still be allowed to protest peacefully, yet anyone engaging in illegal acts would face arrest. (Source: "Myanmar Junta Warns Thailand of Possible Dissident Hostage Plan," AFP, 25 June 2003)

On 26 June, 11 members of the Democratic Friends of Burma were arrested and charged with illegal entry after staging a peaceful protest in front of the Burmese Embassy in Bangkok. The 11 protestors all carried UNHCR certificates indicating they are Persons of Concern (POC). (Source: "Police Chief Warns Burmese Dissidents," *Bangkok Post*, 30 June 2003)

On 27 June, Prime Minister Thaksin Shinawatra accused the UNHCR of undermining the sovereignty of Thailand by granting refugee status to asylum seekers from Burma without the knowledge of the Thai government. He also stated, "Anyone holding a UNHCR card must stay in their camp and they are not supposed to freely roam across the country." The UNHCR responded that they had been working with the acquiescence of the Thai government for over 20 years. In addition, the UNHCR indicated that because Thailand is not a signatory to the 1951 Refugee Convention and does not have a legal framework for determining refugee status, it has the right to confer status. (Source: "Thai PM Lashes UN Refugee Agency over Myanmar Exiles," AFP, 27 June 2003)

On 30 June, Police Chief San Sarutanont warned that any group of people including UNHCR certificate holders, engaging in political activities, such as protests, against a neighboring country would face arrest. His warning came in response to reports of a potential protest held by Burmese dissidents in front of the Burmese Embassy in Bangkok (source: "Police Chief Warns Burmese Dissidents," *Bangkok Post*, 30 June 2003). Meanwhile, more than 80 police surrounded the Burmese Embassy instructed to arrest any Burmese protestors while allowing Thai NGOs and Thai students to remain. Burmese protestors did not appear. (Source: "Only Police Show Up at Rally," *The Nation*, 1 July 2003)

July

On 2 July, Thai foreign ministry spokesman Sihasak Phuangketkeow announced, "All people of Myanmar nationality who have been granted 'person of concern' (POC) status, some 1,500 will be transferred to camps along the border." He added, "If they refuse to move to the camps, they will be stripped of their POC status." His comments followed a meeting between the UNHCR and the Thai government concerning the UNHCR's refugee status determination process (source: "Thai Border Camps to Take in 1,500 Myanmar Refugees," AFP, 2 July 2003). He also commented, "They are not supposed to be able to engage in political activities that would affect relations with other countries. They are here as guests," (source: "Exiles from Burma Face Clampdown in Thailand," *Financial Times*, 3 July 2003).

On 4 July, Wunna Maung and Khin Zaw, two eyewitnesses to the attack on Aung San Suu Kyi and the NLD on 30 May, were prevented from presenting testimony about the event to the Thai parliament. Upon their arrival to the Parliament Building, Thai authorities ordered the two to be arrested. The authorities also canceled a press conference scheduled for the same day at the Foreign Correspondence Club of Thailand in Bangkok. The two witnesses immediately sought the protection of the UNHCR and applied for refugee status, which they were granted by the end of the day. It was reported that the two witnesses were granted status on the condition that they did not speak to the press or they would face arrest. The two were successful in submitting an affidavit with the Senate Standing Committee on Foreign Affairs. (Source: Zin, Min and Kyaw Zwa Moe, "Witness Reports Shed Light on Ambush," *Irrawaddy*, 8 July 2003)

On 10 July, in a meeting between refugees and the Border Security Force of Thailand, Officer Gordon warned the approximately 17,000 refugees of Mae Khon Kha camp not to hold any demonstrations in protest of the camp relocation. Saw Htoo Htoo of the Karen Refugee Committee indicated the refugees were more than willing to relocate due to the negative results of natural disasters in the area. (Source: "Thai Security Officer Warns Burmese Refugees, No Protest Against Relocation," Network Media Group, 14 July 2003)

On 16 July 2004, Prime Minister Thaksin ordered the Thai Labour Ministry and various security agencies to prepare for a possible increase in the number of Burmese entering Thailand and negative consequences of the US sanctions against Burma. (Source: "PM: Prepare for Refugees," *The Nation*, 17 July 2003)

On 18 July, Thai officials ordered Mae Sariang based Burmese activists and ethnic organizations to vacate their offices by the end of the month or face arrest. (Source: Moe, Kyaw Zwa, "Dissidents Targeted in Mae Sariang," *Irrawaddy*, 29 July 2003)

On 29 July, Thai border police entered the office of the Karen Women's Organization and arrested six members, including the joint secretary, who were released in the afternoon of the same day. The six women arrested were Christer Bell, Naw Myaing Po, Naw Shwe Paw, Htoo Wah Paw, Paw Hset Hser and Naw Hser Nay Moo. The arrests came two days before the end of the month deadline for the organizations to vacate their offices. It was reported that the police questioned the women about their plans for the future. (Source: Moe, Kyaw Zwa, "Dissidents Targeted in Mae Sariang," *Irrawaddy*, 29 July 2003)

On 31 July, it was reported that the Thai authorities banned Burmese visitors from staying overnight in Mae Samplet, a village on near Mae Sariang on the Thai-Burma border. Local villagers were also instructed to cease carrying Burmese passengers on their boats on the Salween River and to allow people holding refugee camp papers to only stay for one night. (Source: "Thai Says No More Burmese Visitors at Border Village," Network Media Group, 31 July 2003)

August

On 7 August, it was reported that in a meeting between Thai authorities and Mae Khong Kha refugee camp authorities, stricter regulations concerning movement in and out of the camp for both refugees and visitors would be implemented. It was indicated that all vehicles going into the camp were required to obtain a permit from the township authorities. In addition, NGO and organization vehicles were required to register all their information with the camp

security authorities. (Source: "Refugee Camp under Tight Securities," Network Media Group, 11 August 2003)

On 8 August, Thai police allowed a confined 15 minute 8/8/88-memorial demonstration in front of the Burmese Embassy. Fearing arrest, only 20 demonstrators participated from groups including the NLD-LA, PDP and ethnic organization such as Shan, Pa-o, and Chin. (Source: "Fear of Crackdown Hampers 8/8/88 Demonstration," MAN, 8 August 2003)

On 15 August, it was reported that the Burmese Border Consortium (BBC) would cease providing rations to Burmese opposition groups based in Mae Sot. This decision affected approximately 10 organizations, many of which were entirely dependent upon the rations which include rice, salt, cooking oil, chili, beans, and fish sauce. A representative from the BBC indicated that their mission was to support refugees living inside the refugee camp. (Source: "Opposition Rations Slashed," *Irrawaddy*, 15 August 2003)

On 19 August, Thai police raided the National Catholic Commission on Migration (NCCM), which provides assistance to Burmese migrant workers. One Burmese woman seeking survival assistance was arrested and later deported. (Source: "Thai Police Raid NGOs," Mizzima News, 21 August 2003)

On 27 August, it was reported that Colonel Panlop Pinmanee, deputy directory for the internal security office, indicated that Burmese refugees living outside of the refugee camps would be confined to one of nine detention centers during the Asia-Pacific Economic Cooperation (APEC) meeting as a security precaution. Political refugees were to be contained at a detention center in western Ratchaburi province. (Source: "Thailand to Confine Refugees to Camps During APEC," AFP, 27 August 2003)

September

On 7 September, "Burmese activists were arrested soon after participating in a fast organized by Forum-Asia at a public park to call for the release of Daw Aung San Suu Kyi. They were charged with immigration violations and released on September 24 after paying 200,000 baht each (U.S. \$5,000)." (Source: *Out of Sight, Out of Mind*, Human Rights Watch, February 2004)

On 18 September, in an attempt to build strong relationships with Thailand's neighbors, Prime Minister Thaksin pledged to prevent rebels from neighboring countries from entering into Thailand. He indicated the political refugees and NGO employees would not be affected by this policy and would not be blacklisted. (Source: "Thai PM Vows to Bar 'Hard-core' Rebels from Kingdom," AFP, 16 September 2003)

On the same day, 15 Burmese activists with UNHCR POC status were arrested by Thai police when they protested in front of the Burmese Embassy in Bangkok. The demonstration marked the 15th anniversary of the coup which brought the ruling junta to power. The group was transported to the Immigration Detention Center (IDC) and told they would be sent to Special Detention Center at the Bang Khen Police Academy in northern Bangkok. The UNHCR indicated that they had no power to gain their release. (Source: "Activists Arrested on Coup Anniversary," *Irrawaddy*, 18 September 2003)

On 23 September, it was reported that 14 Karen refugees crossed into Prachuap Kiri Khan, Thailand as a result of intensified attacks by the Burmese Army in the border region. The group consisted of five women, eight children, and one man. Mr Prasat Prasertying, Thap Sakae district chief, indicated that border and local authorities along with health and charity organizations were addressing the situation. (Source: "Karen Refugees Pour into Thailand as Myanmar Army Steps Up Crackdown," Thai Press Reports, 23 September 2003)

On 24 September, it was reported that approximately 150 villagers from Karen State arrived to Tak province, Thailand. The refugees fled to Thailand after receiving orders to provide food and labor to the soldiers of Burma Army battalions 701, 703, and 706 as well as DKBA battalion 999. (Source: "Karens Flee Labor Conscription," *Irrawaddy*, 24 September 2003)

October

On 2 October, it was reported that a high-level police source indicated that the foreign activists planning to visit Thailand during the APEC summit and who might pose a threat to national security would have their visas revoked. (Source: Ngamkham, Wassayos, "Visa Ban to Keep Foreign Activists Out of Country," *Bangkok Post*, 3 October 2003)

On 13 October, it was reported that the Thai Sangha Council, Thailand's main Buddhist council, passed a resolution barring Burmese monks from inhabiting monasteries in Thailand. According to a Thai labor official, there were more than 500 Burmese monks living in temples in five districts along the Thai-Burma border. At the time of this report, over 100 monks had returned to Burma for fear of the repatriation that was anticipated to begin at the end of the Buddhist Lent. (Source: Shin, Aung Su, "Thais to Expel Burmese Monks," *Irrawaddy*, 13 October 2003)

On 17 October, it was reported that several hundred Karen villagers crossed the border to Thailand as a result of a major offensive which resulted in the Burma Army overtaking the KNLA 7th Brigade headquarters in Pa'an district. Approximately 1,500 people were displaced and considered potential refugees. (Source: "Myanmar Troops Take Karen Rebel Base, Hundreds Displaced," AP Worldstream, 17 October 2003)

On the same day, immigration chief for Tak Province, Col Sanit Komonwanit, reported that Mae Sot police, immigration officials, and Myawaddy security forces engaged in a two-day security sweep operation in preparation for the 21 October APEC Summit. As a result, approximately 500 Burmese people were handed over to the Burmese authorities in Myawaddy. In addition, Mae Sot district chief, Virut Pusingh indicated that groups considered to be potential security threats were being monitored closely. (Source: Shin, Aung Su, "Border Sweep Proceeds Apec," *Irrawaddy*, 17 October 2003)

On 18 October, Governor Supoj Laowansiri confirmed the plan to relocate the 17,062 refugees inhabiting Mae Khong Kha to a new site called in Ban Mae La Oon, in Sop Moei district by the end of December. The new site is located 4 kilometers from the Thai-Burma border. Thai authorities reported that the move was an attempt to address the problem of deforestation in Mae Sariang district, Mae Hong Song province. (Source: "Relocation of 17,000 Refugees to Go Ahead," *Bangkok Post*, 18 October 2003)

On 21 October, it was reported that refugees from Mae Khong Kha camp in Mae Hong Song province were returning to Burma out of fear of the relocation of the camp to a site near

Manerplaw, the former headquarters of the KNU and now controlled the SPDC. Those who returned were reportedly afraid of an attack by the Burma Army or the DKBA and did not trust the Thais to provide protection. (Source: "Some Refugees Go Back to Burma as the New Relocation Site Seems Insecure," Network Media Group, 21 October 2003)

November

In November, it was reported that a resort in Phuket, Thailand offered to purchase three to five families of the Kayan, also known as the "long necked" refugees, who had been allowed to remain in the site of Karenni Camp 3 after the camp relocation had completed in 2002. The Thai authorities had allowed the Kayan to remain because they are considered a tourist attraction. The resort in Phuket reportedly offered to relocate the Kayan families to the resort for tourist viewing for 10 million baht. Members of the tribe were reportedly positive about the offer feeling that they would have an opportunity to improve their living conditions. Yet, Governor of Mae Hong Son Suphot Laowansiri indicated that because the Kayan were refugees fleeing active fighting, they must remain in the Mae Hong Son area in the event that the fighting abates and they can return to Burma. In addition, he indicated that a special area was reserved for these refugees which would be monitored by the Thai army and volunteers to ensure that they do not escape (source: "Bt10 Million Offered for 'Long-Necked' Padaung Tribe," Thai Press Reports, 5 November 2003).

On 24 November, Col San Pwint, a spokesman for the Burma Ministry of Defense, met with KNU Secretary General Padoh Mahn Sha, Deputy Chairman General Bo Mya, and other leaders of the KNU in Mae Sot, Thailand. It was reported that Col San Pwint discussed the Prime Minister Khin Nyunt's seven-point road map to democracy, the National Convention, and the prospect of future meetings between the KNU and the military government. (Source: "KNU Meets Junta," *Irrawaddy*, 24 November 2003)

December

From 3-8 December, a KNU delegation of five junior army officers traveled to Rangoon to meet with Prime Minister Khin Nyunt and discuss the credibility of the seven-point road map for national reconciliation designed by the junta. Upon the delegation's return, KNU Deputy Chairman Gen Bo Mya indicated that he had fewer doubts about the genuineness of the SPDC's intentions for national reconciliation. (Source: "KNU Returns from Rangoon," *Irrawaddy*, 9 December 2003)

On 24 December, Jakrapob Penkair, spokesman for the Thai Government, stated that the Interior Ministry's office of policy coordination on refugees would solicit funding for processing Burmese refugees from the Finance Ministry and not from the UNHCR. He further indicated that this decision was evidence of Thailand's willingness to address the refugees and not an attempt to diminish the role of the UNHCR. In addition, Prime Minister Thaksin indicated that the Thai government would continue to work with international agencies on an "equal partnership" level. (Source: "Thai Government Denies Sidelining UN Role in Handling Burmese Refugees," Kosajan, 25 December 2003)

14.3 Situation of Refugees in Bangladesh

The Burmese refugee population in Bangladesh can be divided into three categories; Rohingya refugees in the two official refugee camps, Rohingya refugees classified as illegal immigrants living outside the camps, and Rakhine Buddhist refugees mostly in Dhaka and the Chittagong Hill Tracts. Bangladesh has not signed the 1951 Refugee Convention and does not have a legal framework through which refugees can find protection. While the influx of new refugees from Burma has not stopped, Bangladesh does not provide assistance or protection to them. Refugees frequently report the appalling conditions of the refugee camps, slums, or jungle where they remain.

Bangladesh has been burdened by two major exoduses of Rohingya refugees with steady trickles of new comers at all other times. The first occurred in 1978 following operation Naga Min or Dragon King, when General Ne Win ordered a crackdown to drive out all “foreigners” from the country. The campaign led to extra-judicial killings, rape, and other acts of violence causing approximately 200,000 Rohingya to flee across the border to Bangladesh. Following the repatriation – often involuntary - of these refugees, the Burmese regime enacted a new Citizenship Law in 1982, which renders the Rohingya de facto stateless. In addition, the Rohingya are not considered one of the 135 national races. In 1990, the increased military presence caused an escalation in human rights abuses perpetrated against the Rohingya such as forced labor, forced relocation, execution, torture, and rape. From 1991 to 1992, approximately 250,000 Rohingya fled to Bangladesh. From 1992 to 1994, Bangladesh forcibly repatriated over 50,000 refugees from this group. In April 1994, the UNHCR gained access to the Burma side of the border and then oversaw a mass repatriation program. The voluntary nature of the exercise was highly questioned by humanitarian agencies working in the camps. There were reports that officials withheld food from and beat the refugees in order to coerce them to return. In 1997, the repatriations halted and commenced again the following year only in very limited numbers.

Since the mass repatriations in 1994 and 1995, access to the refugee camps has been denied to new arrivals. Despite the fact that similar oppressive conditions in Burma forced these new refugees to cross the border, the Government of Bangladesh labels them economic migrants and they are considered illegal in Bangladesh. Since they are denied access to the refugee camps, they are not eligible for humanitarian assistance. They hide in jungle areas or in slums in Cox’s Bazaar. (Source: *Myanmar: The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, 16 May 2004).

Over the years, repatriation has continued in smaller numbers. In 2003, approximately 3,000 Rohingya were repatriated. According to Amnesty International, approximately 236,000 refugees have been repatriated to Burma with approximately 20,000 Rohingya refugees in the two remaining refugee camps at Nayapara and Kutupalong in the Cox’s Bazaar area at the beginning of 2004 (source: *Myanmar: The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, 16 May 2004). The Bangladeshi government has consistently maintained the perspective that all the Rohingya must return to Burma and has worked to continue the process of repatriation. One obstacle to this goal, has been the fact that the SPDC has not officially cleared the remaining refugees in the camps and has created extensive bureaucratic procedures that have complicated the repatriation process. Marking improved diplomatic and economic relations between the two countries, Bangladeshi and Burmese border officials met for the first time in 10 years on May 18 to 22 to discuss a variety of border related issues including arms smuggling, human trafficking and fishing in

the Bay of Bengal. Bangladeshi officials were also reported to have requested the Burmese government to accelerate the repatriation process (source: "Bangladesh Repatriates 704 Rohingya Refugees to Myanmar in May," Xinhua, 30 May 2003). The meeting concluded with an agreement to meet every six months and a Joint Record of Discussion was signed (source: "Dhaka Rangoon Talks Conclude; Meeting to Solve Border Problems," Narinjara , 23 May 2003).

Of the 20 original camps that were erected to accommodate the masses of refugees in 1991, only Nayapara camp near Teknaf and Kutupalong camp near Ukhia remain. According to a survey conducted by Medecins sans Frontieres (MSF) in 2002, 53% of adults and 58% of children in the camps are malnourished. These figures result from the consistent problems the refugees face receiving food and water supplies. Over population is another problem leading to over crowding and poor sanitation. The 2002 MSF survey also indicates that the average house holds 6-7 people in a 100 sq. ft. space. The Government of Bangladesh prohibits any construction of permanent structures or improvements to old ones because the refugees' stay is viewed as temporary. Officially, all refugees are not allowed to leave the camps or to work. Most are completely dependent upon humanitarian aid for their survival, while a minority work outside the camps. As these activities go against camp regulations, those who go outside risk arrest by the local police or punishment from the camp police if they are caught. Rohingya refugees also continually report harassment from the local community. (Source: *10 Years for the Rohingya Refugees In Bangladesh: Past, Present and Future*, MSF, 2002)

UNHCR Disengagement and Forced Repatriation

"It would be better if you go back. By this time, Burma has now improved a lot. It is not like before. It is much calmer and more peaceful than in the past."

