

HUMAN RIGHTS YEARBOOK 2004



BURMA

HUMAN RIGHTS YEARBOOK BURMA 2004

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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For further information, please contact:

HUMAN RIGHTS DOCUMENTATION UNIT
P.O. Box 70
Mae Sot, Tak
63110, Thailand
E-mail: hrdums@yahoo.com

or

NCGUB INFORMATION OFFICE
P.O Box 14536 Ben Franklin Station
Washington, D.C. 20044, U.S.A
Tel: (202) 639 0639
Fax: (202) 639 0638
Email: ncgub@ncgub.net
Website: www.ncgub.net

Layout and designed by HRDU

**Views expressed in this book are not necessarily those of the
National Coalition Government of the Union of Burma**

(Front and Back Cover Photos: FBR, 2004)

Preface

H.E. Dr. Sein Win

Prime Minister

National Coalition Government of the Union of Burma

First of all, I would like to express my appreciation to all the human rights activists who have been dedicating their lives to expose the truth about the situation of human rights in a closed society like Burma where all information is suppressed by the military regime. In this context, we also cannot afford to forget the courage of the survivors of human rights abuses who had recounted their sufferings despite personal risks so that the international public will know of the plight of the people of Burma.

Regrettably, the Human Rights Yearbook for 2004, like in previous issues, cannot provide a complete picture of all the abuses in the country because of strict control over the media and lack of due process of law in Burma. However, one thing that the Yearbook does is to show that human rights violations are continuing unabated every year under military rule.

The worst forms of violations are taking place in the remote areas of Burma which are not accessible by the diplomatic community, the media, and human rights activists and where ethnic nationalities are residing.

The attack on the entourage of Daw Aung San Suu Kyi in May 2003 dealt a serious blow to the national reconciliation process in Burma. This Human Rights Yearbook shows that persistent human rights violations are being carried out systematically and widespread all over the country. It becomes obvious that the violations are not random disciplinary problems of individual soldiers or state security agents but the result of a standing policy at the highest level. In other words, the regime leaders are fully responsible for the heinous acts taking place.

The Burmese generals are becoming entrenched and even more hostile to the democratic and ethnic forces. Against this backdrop it becomes predictable that the violations will only increase this year.

The regime also refused to accommodate constitutional proposals by the ethnic delegates at the National Convention and the action, which subsequently led to a tense relationship with the ethnic cease-fire groups, resulted in even greater restrictions on the ethnic nationalities. More military units are now stationed in ethnic nationality areas and an increase in the number of soldiers has led to more human rights violations.

This Yearbook for 2004 once again shows that in this age of information, it is no longer possible for the regime to hide its human rights crimes. Information flow from Burma has been improving with each passing year and documentation of all sorts on human rights violations in Burma is but a click away on the Internet. Lest it is forgotten, these are not cases that simply need to be filed away because each case documented is a tragic account of human misery and suffering and shattered lives. They can be remedied not by sympathy but only by concrete international action to end the suffering in Burma.

Without such action, the Burmese generals will continue to ignore the recommendations of the United Nations to conduct an investigation into the "Depayin" massacre, or to cooperate with the United Nations for an independent inquiry into the reported rape cases by soldiers as suggested by the Special Rapporteur on Human Rights, Prof. Pinheiro, who had been denied a visit to Burma to perform his mandate since November 2003.

Burma has become one of the glaring examples of UN failure to protect and promote human rights in world nations. Let's hope the summit on UN reforms in September 2005 will remedy the situation.

H.E. Dr. Sein Win

Prime Minister

National Coalition Government of the Union of Burma

P.O Box 14536, Ben Franklin Station

Washington, D.C. 20044, USA

Tel: (202) 639 0639, Fax: (202) 639 0638

Email: ncgub@ncgub.net

Website: <http://www.ncgub.net/>

Table of Contents

Preface	I
Table of Contents	1
Burma at a Glance: Facts & Figures	2
Map of Burma	3
Historical Background	4
Acronyms and Abbreviations	13
Facts on Human Rights Violations in Burma 2004	
1. Forced Labor	22
2. Extra-judicial, Summary, or Arbitrary Executions	98
3. Arbitrary Detention and Enforced or Involuntary Disappearances	117
4. Torture	168
5. Deprivation of Livelihood	192
6. Rights of the Child	263
7. Rights of Women	306
8. Rights of Ethnic Minorities	340
9. Rights to Education and Health	366
10. Freedom of Belief and Religion	391
11. Freedom of Opinion, Expression and the Press	410
12. Freedom of Assembly, Association and Movement	438
13. Internally Displaced People and Forced Relocation	467
14. The Situation of Refugees	504
15. The Situation of Migrant Workers	538
16. Landmines in Burma	567
List of Resources and Contributors	579

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)
Area:	678,500 sq km
Coastline:	1,930 km
Population:	Approximately 50 million people
Population growth rate:	0.42% (2005 est.)
Birth rate:	18.11 births/1,000 population (2005 est.)
Death rate:	12.15 deaths/1,000 population (2005 est.)
Infant mortality rate:	Total: 67.24 deaths/1,000 live births (<i>male</i> : 73.11 deaths/1,000 live births, <i>female</i> : 61.03 deaths/1,000 live births) (2005 est.)
Life expectancy at birth:	<i>Male</i> : 54.31 years, <i>female</i> : 58.24 years (2005 est.)
Languages:	Arakanese, Burmese, Chin, Kachin, Karen, Karenni, Mon, Shan, Wa, English and more than 100 minority dialects
Religions:	Buddhist (89%), Christian (4%), (Baptist 3%, Roman Catholic 1%), Muslim (4%), Animist (1%), other (2%)
Last election:	May 27, 1990. NLD won 392 of the 485 seats contested
Government:	State Peace and Development Council
System of Government:	Military Dictatorship
Administrative areas:	Seven States (Arakan, Chin, Mon, Kachin, Karen, Kayah, Shan), Seven Divisions (Irrawaddy, Magwe, Mandalay, Pegu, Rangoon, Sagaing, Tenasserim)
LDC status:	Since 1987
GDP:	Purchasing power parity - \$74.3 billion (2004 est.)
GDP real growth rate:	1.3% (2004 est.)
GDP - per capita:	Purchasing power parity - \$1,700 (2004 est.)
Inflation rate:	17.2 (consumer prices) (2004 est.)
Natural resources:	Petroleum, tin, antimony, zinc, tungsten, lead, coal, some marble, limestone, precious stones, natural gas, hydropower.
Agriculture products:	Rice, pulses, beans, sesame, groundnuts, sugarcane; hardwood, fruit and fish products
Opium production:	292 metric tons; remains the world's second largest producer of illicit opium (2005 est.)
Refugees from Burma:	Approximately 453,500 in Thailand, 150,000 refugees in Bangladesh, 60,000 refugees in India, 25,000 refugees in Malaysia, and an unknown number of refugees in China.
Internally displaced persons:	Approximately 1 million persons

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 the CIA World Fact Book which was updated in 2005, the U.S. State Department, and the Thailand-Burma Border Consortium Six-Month Report. (July - December 2004).

Map of Burma



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 ceasefire 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, 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 1 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 1. Five days later, on August 30th, newly appointed Prime Minister Khin Nyunt announced a seven-point roadmap 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 ceasefire and non ceasefire. Most ethnic ceasefire 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 ceasefire and non ceasefire. However, despite the fact that these conditions went unmet, 34 ceasefire groups sent delegates to the National Convention, which was convened on May 17, 2004. This 34 included the 17 major ceasefire groups and various splinter groups.

On April 7, 2004, seven of the nine NLD Central Executive Committee (CEC) members were invited to attend the 2004 National Convention. The two excluded CEC members were the detained Daw Aung San Suu Kyi and U Tin Oo. The invited CEC members initially reported that the NLD's attendance was likely but contingent upon the SPDC's agreement to a list of requests. These requests included, among other things, the release of the remaining two NLD CEC members in detention, the release of all political prisoners and the reopening of NLD offices across the country. The NLD's requests also addressed the fact that the 2004 National Convention was to follow the "104 basic principles" and "six objectives" which had been created for the 1993 National Convention from which the NLD walked out in 1996. The "104 basic principles" and "six objectives" had been created to steer the constitution drafting process and ensured the military's dominance in a future government. The SPDC did not meet the NLD's principle demands and therefore the NLD boycotted the 2004 session of the National Convention.

In total, 1,076 out of 1,088 delegates attended the 2004 session of the National Convention. Only 15 MPs elected in the 1990 elections attended. In addition, only seven legally registered political parties that participated in the 1990 elections attended. Eight political parties, aside from the NLD, boycotted. These included the National Unity Party, the Kokang Democracy

and Unity Party, the Union Pa-O National Organization, the Mro or Khami National Solidarity Organization, the Lahu National Development Party, the Wa National Development Party and the Shan Nationalities League for Democracy. The Shan State Kokang Party was absent.

The 2004 session of the National Convention proceeded under highly restrictive conditions which suppressed the freedoms of opinion, expression, movement, assembly and association of the delegates. Moreover, Order No. 5/96, enacted by the SLORC in 1996, was maintained allowing for imprisonment of up to 20 years those who expressed political views which were considered a threat to the stability of the State. This law effectively prevented expression of opposition to any SPDC policies. The National Convention was recessed on July 9, 2004 and the next session was scheduled for early 2005.

In November 2003, the SPDC sent a delegation to meet with Karen National Union (KNU) leaders in Mae Sot, Thailand. 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 KNU and SPDC agreed upon a verbal ceasefire and formal ceasefire discussions commenced in early 2004. Yet, by the end of 2004, a formal ceasefire agreement had yet to be reached. Despite the verbal ceasefire agreement, fighting between KNU and SPDC forces persisted. In addition, human rights abuses perpetrated by state sanctioned actors continued to be reported in Karen State throughout 2004.

Following the KNU's decision to engage in ceasefire talks, the Karenni National Progressive Party (KNPP) also announced plans to engage in ceasefire discussions in late 2003. While talks had been scheduled for early 2004, progress was thwarted when the KNPP and SPDC disagreed over the KNPP's position of negotiation. Throughout 2004 both fighting and human rights abuses perpetrated by state sanctioned actors continued to be reported in Karenni areas. Despite this, the KNPP continued to express the desire to engage in formal ceasefire discussions with the military government.

On October 19, 2004, the SPDC reshuffled again with the removal and arrest of Prime Minister Khin Nyunt and many of his affiliates. Lt Gen Soe Win was appointed as the new Prime Minister and Lt Gen Thein San replaced Soe Win as Secretary 1. The reshuffle included several other shifts in government leadership and was viewed as a consolidation of hardliners among the top leadership of the SPDC. As Khin Nyunt had played a key role in the formation of most ceasefire agreements, his removal raised concerns regarding the status of these agreements with the new government leaders. However, the SPDC indicated that all ceasefire agreements would remain unchanged.

In conjunction with the reshuffle, the 1983 law on the National Intelligence Bureau (NIB) was annulled on October 22, 2004. The SPDC reported that the NIB was no longer appropriate for the well being of the people. As a result, the NIB and organizations within its apparatus, such as the Military Intelligence Services (MIS), were disbanded. In place of the MIS, the Military Affairs Security assumed the same responsibilities under the Directorate of Defense Services and SPDC Chairman Sr Gen Than Shwe. While many personnel from the former MIS were arrested or assigned to military service, others were transferred to perform the same duties within organizations in the new apparatus.

Despite the roadmap to democracy and the reconvening of the National Convention in 2004, the military authorities continued to detain those who engaged in peaceful political activities.

Over 1,300 political prisoners remained in Burma's prisons at the end of 2004 (source: AAPP, 2004). The SPDC reportedly released at least 177 political prisoners during the year. Seventy-six of these saw their freedom as a result of three mass prison releases which transpired following the removal of Khin Nyunt and the dissolution of the Military Intelligence. These 76 included Min Ko Naing, chairman of the All Burma Federation of Student Unions, who had been imprisoned for over 15 years. The SPDC announced the release of 14,318 prisoners from prisons across the country in the releases which transpired in November and December. 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 widespread 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 progress towards the abolition of forced labor. In June 2003, the ILO and SPDC signed a Joint Plan of Action, establishing a framework for the eradication of forced labor in Burma. The ILO liaison officer remained in Burma throughout 2004 and reported that whilst several credible reports of forced labor had been forwarded to the Convention 29 Implementation Committee, no case had successfully been taken to court in 2004. In addition, the removal of Khin Nyunt from the office of Prime Minister in October 2004 raised serious concern regarding Burma's commitment to the eradication of forced labor. Consequently, in late 2004, the ILO agreed to send a high level mission to Burma to assess the ruling generals' determination towards addressing the issue of forced labor. The high level team was scheduled to embark on their mission in early 2005 and their findings would inform the ILO's decision as to whether to go ahead with the Joint Action Plan or consider the imposition of sanctions.

In 2002, the SPDC permitted a visit by the United Nations Special Rapporteur for Human Rights in Myanmar for the first time since 1995. The new rapporteur, Professor Paulo Sergio Pinheiro, was able to conduct two missions in 2003. Yet in 2004, the SPDC denied Pinheiro permission to visit the country. At the same time, the UN Special Envoy Razali Ismail was able to visit the country only once during 2004, which was in early March.

At the end of 2004, both Daw Aung San Suu Kyi and U Tin Oo remained under house arrest in Rangoon. The SPDC continued to move forward with its plans for the 2005 session of the National Convention without the participation of the NLD. 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
AAPPB	Assistance Association of Political Prisoners- Burma
AASYC	All Arakan Students and Youth Congress
ABFSU	All Burma Federation of Student Unions
ABFSU-FAC	All Burma Federation of Student Unions – Foreign Affairs Committee
ABMU	All Burma Muslim Union
ABSDF	All Burma Students’ Democratic Front
ABSFU	All Burma Federation of Student Unions
ADSL	Asymmetric Digital Subscriber Line
AFP	Agence France Presse
AHRC	Asian Human Rights Commission
AIDS	Acquired Immune Deficiency Syndrome
AIR	All India Radio
ALA	Arakan Liberation Army
ALD	Arakan League for Democracy
ALP	Arakan Liberation Party
ALRC	Asian Legal Resource Center
AP	Associated Press
APFWLD	Asia Pacific Forum on Women, Law and Development
ARNO	Arakan Rohingya National Organization
ARV	Anti-retroviral treatment
ASEAN	Association of South-East Asian Nations
BAD	Border Area Development
BBC	Burma Border Consortium
BBC	British Broadcasting Corporation
BCN	Burma Centrum Nederlands
BERG	Burma Ethnic Research Group
BESU	Basic Education Student Union
BI	Burma Issues
BLC	Burma Lawyers Council
BLSO	Burma Labor Solidarity Organization
BMA	Burma Media Alliance
BMA	Burmese Media Association
BSI	Bureau of Special Investigation
BSPP	Burmese Socialist Program Party
BWU	Burmese Women’s Union
CAD	Culture and Arts Developers

CATW	Coalition against Trafficking in Women
CBC	Calvary Baptist Church
CD	Compact Disk
CEC	Central Executive Committee
CEDAW	Convention on the Elimination of Discrimination of Women
CEO	Chief Executive Officer
CESCR	Committee on Economic, Social and Cultural Rights
CHRF	Chin Human Rights Foundation
CHRO	Chin Human Rights Organization
CICC	Center for the International Cooperation for Computerization
CID	Criminal Investigations Department
CIDKP	Committee for Internally Displaced Karen Persons
CNF	Chin National Front
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CPB	Communist Party of Burma
CPJ	Committee to Protect Journalists
COMMIT	Coordinated Mekong Ministerial Initiative against Trafficking
CRC	Convention on the Rights of the Child
CSW	Christian Solidarity Worldwide
CU	Cultural University
DAB	Democratic Alliance of Burma
DDSI	Directorate of Defense Services Intelligence
DKBA	Democratic Karen Buddhist Army
DPDC	District Peace and Development Council
DPNS	Democratic Party for a New Society
DNA	Deoxyribonucleic Acid
DOTS	Directly Observed Treatment Short Course
DPDC	District Peace and Development Council
DPNS	Democratic Party for A New Society
DSI	Defence Service Intelligence
DVB	Democratic Voice of Burma
ECS	Economic Cooperation Strategy
ENC	Ethnic Nationalities Council
EP	Employee Pass
ERI	EarthRights International
ESCAP	Social Commission for Asia and the Pacific
EU	European Union
E-visa	Electronic Visa
FBR	Free Burma Rangers
FEC	Foreign Exchange Certificates
FOT	Field Observation Team
FRC	Foreign Resident Card

FTI	Federation of Thai Industries
FTUB	Federation of Trade Unions – Burma
FTUK	Free Trade Unions-Kawthoolei
GAIL	Gas Authority India Ltd.
GBA	Gankaw Baptist Association
GDP	Gross Domestic Product
HQ	Head Quarters
HRDU	Human Rights Documentation Unit
HREIB	Human Rights Education Institute of Burma
HRP	Hongsowatoi Restoration Party
HRW	Human Rights Watch
HURFOM	Human Rights Foundation of Monland
IB	Infantry Battalion
ICFTU	International Confederation of Free Trade Unions
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
ICT	Information and Communication Technology
ID	Identity
IDC	Immigration Detention Centers
IDP	Internally Displaced Persons
ILO	International Labour Organization
IMNA	Independent Mon News Agency
INGO	International Non Governmental Organization
IOM	International Organization for Migration
IRD	Internal Revenue Department
IT	Information Technology
ITBMU	International Theravada Buddhist Missionary University
KB	Kanbawza Bank
KCBA	Kuki Chin Baptist Association
KDA	Kachin Defence Army
KHRG	Karen Human Rights Group
KIA	Kachin Independence Army
KIC	Karen Information Committee
KIO	Kachin Independence Organization
KNA	Karen National Association
KnA	Karenni Army
KNAHR	Karenni News Agency for Human Rights
KNDA	Karenni National Defense Army
KNG	Kayan National Guard
KNLA	Karen National Liberation Army
KNLP	Kayan New Land Party
KNPLF	Karenni National People's Liberation Front

KNPP	Karenni National Progressive Party
KnSO	Karenni National Solidarity Organization
KNU	Karen National Union
KORD	Karen Office for Relief and Development
KRC	Karen Relief Committee
KS DP	Karenni Student Development Program
KSWC	Karenni Social Welfare Committee
KVTBA	Kabaw Valley Thadou Baptist Association
KWO	Karen Women's Organization
LDF	Lahu Democratic Front
LIB	Light Infantry Battalion
LID	Light Infantry Division
LNO	Lahu National Organization
LPO	Labor Protection Office
MAMD	Mon Army, Mergui District
MAN	Muslim Agency for News
MANA	Myanmar Anti-Narcotic Association
MAP	Migrant Assistance Program Foundation
MART	Myanmar Agricultural Produce Trade
MAS	Military Affairs Security
MCWA	Maternal and Child Welfare Association
MI	Military Intelligence
MMA	Myanmar Medical Association
MMCWA	Myanmar Maternal and Child Welfare Association
MNA	Myanmar Nurses Association
MNDAA	Myanmar National Democracy Alliance Army (MNDAA-Kokang)
NCGUB	National Coalition Government of the Union of Burma
MNLA	Mon National Liberation Army
MOB	Myanmar Oriental Bank
MOGE	Myanmar Oil and Gas Enterprise
MOI	Thai Ministry of the Interior
MoU	Memorandum of Understanding
MP	Member of Parliament
MRA	Monland Restoration Army
MRC	Myanmar Red Cross
MSF	Medecins sans Frontieres
MTA	Mong Tai Army
MUB	Myanmar Universal Bank
MWEA	Myanmar Women's Entrepreneurs Association
NC	National Convention
NCGUB	National Coalition Government of the Union of Burma
NCSM	Nationalist Socialist Council of Nagaland

NCUB	National Council of the Union of Burma
NDAA	Army (NDAA-east Shan State)
NDA-K	New Democratic Army-Kachin
NDD	Network for Democracy and Development
NGO	Non-Governmental Organization
NIB	National Intelligence Bureau
NLD	National League for Democracy
NLD-LA	National League for Democracy-Liberated Area
NLD-LA (Youth)	National League for Democracy-Liberated Area (Youth)
NLD-LA (Women)	National League for Democracy-Liberated Area (Women)
NMG	Network Media Group
NMSP	New Mon State Party
NSC	National Security Council
NSCN	National Socialist Council of Nagaland
NUPA	National United Party of Arakan
NWCWA	National Working Committee for Women's Affairs
OCMI	Office of the Chief of Military Intelligence
ONGC	Oil and Natural Gas Corporation
OSS	Office of Strategic Studies
PABs	Provincial Admissions Boards
PDC	Peace and Development Council
PHR	Physicians for Human Rights
PLF	Palaung Liberation Front
PLO	Pa-O Liberation Organization
PNO	Pa-O National Organization
POC	Persons of Concern
PR	Permanent Resident
PR	Public Relations
PSB	Press Scrutiny Board
PSLP	Palaung State Liberation Party
PSRB	Press Scrutiny and Registration Board
PTT-EP	Petroleum Authority of Thailand Exploration and Production Public Co. Ltd
PYAN	Palaung Youth Action Network.
PYNG	Palaung Youth Networking Group
RFA	Radio Free Asia
RI	Refugees International
RM	Ringgit
RNA	Rohingya National Alliance
RPDC	Electric Power Development Company
RPG	Rocket Propelled Grenade
RSF	Reporters sans Frontieres
SDA	Seventh Day Adventist

SDC	Special Detention Centre
SEARC	Southeast Asia Research Centre
SEARIN	South East Asia Rivers Network
SHRF	Shan Human Rights Foundation
SID	Special Investigations Department
SLORC	State Law and Order Restoration Council
SMNC	<i>Sangha Maha Navaka Committee</i>
SNLD	Shan Nationalities League for Democracy
SPDC	State Peace and Development Council
SPIF	Special Police Information Force
SSA	Shan State Army
SSNA	Shan State National Army
STD	Sexually Transmitted Disease
SUARAM	Suara Rakyat Malaysia
SWAN	Shan Women's Action Network
SYCB	Student Youth Congress of Burma
SYUF	Student and Youth Union Front
TB	Tuberculosis
TBBC	Thai Burma Border Consortium
TPDC	Township Peace and Development Council
U.S.	United States
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNA	United Nations Alliance
UNAIDS	Joint United Nations Program on HIV/AIDS
UNDP	United Nations Development Program
UNESCO	United Nations Education, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission on Refugees
UNICEF	United Nations International Children's Emergency Fund
UNLD-LA	United Nationalities League for Democracy – Liberated Area
UPE	Universalization of Primary Education
USA	United States of America
USCRI	U.S. Committee for Refugees and Immigrants
USDA	Union Solidarity and Development Association
UWSA	United Wa State Army
UXO	Un-Exploded Ordinance
VBSW	Vigorous Burmese Student Warriors
VOA	Voice of America
VPDC	Village Peace and Development Council
WCDRB	Working Committee for Demonstration Restoration in Burma

WFP	World Food Program
WHO	World Health Organization
WLB	Women's League of Burma
WNA	Wa National Army
WNO	Wa National Organization
YCOWA	Yaung Chi Oo Workers' Association
YMA	Young Mizo Association

Abbreviations

a.k.a	also known as
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
Rev.	Reverend
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
crore	1 crore = 10 million
FEC	1 FEC = US\$1 = kyat 6.5 (official) 1 FEC = kyat 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
crore	monetary unit of India (see "Measurements")
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 spelt in a variety of ways, according to different spelling conventions or by how they sound. 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.

A list of alternative spellings 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
Pathein	Bassein
Pyay	Prome
Sittoung	Sittaung
Sittwe, Sittway	Akyab
Tanintharyi	Tenasserim
Thandwai	Sandoway
Thanlwin	Salween River
Taungyin	Moei River
Yangon	Rangoon

1. Forced Labor

Forced Labor: work or service which is extracted from any person under the menace of any penalty and for which the said person has not offered themselves voluntarily.

- Article 2, Forced Labour Convention No. 29, ILO, 1930

1.1 Overview

Background and Developments

The International Labor Organization (ILO) Forced Labor Convention 1930 (No. 29) was ratified by Burma in 1955. Despite this, in 2004, both multinational organizations and non-government organizations have provided extensive reports on Burma's continued use of forced labor. The use of porters to carry army rations and other supplies for the army continued throughout 2004. Forced labor on infrastructure projects, such as the repair and construction of roads and bridges, and on the building and maintenance of military camps also remained widespread, as did the forced conscription of villagers into the military.

Both the ILO and the United Nations (UN) expressed their concern in 2004 about the continued widespread use of forced labor in Burma, particularly in ethnic border areas where there is a strong military presence. EarthRights International and Karen Rivers Watch have both recently produced reports which highlight the correlation between the presence of the Tatmadaw (armed forces) and human rights abuses, including forced labor. They contend that development project sites are of particular concern as they typically involve an increase in the number of army battalions in an area. The need to secure the site is used as a justification by the Burmese government to increase the military's presence in the area. This increase results in an augmentation in human rights violations, including the use of forced labor, with villagers not only being forced to work on the project site but also to construct and maintain military barracks (source: *Another Yadana: The Shwe Natural Gas Pipeline Project (Burma-Bangladesh- India)*, ERI, 27 August 2004). The problems associated with an increased military presence are heightened further still when development project sites are located in ethnic minority areas, as there may be ethnic resistance movements within these areas. Karen Rivers Watch has gone so far as to argue that the SPDC has used the "convenient guise" of development to infiltrate ethnic minority areas and further their offensives against resistance movements. They argue that multinational corporations and foreign governments involved in the financing and construction of these development projects are therefore complicit in the human rights violations perpetrated by the Tatmadaw (source: *Damming at Gunpoint: Burma Army Atrocities Pave the Way for Salween Dams in Karen State*, Karen Rivers Watch, November 2004).

The methods employed by the Tatmadaw and SPDC authorities to extract forced labor have changed in recent years. Previously, military officers would send written orders to the village headman demanding villagers for forced labor. More recently, fewer written orders have been issued. Instead, villagers are requested to attend meetings in which orders for forced labor are issued verbally by military officers or SPDC authorities. In some instances, villagers have been forced to sign statements that they have contributed their labor voluntarily. It was reported in 2004 that the term used by military officials and SPDC authorities when referring

to forced labor had also changed. In traditional Buddhist ideology, a villager may contribute voluntary labor, such as cleaning a temple, in order to gain merit. The term *loh ah pay* is used to denote this traditional form of voluntary labor. Reports of SPDC officers using the term *loh ah pay* when demanding forced labor for porter duty, road construction and labor at military camps began to surface in 2004. This redefining of forced labor was described to Karen Human Rights Group (KHRG) researchers by a villager in the following terms: "Now they don't tell us to go and porter any more. They tell us to go and do *loh ah pay*. We still have to go for that (portering). It is not different, we still have to carry just the same. It is not any different: they just call it by a different name." KHRG has gone so far as to argue that this redefining of forced labor as traditional *loh ah pay* has been used to "cover up" the use of forced labor and to make it "sound nicer to foreigners" (source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District*, KHRG, September 2004). This argument appears to be supported by statements from Soe Nyunt, the director general of the Labor Department of the Ministry of Labor. Soe Nyunt has defended Burma's use of forced labor by drawing on the Buddhist tradition of voluntary labor within Burma. He has stated that the "Eradication of forced labor affects this tradition" and that Burma would "suffer a loss of culture" if forced labor was eradicated (source: Yeni, "Military Junta Slams ILO," *Irrawaddy*, 16 March 2005).

In 2004, the ILO called for an evaluation of the Burmese regime's current attitudes and commitment to addressing the issue of forced labor within Burma. In 2000, the ILO had, in an unprecedented move, recommended the imposition of trade and other sanctions under Article 33 as a means to ensure that Burma was not engaging in the use of forced labor. In order to avoid the imposition of sanctions, the SPDC issued a Supplementary Order to Order 1/99 making the use of forced labor a criminal act punishable under section 374 of the Penal Code. In 2002, the SPDC agreed to allow the ILO to appoint a liaison officer to Burma. In June 2003, the ILO and SPDC signed a Joint Plan of Action, which was designed to establish a framework by which the SPDC could take credible steps towards the eradication of forced labor. Despite this agreement, several developments in 2004 led the ILO to consider the reactivation of its recommendations from 2000. Most strikingly, in November 2003, three men were accused of "high treason" and sentenced to death on charges which included communication with the ILO regarding the situation of forced labor in Burma. Furthermore, despite the ILO having referred 38 credible cases of forced labor to the Convention 29 Implementation Committee, a Committee consisting of SPDC officials, by November 2004 no case had successfully been taken to court. Rather, in two of the cases that were rejected by the SPDC the accusers were prosecuted for deformation and imprisoned for six months. These factors, combined with the ousting of Khin Nyunt on 19 October 2004, led the ILO to question the Burmese regime's commitment to the eradication of forced labor. Consequently, the ILO agreed to send a high level mission to Burma to evaluate current attitudes and assess the determination of the generals to address the issue of forced labor. This mission is due to provide its report to the ILO Governing Body in their March 2005 session.

In December 2004, the Unocal U.S. federal and state lawsuits were settled. The cases were originally filed in 1996 on behalf of villagers who were the victims of forced labor and other human rights abuses at the hands of the Tatmadaw during the construction of the Yadana gas pipeline. Both cases were settled when an out of court "in principle" agreement was reached between Unocal and the plaintiffs. The agreement not only promises to provide the villagers with compensation but also to provide funds for the development of programs to improve the living conditions, healthcare and education of people in the pipeline region as well as

protecting their rights. (Source: "Unocal Plans to Settle Human Rights Suits Stemming from Pipeline Project in Burma," BNA, 14 December 2004).

Forced Portering

In ethnic border areas where the SPDC has established numerous military camps, the use of porters to carry camp rations and other supplies to military camps remains widespread. Reports of beatings, illness and sometimes killings are common and as a result porter duty is considered one of the most dangerous forms of forced labor. Typically, the number of porters and the days that they will be required for porter duty are demanded by the Tatmadaw through a written order or at village meetings organized by the SPDC. If a village cannot supply the number of men required by the Tatmadaw for use as porters, women and children are used to make up the quota. Monthly or bi-monthly military camp rations are delivered by truck to central locations and then transferred to baskets which the villagers are made to carry to the various military camps in the area. The delivery of camp supplies usually takes a day or two and can require in excess of one hundred villagers. Some villages are required to provide porters as often as three times a month. The risks involved in porter duty, together with the fact that porter duty directly affects villagers' ability to attend to their fields, leads some villagers to hire itinerant laborers to work as porters in their place. However, itinerant laborers are relatively expensive and are beyond the means of most villagers.

The Tatmadaw also use porters during their military operations to carry ammunition and other supplies. This form of porter duty is considered more dangerous as villagers can be taken from their villages for weeks at a time and can be placed directly in the line of fire during military offensives. While demands for "operation porters" typically go through the village head, it is not unusual for SPDC soldiers to capture villagers in the village or in the surrounding fields. Porters caught this way are forced to serve immediately and are consequently ill equipped, not having had the opportunity to pack food or other necessities for the trip. Furthermore, as the soldiers are under pressure to reach their desired location on time and are fearful of attack, "operation porters" are often treated very harshly. "Operation porters" are required to carry heavier loads than normal porters, sometimes as much as 30 viss (49 kilograms) for men and 20 viss for women (33 kilograms). Additionally, they are given little opportunity for rest, given little food and water and must sleep out in the open. Illness as a result of such harsh conditions is common among "operation porters", as are beatings and mistreatment by the SPDC soldiers. Porters who become too ill or too weak to continue are left behind in the forest to die. "Operation porters" have also been forced to walk in front of the soldiers as human mine sweepers and are shot if they attempt to flee. (Source: *Eastern Pa'an District: Forced Labour, Food Security and the Consolidation of Control*, KHRG, 23 March 2004)

Forced Labor for Infrastructure Projects

The SPDC 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 "model villages", as well as projects aimed at boosting economic potential. In 2004, there were numerous reports of forced labor for various infrastructure projects in border ethnic areas. For instance, in Chin State hundreds of villagers were forced to work on the repair of the India-Burma trade road. In Karen State and Mon State, road building projects were initiated to link surrounding villages and to provide access to military camps. Infrastructure projects, including clearing an area for an airport in

Sagaing Division and digging a pool for a hydro-electricity project in Kachin State, were also reported. Typically, the SPDC demands villages near the project site to provide one person per household to work on the project. Households that are unable to provide a laborer are often fined. Villagers are required to provide their own tools, food supply and often also building materials, such as stones and sand for road construction projects. The work is unpaid and hence many villagers have reported facing economic difficulty as a direct result of having to work on these projects. Furthermore, as male members of the household need to work in the fields in order to provide food for their families, women and children are often sent to fulfill orders for forced laborers.