– Statement by the head of UNHCR sub-office in Cox's Bazar, Bangladesh, according to a refugee from Kutupalong camp on 9 April 2003. (Source: *"We Are Like A Soccer Ball, Kicked by Burma, Kicked by Bangladesh,"* Forum-Asia, June 2003)

In early 2003, the UNHCR announced a plan for "promoting self sufficiency pending voluntary repatriation," which proposes the transfer of responsibility for the assistance tasks in the two refugee camps to the Bangladesh authorities and the phasing out of UNHCR's presence. To enable the refugees to become self-reliant, the UNHCR proposal includes income-generating projects, vocational training and quick impact projects, as well as the upgrading of facilities and infrastructure for the local community to increase absorption capacity (source: Forum-Asia, 2003). As part of the UNHCR's disengagement process, partner NGOs providing medical services or supplementary nutrition programs are required to transfer their programs under the responsibility of the Civil Surgeon's Office of the Bangladeshi Ministry of Health. The UNHCR has proposed to provide assistance to upgrade the Civil Surgeon's facilities to accommodate the services. Yet, concern has been voiced that the UNHCR is not allowing an adequate amount of time for both NGOs and the Civil Surgeon's office to prepare for the transition in responsibility putting women and children relying on the supplementary nutrition program at risk of further nutrition deficiencies. (Source: *Burmese Rohingya in Bangladesh Face an Uncertain Future*, Refugees International, 22 May 2003)

This plan also raises concerns over the possible abuses that could ensue without the presence of the UNHCR as it is the only international organization with a protection mandate. On

several occasions the Bangladeshi government has expressed its desire for the UNHCR to remain an active participant in the repatriation process and a source of assistance for the camps. The government of Bangladesh also indicated that a program to promote self sufficiency might create a "pull factor" encouraging refugees to stay as opposed to returning to Burma, which is contrary to their aims of repatriating all refugees. (Source: Forum-Asia, 2003)

In May 2003, two months before the UNHCR's planned date to disengage from the repatriation process, reports of harassment, coercion, intimidation, and forced repatriation came in high volume from the camp. The number of refugees repatriated dramatically increase from 93 in April to 704 in May. UNHCR officials denied the occurrence of any non-voluntary repatriation with one official commenting, "Everybody knows that voluntary repatriation to Myanmar is his right. The Government of Bangladesh agrees with voluntarism. I do not believe that there is any forced repatriation at all," (source: *Caught between a Crocodile and a Snake*, Burma Centrum Nederland, April/May 2003). Conversely, MSF accumulated over 550 complaints from the refugees citing the use of coercion in the form of intimidation or threats of physical abuse as a method to impel return to Burma (source: *Thousands of Refugees Harassed to Return to Myanmar*, MSF, 17 September 2003). At the same time a local official admitted, "UNHCR's decision to withdraw from the camps has caused us to try to speed up repatriations. The refugees who do not want to return cannot stay here. The Government will send them back even if they do not want to go. Bangladesh is a poor country and cannot take care of this situation," (source: *Lack of Protection Plagues Burma's Rohingya Refugees in Bangladesh*, Refugees International, 22 May 2003).

According to a report prepared by Forum-Asia entitled "*We Are Like A Soccer Ball, Kicked by Burma, Kicked by Bangladesh*," refugees reported that preparations for repatriation commenced several months prior to May in the form of restrictions and reduction of services. More specifically, local markets in the camps were closed down, shed extensions were demolished, household gardens were banned, and health care provided by the Bangladeshi government declined. In addition, the Bangladeshi camp authorities exerted increased pressure on the refugees to sign affidavits confirming their willingness to return to Burma. In May, repatriations occurred two days each week on Monday and Wednesday. Prior to May, repatriations only occurred once a week with approximately 10 people going back each time. Refugees also reported an increase in camp police engaging in surveillance of the refugees who had been cleared by the Burmese government to return to Burma. Others were detained in the Camp in Charge's office until they were deported the following day. Most refugees were not allowed any preparation time and several families were separated in the repatriation exercise. Other methods of coercion perpetrated by the camp police, Camp in Charge, camp staff, majees, and volunteer refugees include confiscating ration books, arbitrary arrest and detention, confiscation of refugees' property, and detention in the Camp in Charge's office, and relocation in the camp away from friends and family. Most forms of coercion presented the refugees with the option of repatriating as a means to prevent going to jail, not having food, or other forms of suffering. (Source: "*We Are Like A Soccer Ball, Kicked by Burma, Kicked by Bangladesh*," Forum-Asia, June 2003)

As a result of advocacy efforts carried out by various NGOs, the UNHCR in Geneva led an investigation and increased the number of protection staff in Bangladesh. While reports of physical threats have decreased, other methods of harassment and pressure are still exerted by the majees and volunteers. As the UNHCR continues to move forward with its plan for disengagement, concern is continually raised about the protection of the remaining refugee

population. In particular as the Bangladeshi government has not endorsed the UNHCR's plan, many have criticized the UNHCR for furthering "an environment of weakened protection." (Source: *The Situation of Burmese Refugees in Bangladesh*, Forum-Asia, 6 November 2003)

The Unofficial Rohingya Refugee Population

Outside of the two official refugee camps, the unofficial Rohingya refugee population has been estimated to be anywhere from 100,000 to 300,000 people. Denied access to the camps because they arrived after the mass repatriations of 1995, they are considered illegal immigrants and have mostly settled in the Cox's Bazaar and Teknaf areas of southern Bangladesh. The government of Bangladesh views them as "economic migrants" and not as refugees. In actuality, these refugees are continuing to flee conditions in Burma where they are unable to find suitable employment, feed themselves, or maintain a home as a direct result of the SPDC's discriminatory policies and practices of forced labor, extortion, and land confiscation. Those considered new arrivals are both refugees fleeing Burma for the first time as well repatriated refugees who found the conditions in Burma unsuitable and returned to Bangladesh. (Source: "The Situation of Burmese Refugees in Bangladesh," Forum-Asia, 6 November 2003).

Because they are considered economic migrants, the unofficial Rohingya refugee population does not have access to humanitarian support. They are vulnerable to both harassment from authorities and the local population. In particular, the Rohingya community is often targeted as the source of social problems, crime, and environmental degradation by the media which result in tension and poor relations with the local community. Most Rohingya refugees find employment in low paying jobs such as rickshaw drivers, porters, factory workers, and domestic servants while some resort to begging on the streets for money. (Source: "The Situation of Burmese Refugees in Bangladesh", Forum-Asia, 6 November 2003)

In 2002, the Bangladeshi authorities forced several thousands of Rohingya to vacate their homes. As a result, an unofficial makeshift camp in Teknaf near the Naf river was created in the beginning of 2003. Approximately 4,000 people live in the camp which is essentially a slum with houses made of plastic sheeting. The conditions in the camp are reported to be extremely poor as there are only a few water pumps, latrines, and no proper sanitation. Each hut houses approximately six or seven people (source: *Burma's Rohingya: The fate of one forgotten community in Bangladesh*, Refugees International, 20 May 2003). In addition, the camp residents are not eligible for health services from NGOs or the government. As a result, the Burma Centrum Nederland reports that diarrhea, skin and other infection diseases, worms, and malaria are quite common (source: *Caught Between A Crocodile and A Snake*, Burma Centrum Nederland, April/May 2003). Moreover, the camp is located in a low level area that is prone to flooding which has raised great concern for the welfare of the residents during the rainy season (source: *Burma's Rohingya: The fate of one forgotten community in Bangladesh*, Refugees International, 20 May 2003).

Situation of Rakhine Refugees in Bangladesh

According to Forum-Asia, there are approximately 70 Rakhine and other Burmese in Dhaka who are recognized as refugees by the UNHCR. The Burma Centrum Nederland reported that a few thousand Rakhine refugees also reside in the jungles of the Chittagong Hill Tracts who have not been recognized by the UNHCR. The population in Dhaka mostly consists of activists who left Burma following 1988 and the pro-democracy uprising. Those who are recognized by the UNHCR as refugees or Persons of Concern are allowed to remain in Bangladesh but are not provided work permits which would allow them to legally obtain employment. Until 1998, the UNHCR provided monthly financial support to the refugees. However, in 1998, the UNHCR began to promote refugee self-reliance by cutting monthly financial assistance. Instead, the UNHCR offered a lump-sum small business grant to the refugees and discontinued the monthly subsistence allowance. UNHCR also provides a degree of skill and language training (source: *The Situation of Burmese Refugees in Bangladesh*, Forum-Asia, 6 November 2003). UNHCR recognized refugees face many difficulties surviving due to cultural differences and the language barrier. Many refugees have reported feeling that they need further support from the UNHCR in terms of assistance with job placement and more skill and language training (source: *Caught Between A Crocodile and A Snake*, Burma Centrum Nederland, April/May 2003).

In early February 2003, approximately 50 refugees led a two-day hunger strike in front of the UNHCR office in Dhaka. Most of the protestors were not yet recognized by the UNHCR but reported that they had applied several times and been rejected without an adequate explanation. They called for a faster process for receiving recognition as a Person of Concern, an end to the lump-sum small business grants, and the granting of a monthly subsistence allowance for Persons of Concern. The protestors indicated that the lengthy duration of the application process creates a major obstacle for the Rakhine population in the Chittagong Hills. These refugees do not have enough money to pay for repeated trips from the jungle to Dhaka or to stay in Dhaka while they are awaiting the UNHCR's decision. In addition, refugees who had taken the lump-sum grant reported that their attempts to start a business had failed because of language difficulties, lack of opportunity in the local job market and inadequate funds for properly starting a business. The protestors halted when UNHCR representatives agreed to meet with them to discuss their concerns. (Source: "Burmese Refugees' Hunger Strike in Dhaka: Respite after Talks with High Officials," Narinjara, 8 February 2003)

Again on 18 March, it was reported that three Burmese refugees staged a hunger strike at the Refugee Counseling Services Unit (RCSU), an NGO which assists with the refugee status application process. The three protestors were later joined by two more, all of whom were calling for a monthly subsistence allowance as opposed to the lump-sum grant. One woman, Maik Maik San, indicated that women face particular difficulties, as Bangladeshi society is not so friendly to woman. Coupled with the inability to properly speak the local language, she felt that it is impossible for a woman to subsist on her own. (Source: "Burmese Refugees' Hunger Strike Intensifies," Narinjara, 18 March 2003)

According to the Burma Centrum Nederland, the UNHCR has not responded to the refugees' requests and concerns. Instead, they insist that the UNHCR has provided a great deal of support to the POCs. In response to concerns about the language barrier, the UNHCR was reported to have said, "People do not need a language course for selling cigarettes in the

streets.” (Source: *Caught Between A Crocodile and A Snake*, Burma Centrum Nederland, April/May 2003).

Burmese in Bangladeshi Prisons

According to a report by Forum-Asia, there are more than 500 Burmese detained in Bangladeshi jails. These detainees are mostly "released prisoners" who have completed their prison sentences but because the SPDC does not recognize them as Burmese citizens, they can't be released. Some have been detained for over 10 years past the finish of their sentence. Half are Rohingya and half are fisherman from areas such as Mon State and Tenasserim Division, who were employed by Thai fishing boats and were arrested for fishing in Bangladeshi waters. (Source: Forum-Asia, 2003)

In early 2001, the SPDC agreed to take back prisoners in small numbers. On 28 September 2001, 89 approved prisoners were taken from the Cox's Bazaar prison by officials from the Burmese embassy and handed over to the SPDC Nasaka border security forces in the border town of Maungdaw. Each prisoner was given 1,000 kyat to cover the cost of their journey to their homes. (Source: Narinjara, 2002)

In 2003, Narinjara news reported that only 11 prisoners who had overstayed their sentenced were released with the assistance of the UNHCR and other human rights NGOs. One of the greatest obstacles the prisoners face in trying to be released is the Burmese government's failure to recognize them as citizens, thus preventing their repatriation. Prisoners have reported that they are aware of the Bangladeshi authorities' efforts to contact the Burmese government to arrange for their repatriation. (Source: "Burmese Linger in the Prison of Bangladesh," Narinjara, 21 June 2003)

14.4 Situation of Refugees in India

The Burmese refugee population in India is mostly comprised of ethnic Chin people, with a small number of Kachin and Burman. According to the U.S. Committee for Refugees' World Refugee Survey 2004, there are approximately 50,000 Chin refugees residing in India. Yet, the Indian government is not a signatory to the 1951 Refugee Convention nor does India have the legal framework through which refugee status can be determined. Following the exodus of refugees after the 1988 uprising, the Indian government established refugee camps. In 1992 these camps were closed and all humanitarian assistance provided to Burmese refugees was halted.

According to the Chin Human Rights Organization, the arrival of Burmese refugees to India can be divided into two categories. The first is university students, activists, and others who fled to India following participation in the 1988 democracy uprising. The second is ordinary people and villagers who have fled ongoing human rights abuses including religious persecution, forced labor, rape, torture, and ethnic discrimination since the mid-1990s. In particular, the Chin, concentrated mostly in Chin State, are mostly Christian and face a great deal of persecution aimed at conversion to Buddhism. The SPDC often prohibits or limits religious gatherings and prohibits evangelists from giving sermons. In addition, Christians have been forced to engage in labor for Buddhist pagodas. The occurrence of human rights abuses has only increased as the SPDC military presence has grown in Chin State. (Source:

CHRO, 2003) (Please see chapter on religion for more information about the situation of Chin in Chin State.)

Situation of Chin Refugees in the Northeastern States of India

Approximately 50,000 Chin refugees reside in the northeastern states of India, with the majority living in Mizoram State and a small proportion living in southern Manipur State. The Indian government does not allow foreigners or the UNHCR to access these areas. There is no refugee camp or humanitarian aid available to the refugees in this area. As a result, most Chin refugees find employment in low-paying jobs such as weaving or road construction and attempt to integrate into the local community in order to survive. Because the Mizo and the Chin are ethnically and linguistically related, the Chin were initially accepted in the local communities. In recent years, the Chins have met increasing intolerance as they are often blamed for social problems. The refugees have often become targets for local political organizations like the Young Mizo Association (YMA) and are often threatened with eviction, arrest and deportation. In 2002, an eviction campaign prompted by the Young Mizo Association forced Chin refugees in Lunglei district to vacate their homes leaving nearly 5000 refugees homeless. Again in July 2003, the Young Mizo Association launched the "Quit Mizoram Campaign" to evict all of the Chin refugees from Mizoram. The campaign followed the rape of a nine year-old Mizo girl on 19 July. Because the perpetrator was believed to be a Burmese man who owned a hotel, the YMA led the destruction of the suspect's hotel as well as many Chin residences. The Chin refugees were ordered to vacate their homes by 20 August. By November 2003, the CHRO reported that over 6,000 refugees had been forced back to Burma. It was reported that the authorities did nothing to stop the violent attacks or evictions led by the YMA. Refugees International reported that the authorities even went so far as to assist the YMA by supplying trucks to transport the Chin refugees back to the border. In addition, the authorities posted guards at the border to prevent the deportees from reentering India (source: "Forced Back: Burmese Chin Refugees in India in Danger," Refugees International, 9 May 2003). The evictions continued through to the end of the year.

Situation of Refugees and Asylum Seekers in New Delhi

According to the Chin Refugee Committee (CRC), there are approximately 1,400 Chin, Kachin and Burman refugees living in New Delhi. Approximately 1,000 refugees have received Person of Concern or refugee status from the UNHCR in Delhi. Refugees International reports that New Delhi holds the largest population UNHCR recognized refugees in the world at approximately 15,000 refugees. Those who are recognized by the UNHCR receive residence permits but do not receive work permits, which makes obtaining employment both difficult and illegal. For more than 10 years, the UNHCR provided a monthly subsistence allowance of 1,400 rupees (about US\$30) per month for recognized refugees. The monthly allowance was meant to address food and housing costs. An education allowance was provided for each child to cover school costs ranging from 2,500 to 3,100 rupees (about US\$55-\$68). Many refugees have reported that the subsistence allowance was not adequate as the cost of housing is approximately 1,500 rupees per month and education costs far exceed the educational allowance, which has caused many children to drop out of school. (Source: "India: The Situation of Burmese Refugees in New Delhi," Refugees International, 24 November 2003)

In March 2003, the UNHCR announced a plan to phase out the subsistence allowance and promote a system of self-reliance. The UNHCR contends that the monthly subsistence

allowance has created dependency among the refugees and prevented them from properly integrating into the community, learning the local languages, and learning new skills. In an attempt to equip the refugee population to integrate, the UNHCR is providing Hindi, English, computer, and vocational training. Despite the provision of trainings, many refugees have voiced concern that the lack of proper work permits, high levels of unemployment, and discrimination will still prevent them from obtaining jobs. (Source: "India: The Situation of Burmese Refugees in New Delhi," Refugees International, 24 November 2003)

Prompted by the new UNHCR policy, several protests ensued through the year. On 20 October 2003, several hundred refugees gathered in front of the UNHCR office in New Delhi calling for recognition as refugees, third country resettlement, and continued subsistence support. On 12 November after several weeks of continued protesting, Indian riot police arrived to the UNHCR office and opened water canons on the protestors. Different sources report 500-800 Burmese protestors were in attendance on the day of the incident. The police also used electric batons and canes to try and force the protestors to disperse, causing severe injuries to at least 25 people including head and chest wounds, bruises and broken bones. The UNHCR and police both claimed that the protestors had become unruly and violent, while the protestors claimed that they were merely leading a peaceful demonstration. Several hundred Burmese protestors were detained and released the same evening, while 24 were charged with rioting and obstructing police. Thereafter, they were sent to Tihar Central Jail. Attempting to prevent further demonstrations, the New Delhi police imposed a 30-day curfew prohibiting gathering within 200 meters of the UNHCR office. On 13 November, police arrested and sent 20 more Burmese to Tihar Jail when another group of over 100 people assembled in front of the UNHCR. A total of 44 protestors were detained over the course of the protests and were eventually released on bail. Despite protests, appeals, and statements of concern by both refugees and NGOs alike, the UNHCR has not altered its policies leaving the future uncertain for Burmese urban refugees. (Source: "India: Investigate Police Attack on Burmese Demonstrators," Human Rights Watch, 2 December 2003)

14.5 Situation of Refugees in Malaysia

Burmese asylum seekers and refugees make up the second largest group of refugees in Malaysia. According to the UNHCR, there are approximately 15,000 Rohingya refugees in Malaysia and the Chin Refugee Center reports the presence of approximately 5,000 Chin refugees. Both groups flee religious and ethnic persecution along with other human rights abuses perpetrated by the Burma Army. Like other neighboring countries to Burma, Malaysia has not signed the 1951 Refugee Convention and provides little to no sanctuary for those fleeing the persecution of the SPDC military regime or any other oppressive governments. Refugees and asylum seekers are considered illegal immigrants according to Malaysian law and are therefore subject to severe immigration laws under the Immigration Act. As illegal migrants, Burmese refugees are vulnerable to extortion, theft, sexual abuse, and many other difficulties. They also face a lack of access to medical care and educational opportunities.

In 2002, the Malaysian government amended the Immigration Act to include harsher penalties for both illegal immigrants and those providing shelter to illegal immigrants. The authorities often attribute social problems and violent crime to illegal undocumented immigrants. In 2002, the Malaysian government adopted a zero-tolerance policy whereby an illegal immigrant or foreigner who has overstayed his or her visit is subject to a maximum fine of RM 10,000, up to five years in jail, and up to six strokes of the cane. Any person

found to be sheltering an illegal migrant is also subject to a fine ranging from RM 10,000 to 50,000, up to five years in jail, and caning. When brought to court, most illegal or undocumented immigrants do not have access to legal representation and are often convinced to plead guilty (source: *Overview of the Situation of Refugees and Asylum Seekers in Malaysia*, SUARAM, 6 November 2003). Malaysia and Burma do not have a repatriation agreement and Burmese refugees are often deported to Thailand where they fall into the hands of traffickers often leading to work in brothels or on fishing boats.

A few asylum seekers apply to the UNHCR in Kuala Lumpur for recognition as refugees. In June 2002, it was reported that since the beginning of the 1990s, over 2,000 Rohingya have applied for refugee status but only 100 have been resettled in third countries. Between 2000 and 2002, over 470 Chin refugees have petitioned for refugee asylum, 29 of which have been recognized (source: Ching, Mun, "No Asylum: Burmese in Malaysia," *Irrawaddy*, 5 June 2002). Yet, recognition from the UNHCR does not afford any greater protection as the Malaysian authorities have been known to harass, arrest, detain, and even deport UNHCR recognized refugees or those who are being considered for refugee status. Malaysian police are often present to block access to the UNCHR which intimidates and prevents refugees from registering with the UNHCR. In August 2003, it was reported that the UNHCR office in Kuala Lumpur closed its operations due to the police presence in front of the office. The UNHCR refugee eligibility coordinator Evan Ruth commented, "We cannot operate with the police present and deterring people from approaching our office. We will have to decide on a day-to-day basis (whether to resume operations) depending on what the police decide to do." (Source: "Police Presence Forces UNHCR to Cease Operations," *Malaysiakini*, 20 August 2003)

On 19 August, more than 300 asylum seekers attempting to approach the UNHCR were arrested and detained at the Brickfield Police Station in Kuala Lumpur. The group of asylum seekers consisted of various nationalities including Burmese. The large number of asylum seekers is attributed to the fact that the UNHCR only has one day each week for registration, Tuesday. This was a recent change to the UNCHR system and has caused large groups of asylum seekers to gather on Tuesday, which the police had been monitoring. On the Tuesday before the arrests, it was reported that over 650 asylum seekers came (source: SUARAM, 19 August 2003). Again on 26 August, it was reported that 50 more asylum seekers were arrested near or in front of the UNHCR office, 30 of which were Burmese. While representatives from the police indicated that the arrests were part of "normal crime prevention to look after the whole district," the UNHCR contends that the police activities prevent the UNHCR from fulfilling its mandate of protection and support to refugees in Malaysia (source: Szu-Mae, Yoon, "50 More Asylum-Seekers Arrested in KL," *Malaysiakini*, 26 August 2003).

On 19 June, six Burmese refugees were arrested when they tried to stage a protest in front of the Burmese Embassy calling for the release of Aung San Suu Kyi. The six were part of a group of 40 protestors who attempted to march past the Embassy with pictures and posters of Aung San Suu Kyi but were stopped by police. One was a UNHCR recognized refugee, and two had reportedly applied for UNHCR recognition. The six were arrested for engaging in an illegal assembly and sent to Cheras police station. (Source: Chin, Yap Mun, "Six Held for Staging Demo Outside Burmese Embassy," *Malaysiakini*, 19 June 2003)

14.6 Refugees from Burma in Other Locations

Germany repatriates a Burmese asylum seeker

In May 2003, it was reported that the German authorities repatriated a 30-year-old Burmese asylum seeker, Tun Kyaw, after his application for asylum was rejected. Tun Kyaw arrived in Germany in 2001 and immediately applied for asylum with the German government. His application was rejected by the High Court. On 6 May, when he reported to the local foreigner's office, he was arrested, sent to Frankfurt Airport, and deported to Burma on the same day. At the time of the reports, the details of what happened to him upon his return to Burma were not known. Concern was expressed that Tun Kyaw would be arrested and imprisoned by the Burmese authorities when he arrived. In 2002, the German authorities repatriated two other rejected asylum seekers from Burma, one of whom was arrested and sentenced to 10 years in prison soon after his return to Burma. The repatriations have left the 53 other asylum seekers awaiting their determination feeling very apprehensive about their future. (Source: Seng, Naw, "Germans Repatriate Burmese Man," *Irrawaddy*, 15 May 2003)

The Burma Bureau Germany reported that several rejected asylum seekers were instructed to contact the Burma Embassy to arrange travel documents for returning to Burma. If they do not do as requested, they risk losing their temporary stay permits in Germany and would face strict immigration laws. At the same time, according to Section 16 Special Supplement of the Burma Citizenship Law, Burmese asylum seekers lose their citizenship when they leave their country permanently and apply for asylum in Germany. (Source: Aung, Nwe, *Statement on Burmese Asylum Seekers in Germany*, Burma Bureau Germany, 15 May 2003)

Three Burmese granted asylum in South Korea

On 29 January 2003, South Korea granted three Burmese activists refugee status. The three asylum seekers were political activists opposing the military regime in Burma and came to Korea between 1996 and 1998. They all applied for asylum in May 2000. As recognized refugees, they receive residence permits and later they are able to health insurance and other assistance. The three Burmese refugees make up half of the six total recognized refugees in South Korea. (Source: "Four More Asylum Seekers Granted Refugee Status," *Korea Times*, 31 January 2003)

14.7 Personal Accounts

Chin Refugee Testimony Regarding the Situation in Mizoram State, India

"My name is Emi and I am originally from Chin State, Burma. I left Burma in 1989 after my school was shut down. I am now living in Aizawl, Mizoram State, India. I started to work in the Chin Women's Organization in the year 2000 after I completed my Bachelor of Theology till today. The Chin Women's Organization works to help Chin refugee women from Burma by giving trainings in women's rights and other issues, and running community projects to assist women and children.

Today, I'm here to talk about my experiences during the deportations which have been happening in Mizoram this year.

On July 19, 2003, the local Mizo Women's Organization demonstrated in Aizawl to demand the arrest of the rapist of a nine-year-old girl in Aizawl. The police announced the arrest of the rapist and the man happened to be from Kalay Myo Township in Burma. As a result of this, feelings against Burmese flared up, starting in the Chanmari section of Aizawl where the rape took place. Residents demanded that no one from Burma (mostly Chin) be allowed to reside in their locality. An angry mob destroyed two houses. The Young Mizo Association led the mob and went house to house in search of the Burmese and warned them to leave their section.

Announcements from loud speakers for Burmese to move out could be heard in every section of Aizawl from 19 July onwards. The deadline they gave was 31 July.

So many people left Aizawl and went to the border. Many crossed back to Burma.

During that time, many people, mostly women, came to our organization crying and said that they could not go back to Burma. So three members of our group went and talked to one of the politicians from Mizoram about the situation of our people. Luckily, he let the refugees who could not go back stay at his big motor workshop. Our group gave information to people as much as we could.

Altogether 107 refugees came and took shelter in the temporary refugee camp while waiting for the situation to cool down. But the first evictions, which started in Aizawl, spread to many villages around Aizawl and Lunglei and Champai. These areas have many refugees from Burma staying there.

Some of our group slept at the motor workshop with other refugees to see things and buy some necessities and food for them from 27 July 2003. The people who lived there were those who did not have money and did not have close relative in Burma. Many were sick, mostly women and children. The children cried because they wanted to go to school.

At this time in Aizawl, many Chin people from Burma were facing a difficult situation. Many people did not have a place to sleep at night. The people who owned houses or shops had difficulties as they had more things to carry. Many people sold their belonging at very low prices. Whenever we met the local Mizos, they asked questions like "when are you going to leave?" or "do you have anything to sell?" or "I think I should come and shift to your room as your room seems better than mine."

One night in July, the local Young Mizo Association visited the refugees staying in the motor workshop and told them to leave the place. As a result, a 20-year-old girl fell unconscious and was admitted to the Hospital in Aizawl. We had to look after her and phone to her relatives late at night. When we arrived at the hospital, a nurse asked, "When are you going to leave?" I was thinking, "why didn't she ask me about the sick person. Is our leaving more important than my friend's life?"

The temporary refugee camp we had set up in Aizawl did not last long. The local Mizo groups ordered all the refugees to leave by 2 August saying that if the refugees died it would be their own fault. We had only one day to leave and we didn't know where to go. We heard the news that the government was going to send us to the border. So, we contacted the local politician that we knew and he requested the authorities not to hand over the refugees to the Burmese soldiers. On 3 August, at 3:00 am, 20-30 Mizo soldiers came to the camp with three buses to send the refugees to the border.

Many people cried a lot. While they were getting on the bus, I told them they could get down at any place they like from the bus. When I arrived home, they rang me and said that they had got down at Seling, which is a three hour drive from Aizawl and requested me to bring some plastic covering for shelter and bread at least for children. After I had my breakfast, they rang me again and said that they Seling Young Mizo Association and Village Council had come and told them not to live in their territory. I asked them what they wanted to do? They said that they wanted to go to Lawngtlai district further south, where there were not so many problems with deportation. So, I rang many other leaders who lived secretly in Aizawl and they arranged two buses for them and sent them to Lawngtlai. The Lawngtlai Church welcomed them warmly but they couldn't stay there long. The central Young Mizo Association sent a letter to Lawngtlai Young Mizo Association that if they wouldn't take action for those refugees, then the Central Young Mizo Association would come and take action. So, those refugees were sent to Saiha again by the government. The village leader of Saiha then granted them a place to live in called Vombuk. So, they are there until today.

There are many refugees living in different places in Aizawl. But, since the deportations there are now two camps in Vombuk and Sairang. Sairang is a village which is located very close to Aizawl. Many Chin have lived there as farmers for years. Now in August, they had to shift from their home and live in one place as a camp. But the Mizo Welfare Committee of Sihhmui sent them a letter ordering them to move out from their section before the end of last month. I don't know how they are going to live. As many people don't employ Burmese workers now, they can't find work anywhere. That means they have no income and no food to eat except if the Chin and Mizo people donate something to them. It is like this until today.

Women face more difficulties. There are many pregnant women who are going to deliver in the next month or two. Our group from New Delhi sent a letter to the Mizo Women's Organization to consider the women and children during the deportation. They said they would try and help. So, we told some of the pregnant refugee women to see the Mizo Women's Organization. But in fact the Mizo Women's Organization refused to help saying that they couldn't do anything. A Burman woman delivered a baby between Tio and Tedim in Burma when she was being deported and as there was no proper medical treatment, the baby died on 25 July. A pregnant woman with her three kids also died while crossing the river during the deportation. And an 18-year-old girl broke her leg and was admitted to the hospital when she was chased into the forest by a group of young Mizo in Lunglei at night.

Access to education has now become difficult for children from Burma. The children have to stop going to school and line in the camp. Our organization just sent some books and pens, but this will not be sufficient for all of them at the refugee camp. The refugees in the camp urgently need food and medicine. They have been helped by other Chin, but we need more support. "

(Source: *Personal Account of Chin Refugee in India*, presented at the Regional Conference on the Protection for Refugees from Burma, Chiang Mai, Thailand, 6-7 November 2003)

Account of A Karen Refugee in Thailand

Interviewed by Human Rights Watch

Interview Date: 12 November 2003

Profile: One of the Unlucky Ones—Former Child Soldier Deported to Burma

"The DKBA were there on the other side of the border. They were searching for KNU soldiers. ... My whole body was shaking with fear."

- Former child soldier, describing being deported in August 2003.

"S" is one of many refugees who knows that Burmese who are "informally deported" may face a dangerous and harrowing experience. A former child soldier with the KNU, S was terrified when he was forced to meet his former enemies—soldiers from the Democratic Karen Buddhist Army (DKBA)—upon being dropped off in Burma, on the other side of the river from Mae Sot.

For those who come to Thailand just to find a job, who have no security problems in Burma, it's no problem. But for me, it was a problem. There are SPDC agents in Mae Sot and DKBA soldiers across the border. There were money and security problems for me—I had to borrow money to get back.

S had left his village in Burma when he was fourteen years old and joined the KNU, along with his younger brother. "We left because the government army mistreated us," he said. "Forced labor, portering, taxes—plus they asked for food and shot our pigs and cows. They treated the women badly."

S was schooled by the KNU, but spent the "summer holidays" on the front lines carrying a gun with the other soldiers. When he finished high school he joined the KNU army full time. In 1998 his captain sent him back to his village for his own safety after S was named in a personal conflict with members of an allied resistance faction. His family helped S hide near the village for a year, fearing that he would be arrested or killed by the SPDC. After SPDC troops interrogated and tortured people in his village to get information about the whereabouts of S and other KNU soldiers, he fled.

S walked for eight days—mostly at night—to the Thai border, which he crossed at the end of June 1999. He stayed in a Thai-Karen village where he had a relative, but soon had to leave because of the danger of arrest by Thai authorities or reprisals from KNU soldiers.

“The KNU leaders were searching for soldiers who had deserted, to catch them and take them back, or punish them,” he said.

A friend helped him get to Bangkok. On July 23, 1999, he applied for an interview with UNHCR. The next morning he went to one of the refugee camps, where he stayed unofficially for almost a year. Finding it difficult to survive as an unregistered refugee in the camp, he returned to Bangkok, where he volunteered with a church. In November 2001, when UNHCR finally recognized S as a refugee, his situation did not get much better:

It is hard—there is no security, no protection. I only have the UNHCR paper. Police can arrest me at any time. Plus I can't find a job because the Thai employers want only people with work permits. It's difficult to make it on 2,000 baht (U.S. \$50) a month.

S, who married a Karen refugee in June 2003, was detained several times in Bangkok by Thai police, who shook him down for bribes after demanding to see his papers. On August 5, 2003, both S and his wife were arrested by Thai police when they were returning from UNHCR. They were sent to a police station, and then on to the Immigration Detention Center (IDC) in Bangkok. S identified himself as a refugee to UNHCR staff at the IDC and asked for help.

They said they couldn't help—I should go to Mae Sot [and be “informally” deported]. I said I wouldn't go to Mae Sot. The U.N. staff said it was my decision. I hadn't made any decision when two days later my wife and I were sent to Mae Sot.

Upon arrival in Mae Sot with sixty other deportees, Thai military intelligence officers processed them at an immigration detention center. The group was then driven to the river marking the border, where they were sent across to the Burma side by boat. There, S faced his worst enemy: soldiers from the DKBA, the renegade faction of the KNU, who were searching for KNU soldiers:

When I saw the DKBA soldiers I threw all my documents in the water. My whole body was shaking with fear. The DKBA soldier asked me my name. They asked in Burmese, not Karen. I felt unconscious with fear and couldn't answer. One of the soldiers hit me from behind and said, “Did you hear the question?” I gave them a false name.

My biggest fear was to say I was KNU. The DKBA knows that KNU refugees say bad things about DKBA. It's a big problem. If you can't answer, they ask again. Then they hit you, and ask again. After that, they put you in prison, and ask again. Then they kill you. Killing is the last question for you.

After telling their names to the soldiers, the group of deportees were able to circle back around to the bank of the river. They got into the very same boat that had taken them to the Burmese side, and returned to Thailand—at a cost of 500 baht (US\$12.50) per person.

As soon as S and his wife arrived back in Mae Sot, they were arrested—again. “The police said they were going to send us back across the very same day,” he said. “If we paid 2,000 baht (US\$50) each, they said they would release us.”

S paid the bribe, and made his way to a friend's house in Mae Sot, where he and his wife hid for a month. Then they arranged for an agent to take the couple by foot to Tak, avoiding police checkpoints along the way, and then continued by bus to Bangkok. That set the couple back another 10,000 baht (US\$250), a sum they are still struggling to repay.

(Source: *Out of Sight, Out of Mind*, Human Rights Watch, February 2004)

Refugee Accounts of Forced Repatriation from Nayapara and Kutupalong Camps in Bangladesh

Account #1

Refugee #: 50
Name: Latifa
Date: February 2003
Type of abuses: Family separation/vulnerability of women, rape

Latifa Khatun is a young married woman and mother of one child. Her husband is not a registered refugee and he cannot stay in the camp with her. He usually visits the camp once or twice a month to see his wife and child. Latifa is living in her parents' shed and she is the eldest daughter. The clearance for repatriation of her parents' family arrived a couple of months ago. At that point, her father fled from the camp. About one month later, Latifa's mother went to join her husband to live with him outside the camp. Latifa and her infant baby continued to stay in the refugee camp together with her younger brother and sister.

At about 10:30 am on xx February, a refugee woman came to Latifa's room and told her that the Camp-in-Charge wanted to see her at once. Latifa followed the woman and arrived at the Camp-in-Charge's office. The Camp-in-Charge invited Latifa inside while he asked the other refugee woman to sit outside. He asked Latifa the whereabouts of her parents. "Has your father come to see you recently? Where does he live now?" Latifa replied that she knew nothing about him, and she hadn't seen him for about two months.

Then the Camp-in-Charge ordered her to follow him and took her into his residence. The Camp-in-Charge has a separate house at the back of his office where he lives. His family lives in government housing in Cox's Bazar but visits him sometimes in the camp for one or two nights. Latifa followed the order and went to the Camp-in-Charge's residence. The Camp-in-Charge locked the door and forced her onto a bed and raped her. The Camp-in-Charge kept her in his house for many hours and raped her many times. At 4:00 pm, he let her go through the back door. Latifa did not return to her shed. Her face, cheeks, neck and hands bore marks of the rape. She went directly to the UNHCR office, but it was already closed. She then rushed to the Concern office, but it was also closed. She finally came back to her room.

The next day, Latifa first went to the Concern office and the field coordinator took her to the UNHCR office to report the incident. The national UNHCR protection officer asked her why she had not come immediately to the UNHCR and Latifa explained that, as soon as she was released, she had come to the UNHCR and Concern office, but both were already closed. The UNHCR staff wrote down her testimony and told her that the UNHCR office in Cox's Bazar would be informed. A week later [when Forum-Asia received this first account], she had not yet heard anything from the UNHCR. Life in the camp became hell for Latifa as

information about the rape circulated throughout the camp and she still had the marks of abuse on her body.

A month later, Osman, the majee of the camp section where Latifa lives, was called to the Camp-in-Charge's office. Osman had been cleared for repatriation long ago but, being a majee, he was never called for repatriation. Immediately after Latifa's rape, the Camp-in-Charge was busy with the local elections and did not bother him. However, as soon as the local elections were over, the Camp-in-Charge called Osman and accused him: "How could this girl dare to complain against me? Where were you when she was making all these accusations? Your duty as a majee was to stop her spreading this story! If you fail to control a girl, how would you deal with and control a group of people? I suspect that you are the one who encouraged the girl to make false accusations against me. You are the one who asked her to tell all this. Now it is your time to get ready for repatriation!" The Camp-in-Charge called the police to the office to take Osman in custody. Osman took a quick decision and managed to run away from the camp before the police arrived.

A few days after Osman fled, the Camp-in-Charge sent his assistant to talk to Latifa. He put pressure on her to withdraw her rape allegation against the Camp-in-Charge and offered her some money. He also suggested that she file the rape charge against Osman. At the same time, Osman's family was transferred to another section of the camp.

Latifa complained that, although she was investigated by UNHCR and RRRC, her allegations could not be validated because she did not undergo a medical examination immediately after the rape, and she claimed she was not advised to do so by the UNHCR local staff in the camp when she first reported the incident.

Note: In April 2003, a UNHCR official in Geneva confirmed to Forum-Asia that UNHCR was seriously concerned by this allegation of rape and that a Geneva representative had recently visited the camps and addressed the case. He said: "We told the woman that rape is a very serious offense that should be prosecuted in [a Bangladesh] court and that UNHCR would provide her with full support in the legal proceedings. However, the woman was not willing to do so. In these circumstances, how can her claim be substantiated?"

(Source: "We are Like A Soccer Ball, Kicked by Burma, Kicked by Bangladesh," Forum-Asia, June 2003)

Account #2

Refugee #: 45
Name: Shah Alam and Mahmouda
Date: March 2003
Type of abuses: Beatings, forced relocation

Shah Alam's family clearance had arrived. On xx March, he was summoned to the Camp-in-Charge's office. The Camp-in-Charge asked him to go back to Burma. He refused and pleaded for more time. He told the Camp-in-Charge that his country was not safe enough for him and his family, and he promised to return as soon as the situation improved. The Camp-in-Charge was not ready to hear any argument and he gave him a choice: go back to Burma or spend two years in jail. Shah Alam looked around and saw no policemen nearby. He took the chance and suddenly ran off towards the jungle. The Camp-in-Charge shouted, and ordered the police to arrest him. But he had already disappeared in the hills outside the camp and the police could not find him.

Later in the day, the Camp-in-Charge, camp police and a UNHCR field assistant went together to Shah Alam's room where his family was anxiously waiting to see the consequences of his escape. The Camp-in-Charge called some volunteers and ordered them to pack all the family's belongings and bring them to the waiting truck. He also asked female volunteers to bring Shah Alam's wife Mahmouda and her children to the truck. The two young boys were crying a lot and Mahmouda, who was eight months pregnant, firmly refused to leave her room. She told the UNHCR representative that she did not want to go, and that her health condition did not allow her to travel. Neither the Camp-in-Charge nor the UNHCR staff gave any attention to her appeal. The women volunteers dragged her out of her room and beat her. They also hit her belly. Finally, they managed to put her on the truck. In the truck, Mahmouda could no longer find her two sons. The Camp-in-Charge became angry and ordered the driver to take her to the other refugee camp [not to the repatriation camp]. Mahmouda felt sick in the back of the truck. After an hour, they reached the other refugee camp and she went to the clinic to explain her condition. The doctor examined her and sent her to the Cox's Bazar government hospital to get treatment.

At the end of March, Mahmouda's father and brother were summoned by the Camp-in-Charge. They went to his office at about 10:00 am. The Camp-in-Charge told them: "Shah Alam, who fled from the camp to avoid repatriation, is your son-in-law, and two of your grandsons also fled that morning. But I have been informed that your son-in-law and your grandsons stay in contact with you and that you know their whereabouts. Give me their address, otherwise both of you will be in trouble." The old man denied that they were in contact and explained that he had not seen them since the date of the incident. The Camp-in-Charge did not believe him and told the old father: "If you do not bring your grandsons by tomorrow, I will be compelled to file a child abduction case against you!" The Camp-in-Charge was angry and beat Mahmouda's brother. It was very painful for the old man to watch someone beating his son in front of him. He tried to stop it but failed. He told the Camp-in-Charge: "Please do not hurt my son! Give us some time to find them. But we are not sure that we will succeed." The Camp-in-Charge gave them until the same evening.