The construction of *Natala*, or "model", villages continued in Arakan State throughout 2004 and detailed accounts of forced labor and other human rights abuses were reported. In May 2004, a "model village" project was initiated in Maungdaw Township, Arakan State. One hundred and thirty Rohingya households were forcibly evacuated and villagers from surrounding Rohingya villages were forced to work on the construction of 120 houses, a monastery, a school, a health center, and several ponds and wells. Agricultural land was also confiscated from the surrounding Rohingya villages to reallocate to the new settlers arriving from central Burma.

Forced Labor for Military Camps and Income Generation Projects

Local and international non-government organizations documented an increase in the military's presence in ethnic border areas in 2004. This presence of new military battalions has resulted in continued instances of forced labor as nearby villagers are made to not only repair and maintain existing military camps but also to provide most of the labor and building materials for the construction of new camps in the area. The construction of new camps involves the building of barracks and bunkers, digging trenches, erecting fences and clearing the ground in and around camps. At established military camps, similar work is often demanded to maintain the camp. In some areas, each village has to send several people on rotating shifts of one to ten days to the military camp for miscellaneous forced labor. This is sometimes referred to as "patrol" and routinely involves 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 as well as order letters to local villages. The construction of sentry posts in and near camps is common and laborers can then be required to provide sentry duty. Additionally, 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 in order to produce food for the camp. In the event of excess building materials, or crops being produced by the villagers, these are considered the property of the SPDC and are sold for their profit. Outright demands for food from nearby villages are common.

Forced Prison Labor

Both the ILO and human rights organizations have reported an increase in the use of prisoners for forced labor in recent years. Human Rights organizations have identified over 50 prison labor camps within Burma where prisoners, including woman and young girls, are forced to work on agricultural and infrastructure projects (source: Macan-Markar, Marwaan "Forced Labor Still a Problem in Burma," *Irrawaddy*, 10 June 2004). The widespread use of prisoners as porters in frontline military operations has also been reported (source: *Enduring*

Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District, KHRG, September 2004). Furthermore, there are instances of private businesses, for example the packing and car service industry, being given access to and actively exploiting prison laborers (source: "Pickled Tea Giants Reject the Use of Forced Labor," Network Media Group, 29 May 2003). Human rights NGOs, such as KHRG and the Assistance Association for Political Prisoners (AAPP), have speculated that the SPDC has attempted to deflect ILO and international criticism of the widespread use of civilian forced labor by substituting it, in part, with prison labor.

The living conditions, food supply and the treatment of prisoners are reportedly worse in prison labor camps than in prison. Consequently, prisoners attempt to pay large bribes to prison officials in order to avoid being sent to prison labor camps. Those who are unable to pay the bribes often endure extremely arduous and dangerous working conditions. Work can include blowing up rock faces, digging at cliff-sites and plowing fields in the place of animals. Reports of torture at prison labor camps are common, as are reports of inadequate or non-existent healthcare. (Source: *Forced Labor of Prisoners in Burma*, AAPP, May 2002)

Prisoners are also regularly organized into *won saung* ("porter battalions") and sent to porter for the army at frontline military camps. Prisoner porters are treated particularly brutally by the SPDC soldiers. Prisoners are often required to porter for long periods of time, sometimes for months. They are required to carry heavy loads, up to twice the weight of the loads carried by civilians. Porters are frequently beaten when they are unable to keep up and are not provided with medical treatment when they become ill. Prison porters are also used as human mine sweepers and human shields during military offensives. As a result, the death of prison porters is common. When not performing porter duty, prisoners are forced to work in military camps digging trenches, building fences and carrying water. (Source: *Enduring Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

Perhaps evidencing the contention that forced civilian labor is being substituted by prison labor, in 2004 there were reports of villagers being either arbitrarily arrested or arrested for minor offences, sentenced to serve a prison term and then being forced to porter for the army at the frontline. On 15 February 2004, for example, a local shop-keeper from Letpadan, having answered a knock at his front door late one evening, was reportedly arrested and taken to Tharawaddy Prison. The next day he, along with fifty other prisoners, was sent to Pa'an in Karen State where they were forced to porter for the Democratic Karen Buddhist Army (DKBA) (source: "The New Face of Forced Labor," *Irrawaddy*, 15 February 2004). The KHRG has documented similar accounts from people in Karen areas who have been sentenced to prison for trivial offences including the possession of illegal lottery tickets, failing to meet crop quotas and "hiding in the dark," a form of conspiracy charge which can be applied to anyone found outside not only after night fall but even in broad daylight (source: *Enduring Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004).

Forced Military Conscription

Following the 30 May 2003 Depayin Massacre, a compulsory military training program was systematically implemented throughout the country. Authorities indicated that the purpose of the training was to prepare the population to defend the country from destructive elements and foreign invasion. It was reported that mainly men between the ages of 18 and 40, civil

servants and members of state sponsored organizations were required to attend. The training reportedly ran for one month part-time or two weeks full-time during which time trainees were taught how to use small weapons and propaganda to defend the state.

In 2004, a few reports of compulsory military training surfaced and descriptions of these bore a close correlation with those from the 2003 training program. This similarity may suggest ongoing / routine programs being implemented by the Burmese military. For instance, reports from Mon State detailed a widespread military training program which included men between 18 and 50, USDA members, government servants and village headmen. The training was reportedly arranged by army battalions with low ranking commanders acting as trainers. Following the two to four week basic program, villagers were required to return after three or six months for an advanced training course. No payment was given to the villagers during the training period and villagers were required to pay food costs (source: *The Mon Forum*, Issue No. 8/2004, HURFOM, 31 August 2004).

Forced conscription of both adults and children into the army and people's militia continued throughout 2004. It was reported that the Burmese government continued its policy of not allow soldiers to leave the army at the end of their enlistment without first recruiting three or four replacements, even if this meant forced recruitment. Forced recruitment for the police force often followed a similar pattern. Reports of forced conscription in this manner continued throughout 2004. (Source: *Country Reports on Human Rights Practices - 2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 25 February 2005) (Please see chapter on the rights of the child for more information concerning child soldiers in Burma.)

1.2 ILO Activities in Burma

Background

In June 1999, the ILO approved a resolution that denounced Burma's widespread use of forced labor. In November 2000, the ILO, under Article 33, urged its 175 member governments to review their relationship with Burma and to impose both trade and other sanctions as a means to pressure Burma to discontinue the use of forced labor. Burma avoided the imposition of sanctions by agreeing to allow the ILO to open an office in Rangoon. Burma also issued a Supplementary Order to Order No. 1/99 which makes forced labor a criminal act. Order No. 1/99 states that "whoever unlawfully compels any person to labor against the will of that person shall [be] punished with imprisonment of either description for a term which may be extended to one year, or with fine, or with both." The Supplementary Order also widened the pool of persons liable under the Order to include authorities, members of the armed forces, members of the police force, and public service personnel. In March 2002, the ILO and SPDC agreed that the ILO would appoint a liaison officer to Burma. On 27 May 2003, the SPDC 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 for the newly created Field Observation Teams (FOT), 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 2003. However, work on the Action

Plan was twice suspended in the second half of 2003. The first time was following the 30 May 2003 Depayin massacre and the ensuing crackdown on the pro-democracy movement. The ILO considered that the events at Depayin called into question both the will and the ability of the authorities to make significant steps towards eliminating forced labor. In the second instance, the Action Plan was suspended in November 2003 when three Burmese citizens were accused of "high treason" and sentenced to death for having contact with the ILO and the Thai-based labor group Federation of Trade Unions – Burma. (FTUB).

2004 Developments

The death sentence imposed on three Burmese citizens, Naing Min Kyi, Shwe Man and Aye Myint, for having ILO connections at the end of 2003 raised serious concern within the ILO throughout 2004. One man was charged on the basis of having the business card of ILO interim liaison officer Richard Horsey while the other two men were found to be in possession of ILO documents (source: Macan-Markar, Marwaan "Forced Labor Still a Problem in Buma," *Irrawaddy*, 10 June 2004). The ILO worked diligently through diplomatic channels to have the three men released and in October 2004 a special appeals court reduced the sentences of Naing Min Kyi and Aye Myint's to 2 years imprisonment and Shwe Man's sentence to 5 years imprisonment. Further diplomatic efforts at the end of 2004 saw Nai Min Kyi and Aye Myint released on 3 January 2005 as part of the wider release of prisoners on Burmese Independence Day. Shwe Manh, however, remained in prison at the time of writing.

In March 2004, Burma agreed to allow an independent ILO appointed monitor, known as the "facilitator", to assist victims of forced labor to bring their cases before the Burmese judiciary. Despite this development, the ILO liaison officer expressed grave concern regarding the Burmese government's procedures for investigating allegations of forced labor. In November 2004, the liaison officer reported to the ILO Governing Body, drawing attention to the inherent conflict of interest that existed in the Burmese authorities' methods for investigating complaints of forced labor. Current procedure is that on receipt of a complaint the ILO liaison officer writes to the Convention 29 Implementation Committee with details of the allegation. The Convention 29 Implementation Committee then sends a FOT out to investigate the allegations. Persons found to have acted illegally are then prosecuted under section 374 of the Penal Code. However, the liaison officer noted that complaints alleging instances of forced labor by the military were not investigated by the Committee but rather passed to the Minister of Defence. These cases were then investigated by the army, with little feedback on the findings being reported to either the Committee or the ILO liaison officer. Significantly, by November 2004, the ILO liaison officer had received 72 complaints and had referred 38 cases to the Convention 29 Implementation Committee. Of these 38 cases, the ILO liaison officer had received responses to 18 cases. All 18 cases alleging forced labor were rejected. Indeed, in two of the cases rejected by the court, a counter-suit was lodged by the Burmese officials against the complainants for defamation and the complainants were both found guilty and sentenced to six months imprisonment. (Source: "Developments concerning the question of the observance by the Government of Myanmar of the Forced Labour Convention, 1930 (No. 29)," 291st Session of the International Labor Organization Governing Body, Fifth Item of the Agenda, November 2004)

On 19 October 2004, Khin Nyunt was ousted from the position of Prime Minister of Burma and replaced by Lt. Gen. Soe Win, who is considered a military hardliner. This development, in addition to pre-existing concerns (outlined above) were perceived by the Governing Body

of the ILO as calling into question the Burmese regime's commitment to addressing the continued practice of forced labor within Burma. Consequently, the Director-General agreed to send a high-level team to Burma in order to evaluate the attitudes of the authorities and their commitment to cooperation with the ILO. The Right Honourable Sir Ninian Stephen, former Governor General of Australia, Her Excellency Madame Ruth Dreifuss, former President of the Swiss Confederation and The Honourable Eui-yong Chung, former Chairperson of the Governing Body of the ILO, were selected to make up the high-level team. This team was due to visit Burma on 21 – 25 February 2005 and to report its findings to the ILO Governing Body in March 2005. The findings of the team would determine whether the ILO would reactivate measures under Article 33, as originally decided in the 2000 Conference resolution and which include trade and other sanctions, or would go ahead with the Action Plan to tackle forced labor within Burma. (Source: "ILO Revives Sanction Threat Against Myanmar," AFP, 19 November 2004)

1.3 Forced Labor Resulting from International Joint Ventures

The Settlement of the Unocal Law Suits

In 2004, the protracted Federal law suit John Doe et al versus Unocal Corp., 00-56603 and the state law suit Doe 1 v. Unocal Corp., Cal. Super. Ct., No. BC 237 980 came to a close. Both law suits were first filed in 1996 by EarthRights International on behalf of Burmese villagers who had suffered human rights abuses at the hands of the Burmese military. Although both the Federal and State cases had been pursued on different legal grounds, both were settled in an out of court in-principle agreement reached in December 2004 between the plaintiffs and Unocal, based in El Segundo, California.

Unocal has a 28 per cent stake in the Yadana gas project. The gas production company and the pipeline carry gas from an offshore field through Burma to Thailand. While 346 kilometers of the pipeline runs along the seabed from the offshore production platform, a 63 kilometer section of the pipeline runs through Burma's Tenasserim Division. Unocal's business partners in Burma contracted the Burmese military to secure the 63 km overland pipeline area and to build helicopter pads and an access road. The Burmese military, during the pipeline's construction between 1993 and 1996, engaged in widespread human rights abuses including murder, rape and forced labor whilst fulfilling their contractual obligations to secure the pipeline area. Both the Federal and State suits centre on Unocal's liability for the actions of the Burmese military. A group of Burmese villagers claimed that the army "engaged in a pattern of systematic human rights abuses and environmental degradation...to fulfill its contractual responsibilities to Unocal and Total" (source: Campell, Duncan, "Energy Giant Agrees Settlement with Burmese Villagers," *The Guardian* (London), 15 December 2004).

The U.S. 9th Circuit Court of Appeal had scheduled a second hearing on 13 December 2004. However, on 8 December 2004, attorneys representing both Unocal and the Burmese villagers told the Appellate Court that they had reached an "in-principle" settlement. The settlement was presented in a joint statement to the Appellate Court on 13 December 2004. While the terms of the agreement are confidential, representatives of Unocal and the Burmese villagers indicated that the settlement "will compensate plaintiffs and provide funds enabling

plaintiffs and their representatives to develop programs to improve the living conditions, healthcare, and education and protect the rights of people from the pipeline region" (source: "Unocal Plans to Settle Human Rights Suits Stemming from Pipeline Project in Burma," BNA, 14 December 2004). Terry Collingwood of the International Labor Rights Fund, a lawyer for the plaintiffs, said it was, "a landmark settlement that is going to do some great things for the victims in Burma" (source: Alden, Edward and Doug Cameron, "Unocal Pays Out in Burma Abuse Case," *Financial Times*, 14 December 2004).

Background to the Federal Case

The Federal case was first filed in 1996 in Los Angeles. A federal judge found that Unocal could not be held liable and dismissed the suit in 1997. The case then went to the Superior Court and the federal case was reinstated in 2002 by a three judge panel of the 9th Circuit Court of Appeal. In June 2003, the full panel of the 9th Circuit Court of Appeal heard arguments which centered on whether the 1789 Alien Tort Claims Act would allow refugees a trial in a federal court, even though the alleged crimes had occurred abroad (source: Chavez, Paul, "Unocal Urges L.A. Judge to Dismiss Human Rights Case," AP, 9 August 2004). The 1789 Alien Tort Claims Act was originally used to prosecute pirates in international waters and had been used subsequently, and successfully, by Holocaust survivors and relatives of people tortured and killed under dictatorships overseas. However, the law had never before been used to prosecute a multi-national company for its business activities abroad (source: Sussman, Anna, "Big Business Keeps Eye on Historic Rights Case," *Berkeley Daily Planet*, 23 November 2004).

In June 2003, the 9th Circuit Court of Appeal postponed the case until the U.S. Supreme Court had ruled on a separate but related Alien Tort Claims Act case, *Sosa v. Alvarez-Machain*, U.S., No. 03-339. In June 2004, the U.S. Supreme Court, with a 6-3 majority finding, ruled that the Alien Tort Claims Act could be used by foreigners to file lawsuits in American courts to address abuses overseas, including violations of certain international laws. In the majority opinion written by Justice David H. Souter, the court said that the door to alien tort suits "is still ajar subject to vigilant door keeping, and thus open to a narrow class of international norms today" (source: Girion, Lisa, "Court OKs Foreign-Abuse Suits," *Los Angeles Times*, 30 June 2004).

The U.S. Supreme Court ruling was hailed as a positive sign by both attorneys working for the plaintiff and for Unocal. While Paul Hoffman, a lawyer representing the plaintiffs, stated that slavery and forced labor allegations in the Unocal case were the types of abuses warranting federal court attention under the Supreme Court ruling, senior Unocal lawyer, Daniel Petrocelli, stated that "issues involving local labor conditions, issues involving local crime are matters internal to the affairs of the country. These are not the sorts of claims that would be so specific that resort to international law is required." (Source: Girion, Lisa, "Court OKs Foreign-Abuse Suits," *Los Angeles Times*, 30 June 2004)

Following the U.S. Supreme Court decision in *Sosa v. Alvarez-Machain*, the 9th Circuit Court of Appeal asked both Unocal and the lawyers representing the plaintiffs to file a supplementary brief addressing the effect of the Supreme Court's decision on their case. A second oral argument for 13 December 2004 was scheduled. However, as detailed above, the case was settled when an in-principle agreement was reached.

Background to the State Case

In tandem with the Federal court case, a case before the California Superior Court for the County of Los Angeles had been pursued under California law (*Doe 1 v. Unocal Corp.*, Cal. Super. Ct., No. BC 237 980). In this case, the plaintiff's accused Unocal under the Business and Professions Code, section 17200, of being liable for involuntary servitude in violation of state constitution, unfair business practices and unjust enrichment. (Source: "Unocal Plans to Settle Human Rights Suit Stemming from Pipeline Project in Burma," BNA, 14 December 2004)

Superior Court Judge Victoria Gerrard Chaney divided the case into two phases. The first phase began on 9 December 2003 and focused on whether Unocal or its subsidiaries should be held accountable for the human rights abuses perpetrated by the Burmese military during the construction of the Yadana pipeline. The second phase centered on the issue of vicarious liability and whether Unocal should pay damages. (Source: Chavez, Paul, "L.A. Judge to Issue Oral Ruling on Unocal Liability in Human Rights Case," *The Associated Press State & Local Wire*, 22 January 2004)

On 23 January 2004, Superior Court Judge Chaney ruled that Unocal was not directly liable for the human rights abuses. Attorneys for the plaintiff's had argued that Unocal, in order to deflect claims of liability, had concocted a number of shell businesses within Burma and that they therefore should be held liable under the legal doctrine of "alter ego". However, while Judge Chaney noted that "Unocal knew or should have known there were human rights abuses in Burma," she found that Unocal's five subsidiaries operating within Burma were separate entities and that they were responsible for Unocal's share in the gas pipeline. Judge Chaney noted that Unocal and its subsidiaries did share employees, offices and bank accounts, and that therefore there was no evidence that Unocal had manufactured these subsidiaries in order to avoid claims of liability. Judge Chaney found that Unocal's relationship with its subsidiaries mirrored that of many multinational companies and stated that "this court is unwilling to initiate a sea change in the way the majority of corporations do business." (Source: Girion, Lisa, "L.A. Judge to Issue Oral Ruling on Unocal's Liability in Human Rights Case," *L.A. Times*, 24 January 2004)

Following the favourable finding in phase one of the case, lawyers for Unocal moved to have the case dismissed. They argued that to not dismiss the case would render phase one of the trial "an academic and pointless exercise." Lawyers for the plaintiffs, on the other hand, moved to have the case brought to trial on the basis that Unocal's subsidiaries were acting as Unocal's agents and that they were engaged in a joint venture with Unocal. Such notions of agency would establish a separate basis of liability under which Unocal could be held accountable for the human rights abuses perpetrated during the gas pipeline's construction. (Source: Chavez, Paul, "Hearing Set for Unocal Human Rights Case," *Seattle Post Intelligencer*, 12 April 2004)

On 14 September 2004, Judge Chaney denied Unocal's motion to have the case dismissed. Judge Chaney noted that while there were commonalities between the legal theories of "alter ego" and agency, they were nonetheless distinct legal concepts (source: Girion, Lisa, "Unocal Must Face Abuse Suit," *Los Angeles Times*, 15 September 2004). A jury trial date was set for 21 June 2005. However, as noted above, the in-principle agreement presented to the 9th Circuit Court of Appeals on 15 December 2004 also brought the state case to a close.

Implication of the Unocal Case on Forced Labor in Burma

The Unocal case is the first time a U.S. multinational corporation has been held accountable for its foreign investment decisions. It shows that U.S. multinational corporations are vulnerable under U.S. law for their activities in foreign countries. In the future, multinational companies working with Burmese companies that engage the services of the Burmese military (or security forces) to protect their projects will no longer be free from the possibility of prosecution for human rights abuses that may occur. Similarly, they may be prosecuted for instances of forced labor related to these projects. As many of the supporters of the prosecution of Unocal have noted, this could have far reaching effects on how and where multinational corporations operate. Inside Burma, this may encourage the regime to cease the practice of forced labor in projects involving multinational corporations.

Legal Proceedings and Developments in the Total Case

In 2004, a further two cases relating to the Yadana gas project continued in France and Belgium. Total, formally known as TotalFinaElf, is the multinational French gas company who, along with Unocal, MOGE (Myanmar Oil and Gas Enterprise) and the Thai company PTT-EP (Petroleum Authority of Thailand Exploration and Production Public Co. Ltd), was responsible for the development of the Yadana gas field and pipeline in the 1990s.

The French case was first filed in August 2002 by two Burmese workers who have alleged that Total is guilty of acts constituting the crime of "illegal confinement." The plaintiffs claim that the Burmese military, nicknamed by the Burmese workers as the "Total battalions", forced villagers to work on the construction site by using death threats as well as physical and verbal violence and that they deprived workers of medicine and food. They claim that Total executives were present at the site and witnessed the actions of the Burmese military. The charges, brought against Total's President Director General, Thierry Desmarest, and Mr Herv Madeo, who was Director of the On-Site Operation (TOTAL Myanmar Exploration Production), include recruiting and paying battalions of the Burmese army and promoting a situation of forced labor on the construction site. (Source: *Campaign Report: Totalitarian Oil: Fueling the Oppression in Burma*, The Burma Campaign UK, February 2005)

In October 2003, the instructing judge heard testimonies by both the operations director of the project and one of the defendants. In May 2004, Sherpa, a French non-government organization, arranged for a witness and a plaintiff to travel to France to give their testimonies. On 11 January 2005, on the basis of the investigating judge's instruction, a three-judge panel in a Nanterre court decided to proceed with the case. (Source: *Campaign Report: Totalitarian Oil: Fueling the oppression in Burma*, The Burma Campaign UK, February 2005)

The Belgian case was first filed in April 2002 by four Burmese workers who have alleged that Total is guilty of acts constituting crimes against humanity and that Thierry Desmarest and Herv Madeo are complicit in these crimes. The plaintiffs have claimed that Total provided financial and logistical support to the Burmese army battalions, again referred to by the plaintiffs as the "Total battalions", and that Total was fully aware of the human rights abuses and the systematic use of forced labor during the construction of the pipeline. The plaintiffs have drawn attention to Total's "compensation" to 463 victims of forced labor in 1996 as evidence of their knowledge of the use of forced labor at the time. Under the Law of Universal Competence a Belgian court could find Total's Thierry Desmarest and Herv Madeo

guilty of complicity in crimes against humanity and sentence them to substantial jail terms. (Source: *Campaign Report: Totalitarian Oil: Fueling the Oppression in Burma*, The Burma Campaign UK, February 2005)

Future Threats of Forced Labor Involving International Participation

During 2004 a number of extensive road, rail and bridge agreements were either being discussed or had been reached between Burma and neighboring Bangladesh, India, Thailand and China. These agreements raise serious concerns regarding potential human rights abuses. A partial list of projects include the construction of a 1,360 kilometer highway connecting Burma, India and Thailand for which a survey was completed in New Delhi in December 2003. (Source: "Burma, India, Thailand Run Survey on Mega Highway Project," *Kaladan News*, 1 January 2004)

On 5 April 2004, Bangladesh's Communications Minister, Nazamal Huda, and Burma's Transport Minister, Major General Hai Myint Swe, laid the foundation stone for a 133 kilometer highway to be known as the Burma-Bangladesh friendship road, which will link Rangoon and Dhaka. The road, which will eventually link up with China and Thailand, will run 36 kilometers inside Bangladesh and 97 kilometers inside Burma. (Source: "Dhaka – Rangoon Highway Stone Laid Rumu," *Kaladan News*, 7 April 2004)

In July 2004, as part of Bangladesh's "Towards East" policy, the Roads and Highway Department (RHD) of Bangladesh had nearly agreed to the building of a bridge over the Karnaphuli River. The bridge, if built, will connect with the Asia Highway which runs between Bangladesh, Burma and Thailand. The construction of the bridge has reportedly been awarded, without tender, to a consortium of the Netherlands and Sweden. (Source: "Bridge to be Built on Karnaphuli Linking to Rangoon," *Kaladan News*, 24 July 2004)

In July 2004, India and Burma signed a Memorandum of Understanding (MoU) to develop Burma's railways. India has made available a line of credit of approximately US\$ 56 million for the building of the railways and the EXIM Bank of India and the Burma Foreign Trade Bank have also signed an agreement to finance the project. (Source: "India and Burma Signed MoU," *Kaladan News*, 28 July 2004)

The Shwe Gas Pipeline Project

In July 2004, drilling of the offshore gas field in the controversial Shwe gas pipeline project began. Shwe, which means gold in Burmese, is the name given to the new gas pipeline project which aims to capitalize on a major offshore gas field in Block A-1, located in the Bay of Bengal off the coast of Sittwe, the capital of Arakan State, in Western Burma. While initial exploration estimated that the field contained between four and six trillion cubic feet of recoverable gas, further drilling tests estimate that the gas field could yield an additional seven to twelve trillion cubic feet. It is speculated that the gas field could generate between US\$ 800 million to 3 billion in annual revenues for Myanmar Oil and Gas Enterprise (MOGE), which is owned by the Burmese military. (Source: *Another Yadana: The Shwe Natural Gas Pipeline Project (Burma-Bangladesh-India)*, ERI, 27 August 2004)

The Shwe Project Consortium consists of both South Korean and Indian entities. Daewoo International is the majority share holder (60%) while the remaining 40% is divided between the Korean Gas Corporation (10%), India's state owned Oil and Natural Gas Corporation

(ONGC) Videsh Ltd. and Gas Authority India Ltd. (GAIL) (30%). MOGE is responsible for coordinating the development of the joint venture within Burma. (Source: *Another Yadana: The Shwe Natural Gas Pipeline Project (Burma-Bangladesh-India)*, ERI, 27 August 2004)

While the exact route of the gas pipeline has not been made publicly available, it is likely that it will affect both Arakan and Chin States, located on the western boarder of Burma. These states are heavily militarized areas and the use of forced labor, forced relocation without compensation, torture, rape, and extra-judicial execution are widely documented by non-government organizations. The Burmese military's campaign to eradicate the Rohingya in northern Arakan State and to dilute the Chin population in Chin State has also resulted in the construction of "model villagers" and the in-migration of Burmans in both states. Given the history of human rights abuses in these states, it is feared by human rights organizations, such as EarthRights International, that the Shwe pipeline project will mimic the human rights violations witnessed during the construction of the Yadana pipeline. (Source: *Another Yadana: The Shwe Natural Gas Pipeline Project (Burma-Bangladesh-India)*, ERI, 27 August 2004)

Salween Dams

In 2004, construction of the Tasang Dam project appeared to have continued and feasibility studies at both the Weigyi (Upper Salween Dam) and Dagwin (Lower Salween Dam) Dam sites were conducted. Monitoring the dam sites is made difficult by Burmese military restrictions regarding access to the area, but some reports are available.

On 20 December 2002, the MDX Group, a Thai company, signed a MoU with Burma's Department of Hydroelectric Power to build the Tasang Dam in Shan State. Salween Watch, an organization monitoring the development of the dam, estimates the dam height to be 188 meters with potential electricity generation capacity of between 3,300–3,600 megawatts. While the progress of the Tasang Dam in 2004 was unclear, there were reports of soldiers guarding the dam site demanding villagers' porter for the army and build military infrastructure in the area. (Source: Akimoto, Yuki, "Hydro-powering the Regime," *Irrawaddy*, June 2004)

Burma and Thailand are in the process of developing hydropower plants at two further sites along the Salween River. Both of these dam projects are at an early stage of development with feasibility studies at both the Weigyi (Upper Salween) Dam site and Dagwin (Lower Salween) Dam site having been made in 2004. These two dams are located a short distance apart on the Thai-Burma border, at a section of the Salween where the river itself forms the border between the two countries. According to Japan's Electric Power Development Company (EPDC), the two dams would work in tandem with the smaller Dagwin Dam trapping water released by the Weigyi Dam and pumping it back up to the Weigyi Dam during off peak periods. Estimates, reported by Salween Watch, indicate that the Weigyi Dam will have a generation capacity of 4,540 megawatts with a dam height of 168 meters while the estimates for the Dagwin Dam are considerably lower at 792 megawatts with a dam height of 49 meters. Current humanitarian concerns regarding these two dams revolve around the lack of provisions being made for the future of inhabitants local to the dam sites, a lack of dissemination of information to local inhabitants, fears of forced labor during the construction phase of the projects, as well as grave concerns regarding the repercussions of increased regional militarization and the human rights abuses, including forced labor, which

this commonly entails. (Source: *Another Yadana: The Shwe Natural Gas Pipeline Project (Burma-Bangladesh-India)*, ERI, 27 August 2004)

1.4 Portering - Partial List of Incidents for 2004

Arakan State

From 13 to 16 July 2004, Area 3 Commander Ye Myint Tun and his troops ordered 6 villagers to carry ammunition and food rations. During these 4 days, they were not allowed to talk, and were neither fed nor paid. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

Chin State

On 5 January 2004, Major Thant Yin Oo of SPDC LIB 266, based at Sabawngte camp, ordered 14 villagers from Sabawngte village to accompany his troops as porters. Women and under age school children were among those ordered to porter for the troops. On 17 January 2004, the troops returned to Sabawngte and looted vegetables and 4 chickens from Pu Vel Lei, of Sabawngte village. When the villagers complained to Major Thant Yin Oo about the looting, the Major told them that the troops had not stolen from them but taken necessary provisions. (Source: *Rhododendron News*, Volume VII. No. I., CHRO, January-February 2004)

Rezua Township

On 10 August 2004, Major Khin Maung Cho, company commander of SPDC LIB 274, ordered Ruava village in Rezua Township to send 14 porters to the army camp no later than 11 August. The letter sent to the village headman demanding the porters included a G3 bullet and threatened that there would be consequences if he failed to obey the order. On 12 August 2004, a further 2 porters were demanded. On 16 August 2004, the porters were released from the army camp as the trip for which they had been ordered had been cancelled. The porters were told that they would be called again when wanted. (Source: *Rhododendron News*, Vol. VII. No. V., CHRO, September-October 2004)

Tonzang Township

From January 2004 to the date of this report, August 2004, Major Win Maung, company commander of Darkhai camp from SPDC LIB 269 based in Tonzang Township in northern Chin State, ordered 10 villagers and 15 horses from each village in Tonzang Township to be provided to the army for porter duty. The villagers were ordered to carry army supplies, such as rations, arms and ammunition, from Rih army camp to Darkhai camp, a distance of 30 miles. (Source: *Rhododendron News*, Volume VII. No. IV., CHRO, July-August 2004)

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

On 17 February 2004, Operation Command 1 Battalion, under the control of SPDC Military Operation Command 1 based at Azin, was to be replaced by SPDC IB 283 and IB 32 on 18 January 2004. As a result, the soldiers commandeered villagers' trucks in Azin area to carry food supplies to Htee Hta Baw area. (Source: CIDKP, 2004)

On 19 August 2004 at 8:00 am, SPDC IB 63 lead by Regiment Commander Thain Zaw Lin, Second Commander Kyaw Soe Oo and their soldiers, 130 plus, went to Wor Raw Township where they caught Nan Kway, Ku Na War and Ta Nyane villagers and ordered them to carry things. The villagers from Nan Kway were:

1. Saw Thain Zaw, male, age 29;
2. Saw Polo Wah, male, age 21;
3. Saw Kler Soe, male, age 30;
4. Saw K' Kya, male, age 31; and
5. Saw Taw Naw, male, age 35
6. The villagers from Ku Na War villagers were:
7. Saw Toe P' Wee, male, age 45;
8. Saw Shway Than Aung, male, age 26;
9. Saw Maung Tway, male, age 25; and
10. Saw Maung Aye Kyi, male, age 30.
11. The villagers from Ta Nyane villagers were:
12. Saw Kyaw Kleat Poe, male, age 45;
13. Saw Klot, male, age 23;
14. Saw Kin Tway, male, age 44;
15. Saw Pa Hong, male, age 37;
16. Saw Pa Chue, male, age 42;
17. Saw Hea Moo, male, age 39;
18. Saw Nay Hser, male, age 23;
19. Saw Tae Ka, male, age 25;
20. Saw Ka Kyi, male, age 29;
21. Saw Sae Poe, male, age 31; and
22. Saw Mg Kyi Tway, male, age 37.

These porters started carrying the military supplies at 8:00 am and arrived to Yae Paw village at 3:30 pm. Upon arrival, they were released. (Source: BI, 2004)

On 5 September 2004 at 5:00 pm, about 40 troops led by Operation 3 Commander, under SPDC South West Command Headquarters, came to Ta Nyin village in Win Yae Township, and took 14 villagers as porters. They were:

1. Saw Ler Lah, age 40;
2. Saw Nga Bya, age 25;
3. Saw Bo Kaw, age 40;
4. Saw Inn Sin, age 20;
5. Saw Maung Doh, age 20;
6. Saw Maung Ma, age 18;
7. Saw Pa Lah, age 31;
8. Saw Yo Po, age 26;
9. Saw Maw Kho, age 21;
10. Saw Thauk Kya, age 34;
11. Saw Ho Lay, age 40;
12. Saw Win Lin, age 23;
13. Saw win Yin, age 25; and
14. Saw Yeh Win, age 31. (Source: CIDKP, 2004)

On 9 September 2004 at 8:00 am, approximately 50 troops from SPDC LIB 308 under South West Command came to Lote Sha village in Win Yae Township and forcibly gathered 4 porters and looted a viss of chicken from villager Saw Ah Pyauk (age 27). The villagers who were forced to porter were:

1. Saw Toe Kay, age 36;
2. Saw Maung Shwe, age 36;
3. Saw Pa Ni, age 25; and
4. Saw Ah Htaw, age 25. (Source: CIDKP, 2004)

Pa'an District

From 11 March 2004 to 20 November 2004, SPDC LIB 101 of LID 77 together with DKBA Battalion 3 of 999 Brigade forced villagers from the village tracts of Kaw Pway, Kaw Toh, Noh T'Pweh, Htee Kywa, Kaw Nyeh, Toh Kaw Ko and Noh Htee Leh to carry supplies for them non-stop. (Source: *Forced Labour and the DKBA in T'Nay Hsah Township, Pa'an District*, KHRG, 21 February 2005)

Papun District

On 19 February 2004, troops from SPDC LIB 440 demanded 4 persons each day from Ma Lay Ler village in Dwe Lo Township to stay stand by at the army camp to carry supplies for the army column. (Source: CIDKP, 2004)

On 21 February 2004, Battalion Commander Kyaw Kyaw Win of SPDC LIB 374 gathered villagers from villages in Dwe Lo Township to carry army rations, including 3 sacks of rice, 1 sack of yellow beans, 1 sack of sugar and 10 viss of dry fish from Ma Hta village to Kler Per village. The following villages and number of persons were affected:

1. Ma Htaww village, 4 persons;
2. Thwa Kho Lor village, 3 persons;
3. Tha Ma Su Lor village, 2 persons;
4. Khaw Kla village, 2 persons; and
5. Ta Thoo Lor village, 1 person. (Source: CIDKP, 2004)

On 28 February 2004, Battalion Commander Kyaw Thu of SPDC LIB 350 demanded villagers from Mae Waing and Mae Thu village tracts to carry rations for the army from Tha Haw Lor, a place between Lay Kaw Hti and Mae Waing, to their army battalion base. (Source: CIDKP, 2004)

On 2 March 2004, Battalion Commander Kyaw-hu of SPDC LIB 350 forcibly gathered villagers in Mae Waing areas and ordered them to carry supplies for the army for 4 days, bringing with them their own food supplies. The villages and number of persons requested were:

1. Toe Kot Kyaw Khee village, 45 persons;
2. Khaw Wah village, 45 persons;
3. Toe Meh Khee village, 45 persons;
4. Ler Wah Kho village, 45 persons;
5. Upper Mae Waing village, 80 persons;
6. Mae Kaw Lor village, 80 persons;
7. Mae Waing Hta village, 80 persons;
8. Mae Waing main village, 30 persons;
9. Khaw Po Khee village, 30 persons;
10. Klo Khee village, 40 persons;
11. Mae Taru Lor village, 40 persons;
12. Day Law Pu village, 50 persons; and
13. Wah Tho Lor village, 50 persons. (Source: CIDKP, 2004)

On 3 March 2004, Battalion Commander Kyaw Thu of SPDC LIB 350 forcibly gathered villagers from Mae Waing and Mae Thu village tracts to carry food supplies from Mae Waing to Maw Thay Tha camp. (Source: CIDKP, 2004)

Karenni State

On 9 January 2004, a column of SPDC troops from LIB 122 came to Gaylo village, Lopwakhoo District, West of Mawchi. All the males in the village ran away as the Burmese army approached, leaving behind only women and children. About 20 women, together with 4 old men, were forced by the troops to serve as military porters, carrying equipment from one place to another. Eight women have been released but in March 12 villagers were still being held as porters by SPDC troops. (Source: KNAHR, 2004)

On 29 January 2004, SPDC troops from IB 7, under the command of LID led by Aung Kyaw Soe, forced about 40 villagers from Buko and Kwakee villages to transport military rations to Mawchi. The majority of them were females. The group also included two Baptist pastors named Kyar Htoo from Buko village and another pastor (unknown name) from Kwakee. The Burmese troops also burned all the newly cleared paddy fields along the Mawchi - Toungoo motor road in order to reduce the risk of ambush by Karenni forces. (Source: KNAHR, 2004)

Mon State

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.

On 1 June 2004, IB 289, stationed at Thanbyuzayat, was replaced by another battalion from Three Pagoda Pass and ordered 30 villagers to porter ammunition and other goods. The exchange of battalions occurs on a quarterly basis and villagers are ordered to provide porters for the departing battalion. The distance between Thanbyuzayat and Three Pagoda Pass is 37 miles and in the rainy session the trip can take up to 7 days due to bad road conditions and the need to navigate through several streams. Ambush by resistance groups is also common in the region. (Source: *The Mon Forum*, Issue No. 8/2004, HURFOM, 31 August 2004)

Bilin Township

On 30 March 2004, Battalion Commander Zaw Win of SPDC IB 404 forced 30 villagers from Waw Mu village, Bilin Township, to carry army rations to Kaw Kaw camp. (Source: CIDKP, 2004)

On 7 October 2004, troops from SPDC LIB 357 led by Major Htun Aung Zaw came to Mae Naw Theh Khee village tract in Bilin Township and demanded villagers to carry food supplies to Pa Ya Raw village tract. The affected villages and number of persons were:

1. Noh Kheh village, 12 persons;
2. Khaw Htee Khee village, 10 persons;
3. Mae Naw Theh Khee village, 11 persons; and
4. Per Wah Hta village, 11 persons. (Source: CIDKP, 2004)

Ye Township

Between December 2003 and June 2004, battalions under the command of No. 3 Tactical Command, took "front civilians porters" from over 20 villages in the Ye Township area. The civilian porters were taken by the various battalions on a rotation basis or were randomly arrested and forced to porter for the battalion. For instance, on the order of the commander of No. 3 Tactical Command the village headman of Khawza village was ordered to arrange for 10 – 20 men to be ready every day in order to provide porter duty for the troops that came through the village. Porters were often taken by troops for 3-7 days. Upon the troops return these porters were replaced by the next rotation of porters. However, Mon villagers suspected of being "rebel-supporters" were sometimes taken as "permanent porters", their service as porters lasting several months. Porters were often beaten during service. (Source: *The Mon Forum*, Issue No. 8/2004, HURFOM, 31 August 2004)

Pegu Division

Note: Both Nyaunglebin District and Toungoo District are areas demarcated by the KNU as Karen territory. 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 Nyaunglebin or Toungoo as official districts.

Mone Township

On 14 January 2004, Ta Ler Day Camp Commander Second Lieutenant Soe Win Kyaw of SPDC LIB 439 forced 428 villagers from Mar Lar Daw village in Mone Township to carry army supplies from Ta Ler Day camp to Ywa Kant Lant camp of SPDC LIB 590. (Source: CIDKP, 2004)

On 17 January 2004, troops from SPDC LIB 439 forced villagers from Mar Lar Daw village in Mone Township to carry 3 sacks of rice from Ta Ler Day camp to Tha Byay Nyunt camp. (Source: CIDKP, 2004)

On 18 January 2004, Ta Ler Day Camp Commander Second Lieutenant Soe Win Kyaw forced 10 villagers from Mar Lar Daw village in Mone Township to carry 7 sacks of rice to Tha Byay Nyunt village. (Source: CIDKP, 2004)

On 22 January 2004, Ta Ler Day Camp Commander Second Lieutenant Soe Win Kyaw of SPDC LIB 439 forced 16 persons from Mar Lar Daw village to each carry 12 pyi of rice to SPDC LIB 599 based at Ye Oh Sin. (Source: CIDKP, 2004)

On 2 February 2004, Captain Soe Win Kyaw of LIB 439 ordered 32 men and 14 women from Ma La Daw village to carry loads from Ta Ler Day to Tha Pyay Nyunt. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

On 1 March 2004, SPDC IB 73 forced villagers in Myaung U' village to carry items to Tee Toe Loe village where the villagers were released. (Source: BI, 2004)

On 10 March 2004, Ta Ler Day Camp Commander Soe Win Kyaw of SPDC LIB 439 demanded 4 male villagers and 23 female villagers from Mar Lar Daw village in Mone Township to each carry 12 pyi of rice from Ta Ler Day to Tha Byay Nyunt camp. (Source: CIDKP, 2004)

On 31 December 2004, a unit of SPDC troops ordered 17 villagers from Mar Lar Daw village to carry food supplies for the army from Ta Ler Day camp to Mar Lar Daw. The villagers were left with no time to do their own work and as a result faced great difficulty. (Source: KIC, 2005)

Nyaunglebin District

On 14 January 2004, the Ta Ler Day camp commander ordered 8 women and 34 men from Maw Keh Tha Per Ko village to carry rice, milk and beans to Ywa Kan Lan camp. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

Toungoo District

In January 2004, IB 92 ordered villagers from 5 villages to carry rations from Ker Weh village to Ler Ghee Koh Der Kah village. On another occasion during January, the same battalion rounded up 75 villagers from 2 other villages and forced them to porter army rations from Than Daung town to Kler Per Hti village. (Source: *Enduring Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

On 3 January 2004, SPDC troops from Northern Command Tactical 1 led by Commander Khin Soe ordered the villagers of Baw Gali who were truck owners to transport military equipment from Baw Gali to Tha Aye Hta Military Headquarters. There was no support or assistance for the owners or the drivers. (Source: FTUK, 2004)

On 14 January 2004, troops from SPDC IB 92 led by Bo Khin Maung Nyunt, based at Kler Pa Hti camp, demanded villagers from Than Daung Township to carry army rations from Kler Pa Hti village to Kher Weh camp. The affected villages and number of persons were:

1. Kher Doe Ka village, 12 persons;
2. Kler Pa Hti village, 5 persons;
3. Kler Kyaw Hter village, 4 persons;
4. Tha Ba Per village, 4 persons; and
5. Ka Thwee Dee village, 8 persons. (Source: CIDKP, 2004)

On 19 January 2004, Column Commander Kyaw Zaw Ko Oo of SPDC IB 92, based at Ler Gi Kho Doe Ka village, ordered 100 villagers from each village in Than Daung Township to carry food supplies from Kher Weh village to Ler Gi Kho Doe Ka village. The following villages were affected:

1. Ku Thay Doe village,
2. Kaw Law Ka village,
3. Sa Ba Lo Khee village,
4. Ler Gi Kho Doe Kho village and
5. Ler Gi Kho Doe Kah village. (Source: CIDKP, 2004)

On 19 January 2004, Bo Khin Maung Nyunt of SPDC IB 92, based at Kler Pa Hti village, forcibly collected 40 persons from Htee Pu Khee Doe Kho village and 35 persons from Htee Pu Khee Doe Ka village in Than Daung Township to carry army supplies from Than Daung town to Kler Pa Hti village. (Source: CIDKP, 2004)

On 24 January 2004, troops from SPDC IB 92 led by Bo Kyaw Zaw Oo, based at Ler Gi Kho Doe Ka village, demanded 30 villagers from Ku Thay Doe village, Than Daung Township, to carry rations for the army from Baw Gali village to Ler Gi Kho Doe Ka village. (Source: CIDKP, 2004)

On 26 January 2004, troops from SPDC IB 92 led by Bo Kyaw Zaw Oo, based at Ler Gi Kho Doe Ka village, demanded villagers in Than Daung Township: Thay Ku Doe village, 30 persons, and Kaw Law Ka village, 30 persons, to carry food and medical supplies for the army from Kher Wei village to Day Moe Chaung camp. (Source: CIDKP, 2004)

On 5 February 2004, Operation Commander Tin Htun Aung of SPDC LID 55 came to Kaw Thay Doe village and seized villager and forced them to carry ration supplies from Naw Doe to Bu Has Khee. The victims were:

1. Saw Kyaw Po, age 25;
2. Saw Kee Ree Po, age 20;
3. Saw Keh Reh, age 27;
4. Saw Diamond, age 27;
5. Saw Kya Lah, age 28; and
6. Saw Heh Pwe, age 22. (Source: CIDKP, 2004)

On 14 February 2004, troops from SPDC LID 55 under control of the operation commander forced villagers from Kaw Thay Doe village to carry a TV screen and a generator to Tha Aye Hta camp. The victims were:

1. Saw Moody, age 68;
2. Saw Ngwe Say, age 30;
3. Saw Ta Koo Ku, age 45; and
4. Saw Say Per, age 35. (Source: CIDKP, 2004)

On 23 and 24 February 2004, troops from SPDC IB 48 led by Sergeant Maung Myint ordered 2 villagers each day from Ye Tho Gyi village, Tan Ta Bin Township, to carry military food supplies between Kaw Thay Doe and Ku Pyaung. Moreover, these troops burned and destroyed villagers' dog fruit tree plantations and cardamom plantations. (Source: CIDKP, 2004)

On 2 March 2004, LIB 350 rounded up 245 villagers from 13 villages in the Meh Way area of Dweh Loh Township and forced them to carry supplies for 4 days. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

On 23 March 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters commandeered 7 trucks with 18 villagers from Baw Gali village and Kaw Thay Doe village to transport rations for the army from Naw Soe to Bu Hsa Hke. The truck owners were:

1. Saw Yo Nah,
2. Saw Ta Toe,
3. Saw Lah Doe,
4. Saw Maung Kro,
5. Naw Noh Noe,
6. Naw Mah Mar and
7. Naw Ah Ree. (Source: CIDKP, 2004)

On 24 March 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters seized Saw Ta Tay (age 36) from Baw Gali village to drive a truck for them from Naw Soe to Bu Hsa Khe. (Source: CIDKP, 2004)

On 1 April 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters ordered his troops to seize villagers for porters in Baw Gali village. The troop seized 41 villagers and 2 truck drivers. The troops forced the seized villagers to carry supplies for the army from Baw Gali to Kaw Thay Doe, Naw Soe and Bu Has Khee. (Source: CIDKP, 2004)

On 10 April 14 April 2004, the SPDC operations commander at Kler Lah ordered the villagers to use their trucks to carry supplies for the army to the camps along the Kler Lah Bu Sah Kee road. On both dates, trucks overturned along the way. One villager was injured and 2 were killed in these accidents. (Source: *Enduring Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

On 19 April 2004, SPDC soldiers from LIB 439 ordered 25 men and 65 women from Klaw Mi Der village to carry rations from Pa Leh Wah village to Klaw Mi Der. The next day, another 60 villagers from the same village were ordered to carry supplies along the same route. (Source, *Enduring Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

On 19 April 2004, Bo Lin Lin Aung of SPDC LIB 439, based at Klaw Mee Doe camp, demanded 25 men and 65 women from Klaw Mee Doe village, Tan Da Bin Township, and forced them to carry food supplies from Pa Let Wa to Klaw Mee Doe. (Source: CIDKP, 2004)

On 20 April 2004, Bo Lin Lin Aung of SPDC LIB 439, based at Klaw Mee Doe camp, demanded 60 more villagers from Klaw Mee Doe village, Tan Da Bin Township, and forced them to carry food supplies from Pa Let Wa to Klaw Mee Doe. (Source: CIDKP, 2004)

On 17 May 2004, SPDC Tapaka Column 1 forced 150 male and female Kler La villagers to carry the soldiers' food from Kler La to The Aye Ta infantry area. (Source: BI, 2004)

On 17 May 2004, Operation Command 1 acting Commander Aung Kyaw Htay of the SPDC Southern Command Headquarters demanded 130 villagers from Baw Gali area and ordered them to carry army supplies to Tha Aye Hta camp on 18 May 2004. On that day, Bo Hlaing Win Tint of Klaw Mee Doe camp and Klaw Meh Camp Commander Yin Soe demanded, from each household of Ler Kla Doe and Hu Mu Doe villages, 1 pole of giant bamboo, which was to be brought to Klaw Mee Doe camp. (Source: CIDKP, 2004)

On 17 May 2004, troops from SPDC IB 39 led by Battalion Commander Win Oo came to Kaw Soe Kho village, Tan Da Bin Township. As male villagers were away, they forcibly gathered the remaining villagers, mainly women and children, to serve as porters. The names of the females taken were:

1. Naw Paw Kree,
2. Naw Mar Ta,
3. Naw Mya Yin and
4. Naw Tah Ta.

They also took village headmen Saw Ta Htoo and Saw Lawder to Baw Gali village. On 18 May 2004, the police station of Kaw Soe Kho village ordered Kaw Soe Kho villagers to go as porters in return for the release of the village headmen, children and women the army had seized. As a result, 9 persons from Kaw Soe Kho had to go to replace them. The villagers who had to go were:

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1. Saw Kyi Lin, son of Saw Khin Maung;
 2. Saw Has Kwe Kloe, son of Saw Ta Bah;
 3. Saw Maw Law, son of Saw Eh Hkeh Ta;
 4. Saw Eh Doe, son of Saw Maung Hser;
 5. Saw Roger, son of Saw Heh Lay;
 6. Saw Hser Ta, son of Saw Po Kyaw;
 7. Saw Min Lin, son of Saw Ta Hsoe;
 8. Saw Plo Htoo, son of Saw Aung Thein; and
 9. Saw Keh Ta, son of Saw Maung Wah.

These villagers were forced to carry food supplies for the army from Tha Aye Hta camp to Koe Day. (Source: CIDKP, 2004)

On 22 May 2004, SPDC IB 53 Commander Min Ko Ko ordered 2 villagers from Kaw Thay Dur village to carry a heavy load to Naw Soe. (Source: BI, 2004)

In June 2004, Local Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters forced Baw Gali and Kaw Thay Doe villagers to carry supplies everyday. Moreover, he demanded from each truck 1 tin of diesel fuel to drive the generator for lights and for a T.V. at Baw Gali camp. A truck of Saw Say Doe and a truck of Saw Way Roe from Baw Gali village, which were commandeered to carry military supplies to Tha Aye Hta camp, were still not released up to the time of this report. (Source: CIDKP, 2004)

On 1 June 2004, troops from SPDC IB 124 led by Bo Kyaw Za Ya, based at Than Daung Toen, demanded villagers in Than Daung Township to carry food supplies from Ler Hgi Kho Doe Ka to Kler Pa Hti camp for SPDC IB 39. The affected village tracts and number of persons were:

1. Taw Bya Gyi village tract, 100 persons;
2. Leik Pya Gyi village tract, 100 persons;
3. Maung Nwe Gyi village tract, 100 persons; and
4. Kun Daing Gyi village tract, 100 persons. (Source: CIDKP, 2004)

On 8 June 2004, troops from SPDC IB 75 led by Battalion Commander Nyi Nyi Thein Zan based at Koe Day camp, Than Daung Township, summoned the village head of Hgar Mu Doe and ordered him to go and buy food from Baw Gali village once a week and deliver it to Koe Day camp. (Source: CIDKP, 2004)

On 22 June 2004, SPDC IB 26 forced 4 female and 4 male villagers from Ga Mu Dur village to carry heavy loads from Ga Mu Dur to The Aye Ta. (Source: BI, 2004)

On 28 June 2004, troops from SPDC IB 60 Column 1 based at Klaw Mee Doe led by Bo Hlaing Win Tint ordered Hu Mu Doe villagers to carry army ration to Klaw Mee Doe village. (Source: CIDKP, 2004)

On 29 June 2004, SPDC IB 60 led by Commander Hlaing Win Tint demanded villagers from Hu Mu Dun carry food to Klaw Mee Dun Infantry camp. (Source: BI, 2004)

On 5 July 2004, troops from SPDC IB 26 summoned 4 villagers of Gar Mu Doe village, Tan Da Bin Township, and forced 2 of them to carry army supplies from Tha Aye Hta and the other 2 to carry supplies from Baw Gali to Koe Day. (Source: CIDKP, 2004)

On 19 July 2004, SPDC IB 26 forced Naw Marry Paw and Naw May Sit from Ga Mu Dun village to carry items to The Aye Ta. (Source: BI, 2004)

On 2 August 2004, troops from SPDC IB 26 forced 2 Gar Mu Doe villagers to carry food supplies for the army from Baw Gali village to Tha Aye Hta camp. (Source: CIDKP, 2004)

On 8 August 2004, troops from SPDC IB 124 led by Bo Ko Ko Aung, demanded villagers in Than Daung Township to carry military supplies from Than Daung town to Ler Kher Doa Ka village. The affected villagers and number of persons were:

1. Taw Wah Lor Khee village, 30 persons;
2. Ta Raw Pu village, 30 persons; and
3. Ker Doe Ka village, 30 persons. (Source: CIDKP, 2004)

On 29 August 2004, troops from SPDC IB 53 led by Bo Myo Ko Ko and based at Kaw Thay Doe camp ordered villagers from Kaw Thay Doe village in Tan Ta Bin Township to carry military supplies from Kaw Thay Doe camp to Naw Soe. The victims were:

1. Saw Eh Htoo,
2. Hee Khu,
3. Naw Pa Saw Paw,
4. Naw Kee Ka Ree,
5. Naw Ah Ree and
6. Naw Paw Mee. (Source: CIDKP, 2004)

On 5 September 2004, Captain Aung Gyi of LIB 590 based at Kaw Thay Do forced 3 females and 1 male from Kaw Thay Do village to carry food for Burmese troops from Kaw Thay Do to Now So village. (Source: FBR, 2004)

On 6 September 2004, SPDC IB 124 forced 2 female villagers from Ga Mu Dur to buy things from Kler La village and take them to The Aye Ta infantry camp. (Source: BI, 2004)

On 15 September 2004, SPDC LIB 590 forced 3 female and 1 male from Kaw Thay Dur village, Taw Ta Htoo Township, to carry the troops' food to Naw Soe Infantry base. (Source: BI, 2004)

On 16 September 2004, an SPDC column deployed by Commander Kin Soe ordered Naw Ah Ri of Kaw Thay Dur village, Taw Ta Htoo Township, to use her car to carry firewood to Kler La military camp. (Source: BI, 2004)

On 17 September 2004, Column Commander Saw Myeint of IB 73 and his troops based in Lay Maing ate 2 ducks and 3 chickens and forced 6 villagers from Ka Ser Doh village to be porters. The next day, the troops ate 2 more chickens and the 6 porters were forced to carry loads for the Burma Army troops. (Source: FBR, 2004)

On 18 September 2004, Captain Lwin Oo of IB 73 based out of Klaw Me Do sent for the village headman, pastor, and teacher of Hum Mu Do. The Burma Army soldiers took the villagers' names and told them that each month each villager would have to send meat to the Burma Army camp and that they would have to send information to the camp each week. (Source: FBR, 2004)

On 18 September 2004, troops from SPDC IB 124 based at Tha Aye Hta camp ordered Gar Mu Doe villagers, 1 woman and 3 men, to carry military supplies from Baw Gali village to Tha Aye Hta village. (Source: CIDKP, 2004)

On 20 September 2004, Captain Lwin Oo of IB 73 based in Klaw Me Do forced 5 villagers from Klaw Me Do to carry food for Col. Saw Myeint from Klaw Me Do to Mwe Lo village. (Source: FBR, 2004)

On 23 September 2004, troops from SPDC LIB 590 based at Kaw Thay Doe camp forcibly collected villagers from Kaw Thay Doe village, Tan Ta Bin Township, to carry rations for the army from Kaw Thay Doe camp to Naw Soe camp. The following villages were affected:

1. Saw Gay Moo,
2. Saw Koo Ku,
3. Saw Weh Ray,
4. Saw Mu Doe,
5. Saw Maung Win and
6. Saw Mwee Say. (Source: CIDKP, 2004)

On 24 September 2004, SPDC IB 124 from The Aye Ta Infantry ordered 2 villagers from Mu Ga Dur to carry things from Kler Lar military camp to The Aye Ta military camp. (Source: BI, 2004)

On 25 September 2004, SPDC IB 124 from The Aye Ta Infantry ordered 5 villagers, 3 females and 2 males, from Mu Ga Dur to carry things from Kler Lar military camp to The Aye Ta military camp. (Source: BI, 2004)

On 5 October 2004, Major Maung Maung So of IB 73 based in Lay Maing forced 4 female and 3 male villagers from Klaw Ma Do and 4 female and 6 male villagers from Hu Mu Do to carry food from Soil Lo to Klaw Ma Do. (Source: FBR, 2004)

On 6 October 2004, IB 73 based in Klaw Me Do forced 75 female and 85 male civilians from Klaw Me Do to carry food from Soil Lo to Klaw Ma Do. (Source: FBR, 2004)

On 11 October 2004, Saw Myeint of IB 73 forced 8 civilians from Klaw Ma Do to be porters. (Source: FBR, 2004)

On 12 Oct 2004, Captain Aung Gyi of LIB 590 based in Kaw Thay Do forced 3 female villagers from Kaw Thay Do to carry loads. (Source: FBR, 2004)

On 23 October 2004, SPDC LIB 590 forced 6 villagers from Kaw Thay Dur village, Taw Ta Tu Township, to carry food supplies from Kaw Thay Dur Infantry to Naw Soe and Maung Tan Kyi Infantry. The 6 villagers were:

1. Saw Thay Gay,
2. Saw Ku Kut,
3. Saw Kae Rate,
4. Saw Mu Doe,
5. Saw Maung Win and
6. Saw Ngwe Soe. (Source: BI, 2004)

On 23 November 2004, Bo Tint Lwin Oo of SPDC IB 73 based at Klaw Mee Doe camp ordered 38 villagers (18 men and 20 women) from Klaw Mee Doe village, Tan Ta Bin Township, to carry food supplies for the army from Pet Let Wa to Klaw Mee Doe village. (Source: KIC, 2005)

On 5 December 2004, troops from SPDC LIB 590, based at Kaw Thay Doe camp and led by Bo Aung Gyi, forced 6 female villagers from Kaw Thay Doe village, Tan Ta Bin Township, to carry food supplies to Naw Soe camp for the army. (Source: KIC, 2005)

On 13 December 2004 at 5:00 am, troops from SPDC LIB 590 led by Bo Aung Gyi forcibly gathered villagers of Kaw Thay Doe village, Tan Ta Bin Township. The group consisted of 7 women and 4 men. The 7 women were:

1. Naw Thaw Thi,
2. Naw Kray Kray,
3. Naw Ma Mar Lay,
4. Naw Loo Sa,
5. Naw Htoo Paw,
6. Naw Moo Mu and
7. Naw Ree Sa Paw.
8. The men were:
9. Saw Mo Shang,
10. Saw Cho Mar Oo,
11. Saw Oo Mya and
12. Saw Ngwe Say.

They were forced to carry food supplies. In order to threaten Naw Ma Mar Lay, Bo Aung Gyi slapped her on the face once and fired 2 gunshots. (Source: KIC, 2005)

On 27 December 2004, troops from SPDC IB 73 led by Bo Lwin Oo ordered 5 women and 1 man from Kaw Thay Doe village, Tan Ta Bin Township, to carry military supplies to Naw Soe camp. (Source: KIC, 2005)

On 27 December 2004, troops from SPDC IB 26 based at Hu Maw Kyaw camp, led by Bo Ye Aung Soe, ordered villagers in Than Duang Township to carry food supplies for the army from Than Daung to Hu Maw Kyaw camp. The affected villages and number of persons were:

1. Ku Thay Doe village, 7 persons;
2. Sa Ba Lor Khee village, 4 persons; and
3. Kaw Law Ka village, 7 persons. (Source: KIC, 2005)

On 27 December 2004, Company Commander San Htoo of SPDC IB 60 demanded 5 villagers from Klaw Mee Doe village, Tan Ta Bin Township, to be porters. (Source: KIC, 2005)

On 28 December 2004, troops from SPDC IB 26 based at Ler Gi Kho Doe Ka camp, led by Bo Ye Aung Soe, ordered villages in Than Daung Township to carry food supplies for the army from Than Daung town to Ler Gi Kho Doe Ka camp. The affected villages and number of persons were:

1. Ker Weh village, 45 persons;
2. Ka Thaw Bwe village, 30 persons;
3. Ler Gi Kho Doe Ka village, 10 persons; and
4. Ler Gi Kho Doe Kho village, 25 persons. (Source: KIC, 2005)

Sagaing Division

On 22 July 2004, IB 50 ordered 15 villagers to carry army supplies and equipment for 3 days. They were not paid. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

On 23 July 2004, 67 villagers were used as forced laborers by IB 274 Captain Myo Min Wine, who made them carry heavy military rations for 24 hours. Many of them were scolded, beaten and ill-treated along the way. None of them was fed nor paid. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

On 24 July 2004, IB 274 Captain Myo Min Wine ordered 70 villagers and an additional 21 young male and female students to carry heavy loads of ammunition and military rations for 1 whole day, during which several of the female students became ill. None of the porters were paid. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

On 7 August 2004, Major Thein Win ordered 10 villagers to carry heavy army rations; as there were only 6 men present at the time, he also ordered 4 women, of which 1 was only 14 years old. They were all treated very rudely, and none of them were paid. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

On 18 August 2004, IB 274 Lieutenant Commander Major Thein Win and Captain Myo Min Wine forced 4 little boys to carry heavy loads of army supplies for 13 km. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

On 14 September 2004, IB 266 Lieutenant Aung San forced 2 villagers to carry very heavy military rations. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

On 15 September 2004, while IB 274 Captain Ko Ko Win was temporarily in charge of a 30 soldier unit in Lane Pi Lin military camp, he ordered 50 civilians to carry 25 kg of military rations each for as much as 60 km in 2 days. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

Shan State

Kae-See Township

In July 2004, 5 motorcycle drivers per day were required to be on stand by to serve troops of IB 2 86, based at Murng Nawng village in Murng Nawng village tract, Kae See Township. The motorcycle drivers were required to run errands for the SPDC troops such as sending letters, buying things and taking them to markets for shopping etc. However, sometimes the motorcycle drivers were required to transport troops long distances, such as to Kun Hing town or Tawng gi (Taunggyi). (Source: *SHRF Monthly Report*, SHRF, July 2004)

Kun-Hing Township

In August 2004, SPDC troops from IB 296 robbed the villagers of Naa Keng and Nam Paa Man villages in Kaeng Lom village tract, Kun Hing Township, of their property and forced Lung Ti (male, age 44) and Lung Kum-Ma (male, age 45) to accompany them as guides/porters. The troops looted 10 chickens, 2 viss of cooking oil (1 viss = 1.6 kg) and 1/2 basket of husked peanut from the house of a villager named Lung Saw. They then forced Lung Ti and Lung Kum-Ma to guide them to Nam Paa Man village, in the same village tract. They arrived at Nam Paa Man village after 6:00 pm and ordered the village headman to provide them with a pig and ½ a basket of husked rice. The troops also went into a shop belonging to Lung Ta and Pa Suay and looted 10 bottles of whiskey, a box of canned beer and other small items of food. The troops threatened the store owners, saying “We know you open this shop to support the Shan rebels, and you trade in opium and methamphetamine. This is better than arresting you and putting you in jail. Thank us for that”. The SPDC troops left Nam Paa Man village on the same night, forcing the guides/porters they conscripted from Naa Keng to carry their loot for several miles during the night. The porters were only released when the troops reached the main road leading to their camp, a short distance to the east, at Ta Kaw village. (Source: *SHRF Monthly Report*, SHRF, November 2004)

In September 2004, a patrol of about 35 SPDC troops from IB 296 led by Captain Maung Win came to Saai Leng village in Kaeng Lom village tract, Kun Hing Township, and forced 2 villagers to serve as guides/porters. They also looted 15 chickens, weighing about 7 viss (1 viss = 1.6 kg), from the villagers. The chickens belong to 5 of the villagers, each of whom lost 3 chickens. (SHRF, *SHRF Monthly Report*, November 2004)

Murng-Kerng Township

On 11 April 2004, Lung Mu Lin (male, age 41) from Naa Ti village was ordered by Commander Tin Win, Company No. 3 LIB 514, based in Murng Kerng Township, to transport him to a military outpost 4 miles northeast of the town on his motorcycle. Lung Mu Lin has disappeared since this time. Relatives, who enquired about him were told that Commander Tin Win had dismissed Lung Mu Lin as soon as they had reached the outpost and that they did not know where he had gone after that, although they assumed that he had gone home. Some time later, there were rumours that low ranking SPDC soldiers from LIB 514 had talked about having killed a motorcycle owner who supported the Shan resistance and dumped his body in the forest. (Source: *SHRF Monthly Report*, SHRF, July 2004)

Sen-Wi Township

Between 22 and 24 April 2004, SPDC troops from LIB 568 ordered the villagers of Kawng Pha, Naa Kong and Tang Saw villages in Nam Salaab village tract to transport logs from Maan He village to Naa Kong village. As the villagers did not have any means to transport the logs, they were required to pay 50,000 kyat to hire a tractor to transport the logs. (Source: *SHRF Monthly Report*, SHRF, July 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.