Mahmouda's father and brother returned to their shed and both went out searching for her husband and the two missing grandsons. They did not return to the camp. (Source: *"We are Like A Soccer Ball, Kicked by Burma, Kicked by Bangladesh,"* Forum-Asia, June 2003)

Account #3

Refugee #: 13
Name: Jafar
Date: 4 May 2003
Type of abuses: Beatings, detention/forced repatriation, family separation

Jafar has two wives and both are living in the same shed. Jafar and his second wife are registered in the same refugee book and they were not cleared for repatriation. His first wife and her two children have a separate refugee book and they had been cleared.

On 13 May 2003, the camp police and volunteers came to Jafar's house and cordoned it off. The police ordered all the members of the family to come out and follow them to the Camp-in-Charge's office. The Camp-in-Charge told Jafar's first wife: "You must go back to Burma now! I have no time to hear your arguments." His first wife refused and Jafar replied: "OK. She will go back but we need some time to get ready. Please give her two or three days to prepare ourselves!" But the Camp-in-Charge did not hear anything and sent volunteers to bring her belongings to his office and sent her and her two children in custody at the police camp.

On 14 May, Jafar's first wife and her two children were ordered to get onto the truck [to the repatriation camp] but they refused to board it. The police beat them with a cane and a stick and pushed them onto the truck guarded by other policemen. They arrived in Burma on the same day. (Source: *"We are Like A Soccer Ball, Kicked by Burma, Kicked by Bangladesh,"* Forum-Asia, June 2003)

Account #4

Refugee #: 8
Name: Ahmed
Date: 9 May 2003
Type of abuses: Detention and forced repatriation, family separation

On 9 May, the Camp-in-Charge sent volunteers to bring Ahmed to his office and told him that he should go back to Burma. Ahmed replied to the Camp-in-Charge: "Three of my daughters have married young men who are also refugees from this camp. But my three daughters are still registered in my family book. I can't take them with me because they are married and have their own families. It will be unfair for them to take them with me and leave their husbands and children behind!"

A new magistrate named Yasin, who had just been appointed the previous evening, became very angry and insulted the old Ahmed. He used bad language, not only insulting Ahmed but also all Rohingya people. He finally told him: "You must go back. Leave your three daughters and three grandchildren here!"

The Magistrate and the Camp-in-Charge did not allow Ahmed to return to his shed. They ordered the volunteers to bring his belongings and the rest of his family. They kept them inside the police camp until the next Monday morning when part of Ahmed's family was repatriated to Burma, without his three daughters and grandchildren. (Source: *"We are Like A Soccer Ball, Kicked by Burma, Kicked by Bangladesh,"* Forum-Asia, June 2003)

Account #5

Refugee #: 19
Name: Ayasha Begum
Date: 18 May 2003
Type of abuses: Family separation

Ayasha Begum's family has also been cleared by the Burmese authorities. But her husband and her younger brother have a case in Burma. Both are wanted in Burma as members of the RSO. On 18 May, she was summoned to the Camp-in-Charge's office. The Camp-in-Charge told her to go back to Burma. Ayasha explained her situation. The Camp-in-Charge replied: "OK! Leave here the members of your family who cannot return because of their case in Burma. Take the rest of your family with you and go back to Burma!" Ayasha was repatriated the next day with the other members of her family. She left her husband and brother behind in the camp. Before leaving, she asked other refugees: "Is this what they call a *voluntary repatriation*?"

(Source: "*We are Like A Soccer Ball, Kicked by Burma, Kicked by Bangladesh*," Forum-Asia, June 2003)

Account #6

Refugee #: 21
Name: Syed Islam
Date: 22 May 2003
Type of abuses: Beatings, detention and forced repatriation

Syed Islam is living with his father and is registered on the same refugee book. This large family has been cleared. Syed is a teacher at one of the camp schools. His father, the head of the family, ran away from the camp a long time ago to avoid repatriation. About seven-eight months ago, Syed had talked to the majee and some police, seeking advice on how to bring his father back to the camp. The majee and the police had assured him that they would not create any problem if his father returned to the camp. Syed paid some money to the police through the majee. About six months ago his father returned to the camp. Since then Syed has been paying some money to the police every month through the majee.

Around mid-May, Syed and four other youths went out of the camp for a few days. Syed and his friends returned to the camp on 14 May. The camp police learnt that Syed had been out of the camp for several days. They caught him on 22 May and beat him up. Then the police arrested his father too and detained them until 26 May. In the morning of 26, the father and son as well as the other members of his family were repatriated to Burma.

Account #7

Refugee #: 2
Name: Hussein
Date: 6 May 2003
Type of abuses: Deprivation of food

On 6 May, the Camp-in-Charge gave a list of 11 cleared families to volunteers and ordered them to bring the head of those 11 families to his office. Among them only one head of family, Hussein, came forward to meet the Camp-in-Charge. The other ten did not.

Hussein was home when the volunteers arrived. They told him to accompany them and also asked him to bring his family ration book. Hussein followed them to the Camp-in-Charge's office. The Camp-in-Charge told Hussein to repatriate to Burma. "I will not return until peace and security are re-established in Burma," Hussein replied. The Camp-in-Charge had no time to argue with Hussein and he told him: "Give me your ration book and go back." Hussein gave his ration book to the Camp-in-Charge and returned to his shed.

The Camp-in-Charge gave the store staff the list of the 10 other families who did not come to his office, with a note not to distribute any food ration to these 10 families. His instructions were that when these families come to receive their food ration, their ration books must be seized and the Camp-in-Charge's office informed immediately.

Six May was also the food distribution day. Those 10 families came to queue for their ration. All the other refugees received their rations but these 10 families were taken aside. When one of them asked why they were not given their ration, the store staff replied to them: "Go to the Camp-in-Charge's office and talk to him. I am sending your ration books there." But they did not go to the Camp-in-Charge's office and returned to their respective sheds empty-handed without their ration and without their ration book.

15. The Situation of Migrant Workers

15.1 Background

Throughout 2003, large numbers of people continued to leave Burma to seek work abroad. Approximately ten percent of Burma's population migrates to other countries, according to a report, *Migration, Needs, Issues and Responses in the Greater Mekong Subregion 2002*, by the Asian Migrant Center. People leave Burma for a number of reasons. Rampant inflation, a deteriorating economy and general lack of employment and educational opportunities are factors that cause many people to emigrate. In addition to these hardships, many people living in rural areas are forced to pay heavy taxes to local officials and the military and to sell a large percentage of their crops to the government at below-market prices. For these reasons, many Burmese view their migration as less of a decision than an economic necessity. One migrant worker who had recently arrived to Mae Sot, Thailand said, "The price of airplane and bus tickets have gone up 3 times since January first, and all the edible and household goods have also gone up." Ma Kyi, age 40, and a mother of four, continued, "so I have to come here. I have never dreamed to come to Thailand. I have never thought to leave my family. My husband's income is not enough to feed the whole family," (source: "Rapprochement Continues," *Irrawaddy*, 14 January 2003).

Ethnic minority people living in civil war zones often have no choice about emigrating, as they are forced to flee their homes to avoid brutal campaigns of violence against them perpetrated by SPDC soldiers. Every year thousands of people flee across the border, primarily into Thailand, to escape human rights violations which include mass forced relocation, arbitrary arrest, torture, rape, and extra-judicial killing. Some of these people are able to seek asylum in refugee camps in Thailand and Bangladesh. However, many of those fleeing human rights violations are not recognized as refugees by the Thai and Bangladeshi Governments. These individuals are left with the choice of trying to enter refugee camps illegally or else trying to survive as migrant workers.

Migration from Burma is facilitated by the fact that 7 of Burma's 14 States and Divisions share borders with neighboring countries. In the west, Burma borders Bangladesh and India, in the north and northeast China, and in the east Laos, Malaysia and Thailand. In a 1999 report by Save the Children UK, *Small Dreams Beyond Reach: The Lives of Migrant Children and Youth Along the Borders of China, Myanmar, and Thailand*, the authors note that in the past ten years the largest flow of migrants in the Mekong region has been concentrated along the borders of China, Burma and Thailand, with Burmese people making up the largest percentage of the population migrating. The report goes on to note that while China, India, Bangladesh and Thailand have collectively reported hosting over two million Burmese migrants, the actual population of people from Burma living in these countries is likely to be much higher. However it is extremely difficult to obtain accurate estimates as to the number of Burmese working abroad, as many are illegal, and the population as a whole is highly mobile. In addition, some migrant groups are ethnically similar to indigenous populations of neighboring countries, making them difficult to identify as non-natives.

Situation for Women Migrant Workers

Women make up a significant percentage of migrants from Burma. In neighboring countries, most notably Thailand, there is a strong demand for female labor. Women who emigrate are more likely than men to work as undocumented or illegal workers. This is partly due to the fact that many women take jobs that are in the informal sector and not included in government registration. While women are subjected to the same poor conditions and abuses as men who are migrant workers, women also suffer abuses specific to their gender. Of greatest concern is the fact that Burmese women working outside their country are extremely vulnerable to sexual abuse by their employers, human traffickers, local officials, or others. Many women face sexual harassment and/or sexual assault in the workplace, while they are in government detention centers, and/or in their homes and communities. Women migrant workers who are undocumented have little recourse when they are abused, as their abusers often threaten them with arrest and deportation if they complain to the authorities or try to escape their situation. In several cases, factory owners in Thailand have allowed police to enter the women's sleeping quarters and intimidate the women. As a result of this situation, a number of young migrant women report feeling pressure to get married in order to have some protection against unwanted sexual advances from others.

As in Burma, most migrant women also suffer from a lack of access to reproductive health care, and information on STDs and contraceptives. In *Gathering Strength*, a report by Images Asia, the authors note that in Mae Sot, a town on the Thai/Burma border, some health workers have reported that it is more difficult to negotiate with factory managers than brothel owners about provision of reproductive health information to employees.

In January 2002, the situation for migrant women further deteriorated when the Thai Labour Ministry issued a regulation stating that female foreign workers would be given a medical checkup and those found to be pregnant would not have their licenses to work in Thailand renewed. While this regulation was later overturned following protests from human rights groups, many women report that they continue to be dismissed by their employers if they become pregnant.

Yet, preventing pregnancy is difficult because of the lack of access to safe and effective means of contraception. In Burma, it is estimated that only 28% of fertile-age women in Burma use a modern method of contraception, compared to 72% of Thai women in Thailand. As abortion is illegal in both Thailand and Burma in most cases, many women resort to traditional methods to induce abortions, which can seriously damage their health.

Abortion is ranked by the Myanmar health department among the top ten health problems in Burma, and the third main cause of illness. The estimated maternal mortality is 255/100,000 and approximately half of pregnancy-related deaths are related to abortions. For migrant women, this maternal mortality rate is significantly higher due in part to the lack of access to health services. In Burma, abortions are illegal except in cases where a woman's life is in danger, and in Thailand abortions are illegal except in cases where a woman's life is in danger or in cases of proven rape or incest. In both countries, migrant women are in a precarious position in relation to the State, and legal abortion is almost never an option. The Thai health ministry has recorded the abortion rate among migrants as 2.4 times higher than that of Thai women. (Source: Belton, Suzanne and Cynthia Maung. "Fertility and abortion: Burmese women's health on the Thai-Burma border," *Forced Migration Review*, Issue 19, January 2004)

In 2002, Suzanne Belton, a PhD Candidate at Melbourne University's Key Centre for Women's Health, conducted research in Thailand focusing on reproductive health issues of migrant women. Her report noted:

"The preliminary findings of recent research of abortions in Tak [province of Thailand] reveal a serious situation, which is getting worse. In the local Thai hospitals in 2001-2002, twelve Burmese women died from lack of antenatal care, post abortion complications or delivery complications and more than 300 Burmese women were seen with post abortion complications. 1 woman from a refugee camp died during her 16th pregnancy.

In 2001, at the Mae Tao Clinic, established by Dr Cynthia Maung from Burma to treat Burmese migrants, there were 457 post abortion cases, more than double from 2000. The clinic performed 563 birth deliveries, a comparable number to post abortion cases. However, the numbers are likely to be much higher as most women still give birth and perform abortions at home with community midwives or abortionists. Of the women interviewed, more than half had been living in Thailand for more than 3 years. This demonstrates the need for long-term intervention strategies and care.

Forty percent of the women interviewed induced their own abortion before going to the clinic or hospital with home-type remedies, massage (pounding and compressing the uterus), high dosages of contraceptive pills or went to an abortionist who puts sticks, nails, etc into the womb. Some women get massive infections of their reproductive organs and lose the ability to ever become pregnant again. Abortions are particularly dangerous since they are illegal in both Thailand and Burma and the abortionists do not appear to be well trained. Legal reforms to liberalize access to clean abortion in both Thailand and Burma would decrease the sickness and deaths.

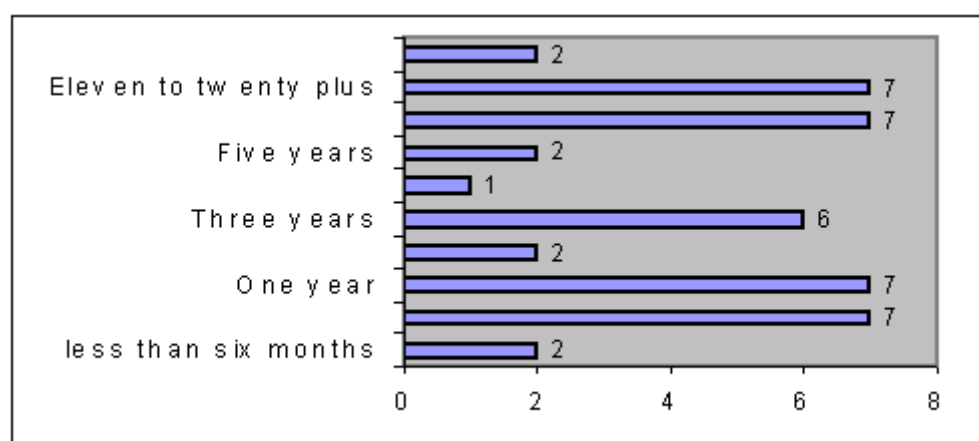
The research sampling showed that 25% of the women having an abortion experienced five or more pregnancies, which is a serious health risk for the woman. It was also noted that the women interviewed had little to no education and nearly 25% could not read or write, so alternatives to written information needs to be provided.

Poverty, domestic violence, job retention, ill-timing and community pressure were reasons cited for ending the pregnancy. Abortions and maternal health must be dealt with in the framework of these underlying causes in order for assistance and intervention to be effective and sustainable." (Source: Suzanne Belton, PhD Candidate. Melbourne University Key Centre for Women's Health in Society Faculty of Medicine. Research conducted through the Mae Tao Clinic)

In their 2003 report "Fertility and abortion: Burmese women's health on the Thai-Burma border," Suzanne Belton and Cynthia Maung expanded on the above findings. The authors noted that when Mae Tao Clinic staff offered female in-patients a range of temporary and permanent contraceptive methods, most women accepted these. The researchers noted that the women were 'very interested' in talking about family planning. In Thai hospitals, however, health workers do not offer contraceptive information or methods to women receiving post-abortion care. The availability of such information and services could reduce abortions as well as being economical for the women, the Thai health system and NGOs providing services. A one-year contraceptive injection costs US\$2.10 and female sterilization costs US\$11.60.

If a woman is referred to a Thai hospital by the Mae Tao Clinic, the clinic will pay for her treatment. However, if an undocumented migrant self-refers to a Thai hospital, she must pay her own bills. It costs approximately US\$53 for a woman who is hospitalized for post abortion complications in a Thai hospital and about US\$230 if she dies from pregnancy related causes. Burmese women in Tak earn about US\$45 per month, making hospital fees far beyond their reach. (Sources: Belton, Suzanne and Cynthia Maung. "Fertility and abortion: Burmese women's health on the Thai-Burma border," *Forced Migration Review*, Issue 19, January 2004)

Table 1. Years lived in Thailand of Burmese women experiencing a miscarriage or induced abortion.



Situation for Migrant Children

From April 1999 to March 2001, Save the Children UK conducted research along Burma's borders with China and Thailand on the situation of Burmese children living in these countries. In the study, researchers found that the majority of migrants from Burma were young people. Beginning at age 13, children from Burma migrate on their own to search for work in neighboring countries. While some children under 13 also migrate on their own, the majority of children this age migrate with their parents or other relatives. The report went on to note that:

"The interviews in this study revealed extensive debt-bondage, sexual abuse, illegal confinement, confiscation of documents, arrest and extortion, forced overtime, few basic resources and poor living conditions that were overcrowded, insecure and often violent. Sexual abuse was commonly reported among girls and young women, particularly among those involved in sex work and domestic service. The general health problems impacting children and young people were identified as malaria (the most common illness reported), tuberculosis (TB), dengue fever, diarrhea and malnutrition. Reproductive health issues were a major concern among youth and adults at all the project sites....

Along all the borders, most of the children did not attend school and among those who did only a very few had finished primary level education. Those who were displaced or had migrated across the borders cited constant mobility, remoteness, insecurity and lack of documentation as the reasons why their children did not attend school. Economic instability and language barriers were other important factors. There was also an attitude among participants in several of the study sites that formal education would not lead to a good life,

even if young people were to finish higher levels of schooling. Cross-border migration was seen as an opportunity to obtain experience and develop practical skills. Consequently, many children reported not going to school or dropping out of school early. These children began working at an early age and were vulnerable to exploitation as a result of their limited knowledge and skills.

Drug production, trafficking and addiction were critical issues identified by the communities at all of the research sites along the borders. Participants noted the problem of drug addiction, particularly among young people, with children as young as nine and ten years old considered vulnerable to experimentation and addiction. Young migrants also reported being introduced to amphetamines by their employer in order to work harder and longer hours. In addition, migrants along all three borders noted the ease of recruiting migrants into the drug trafficking business, and expressed frustration with the inability to deal with drug-related problems in their families and communities.

Child labour was found in all three countries, particularly along the border areas and among migrant populations. This was largely a result of extreme poverty and of children left orphaned or abandoned by their parents. Many young children were observed working largely in the service and entertainment sectors (such as teashops, restaurants and hotels that often included direct and indirect sex work), in agricultural related jobs, or as day labourers or beggars. In addition, child soldiers, both in the army and with armed opposition groups, were found in Myanmar. According to the attitudes and perspectives of those in this study, children were of a 'workable age' as early as six or seven years old...

Orphaned children along the border areas were found to be the most vulnerable, often living without assurance of their most basic needs. These children were the most likely to be exploited and trafficked. Abandonment was a common problem, related to drug trafficking and addiction, HIV/AIDS, and loss of contact with family during migration. In addition, migrants' illegal status often leads to arrest, detention and deportation, with children reporting being treated as adults during this process, often separated from their family and communities." (Source: Caoutte, Therese. *Small Dreams Out of Reach, The Lives of Migrant Children and Youth along the Borders of China, Myanmar, and Thailand*, Bangkok: Save the Children UK, 2001)

Another concern with increasing numbers of families migrating from Burma is the situation for children who are born outside of Burma to Burmese parents. In both Thailand and China, the respective governments refuse to grant citizenship to children of both legal and illegal immigrants and refugees from Burma. This is highly problematic, as these children are also denied Burmese citizenship under the Burma Citizenship Act, because they were born outside the country and because their parent(s) left Burma illegally.

At present in Thailand there are no clear regulations about how hospitals should deal with the birth of babies born to parents who have illegally entered the country. Usually hospitals simply do not record the births of these children. In Ranong and Samut Sakhon, it has been reported that hospitals remove the birth records of these babies from the last page of the doctor's appointment books, to prevent the children from claiming Thai nationality in the future. Stateless children suffer discrimination both in the country of their birth as well as in Burma, if and when they return. Without a national ID, people in Burma are unable to access educational opportunities, government employment, or to travel freely within the country. (Source: BLC, 2002)

On 2 November 2002, the Committee for the Protection and Promotion of Child Rights (CPPCR - Burma) was established in Mae Sot to protect Burmese and ethnic nationality children born in Thailand from becoming stateless persons in Burma. The group started a birth registration project and has taken all steps to issue Burmese birth certificates to children born to Burmese parents in Thailand. Burma and Thailand are both signatories to the Convention on the Rights of the Child (1989), which states:

- (1) *The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to be known and be cared for by his or her parents.*
- (2) *State parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.*

15. 2 Burmese Migrants in Thailand

Throughout 2003, people from Burma continued to flee to neighboring Thailand to escape a deteriorating economy and widespread human rights violations by the military regime. Estimates on the number of Burmese migrant workers vary from 400,000 to 2 million, with the average estimate at 1.5 million. More than half of these do not have work permits. Migrant workers from Burma come from a variety of geographical locations and ethnic groups. There are both push and pull factors at work when people make the decision to migrate to Thailand. The pull factors include the close geographical location of Thailand to Burma as well as the demand in Thailand for cheap labor. The push factors include the poor state of the Burmese economy and ongoing human rights violations that are specifically acute in areas along the Thai border. Many workers also report that they have come to Thailand to escape the SPDC's demands for forced labor in their home states and divisions.