Mergui/Tavoy District

On 13 January 2004, villagers from Kyet, Pawa and Kyein Chaung village tracts, Tenasserim Township, Mergui, were ordered by Commander Col. Myo Thein of the Coastal Region Military Command's (CRMC) No.2 Strategy to carry food supplies to the military camps along the Thai border, opposite Prachuap Khiri Khan province (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2004).

On 14 January 2004, Commander Col. Myo Thein of the Coastal Region Military Command's (CRMC) No.2 Strategy demanded 5 boats from the Baw Leik village, 50 miles southeast of Mergui, to transport military supplies to Thein Daw, about 30 miles north of that village. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2004)

On 7 March 2004, officers from No.12 Divisional Military Training Center, based near Pyicha village in Palaw Township, Mergui District, forced the villagers to carry food supplies to their frontline camp Waytoray (Aungthawara), in Tenasserim Riverside. Many people from several villages were forced to carry supplies and every household who did not pay 10,000 kyat had to send a family member. The villages and number of persons from each village were:

1. Pyicha village, 70 persons;
2. Nya Htaw (Ngadet) village, 12 persons;
3. Pyicha Maw village, 4 persons;
4. Kamah Ler, 12 persons;
5. Lerpahdoh village, 20 persons;
6. Wahgon village, 20 persons;
7. Kataunni-Mawkakleh village, 20 persons;
8. Panwe Poe Klo village, 4 persons;
9. Pasawoak (Wanzawoak) village, 42 persons;
10. Mhyitchinsu village, 35 persons; and
11. Kaneh They Lah village, 80 persons. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, March 2004)

On 13 March 2004, the Commander of No.3 Tactical Command based in Lerhpadoh village in Tenasserim Riverside area, northeast of Mergui, forced 17 long-tail engine boats from the local villages of Lerhpadoh, Buthawplaw, Pahtoo Klo and Tarwahta village to transport food supplies to their military camp in Waytoray (Aungthawara). (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, March 2004)

On 18 March 2004, No.12 Divisional Military Training Center (DMTC) Hq. demanded 144 villagers for portering. The affected villages and number of persons per village were:

1. Lerhpado village, 28 persons;
2. Wahgon village, 28 persons;
3. Kataungni village, 18 persons;
4. Mawkakle village, 18 persons; and
5. Palauk area, 70 persons. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, March 2004)

On 2 May 2004, officers from SPDC LIB 431 led by Lt. Col. Thein Htaik Oo summoned 50 villagers from Mandain village and 60 villagers from Le Nya village in Tenasserim Township, Mergui District, and ordered them to carry food to the Thai-Burma border military base. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, May 2004)

On 5 May 2004, Commander of Coastal Region Military Command ordered his troops from the frontline to conscript villagers to carry food and to report the population of the villages to Headquarters. The villages and number of persons affected were:

1. Theindaw village, 30 persons;
2. Yebu village 25 persons;
3. Kawmabyin village, 40 persons;
4. Tharabwin village, 35 persons;
5. Tatmoo village, 25 persons;
6. Tagoo village, 30 persons;
7. Pawetchaung village 20 persons; and
8. Kyauklongvi village, 30 persons. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, May 2004)

On 18 May 2004, the No.3 Strategic Command led by Colonel Soe Thet based in Tenasserim Township ordered villagers from Chaung La Mu village to carry food for the No.101 Infantry Battalion's No.1 Column, led by Kyaw Min Hlaing. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, May 2004)

On 20 May 2004, No. 1 Strategic Command led by Colonel Kyaw Aung based in Myitta village, east of Tavoy, demanded 7 boats from Myitta village to deliver military ammunition to Htee Hta village. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, May 2004)

On 5 November 2004 at 9:00 am, the SPDC Frontline Operation Command 3 based in Yepyu village, Tenasserim Township, ordered villagers to serve as porters transporting rations for the border military camps. The affected villages and number of persons were:

1. Thein Daw village, 100 persons;
2. Ta Gu village, 100 persons; and
3. The Ra Bwin village, 50 persons. (Source: ABSDF, 2004)

On 8 December 2004, troops from Costal Region Command Headquarter forced village tracts in Tenasserim Township to supply a fixed number of persons for portering duty. The porters were required to transport rations for troops based in frontline military camp no. 2165, 3000. The village tracts forced to provide porters were:

1. Ta Ku village tract, 80 persons;
2. In Shin Gone village tract 100 persons;
3. La Mine Kauk village tract, 50 persons;
4. Si Tine village tract, 60 persons;
5. Pyi Aye village tract, 30 persons;
6. Kyauk Ze Yit village tract, 50 persons;
7. Wun Na village tract, 40 persons;
8. A Lae Pine village tract, 35 persons;
9. Tike Kan village tract, 25 persons;
10. Koe In village tract, 80 persons;
11. Ywa Ma village tract, 30 persons;
12. Ta Gu Nae village tract, 30 persons;
13. Mya Ya Chaung village tract, 50 persons; and
14. Kaw Daw village tract, 60 persons. (Source: ABSDF, 2004)

1.5 Forced Labor for Infrastructure Projects - Partial List of Incidents for 2004

Arakan State

Akyab Township

From July 2004, residents of Akyab, including children, were ordered to clean the streets and drains around their houses each Saturday. Anyone who failed to do so was fined 500 kyat. Government officials were also ordered to participate in cleaning around their office buildings. Failure to do so resulted in salary cuts. (Source: "Forced Labor in Arakan Capital Increases Agony," *Narinjara News*, 6 July 2004)

Maungdaw Township

From the end of May 2004, the Nasaka (Border Security Force) Director Lt. Col. Myint Oo ordered the evacuation of 130 Rohingya houses from Myaw Taung (Wa-beg) and Kyi Kan Pyin (Kawa Bil) villages in Maungdaw Township and the construction of a "model" village. Rohingya villagers were ordered to build houses for newly arriving settlers from central Burma. Rohingya villagers from nearby villages were forced to work on the "settlement program" while no alternative arrangements were made for the evacuated Rohingya families, who were living in harsh conditions in nearby villages. Under the

construction scheme, the villagers build 120 houses, a monastery, a school, a health center, several ponds and wells. The nearby villagers were compelled to abandon their agricultural work in order to undertake the construction works demanded by the Nasaka authorities. The villagers were not paid and in addition to labor, were required to provide house-building materials including pillars, bamboo etc. and to pay 3,000 to 6,000 kyat per family according to their financial status. The Nasaka authorities also confiscated 260 acres of land from surrounding Rohingya villages in order to provide the newcomers with farmland. As a result of the measures imposed, some villagers' family members have been facing starvation. (Source: "Forced Labor for Newcomers and Relocated the Rohingya Villagers in Northern Arakan," *Kaladan News*, 23 June 2004)

Chin State

From November 2003 to the time of this report, November 2004, IB 304 Commander Aung Kyaw ordered 200 villagers to work on the construction of a highway. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

From 8 March 2004, Major Thant Zin Oo, deputy battalion commander of LIB 268, ordered over 200 villagers to work on the construction of a 37 mile road between Sabawgte army camp and Darling village. Villages affected and the number of persons from each village were:

1. Sabawngpi village, 40 persons;
2. Malang village, 19 persons;
3. Lungcawi village, 15 persons;
4. La-Oo village, 30 persons;
5. Darling village, 57 persons;
6. Sabawngte village, 43 persons; and
7. Hlungmang village, 10 persons.

There were also 27 women among the villagers forced to work on the road. Villagers were required to bring their own tools and food supplies. (Source: *Rhododendron News*, Volume VII. No. II., CHRO, March-April 2004)

Matupi Township

On 22 March 2004, IB 266 Captain Tint Swe ordered 1 person out of every 45 households from a village in Matupi Township to work 7 days a week repairing roads. The workers, who weren't paid, were often ill-treated. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

In April 2004, Lesien village middle school headmaster, U Cang Toi, with the approval of Colonel San Aung, commander of SPDC Tactical Command No.2 based in Matupi Town, ordered 17 villages in Matupi Township to provide 200 cubic wood planks per village to build the school's teachers quarters. The order stated that every village must submit their quota to Leisen middle school before the end of July 2004 and that those who failed to comply with the order would face severe punishment from the authorities. The villagers were also routinely summoned to work at the farm of the Leisen government middle school headmaster without sufficient pay. There are 7 teachers and more than 100 students at Leisen

government middle school. The following villages are covered by Leisen government middle school:

1. Leisen village,
2. Valangte village,
3. Koela village
4. Vangkai village,
5. Cangtak village,
6. Thiboei village,
7. Leiring village,
8. Bunghung village,
9. Khobal village,
10. Thangping village,
11. Anthaw village,
12. Luivang village,
13. Boiring village,
14. Daihnan village,
15. Khohung village,
16. Vamaw village and
17. Lalui village. (Source: *Rhododendron News*, Vol. VII. No. V., CHRO, September-October 2004)

On 17 July 2004, IB 140 Commander Major Hla Shwe ordered all the government servants of a town in Matupi Township to repair ruined roads. They were threatened with reprisals if they did not comply within 3 days. As a result of working too hard, many young girls had to be hospitalized. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

Rezua Township

From March 2004 to the time of this report, June 2004, Major Kyaw Sein Win of LIB 50, based in Kangaw, Sagaing Division, ordered 45 villages in Rezua Township to work on the construction of a road between Kangaw and Matupi Township. Major Kyaw Sein Win placed Captain Win Hlaing in charge of supervising the construction of the road, which he ordered to be completed by June 2004. Thirty villagers from each of the 45 villages were required to work on the road construction. They were also required to bring their own tools and provide their own food supply. Captain Win Hlaing fined Lungrang, Sawthing and Resa village 80,000 kyat each for not working at a satisfactory level. (Source: *Rhododendron News*, Volume VII. No. III, CHRO, May-June 2004)

Rih Township

On 3 July 2004, Colonel Tin Hla, commander of the first tactical command, ordered residences of Rih town to construct concrete streets along the town's major pathways. The work was implemented by the Township administrator U Mya Win's office. Each household was given a quota to fulfill before 10 August 2004. The streets had to be laid 10 foot wide and 6 foot long. The villagers were responsible for providing their own materials, such as stones, gravel and concrete. (Source: *Rhododendron News*, Volume VII. No. IV, CHRO, July-August 2004)

From 12 July 2004 to 18 July 2004, Major Maung Myint of LIB 269 ordered 15 villages to contribute 1 person from each household in order to repair the India-Burma boarder trade road between Haimual and Lentlang village. The villages affected were:

1. Rih Khuathar village,
2. Rih Khuahlun village,
3. Tio village,
4. Khawthlir village,
5. Phunte village,
6. Thingcang village,
7. Saek village,
8. Sianlam village,
9. Cawnghawih village,
10. Khuamual village,
11. Hmunluah village,
12. Cawhte village,
13. Lianhna thar village,
14. Lianhna hlun village and
15. Haiheng village.

The villagers who worked on the road were not allowed to attend Church on Sunday 18 July. (Source: *Rhododendron News*, Volume VII. No. IV., CHRO, July-August 2004)

From mid August 2003 to the time of this report, August 2004, U Mya Win, the Rih Township Administrator in Northern Chin State, ordered villages in the Rih Township area to work on numerous government projects, including roads, a hospital and schools. Whenever work was demanded, 1 person from each household was forced to attend. The villagers were required to provide their own tools and food supply. (Source: *Rhododendron News*, Volume VII. No. IV., CHRO, July-August 2004)

From 22 November 2004 to 10 December 2004, Colonel Tin Hla of Burma Army Chin State Tactical No. 1 ordered 17 villages from Rih Township to work on the construction of Rih Hospital quarters. The villages affected were:

1. Tibual village,
2. Satawm village,
3. Siallam village,
4. Thingcang village,
5. Saek village,
6. Phunte village,
7. Khuahlir village,
8. Rih khuathar village,
9. Rih khuahlun village,
10. Cawnghoih village,
11. Lianhna (A) village,
12. Lianhna (B) village,
13. Haiheng village,
14. Cawhte village,
15. Hmunlawh village and
16. Ticerh village.

One person from every household was ordered to dig the ground and produce bricks for the construction of buildings. The villagers had to provide their own tools and food supplies. A Lieutenant from the Burmese army was assigned to supervisor the laborers and constantly

yelled at the villagers throughout the course of their work. (Source: “Forced Labor: Construction of Rih Hospital Quarter,” *Rhododendron News*, Volume V111, CHRO, January – February 2005)

Teddim Township

From late March 2004, 30 villages from the India-Burma border area were ordered to repair the border trade road between Haimual and Tiddim Township. The village headman of Kaptel village and a village council member, Pu Lacob, were arrested and detained at Kaptel police station when they failed to meet their imposed quota of work within the specified time. (Source: *Rhododendron News*, Volume VII. No. III., CHRO, May-June 2004)

On 2 May 2004, U Sai Maung Luu, Chairman of the Township Peace and Development Council of Teddim Township, ordered residences of Teddim Township to construct concrete streets and extend the town's major pathways. Each household was given a quota to fulfill by the end of August. The order specified that those that failed to achieve their quota would be punished. (Source: *Rhododendron News*, Volume VII. No. IV., CHRO, July-August 2004)

Thantlang Township

In March 2004, Thantlang Township Peace and Development Council Chairman U Luu Tin ordered the town residents to construct a sidewalk for the town's main street. Any household which did not complete their quota of work within the specified time, or whose work fell below the standard set by Township landscaping office, was subject to punishment. Furthermore, residents were required to pay for the materials required, including bricks, stone, cement etc. The costs of materials ranged between 100,000 – 200,000 kyat. (Source: *Rhododendron News*, Volume VII. No. II., CHRO, March-April 2004)

Kachin State

Boma District

On 8 March, U Tin Win, Chairman of Myo Thit Township Peace and Development Council (TPDC), a town located in Bamo District, ordered locals in 4 quarters of Myo Thit town to provide 1 person per household to dig a pool for a hydro-electricity project. The villagers were required to bring their own food supplies. Households who did not provide a person for the work were fined up to 1,000 kyat. Finances to dig the pool were reportedly provided to the military unit by LIB 239. However, no monetary payment was made to the villagers who were forced to work on the project. (Source: “Forced Labor Still Continues in Kachin State,” *Mizzima*, 16 March 2004)

Karen State

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

Between May 2004 and October 2004, SPDC troops from Division 77 ordered the inhabitants of 10 villages to repair the road from Mae Plet to Shwe Koak Ko (about 16 km). There were about 30 to 40 people performing forced labor on this road on a daily basis, including women and children, who had to clear the road because the rest of the work was too hard for them. The villagers had to provide their own food supplies and working equipment, and were not

paid. Furthermore, they had no time left to work on their own paddy plantations, which will cause them food shortages next year. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930* (nr. 29), ICFTU, 10 November 2004)

Pa-an District

From 31 December 2003 to the time of this report, there were more activities of the SPDC and DKBA troops in the Paing Kyon, Na Boo, Don Yin and Hti Lon areas in Pa-an District. A column from SPDC LIB 548, under Military Operation Command 12, a column under SPDC LIB 202, under SPDC Southeast Command and troops from DKBA 999 Battalions 2 and 3 based at "A Paung Yebu" forcibly gathered villagers to construct a motor road. Villages affected were:

1. Pi Ta Kha village,
2. Taung Zun village,
3. Hteh Thoo village and
4. Pa Ta village.

Villages affected in Na Boo Township were Keh Kah and Noh Pyu villages. The villagers were forced to construct the road every day. Thus, they were left with no time to do their own work and no time to rest. (Source: CIDKP, 2004)

Since 7 May 2004, Colonel Maung Chit Thu, the commander of 999 Brigade Special Battalion, ordered villagers to work on a road between Meh Pleh and Kway Shan villages. The affected villages were from the following village tracts:

1. Loh Baw village tract,
2. Thay Doh Kwee village tract,
3. Kyaw Ko village tract,
4. Ker Ghaw village tract,
5. Htee Wa Blaw village tract,
6. Htee village tract,
7. Sa Ra village tract,
8. Meh Pleh village tract and
9. Kway Shan village tract.

Six villagers from each of the villages in the 9 village tracts had to go and work on the road 3 times each month. Villagers who did not want to go to work on the road could pay 1,000 kyat to get out of the labor. (Source: *Forced Labour and the DKBA in T'Nay Hsah Township, Pa'an District*, KHRG, 21 February 2005)

In early June 2004, 3 people from every village in the Mae Plat Toe area were ordered to provide forced labor for the construction of a road in 5 days between Tee Sa Ra village and Koe Ko village. The order was given by DKBA Special Battalion 999 Battalion Commander Bo Mu Chit Thu, who is based in Koe Ko. (Source: BI, 2004)

In June 2004, Company Commander Saw Ta Tu from Battalion 3 of DKBA 999 demanded 20 bullock carts to transport wood. He also demanded Ker Pu (Tha-yet-taw) and Kaw Pya (Kaw-law) village tracts to each give 250,000 kyat (Source: CIDKP, 2004)

Karenni State

On 21 January 2004, SPDC Commander Major Kyit Shwe from LIB 568 issued an order to the villagers situated in Kelya, Dopreh and Markrawshe village tracts to clear the verges of the Loikaw - Mawchi road without fail within only a matter of days. Each family member had to bring his or her own equipment and food to the road. The troop assigned each village to clear a 4 furlong length of road. Those who failed to show up had to pay a fine in cash. (Source: KNAHR, 2004)

On 2 October 2004, SPDC LIB 199, based at Kardu, in southern Shan State, is scheduled to establish its new military camp near the market, 3 miles north of Kardu. To be able to establish this new military camp, 14 villages situated in the Shan - Karenni border areas were ordered by the commander of LIB 199 to send 50 poles of bamboo each without fail. They were told to send the assigned bamboo on 15 October at the latest. Similarly, the SPDC troops from LIB 530 are also scheduling to build their new camp in Daw Muleh, Hsomoe Township, in an attempt to control the movement of people in the border area. People living in this border area were threatened by SPDC troops that action would be taken if they provided food to the KNPP forces. (Source: KNAHR, 2004)

Between December 2004 and January 2005, villagers living in Shadaw forced relocation camp were forced by SPDC-backed ceasefire armed group KNPLF commander and chief of Shadaw Union Solidarity and Development Association, or USDA, to build a new car road from Shadaw to Daw Lyakhu village. A member of each family was ordered to participate in the road construction project. Villagers were required to bring their own tools and food supply. At the road construction site, Pray Reh (age 15) from Shadaw relocation camp stepped on a landmine between Daw Eitaw and Daw Lyakhu and died. His wife and 3 children were left behind and the KNPLF provide them with a sack of rice as compensation. Eleven villages on the north of Shadaw Town were ordered to relocate their villages last year and are now displaced persons. The SPDC local troops and the KNPLF ceasefire group are jointly operating a logging business in the area, from which both profit. (Source: *Kantarawaddy Times*, 2004)

Mon State

(See note above about Thaton District in section 1.4)

Thaton District

In 2004, SPDC IB 8 led by Captain Thet Kaing built a road in Thaton Township between Kyaik Tu and Keh Maw villages and the villagers near the road had to work for the SPDC every day. LIB 3 Commander Tin Aye forced 1 person from each house in Th'Raw Meh village to cut and clear the brush from the side of the road. He also demanded 2 pieces of big bamboo from each house in the village. If the villagers did not work for them, they would have punished them by making the villagers jump like frogs. IB 8 Battalion Commander Myint Naing of LID 44 demanded 800 kyat from each house in Shwe Yaung Pya village for a total of 80,000 kyat; 700 kyat from each house in Ka Law Kher village for a total of 70,000 kyat; 800 kyat from each house in La Aw Kher village for a total of 80,000 kyat; and 700 kyat from each house in Kya T'Raw village for a total of 70,000 kyat. The total was 300,000 kyat from those villages for the construction of the road. The SPDC said this money was for petrol for the trucks used in the construction. (Source: KHRG, February 2005)

From January 2004, after the ceasefire between the SPDC and the KNU began, the SPDC from Military Operations Command 9 commanded by Brigadier General Myint Aung from Kyauk Taw town, Arakan State, came to replace the soldiers from LID 66 who had previously been stationed in the area. They set up their headquarters at Lay Kay Army camp and forced the villagers to collect stones to repair a car road. Each village had to collect 300 piles of stone. Each of the piles of stone had to be 1 foot high and 10 feet around and it took 10 bullock cart loads to make 1 pile of stone. The villages to the west of the car road are:

1. Maw Lay village,
2. Ka T'Daw Ni village,
3. P'Nweh Kla village,
4. Noh Nya Thu village,
5. La Ko village,
6. Ka Meh village,
7. Ta Paw village,
8. Ler Klaw village and
9. Lay Kay village.
10. The villages to the east of the car road are:
11. Ei Heh village,
12. Gru Si village,
13. Noh Aw La village,
14. Pwa Ghaw village,
15. Kyaw Kay Kee village,
16. Ta Thu Kee village,
17. Noh Law Plaw village,
18. Noh Ka Day village,
19. Htee Pa Doh Kee village,
20. Meh Theh, Pwoh village and
21. Ha T'Reh village.

All these villages had to collect 300 piles of stone per village. In addition to this, the soldiers from the army camp also demanded thatch, bamboo and posts during this same time period. (Source: KHRG, February 2005)

From 4 January 2004 to 4 July 2004, SPDC LIB 3 led by Commander Myo Win forced villagers from Kanae Pu area, Du The Htoo Township, to build 100 ft of road. The villagers were required to provide 53 laborers each day. (Source: BI, 2004)

On 7 January 2004, Battalion Commander Myo Myint of SPDC LIB 9 ordered Ma Aye Hsa and Htee Nya Paw villages to send a person from each household, with food supply, to construct a motor road at Win Yaw. On that day, Battalion Commander Kyaw Than of SPDC Artillery Battalion 314 ordered villagers from Kya Ta Raw village to plough a paddy field that could yield 70 baskets of paddy. (Source: CIDKP, 2004)

On 12 January 2004, Operations Commander Khin Soe ordered villagers in the Kler Lah area to clear the Toungoo-Mawchi road from Tha Aye Hta to Pi Mu Koh for 7 days. Altogether, 176 villagers from the following villages had to go:

1. Kler Lah village,
2. Kaw So Ko village,
3. Peh Kaw Der village,
4. Maw Ko Der village,
5. Der Doh village,

-
6. Maw Pa Der village,
 7. Ka Plaw Der village,
 8. Ler Kho village and
 9. Wah Tho Koh village.

On the same day, SPDC soldiers from IB 124 went to Der Doh village and ordered 12 villagers to clear the road between Tha Aye Hta and Pi Mu Koh. The soldiers threatened to burn down the village and behead the villagers if they did not go. The troops then went to Maw Ko Der and Peh Kaw Der villages and repeated the order. (Source, *Enduring Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

On 17 February 2004, DKBA soldiers ordered 10 people from each of 3 different villages to build a monastery and a wall between Ko Kya and Noh Pa Lae villages. The villagers were required to work everyday. The 3 villages were:

1. Noh Pa Lae village,
2. Ko Kya village and
3. Win Raw village. (Source: BI, 2004)

On 26 February 2004, SPDC IB 3 led by Commander Tin Myit ordered 4 villagers from Ta Raw Mae village to load timber onto bullock carts. The villagers were unable to complete the task because the timber was too large. As a result, the villagers were tied up and beaten in the cemetery for 2 hours. The victims were:

1. Saw Sah Oo, male, age 28;
2. Saw Nyoe Win, male, age 30;
3. Saw Poelo Loh, male, age 27; and
4. Saw Aung Chit, male, age 30. (Source: BI, 2004)

On 10 March 2004, Major Mya Soe of SPDC LIB 9, who was responsible for the motor road construction with a bulldozer linking Mi Chaung Aing, Ta Maw Daw and Naung Ka Dok villages in Thaton Township, ordered 1 person per household from several villages to clear the bushes along the road that was to be paved. The villagers had to bring their own food supply. The affected villages were:

1. Ta Reh Wah village,
2. Naunng Ka Dok village,
3. Noe Tala Aw village,
4. Ta Maw Daw village,
5. Noe Ber Baw village,
6. Mi Chaung Aing village and
7. Ma Ei Sa village. (Source: CIDKP, 2004)

On 12 March 2004, troops from SPDC LIB 7 forced villagers from Tha Tan Township to clear a place to construct an irrigation dam at Kyauk Sa Yit. The affected villages were:

1. Ma Ei Sa village,
2. Htee Nya Paw village,
3. Ma Yan Gon village,
4. Mi Chaung Aing village and
5. Naung Kadok village. (Source: CIDKP, 2004)

On 15 March 2004, 150 villagers were rounded up in Kler Lah and forced by the operations commander in Kler Lah to clear the brush and any landmines along the Kler Lah Bu Sah Kee

road. The villagers had to bring their own tools and food. Luckily, on this occasion no one was killed or injured. (Source, *Enduring Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

In April 2004, the DKBA forced villagers from Pa'an Township to begin constructing a road to a DKBA pagoda on Meh Si Mountain. When the villagers didn't go, they came to chase them with guns and said that they would shoot all of the villagers dead. The villagers had to start constructing the new road from the Ka Ma Maung to Papun road in Papun District to Wa Ta Moh, P'Hi Kla and Meh Si Kaw Hti villages at the foot of Meh Si Mountain. Part of this road runs through Thaton District so villagers from Bilin Township also had to contribute labor. The affected villages in Thaton District were:

1. Kaw Heh village,
2. Th'Waw Pya village,
3. Shwe Ohn village,
4. Mya Lay village,
5. Kway Lay village,
6. Ma Kru Htaw village,
7. Ler Klaw village,
8. Lay Kay village,
9. P'Ya Raw village,
10. Htee Si Baw village,
11. Khaw Poe Pleh village,
12. Pwoh village,
13. Noh Law Plaw village,
14. Htee Pa Doh Kee village,
15. Noh Ka Day village,
16. Noh Aaw La village,
17. Pwa Ghaw village,
18. Ta Thu Kee village,
19. Kyaw Kay Kee village,
20. Meh K'Na Kee village,
21. Kru Si village,
22. Ha T'Reh village,
23. Ta Bpaw village and
24. Ka Meh village.

Each person had to go to work on the road for 5 days. They were not able to come back before 5 days because no one would go to replace them until their 5 days were finished. Some of the villagers came back before the 5 days because they did not bring enough clothes and there was no more medicine or tobacco. The DKBA accused them of fleeing and forced them to go back and work for another 15 days. The villagers were afraid of the DKBA's guns, so they went to do it. (Source: KHRG, February 2005)

On 1 April 2004, assistant Abbot of Myaing Gyi Ngu demanded villagers in village tracts in Pa'an and Bilin Township to provide 1 person from each household to construct a motor way from the foot of Mae Kyi up to Mae Kye pagoda. The villagers had to supply their own hoes, pick axes and machetes and complete the motor way in 3 days. The affected villages were:

1. Khaw Po Pleh village,
2. Kaw Heh village,
3. Shwe Oak village and

4. Weh Pya village (Source: CIDKP, 2004)

On 16 April 2004, Township Peace and Development Committee Chairman Htun Oo of Bilin Township summoned the village heads of Kho Tha Nya, Ka Di Pu, Shwe Yaung Pya and Ya villages to come and see him. He ordered them to tell their villagers to cut wood and bamboo for construction of a motor road from Mi Chaung Aing to Kho Tha Nay. He told the villagers to sell the bamboo and wood they cut if they could not transport it and buy bricks and cement in place of them. He threatened the villagers with punishment if they did not obey. On that day, Bo Tin Myint of SPDC LIB 3 demanded from the following villages the following items:

1. Mi Chaung Aing, 30 bamboo poles and 300 pieces of split bamboo;
2. Ma Yan Gon village, 30 bamboo poles and 300 pieces of split bamboo; and
3. Shwe Yaung Pya village, 30 bamboo poles and 300 pieces of split bamboo. (Source: KHRG, February 2004)

On 17 May 2004, Battalion Second in Command Myint Naing of SPDC IB 8 forced villagers of Shwe Yaung Pya village, Thaton Township, to pave a new road. As the villagers were left with no time to do their own work, many plantations of Ka Law Hker villagers were destroyed and they were faced with various difficulties. (Source: CIDKP, 2004)

In September 2004, LIB 9 soldiers led by Major Mya Soe forced the villagers from Ma Yan Gone, Mi Chaung Aing, Htee Nya Paw and Ma Ei Cha villages to build bridges across the Htee Pa Doh, Ka Meh and Htee Htaw La Rivers for the vehicles to use. The villagers themselves had to find the wood needed to build the bridges. (KHRG, February 2005)

On 4 September 2004, troops from SPDC IB led by Captain Thet Khaing demanded villagers from Daw Ya village tract and Ka Di Pu village tract to work on the construction of a road between Kyaik Tu Gon and Keh Maw. (Source: CIDKP, 2004)

On 23 September 2004, Mae Prae Khee camp commander of SPDC LIB 375 demanded 1 person from each household from Ka Ser Po village and lower Mae Prae Khee village, Bilin Township, to build a Zebra bridge across Aye Nay Lor river between Mae Prae Khee village and Ka Ser Po village. (Source: CIDKP, 2004)

On 24 September 2004, Major Myint Soe of SPDC LIB 9 demanded villagers from Ma Yan Gon, Mi Chaung Aing, Htee Nya Paw and Ma Ei Sa villages in Thaton Township to construct a bridge for motor vehicles between Htee Nya Paw and Ma Yan Gon village. The villagers were ordered to find the needed material to construct the bridge and were also ordered to dig drainage canals on each side of the road. Moreover, the troops demanded villagers from Ka Law Kher, Shew Yaung Pya, Lah Aw Hker and Kya Ta Raw villages to construct a further 3 bridges, 1 across Htee Law Lah river, 1 across Hsaw Ni river and 1 across Lah Ta Po river. (Source: CIDKP, 2004)

In October 2004, villagers were forced to cut the brush along the sides of the road between Nga Pyaw Daw and Kru Kay villages by LID 44, LIB 2 led by Battalion Commander Aung Soe and Deputy Battalion Commander Aung Moo Htoo. The villagers did not go to do the work, so the soldiers demanded money instead; 12,000 kyat from Kho Poe; 24,000 kyat from Htee Nu Pu; and 2,000 kyat from Paw Paw Pu villages. (Source: KHRG, February 2005)

Ye Township

From December 2003 to the date of this report, 22 August 2004, villagers from Khaw Zar village and the surrounding villagers were forced to work on road construction and repair projects. The laborers were recruited by Colonel Nyi Nyi of the No. 3 Tactical Command and the road projects are part of the Sub-Town and Transport project, which aims to link Khaw Zar village to other Mon villages in the area. Ten villagers from a quarter (bloc) of Khaw Zar village, 15 villagers from Hangan village and 10 villagers from the surrounding area were forced to work on the road project daily. Villagers were required to provide their own tools and food supplies. The army also collected money from the villagers 2-3 times a week. The army collected approximately 30,000 kyat from well off families and 3,000 kyat from poorer families each time. (Source: "Forced Labour after General Maung Bo's Visit," *Kao Wao News*, 22 August 2004)

From early 2004, Tactical Commander Colonel Nyi Nyi ordered villagers from Ywa Thit, Singu and Hangan village to build a new road connecting the 3 villages. One person from each household was ordered to participate in the road construction project each day, between 7:00 am and 4:00 pm. As men needed to work to raise money for the family, woman and children were often sent to work on the road. Villagers were ordered to bring whatever materials they had, including mattock, soil, stone carriers, cow carts and cars. They were also ordered to provide their own tools and food supply. Soldiers under the Tactical Command guarded the road construction sight and kept watch over the forced laborers. Villagers who took a rest or were ill during their work time were often seriously beaten by the soldiers. On 8 September 2004, after villagers arrived late at the work sight, the commander fired 3 gun shots to frighten the villagers. The commander then collected 21,000 kyat from the villagers as payment for the bullets fired. (Source: "Non-Stop Forced Labor on Road Construction," IMNA, 1 October 2004)

Between January and June 2004, Southeast Command's Tactical Command No. 3 led by Col. Myo Winn (and later Col. Nyi Nyi) ordered the construction of 2 roads linking Ye and Magyi Townships. For the construction of the Khawza – Magyi Motor Road, 8 Mon villages were forced to construct a 10 mile long all sessions motor road connecting Khawza and Magyi villages. The affected villages were:

1. Khaw Za village,
2. Khaw Za Chaungwa village,
3. Kyone Kanya village,
4. Mi Htawhla Kalay village,
5. Mi Htaw Hla Gyi village,
6. Danikyar village,
7. Doe Baung village and
8. Magyi villages.

There are 1800 families in these villages and the SPDC ordered the villagers, on a rotational basis, to provide at least 1 person per family to work on the road. A member of the family was required to go and work in a set workplace for 3-7 days at a time, depending on the work under the guard of the soldiers. Villagers who failed to attend on set dates and at set workplaces were fined between 800 – 1,000 kyat for each day they failed to work. The road had previously been an old oxen-track route and the Burmese Army commanders ordered the villagers to build a higher embankment and to widen the road. The Burmese Army commanders required the local villagers to build the road at 12 feet in width and 3 feet in height. Besides the road construction, the local military commanders also requested

approximately 0.16 -0.2 tons of wooden lumber from each household for the construction of bridges along the motor road. For the construction of the Ye-Khawza Motor Road, the No. 3 Tactical Command ordered villages to contribute labor for the re-construction of the former Ye-Zhawza Motor Road. The motor road needed to be re-constructed in order to match the width and height of the Khawza – Magyi Motor Road, to which it would join. The affected villagers were:

1. Hangan village,
2. Kalort Gyi village,
3. Singu village,
4. Baround village,
5. Toetat Ywathit village,
6. Yindein village,
7. Yinye village,
8. Yindein village,
9. Chaungwa village,
10. Shwe Hintar village,
11. The Kon village and
12. Kaw Hlaing village.

There are 6000 households in these villages and the SPDC ordered the villagers, on a rotational basis, to provide 1 person per household to work on the motor way. Depending on the size of the village, between 10 to 20 villagers, including woman and children, from each village worked on the motor road daily. Furthermore, as the new motor way did not always follow that of the old motor way, many farmlands were divided when the road was built through existing paddy fields. (Source: *The Mon Forum*, Issue No. 8/2004, 31 August, 2004)

From August 2004 to the time of this report, 17 October 2004, LIB 568 led by Captain Ngwe Soe ordered every household in Yong Reah and Kwan Tamoi Taotak village to collect logs and bamboo in the forest for the construction of 2 militia police stations, 1 in each town. Kwan Tamoi Taotak village is divided into 4 tracks and 1 track must build the station everyday (Source: "Forced Labour and Abuses in Ye Rural Area," *Kao Wao News*, 17 October 2004)

In December 2004, the local based Burmese army forced villagers from Khawzar village and nearby villagers to build 90 houses for government employees. Each village was responsible for the construction of 10 houses each and had to provide their own building materials. Local village headmen collected money from the villagers in order to pay for the materials needed for the construction of the houses, such as wood, nails, sand and cement. Villagers were unable to return home until they had fulfilled their quota of houses. A villager from Sa Khorm village died from food shortage while working on the houses. Some residents from Khawzar village were forced to relocate their houses in order to make way for Township administration buildings. (Source: "Villagers Forced to Build 90 Houses for Government Employees in New Town," IMNA, 9 December 2004)

Pegu Division

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

Nyaunglebin District

In early 2004, the SPDC ordered villagers from Ko Nee and T’Kaw Pwa village tracts in Mu Township to repair the road between Ler Doh and Mu village. Eight villages in Ko Nee and T’Kaw Pwa village tracts in Mu Township were also ordered to stand sentry along the Ler Doh to Mu road. The SPDC ordered that 2 people had to stand sentry at each sentry hut along the road. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

In March 2004, units from LID 66 confiscated flat fields of villagers along a proposed road route and then forced the villagers to dig up the fields, knock down the dikes separating them and dig ditches along the new road. The villagers were also forced to build bridges for the road and to cut and clear the brush from along the sides of it. Some of these fields had already been ploughed in preparation for planting. At least 13 fields were confiscated and destroyed in Ta Ku Der village and another 12 fields in Oh Kee village. The SPDC paid nothing for the value of the villagers’ land and did not repair what was left of the fields which they had partially destroyed. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

On 15 March 2004, SPDC LIB 590 and LIB 599 ordered 11 groups of villagers from village tracts in Mone Township to construct a motor road at the width of 20 feet from the Battalion Headquarters of LIB 590 passing Mone Nat Tha, Htone Daw to the Headquarters of LIB 599. The villagers were ordered to bring with them their own food and tools for road construction. Each group had to construct at the length of 200 cubits and the work, which began on 20 March, had to be completed by 22 March. (Source: CIDKP, 2004)

On 1 April 2004, 3 SPDC army commanders demanded 170 villagers from Plaw Lah Hay village and 180 villagers from Htong Gyi village, both in Mone Township, to construct a motor road from Than Po to Kyauk Kyi. A villager had to pay 3,000 kyat if he failed to go. The SPDC army commanders were Commander Khin Maung Oo of No.3 Operation Command, Battalion Commander Win Bo Shwe of SPDC IB 60 and Battalion Commander Thet Htun of SPDC LIB 351. (Source: CIDKP, 2004)

On 19 September 2004, the SPDC Operation Command 2 Commander Colonel Khin Maung Oo demanded 1 person from each household from Kho Pu village tract, Hsaw Mi Lu village tract and 7 sections of Kyauk Kyi town to work on the construction of a motor road from Kyauk Kyi town to Than Bo. Anyone who failed to go had to pay a 3,000 kyat fine. (Source: CIDKP, 2004)

On 30 November 2004, Camp Commander Sergeant Khin Maung Kyi of SPDC LIB 381, based at Aung Soe Moe, Mone Township, ordered 110 villagers from Aung Soe Moe village to construct a clinic. He also collected 500 kyat from each household in Aung- Soe Moe village, amounting to 120,000 kyat. (Source: KIC, 2005)

Toungoo District

From 9 January 2004 until the time this incident was reported, troops from SPDC LID 55, led by Tactical Command No.2 Commander Nyi Lin, G-2 Kyaw Thura, G-3 Kyaw Moe, SPDC LID 511 Battalion Commander Aung Kyaw Moe, SPDC LIB 508 Battalion Commander Aung Moe Naing and SPDC IB 94 Battalion Commander Aung Moe Naing came and set up base at the Karenni State border and demanded 70 villagers each from 2 townships of Toungoo District to construct 2 motor roads, 1 from Baw Gali to Mawchi and the other from Kaw Thay Doe to Bu Sa Khee. The villagers were also forced to carry food supplies and clear landmine. The villagers had to bring with them their own food supplies. (Source: CIDKP, 2004)

On 12 January 2004, troops from SPDC IB 124 led by Bo Aung Ko Ko came to Der Doe village, Than Daung Township, and seized 12 villagers and made them clear the motor road from Tha Aye Hta to Pi Mu Kho. The troops threatened to burn down the village and behead the villagers if they failed to go. On that day, these troops also went into Maw Koe Doe village and Peh Kaw Doe village and seized many villagers. (Source: CIDKP, 2004)

On 12 January 2004, SPDC troops from Northern Command Tactical 1 led by Commander Khin Soe ordered the villagers in the area of Baw Gali to clear mines and construct a road within 7 days. Villagers were required to bring their own tools and food supplies. The villages and number of persons affected were:

1. Baw Gali village, 50 persons;
2. Kaw Soe Koh village, 30 persons;
3. Peh Kaw Der village, 15 persons;
4. Maw Koh Doh village, 15 persons;
5. Deh Doh village, 15 persons;
6. Maw Pah Deh village, 20 persons;
7. Ku Plor Deh village, 10 persons;
8. Ler Koh village, 6 persons; and
9. Wa Tho Koh village, 15 persons. (Source: FTUK, 2004)

On 13 January 2004, troops from SPDC IB 53 and IB 73 ordered villages in Than Daung Township to clear and repair a motor road from Mine Lun to Kyauk Lone Gyi. The villagers had to bring with them their own food supplies. The affected villages were:

1. Ka Ya Khee village,
2. Pwe Pu Khee village,
3. Lay Loe Day village,
4. Meh Ku Kar village,
5. Lay Law Way village,
6. Nge Po Gyi village,
7. Hai Doe village and
8. Mine Lun village. (Source: CIDKP, 2004)

On 12 March 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters demanded villagers to carry steel for bridge construction from Tha Aye Hta to Klay Soe Khee. Kaw Tay Doe villagers' trucks were ordered to transport the steel for the bridge from Klay Soe Khee to Baw Gali. The affected villages and number of persons from each village were:

1. Baw Gali village, 14 persons;

2. Kaw Soe Kho village, 19 persons;
3. Maw Pa Doe village, 4 persons;
4. Ku Plaw Doe village, 4 persons; and
5. Peh Kaw Doe village 15 persons. (Source: CIDKP, 2004)

On 14 March 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters put under duress Baw Gali village head Saw Maung Kay and demanded 150 villagers to go and work at the motor road construction site from Na Soe to Bu Sa Khe, beginning from 26 March 2004. Villagers' trucks in Baw Gali and Kaw Thay Doe area, travelling to Toungoo, had to give various items to the troops of SPDC Southern Command Headquarters as demanded. The affected villages in the Baw Gali area were:

1. Baw Gali village,
2. Kaw Soe Kho village,
3. Wah Tho Kho village,
4. Ler Kho village,
5. Ka Plaw Doe village,
6. Maw Pa Doe village,
7. Peh Kaw Doe village,
8. Maw Koe Doe village and
9. Der Doe village. (Source: CIDKP, 2004)

On 15 March 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters based at Baw Gali forcibly gathered 150 villagers in the Baw Gali area and forced them to clear bushes and landmines along the Kaw Thay Doe and Ba Hsa Khe motor road. The villagers had to bring with them their own food supplies. (Source: CIDKP, 2004)

On 15 December 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters, Battalion Commander San Myint, Battalion Second in Command Maung Maung Soe, of SPDC IB 73, and their troops ordered 20 villagers daily from Kaw Thay Doe village to clear the road from Kaw Thay Doe to Naw Soe village. These troops also ordered 1 person from each household of Klay Soe Khee village to clear the road from Naw Soe to Si Hkeh Doe village in Ka Mu Lor place. (Source: KIC, 2005)

On 16 December 2004, the SPDC troops led by Operation Command 1 Commander Khin Soe, Battalion Commander San Myint and Battalion Second in Command of SPDC IB 73 ordered 20 villagers from Kaw Thay Doe village to clear the motor road from Kaw Thay Doe to Ku Ler Doe. (Source: KIC, 2005)

Rangoon Division

Kawmhu Township

On 29 March 2004, SPDC Chairman of Tanmanaing Village Tract, U Sein Paw, ordered villagers to construct a road from Tanmanaing village to Kanthonekan village and other nearby villages. Each household was instructed to dig and pile up earth for a stretch of road embankment equivalent to 25 feet long and 5 feet high, measuring 25 feet across at the base and 15 feet at the apex, over a five-day period. For those persons without a family, 3 persons would be combined and treated as a household. Villagers that failed to comply incurred a

6,000 kyat fine. (Source: "BURMA: Complaints Against Forced Labor Blocked and Victims Punished," Asian Human Rights Commission, 3 September 2004)

Sagaing Division

From late 2003 to as recently as mid-October 2004, U Hla Tun, Chairman of the Township Peace and Development Council ordered government employees to work on the construction of a circular road in Lashee Township. They had to work every Friday from 9 am to 3 pm without being paid. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

From 9 February 2004 to 20 February 2004, U Kyaw Nyunt, from the office of the Director of Forestry Department, ordered 200 villagers from 2 villages to work 9 hours per day on a teak plantation. One person from every household had to go and work. If they did not go to work they had to pay a 5,000 kyat fine (\$USD 6). (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

Between 15 July 2004 and 31 August 2004, the SPDC divisional military commander ordered villagers in Kalay Township, Sagaing Division, to clear an area for an airport. Each family was ordered to send 1 person. If they could not, they were fined 500 kyat. Furthermore, some villagers in Talay Township were also ordered to work on the construction of a USDA office. Villagers were also ordered to contribute 200 kyat for the opening of the USDA office. (Source: "Forced labor at Kalay airport," DVB, 25 September 2004)

Shan State

Lai-Kha Township

From mid 2004, SPDC troops from LIB 515 based in Lai-Kha ordered villagers from Lai-Kha, Kae-See and Murng-Kerng Townships to repair the road which joins the 3 Townships. The SPDC troops moved along the road ordering villagers from the village nearest the section of the road being rebuilt to work on the road. The SPDC troops said that they would pay a daily wage of 500 kyat per person. However, the villagers were not paid for their labor and no one dared to ask the troops for it. Some villagers, who had little work to do, continued to work on the roads for 2-3 months anticipating a wage. When they approached the SPDC troops for their wages, in order to buy daily necessities, they were scolded and told "We can't give you your wages until the government issues money. So shut up!" Some villagers were kicked when they asked for their wages. (Source: "People Forced to Fix Roads in Lai-Kha, Kae-See and Murng-Kerng," *SHRF Monthly Report, SHRF*, January 2005)

Murng-Paeng Township

In early 2004, SPDC troops stationed at Murng Pu Long village ordered villages from Murng Pu Long village tract, Murng-Paeng Township, to work on the construction of a road. Each village in the Murng Pu Long village tract area was required to supply 30 laborers to work on an 8 day rotational bases. The road led from Murng Pu Long village to the main motor road near Murng Pu Awn village. The area where the road was constructed is extremely

mountainous and rugged and had only previously been accessible on foot or on horse. The road was therefore a long and narrow one and took more than 2 months to construct. Villagers were required to provide their own tools and food supply. (Source: "Forced Labour in Murng-Paeng," *SHRF Monthly Report*, SHRF, January 2005)

Murng-Pan Township

From January 2004 to the date of this report, July 2004, SPDC troops from LIB 520 forced villages in Murng-Pan Township to guard a pagoda construction sight on Loi Noi hill. Five villagers a night were required to sleep at the sight and take it in turns to provide the guard duty. If villagers could not or did not have time to attend for guard duty, they could hire SPDC soldiers to do it on their behalf, at a rate of 1,000 kyat per person per night. In July 2004, it was reported that although construction of the pagoda had been completed in April 2004, compulsory guard duty continued at the pagoda. (Source: "Forced Labour and Extortion in Murng-Pan," *SHRF Monthly Report*, SHRF, July 2004)

Nam-Zarng Township

In early 2004 to the time of this report, May 2004, SPDC IB 9 forced villagers in Nam-Zarng Township to construct a road between Kho Lam village, in Nam-Zarng Township, and Wan Zing village, in Kae-See Township. Approximately 30 to 50 people from each village had to go to work for 15 days at a time on a rotational basis. Cumulatively, between 250 and 300 people were forced to work on the road at any one time. Villagers were required to provide their own tools and food supplies. Villagers who the SPDC troops did not think were working hard enough or fast enough were scolded and/or beaten. Zaai Mawng, a displaced person originally from Kaad Yaang village, Lai-Kha Township, was shot dead in front of the other laborers. The SPDC then threatened other laborers with a similar fate if they refused to work on the road. Laborers were ordered to bury Zaai Mawng's body at some distance from the road. (Source: "A Forced Labourer Shot Dead in Front of Others During Forced Labour in Name-Zarng," *SHRF Monthly Report*, SHRF, July 2004)

On 23 August 2004, the SPDC troops stationed at the outpost camp, called "4-mile-camp", in Kho Lam village tract, Nam-Zarng Township, burned down 2 farm huts, with the owners possessions inside, in Haang Naa village and forced the 2 house owners, Wi-Zin-Ta (age 45) and Kawn Zing (age 40) to clear the sides of the road between Haang Naa and Kho Lam village, a distance of 4 miles. (Source: *SHRF Monthly Report*, SHRF, July 2004)

Tenasserim Division

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

Mergui/Tavoy District

On 5 February 2004, the leaders of the People's Militia, or Mammasa Pyithusit, forced villagers from Mammasa and Mamasa Hkee village in Palaw Township, Mergui District, to build a road from Mammasa to Mammasa Hkee village. The villagers had to collect sand and stones for the road's construction. Saw San Sih who did not follow the order was arrested by Pyithusit. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 31 March 2003, SPDC IB 224 summoned 50 villagers to clear the forest for a helicopter landing strip beside Wa blaw kye in Taket village tract area, approximately 37 miles southwest of Mergui. The SPDC had intention to build a dam in that area. For that purpose the military banned all villagers from traveling outside of their villages and summoned all the village elders to stay close to them. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, March 2004)

On 22 May 2004, No. 2 Tactical Command led by Colonel Kyi Sein based in Htee Hta in Tenasserim Riverside demanded 9 people from Kawsawah village to cut down and refine wood for the construction of a school. Twenty two people from Myitta village and 10 people from Mawta village were forced to build the primary school in Htee Hta village. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, May 2004)

In June 2004, Infantry Battalion No. 410 led by Sergeant Nyi Nyi Aung ordered villages from Ye Byu Township to collect approximately 10 tons of wood for the construction of a primary school. Seven villagers per day worked for approximately half the day cutting trees in the forest. The logs were then transported to the village by a 2 cow wheel wagon. Each household was ordered to contribute 1 person for the project. Households who could not provide a person were required to hire other villagers, at 1,000 kyat per day. The laborers had to provide their own equipment, engine oil, food and water supplies. (Source: "Conscripted Volunteer for School," *Kao Wao News*, 14 June 2004)

From June 2004 until the time of this report, November 2004, Colonel Soe Thet of Center of Strategic Command 4 ordered 295 people from 10 different villages to work in the construction of a paved road, for which the Italian-Thai Development PLC (ITD) has been awarded a contract. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

On 18 November 2004, the Operation Command 13 Headquarters sent information to the Coastal Command about 400 forced laborers which had originally come from there. Among them, 6 people were killed by landmines, 32 people sustained injuries, 198 people ran away and only 164 people were left. (Source: ABSDF, 2004)

From 19 November 2004, Myeik District authorities gave the Tenasserim Township authorities the responsibility to collect all the residents from the villages along the car-road through to Thein-daw village to serve as laborers. The residents were required to reconstruct the parts of the road connected to their villages and in the township which were damaged in the rainy season. The residents were required to be collected until the road construction was completed. One representative from the Tenasserim Township authority was to take responsibility to lead the road construction project. The representative was to ask 1 of the village authority members to manage the daily construction status reports and send them to the Tenasserim Township authorities in Myeik (Mergui) District by telephone. The villages subject to this order from Tenasserim Division along the Thein-daw village car road construction site were:

1. Tenasserim Township,
2. Ban Law village,
3. Tha Kyet village,
4. Ye Paw village,

5. Ban Yauk village,
6. Tha Mee Hla village,
7. Wan Na village,
8. Kyauk Ze Ya village,
9. Ta Ku village,
10. Tha Ra Bwin village,
11. Kya Kyaw village,
12. Ta Pi village, and
13. Thein Daw village.

The Tenasserim Township authorities ordered the village development council (VPDC) to collect 1 person per family to construct the road starting from 19 November 2004. The road construction was supposed to be completed within a week. (Source: ABSDF, 2004)

1.6 Forced Labor for Military Camps, Military Income Generation, and Guide Services - Partial List of Incidents for 2004

Arakan State

Between 2 September 2004 and 5 September 2004, Border Area Control Department's Captain Khin Sein ordered 10 villagers to weed rice fields, during which they had to leave their family behind. They were neither fed nor paid. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

Buthidaung Township

From 15 May 2004 to the time of this report, 9 June 2004, the Military Operation Command 15 (MOC 15) Commander of Buthidaung Township, Arakan State, ordered villagers from Quan Dine, Tharakani, Dabru Chaung, Sinyan Way and Nanragong villages in Buthidaung Township to provide forced labor to army battalions No.551, 556, 564 and MOC 15 Headquarters, which have been established at Koya Sori, Krakma Taung, Palay Daung and Dabru Chaung villages respectively. According to the MOC 15 command commander's verbal order, Rakhainga and Kami ethnic groups were exempt from participating in the forced labor. Fifty villagers from each village, totaling 250 people, were ordered to work at the camps without pay. The work demanded included: construction work, carrying rations, road construction, collecting firewood for baking bricks in kilns, carrying water, fencing the army camp, cleaning the army camp, making bricks in brick fields and carrying the bricks from brick field to the army camps. The villagers were required to provide their own food supplies. Kalu (age 55) fell while carrying bricks from the brick field and some of the bricks broke during his fall. The Nasaka authorities then fined Kalu 60,000 kyat as a punishment for his negligence. Unable to pay the money and fearing arrest, Kalu fled to the Bangladesh border area where he worked as a laborer at the time of this report. (Source: "Forced Labor Still Exists in Arakan, Western Burma," *Kaladan News*, 8 June 2004)

Maungdaw Township

From August 2004 to the date of this report, 13 September 2004, the Western Command Commander of the Nasaka (Border Security Force) ordered 20 villagers to provide sentry duty at sentry posts in every village of Maungdaw Township. Ten villagers were responsible for the daytime watch and 10 villagers were responsible for the nighttime watch. Nasaka military patrolled and checked the sentries in every village at night and the villagers were responsible for providing the patrolling soldiers with food.

It was reported that the order came as a result of a robbery that took place on 4 August 2004 at Dar Bine Sara (Dawin Sarah) village in Buthidaung North. A gang of robbers, consisting of 12 persons from bordering Bangladesh, robbed the house of Khalu, Village Peace and Development Council (VPDC) Chairman of Dar Bine Sara. Cash and valuables to the value of 11,47,000 kyat were taken. The offenders crossed the Naf River and the Mayu Mountain forest, between Buthidaung and Maungdaw Townships. (Source: "Sentry Imposed in Northern Arakan for SPDC Authorities," *Kaladan News*, 13 September 2004)

Chin State

On 23 January 2004, Major Thant Zin Oo, deputy battalion commander of LIB 268, ordered villagers from 11 villages in southern Chin State to work on the army tea plantation. The affected villages were:

1. Ngaphaipi village,
2. Fartlang village,
3. Khuapilu village,
4. Lauo village,
5. Darling village,
6. Ruanmang village,
7. Sapaw village,
8. Tonglalong village,
9. Sabawngpi village and
10. Sabawngte village.

Each village had to provide 6 people per week to work on the tea plantation. The journey to the tea plantation took approximately 1 week and villagers were required to arrange their own travel, provide their own tools and food supply. The work involved at the tea plantation included carrying water from a stream approximately half a mile away to water the tea plantation. (Source: *Rhododendron News*, Volume VII. No. II., CHRO, March-April 2004)

On 16 February 2004, Captain Aung Naing Oo of Sabawngte army camp ordered villagers from Phaphe, Hloma and Meisakotlah village to repair the fence at Sabawngte army camp. (Source: *Rhododendron News*, Volume VII. No. I., CHRO, January-February 2004)

On 10 April 2004, Sergeant Major Maung Myint of Burma Army LIB 55 based at Sinletwa army camp ordered Sinletwa village tract and a further 4 surrounding village tracks to provide 12 villagers each to work on the repair the army camp fences. The villagers were required to provide their own tools and food supplies. The villagers were ordered to work at the camp for 7 days and to work from 5 am until dark. (Source: *Rhododendron News*, Volume VII. No. III., CHRO, May-June 2004)

On 10 August 2004, Major Khin Maung Cho of LIB 274 ordered 1 person from each household from 15 villages in Rezua Township to construct a new army camp at Rezua town. Villagers bought bamboo poles and chickens for the army officers when they arrived and were required to dig trench, build barracks and sharpen bamboo for the construction of the army camp. They were also required to provide their own tools and food. Several women were among the laborers. (Source: *Rhododendron News*, Vol. VII. No. V., CHRO, September-October 2004)

Between 24 August 2004 and 26 August 2004, 2nd Lieutenant Htun Kyaw of LIB 274 and company commander in-charge of Sabawngte army camp, ordered 11 villages in the surrounding Sabawngte area to repair the army camp. The affected villages were:

1. Ngaphaipi village,
2. Fartlang village,
3. Khuapilu village,
4. La-U village,
5. Darling village,
6. Ruamang village,
7. Sapaw village,
8. Tawnglalong village,
9. Sabawngpi village,
10. Sabawngte village and
11. Hlungmang village.

Every village was ordered to provide 1000 bamboo poles and chickens. The villagers were required to provide their own tools and to cut 1000 poles of bamboo from the forest. They were also required to provide their own food. (Source: *Rhododendron News*, Vol. VII. No. V., CHRO, September-October 2004)

Irrawaddy Division

On 5 July 2004, a court trial, under Act (374), began to investigate allegations by U Khin Zaw and U Ohn Myint that they were imprisoned by VPDC chairpersons, including nine members in Ka-nyin-ngu village tract, Hin-tha-da Township, Irrawaddy Division, for failure to perform forced labor. They claimed that following the death of a presiding monk at Yadanathirit monastery in Auk-pon village, Ka-nyin-ngu village tract, in June 2003 there were arguments between residents and the authorities about who would be the new presiding monk. Consequently, the Township authorities closed the monastery by hanging up a signboard. Villagers were forced to perform sentry duty around the monastery, including 5 people in the night time and 3 people in the day time. U Khin Zaw was 1 of the people forced to engage in sentry duty. When he refused to do it because he had problems, the authorities sentenced him to prison for a month, starting on 15 October 2003 to 14 November 2003. During November 2003, U Ohn Myint, who was a friend of U Khin Zaw, was also sentenced to 6 months in prison under Act 187/189 for failure to perform sentry duty and for encouraging U Khin Zaw not to do the sentry duty. Approximately 1 week after Ka-nyin-ngu villagers U Khin Zaw and U Ohn Myint were released from Tenasserim prison, they complained to the International Labor Organization (ILO) about being forced to serve as sentry guards and being sentenced to prison. The authorities from Ka-nyin village tract implicated for forcing villagers to perform labor and sending villagers to prison are:

1. U Tin Tun, VPDC (Chairperson);
2. U Than Aung, VPDC (Member);
3. U Tin Shwe, VPDC (Member);

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4. U Than Oo, VPDC (Member);
 5. U Aye Win, VPDC (Member);
 6. U Aye Kyai, VPDC (Member);
 7. U Win Hlaine, VPDC (Member);
 8. U Kyi Win, VPDC (Member); and
 9. U Saw Oo, VPDC (Member). (Source: "Authorities Being Prosecution After Prisoners Complain to the ILO," *Yoma*3, 5 July 2004)

Karen State

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

Dooplaya District

On 7 January 2004, Htee Po Than Camp Commander Aung Myint Myat of SPDC LIB 591 demanded that 5 sections of Htee Po Than village each provide 100 poles of bamboo and 6 wooden poles to the army camp no later than 9 January 2004. (Source: CIDKP, 2004)

On 13 January 2004, Htee Po Than Camp Commander Aung Myint Myat ordered Tha Mein Dok village to provide 300 poles of bamboo. The cutting of the bamboo was to be finished 14 January 2004. The ordered bamboo was required to be sent by 10 bullock carts to the army camp no later than 18 January 2004. These troops also demanded the following bamboo poles from the following villages to be sent to the army camp by 18 January 2004:

1. Htee Po Than village, 500 poles of bamboo;
2. Maw Wah village, 50 poles of bamboo;
3. Htee Wa Klay village, 50 poles of bamboo; and
4. Mae Ka Waw Khee village, 50 poles of bamboo. (Source: CIDKP, 2004)

On 21 January 2004, Camp Commander Aung Myint Myat of SPDC LIB 591 based at Htee Po Than camp ordered 5 sections of Htee Po Than village to each cut 20 poles of bamboo for the construction of a warehouse for the army camp. (Source: CIDKP, 2004)

On 25 January 2004, DKBA troops led by Company 2 Commander Htun Sein of Battalion 906 ordered Htee Po Than villagers to cut down 2 Inn trees, which they then took away with them. (Source: CIDKP, 2004)

On 7 July 2004, the army camp commander of SPDC IB 230, based at Htee Po Than village, Kyon Doe Township, ordered Htee Po Than villager, Saw Nyo Nyein (age 33) to go and collect information at Win Kat village. As he was a little late in returning, the camp commander put Saw Nyo Nyein in stock for 2 days. (Source: CIDKP, 2004)

On 10 July 2004, Wah Boe Gon Camp Commander Maung Maung of SPDC IB 254 based at Wah Boe Gon ordered villagers from Ta Khat Klo village, Kya In Township, to plant rice in the army rice field. The victims were:

1. Maung Shwe Win,
2. Naw Than Than Aye,
3. Maung Nge Ohn,
4. Maung Chit Win,
5. Kyaw Kyaw,
6. Baing Si,

7. U Than Aye,
8. Kyaw Paw,
9. Ohn Muyint,
10. Daw Pa Pu,
11. Ma Khin Cho,
12. Maung Win Aung,
13. Kyaw Pu and
14. Han Than. (Source: CIDKP, 2004)

On 13 July 2004, Wah Boe Gon Camp Commander Maung Maung, of SPDC IB 254 based at Wah Boe Gon ordered villagers of Ko Khat Klo village, Kya In Township, to plant rice in the army rice field. The victims were:

1. Naw Po, age 54;
2. Naw Wah, age 37;
3. Daw Meh, age 40;
4. Ta Eh Paw, age 30;
5. Thay Wah, age 40;
6. Mu Naw, age 47;
7. Naw Wah Moe, age 37;
8. Moo Po, age 30;
9. Naw Po Kher, age 20;
10. Naw Emily Wah Moe, age 37;
11. Po Dah Pu; and
12. Po Nyaw. (Source: CIDKP, 2004)

On 14 July 2004, SPDC IB 284 Camp Commander Maung Maung forced villagers of Ta Khat Khee (Tu Lay Gon) village to plough the army rice field with their own bullocks and carts. The victims were:

1. Saw Po Di, age 35, 1 bullock cart;
2. Saw Bo Nyan, age 41, 1 bullock cart;
3. Saw Kay Wah, age 37;
4. Maw Teh, age 36;
5. Saw Ta Kay, age 17;
6. Naw Ree, age 50;
7. Saw Paw La Wah, age 15; and
8. Saw Po Per, age 15. (Source: CIDKP, 2004)

On 14 June 2004, Infantry Commander Aung Soe Oo of SPDC IB 230 based in Tee Gu Thaw village, Kyo Doe Township, demand the villagers bring him 24 bullock carts and 600 pieces of bamboo. Moreover, he demanded that every section of the village send 4 people each to build the military camp until it was finished. The owners of the bullock carts were:

1. U Daw Nyo, age 50;
2. Saw Pa Taw, age 50;
3. Saw Eh Moo, age 30;
4. Saw Paw Lu, age 40;
5. Saw Mya Moo, age 55;
6. Saw Kler Htoo, age 54;
7. Saw The Dah, age 45;
8. Saw Klo Say Htoo, age 20;
9. Pa Naw Ka, age 20;

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10. Saw Htoo Lway, age 33;
 11. Saw Eh K' Nyaw, age 38;
 12. Saw Tun Myint, age 30;
 13. Saw Ler Moo, age 36;
 14. Saw Ka Htoo, age 33;
 15. Saw Pa Lut, age 25;
 16. Saw Aye Aye, age 23;
 17. Saw Kay Moo, age 27;
 18. Maung Than, age 21;
 19. Maung Pu, age 38;
 20. Saw Di Di, age 30;
 21. Nae Taw Tha, age 28;
 22. Saw Di Tae, age 50;
 23. Saw Thoung Myint, age 40; and
 24. Naw Hsar Moo, age 35. (Source: BI, 2004)

On 6 July 2004, SPDC IB 284 ordered 20 villagers from Ta Khat Khee (Tu Lay Gon) village, Kya In Township, to plough the army owned rice fields for growing rice. (Source: CIDKP, 2004)

On 13 July 2004, SPDC LIB 588 Commander Myint Zaw ordered villages in Ka Maw Ka Nin village tract, Win Yae Township, to provide 15 villagers each. They also ordered each household to give 200 kyat, 5 bamboo poles 10-cubits long, and 3 wooden poles 4-cubits long. (Source: CIDKP, 2004)

On 20 July 2004, Htee Po Than, camp commander of SPDC IB 230, demanded 200 bamboo poles for camp repairs and each household had to give a bamboo pole. (Source: CIDKP, 2004)