As most people emigrate from Burma due to factors that are both political and economic, it is difficult to make absolute distinctions between economic migrants, political asylum seekers, and refugees. The Royal Thai Government maintains a strict and sometimes arbitrary policy on classifying Burmese who arrive in Thailand, which means that in many cases victims of direct human rights abuses are refused access to refugee camps and international humanitarian aid. These people are faced with the choice of either trying to illegally enter the refugee camps or becoming migrant workers.

The more than 100,000 Shans currently working in Thailand as migrant laborers are visible examples of these policies. In a 2003 report entitled *Shan Refugees: Dispelling the Myths*, the Shan Women's Action Network (SWAN) presented evidence that the majority of Shans in Thailand leave their country due to human rights violations such as forced relocation, arbitrary arrest, continued fighting in Shan State, as well as the widely documented systematic rape of Shan women and girls by SPDC soldiers. Since 1996, the SPDC has forcibly relocated over 1,400 villages throughout Central Shan State, resulting in the displacement of over 300,000 people. In the years following this major displacement, the number of Shan people entering northern Thailand increased dramatically to between 8,000 and 15,000 each year. Almost all of the new arrivals post-1996 are from the areas of mass forced relocation. The monthly totals of incoming Shan people show that there is no seasonal pattern that would correlate to work opportunities in Thailand. Moreover, nearly half of the new arrivals were under 18 or over 45 years old, which suggests that these are whole families

moving to escape the situation in their home state, rather than individuals coming to make money. However, because the Shan are not recognized by the Thai authorities as asylum seekers, most are required to seek work and thus fall into the category of migrant workers. Many work illegally and live in constant fear of arrest and deportation. (Source: *Shan Refugees: Dispelling the Myths*, Shan Women's Action Network, September 2003)

Patterns of Migration and Trafficking

Burmese people coming to Thailand as migrant workers enter the country in different ways. Some come legally with work permits and stay the registered length of time. Others enter at legal border crossings such as Mae Sai and Mae Sot on day passes and then disappear into Thailand. For example, according to Thai immigration statistics, in the month of May, more than 50,000 Burmese people entered Thailand on border passes, but only 35,000 of those returned to Burma. Still others cross at illegal border points, swimming or wading across rivers, or hiking long distances through the mountains to enter the country secretly. People entering this way often have to pay large sums of money to be escorted across the border by human traffickers who have connections on both sides of the border, and can often provide cars for transport. One arrested trafficker estimated that 100 Burmese migrants enter Thailand illegally through Kanchanaburi province each day. He reported that traffickers received between 3,000 and 5,000 baht per trip, depending on the distance, moving people from the border to the central provinces of Nakhon Pathom, Samut Sakhon, Samut Prakan, Ratchaburi and Nonthaburi (source: "Thai Border Police Officer Arrested for Human Smuggling," Xinhua, 19 November 2003). Thus many migrants enter Thailand with huge debts owed to the people who helped smuggle them in.

Once inside the country, many migrants stay in the border areas because jobs are easy to find, there is already a Burmese community, and further travel outside of these areas is risky for undocumented people. In the border town of Mae Sot, for example, there are an estimated up to 100,000 Burmese migrant workers employed in about 130 factories and on fruit and vegetable plantations and flower farms in the surrounding areas. Thousands of Burmese (mostly Mons) from Mon State work in the fisheries in the southern border town of Mahachai, and many Shans work in the northern border areas. Some of these workers obtain legal work permits, while the majority work illegally in Thailand.

The year 2003 saw change in migration patterns, with an increasing number of migrants attempting to travel further into Thailand to work, due in part to heightened pressure on migrant workers and security crackdowns in the border areas. One report estimates that more than 70% of the Burmese who remained in Thailand were smuggled into the inner provinces to work in factories (source: "Killing Seen as Warning to Others," Bangkok Post, 28 May 2003). Furthermore, there were reports of Burmese migrants illegally entering the country through Thai-Burma border areas like Mesauk, Ya Naung, Me Saing, Phaya Thone Su, and migrating to cities in the central part of Thailand. Most of these workers are deported from the more common border crossings and attempt to enter Thailand again (source: "Increased Arrests Fail to Deter Burmese Illegal Entries to Thailand," *Mizzima*, 20 January 2003).

The cost of being smuggled into central Thailand is high, and in April 2003 the fee for supplying border workers from border provinces to inner provinces reportedly doubled to 10,000 baht per head (source: "Killing Seen as Warning to Others," Bangkok Post, 28 May 2003). Other sources report that due to this year's increase of roadblocks on the Mae Sot to Bangkok highways, traffickers and the people they are aiding prefer to trek across the

Tha Nong Thong Chai mountain range to get to Kamphengphet Province. While in 2002 a car could be arranged to take migrants all the way from Mae Sot to Bangkok for 2,000 baht, this year migrants had to pay 6,000 baht just to get from Mae Sot to Kamphengphet by foot. The additional leg to Bangkok by car was 2,000 baht, according to Thai officials (source: "Migrants and Traffickers Arrested in Jungle," *Irrawaddy*, 25 June 2003).

In 2003, the Thai government announced that they were stepping up plans to control human traffickers, but no major policy changes were noted and there was no visible decrease in the trafficking market. According to Viraphong Subbanaphong, secretary of the Mae Sot district office, human traffickers can face prison terms of up to ten years but in reality most traffickers are quickly released on bail (source: "Migrants and Traffickers Arrested in Jungle," *Irrawaddy*, 25 June 2003).

Burma was 1 of 15 countries to be placed on Tier 3, the lowest level of US government standards, for its failure to make any significant efforts to stop human trafficking as per the Trafficking Victims Protection Act of 2000 (source: *Under Pressure*, ALTSEAN, 1 July – 30 September 2003). The SPDC continued to claim to be fighting human trafficking, and according to statistics released by Burma's Ministry of Home Affairs, Burmese authorities arrested 417 human traffickers between July 2002 and August 2003. They also claimed to have "educated" 82,251 people against human trafficking in that same period. Although the SPDC has implemented anti-trafficking laws and a public anti-trafficking campaign, sources say that traffickers are rarely punished and are usually released after bribing officials. According to 1 source, every city in Burma has a sign warning locals to "be aware of human trafficking agents," and every village head has been ordered to search for traffickers. The results of these efforts appear to be negligible. (Sources: "Increased Arrests Fail to Deter Burmese Illegal Entries to Thailand," *Mizzima*, 20 January 2003; "Myanmar Arrests Over 400 Human Traffickers in a Year," Xinhua News Agency, 8 September 2003) (See chapter on the rights of women for more information.)

Living and Working Conditions

In July 2002, Amnesty International released a report, "Myanmar: Lack of Security in Counter-Insurgency Areas," which noted that migrants in Thailand face many difficulties and abuses. AI researchers interviewed 100 Burmese migrants in Thailand who reported that they had paid between 4,500 and 10,000 baht (US\$104 to 233) to be brought to Thailand by human smugglers.

Once in Thailand, Burmese migrants work in a number of industries and service sectors, often in dirty and sometimes dangerous conditions for pay that is far below the Thai minimum wage. Workers in factories report that there are many injuries that occur and that workers rarely receive any compensation for work related accidents or deaths. Workers in garment factories are often not given face masks to protect them from harmful chemicals. A number of agricultural workers have suffered from respiratory or other problems as a result of long-term exposure to chemical pesticide spray. These workers typically are not given masks, gloves or other protective gear even when they are in contact with chemicals that are known to be harmful. In 2002, Thai health officials tested blood samples from 208 Burmese migrant workers in the villages of Mae Ku and Mahawan, close to the border checkpoint at Mae Sot. According to one official involved in the study, 21 percent of those tested were in a state of 'danger' due to high chemical contents in their blood. (Source: "Burmese Workers Face Chemical Danger," *Irrawaddy*, 1 April 2003)

All migrant workers face a common fear of arrest and deportation. This fear keeps many migrants from moving freely and impedes their access to health care and other social services that may be available. Further, because many Thai employers keep migrant workers' work permits, the migrants are unable to access the 30 baht Thai health scheme to which they are entitled because they have the permits. Workers without permits cannot usually afford the fees in Thai hospitals. For these reasons migrants suffer in silence from easily treatable diseases. The spread of communicable diseases is facilitated by lack of access to health care facilities and medicine, cramped living conditions and poor sanitation. Lack of knowledge of the local language also prevents migrants from seeking help when they face unhealthy or dangerous situations. This combination of fear of arrest and lack of knowledge about the laws, customs and language of their host country means that migrants are easily exploited and abused by their employers, Thai officials and others.

Violence against migrant workers by Thais is also common. For example, in Maharchai (also known as Samutsakhon) in Southern Thailand, several incidences of attacks and robbery of migrant workers were reported. According to Mon community workers, no police action was taken. The attackers were reportedly local, young mafia groups who deliberately target migrant workers. As a result of these attacks, Mons employed on the rubber plantations are reportedly scared to sleep in their homes away from the plantations, and instead remain as a group and sleep in the fields. (Source: "Migrant Workers Attacked by Thai Mafia," Kao Wao News, No. 44, May 2003)

Violence against and intimidation of people providing assistance and support for migrant workers also occurred this year. It was reported that, in December 2003, posters were made with photos of two prominent members of the Yaung Chi Oo Workers Association (YCOWA), one of the organizations involved in supporting Burmese migrant workers in several legal cases against their employers. The posters were circulated around Mae Sot and, according to the Asian Legal Resource Centre (ALRC), the police were looking for the two men from YCOWA, who had gone into hiding. The men are exiled activists from Burma, and if deported they could face long-term imprisonment and torture. (Source: "Abuses of Migrant Workers in Thailand," Asian Legal Resource Centre (ALRC), *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council, 12 February 2004)

The Memorandum of Understanding

In June 2003, Thailand and Burma signed a Memorandum of Understanding (MoU) on migrant workers, similar to the MoUs Thailand had previously signed with Laos and Cambodia. The bilateral agreement is meant to establish a legal labor import system in coming years, and also sets the terms for the repatriation of illegal Burmese workers

The proposed changes to the regulations for migrant workers include requiring all legal migrants to have passports, visas, official contracts and limited terms of stay. The changes, aimed to start in 2004, mean that all imported workers would receive a two-year work permit, renewable only once. Fifteen percent of their wages would be deducted and returned to them when they return to their home country, theoretically to help with the costs of repatriation. Foreign workers will be charged a fee for medical examinations and work permits, and employers will be charged around 3,000 baht for permits and for arranging utilities and other services for their staff. Further changes to the permitted categories of labour for migrants are

also expected. The Thai Labour Ministry also plans to allow Burmese workers to come to Thailand for the day to work in border factories, as long as they return home in the evenings.

Labor experts have expressed doubts about the transition to the import of legal labour, saying that one year is not a realistic time frame to institute such massive changes. Many Burmese people do not have passports, as current fees of about 50,000 baht (US\$1,220) for obtaining one put them out of reach for most Burmese citizens. Also, because the Burmese government denies citizenship to many members of ethnic minority groups in Burma, many migrants are unable to prove Burmese nationality. Further, migrant workers who fled Burma due to human rights abuses will be hesitant to return there in order to re-enter Thailand legally. Thai Labor Minister Suwat Liptapanlop said that Burma would have to address the passport problem, and stated, "I believe they will do what they must to support their citizens to come to work here for our mutual economic benefit." (Sources: "Extension of Permits Urged," *Bangkok Post*, 30 June 2003; "Seeking Solutions That Work," *Bangkok Post*, 17 September 2003)

In 2003, the implementation of the MoU had two main effects. The first was a reduction in the number of labour sectors in which migrant workers were legally entitled to register for work (see section on Thai Migration Policy and Legal Registration of Migrant Workers). The second effect of the MoU this year was the effective streamlining of the deportation process for migrant workers. Under the agreement, Burmese authorities consented to accept all deported illegal workers regardless of ethnicity. In the past, Thai officials had to send the SPDC a list of names of any illegal workers being deported, and had to wait for Burmese officials to verify the workers' citizenship before the Thai government could send them back. Thus the Thai government was often required to hold deportees in detention centres for long periods of time while the SPDC decided whether or not to allow its nationals to return. Under the MoU, Foreign Minister Surakiart Sathirathai said, "We could directly send illegal Burmese workers to the border without having to send their names [to the Burmese authorities] in advance." (Sources: "Burma Says Yes to Deal on Repatriation," *The Nation*, 20 May 2003; *Out of Sight, Out of Mind*, Human Rights Watch, February 2004). Since the implementation of the MoU in August 2003, 400 migrants have been 'officially' deported every month from Mae Sot directly into the SPDC holding center in Myawaddy. (Please see section on Deportation.)

Thai Migration Policy and Legal Registration of Migrant Workers

Thailand's policy on migration prioritizes economic development and national security, sometimes at the expense of protecting the rights of migrant workers. For the past 8 years, Thai migration policy has been drafted through a series of cabinet resolutions which reflect the attitude of whatever administration is currently in office. Contradictions between these resolutions have inhibited the formation of a coherent policy on migration and thus hindered the development of a consistent strategy for implementation.

Thai law defines an illegal alien as a person without Thai citizenship who has entered the Kingdom in violation of section 12 of the Immigration Act of 1979. According to this Act, migrants found to be in the country illegally will be repatriated to their countries of origin. In March 1992, the Thai cabinet passed the first of a successive number of resolutions which have allowed migrants to pay a fee and apply for a work permit which allows them to work legally in Thailand. The permit limits work to specific industries in designated parts of the country. Migrants with work permits are protected under the 1997 Constitution of the

Kingdom of Thailand and covered by most of the provisions in the Labour Protection Act of 1998. The work permit also gives migrants access to the 30-baht health scheme, where each visit to a doctor or clinic costs only 30 baht plus the cost of medicine. Unfortunately enforcement of these protections for migrant workers has been lax, and many workers are not aware of what rights the permit entitles them to and how to respond if these rights are violated.

In addition, Burmese migrant workers often find it difficult to obtain a work permit for a number of reasons. The permit costs 4,450 baht for 1 year, which is too expensive for many workers, who make an average salary of 1,500-2,000 baht a month. In addition, a worker has to be guaranteed by a factory owner or other Thai employer in order to register for a permit. In the past, a key complaint with the work permit system was that registered workers were not allowed to change jobs without losing their legal status. During the September 2002 registration period, changes were made in the regulations which allowed legal workers to change jobs and register with a new employer. These new regulations stated that if and when a registered worker is fired or leaves their job for any reason, they are required to find a new job (and employer to guarantee them) within 7 days or they will lose their permit. This process is still problematic, as in order to register with a new employer, the worker has to first obtain a signature of consent from his or her previous employer. In practice, employers rarely give consent for their workers to switch jobs, as they do not want employees to move to other factories or businesses which may pay higher salaries. As a result, even with the change in regulations, most workers remain unable to change jobs while retaining their legal status. Due to this, employers can prevent workers from striking or complaining about salaries and working conditions by threatening to fire them. Shortly before the end of 2003, the seven day grace period was reportedly eliminated without workers being notified. (Source: "Nasawat Apparel Factory, Mae Sot," *Information Release 2*, Action Network for Migrants, 19 December 2003)

In some areas of Thailand, specifically in areas on the border with Burma, employers of Burmese workers withhold their employees' work permits. In these cases, workers are only given a photocopy of their work permit, which is often not accepted by police as valid identification. Workers report that when they are stopped by officials, they are either forced to give bribe money, or else wait for their employer to be contacted to come and vouch for them. In these cases, employers often do not bother coming to the police station or detention center and the arrested workers are deported and their copy of the work permit confiscated. Migrants in areas where this practice is common are as a result increasingly choosing not to renew their permits.

During the registration renewal period for migrant workers that ran from 15 September to 15 October 2002, Thailand instituted a new form, the Tor Dor 13, which migrants had to fill out. This form required that applicants provide their addresses in their home countries, leading some workers to fear that their families in Burma might face harassment from the SPDC which actively discourages illegal migration. Migrants were also afraid that if they gave a false address then they would be banned by the SPDC from returning to Burma in the future.

The Burmese Border Consortium commented on the registration of migrant workers: "After registering migrant workers in October 2001 and then carrying out re-registration exercises annually since, the government has yet to find a satisfactory way of controlling numbers whilst supplying Thai industry with the cheap workforce it needs. The original registered case-load of 570,000 has dropped to around 120,000 although this has been boosted by the ad

hoc registering of an additional 160,000 or so. Meanwhile a survey conducted by the National Security Council in 2003 has revealed a growing need for migrant labour. It is understood that there is now a plan to carry out a new registration of all employed migrant workers in the coming months. Whilst this can be welcomed, the policy is still demand-driven and ignores the “push factor” which drives many of these people into Thailand.” (Source: *BBC 6-month Report*, BBC, June-December 2003)

In late August 2003, following the implementation of the MoU, the Thai government announced that the registration period from 1 to 25 September was to be the last chance for migrant workers to renew their work permits. New workers were not permitted to register during this period. A Cabinet resolution passed on 27 August 2003, allowed workers in the sectors of general labor, fisheries, housework, animal farming and agricultural farming to renew their work permits for 1 more year before 2004's transition to the import of legal laborers. However, the resolution *prohibits* the renewal of work permits for foreigners working in many sectors including restaurants, laundries, beauty parlors, hotels and street vending. According to the Memorandum of Understanding, these categories of labour were no longer open to foreign workers. Further, the resolution forbids migrants from registering outside of the province in which they are currently working. This resolution affected an estimated 12,000 migrant workers who were working with permits in Thailand. Employers in sectors that were not granted renewal of work permits for Burmese migrants were reportedly instructed by labor officials to send foreign workers to the nearest police stations or checkpoints in their respective townships. (Sources: “Seeking Solutions that Work,” *Bangkok Post*, 17 September 2003; “Foreign Labors to Be Replaced by Thai Workers,” Network Media Group, 13 September 2003)

Deportation of Migrants

When undocumented migrant workers are arrested in Thailand, they are dealt with in a number of ways. Some are quickly released, either after paying a bribe to police on the spot or after being held for a short time at a police station and then bribing their way out. Others are sent to the Immigration Detention Centers (IDC) – either in Mae Sot or Bangkok. In November 2003, the National Security Council revealed plans to establish three more of these holding centers in the border provinces of Ranong, Tak and Chiang Rai to hold illegal immigrants who were awaiting deportation.

Once an undocumented migrant worker has been sent to an IDC, there are three possible scenarios. The vast majority of these migrants are ‘informally’ deported. They are either dropped off on the Thai side of the border in Mae Sot, where most of them can easily bribe their way back into town, or they are taken across the river to areas controlled by the DKBA (Democratic Karen Buddhist Army), a military group that has signed a ceasefire with the Burmese government. On the Burmese side of the border, many of the migrants bribe their way back across the river and into Thailand, while others fend for themselves against the DKBA and SPDC armed forces. Thai Immigration statistics estimate that the number of unofficial deportations from Mae Sot in 2003 averaged about 10,000 people per month. These workers are caught in an expensive cat and mouse game, stuck in a cycle between the Thai authorities, the SPDC, armed ethnic groups, and traffickers – all who profit from the continued movement of migrant workers.

The second way out of an IDC is to the Special Detention Centre (SDC). The SDC is primarily for political activists, and it is very difficult for people held here to gain release.

The final way for an undocumented migrant worker to leave an IDC is by 'formal' deportation, a process that returns Burmese migrants directly into the SPDC holding center in Myawaddy. The holding centre was established in February 2002 following negotiations between the Thai and Burmese governments on the repatriation of migrant workers. The holding center (in Burmese *Ke Say Yee Sa Kan*) is run by the Directorate of the Defense Service Intelligence (DSI) of the Ministry of Defense, and specifically by Military Intelligence Unit 25. At the reception center, deportees are reportedly placed under a combined police, military and DKBA guard. All returned migrants are screened through a series of interviews with immigration and public health officials, and members of military intelligence. This screening process is particularly dangerous for any migrants seen to have political connections, or any who test positive for HIV.