On 23 July 2004, Po Tha Htoo from the so-called Thu Mu Heh Peace Unit cut down teak and Pa dauk wood near Aung Chan Tha village in Kyone Doe Township and transported them back to Mu Don in 15 bullock carts. (Source: CIDKP, 2004)

On 1 August 2004, Camp Commander Maung Maung Kyi of SPDC IB 284 Battalion Headquarters based at Wah Bo Gon village ordered villagers from Ta Khat Klo village, Kya In Township, to plough a plot of land and to plant rice in the army owned rice field. The victims who were forced to plough the land were:

1. Ah Ha, age 42;
2. Maung Than Sein, age 53; and
3. Maung Ohn Myint, age 22.
4. The victims who were forced to plant rice were:
5. Maung Pan Yin, age 50;
6. U Ah Ah Toe Tin, age 55;
7. Maung Htun Hlaing, age 25;
8. Saw Nee Nee, age 19;
9. Saw Kyaw Hay, age 19;
10. Ma Hla Win, age 53;
11. Naw Po Tu, age 20; and
12. Ma Aye San Kyi, age 18. (Source: CIDKP, 2004)

On 9 September 2004, Camp Commander Ye Naing Htun in the rank of Company Second in Command, based at the camp of Ta Maing Gon village, Kaw Ka Reik Township, from SPDC IB 231 under No. 12 Military Operation Command Headquarters, demanded each section of Ta Maing Gon village to deliver 3 baskets to the army camp. On that day, the municipal of Kaw Ka Reik Township demanded 1 person from each section to dig a mechanically powered well. (Source: CIDKP, 2004)

Papun District

On 12 January 2004, Battalion Commander Myo Min Hlaing and Battalion Second in Command Htun Oo of SPDC LIB 434 forcibly used villagers from Dwe Lo Township to do work for the army. The affected villages were:

1. Koo Seik village,
2. Way San village,
3. Way Mo village and
4. Htee Ber Kha Hta village.

Similarly, Battalion Commander Aung Min and Battalion Second in Command Saw Mya Oo of SPDC IB 1 forcibly used villagers to do work for the army. The affected villages were:

1. Hto Po Pa Doe village,
2. Po Mu Doe village,
3. Hsaw Bwe Doe village,
4. He Po Doe village and
5. Kyo Kho Doe village. (Source: CIDKP, 2004)

On 15 February 2004, SPDC LIB 350 Battalion Commander Kyaw Thu ordered 2 people each from villages in Mae Waing village tract to reconstruct the army camp. The villagers were from the following villages:

1. Toe Kot Kyaw Khee village,
2. Toe Meh Khee village,
3. Wah Tho Lor village,
4. Klo Khee village,
5. Wah Tho Kho village and
6. Mae Waing village. (Source: CIDKP, 2004)

Karenni State

On 2 October 2004, the Kardu base of SPDC LIB 199 in southern Shan State was scheduled to establish its new military camp near the market, 3 miles north of Kardu. To be able to establish this new military camp, 14 villages situated in the Shan - Karenni border areas were ordered by the LIB 199 commander to send 50 poles of bamboo each without fail. They were told to send the assigned bamboo on 15 October, at the latest. Similarly, the SPDC troops from LIB 530 were also scheduling to build their new camp in Daw Muleh, Hsomo Township, in an attempt to control the movement of people in the border area. People living in this border area were threatened by SPDC troops not to provide food to the KNPP's forces. (Source: KNAHR, 2004)

Mon State

(See note above about Thaton District in section 1.4)

Thaton District

On 8 March 2004, troops from SPDC No.314 artillery unit led by Sergeant Major Maung Aye ordered 8 persons from Kya Ta Raw village, Thaton Township, to come and work voluntarily at the army camp, bringing with them their own food supplies. (Source: CIDKP, 2004)

In September 2004, LIB 375 Camp Commander Kyaw Naing Lwin from Meh Pray Kee army camp in Bilin Township forced the villagers from Zee Gone village to roof the soldiers' video house *[a hut where people are charged to watch videos]*. When no one went to do the roofing work, the villagers were fined. (Source: KHRG, February 2005)

Between September and October 2004, SPDC IB 96 officer Tin Maung Win from Kyaikto army camp in Kyaikto Township demanded 300 pieces of *wa may* *[a type of bamboo]* from Pi Ti Kee village, 200 pieces of *wa may* from Kler Law Seh village and 300 pieces of bamboo from Moh Klaw Law village. The villagers had to send them to the army camp by 23 September 2004. (Source: KHRG, February 2005)

On 28 September 2004, troops from SPDC LIB 357 led by Major Aung Htun Zan came to Mae Naw Theh Khee village tract in Bilin Township. They demanded 2 villagers from Per Wah Hta village to work, each day, as firewood cutters, water carriers and cooks at their army camp. (Source: CIDKP, 2004)

Ye Township

In December 2004, IB 31 forced villagers from Khaw Zar village to work on the construction of a military base for the battalion. Money was also collected from the villages to fund the construction of the military base. (Source: "Villagers Forced to Build 90 Houses for Government Employees in New Town," Independent Mon News Agency, 9 December 2004)

Pegu Division

(See note above on Toungoo District in Section 1.4)

Nyaunglebin District

On 6 March 2004, SPDC LIB 590 ordered villagers from Pin Seik, Ko Ni, Ta Kot Pwa and Mee Daing Taw villages, Mone Township, to bring their own wood, bamboo and food to construct 3 layers of fence around their army camp at the length of 956 feet. (Source: CIDKP, 2004)

On 8 March 2004, Bo Sai Win Kyaw of SPDC LIB 439 based at Ta Ler Day camp ordered 6 villages from Mar Lar Daw village, Mone Township, to construct a warehouse to store rice at Ta Ler Day camp. (Source: CIDKP, 2004)

On 15 March 2004, Bo Sai Win Kyaw of SPDC LIB 439 based at Ta Ler Day camp ordered 5 female villagers and 11 male villagers from Mar Lar Daw village, Mone Township, to repair a warehouse for storing army rations at Ta Ler Day camp. (Source: CIDKP, 2004)

On 9 September 2004, about 30 troops from SPDC LIB 599 column 2 led by the battalion second in command came to Aung Chan Tha village and took villager Ko Htun Htun as a guide. (Source: CIDKP, 2004)

On 12 September 2004, a column of 50 troops from SPDC LIB 599 came to Myaung Oo village, Mone Township, and took 2 villagers as guides. (Source: CIDKP, 2004)

From 21 November 2004 to 27 November 2004, troops from SPDC LIB 381 based at Aung Soe Moe camp, Mone Township, ordered villagers from nearby villages to act as night watchers for the army and demanded 16,000 kyat from other villagers to pay for their wages. (Source: KIC, 2005)

On 20 December 2004, Company Commander Yan Naing Soe and Bo Ko Lay of SPDC LIB 599 ordered 1 person from each household of Mar Lar Daw village, Mone Township, to clear their military compound at Wah Mi Soe. At 1:30 pm, a villager named Saw Paw Baw stepped on a landmine and was severely wounded. (Source: KIC, 2005)

From 20 December 2004 up to the time of this report, February 2005, a unit of SPDC troops ordered 7 families from Mar Lar Daw village to relocate and demanded 1 person from each household to work daily without pay for the construction of Mar Lar Daw army camp. (Source: KIC, 2005)

Toungoo District

In early 2004, Major Aye Kyaw of IB 10 at Twee Thee Oo army camp in Dwek Loh Township ordered villagers from to make thatch. The bigger villages had to give 3,500 shingles and the smaller villages had to give 3,000 shingles. Some of the villages were still making the shingles in April 2004 even though the SPDC had ordered that all the shingles should have arrived at the camp by 25 February 2004. The affected villages were:

1. Bler Per village,
2. Poh Leh village,
3. Poh Khay village,
4. Htaw Meh Hta village,
5. Tee Tha Blu Hta village,
6. Baw Tho Hta village,
7. Hsa Law Deh village,
8. K'Pee Kee village,
9. Noh Ghaw village,
10. Htee Law Thay Hta village and
11. Htee Pa Doh Kee village. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

On 12 January 2004, troops from SPDC IB 92 led by Bo Kyaw Ngwe forced villagers from Ler Gi Kho Doe Ka area in Than Daung Township to bring with them their own food supplies and fence their army camp. The villages and number of persons affected were:

1. Kaw Law Kah, 18 persons;

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2. Sabah Lor Khee, 13 persons; and
 3. Ler Gi Kho, 10 persons.

Moreover, these troops ordered 2 villagers from Ler Gi Kho Doe Kah village to come and stay in their army camp each day with responsibility for security, carrying water and collecting firewood. (Source: CIDKP, 2004)

On 10 February 2004, troops from SPDC IB 73 demanded villagers for forced volunteer work. The affected villages and number of persons demanded were:

1. Sha Zee Po village, 8 persons;
2. Zee Pyu Gon village 5 persons;
3. Ye Shan village, 5 persons; and
4. Taw Gon village, 5 persons. (Source: CIDKP, 2004).

On 27 April 2004, troops from SPDC IB 726 demanded 15 Maw Pa Doe villagers daily to construct a new army camp near the Maw Pa Doe village motor road. (Source: CIDKP, 2004)

On 13 May 2004, Operation Command 1 acting Commander Aung Kyaw Htay of the SPDC Southern Command Headquarters demanded villages from Baw Gali area to provide 150 villagers. The villagers were ordered to bring with them their own food supply for 2 days and work voluntarily to rebuild the infantry camp at Baw Gali. (Source: CIDKP, 2004)

On 18 May 2004, Bo Hlaing Win Tint of Klaw Mee Doe camp and Klaw Mee Doe Camp Commander Yin Soe ordered 20 villagers from Hkeh Doe village, Tan Da Bin Township, to construct Klaw Mee Doe army camp. (Source: CIDKP, 2004)

On 18 May 2004, SPDC IB 60 ordered 20 people from Kae Dur village to repair the military camp. Most of the villagers brought their babies with them as they worked. (Source: BI, 2004)

On 31 May 2004, SPDC IB 60 Operation Commander Hlaing Win Tint and Infantry Commander Yea Soe forced 2 females and 9 males from Kae Dur village to build a hut in the military camp in Kae Dur village. (Source: BI, 2004)

On 3 June 2004, IB 19 demanded 100 shingles of thatch from Klaw Pa village in Bu Tho Township to roof the buildings in their camp. Nothing was paid for the shingles. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

On 7 June 2004, IB 19 demanded another 100 shingles from Baw Hta village. Nothing was paid for the shingles. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

On 16 July 2004, SPDC IB 73 Commander Myo Zaw forced 25 villagers of Sha Zee Bo village, Tan Ta Bin Township, to build a warehouse and barracks for the troops. (Source: CIDKP, 2004)

On 17 July 2004, troops from SPDC IB 73 led by Bo Myo Zaw forced villagers from Zee Pyu Gon and Taw Gon villages in Tan Ta Bin Township to dig communication trenches and set up a fence around the army camp. (Source: CIDKP, 2004)

On 17 July 2004, about 30 troops from SPDC IB 73 led by Bo Myo Naing forced 20 villagers from Sha Zee Bo and 6 villagers of Ye Shan, Tan Ta Bin Township, to build an army camp. (Source: CIDKP, 2004)

On 17 July 2004, SPDC IB 73 Commander Myo Zaw forced 14 males and 3 females from Sa Si Boe village, as well as 13 males and 5 females from Taw Ku village, to repair the military camp. (Source: BI, 2004)

On 19 July 2004, SPDC IB 73 Commander Myo Zaw forced 20 Sa Si Boe villagers, 12 Yin Sha villagers, 12 Taw Ku villagers and 15 Si Pyu Goe villagers to repair the military camp. (Source: BI, 2004)

On 19 July 2004, about 30 troops from SPDC IB 73 led by Bo Myo Naing forced villagers in Tan Da Bin Township to construct an army camp. The following villages and number of persons were affected:

1. Sha Zee Bo village, 20 persons;
2. Ye Shan village, 12 persons;
3. Taw Gon village, 12 persons; and
4. Zee Pyu Gon village, 15 persons. (Source: CIDKP, 2004)

On 20 July 2004, SPDC IB 73 troops based at Sha Zee Bo demanded villagers in Tan Ta Bin Township to construct an army camp. The following villages and number of persons were affected:

1. Zee Pyu Gon village, 20 persons (3 females and 18 males);
2. Taw Gon village, 18 persons (5 females and 13 males);
3. Sha Zee Bo village, 21 persons (21 males); and
4. Y Shan, 6 persons (6 males). (Source: CIDKP, 2004)

On 21 July 2004, SPDC IB 73 Commander Myo Zaw forced 25 males and 6 females from Taw Ku villagers to repair the military camp. (Source: BI, 2004)

On 22 July 2004, SPDC IB 26 forced 6 villagers from Sa Si Boe village to repair the military camp. In addition, they ordered each villager in the camp to cut 1 bamboo and bring it to the infantry camp. (Source: BI, 2004)

On 23 July 2004, SPDC IB 73 Commander Thaing Myint and Battalion Commander Mg Mg Soe forced 7 females and 17 males from Si Pyu Goe village, as well as 7 males from Sa Si Boe village, to repair the buildings in the military camp. (Source: BI, 2004)

On 24 July 2004, SPDC IB 73 forced 14 villagers from Sa Si Boe village to repair the army camp. (Source: BI, 2004)

On 24 July 2004, troops from SPDC IB 73 forced villagers in Tan Ta Bin Township to build the army camp. Villages and the number of villagers forced to work were: Zee Pyu Gon village, 7 women and 17 men and Sha Zee Bo village, 7 men. (Source: CIDKP, 2004)

On 24 July 2004, troops from SPDC IB 73 based in Sha Zee Bo area forced 4 Sha Zee Po villagers to construct their army camp. (Source: CIDKP, 2004)

On 29 July 2004, troops from SPDC IB 48 led by Bo Zaw Myo Naung based at Ler Gi Kho Doe Kah ordered villagers from Than Daung Township to Ler Gi Kho Doe Kah camp. The villages and number of persons affected were:

1. Ler Gi Kho Doe Kah village, 5 persons;
2. Ler Gi Kho Doe Klo village, 5 persons; and
3. Pah Wah village, 10 persons. (Source: CIDKP, 2004)

On 29 July 2004, troops from SPDC IB 73 led by Bo Myo Naing based at Sha Zee Bo village forcibly used 11 villagers from Ye Shan village to construct the army camp. (Source: CIDKP, 2004)

On 30 July 2004, troops from SPDC IB 73 based in Sha Zee Bo area ordered 4 villagers per day in Sha Zee Bo village tract to come and stand sentinel for the army. (Source: CIDKP, 2004)

On 6 November 2004, troops from SPDC IB 57, based at Leik Tho, demanded 20 villagers from each village of Thik Kwa Taung, Kyaung Gon and Mahn Tin villages in Than Daung Township to dig communication trenches for their army camp. (Source: KIC, 2005)

On 6 November 2004, Camp Commander Htun Hla Oo of SPDC IB 73 based at Sha Zee Po village ordered villagers in Tan Ta Bin Township to come and work in the army camp. Sha Zee Po village had to provide 27 men and 6 women while Ye Shan village had to provide 11 men and 14 women. (Source: KIC, 2005)

Sagaing Division

Tamu Township

From 12 August 2004, Tamu Township police officer U Pyone Cho ordered 7 villagers to stand guard for 6 consecutive nights. Those who couldn't had to hire someone else at 1,000 kyat (\$USD 1.2) per night. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

Ye Zwa Township

On 13 August 2004, IB 274 Commander Major Kin Maung Cho ordered 30 people from 4 different villages to build fences and dig trenches for his Ye Zwa Township based military camp. The villagers had to work for 3 consecutive days and were not paid. (Source: *Report for ILO Committee of Experts on the Application of Conventions and Recommendations: Burma: Forced Labour Convention, 1930 (nr. 29)*, ICFTU, 10 November 2004)

Shan State

Kae-See Township

From 1999 to the time of this report, July 2004, SPDC troops from IB 286, based at Murng-Nawng village in Murng-Nawng village tract, Kae-See Township, have forced villagers to work on the construction and maintenance of a military camp. The work includes digging trenches, building fences, barracks and bunkers. The villagers are also responsible for the

maintenance of the camp and the rebuilding of any damaged fences or buildings. The responsibility for cultivating a military corn field has also been assigned to the villagers from beginning to end. The villagers are required to plant and harvest the corn using their own tools and buffalos. The villagers are required to also provide their own food supply. (Source: "Forced Labour in Kae-See," *SHRF Monthly Report*, SHRF, July 2004)

Kun-Hing Township

In mid 2004, SPDC troops of IB 246 ordered villagers from Wan Paang and Naa Sae villages, near Kun-Hing Township, to plant a certain kind of rice bought from lowland Burma. When the rice seedlings were ready for planting, the villagers planted them in the field. However, some 10 days later, the SPDC troops inspected the fields and complained that the rice seedlings had not been planted in straight rows. The SPDC troops then ordered the villagers to pull out the seedlings and plant them again, using ropes as guidelines. As the villagers had had to hire several workers to help plant the rice seedlings, they were required to again pay for extra workers. There were approximately 10 plots of rice fields which had to be planted again. The cost of the initial planting was approximately 30,000 kyat. Therefore, the villagers paid approximately 60,000 kyat to twice plant the same fields. (Source: "Farmers Forced to Replant Rice in Kun-Hing," *SHRF Monthly Report*, SHRF, January 2005)

Lo-Sio Township

On 20 April 2004, SPDC troops from IB 41 led by Commander Aye Lwin and stationed at Murng Ked village, La-Sio Township, ordered 1 person from each household in Murng Ked village tract to come and weed the army corn field. In total, 250 villagers from 15 villages in Murng Ked village tract attended on the day to provide the labor. (Source: "Forced Labour in La-Sio," *SHRF Monthly Report*, SHRF, July 2004)

Mu-Se Township

On 13 February 2004, SPDC troops forced villagers to plant rice in Kaeng Yaang village, Paang Saai village tract, Mu-Se Township. During the forced planting of rice, Lung Suay Kyawng, the field owner, and his assistant, Ai Thun, were beaten by members of the USDA (Union Solidarity and Development Association) who accused them of being unwilling to work and of defying orders. Lung Suay Kyawng was beaten 5 times and Ai Thun was beaten 3 times with a bamboo-split stick by Win Mayng, member of Paang Saai village tract USDA. On 27 February 2004, during the same rice planting order (Sin-Shweli-527), Win Mayng beat a further 7 villagers with a stick. Among them was a pregnant woman who suffered a miscarriage from the beating a week. The victims were:

1. Lung Kham Yad, male, the village headman;
2. Lung Kham Leng Lern, male;
3. Zaai Saang Mawng, male;
4. Naang Kham Suay, female;
5. Naang Yaen (female, 3-months pregnant, later suffered from a miscarriage);
6. Naang Yong, female; and
7. Naang Mo Kham, female. (Source: "Beating During Forced Labour in Mu-Se," *SHRF Monthly Report*, SHRF, July 2004)

Murng-Nai Township

Between June 2004 and October 2004, SPDC military authorities ordered every able bodied male from every household in the Kaeng Tawng area (sub-township) in Murng-Nai Township to build another layer of fences and trenches around the 5 military camps based in Kaeng Tawny area. The order came after the military camps of LIB 569 and LIB 574 were attacked by Shan resistance forces, in which a number of SPDC troops were killed and wounded. The SPDC troops ordered another layer of fences and trenches to be built some distance from the existing ones around the 5 military camps. The fences, made of bamboo, had to be thick and firm and the trenches dug 2 elbows wide and 3 elbows deep. The villagers, mostly farmers, were ordered to work everyday until the fences and trenches were complete. As the order coincided with the rice cultivation period many households were unable to cultivate their rice fields. (Source: "Long-Period Mass Forced Labour in Building Military Facilities in Murng-Nai," *SHRF Monthly Report*, SHRF, January 2005)

Murng-Pan Township

From January 2004 to the date of SHRF's last visit to the area prior the writing of this report, April 2004, SPDC troops from LIB 520 forced villages in Murng-Pan Township to provide free labor. Villagers from all quarters of Murng-Pan town and its vicinity were first ordered to build fences at LIB 520 military base. After the fences were completed, people were forced to build a 3 mile long road from the military base to the main road. The villagers had to provide their own tools and food supplies. (Source: "Forced Labour and Extortion in Murng-Pan," *SHRF Monthly Report*, SHRF, July 2004)

Murng-Su Township

On 11 March 2004, SPDC troops from LIB 326 based in Tang-Yam forced 15 villagers from Paang Kham Saai, Luk Niu and Nam Aang villages in Nawng Ep village tract, Murng-Su Township, to build fences at an outpost camp in Murng-Su Township. Three men from this group were singled out and taken away by soldiers from LIB 326. Relatives and community leaders, who made inquiries about the 3 men, were told that they had been dismissed along with the other laborers at 4:00 pm on the same day. A few weeks later, villagers saw 3 new graves some distance from the military camp. The villagers dug the graves up and although the bodies were beyond recognition, the clothes were identified as those worn by the 3 villagers who disappeared. One of the victims was Zaa-Pan-Ta (male, age 28) from Paang Kham Saai village, Murng-Su Township. The names of the other two villagers were not known at the time of this report. (Source: "Disappearance and Killings During Forced Labour in Murng-Su," *SHRF Monthly Report*, SHRF, July 2004)

Murng-Ton Township

From November 2003 to early 2004, SPDC troops from IB 277, stationed at the outpost camp at Naa Kawng Mu village, forced 15 villagers a day from Naa Kawng Mu village in Murng Haang village tract, Murng-Ton Township, to build fences, barracks and provide lamp posts for the military camp. This required the villagers to cut bamboo for several days. The villagers were then required to transport the bamboo to the military camp by trucks and mini-tractors. Villagers who did not have a truck or tractor were required to build 3 layers of bamboo fence around the camp. After the fences were complete, villagers were required to build barracks within the camp. Villagers of Naa Kawng Mu were also ordered to provide

100 pieces of hardwood for lamp posts. This required villagers to cut straight hardwood trees and make them into approximately 7-yard long pieces. They were also required to transport the lamp posts to the military camp. (Source: "Forced Labour in Murng-Ton," *SHRF Monthly Report*, SHRF, July 2004)

Tenasserim Division

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

Mergui/Tavoy District

On 21 February 2004, Major Aye Myint, commander of No.3 Tactical Command based in Lerpaadoh village, northeast of Mergui, summoned the village headmen from Dih Plaw, Te Hta and P'rut Khu villages and ordered them to send 50 posts of wood and 250 pieces of bamboo. The commander also demanded 500 roofing leaves from each village. The villagers were ordered to send the items by 27 February 2004. The affected villages were:

1. Buthawplaw village,
2. Tarwahta (Sarawa) village,
3. Pahtooklo village,
4. Lerpaadoh village,
5. Kyauk Peik village and
6. Dahbawko (Kinnigyum) village. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 24 February 2004, officers of the Burmese army's No.2 Tactical Command ordered villagers from Mergui District, Tenasserim Township, to work on the army's rice field. The affected villages and the number of acres were as follows:

1. Taket village, 20 acres;
2. Hle Seik village, 5 acres; and
3. Thabokleik, 10 acres. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 26 February 2004, officers of the Burmese army's No.309 Artillery Battalion, led by Mah Yan Zan, ordered villagers from Wahtho (Wahchaung) village in Palaw Township, Mergui District, to clean the place for the army in Ahzannigone. Troops took cashew nuts from the village of Pyicha. Pyicha was deserted because villagers were forcibly relocated by Burmese troops and had therefore abandoned their plantations. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

From April to May 2004, Commander of Coastal Region Military Command Brigadier General Ohn Myint ordered Artillery Division 505, headed by Colonel Khin Maung Ye, based in Mergui Town, to clear the mountain in order to set up artillery bases. To achieve this, the Colonel ordered 8 villages in Tenasserim Division to cut down the trees on the mountain. Each village was ordered to work in a different place along border area. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, May 2004)

On 23 June 2004, the People's Militia from Mhyitchinsu in Palaw Township, Mergui District, led by Maung K'Lu, went to Wathoh Payo Kwee village and demanded each house in the village to make 150 strips of bamboo and stipulated that the bamboo strips must be 3 feet long. The villagers had to deliver the bamboo strips to Maung K'Lu's house on 26 June 2004. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, June 2004)

1.7 Forced Prison Labor - Partial List of Incidents for 2004

Chin State

In March 2004, 30 prisoners from Kalaymyo prison were forced to work on the construction of a hospital at Rih Township and a further 50 prisoners from Kalaymyo prison were forced to work on the construction of a road between Tiddim village and Rih village. The prisoners were strictly guarded by both Burmese police and army officers. Villagers were not allowed contact with the prisoners. (Source: *Rhododendron News*, Volume VII. No. III, CHRO, May-June 2004)

Tenasserim Division

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

On 9 November 2004 at 9:00 am, 250 prisoner laborers from Myeik prison were withdrawn from the prison by the prison charge unit. The prisoner labors were expected to be sent to frontline forces under Military Operation Command 13, LIB 555, LIB 560 and LIB 432 under Tactical Command 2. These troops are under the Coastal Command in the eastern part of Tenasserim Township. (Source: ABSDF, 2004)

On 15 November 2004, the Coastal Command took 400 prisoners from Tavoy prison to serve as porters. The prisoner porters were sent to the Tactical Command 2 office based in Mit Ta village. The prisoner porters were expected to be sent to battalions and units under Tactical Command 2 and Operation Command 13, who campaigned in the eastern part of Tavoy District. (Source: ABSDF, 2004) (For more information on prisoners involved in forced military conscription please see section 1.8, below.)

1.8 Forced Conscription and Forced Military Training - Partial List of Incidents for 2004

Karen State

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

Pa-an District

On 23 May 2004, Saw Pan Wah from DKBA 999 demanded 10 villagers from each of the 12 village tracts in Ta Nay Cha (Na Boo) Township to attend military training for forming a people's militia units. (Source: CIDKP, 2004)

Mon State

Since June 2003 to the time of this report, August 2004, the SPDC forced thousands of villagers, USDA members, government servants, and village headmen in Mon State to attend basic military training, which takes 2 weeks to 4 weeks. All men between 18 and 50 years in villages, town wards and city quarters were registered by the SPDC and ordered, via village headmen, to attend the training in groups. USDA members, government servants, including teachers, health workers, post office workers, members of fire brigades and others, including women, were also ordered to attend the training. The training was generally arranged by army battalions and low ranking commanders acted as trainers. Military training was an on-going process and the trainees were ordered to attend the advanced training course after 3 months or 6 months. No payment was given during the training period and villagers were required to pay food costs to the SPDC. (Source: *The Mon Forum*, Issue No. 8/2004, HURFOM, 31 August 2004)

Pegu Division

(See note above on Toungoo District in Section 1.4)

Toungoo District

In March 2004, at the time of this report, troops from Operation Command 1 of SPDC Southern Command Headquarters demanded 30 villagers from Twenty Miles village, 25 villagers from Thu Ger Doe village and 30 villagers from Htee Ta Pu village in Twenty Miles village area to serve in the people's militia. (Source: CIDKP, 2004)

On 17 October 2004, Tint Naing, Maung Maung So and Mi Thet Lwin from IB 73 forced 120 civilians from Htaw Ta Htu village to be responsible for providing food for military training taking place in the area. After the training, the civilians were forced to cooperate with the Burma Army by serving at the following outposts; Shar Si Bo, Pyin Kha, Tha Byaw Hyo, Kay Daw, and IB 73 Headquarters. The villagers were also responsible for the monthly salaries of the militia soldiers who were to be paid 23,000 kyat a month each. (Source: FBR, 2004)

Shan State

On 22 October 2004, the Mong-Pan based LIB 520 issued a directive to townships in southern Shan State to select male youths between 18 and 35 to be trained as paramilitaries. Fifty eight trainees were collected and sent to the battalion. On their arrival, the "trainees" were ordered to change into army uniforms and taken out on a patrolling mission. Reports regarding charges imposed vary slightly. Some villagers have reported that those who wished to have their male family members returned were charged 10,000 kyat for each person released. On the other hand, villagers from Kengtawng, Mongnai, Langkher and Kunhing Townships reported that eligible youths were called forth by the SPDC and those that wished to attend the "training" were charged 10,000 kyat. (Source, "Youths for Ransom in Shan State," *Shan Herald Agency for News*, 3 November 2004)

1.9 Documents and Sample Forced Labor Orders

Order #1:

Number 391 Light Infantry Battalion
No. 3 Company

To: Village Head

_____ Village

Date: 17 March 2004

Subject: Inform about leaves for roofing

As regards the matter above, your two villages must send 1000 sheets of leaves for roofing for the strategic post, which is located in 1450 camp, to the Htichara monastery on 20 March 2004. The village leaders must take responsibility for this if the leaves do not arrive.

By the instruction of Strategic Camp

(Commander, No 3 Company, No 391 Light Infantry Battalion, Mobile Column, Htichara)

1.10 Interviews and Personal Accounts

Interview #1:

Source: Free Burma Rangers
Date of Interview: May 2004
Name: Saw Nyoe Oo (not real name)
Age: 40 years old
Address: X Xx, Pa'an District, Karen State
Religion: Buddhist
Occupation: Farmer

Q. Please tell me about the human rights abuses that have been committed by the DKBA/Burma Army.

A. Yes, regarding the DKBA, they ordered us to send them recruits at a meeting held on 25 April 2004 at Kokko (DKBA Special Battalion Headquarters). They ordered seven people as the quota from Htiwablau village group, but they agreed to six people because all of the village heads requested it. Then, we divided the quota as follows; three people from Htiwablau village, one and a half people from Htilawthi village and one person from Pawbaw Kho village. Panawkle Khi village was to be responsible for half of the salary of the recruits (7500 Baht per person per year). They (DKBA) arrested X X and X XX from Htiwablau village and X XXX and X XXXX from Htilawthi village because they could not give any recruits to the DKBA within the time limit. Although he was released after being redeemed by the villagers, he was still given the responsibility for recruiting more soldiers for them.

Our villagers did not dare to deny them anything and managed as best as we could. We have to pay 15,000 baht to hire a soldier for seven years. If he retires, we have to replace him or hire another soldier in his place. If he deserts, we will be fined the equivalent of his hiring cost. At Htilawthi village, the costs of hiring a soldier who has served seven years is the same as a new recruit so it was difficult for the villagers because they have to pay the recruiting costs of both old and new soldiers. A person from Maepalae village and two other villagers from Hwe Shan participated in the recruiting of soldiers for the DKBA. The whole Maepalae Valley area was required to provide 35 people as soldiers for the DKBA.

Since 1993, Burma Army LIB 356, based in Sukali village, has confiscated approximately 74 acres of farmland located near their army base. There were 18.5 acres taken from farmers at Hwe Shan village, 58.75 acres taken from 15 farmers at Pawbaw Kho village. The villagers objected to the confiscation of their land but the troops told them that all of the land is owned by the government. The Burma Army troops said that the farmers must pay 100 million kyat in order to have their land returned to them. No one has that much money. At present, the Burma Army LIB 356 has commanded the farmers to plow their own land and pay 14 baskets of rice per acre to the troops. Essentially the farmers are renting their own farms from the Burma Army.

We have served as watchmen and delivered anything that they want us to between the Burma Army camp and another. Every day, one person from Panawkle Khi and Pawbaw Kho village has to contribute their labor to them. Panawkle Khi had to serve for the Kholaywah Burma Army camp and Pawbaw Kho had to contribute their labor to Burma Army LIB 356 Battalion Headquarters. We carried our own food and have done everything they wanted us to. The

labor we did for them includes cutting bamboo poles, carrying water, cooking and every type of basic work. Sometimes we have to pay 500-1000 kyat to the camp commander (name unknown). Sometimes, during periods of time when they are issuing military provisions at Sukaki Burma Army LIB 356 Headquarters, we serve as porters for the troops. Men and women must carry rice, oil, salt, condensed milk and other items. The loads weigh approximately 35 kilograms (over 70 pounds).

When the repairs on the road connecting Maepalae and Thingannyinaung were finished, the troops collected five million kyat from Maepalae and Hwe Shan villagers. The person responsible for the collection of money was Hla Po. He is the superintendent of administration in Myawaddy Township. On 10 April 2004, the head of Maepalae village area, X X, was tortured badly because he refused when Hla Poh asked for money from him. He was treated badly and wants the media to know about this.

Interview #2:

Source: Free Burma Rangers
Date of Interview: May 2004
Name: Saw Aung Win (not real name)
Age: 28 years old
Address: X Xx, Pa'an District, Karen State
Religion: Buddhist
Occupation: Farmer

Q. Please tell me about the experience you had with forced labor.

A. I was forced to work at the Burma Army camp called Kholay Wah, which is located near our village. I was sent to the Burma Army camp at their command through a village leader's order. Early in the morning after finishing my breakfast, I worked the whole day and returned to my village very late in the evening. I carried water, cut bamboo poles, cooked and collected news about the KNLA (Karen National Liberation Army) soldier's activities. One person every day had to do the same thing I did. They scolded me when I was late for work. We had to pay 500 kyat per day if we couldn't go and work at the camp. I served two times per month because our village is small. We heard about the labor acts, like 1/99 issued by the military regime, and know we do not need to work like this. However, reality is different. We had to carry the Burma Army provisions from the Battalion Headquarters at Sukali to Kholay Wah camp. Pawbaw Kho villagers also were forced to work for the troops. I worked with six people at a time. I can't count the number of times that I had to do forced labor from my childhood until now.

Interview #3:

Source: Free Burma Rangers
Date of Interview: May 2004
Name: Saw Sah Loh (not real name)
Age: 41 years old
Address: X Xx (address withheld)
Religion: Buddhist
Occupation: Farmer

Q. Please tell me how the DKBA murdered a couple.

A. DKBA security officer of #999 brigade, Tun Heh, sent May Ko Baw and Kar Su to murder a couple (Naw Bleh, 35, and Pa Thung Tint, 45). At 8:00 am on that day in April, they fired a bullet at Naw Bleh and two bullets into her husband near the hut of Kho Thay Lu.

Q. Why did they kill these people?

A. They said they were witches.

Q. Where did they live?

A. In Waw Kyeh Koh, Hto Kaw Ko.

Q. How many soldiers were there at the place where they were murdered?

A. 8 soldiers.

Q. Did you have to go for forced labor?

A. Yes, on April 26th, our two villages, X XXXx and X Xx, villagers had to build them three rows of fences to be finished between two days.

Q. If they weren't finished, what would they do to you?

A. They will torture us or force us or ask for our pigs or chickens.

Q. Have you served as a porter before?

A. Yes, we have served every month. We have carried rice, salt, chilies, twice a month from Hpa Le to Waw Kyeh Koh, which is a two hour walk.

Interview #4:

Source: Free Burma Rangers
Date of Interview: May 2004
Name: Saw Maung Tway (not real name)
Age: 41 years old
Address: X Xx, Pa'an District, Karen State
Religion: Animist
Occupation: Farmer/Elephant boy

Q. Tell me about the DKBA's logging business.

A. Bo Kya Inn (second brigadier of DKBA #999) contracted the logging.

Q. Where do they work?

A. From Klehka to Maeme Plaw.

Q. How many elephants did they use in the logging?

A. There are 11 elephants in their logging. There's an elephant from Ler Ser Day, two from Thimawku, an elephant from Maeprahta, an elephant of Maung Aye Thaung, an elephant from Tamoklo, Poe Hser Toe's elephant, two elephants of Kyaw Poe Ro and two elephants from Pwehatw Roe village.

Q. What would be his objective for that logging business?

A. What he said was that he would build a bridge.

Q. How many logs did he gather?

A. Maybe 1,000 or 2,000 logs.

Q. Did he pay you anything for the elephant charges?

A. No, he didn't

Q. Did he pay other people?

A. Yes, he did pay 100,000 kyat for the elephants from Thitmawku, 100,000 kyat for two elephants from Maeprahta, and 150,000 kyat for Pwe taw roe's three elephants. The first grade of logs was sent to Hlaing Bwe.

Q. What kind of logs?

A. All kinds of hard and soft wood

Q. How often did your elephants pull the logs?

A. The elephants pulled two times a day and were only able to pull two logs per day. They scolded us when the elephants couldn't pull the logs because of the hot weather. And they gave us bad rice of cheap quality which was turning yellow.

Q. When did you start to pull the logs?

A. We started from December 2003 and went until the beginning of the rainy season (2004).

Interview #5:

Source: Karenni News Agency for Human Rights
Date of Interview: 12 May 2004
Name: Narng Aung Oo (not real name)
Age: 29 years old
Nationality: Shan
Address: Muse Town, northern Shan State
Education: Primary
Marital status: Single
Occupation: Car driver

I was arrested by Burmese troops with the accusation of using drugs in 2001. On 4 March 2001, I was sentenced to serve 11 years imprisonment at Lasho prison. On 6 February 2004 we were taken away by SPDC troops from LIB 502 to serve as military porters. We were forced to carry military rations and ammunition to Lamlan, Loilin and Shewnyaung for several days. The troops then loaded us onto trucks and headed to Karenni State and three days later we arrived at the military service center. We were allowed to rest for two days and then the troops from the same battalion took us to the frontline to serve as military porters for three months.

Both in prison and on the frontline, we weren't fed enough and were badly treated by troops. Many porters were weak and got sick. They didn't receive medical treatment. We tried to escape several times, but there was no opportunity for us to run away. On 12 May 2004, I decided to run away without knowing the way. I ran into the jungle and was luckily found by Karenni forces. They took me to their camp and then sent me to the refugee camp for medical care.

Interview #6:

Source: Free Burma Rangers
Date of Interview: 20 May 2004
Name: Saw Gay Moo (not real name)
Age: 46 years old
Nationality: Karen
Address: X Xx, Nyaunglebin District
Religion: Christian
Marital status: 6 persons
Occupation: Farmer

Saw Gay Moo was a chief of X X village, with 219 villagers. His village is under the control of Burma Army IB 60 based at Aung Soe Moe camp, led by Camp Commander Mo Kyaw (sergeant). This company often demands that villagers build the car road, cut clearings on both sides of the car road, and provide security for a bridge close to the village. Every day, two villagers are responsible for bridge security. If they do not provide it, they must hire two Burma Army soldiers for 1400 kyat per day. Moreover, he said the camp commander demands that two villagers go to the Burma Army office each day. He also said the Burma Army organizes villagers into women's affairs groups and has them fill out an application form and pay 300 kyat. He took some villagers to be SDA (Security Development Association) members. If a villager works as SDA staff, they are free from all demands by

the Burma Army. In 2004, one village was responsible for building 100 yards of car road fit for two cars to drive. These villagers face many problems.

Interview #7:

Source: Karenni News Agency for Human Rights
Date of Interview: 27 May 2004
Name: Thu Ra Hlaing (not real name)
Age: 45 years old
Address: Muse Town, Shan State
Nationality: Shan
Education: 10th standard
Marital status: Married, 3 children
Occupation: Trader

I worked as a Baptist pastor for 10 years and because of my family difficulties, I tried to engage in business. On 12 July 2001, the SPDC troops came to my house and arrested me under Drugs Trafficking Act-16. I was detained at Muse military service center and then transferred to Lasho's prison to serve 11 years imprisonment. There were about 305 prisoners at the Lasho prison and from 2001 to 2004, about 47 prisoners died from poor health conditions. In prison, we were only served one meal per day. We were assigned to do hard labor for two days per week. On 1 February 2004, the SPDC troops from LIB 502 led by Khin Maung Yi came and brought us to Loikaw military service center. We were then taken to Ywathit on 4 February 2004 by the same troops. On 4 March 2004, we continued to Sayun camp. There were 40 prisoners together with troops in the column. We then proceeded to Nohtayoh camp on the same day. On the way, 8 prisoners were sick and died and 5 prisoners tried to escape, but were shot dead by troops. Another two were missing in the jungle. Most of the prisoners (porters) were infected with malaria, flu and dyspepsia. We were normally forced to carry ammunition and military rations. The relationship between the commander and the privates was very rude and cruel; they treated the porters inhumanly. We were beaten and kicked by troops if we weren't able to carry the load. On 4 April 2004, 12 porters were forced by the commander to take sentry duty on behalf of soldiers; we heard a rumor that Karenni forces would attack the camp. However, nothing happened on that day. On 4 May 2004, we five porters were forced to go and fetch water from a stream. On the way back from the stream with the water, Kham Moe, 49, was badly beaten and kicked down from the mountain by troops when he was unable to walk anymore. He definitely died because the mountain is so steep. We couldn't help each other at all. After seeing this, I managed to escape on 26 May 2004 from Nohtayoh camp. I was found by Karenni forces and sent to the refugee camp on 27 May 2004.

Interview #8:

Source: Karenni News Agency for Human Rights
Date of Interview: 28 May 2004 at 11:00 am
Name: Win Maung Kyi (not real name)
Age: 32 years old
Address: Bokalay
Education: Buddhism monastery school
Marital status: Single
Occupation: Farmer/former SPDC soldier

I joined the SPDC army on 15 April 1991. My personnel number was (number omitted to protect the identity of the interviewee). We were always badly treated by our company commander, Captain Htanya Naing. I hated him a lot. I looked for an opportunity to kill him. On 31 July 1999 we were patrolling and I took this opportunity and killed him with my gun. I then ran away and hid in several places.

Some months later, I killed one of the villagers where I hid. We drank together and when we got drunk we fought each other. I accidentally killed him. Due to his relatives' report to the troops, I was arrested on 30 April 2001. The troops didn't know I was a former soldier and had run away from the army. I was sentenced to seven years and six months imprisonment. On 6 February 2004 we were taken to Ngwedaung military service centre by SPDC LIB 502 to be military porters. In my group, there were about 40 persons total. As far as I can recall, 15 porters died for several reasons, especially because of bad treatment by soldiers and illnesses, and about 10 ran away.

On 9 May 2004, we were ordered to cut bamboo in the jungle while we were in a frontline remote camp. Two soldiers came along with us. When we arrived at a place probably 3 furlongs away from camp, one of the soldiers stepped on a landmine, which was laid by Karenni forces. One of them was hit in both his legs and another soldier was hit in his hand. We took them back to the camp for medical treatment. After that, we didn't know their exact condition, as we weren't allowed to stay together with troops. On 10 May at about 9:00 am one of the military porters ran away. On 11 May at 1:00 pm my friend and I managed to escape from camp. Unexpectedly, we were found by Karenni forces and they sent us to the refugee camp.

Interview #9:

Source: Human Rights Documentation Unit
Date of Interview: 28 April 2004
Name: Naw Mu Wa (not real name)
Age: 50s
Address: Pa-an District, Karen State
Sex: Female
Ethnicity: Karen
Religion: Muslim
Occupation: Market seller

In our area, we were forced to do labor. The village headman told us not to say that the military was forcing us to do labor, which means he is afraid too.

We had to build the road and carry stones from other areas to our area in order to build the road. We had to bring our own food and if we didn't, we had to pay a 4,000 kyat tax to get food. It is not easy to live without our daily work because 1 pyi of rice costs 300 to 400 kyat. When we do forced labor, we have no time to work for ourselves.

My granddaughter fell down because had to carry stones in a basin for this forced labor. Now, her elbow is not right. She is 14 years old. She has not been able to go to school because she has to do forced labor and because I am old and I need help so, she left school to help me.

So many old and young people are forced to labor because they don't have money to pay instead. The local DKBA military told us to do this but the order came from the SPDC authorities. Our area changes all the time, troops always change, some times the DKBA are in charge and other times the SPDC.

The authorities come with a stick and if you don't go they hit you or they shoot a gun to scare you. If we don't go they tell us that we are being difficult about work and so, they scare us with a gun. They don't understand that we have no food to eat. Also, my granddaughter needs to make money for school fees. But, if we have to do forced labor, we cannot make money.

The time when the ICRC came to our area, the authorities did not force people to do labor. But, after the ICRC people left, the authorities forced us to do the same as before. The village headman told us not to say that we had to do forced labor. But, the ICRC came and asked. We already knew we shouldn't say anything about it. So we didn't because we were afraid.

My whole life I have had to do forced labor. If the authorities don't force us to do labor on the roads, the troops have problems transporting their food. Every year, we have to build 9 miles of road. Since the end of last rainy season, we have had to do labor but not always in the same place. The road goes from Kyautang to Teelow.

The military officials ordered us to work everyday but some times we pretend not to know so that we can work for ourselves. Before [time of interview], I had to go do forced labor continuously for one month. But, at other times, I have to go occasionally as my duty.

Somebody died while we were doing this labor because it was too hot and the work was too hard. When the woman left the area and arrived home, she died.

Usually, DKBA soldiers come and give us orders for forced labor. How many people must go from each family depends on how many people are in the family. People who have money can pay instead of going. But, for us, it is not easy to get 4,000 kyat to pay instead of going.

We go to do the labor at 7:00 am and leave at 6:00 pm. Sometimes we can leave at 5:00 pm. We take a break for lunchtime. Some times we can take a break for more than one hour and some times we have a time limit.

Before we go to work, the soldiers check the people. Sometimes we have more freedom while we are working and other times, the soldiers guard us the whole time. If you stop to take a break, the village headman will beat you. Sometimes the soldiers guard us and other times, the village headman is responsible for guarding us.

The oldest people who are forced to do labor are in their 50s or 60s. The youngest are not younger than 14 years old. If children younger than 14 go to do the work, the soldiers tell them that they can not do it. The soldiers send them back to find someone who is older to come and do the work.

We have had to chop earth and old people cannot do that. Only young people can do that kind of work. We must also carry the earth. We don't have to carry it too far but when you chop a lot of earth, the pile starts to get very high. People don't get hurt so much. When my granddaughter got hurt, the soldiers didn't provide any medical care.

We are very afraid of the guards. So, if we take a rest and they yell at us, we go back to work because we are afraid of them. The work area is nearly 2 kilometers from our village. The soldiers go there by car and we go there by foot. We have to wake up very early to prepare food to bring with us. We get up around maybe 3:00 am.

SPDC LIB 28 is in charge of our area. The leader of LIB 28 is Bo Moo Soe Hla. But, the order to do the labor came from the DKBA. The local captain who gives us the orders to do forced labor is DKBA and named Bo Win Naing. First, the headman comes by himself to tell us to do forced labor. Later, if we didn't go, the village security group comes around. The security group is all young people. If we didn't go to do the labor, we would be locked in stocks and forced to pay a fine.

My granddaughter and I live together, just the two of us. We both have to go to do labor, but at different times. Many young people have not gone to school because they frequently have to do forced labor. I think there are 2000 people in my village. My granddaughter lied about her age to do the labor. The other workers understand why she lies. Workers try to help each other.

2. Extra-judicial Killing, Summary or Arbitrary Execution

“Everyone has the right to life, liberty and security of person.”

- Article 3, Universal Declaration of Human Rights

2.1 Background

According to the U.S. Department of State's *Country Reports on Human Rights Practices-2004*, the situation for human rights in Burma worsened in 2004 as extra-judicial killings continued to be perpetrated against the people of Burma by government sanctioned organizations and individuals (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005). Extra-judicial killings and arbitrary executions have been reported throughout the country and often occur in correlation with other human rights violations such as forced labor, forced relocation, torture or sexual violence. Moreover, they have been most frequently reported in ethnic minority border areas, particularly where active armed resistance exists or rebel groups are suspected of organizing or accessing support. Members of the Tatmadaw (armed forces), police, the former Military Intelligence (MI), pyithusit (people's militia), ceasefire groups working alongside the SPDC forces and other state affiliated actors have all been implicated as perpetrators of extra-judicial killings and summary or arbitrary executions.

Many extra-judicial killings are carried out in conjunction with the SPDC's "four cuts" policy through which the military attempts to render armed opposition groups powerless by cutting off food, supplies, intelligence, and recruits. Village headmen, elders, and anyone suspected of having contact with or providing support for ethnic rebel groups are detained, interrogated, tortured and sometimes killed. Villagers found outside of SPDC controlled areas, also known as "black areas", are considered enemies or rebels and may be shot on site without warning by patrolling troops. This includes villagers who may be living on the run, hiding from SPDC troops in the jungles, or those living outside of SPDC relocation sites. 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. 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. The threat of being killed serves to instill terror in the minds of villagers, which is intended to prevent them from supporting rebel groups in any way.

In the beginning of 2004, the Karen National Union (KNU), the largest ethnic opposition group, and the SPDC came to a "gentlemen's agreement," or a verbal ceasefire. Despite the gentlemen's agreement, Tatmadaw forces remained active in Karen areas and reports of ongoing human rights abuses, including arbitrary executions, continued to emerge. The Karen Human Rights Group (KHRG), a Thai-based human rights organization, indicated that the verbal ceasefire agreement made no provisions for troop movements leaving the SPDC forces capable of building roads, establishing more army camps, and stockpiling supplies. In addition, KHRG reported that the verbal ceasefire addressed soldiers shooting soldiers but

not shooting civilians, allowing SPDC soldiers to perpetrate extra-judicial killings of villagers with out fear of punishment. In late February, for example, the Southern Deputy Commander in Mu Township, Nyaunglebin District, illustrated lack of fear of reprisals when he issued an order that all villagers found outside of Ywa Saw Kaw and Tu Ko Kho areas be shot on site. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

One aspect of the SPDC's campaign to secure military control over areas of Karen armed ethnic opposition, which was established prior to the verbal ceasefire agreement, has been the formation and expansion of the *Dam Byan Byaut Kya*, or 'Guerilla Retaliation' Units. These units were initially formed in Nyaunglebin District in 1998 under Lt. Gen. Khin Nyunt's Directorate of Defense Services Intelligence (DDSI) with the express purpose of seeking out specific targets of suspected KNLA or KNU supporters and executing them. The units extended to Toungoo District in 1999, with civilians remaining their main targets in both areas. *Dam Byan Byaut Kya*, also referred to as *Baw Bi Doh* or "Short Pants" for their combination of civilian and military attire, operate as small 5-10 men groups and are known for their brutal execution methods. These methods include entering a village seeking a specific villager, removing the villager from the village, and executing him or her. Mutilation, such as decapitation, has been a common accompaniment to their executions. The *Dam Byan Byaut Kya* have reportedly decreased their execution activities and accompanying mutilation over the past few years. Instead, they have engaged in activities similar to regular SPDC troops like looting and excessive taxation. Yet, the *Dam Byan Byaut Kya* reputation remains, having successfully stilled great fear of the consequences of supporting opposition forces in the minds of villagers. KHRG contends that the reduction in their execution activities may be the result of successful elimination of their list of targets or of orders from the government in Rangoon to curb their activities to prevent international spectators from becoming aware and critical. (Source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

Reports of extra-judicial killings in Mon State did not abate in 2004. As in other areas, SPDC soldiers were reported to have killed villagers suspected of contacting or supporting armed opposition groups. According to the Human Rights Foundation of Monland (HURFOM), military offensives launched in the southern part of Ye Township in the beginning of 2004 resulted in the perpetration of a greater number of extra-judicial killings than at other times. Over 2000 soldiers from IB 97, 61, and 31 as well as LIB 586 and 591 were reportedly sent to overtake the approximately 100 rebels belonging to the Hongsawatoi Restoration Party (HRP). During the offensives, villagers were ordered to remain inside their villages. Those who went out were vulnerable to being killed. In addition, HURFOM reported that family members and relatives of the rebels were detained, tortured and executed as a means of deterring family members from becoming rebels as well. (Source: "Terror in Southern Part of Ye Township – Part II," *The Mon Forum*, HURFOM, 29 February 2004)

According to the U.S. Department of State, state sponsored actors did not perpetrate any extra-judicial killings of pro-democracy activists in 2004. At the same time, the effects of the 30 May 2003 attack on Aung San Suu Kyi, the National League for Democracy (NLD), and local residents outside of Depayin, Sagaing Division, and the ensuing crackdown on the democracy movement have yet to be addressed. The exact number of deaths caused by the attack led by Union Solidarity and Development Association (USDA) members and other state sponsored actors armed with bamboo spikes, metal rods, and poles remains unknown as the SPDC engaged in an effective "clean up" following the incident. While the SPDC

claimed that only 4 people were killed and 50 injured in an incident instigated by the NLD, unofficial sources have estimated a death toll of at least 70 pro-democracy activists. According to a document allegedly leaked from the SPDC in May 2004, 282 persons were killed in the attacks (source: “Burmese Crackdown Said to Have Killed 282,” RFA, 4 May 2004). The number of deaths resulting from the ensuing crackdown on the democracy movement also remains unknown. Yet, as the SPDC has taken no action to investigate or prosecute those responsible for the deaths of both activists and civilians, the state sponsored actors who perpetrated these human rights violations enjoy an environment of impunity. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005)

On 19 October 2004, Prime Minister Lt General Khin Nyunt was unexpectedly removed and replaced with Lt General Soe Win, well known for his hardline stance against the NLD and ethnic minorities. Khin Nyunt had headed the National Intelligence Bureau (NIB) for over two decades and officials of the Military Intelligence unit of the NIB had long been identified as perpetrators of extra-judicial killings. Following Khin Nyunt’s removal, the NIB was dissolved, many MI members were retired or transferred by the junta and the unit’s name was changed to the Office of Military Affairs Security. The Special Police Information Force (SPIF) has taken over responsibility for political matters, under the direction of the generals of the SPDC. The effects of these changes have yet to be fully realized and many believe them to be only superficial.

2.2 Extra-judicial, Summary or Arbitrary Executions – partial list of incidents for 2004

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

Arakan State

On 1 April 2004, 4 Rohingya were arrested at the Lundun Madrasa by a group of 30 Nasaka officers in Maungdaw town, Arakan State, and accused of running the Madrasa with funds provided by insurgents. The 4 were taken to Ngakura Nasaka Sector No. 5 Camp where they were detained, interrogated and tortured. As a result of the torture, Maulayi Sayed Ahmed (age 35), son of Sayedul Islam of Duden village, Maungdaw Township, died on 21 April. At first the Nasaka officers refused to return the body but after a confrontation with the villagers and orders from the Nasaka Headquarters, the body was finally returned. The body was reportedly injured, bruised and covered in blood. In addition, his tongue was cut off, sex organs destroyed, and testicles compressed. On 22 April, the 3 other detainees were released and concluded to be innocent. (Source: “Barbaric Killing of A Religious Teacher in Nasaka Custody,” *Kaladan News*, 28 April 2004)

On 27 April 2004, a Nasaka officer from Nasaka Headquarters of Kyi Kan Pyin reportedly raped and killed 12 year-old Shajeeda, daughter of Noor Kalam from Kyi Kan Pyin village, Maungdaw Township. The girl had been out grazing her cattle on a nearby hillside with a friend when a plain-clothed Nasaka officer encountered her and dragged her away. This occurred around 4:00 pm and when she did not return, her friend went and informed her parents. Shajeeda’s father reportedly went to the Nasaka Headquarters to report the incident but was turned away. He then went to the village chairman and, together, they went to the

Nasaka Headquarters the next day, who refuted any connection with the event. Shajeeda's father commenced searching for his daughter in the area where she had been taken and found her dead body face down and hidden under some bushes. He then took the dead body to the Nasaka office where the officers denied any connection to the event and ordered him to bury her immediately. While the incident was reported to both the police and military intelligence, no action has been taken to the time of this report. (Source: "Nasaka Raped a 12-Year Old Girl and Strangled," *Kaladan News*, 12 May 2004)

On 15 July 2004, Abdus Salam (male, age 50) was performing forced labor for the construction of a bridge over Laya Chaung creek. His duty was to carry stones which made him tired. As a result, he took a rest and proceeded to speak ill of the Nasaka authorities. Another villager, Nur Hossain, working on the project heard Abdus Salam's comments and informed the Nasaka authorities. In anger, the Nasaka authorities came and hit Abdus Salam on the head with a stick. The blow killed him immediately. The victim was from Hlaing Thi village tract, Maungdaw Township, Arakan State. (Source: "A Rohingya Beaten to Death for Forced Labor in Northern Arakan," *Kaladan News*, 22 July 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 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, even for those which share the same name.

Dooplaya District

On 11 August 2004 at 2:10 pm, troops from SPDC IB 284 Column 2 based at Ler Kwa Law camp, led by Company 2 Commander Bo Aung Kyaw Soe, were drunk and proposed to Naw Htwe Ha for her love. Naw Htwe Ha (age 17), daughter of Saw Shwe Myaing, the village secretary of Mae Ka Ti village, Kaw Ka Reik Township, was also known as Naw Mya Win. When she did not accept, Bo Aung Kyaw Soe shot her in the left temple of her head with a 9-MM pistol and the bullet came out at on the right side. She was killed at 2:15 pm. (Source: KIC, 2004)

Pa-an District

In April 2004, Tun Heh, a security officer from DKBA Brigade 999, sent May Ko Baw and Kaw Su to Waw Kyeh Koh, Hto Kaw Ko. Their purpose was to kill Naw Bleh (age 35) and her husband, Pa Thung Tint (age 45). At 8:00 am, near the hut of Kho Thay Lu, the soldiers fired 1 shot at Naw Bleh and 2 shots at Pa Thung Tint. Both were killed. The soldiers claimed that they killed the couple because they were witches. (Source: FBR, 2004)

Papun District

On 14 January 2004 at 9:00 am, villagers Saw Kaw Gwe Htoo (age 22) and Klo Baw Hae (age 19) were taking 3 buffaloes to the market when they encountered some SPDC soldiers near Thwee Der village, northern Muthraw District, Karen State. The site was a one-day walk from the southern Karenni border. The troops captured Klo Baw Hae and the buffaloes while Saw Kaw Gwe Htoo was able to escape despite the troops shooting at him. The bullets hit the pack that he was wearing and as a result, it fell off. He lost 3,000 baht and 50,000 kyat in his pack and a bullet hit his finger but he was able to escape. On 16 January, villagers found the body of Klo Baw Hae. He had been beaten to death. (Source: FBR, 2004)

Karenni State

On 27 February 2004 at 6:00 am, troops from SPDC LIB 422 and a militia unit led by Htookari came to Hosarkee village, No. 3 Township, west of Mawchi. In their search for people trying to avoid relocation, they came upon 6 people hiding near Buko village. The troops opened fire on them without warning. As a result, Saw Dah Doh and Saw Widoh were wounded. At the same time, the following 4 villagers were killed:

1. Saw Woomu, age 60;
2. Naw Klo, age 50;
3. Saw Dae Deh, age 40; and
4. Saw Kamleh Htoo, age 45. (Source: KNAHR, 2004)

On 28 February 2004 at 6:00 am, troops from SPDC LIB 422 entered a hideout site near the Karenni-Karen border where some Karenni villagers from Hosarkee were taking refuge with local Karen. The Burmese troops opened fire without warning. As a result, Saw Taw Htee (age 46) was wounded and the following 3 Hosakree villagers were killed:

1. Saw Bwemu, age 60;
2. Naw Kee Lei, age 45; and
3. Saw Deh Tar, age 40. (Source: KNAHR, 2004)

On 29 May 2004 at 8:00 pm, 50 KNPLF troops led by Htun Shwe and the local militia led by Sunday-Boy, came to Daw Saw Phya village, Deemawso Township. The troops arrested villager Lee Reh (age 40) and murdered him without any apparent reason. His wife, Pray Meh (age 30) and their 4 children remained. (Source: KNAHR, 2004)

On 4 June 2004, 80 KNPLF troops led by Poe Reh (the SPDC-backed ceasefire armed group), came to Shadaw relocation camp. The troops arrested Khu Plyar Reh, his wife, Baw Meh and his 2 children without giving any reason. The KNPLF troops threatened to kill them. After the troops left, the family was terribly scared and managed to run away and hide in the jungle. Soon after, the KNPLF troops made a second visit to the camp, searched for Khu Plyar Reh's family, and found that they had run away. Unexpectedly, the troops found the family members and Khu Plyar Reh was shot and killed on the spot. Up until the time of this report, no one knew the whereabouts of his wife, Baw Meh, and their two children. (Source: KNAHR, 2004)

On 28 September around 10:55 am, troops from SPDC LIB 428 combined with soldiers from the Karenni National Solidarity Organization (KNSO) attacked an IDP hiding place in Nu Thu Kee area in Gah Zee Kee village with sustained rifle and machine gun fire. All of the IDPs ran away except one family which consisted of a 90 year-old grandmother, her daughter,

three grandchildren, and a 20 year old grandson. The grandmother and grandson were both shot in the leg. When the soldiers entered their hut, they yelled, "Go see if he is an IDP. If he is, then kill him." The troops proceeded to fire an entire magazine of bullets at the grandson and killed him. When they left the hut, the grandmother followed them asking for the soldiers to kill them all. The soldiers ignored her and proceeded to burn down all of the IDP's huts. (Source: FBR, 2004)

On 14 November 2004, troops from SPDC LIB 530, combined with troops from KNPLF, beat 2 porters to death because they were unable to carry their loads any longer due to exhaustion. One was killed at 9:00 am near the Pon River. The other was killed at 5:10 pm near Thiridah village. (Source: KNAHR, 2004)

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.

Thaton District

On 6 May 2004 at 8:20 pm, troops from SPDC LIB 541 led by Battalion Commander Moe Zaw Lin shot at Naung Ka Doe villagers and Ta Maw Daw villagers, who were out hunting for frogs in Thaton District. Naung Ka Doe villages managed to run back safely to their village, but Ta Maw Daw villager, Saw San Win (age 30), son of Tee Aung Chit, was shot and killed. (Source: CIDKP, 2004)

Ye Township

From mid-December 2003 until the time of this report, 15 January 2004, the troops of various battalions under the command of No. 3 Tactical Command led by Brigadier Myo Win have killed 6 men in southern Ye Township, Mon State. The victims were:

1. Nai Zeit, age 40, from Hangan village;
2. Mehm Kao Chan, age 19, from Hangan village;
3. Nai Non Ong, age 37, from Hangan village;
4. Nai Zan, age 28, from Khaw-za village;
5. Nai Kyaw, age 30, from Khaw-za village;
6. Mehm Ye Myint Paing, age 16, from Khaw-za village.

Mehm Kao Chan, a young man, was killed in a farm hut near his village, Hangan, while Nai Zeit was killed when he was hunting. All victims were accused of being rebels as they were outside of their villages without proper permission documents to do so. (Source: "Serious Human Rights Violations," HURFOM, 15 January 2004)

In the beginning of June 2004, troops from IB 106 led by Captain Myint Naing abducted 3 men and 4 women from Ham Gam southern Ye Township, Mon State. The troops reportedly dressed as Mon rebels and spoke Mon language. During the night, the soldiers sexually assaulted the 4 women. When Nai Acuu (age 18) attempted to defend the women, the soldiers shot and killed him. The soldiers accused him of trying to seize a soldier's gun. All of the abductees were forced to pay 50,000 kyat each. When local villagers and members of the New Mon State Party informed SPDC authorities about the incident, the villagers were

reprimanded for discussing it. No action was taken to reprimand the soldiers involved. (Source: Banya Toay Taw, "Step Out of Line and You Will Be Shot," *Kao Wao News*, No. 70, 30 June 2004)

On 2 June 2004, soldiers from SPDC IB 106 in northern Ye Township, led by Captain Myint Naing, reportedly abducted 2 women and 1 man from Ham Gam, southern Ye Township, in the middle of the night. The group was taken to a secret location nearby where the man was shot and killed after he did not pay money that the soldiers demanded. (Source: Taw, Banya Toay, "Villagers Abducted and Killed by Burma Army," *Kao Wao News*, No. 69, 7 June 2004)

In the first week of July 2004, troops from SPDC LIB 273 killed Secretary Nai Kon Pha, the headman of Mi-htaw-hla-gyi village, Ye Township. (Source: "Gross Human Rights Violations in Ye Township," *The Mon Forum*, HURFOM, 30 September 2004)

On 27 August 2004, troops from SPDC LIB 273 killed Nai Chit Htwe (age 35), a train ticket seller from Pauk-pin-gwin village, southern Ye Township. The troops reportedly suspected Nai Chit Htwe of supporting Mon rebels. (Source: "Gross Human Rights Violations in Ye Township," *The Mon Forum*, HURFOM, 30 September 2004)

Pegu Division

Note: Both Nyaunglebin District and Toungoo District are areas demarcated by the KNU as Karen territory. 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 Nyaunglebin or Toungoo as official districts.