Since August 2003, when the MoU was implemented, 400 migrants have been 'officially' deported every month from Mae Sot directly to the SPDC holding center in Myawaddy. These formal deportations take place on the first and third Monday of every month, with 200 people being deported on both days. According to SPDC statistics, 9,556 people were officially deported directly into the Myawaddy holding center between February 2002 and 26 April 2003, a significant increase over the prior year's figure of 3,681 people processed in the same period. (Source: "Myanmar-Thai Meeting on Illegal Workers Ends in Myanmar," Xinhua, 15 May 2003)

Thai immigration officials make no attempt to determine if any deportees are refugees or have any fear of persecution if returned to Burma. Instead, local Thai officials regularly assume that all people without ID documents outside the refugee camps are illegal immigrants. According to the Burmese Border Consortium (BBC), the UNHCR has been invited to screen the IDC list of all formal deportees and to provide assistance to those claiming refugee status. It is also possible for individuals slated for formal deportation to make an asylum claim with UNHCR officials at the IDC in Bangkok. These individuals can then be removed from the formal deportation system; however the only option for these individuals is to be informally deported. (Source: Six Month Report, BBC, July-December 2003)

The reality is that although many people do migrate to Thailand for economic reasons, many others are also refugees, political exiles and activists. Often an individual falls into more than one, if not all categories. For example, many refugees attempt to supplement their inadequate diet by leaving their assigned refugee camps illegally, and working for short-term labor projects or daily wage work. Others come to Thailand as either refugees or illegal immigrants, and then become involved with some of the many Burmese opposition groups based along the Thai-Burma border. Often people became refugees because they were politically active inside Burma.

SPDC officials at the Myawaddy holding centre specifically screen returned migrants for those who may be affiliated with political opposition groups. Thai authorities also submit personal data on deportees to SPDC officials at the time of repatriation. These officials then cross-check this information with their own files to search for dissidents. As most political activity is criminalized in Burma, this process places past and present politically active deportees at severe risk of arrest, interrogation, torture, and arbitrary detention.

In addition to political screening, returned migrants are also tested for a number of communicable diseases such as HIV/AIDS, Malaria, TB, and Sexually Transmitted Diseases. A number of human rights organizations have protested this mandatory HIV/AIDS testing,

and the reported separation of at least 20 individuals who tested positive for HIV/AIDS. Such mandatory testing contravenes UN HIV Principles and Guidelines to which Thailand and Burma are signatory.

Moreover, aside from the ICRC, there are no international organizations regularly monitoring the conditions at the reception center. The ICRC was granted access to the reception center in April 2002 and has performed visits on both deportation and non-deportation days in coordination with the Burmese authorities.

Deportees have also reported that as part of an ongoing campaign to discourage illegal emigration, SPDC officials at the reception camp are reportedly photographing and maintaining records of personal data on all deportees. Those deported are informed that if the SPDC officials collect three photographs of one returnee, (i.e. if someone is deported through the reception camp three times) then that person will be arrested for illegal emigration. According to SPDC regulation 367/120-(b)(1), these individuals can be sentenced to up to 7 years imprisonment.

At the end of the screening process, it appears that people are dealt with in one of two ways: those who are able to find a resident of Myawaddy prepared to vouch for them are simply released after paying between 2,000-3,500 kyat; while the remainder are transported by truck back to their home districts. Individuals transported back to their home districts are required to pay a transportation fee which varies according to distance. It costs for example, only 150 kyat to be transported to nearby Moulmein but 1,400 kyat to be deported to Arakan State. People who have no relatives or friends in Myawaddy to vouch for them and who cannot afford to pay this transportation fee sometimes have to stay in the area working as lookouts to guard train tracks, bridges and government buildings until they can save up the cost of the repatriation fee.

Many people attempt to evade the screening process and/or forced transfer to their home districts by paying bribes to officials. Other deportees apparently are able to bribe their way out at the customs checkpoint on arrival, or else manage to run away during transfer back to their home districts. Having escaped or bribed their way out of official custody, it reported to be a relatively simple matter for migrants to secretly cross the border and re-enter Thailand illegally. Many people wade across the Moei River, which separates the two countries, everyday.

The SPDC actively discourages people, and especially women, from migrating abroad. One reason for this is that the regime fears that migrants will report on human rights abuses inside the country to opposition groups or other human rights organizations. Major General Kyaw Win has stated that part of the SPDC's "Anti-Human Trafficking Campaign" includes efforts to "teach people about negative consequences of working abroad." This campaign appears to focus less on education than on threats and punishment of people found to have worked, or planning to work, abroad. In a number of states and Divisions the SPDC is creating "Human Trafficking Prevention Committees" which have been ordered to collect data on everyone between 16 and 25 years of age, and to investigate anyone traveling to border areas. (Source: ALTSEAN, 2002)

Some migrants have reported that once they are returned to their villages from the Myawaddy holding center, they are forced to sign pledges saying they will never attempt to leave Burma

again. They are threatened with prison sentences and heavy fines if they do so. (Please see Chapter on Freedom of Assembly, Association, and Movement.)

Women and girls have been specifically targeted in these campaigns. The Myanmar Women's Affair Association chairperson Dr. Daw Khin Win Shwe, wife of Gen. Khin Nyunt issued an order that young women be prohibited from working in Thailand in order to prevent trafficking. Young women are further prohibited from traveling to Thailand except in the company of a guardian. Women who are found to have disobeyed this order can be put in prison for one to three years. (See chapter on women for more information.)

2003 Timeline of Events for Burmese Migrants in Thailand

January

- In early January, 200 Mon migrant workers were arrested while vacationing at Cha Am beach for their annual New Year celebration. The workers were from Maharchai, which has a large migrant community working in the fisheries. Police officers rounded up the workers while they were swimming near the beach on 29 December 2002. Despite the fact that the workers had valid work permits, they were charged with entering a restricted area. According to labor law, workers are only allowed to travel within their work district unless they have the permission of the Ministry of Labor. Mi Yin, a Mon migrant worker, said, "We have gone there every year on our New Year's holiday... we have never been arrested in the past." The detainees were held at Cha Am for 2 days and were then transferred to the IDC in Bangkok, before being swiftly deported to the Burmese border. (Source: "Migrant Workers Arrested on Holiday Trip," Kao Wao News No. 35, 5 January 2003)
- On 8 January, according to reports from the KNU Mergui-Tavoy District Information Department, Thai authorities working with SPDC soldiers forced 11 undocumented migrant families in Ban Bongti, Kanchanaburi Province to resettle to a site across the border in Tenasserim Division. The area is still a free-fire zone but the SPDC has declared several villages 'safe' for resettlement. The Thai government was reportedly planning to send back more migrant families, including some with Thai ID cards. (Source: *Charm Offensive*, ALTSEAN, January – March 2003)
- On 9 January, at a conference organized by the UN Children's Fund, Thailand's interior minister admitted that the government had no way of tracking the number of babies born to illegal immigrants in the country. Because babies born to Burmese workers are not registered, they could have problems entering Burma as the SPDC only accepts returnees with official Burmese ID documents. Gopalan Balagopal, UNICEF senior adviser on child protection, called for governments that had ratified the UN Convention on the Rights of the Child to respect their commitment toward registering births and ensuring children had access to basic rights. (Source: "Concern over Kin of Illegal Burmese," *Bangkok Post*, 10 January 2003)
- On 13 January, 15 Burmese migrants were handed over to the Burmese authorities. They were reportedly part of a group of 58 Burmese who were arrested in Bangkok in mid-2002. The workers had been held at the IDC in Bangkok since their arrest. DVB reported that two of the workers died while in detention. The delay in their deportation was due to the Burmese embassy's request that the Thai officials verify the individuals' Burmese citizenship. Under Burmese law, nationals who are found to have entered neighboring countries illegally can be sentenced from six months to five years in prison. Thirty-nine of the arrested had

been deported on 19 December, and the military authorities in Burma were allegedly imprisoning those who could not pay 50,000 kyat upon their re-entry. Four workers were still being held while their addresses in Burma were being located. (Sources: "Rapprochement Continues," *Irrawaddy*, 14 January 2003; "Illegal Workers Returned to Burma Thai Authorities," DVB, 13 January 2003)

February

- On 31 January, DVB reported that the Thai authorities were planning to step-up arrests of illegal immigrants, including Burmese people, in their efforts to crackdown on drug trafficking across the Thai-Burma border. The three-month operation, starting 1 February, would particularly affect the Mae Hong Son and Mae Sariang areas. (Source: "More Arrests in Thailand," DVB, 31 January 2003)
- On 10 February, Prime Minister Thaksin Shinawatra made a one-day trip to Burma to discuss bilateral cooperation with General Than Shwe. They discussed the situation of illegal migrants to Thailand, and Than Shwe assured Thailand that Burma would be willing to take back illegal migrants found in Thailand. Thaksin also mentioned supporting a job creation project that would help returnees to Burma. The project would involve animal husbandry and agriculture, and the Thai government would agree to purchase some of the products. (Source: "Talks with Junta Fruitful, Says PM," *The Nation*, 11 February 2003)

March

- According to sources at the Democratic Party for a New Society (DPNS), a migrant worker was severely injured by electric shock on 14 March 2003. The worker reportedly had an accident while working at Bang Song Kwae Garment Factory, in Mae Sot, Tak, and the accident resulted in the amputation of both his arms. He received no compensation for his injuries. ("Earn Abroad, Spend at Home," *Kao Wao News*, No. 44, 14-29 May 2003)

April

- On 28 April, it was reported that 26 Burmese migrant workers were preparing a lawsuit against the factory owners of Nut Knitting Factory (a.k.a. Baht-Ta-Yar Wool Factory). The workers accused the owners of owing 4.6 million baht in unpaid wages and compensation for unfair dismissal. The trial began in November 2002, and in February 2003 the owners were ordered by the Thai Labour department to pay the workers. Instead, the 26 workers were arrested in late April and charged with working illegally, and then deported to Myawaddy. According to Thai immigration law, the workers are allowed to be granted permits to return to Thailand to attend their hearing. However, it was not clear that the workers would actually be given permission to re-enter Thailand, and no date for the trial had been set. The Migrant Assistance Program Foundation (MAP), Yaung Chi Oo Workers' Association and the Thai Law Society were assisting the workers in their trial. (Sources: "Burmese Workers on Trial to Get Wages Sent Back," Network Media Group, 24 April 2003; "Burmese Workers Sue for Unpaid Wages," *Irrawaddy*, 28 April 2003)

May

- On 1 May, the Thai government stated they would resort to the systematic arrest and deportation of unregistered Burmese workers. Following this announcement, *Mizzima* news quoted a Bangkok immigration officer as saying, "On May 23rd, we arrested more than 1,500 illegal Burmese workers and repatriated them to Burmese territory." (Source: "Illegal Burmese Workers Arrested in Bangkok," *Mizzima*, 25 May 2003)
- In Chiang Mai, 29 Burmese and Shan women were arrested during a 3 May raid at the Roemyen Cafe karaoke restaurant. None of the women had work permits or visas, and they were charged with selling sex services. Police acted on a tip-off, and said they believed the women had been tricked into coming to work at the restaurant and later forced into providing sex services. Ben Sawasdiwat, an activist with Traf Cord, an NGO working against human trafficking, said that his organization, "will force police to file a lawsuit against the restaurant's owner in order to stop the cycle of human trafficking, or at least decrease it." (Source: "29 Alien Sex Workers Arrested in Police Raid," *The Nation*, 4 May 2003)
- On 7 May, AFP reported that 600 Burmese migrant workers protested at Rian Thong Apparel, a Taiwanese factory based in Mae Sot, Tak, when the factory owners refused their demands for a salary increase. Workers had asked for an increase from 95 baht to 140 baht per dozen garments made, which is the average daily workload. The protest lasted for three hours, during which time the workers destroyed sewing machines and other equipment. The employer allegedly assaulted two female workers by hitting them with shoes. Police were called and the protest was stopped, and employers eventually agreed to the salary increase. In addition, the Taiwanese employer who hit the two workers was replaced with a Thai manager. (Source: "Thai Factory Unrest Erupts as 600 Myanmar Labourers Protest Wages," AFP, 7 May 2003)
- On 20 May, the same day the Thai government announced its intentions to sign the MoU with Burma on the repatriation of migrants, Thai Foreign Minister Surakiart Sathirathai also announced plans to build a new bridge linking Mae Sai and Tachileik. The two countries signed an agreement on 19 May for the building of a second "friendship bridge" across the Mae Sai River, meant to boost trade and tourism in the upper Mekong region. (Source: "New Bridge to Link Mae Sai and Tachileik," *The Nation*, 20 May 2003)
- On 23 May, the charred bodies of six Burmese migrant workers were found in Huay Kalok village in Mae Sot district. The men were identified as Min Hein (age 23), Thein Naing (age 33), Aye Min (age 22), Ah Nge Lay (age 10), Maung Maung (age 24), and Ah Nyar Thar (age 22). They had been working on a construction project in Mae Pa, and had gone missing on 14 May. According to a formal written complaint given to the National Human Rights Commission by the victims' relatives, "the missing persons were last seen in the custody of uniformed Thai police. These same police had administered beatings on the six men after other Thai nationals had beaten the men earlier." Witnesses say the men were handcuffed and taken away in a pick-up truck by the uniformed officials.
- The letter went on to say that, "Because local Thai officials are clearly involved in the disappearance of the men, we hesitate to lodge formal complaints through local channels out of fear for our own safety. Even now, we are afraid for our safety.... Official complicity in this case, combined with the knowledge that local authorities in Mae Sot rarely, if ever, protect Burmese migrant workers, means that the only possibility for recourse on our behalf

is through national organisations such as the National Human Rights Commission.” (Source: “Mae Sot Horror: Six Men Burned to Death,” *The Nation*, 24 May 2003)

- Shortly after the murders, the chief of Mae Sot district, Samart Loyfa, suggested that a human trafficking ring was behind the killings, as a lesson to other illegal workers. (Source: “Killing Seen as a Warning to Others,” *Bangkok Post*, 28 May 2003)
- Mae Pa village headman Woon Tamingkum was arrested as the chief suspect in the case, but was released on bail on 2 June. On 7 July, Thai police arrested two more men in connection with the 14 May murders – 43-year-old Mae Pa village official Somnik Jasunan, and 38-year-old Mae Pa village protection unit member Boonchawei Sawasdi. Both men were released the following day after they paid 500,000 baht in bail. (Source: “Two More Arrests over Mae Sot Massacre,” *Irrawaddy*, 7 July 2003)
- On 28 May, Pol. Lt-Gen Charnwut Wacharaput, Chief of Thailand’s immigration police, met with 514 arrested Burmese migrants and four Thai employers in Mae Sot at the Immigration Detention Center. He threatened the Burmese workers not to return to Thailand, reminded the employers that it is illegal to hire workers without permits, and sent out vague warnings to Thai human traffickers. He also revealed a plan proposed to start in June under which people arrested for immigration violations in Mae Sot would have their fingerprints taken and catalogued. (Source: “Burmese Migrants and Their Employers Warned,” *Irrawaddy*, 29 May 2003)

June

- On 24 June, 420 Burmese workers were fired from the King Body Concept Co. Ltd Factory in Mae Sot, Tak. All of these workers had legal work permits, and thus under Thai law were guaranteed the same rights as Thai workers. Though the Thai workers in the factory received the minimum wage of 133 baht a day and 25 baht an hour for overtime, the Burmese workers only earned 55 baht a day and 5 baht for overtime. Further, the Burmese workers were not allowed to refuse to work overtime, and during busy periods at the factory they were sometimes forced to work until 3:00 am. As in most Mae Sot factories, the employer retained the original copies of the workers’ permits, giving the workers only a photocopy which put them in danger of arrest and deportation. At the beginning of June 2003, living conditions at the factory worsened, with workers reporting a lack of water for drinking and bathing, overcrowding and unsanitary conditions. On 18 June, all the Burmese workers signed a statement to their employer with their demands for fair wages and hours and decent living conditions. The employer failed to respond to their requests, so on 20 June, they sent a formal complaint letter to the Tak Labor Protection and Welfare office. The labor office agreed to send a labor official on 23 June to mediate between the workers and the employer.
- One 20 June, the workers went to the factory but were told there was no work and that the next two days would be a holiday as well.
- Before the meeting on 23 June, the factory owner called the Tak police and the immigration department. While 10 workers were meeting with the owner and the labor official, police with guns rounded up the rest of the workers. After the meeting, the factory owner refused to accept any of the workers’ demands and fired all the workers, giving their

absence for the past three days as the reason. He refused to pay them the two months compensation he was required by law to provide.

- After they were fired, the immigration police took the workers to the Mae Sot IDC. According to witnesses, several Thai labor officials were present during this arrest and they did nothing to intervene despite the fact that this was an illegal arrest. Under Thai law, registered workers who are dismissed have 7 days to find a new job before they are subject to deportation. The following are the names of the worker representatives from King Body Concept Factory:

- (1) A Htun, female;
- (2) Ko Latt, male;
- (3) Sar U, female;
- (4) Zar Chi Thein, female;
- (5) May Oo, female;
- (6) Thitsar, female;
- (7) San San Lwin, female;
- (8) Than Soe, male;
- (9) Nwe Htun, female;
- (10) Kaw Kaw, female;
- (11) Myalay, female;
- (12) Mapai, female;
- (13) Maw Maw lwin, female;
- (14) Chit Htway, male;
- (15) Htway Hlay, female;
- (16) Nan Khan Kyaw, female;
- (17) Win Cho, female;
- (18) Aye Mya Nwe, female;
- (19) Ohmar Soe, female; and
- (20) Thu Zar Myint, female. (Source: YCOWA, 24 June 2004)

- On 25 June, 88 illegal Burmese migrants and two traffickers were arrested trying to cross the mountains from Mae Sot to Kamphengphet Province. The workers had paid the traffickers in advance for the trip, which they said cost 6,000 baht, and planned to continue on to Bangkok by car. Most of them had borrowed the money to make the trip. One of the arrested men, Maung Maung, said, "The money I used to travel to Bangkok was borrowed in Burma because I could not find enough money to feed my family. Now I am in custody and the interest is growing day by day." The arrested migrants were to be deported. Though the traffickers reportedly face prison terms of up to ten years, it was not clear what their punishment would be. The apprehended traffickers were 14 and 15 years old. (Source: "Migrants and Traffickers Arrested in Jungle," *Irrawaddy*, 25 June 2003)

July

- Villagers from Mae Samplet village, a border village near Mae Sariang, reported that Thai authorities had issued an order not to allow any Burmese visitor to stay overnight in the town. The town is on the bank of the Salween River, part of a trade route for Burmese business men from Kayah and Karen State. Villagers were also told not to carry Burmese on their boats. No reason was given for the order. (Source: "Thai Says No More Burmese Visitors at Border Village," Network Media Group, 31 July 2003)

August

- On 8 August, 5 Burmese Muslim youth who had returned from Mae Sot to Burma voluntarily were arrested in Myawaddy. According to the Muslim Agency for News, the 5 workers had left Thailand due to increased harassment by Thai authorities, and were arrested upon their return for 'illegal border crossing.' They were reportedly asked to pay 200,000 kyat each to the arresting authorities, and when they couldn't do this they were sent to Moulmein Prison. (Source: "Five Muslims Arrested in Myawaddi Town," Kaladan, 11 August 2003)
- On 13 August, according to a labor rights group, 120 Burmese workers were locked out of the JP Knitting Factory in Mae Sot, Tak while their owner tried to move factories and escape without paying the workers their overdue salaries. The workers were undocumented because, as per reports from the workers, their employer had not bothered to register for work permits. The factory owner told workers to hide in the forest because immigration officials were coming, and due to their undocumented status they were at risk of arrest and deportation. When the workers were gone he started moving his equipment to another factory. The next day the workers returned and saw this, and they informed the village headman and the landlord, who were owed money by the owner. On 15 August, the owner showed up with plain-clothes policemen and gave 300 baht to each worker, though some workers didn't receive their money because the owner ran away when the media showed up. At the time of this press release, most of the workers were still hiding in the forest. (Source: Press Release, YCOWA, 18 August 2003)
- In August, the Thai Labor Ministry ordered the arrest and deportation of monks from Burma who had 'come to work in Thailand in disguise.' Police announced plans to search 189 temples in nine provinces. Over a period of one month, it was reported that 103 monks from four temples in Bangkok had been arrested and deported. Many of the monks and novices were undocumented Mon and Shan. Police also raided the San Papao Temple in Chiang Mai, but the detained individuals were released after the intervention of a respected abbot. (Source: *Under Pressure*, ALTSEAN, July-September 2003)
- On 27 August, the Cabinet passed a resolution allowing the renewal of work permits for workers currently working in the fields of general labor, fisheries, housework, animal farming and agricultural farming. Employers who hire migrant workers were required to register for a permit as well. This same resolution prohibits the renewal of work permits for approximately 12,000 migrant workers in many sectors including restaurants, hotels, laundries, beauty parlors and auto repair shops. Further, workers were not allowed to register outside of the province they were currently working in, nor were new workers permitted to register. (Sources: "Seeking Solutions that Work," *Bangkok Post*, 17 September 2003; "Foreign Labors to Be Replaced by Thai Workers," Network Media Group, 13 September 2003)

September

- On 2 September, approximately 800 workers protested outside Ki Found Knitting Factory in Mae Sot after one of their co-workers was raped and murdered. The body of 25 year-old Tha Dar Hlaing was found about 2km from the factory. According to witnesses, she was last seen being taken away on a motorbike by the factory's security guard. Factory workers tried to attack the guard, and when a police car came to arrest him the workers delayed the car's

departure by two hours, worried that once the car left the compound the suspect would be freed. Mae Sot police Superintendent Col Sonkran Sangkakorn reportedly promised that, "We will take action if we find he is guilty. This kind of crime deserves the death sentence...Under the law, all humans are equal." Police did soon secure a confession from the accused, which is rare in such cases and could be attributed to the reaction of the victim's coworkers. (Sources: "Burmese Worker Raped and Killed," *Irrawaddy*, 2 September 2003; "Myanmar Workers Protest Killing of Compatriot in Thailand," AP, 2 September 2003; "Abuses of Migrant Workers in Thailand," Asian Legal Resource Centre (ALRC), *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council, 12 February 2004)

- From 1 to 25 September was reportedly the last chance for migrant workers to renew their work permits for a final year. During the September registration period, only 288,000 workers registered with the Labour Ministry before the deadline. The ministry estimated that more than 800,000 workers did not register. (Source: "Thailand to Crack Down on Illegal Immigrants," Xinhua, 11 November 2003)
- On 11 September, Kyauk Shaat village chairman PDC Oo Than Shein (in Yebyu Township area of Tenasserim Division) reportedly captured a migrant couple returning from Thailand and threatened to report them to military intelligence for leaving the country illegally. The couple allegedly paid 40,000 kyat to the village chairman to avoid being reported to MI. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, September 2003)
- On 17 September, the Thai labor office informed workers in newly restricted sectors in Bangkok and Chiang Mai that they would be eligible to renew their permits if they changed jobs before the end of the registration period. Workers in the border town of Mae Sot, however, were only informed of this two days before their permits expired. Workers were reportedly required to pay 455 baht to change jobs, in addition to the 3,000 baht registration fee. (Source: "Alien Workers Given Reprieve," *Irrawaddy*, 25 September 2003)
- On 22 September, 78 Burmese migrants were fired from Siriwat Garment factory in Mae Sot, Tak after refusing to work overtime. The factory is owned by Mr. Siriwat Paiboonpol. All of the workers had legal work permits which were held by the employer. Workers were paid 60 baht an hour and forced to work overtime for less than the minimum overtime wage. On 21 September, after several 15-hour days, the workers refused to work overtime, as they are entitled to under Thai labour laws. The factory manager made the workers sleep outside that night. On 22 September, officials from the Tak Labour Protection Welfare office, the Thai Law Society, and the Thai Human Rights Commission visited the factory. Three workers' representatives met with the labour officials and presented the workers demands. However, the factory manager refused to contact the factory owner so the negotiations could not be made official. Instead, labour official Khun Sompong set up a formal meeting for 24 September at the Tak Labour office. The workers were promised they would be able to negotiate on that date. Once the official visitors left the factory, the manager fired all the workers and told them to leave immediately. The workers were hiding outside in the forest and with friends, fearing deportation and arrest. (Source: Action Network for Migrants, 2003)
- On 25 September, the work permits of staff at Dr. Cynthia Maung's Mae Tao clinic expired. As per the August resolution, the medics were ineligible to renew their permits

because their work does not fall into 1 of the allowable labor categories for migrant workers. On 29 September, Thai authorities reportedly visited Dr. Cynthia's clinic in Mae Sot to explain the new regulations to her. The Mae Tao clinic provides medical assistance to migrant workers and treats up to 150 patients a day.

- Following the 29 September meeting, human rights group Forum-Asia released a statement suggesting that Dr. Cynthia and her staff were at risk of deportation under the new migrant worker laws. After the release of this statement Thai Senator Kraisaak Choonhavan visited the Mae Tao clinic in early October. Subsequent to his visit, he reportedly announced that the repatriation of Dr. Cynthia or her staff would damage Thailand's image as a humanitarian country. Provincial governors denied any plans of deportation. Dr. Cynthia said she understood the concern of the NGOs, but said, "I am not worried because the Thai health department recognizes my work and its effectiveness." Dr. Cynthia was reportedly still in negotiations with the Thai government to find a compromise. (Sources: "Mae Tao Clinic in Fine Health," *Irrawaddy*, 3 October 2003; "Thailand: Do Not Close Burmese Refugee Clinic," Human Rights Watch Press Release, 3 October 2003; "Senate to Fight Talk of Doctor's Repatriation," *Bangkok Post*, 8 October 2003; "Rights Group Fears for Thai-Based Myanmar Refugee Doctor," AFP, 2 October 2003)

October

- On 9 October, the International Organisation for Migration (IOM) and the Thai government received a US\$1.4 million grant to improve the health of Burmese migrants in Thailand. The funds, donated by USAID, will be divided between health care providers in the border towns in Tak and Chiang Rai provinces, with a target population of 40,000 migrant workers. (Source: "Grant for Border Health," *Irrawaddy*, 9 October 2003)

- On 17 October, there were reports of a major security sweep in Mae Sot that took place in preparation for the APEC summit in Bangkok. The two-day coordinated Thai-Burma operation rounded up close to 500 Burmese migrant workers and beggars, who were handed over directly to Burmese border authorities. Mae Sot District Chief Virut Phusingh said, "we are monitoring the activities of groups which are dangerous for the country," in preparation for the APEC summit. (Source: "Border Sweep Precedes Apec," *Irrawaddy*, 17 October 2003)

- Also on 17 October, the *Bangkok Post* reported that the Thai government was planning a multi-million-baht farming, industrial and tourism development opposite Mae Sot in Myawaddy. This project is one part of the Economic Cooperation Strategy (ECS) of Thailand, Laos, Cambodia and Burma aimed at narrowing economic gaps and encouraging foreign workers to go back to their home countries. (Source: "Border Site in Burma to Be Developed," *Bangkok Post*, 17 October 2003)

November

- In November, the National Security Council revealed plans to establish three new holding centers in the border provinces of Ranong, Tak and Chiang Rai. Each of the facilities would hold up to 5,000 people, according to the *Bangkok Post*. Though the centres had not yet been approved by the government, the Immigration Police Bureau confirmed that the centers would be used to hold illegal immigrants. (Source: "Illegal Workers: NSC to Build 3 Camps in Border Areas. Each to Hold At Least 5,000 Immigrants," *Bangkok Post*, 11 November 2003)

- On 19 November, Xinhua News Agency reported that a Thai border police officer and two accomplices were detained and arrested on charges of engaging in illegal labor activities. They were caught smuggling 14 Burmese migrants (8 men, 5 women, and a child) into Thailand, in Kanchanaburi province. The men reported that they are paid 5,000 baht for each trip trafficking trip they make. (Source: "Thai Border Police Officer Arrested for Human Smuggling," Xinhua, 19 November 2003)
- In early November, the Thai Action Committee for Democracy in Burma (TACDB) launched a news report in Thai entitled "The Plight of Undocumented Burmese Migrant Workers in Thailand." The report explains the current situation and urges the Thai labour department to do more to help these people. The report was launched to senior civil rights groups including the National Human Rights Commission of Thailand and leading Thai academics at Chulalongkorn University in Bangkok. In September 2003, TACDB also helped a group of registered Burmese migrant workers in Bangkok form an action group called the Social Welfare Association of People from Burma (SWAPB), which publishes a monthly newsletter for migrant workers called the "Labor Affair Newsletter." (Source: "Burmese Migrants a Thorn in the Thai Side," Kao Wao News, No. 56, 3 November 2003)

December

- On 17 December, over 200 Burmese migrants were arrested in Mae Sot and most were immediately deported following a police round-up at a monastery where the migrants had taken shelter following a walk-out from their jobs. They had been working for Nasawat Apparel Company, who had been paying them only 50 baht a day (the Mae Sot minimum wage is 133 baht a day) and only 8 baht an hour for overtime. The employer also kept the workers permits and allegedly forced them to sign pay slips saying they received the legal minimum wage.
- Twenty-five workers represented the whole group in negotiations on 26 November with the employer and Tak Labour officials. The employer agreed to abide by legal labour standards, improve living conditions in the factory, and he also agreed that if he fired the workers or closed the factory, he would pay employees all wages owed to them. However, on 11 December, the first pay day following the agreement he refused to pay and asked the 25 workers' representatives to accept a settlement. While the representatives were negotiating with the employer, 13 police, immigration officials, and border police arrived at the factory. When the employer refused to honor the agreement, the workers decided to walk out. They left the factory linking arms and walked to the Wat Chumpol Khiri monastery where they were given shelter. While at the monastery, the workers began to complete labour protection complaints forms (kor ror 7) to start legal proceedings to claim back-wages owed to them.
- According to witnesses, dozens of police, border patrol and labour officials entered the monastery on 16 December and rounded up the migrants. Four local support workers giving first aid to the workers were reportedly arrested as well. All of the arrested migrants were taken to the IDC. On 17 December, the 200 workers with legal work permits were deported, while the unregistered workers were taken to court to testify against their employer for hiring illegal workers. Most were fined and then deported, but 16 were held at the IDC.
- On 26 December, 257 of the workers filed their official labour complaints (kor ror 7) with the Labour Protection Office in Mae Sot.

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- In January 2004, the Labour Protection Office found that the migrant workers had been paid below the minimum wage and overtime rate, not given public holidays and days off, and that 25 workers had been fired without due reason. In all, the factory conditions were in violation of 12 articles of the 1998 Labor Protection Act (Articles 17, 28, 29, 30, 56, 61, 62, 63, 64, 67, 70 and 90).
 - The Tak Labour Protection Office issued an order on 25 March 2004 to the Nasawat Apparel Co. to pay US\$425,000 (16,136,076 baht) to the 257 migrant workers. Mr Kwanjai Wimut-tee, employer of the 257 migrant workers at Nasawat Apparel Co. Ltd, was given 15 days to pay the US\$425,000 or appeal and place the money with interest with the Labour Court. At the time of writing, the workers were still engaged in legal proceedings while residing in safe houses. The employer had not yet paid the compensation and had gone into hiding. (Sources: Action Network for Migrants; "Raid Migrants in Mae Sot," *Irrawaddy*, 16 December 2003; "Thailand Deports 200 Myanmar Migrants over Labour Row," AFP, 18 December 2003)

15. 3 Burmese Migrants in Malaysia

The Malaysian Government estimated in August 2002 that there were approximately 16,000 people from Burma working legally in the country. The majority of Burmese migrants work in Malaysia's construction, garment and food processing industries, and are reportedly paid more than 700 RM (about US\$184) per month (source: Xinhua, 2002). Other sources report that there are upwards of 750,000 undocumented workers in Malaysia, including many who earn well below the legal minimum wage. According to the UNHCR, there are approximately 15,000 Rohingya refugees in Malaysia, and according to the Chin Refugee Centre there are about 5,000 Chin migrants in Malaysia. Members of both these ethnic groups face serious human rights abuses and specifically, religious persecution in Burma.

Malaysia has not ratified the Convention relating to the Status of Refugees of 1951, and the Malaysian government does not, for the most part, differentiate between refugees and migrant workers. Under immigration policy all undocumented people are considered as "illegal immigrants" and these people are subjected to harsh and arbitrary immigration laws. Due to their undocumented status, migrants are vulnerable to extortion from police and government agencies, harassment, and exploitation in their work.

Work is somewhat scarce for undocumented people in Malaysia because employers are reluctant to hire them without papers. The work they can find is often daily work for daily pay and offers little security. According to one source, some Burmese working in Malaysia go unpaid for months at time yet they have no legal recourse against their employers. Undocumented workers also lack access to basic health care and education services. Further, according to Suara Rakyat Malaysia (SUARAM), a Malaysian human rights NGO, Burmese immigrants to Malaysia are demonized in the mainstream media, portrayed as parasites and law-breakers who contribute to crime and poverty in the country. SUARAM notes that, "Issues of supply and demand of foreign workers in Malaysia and their contribution to the economy, the smuggling syndicate of foreign workers, exploitation of these workers and conflict situation or persecution giving rise to refugees fleeing their home countries are almost always absent in the mainstream discussion." (Source: "Overview of the situation of refugees and asylum seekers in Malaysia," Suara

Rakyat Malaysia (SUARAM), delivered at the Regional Conference on the Protection of Refugees from Burma, 6-7 November 2003)

In August 2002, the Malaysian Parliament implemented new laws for immigrants, including the allowance of jailing and caning for people caught without proper entry documents. Those found to have entered the country illegally or overstayed their visas are liable to a maximum fine of 10,000 RM (US\$2,600), a jail term of up to 5 years and up to 6 strokes of a cane. Those who shelter undocumented persons are also subject to severe punishments. In April 2003, a decrease in the number of illegal immigrants was reported since implementation of the new laws, under which an estimated 9,000 undocumented people had been caned. Deputy Home Minister Chor Chee Heung told the Parliament that, "Operations and raids will continue to ensure that we further reduce the number of illegal immigrants. If we do not take action, the security of the country may be jeopardised." (Source: "Overview of the situation of refugees and asylum seekers in Malaysia," SUARAM, delivered at the Regional Conference on the Protection of Refugees from Burma, 6-7 November 2003)

Further, since the policy changes in 2002, undocumented people who are arrested are often detained in detention camps for an unspecified length of time rather than being immediately deported. If a person wants to arrange a 'quicker' deportation, their family or friends must pay their return fare to Burma. Otherwise, they are held in the detention centre until a mass deportation can be organized. According to SUARAM, there have been "severe reports of assault, sexual abuse, inadequate living conditions, lack of medical treatment and even death while in detention." Some Burmese migrants have been held for up to a year or longer in these overcrowded prisons. (Source: "Overview of the situation of refugees and asylum seekers in Malaysia," SUARAM, delivered at the Regional Conference on the Protection of Refugees from Burma, 6-7 November 2003)

Burmese deported after labor complaint

On 4 June, seven Burmese migrants were deported after their Penang-based employer cancelled their work permits. The seven were among a group of 25 who had been encouraged to come to Malaysia by a recruitment agent in Burma, who promised that their monthly wages would not be less than 700 RM (US\$184). The agreements had not been signed by the employer however, and in fact the workers only earned between 100-200 RM (US\$26 - US\$52) a month. Further, 50 percent of their pay was deducted to repay the government loans that had financed their trip to Malaysia. After the workers asked the Labor Department for assistance, seven of the workers were fired and deported. The reason given by the employer for the dismissal was that the workers were not skilled enough. (Source: "Burmese Deported after Labor Complaint," InterPress, 12 June 2003)

15.4 Burmese Migrants in Japan

There are an estimated 10,000 Burmese people living in Japan, according to Tokyo-based group, People's Forum on Burma. More than half of these people either entered the country illegally to find work or entered legally and overstayed their visas. Burmese migrants living in Japan are required to pay a monthly tax of 10,000 yen (US\$93) to the Myanmar Embassy in Tokyo, and another 8,000 yen (US\$74) for their spouses. They are required to pay this amount regardless of their income or whether or not they have visas.

Due to the high cost of the tariff, many undocumented Burmese migrants in Japan do not pay regularly. However, if these workers want to return to Burma at any time, they must go to the Myanmar Embassy to obtain the necessary documents, which often include passports. Workers who have not paid the tax are subject to back payments which can add up to enormous sums of money. According to Burmese workers in Tokyo, if a worker cannot pay the money the embassy delays the application or refuses to accept it at all. These workers are thus stuck without visas to stay in Japan legally or documents to return home, and they are forced to live either in detention centres in Japan or live marginally, often without access to social security protection.

The situation in Japan is particularly difficult for elderly people and those with serious illnesses such as AIDS who wish to return home to die. Taeko Kimura, the director of Friendly Asians Home, indicated that an increasing number of Burmese people are dying in Japan without money to return home or health insurance to pay for their medical expenses. She reported that at least fifteen people in this situation had died in the past year, including nine people with AIDS.

The Japanese government is aware of the problem, and in 2001, four Japanese ministries including the Justice Ministry and the Foreign Ministry established a task force to deal with "problems concerning exportation of Myanmar AIDS patients." The team identified four factors that hinder people's ability to return home – namely lack of money for plane fare, the technical difficulties involved in transporting seriously ill patients, the lack of advanced medical institutions in Burma and the Burmese (Myanmar) Embassy's refusal to issue necessary documents to those who have not paid their levies. The Foreign Ministry asked the Myanmar embassy to issue passports in cases involving human rights concerns, and for a short time the embassy was relatively compliant. However, in June 2003, the Japanese government suspended all new aid to Burma following Aung San Suu Kyi's arrest, and since then the Myanmar embassy has refused to issue passports even in the most critical situations.

Japan and Myanmar do not have a bilateral agreement to prevent dual taxation on Burmese living in Japan, though Japan has suggested that this fee may represent the exercising of sovereign power in a foreign country and thus violate international customary law. Human rights activists working in Japan are urging the Japanese government to provide some assistance to these Burmese workers who are stuck in their country, and to insist that the Myanmar government ignore the levy in extreme situations. (Source: "Myanmar Dying to Get Out of Japan," *Japan Times*, 12 September 2003)

15.5 Burmese Migrants in India

On 31 July, *Mizzima* news reported that Burmese migrants were being repatriated in large numbers from the Indian State of Mizoram. The repatriation occurred after a Burmese migrant reportedly raped a nine year old Mizo girl on 17 July. Approximately 1,320 Burmese migrants had reached the border where they were being granted re-entry by the Burmese authorities. Those found without national identity cards were fined on the spot. Burmese migrants living in Chandmari, where the incident took place, were required to leave immediately, while others were given from five days to a month to relocate. A Burmese weaver in Mizoram reported that only one-quarter of the total number of weavers remained in Mizoram, only days after the repatriation began. It was unclear whether or not the work permits of registered migrant workers would be renewed or replaced. The repatriation orders were given by the local Young Mizo Association (Y.M.A) and the Mizoram District Council (M.D.C.) rather than the State Government. (Source: "Mass Repatriation of Burmese Migrants," *Mizzima*, 31 July 2003) (See chapter on refugees for more information.)

15.6 Burmese Migrants in Singapore

For decades, Burmese migrants have worked legally in Singapore. The number of Burmese in Singapore began increasing in the mid 1980's as a result of the country's construction boom and simultaneous labor shortage. Some Burmese migrants in Singapore are highly educated and have obtained work as doctors and professors. However the majority of Burmese workers labor in low-level jobs including construction work, carpentry, welding, and painting.

Before January 1998, travel to Singapore was facilitated by the fact that Burmese could obtain a visa-on-arrival for a seven-day stay. Currently, however, Burmese must apply for visas from the Singapore embassy in Rangoon. People who wish to get a work visa must provide a work permit and a sponsor letter, documents that are only available through naturalized Singapore citizens, Burmese with Permanent Resident (PR) status, or to those who already have been granted an official Employee Pass (EP).

Only educated individuals are eligible to receive Singaporean work visas, and the prerequisites for an EP include a university degree from Burma or enrollment in one of Singapore's polytechnic schools. Visa applicants who have no one to sponsor them have to leave a deposit of 2,000 Foreign Exchange Certificates (FECs) in addition to the 18 FEC visa fee. (One FEC is approximately 960 kyat). Individuals who overstay their visa lose this deposit.

For many people, these fees are only part of the money they must spend to obtain a permit to legally work in Singapore. In Rangoon, job broker agencies connected to Singapore businesses charge high fees to facilitate the bureaucratic process of obtaining a work visa. These agencies charge between 1,000,000 to 1,200,000 kyat to arrange for applicants' passports, air tickets, and job training that can last up to six months. Some migrants find that it can take up to eight months after this initial payment before they arrive in Singapore and begin to work off this debt. There are also a large number of fly-by-night brokers who frequently swindle people out of their money. For the majority of Burmese citizens, these

high visa costs effectively prevent them from being able to pursue the option of working legally in Singapore.

While legal workers in Singapore earn vastly more than they could in Burma, their expenses can also be very high. Legal workers make an average of about S\$16 (9,200 kyat) per day, while more skilled workers earn slightly more. Burmese workers make about S\$600 (345,000 kyat) per month, with basic living costs running from S\$80-100. In addition The SPDC charges citizens a 10% tax on overseas earnings and workers must also pay a flat tax of S\$30 to the Singapore government. If workers need to renew their passports they must pay the Burmese government S\$300 and replacing a worn or lost passport costs S\$1,400.

The majority of illegal Burmese migrants arrive in Singapore as stowaways on ships. These workers generally undertake menial labor in restaurants, factories, and on construction sites. Without legal status they are often forced to pay inflated rent costs from corrupt landlords and can be subjected to arbitrary arrest by officials, even in their own homes. Burmese arrested in Singapore for illegal entry are repatriated back to Burma, provided they have the money to pay the transport costs. If arrested migrants do not have this money, then they're forced to stay in prison and work until they are able to earn the money needed. It has been reported that migrants caught working illegally have also been subjected to caning, a legal form of punishment in Singapore. (Source: "Laboring in the Lion City," *Irrawaddy*, October 2002)

16. Landmines in Burma

"Landmines maim and kill thousands of innocent people every year and hold entire communities hostage. They prevent food and medical aid from reaching people in need, render agricultural land useless, [and] hinder the return of displaced families to their communities..."

(Source: Mine Action and Effective Coordination: the United Nations Policy, United Nations Mine Action Service, May 2003)

16.1 Background

On 5 December 1997, in response to growing humanitarian concern about the non-military casualties of antipersonnel landmines, the Mine Ban Treaty (also known as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on Their Destruction) was signed by 122 countries. However, in opposition to the worldwide trend, Burma has to date not acceded to or signed the treaty and continues to be, not only a regular user of land mines but, also a producer.

Anti-personnel landmines are victim-activated weapons that indiscriminately kill and maim civilians, soldiers, elderly people, women, children and animals. Most forms of landmines remain functioning long after military personnel have departed or even after the cessation of hostilities which most often leads to injuries and death among civilians. In Burma there are many people injured or killed by landmines each month, though exact figures are not known. (Source: "Halt Mine Use in Burma/Myanmar," ICBL, April 2004)

The atrocities related to landmines in Burma are not limited to the injury and death of non-military personnel but also include their use to violate Article 13 of the UN Declaration of Human rights, that of an individual's freedom of movement both internally and internationally. In order to restrict the movement of supplies and information to insurgent groups, well-established routes to and from villages have been mined. Villages themselves have also been mined in attempts to prevent the return of both forcibly relocated communities as well as, in some areas, refugees.

Though totals are not known, the number of casualties related to landmines appears to be increasing. This has been especially noticeable over the last five to six years. The growth of landmine related casualties is at least partially the result of the cumulative effect of continued deployment over the years. As of 2003, nine out of Burma's fourteen states and divisions were mine-affected. (Source: Impact of Landmines on Children in the East Asia and Pacific Region, UNICEF, September 2003)

16.2 Human Minesweepers

As in previous years, the practice of sending porters ahead of troop patrols in order to detonate landmines continued throughout 2003. Civilians conscripted from villages were forced to carry ammunition and food supplies as well as to act more specifically as human minesweepers. In a release by the U.S. Department of State it was noted that, "From August 5 until mid-October [2003] government soldiers reportedly forced villagers from Na Bue Township [Karen State] to porter ammunition and supplies and to act as mine sweepers for the troops. Many villagers and prisoners have been killed or injured from subsequent landmine explosions." (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

Reports about the use of porters to detonate mines came in from states both along the border with Thailand as well as those along the India and Bangladesh borders. In some cases, it was reported that landmine survivors in these situations were executed by Burmese Army troops. (Source: *Landmine Monitor Report 2003*, International Campaign to Ban Landmines, August 2003)

16.3 Situation in Border Areas

The long running conflicts in Burma's history have left much of the country heavily mined, though this tends to be concentrated in the ethnic states along the country's borders that are the major areas of insurgent activity. Mines are laid in these regions to prevent armed groups from advancing into the centre of the country as well as to hinder the ability of villagers to offer ethnic opposition soldiers logistical support. While still in use, village paths are laid with mines and villagers continue to travel over these routes, largely out of necessity, before any accidents take place. When villagers are relocated during counter-insurgency campaigns their former land is often mined in order to prevent them from returning.

The heaviest deployment of landmines has been in Eastern Burma in Karen, Shan, and Karenni States though the border with Bangladesh is also heavily mined (source: *Land Mine Monitor 2003*, International Campaign to Ban Landmines, August 2003). These border areas are also hindered by minimal access to health service providers. Landmine victims are often forced, if it is possible, to leave the country in search of treatment. During 2003, it was reported that the number of landmine victims crossing into Tak Province, Thailand in search of medical assistance increased. In September 2003, the International Committee of the Red Cross reported eleven cases of landmine injuries, four of which were in Mae La refugee camp (source: "Open Session Summary," CCSDPT, 8 October 2003).

In addition, authorities in the neighboring countries of Thailand and Bangladesh have claimed that troops from both the Burmese Army and various insurgent forces have crossed the border and subsequently laid mines on their soil. Cross border issues of mine use have also involved logging projects with foreign agents where mines were used to protect contracted areas as well as to restrict expansion. (Source: "Halt Mine Use in Burma/Myanmar," ICBL, 28 April 2004)

16.4 Mine Deployment

Burma is the only other nation aside from Russia that continues to deploy landmines on a regular basis (source: "Landmine Use in Burma Continues," *The Irrawaddy*, September 11, 2003). There are currently three types of mines that are produced in Burma. These are the MM1, MM2, and Claymore-type mines (source: *Land Mine Monitor 2003*, ICBL, August 2003). The Burmese Army's primary supplier is the state-run Myanmar Defense Products Industries (source: *Under Pressure*, ALTSEAN, September 2003). In the past, the Burma Army imported mines originating from countries as varied as China, India, Israel, Italy, Russia and the United States. However, in 2003 it appeared that the Burmese Military restricted themselves to landmines that were already in their stockpile or that they produced themselves.

The Burmese Army's landmine deployment was focused on areas of heaviest insurgent activity such as the eastern states of Karen, Shan, and Karenni as well as the western border areas in Chin and Arakan States. Mines were laid for militarily strategic gains, as well as for the purpose of severing contact between the civilian population and insurgent forces.

In 2003, it was reported that there were at least 15 armed groups using mines. These include the Pa-o People's Liberation Front; All Burma Muslim Union; Wa National Army; Rohingya Solidarity Organization; Chin National Army; Shan State Army; United Wa State Army; Karenni Army; Karen National Liberation Army; Democratic Karen Buddhist Army; All Burma Students Democratic Front; People's Defense Forces; and Myiek-Dawei United Front. The New Mon State Party (NMSP) as well as a splinter group, the Hongsawatoi Restoration Group (HRG) were both reported to have recently begun to use mines as well (source: *Landmine Monitor Report 2003*, ICBL, August 2003). A representative from the NMSP however, denied these allegations and claimed that the group had not used mines since their ceasefire with the SPDC in 1995 (source: "Landmine Use in Burma Continues," *Irrawaddy*, 11 September 2003).

Insurgent forces have a variety of means to procure landmines which include buying them on the black market and manufacturing their own, often with organic materials. Moreover, the International Campaign to Ban Landmines reported, "At least several hundred landmines in NSA [Non State Actor] arsenals have come from lifting SPDC-laid mines, or from SPDC stocks seized during operations. NSAs have, in some cases, re-laid these SPDC mines." In 2003, the DKBA was also manufacturing a Claymore-type directional fragmentation mine. (Source: *Landmine Monitor Report 2003*, ICBL, August 2003)

16.5 De-mining

Inside Burma, no de-mining activities for humanitarian purposes took place in 2003 (source: "Halt Mine Use in Burma/Myanmar," ICBL, April 2004). The limited de-mining that did take place was usually by civilians under the coercion of the Burmese Military for strategic goals. There has also been no systematic recording done of mined areas either by the Burmese Army or insurgent forces (source: *Impact of Landmines on Children in the East Asia and Pacific Region*, UNICEF, September 2003). This creates serious difficulties for any future de-mining efforts. Insurgent soldiers have, in the past, claimed that they've given verbal warnings to local villagers about landmine locations. Conversely, landmine victims interviewed in a survey by Non-Violence International, did not provide any reports of having ever heard such a warning (source: *Landmine Monitor Report 2003*, ICBL, August 2003).

16.6 Thailand-Burma Border

Burma's border with Thailand has been systematically mined and civilians suffered in 2003 from mines that may have been laid many years before. The Burmese Army continued its attempts in 2003 to use mines as a means of controlling the movement of both insurgent forces and civilians. Footpaths between villages were mined seemingly to prevent interaction between villagers and armed groups. SPDC and DKBA troops also laid mines in farmland as well as in villages after they were burnt down in order to prevent villagers from returning to former homes once they had been forcibly removed.

Many jungle routes that lead across to Thailand were also mined. This was ostensibly to prevent armed groups from crossing the border but also served to restrict refugees from both leaving for Thailand and returning to Burma. This has the dual effect of creating landmine victims and hindering their efforts to seek treatment in Thailand. There were reports of refugees returning to Burma from Thailand and being killed on their way in landmine explosions. (Source: *Landmine Monitor Report 2003*, ICBL, August 2003)

16.7 Bangladesh-Burma Border

The 208 kilometer long Burma-Bangladesh border that passes through extremely rugged terrain, continues to be one of the most heavily mined areas in the country. The Burmese Army has deployed landmines here since 1991, when 250,000 Rohingya Muslims fled to Bangladesh from Arakan State. The mines were allegedly laid to restrict the cross-border movement of insurgent forces, though it has also made it extremely dangerous for the subsequent travel of refugees both fleeing and returning to Burma as well as economic migrants and traders.

The Bangladesh-Burma border has also been mined by an opposition group named the Rohingya Solidarity Organization. The Bangladesh government has protested against the Burmese army's cross-border deployment of mines that continues to cause injuries in both countries. Reports of landmine victims in this area continued in 2003 along with alleged executions of landmine survivors by Nasaka (border security) officers. (Source: *Landmine Monitor Report 2003*, ICBL, August 2003)

16.8 India-Burma Border

The U.S. Department of State reported that Naga refugees who sought shelter in India from SPDC military campaigns in 2001 have since grown in number to around 15,000 people. During 2003, they represented a larger population and were being pressured to return to Burma. They remained in difficult conditions in India however, at least partially because of reports that SPDC troops had burnt down their villages and laid landmines mines in order to dissuade them from returning. (Source: *Country Reports on Human Rights Practices - 2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004)

16.9 Mine Risk Education

On 17 February 2003, a Briefing Session on "Landmine Issues in Myanmar" was hosted in Rangoon by the United Nations Development Program (UNDP). The session was organized around discussions with Nobel Peace Laureate Jody Williams, ICBL Coordinator Liz Bernstein, and the Landmine Monitor Burma/Myanmar researcher. It was attended by representatives from five UN agencies and eleven international and local NGOs. (Source: *Landmine Monitor Report 2003*, ICBL, August 2003)

Further Mine Risk Education was given in Thailand to cross border medical workers in January 2003. In June 2003, Mines Advisory Group gave a five-day workshop on mine risk issues in Mon State. (Source: *Landmine Monitor Report 2003*, ICBL, August 2003)

16.10 Landmines – partial list of incidents 2003

Chin State

In August 2003, it was reported that an elderly member of the Kumi community, who had been forced to work as a military porter near the tri-border area (India/Bangladesh/Burma), was executed after stepping on a landmine and pleading for help. (Source: *Landmine Monitor Report 2003*, ICBL, August 2003)

Karen State

Note: Dooplaya, Pa-an, Papun and Thaton Districts, as reported below, are all areas demarcated by the KNU as Karen territory. Thaton District falls mostly in the SPDC demarcated area of Mon State, while the area to the east of the Donthami River lies within SPDC demarcated Karen State. Thaton District is under the patrol of the 1st Brigade of the Karen National Liberation Army (KNLA). Dooplaya District falls mostly in SPDC demarcated Karen State and partially in SPDC demarcated Mon State. Dooplaya District is under the patrol of the 6th Brigade of the KNLA. Papun and Pa-an Districts fall entirely in SPDC demarcated Karen State. Papun District is under the patrol of the 5th Brigade of the KNLA and Pa-an is under the patrol of the 7th Brigade of the KNLA. The SPDC does not recognize these as official districts. Instead, the SPDC considers there to be 3 districts (North to South: Kawkareik, Pa-an and Myawaddy) and 7 townships (North to South: Than Daung,

Papun, Hlaing Bwe, Pa'an, Kawkareik, Myawaddy, and Kya In Seik Gyi) within SPDC demarcated Karen State. These townships do not correspond with the KNU demarcated districts and townships, even for those which share the same name.

In January, a 23-year-old elephant was injured by a landmine on the Burma side of the border with Thailand near Umpang, followed in February 2003 by a 26-year-old elephant injured by a landmine near Mae Ramet. Both were transported to the Friends of the Asian Elephant in Thailand. (Source: *Landmine Monitor Report 2003*, ICBL, August 2003)

Pa-an District

On 23 February, at 1:40 pm, troops from DKBA 999 under the control of Maung Chit Thu came to Htee-law-thi village and planted landmines. As a result, Saw Moo Wah (age 13), later stepped on a landmine and lost one of his legs. (Source: KIC, 2003)

On 24 July, DKBA troops led by Pah Daw Bo planted landmines in the villagers' chili plantation in Lu Plein Township of Pa-an District and wounded a woman, Naw Dah Dah (age 45) from Khaw-thoo-kee village. (Source: Department of Information, KNU, 2003)

On 1 August, combined troops from Burma Army LIB 703, Column 2 led by Bo Sein Win and DKBA led by Pah Daw Bo and Moe Kyo came to Si-pah-day-kee village in Lu Plein Township of Pa-an District and completely burned down the village including farm huts. After that they shot dead villagers' domestic animals such as pigs, chickens, and goats for meat. They then planted numerous landmines in the village. (Source: Department of Information, KNU, 2003)

On 26 September, it was reported that 6 people died as a result of a DKBA truck hitting a landmine in Thai Gan Nyi Naung village, 9 miles from Myawaddy. 4 DKBA trucks were on their way to Pa'an when 1 hit the landmine, killing 6 and seriously wounding 3, who were sent for medical treatment at Myawaddy Hospital. DKBA Captain Aung Myint was 1 of the 6 that were killed. It was unknown whether the KNU or the Burmese Army had planted that particular landmine. (Source: "Mine Blast Kills 6 DKBA Soldiers," Shin, Aung Su, *Irrawaddy*, 26 September 2003)

Pa-pun District

On 18 January, 9 civilians including 8 women were injured in a mine explosion. The victims were from Hsaw Pwe Der and Kyo Kho Der, Kaw Pu village tract, Bu Tho Township, Papun District, Karen State. They had been forced to act as porters and go to the front to work as mine sweepers by Battalion Commander Mya Thaung from LIB 341. They were also forced to send military food supplies between SPDC military camps, Hsaw Pwe Der and Pa Heh. Along the way a mine exploded in the bush, resulting in the injury of 6 people from Kyo Kho Der and 3 people from Hsaw Pwe Der. The 6 people from Kyo Kho Der were the following:

- (1) Naw Kyi Kha, age 20, daughter of Saw Win Sein;
- (2) Naw Der Hga, age 17, daughter of Saw Kar;
- (3) Naw Hai Kyi, age 20, daughter;
- (4) Naw Ma Paw, age 17, daughter of Pah Kyi Maung;
- (5) Naw Hto Pla, age 17, daughter of Pah Kho Thoo; and
- (6) Naw Kwaw Kho, age 20, daughter of Pah Bo Lah.

The 3 people from Hsaw Pwe Der were:

- (1) Naw Sa Say, age 19, daughter of Pah Maw Shwe;
- (2) Naw Thoo Thoo, age 15, daughter of Pah Thi Daw; and
- (3) Pah Ya Tha, age 27, son of Po Gay Hai.

Among the wounded, there were 3 girls under 18 years of age. (Source: KORD, 2003)

Thaton District

On 20 October, a buffalo belonging to a Plaw-po village was injured by a landmine planted by DKBA troops, near Plaw-po village in Thanton Township, Thaton District. (Source: KIC, 2003)

Mon State

In the second week of July, 3 porters from Ye Township were reported to have stepped on landmines while portering for the Burmese Army LIB 273. 38-year-old Nai Hein, died on the spot while 2 other men were cut badly on their legs. 3-4 days before Nai Hein's death, a woman named Mi Aye Thar also stepped on a landmine and died on the spot. (Source: "More porters died stepping on landmines," *The Mon Forum*, HURFOM, Issue No. 8/2003, 31 August 2003)

Pegu Division

Note: Nyaunglebin District is an area demarcated by the KNU as Karen territory. Nyaunglebin falls in SPDC demarcated Pegu Division and is under the patrol of the 3rd Brigade of the KNLA. The SPDC does not recognize Nyaunglebin as an official district.

Nyaunglebin District

On 29 January, villagers Saw Pa Blay (age 35), and Saw Sha Kaw Thaw stepped on landmines planted by troops from DKBA and SPDC LIB 599. As a result, Saw Pah Blay died on the spot and Saw Sha Kaw Thaw lost one of his legs. (Source: KIC, 2003)

On 22 March, Thant Zin Oo and his troops from an SPDC guerrilla unit planted landmines in Mone Township and, as a result, 2 villagers, Kyauk-kyi-pauk and Aung San Oo, were wounded by one of the landmines near Paw-lor place. On 23 March 2003, another Kyauk-kyi-pauk villager was wounded by one of the landmines. (Source: KIC, 2003)

Shan State

On 20 October 2003, a buffalo belonging to a Plaw-po village was injured by a landmine planted by DKBA troops, near Plaw-po village in Thanton Township, Thaton District. (Source: KIC, 2003)

On 8 November 2003, 2 villagers of Loiwiang, Kholam tract, Namzarng Township, who had fled to Fang in 1999 following Rangoon's forced relocation campaign, which occurred between 1996 and 1998, crossed the border into Mongton Township, Fang's adjoining neighbor in Burma's Shan State. The 2 were on their way to visit their homes when they stepped on a landmine. The blast resulted in 2 killed and 4 injured. The 2 that died were Sai Nyunt and Sai Pang and the 1 who was seriously wounded was Sai Ho, who was treated at Chiangmai's Pa Nge Hospital. (Source: "Landmines kill two on the border," S.H.A.N, 18 November 2003)

Tenasserim Division

Note: Mergui-Tavoy District is an area demarcated by the KNU as part of Karen territory. Mergui-Tavoy falls into SPDC demarcated Tenasserim Division and is under the patrol of the 4th Brigade of the KNLA. The SPDC does not recognize Mergui-Tavoy as an official district.

On 3 March 2003, 2 villagers from Hkosay Hta, in Kamoethway area, in the east of Tavoy, Tenasserim Division stepped on a landmine when they traveled to the surrounding area of the village. According to a local source, Burmese troops from IB 25, which controlled security in Kamoethway area, had planted many landmines on the footpath to the border to block the villagers' travel to the border of Thailand. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy Information Department, KNU, March 2003)

On 10 April 2003, an elephant owned by Saw Ki Kho stepped on a landmine set by Burma Army IB 17 and died. It happened by the side of a monastery at Pawat Plawhpahtaw (Pawat Kwinshe) in Tenasserim Township, in southern Tenasserim Division of Burma. In response to the death of that elephant the village leaders reported the case to IB 17's 2nd Column Commander Maj. Kyaw Lwin. The commander responded to them by stating that the activities of the military are not at all the responsibility of villagers and village leaders and, "Be careful to see that our army is trying to gain peace for all of you." (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy Information Department, KNU, April 2003)

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