Nyaunglebin District

On 25 February 2004, SPDC IB 73 detonated old ammunitions in Aye Gyi Goe, Pyi Daw Ther and The Pyi Nyo villages causing a large explosion. The explosion resulted in the death of 3 villagers, mental instability of 2 villagers, damage to a Buddhist school and damage to another school. In addition, many villagers had to deal with the damage. (Source: BI, 2004)

On 27 February 2004, troops from SPDC LIB 264 arrested, looted items from and killed 2 villagers from Shan Gyaung village in Mone Township. (Source: CIDKP, 2004)

On 28 February 2004, troops from SPDC LIB 264 arrested, looted items from and killed 2 villagers from Pan Gar Gon village at Ywa Sa Gaw road, Mone Township. The names and facts of the 4 killed villagers were inquired. The SPDC Division commander Maung Ni issued an order that any villagers found in Ywa Sa Gaw and Tu Kot Kho areas would be shot to death without question. (Source: CIDKP, 2004)

On 29 February 2004 at 4:30 pm, troops from SPDC LIB 382 Column 2 under control of Military Operation Command 3 came and shot at villagers in Thaw Nge Doe and Naw Lo Klo village, Kyauk Kyi Township. Saw Bay Lar (aka Saw Maung Aye, age 27), son of Saw Maung Wah and Naw Meh Shay from Naw Lor Klo village were killed. (Source: CIDKP, 2004)

On 3 March 2004, Sergeant Ka Lah from a unit of SPDC LIB 264, led by Tin Hlaing and Column Commander Win Hlaing, killed 6 villagers from Kho Pu village tract, Mone Township, which was said to be done on an order from his superior officer. The victims were:

1. Saw Htoe Kee, age 45;
2. Saw Pu La, age 28;
3. Saw Khree Heh, age 23;
4. Saw Htoe See, age 30;
5. Saw Hser Wah, age 22; and
6. Saw Taw Nay, age 22.

These villagers were arrested on 26 February 2004 by the troops while they were transporting betel leaf. (Source: CIDKP, 2004)

On 30 May 2004, Sergeant Ye Min of SPDC LIB 599 and the commander of Kyun-bin-seik camp came and shot Saw Has Kro to death. Saw Hsa Kro, a private from Company 1, Battalion 8 of the KNLA, went back home on leave on the invitation of his mother to take part in an animist traditional feast. He assumed that as there was a gentleman's ceasefire agreement between the KNU and SPDC, it would be safe for him to go. (Source: KIC, 2004)

On 26 June 2004, troops from SPDC LIB 439 shot school teacher Saw Ner Moo from Thaw Doe Khee village to death at Hsaw Yaw Gaw Day without reason. He was a teacher in Shah Day village in Ler Kla village tract, Mone Township. (Source: KIC, 2004)

On 16 July 2004, soldiers of LIB 264 found 6 villagers climbing dog-fruit trees in the Htee Thoh Kee area of Mone Township. The soldiers pursued, caught, shot and killed the villagers between Hsaw Wah Day and Htee Thaw Kee villages. (Source: "Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire," KHRG, 9 September 2004)

On 29 September 2004, troops from SPDC LIB 599 based at Daung-taung camp arrested villagers, Win Myint and Ko Tin Win from Myaung Oo village, Mone Township, and killed them without reason. Moreover, the troops confiscated 2 acres of land from Myaung Oo villager U Aung Mya to construct their army camp. The troops also ordered Paw Pi Doe villagers to cut 200 poles of bamboo and Aung Cha Tha villagers to cut 300 poles. (Source: KIC, 2004)

Toungoo District

On 9 February 2004, troops from SPDC IB 224 led by Battalion Commander Myint Khaing burnt down 8 houses of internally displaced persons in Pa Wa area and also arrested 8 villagers. The troops beat villager Saw Po Peh, one of the arrested villagers, to death without reason. Three SPDC troops released propaganda that all of the KNU had laid down their arms and as a result only few KNU members were remaining in Pa Wa area. These troops threatened that they would search and kill the few remaining KNU members and those who support them. (Source: CIDKP, 2004)

On 23 September 2004, troops from SPDC IB 73 Column 2 led by Major Maung Maung Soe shot at villagers in Tha Pan Chaung, killing Tin Myint Lay (age 30) from Zayat Gyi village, Tantabin Township. In addition, the troops looted 150,000 kyat from him. (Source: KIC, 2004)

Shan State

Kae-See Township

On 4 July 2004, a patrol of SPDC troops from LIB 514 forced Zaai Zit-Ta (male, age 34) from Wan Paang Loi Tawng village in Murng Nawng village tract, Kae-See Township, to serve as a guide and patrol the areas of deserted villages from which people had been forced to relocate some years ago. After 28-29 days, the troops shot and killed Zaai Zit-Ta near Naa Kaang village, a former village which had been relocated. Thereafter, the troops went to Nawng Paang village, Murng Yaang village tract, where they conscripted Lung Mo (male, age 51) as a guide. Lung Mo disappeared after 21-22 days and is also believed to have been killed by the soldiers. (Source: "Civilian Guides Shot Dead During Forced Labor in Kae-See," *SHRF Monthly Report*, SHRF, November 2004)

Kun-Hing Township

On 28 February 2004 at about 9:30 pm, 4 SPDC troops led by Commander Tin Soe from the artillery unit about 1 mile west of Kun-Hing town came into the town at quarter No.3. There, the troops arrested a woman named Naang Kham Ing, accused her of some wrong doing and took her to the military base. The following day, some villagers found Naang Kham Ing's dead body with a slit throat on the road which led to the military base. The body was about halfway between the village and the base. According to the local people, some time ago the SPDC commander had courted Naang Kham Ing, frequently visiting her house. Yet, Naang Kham Ing already had a boyfriend whom she later married. It was believed that this angered the SPDC commander and served as a motive for the killing. At the same time, the killers stole a gold necklace which she had been wearing. Her husband had been away visiting friends at the time of the incident and therefore went unharmed. (Source: "A Woman Cut to Death in the Throat, in Kun-Hing," *SHRF Monthly Report*, SHRF, June 2004)

On 3 April 2004, troops from IB 246 shot and killed Kaw Ma La (male, age 40) from Paang Nim village, Saai Mon village tract, Kun-Hing Township, while he was following soldiers' orders to keep watch at the village relocation site. Many different villages had been relocated to Paang Nim in 1996 and the area was under the patrol of both LIB 246 and 524. While Kaw Ma La was eating a meal in a roadside hut, the troops saw, shot and killed him. The troops claimed that they mistook Kaw Ma La for a Shan rebel and offered his family 20,000 kyat in compensation. The money was not enough to cover funeral costs. (Source: "A Displaced Villager Shot Dead During Forced Labor in Kun-Hing," *SHRF Monthly Report*, SHRF, October 2004)

On 24 August 2004, Lung Taan Lu (male, age 47) was on his way to Wan Lao village from Kun-Hing town on his bicycle to sell 4 small pigs. Although Lung Taan Lu was originally from Wan Lao village tract, Kun-Hing Township, he was forcibly relocated to the outer parts of Kun-Hin by SLORC troops in 1996. As he neared Long Maw, a relocated village, Lung Taan Lu encountered a patrol of 12 soldiers from the SPDC artillery unit stationed at the cemetery hill west of his town. The soldiers, led by Sgt Own Hlaing, proceeded to beat Lung Taan Lu to death, stole both his pigs and his bicycle and left his body 20 yards to the west of the road. His pigs were reportedly seen in the troop camp compound. In addition, soldiers were reportedly seen riding Lung Taan Lu's bicycle in town. (Source: "A Displaced Villager Beaten To Death and Robbed of His Pigs and Bicycle in Kun-Hing," *SHRF Monthly Report*, SHRF, December 2004).

On 1 September 2004, Zaai Wan-Na (male, age 27) and Zaai Ma-La (male, age 31), originally from Mai Saa Lee village in Ho Yaan village tract, which had been forcibly relocated to Kali village tract in 1997, went fishing. When Zaai Wan-Na went home, before Zaai Ma-La, he encountered approximately 28 soldiers from Co. No. 3 LIB 524, led by Commander Hla Hpe. Thereafter, the soldiers beat Zaai Wan-Na to death, threw his body into the Nam Paang River and stole his fish amounting to approximately 8kg. Zaai Ma-La followed later, saw the troops beating Zaai Wan-Na and ran away. (Source: "A Displaced Villager Beaten to Death, Robbed of His Fish, in Kun-Hing," *SHRF Monthly Report*, SHRF, January 2005)

Lai-Kha Township

On 24 March 2004, Zaai Wi (age 27) and his wife, Naang Kya (age 22), went to the forest outside of their village, which is a relocation site, by mini-tractor to gather bamboo. The couple was originally from Pa Moi village in Naa Mang village tract, Lai-Kha Township, but their village had been forcibly relocated to Lai-Kha town by SLORC troops in 1997. As the couple was returning, they encountered a patrol of approximately 45 to 50 soldiers from SPDC LIB 515 led by Captain Yan Naing Oo who stopped them. The troops recruited Zaai Wi to be their guide and told Naang Kya to return home alone with the tractor and wait for her husband there. Two to 3 days later, Zaai Wi had not returned home. As a result, Naang Kya made a complaint with the community leaders. Thereafter, she and the community leaders first went to the base of LIB 515 to inquire about her husband. The military authorities at the base claimed that they had not released any patrols in the last 2 months and refuted knowing anything about the situation. Next, Naang Kya and the community leaders went to the IB 64 base where the military authorities made similar claims. Nonetheless, Naang Kya and others heard that the SPDC soldiers had accused Zaai Wi of providing rice for Shan soldiers and interrogated him as to the whereabouts of the Shan soldiers. Because Zaai Wi was unable to reveal any information pertaining to the whereabouts of the Shan soldiers, the SPDC troops beat and tortured him while interrogating him until he died. Upon hearing this, the villagers searched for and found his body after 3 days. The villagers were able to identify Zaai Wi by his clothing and some physical traits. The villagers believe that the SPDC soldiers beat him to death. (Source: "A Displaced Farmer Conscribed As A Guide and Beaten to Death in Lai-Kha," *SHRF Monthly Report*, SHRF, June 2004)

On 6 April 2004, a patrol of about 45 SPDC soldiers from MOMC-21, based at Kho Lam village in Nam-Zarng Township, stopped Lung In-Ta (male, age 47) as he was going to his farm nearby to spend the night. Lung In-Ta was from Kung Sim village, Lai-Kha Township, and he was stopped approximately 2 miles north of his village. The SPDC soldiers questioned Lung In-Ta as to whether or not he knew the whereabouts of Shan soldiers in the area. When he repeatedly said he did not know, they tied him up, beat him all over, kicked and trampled his body until he lost consciousness. When Lung In-Ta regained consciousness it was daybreak and he was still at the place where he had been tortured, but there was no sign of the SPDC troops. He then managed to stagger back to his village with the help of a bamboo staff. As soon as he reached home, he related his plight to his wife. Lung In-Ta did not recover from the internal injuries he suffered during the torture by the SPDC troops and died at his house 10 days later. (Source: "A Villager Beaten and Trampled, Causing Death in Lai-Kha," *SHRF Monthly Report*, SHRF, August 2004)

On 7 June 2004, troops from LIB 525 beat 1 of 2 Maw Sem villagers to death near Maw Sem village, Wan Lur village tract, Lai-Kha Township. The villagers, Zaai In-Da (male, age 32) and Zaai Num (male) had gone to the forest with an ox-cart to gather bamboo because they were required to provide labor for building fences for the military. When Zaai Num went to relieve himself, a patrol of troops from LIB 525 came to the area. Zaai Num ran away but Zaai In-Da was unable to do so. The troops beat him to death next to his ox-cart. The troops also looted the 2 oxen for meat. When Zaa In-Da's relatives and village leader reported the incident to the military authorities, the authorities claimed Shan soldiers had perpetrated the murder based on evidence found at the site. (Source: "A Bamboo Gatherer Beaten to Death in Lai-Kha," *SHRF Monthly Report*, SHRF, October 2004)

Murng-Kerng Township

On 20 March 2004, Commander Lun Maung from LIB 514 stopped a civilian car driven by Zaai Thun Ae at a checkpoint in order to conscript it for forced labor. Yet, Zaai Htun Ae was just on his way home from providing 3 days of forced labor for a different SPDC troop. Zaai Thun Ae tried to explain that he had just finished performing forced labor for different troops and asked Commander Lun Maung to conscript a different car instead. As a result, Commander Lun Maung became angry, asked Zaai Thun Ae whether he was the owner or not and ordered him to get out of the car. As Zaai Thun Ae got out of the car and said that he was only a driver and not the owner, the commander hit him on the back of his neck with the butt of a rifle. Zaai Thun Ae fell down and the blow killed him immediately. When an inquiry was made about his death, however, the SPDC soldiers claimed that Zaai Thun Ae had fallen and hit his head on the side of the car which resulted in his death. (Source: "A Civilian Driver Beaten to Death for Refusing to Provide Forced Labor in Murng-Kerng," *SHRF Monthly Report*, SHRF, April 2004)

On 22 March 2004, SPDC troops ordered Zaai Pho Ma (male, age 24), from Murng-Kerng town quarter No.5, to use his mini-tractor to collect bamboo to be used for repairing fences at a military camp in Murng-Kerng Township. When he was ready to leave with his mini-tractor full of bamboo, a patrol of soldiers from SPDC LIB 515 based in Lai-Kha arrived. The soldiers beat Zaai Pho Ma to death with a bamboo stick which they left lying next to his body close to his mini-tractor. When Zaai Pho Ma's family heard that a patrol of SPDC soldiers had been seen in the area where he was working and he did not come home by the time that he should have, they grew worried and went to search for him. They found his body next to his mini-tractor and the bamboo stick that the troops used to beat him. No one dared complain to the authorities about the incident. (Source: "Mini-tractor Owner Beaten to Death during Forced Labor in Murng-Kerng," *SHRF Monthly Report*, SHRF, August 2004)

On 18 November 2004, Wi-Sa-La and his family went to harvest rice at their farm situated outside their village, Khaai San village, Ham Ngaai village tract, Murng-Kerng Township. Around noon, the family stopped working to eat. At that time, Wi-Sa-La went to a brook nearby to get some water when he was discovered by a patrol of 20 to 25 soldiers from SPDC LIB 514 led by Commander Myint Zaw. From some distance, the soldiers proceeded to shoot and kill Wi-Sa-La without warning. When the soldiers realized they had killed a simple farmer and that his family was nearby, they reportedly departed. (Source: "A Farmer Shot Dead While Fetching Water in Murng-Kerng," *SHRF Monthly Report*, SHRF, March 2005)

Murng-Nai Township

On 14 April 2004, a patrol of troops from SPDC LIB 596 led by Capt. Ong Kyaw conscripted 15 members of the people's militia from Kun Mong village tract, Kaeng Tawng area, Murng-Nai Township, to join the patrol. For 11-12 days, the group patrolled abandoned villages in the relocation areas of Murng-Nai and Kun-Hing Townships. At that time, the soldiers inquired as to whether or not any of the militia members had come from the villages in Kun-Hing which had been relocated to Kun Mong village tract, Murng-Nai. Only 2 men out of the 15 militia members had been relocated from Wan Lao village tract, Kun-Hing Township, to Kun Mong village tract, Murng-Nai Township. All of the others were originally from the Kaeng Tawng area of Murng-Nai Township. The SPDC soldiers separated the 2 men from the group and ordered them to lead the patrol based on the idea that they might know their way around the area they were patrolling as they were originally from there. As the patrol approached Naa Waai village, Wan Lao village tract, Kun-Hing Township, which is a relocated village, several soldiers shot their guns off in the air. At the same time, other soldiers proceeded to take action as if a battle was ensuing by spreading out and shooting their guns as well. As the shooting ensued, the militia members were confused and the SPDC soldiers shot and killed the 2 men who had been forced to lead the group through the area. The SPDC soldiers claimed that the 2 men had been killed when Shan soldiers ambushed the patrol. Local villagers reportedly do not believe the SPDC soldiers' claims because no one knew of any Shan soldiers in the area at that time. In addition, there were rumors that the SPDC troops in Kaeng Tawng area of Murng-Nai Township were attempting to kill anyone who had money or flouted their orders in anyway. (Source: "Two Members of People's Militia Shot Dead in Kun-Hing," *SHRF Monthly Report*, SHRF, August 2004)

Murng-Paeng Township

On 3 May 2004, a patrol of approximately 30 soldiers from IB 43 led by Commander Myint Hla shot and killed 3 villagers, 1 brother and 2 sisters, near Paang Hok village, Murng Pu Awn village tract, Murng-Paeng Township. The 3 villagers were Zaai Zing (male, age 21), Naang Kham (female, age 18) and Naang My (female, age 14). The 3 were returning from their rice farm when they encountered the soldiers who killed them on the spot without question or warning. (Source: "Brother and Sisters Shot Dead in A Group in Murng-Paeng," *SHRF Monthly Report*, SHRF, October 2004)

On 9 June 2004, 4 SPDC soldiers from LIB 525 led by a corporal came to the home of Naang Mya Ung (female, age 22) and informed her that their Major had ordered the confiscation of her pig. Instead of immediately complying, Naang Mya Ung contested that it was her only pig and she planned to sell it to obtain rice. She implored the soldiers to confiscate a pig from an owner who had more than one. Nevertheless, the soldiers took her pig as Naang Mya Ung shouted for help saying that SPDC soldiers were stealing her pig. The soldiers then shot and killed her, loaded her pig onto a truck and drove away. Naang Mya Ung's parents and the community leaders attempted to lodge a complaint with the military authorities at the LIB 525 base. Yet when they went to the base, they were told to come back later as the commander had gone away for approximately 10 days and had not yet come back. (Source: "A Displaced Woman Shot Dead, Her Pig Stolen in Larng-Khur," *SHRF Monthly Report*, SHRF, August 2004)

On 7 July 2004, troops from IB 43 shot and killed Lung Paw Murng (male, age 53), Zaai Mu (male, age 27) and Zaai Thu (male, age 31). The 3 victims were farmers from Huay Sawn

village, Murng Pu Awn village tract, Murng-Paeng Township. They were returning from weeding their rice plots, some distance from their village, when they encountered the soldiers approximately half a mile from their farms. The soldiers left an imposter letter from Shan State Army (SSA) Lt. Naw Kham accusing the villagers of failing to meet demands for rice, chickens and pigs. (Source: "3 Villagers Returning from Their Farm Shot Dead in A Group in Murng-Paeng," *SHRF Monthly Report*, SHRF, November 2004)

Murng-Paeng Township

On 3 May 2004, a patrol of approximately 30 soldiers from IB 43 led by Commander Myint Hla shot and killed 3 villagers, 1 brother and 2 sisters, near Paang Hok village, Murng Pu Awn village tract, Murng-Paeng Township. The 3 villagers were Zaai Zing (male, age 21), Naang Kham (female, age 18) and Naang My (female, age 14). The 3 were returning from their rice farm when they encountered the soldiers who killed them on the spot without question or warning. (Source: "Brother and Sisters Shot Dead in A Group in Murng-Paeng," *SHRF Monthly Report*, SHRF, October 2004)

On 7 July 2004, troops from IB 43 shot and killed Lung Paw Murng (male, age 53), Zaai Mu (male, age 27) and Zaai Thu (male, age 31). The 3 victims were farmers from Huay Saw village, Murng Pu Awn village tract, Murng-Paeng Township. They were returning from weeding their rice plots, some distance from their village, when they encountered the soldiers approximately half a mile from their farms. The soldiers left an imposter letter from Shan State Army (SSA) Lt. Naw Kham accusing the villagers of failing to meet demands for rice, chickens and pigs. (Source: "3 Villagers Returning from Their Farm Shot Dead in A Group in Murng-Paeng," *SHRF Monthly Report*, SHRF, November 2004)

On 9 June 2004, 4 SPDC soldiers from LIB 525 led by a corporal came to the home of Naang Mya Ung (female, age 22) and informed her that their Major had ordered the confiscation of her pig. Instead of immediately complying, Naang Mya Ung contested that it was her only pig and she planned to sell it to obtain rice. She implored the soldiers to confiscate a pig from an owner who had more than one. Nevertheless, the soldiers took her pig as Naang Mya Ung shouted for help saying that SPDC soldiers were stealing her pig. The soldiers then shot and killed her, loaded her pig onto a truck and drove away. Naang Mya Ung's parents and the community leaders attempted to lodge a complaint with the military authorities at the LIB 525 base. Yet when they went to the base, they were told to come back later as the commander had gone away for approximately 10 days and had not yet come back. (Source: "A Displaced Woman Shot Dead, Her Pig Stolen in Larng-Khur," *SHRF Monthly Report*, SHRF, August 2004)

Murng-Pan Township

On 6 February 2004, 5 soldiers from SPDC LIB 332 fetched and escorted Lung Wa-Ling Laai (male, age 59), a villager from Wan Mai Tin Tap village in Ho Phaa Long village tract, Murng-Pan Township, to the military base under the pretense that the commander wanted to see him. He was interrogated at the military base after being accused of providing Shan soldiers with assistance through food and information. His hands were tied together and he was asked to reveal where the Shan soldiers could be found. Yet, Lung Wa-Ling Laai indicated that he had no idea and had not provided food for any Shan soldiers. The soldiers tortured and beat him all over his body during the interrogation which persisted until approximately 4:00 pm. At that time, the soldiers ordered a regular civilian to transport Lung

Wa-Ling Laai back to his home by mini-tractor where he was able to share his experience with his family. He died at 10:00 pm that evening. (Source: "An Elderly Villager Tortured to Death, A Mini-Tractor Ordered to Take Him Home, in Murng-Pan," *SHRF Monthly Report*, SHRF, May 2004)

On 29 June 2004, a patrol of approximately 35 troops from LIB 520 led by Commander Aung Htun beat a Ho Phaai Long villager to death. The victim, Lung Kawn (male, age 49), was gathering thatch for roofing materials in a field about 4 km south of his village when the troops found him. Lung Kawn was forcibly relocated to Ho Phaai Long village from Paang Kwaau Tai village tract, Murng-Pan Township, in 1999. Local villagers reported that he was a quiet villager and could not find any reasonable justification for his death. (Source: "A Displaced Villager Beaten to Death in Murng-Pan," *SHRF Monthly Report*, SHRF, October 2004)

On 1 October 2004, Zaai Oo (male, age 17) took his 2 draught oxen to graze in the forest outside of Murng-Pan town. Zaai Oo was originally from Wan Pung village but had been forcibly relocated to Murng-Pan town. While the oxen were grazing, Zaai Oo took a rest in an abandoned farm hut. At the time, a group of SPDC soldiers came along and took the 2 oxen while 1 of the soldiers went into the hut and shot and killed Zaai Oo. Lung Saw (male, age 40) was in a nearby farm at the time and witnessed the incident but was unable to identify the troop number. Shortly there after, the 2 oxen belonging to Zaai Oo were seen grazing in the LIB 520 base. As a result, the villagers concluded that soldiers from LIB 520 had been responsible for stealing the oxen and for killing Zaai Oo. (Source: "A Displaced Villager Shot Dead, His Oxen Stolen, in Murng-Pan," *SHRF Monthly Report*, SHRF, February 2005)

On 23 October 2004, Lung Thun (male, age 46), Lung Kham (male, age 40), Zaai Gu-Na (male, age 22) and Zaai Ma-La (male, age 19), all villagers from Ho Lin village in Naa Law village tract, Murng-Pan Township, went together into the forest to gather Mai-Hawm wood. On 26 October 2004, after searching and camping in the forest for 3 days and managing to gather some Mai-Hawm wood, the villagers ran into a patrol of about 25-28 SPDC troops from LIB 520, led by Commander Thein Maung. After learning that the 4 villagers were gathering Mai-Hawm wood, the SPDC troops beat them to death one after another at different places. A villager from the same village who went to collect bamboo the next day, 27 October 2004, found the dead body of Lung Thun lying in the forest about 25 yards away from the road. On 28 October 2004, some SPDC troops, including Private Maung Htwe (age 21), told the villagers that 2 days before, they had killed 4 Shan rebels who were gathering Mai-Hawm wood in the forest to be sold in the town market and that they had taken the Mai-Hawm wood for themselves. (Source: "4 Forest Gatherers Beaten to Death in Murng-Pan," *SHRF Monthly Report*, SHRF, February 2005)

Murng-Sart Township

On 31 August 2004, Lung Lu (aka Lung Lu Taa Long, aka big-eyed Lung Lu, male, age 61) was going to visit his children and relatives at their farms outside of Murng Tum village. The previous night, Lung Lu had made merit with 18 to 20 other villager elders at a Buddhist temple. As he was going to his children, he encountered a group of SPDC soldiers which were stationed in Murng Tum, Murng Tum village tract, Murng-Sart Township. The soldiers questioned and searched him, discovering 4,700 kyat and a gold decoration weighing approximately ½ baht. The soldiers proceeded to beat Lung Lu to death and stole the items

that they had found. (Source: "An Elderly Man Beaten to Death, Robbed of His Valuables, In Murng-Sart," *SHRF Monthly Report*, SHRF, December 2004)

Murng-Su Township

On 11 March 2004, soldiers from SPDC LIB 326 based in Tang-Yarn conscripted 15 villagers from Paang Kham Saai, Luk Niu and Nam Aang villages in Nawng Ep village tract, Murng-Su Township, to build fences at a military outpost in Murng-Su Township. As the villagers were performing the work, a few soldiers from LIB 326 selected and removed 3 young men from the group. After that time, the men did not return. When their relatives and the community leaders made inquiries as to their whereabouts, the SPDC troops indicated that they had dismissed all the villagers at 4 pm on the same day. A few weeks later, some villagers found 3 fresh graves not too far from the military base where the 3 men had been working. The villagers unearthed the graves and identified the 3 young people by their clothing, which were the same as what they were wearing when they were separated from the other laborers. The physical characteristics were unrecognizable. One of the 3 victims was Zaai Pan-Ta (male, age 28) from Paang Kham Saai village in Nawng Ep village tract, Murng-Su Township. The names of the other 2 were not known at the time the information was gathered. (Source: "Disappearance and Killings During Forced Labor in Murng-Su," *SHRF Monthly Report*, SHRF, July 2004)

Murng-Ton Township

On 16 August 2004, troops from IB 225 led by Aung Loon reportedly beat 2 male villagers, who were returning from cutting wood in the evening, to death. The 2 villagers were from Wan Mai village, Mae Ken village tract, Murng-Ton Township. The 2 victims were Zaai Nung (age 20) and Zaai Mint (age 19). They had encountered the soldiers 1 mile north of their village. Their bodies were found by their relatives the following day, the same day that IB 225 left the area. (Source: "2 Villagers Returning from Cutting Wood Beaten to Death in Murng-Ton," *SHRF Monthly Report*, SHRF, November 2004)

On 18 August 2004, a Lahu couple were working on their remote farm when a patrol of 35 soldiers from SPDC LIB 225 led by Captain Aung Lwin encountered them. The soldiers proceeded to beat the couple to death and stole their possessions. The victims were Ja-Ka (male, age 48) and Ja-Nu (female, age 40) from Nawng Khem village, Me Ken village, Murng-Ton Township. The soldiers reportedly claimed that 2 viss of raw opium and 1,000 tablets of methamphetamines were discovered in the couple's farm hut. (Source: "A Lahu Couple Beaten to Death in Murng-Ton," *SHRF Monthly Report*, SHRF, December 2004)

On 9 October 2004, a Lahu couple, Ja Mu and his wife, Na-Kha, and their 10-year-old son were in their farm hut when a column of about 30 Wa soldiers from United Wa State Army (UWSA) passed through their farm. The soldiers were some distance away, did not come closer, and shot at the hut without warning. The 10-year-old son ran out of the hut to the forest and back to their village when the shooting commenced. Ja Mu and Na-Kha were both shot several times and died before they were able to get out of the hut. The son was able to relay the details of the situation to relatives who went to the hut, accompanied by other Lahu villagers. The Lahu villagers reportedly believe that the Wa soldiers were part of a drug convoy and perhaps believed the couple in the hut was spying on them and therefore killed them. (Source: "A Lahu Couple Shot Dead by Wa Soldiers in Murng Ton," *SHRF Monthly Report*, SHRF, February 2005)

Nam-Zarng Township

On 28 January 2004, a patrol of SPDC troops from LIB 516 under the command of Military Operation Management Command No.21 came to Loi La village, Loi La village tract, Kun-Hing Township. There, the soldiers stole clothes, food, money, utensils and valuable items from the villagers. The total value of the items stolen was more than 11 million kyat. The SPDC soldiers also arrested the following 3 villagers in Loi La village tract area:

1. Lung Haeng Phaw-Ka, male, age 42, the village tract headman;
2. Lung Zan-Da Yawng, male, from Kung Niu village; and
3. Na-Lin, male, age 33, from Loi La village.

On 29 January 2004, Na-Lin was killed after having endured interrogation and torture which had caused him to lose several teeth. While Lung Zan-Da Yawng and Lung Haeng Phaw-Ka were taken to the troops' base, interrogated, tortured and beaten, their fate was not known at the time of this report. In addition, the soldiers reportedly indiscriminately beat people with sticks while going around the village and stealing from the villagers. According to one villager, "There was hardly anyone in the village, men and women, young and old, who had not tasted their sticks." (Source: "Villagers Robbed, Arrested, Tortured and Killed in Nam-Zarng," *SHRF Monthly Report*, SHRF, June 2004)

From early 2004 up to the time of this report, May 2004, people in Nam-Zarng Township were forced to work on road construction between Kho Lam village in Nam-Zarng Township and Wan Zing village in Kae-See Township. About 30 to 50 people from each village had to go and work for 15 days at a time on a rotation basis. As a result, there were always 250 to 300 laborers working on the road at a time. The laborers had to provide their own food during the forced labor and use their own tools to work. If the soldiers felt that laborers were not working fast enough or hard enough, they scolded and/or beat the laborers. In March 2004, soldiers from IB 9 shot and killed a man named Zaai Mawng who was accused of not working hard enough. Zaai Mawng had been beaten 2 times prior to being shot. At that time, IB 9 was supervising the construction. Zaai Mawng was a displaced person who had been relocated from Kaad Yaang village, Wan Lur village tract, Lai-Kha Township, several years before. The soldiers shot and killed Zaai Mawng in front of the other laborers. The soldiers warned the laborers that they would suffer the same lot if they didn't want to work for the military. The soldiers then ordered the laborers to bury Zaai Mawng's body away from the main road. (Source: "A Forced Laborer Shot In Front Of Other during Forced Labor in Nam Zarng," *SHRF Monthly Report*, SHRF, July 2004)

On 19 November 2004, Zaai Mawng Nyunt (male, age 29) was going around Nam-Zarng town relocation site for the purposes of collecting information with which to inform the local SPDC company commander. At approximately 10:30 pm, Zaai Mawng Nyunt was shot and killed by troops patrolling the area. The victim had reportedly been able to survive by providing information to Khin Maung Lat, commander of SPDC IB 66 Company No. 3, as he could speak Burmese. The victim, originally from Haai Phak village, would receive payments of some kind for the information that he provided. It was reported that prior to being killed, one of the SPDC soldiers commented, "'Mawng Nyunt, you are Shan. By acting as an informer for us, aren't you being a traitor to your own kind and how could you be trustworthy to us?'" (Source: "A Villager Shot Dead in Nam-Zarng Town," *SHRF Monthly Report*, SHRF, March 2005)

On 23 November 2004, 2 displaced farmers were reaping rice at their rice fields in Ton Hung Mawzkili village, Ton Hung village tract, Nam-Zarng Township, where they lived prior to being forcibly relocated to Kho Lam village tract, Kho Nam-Zarng Township, in 1996. The 2 farmers, Zaai Kaw (male, age 37) and Zaai Tink (male, age 30) had previously returned to their original farms to plant the rice and did not face any problems. Yet, when they returned to reap the rice, they were found by a patrol from SPDC MOMC No. 21 based in Kho Lam. The soldiers proceed to shoot at the 2 farmers, killing Zaai Kaw and hitting Zaai Tink in the stomach. While Zaai Tink was able to abscond to his village, he died the same night from his injury. (Source: "Displace Farmers Shot Dead While Reaping Rice in Nam-Zarng," *SHRF Monthly Report*, SHRF, March 2005)

Tang-Yarn Township

On 2 July 2004, a group of SPDC soldiers stole 2 oxen from and beat a 13-year-old boy to death near Murng Kaa village, Murng Kaa village tract, Tang-Yarn Township, Shan State. The boy, Zaai Khaw Law, had been grazing his family's 2 oxen in a field south of the village when the soldiers found him and took away the oxen. When Zaai Khaw Law ran after them in an attempt to retrieve his oxen, the soldiers beat and kicked him into a ditch. Zaai Leak, a friend of Zaai Khaw Law, saw the incident and ran back to inform the villagers. When a group of villagers went to the area, they found Zaai Khaw Laek dead. While the villagers were still able to see the soldiers taking the oxen away, they were too far away to be identified. (Source: "A Boy Beaten to Death and Robbed of His Oxen in Tang-Yarn," *SHRF Monthly Report*, SHRF, November 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 17 January 2004, Saw Ee Sa from Mae Wah village, 70 miles southeast of Mergui, was captured by SPDC troops from IB 224, led by Lt. Col. Myint Naing, while at his village. The troops brought him to Kyain Chaung village and killed him arbitrarily near by the village church. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, January 2004)

On 9 February 2004, Burmese troops from IB 224 led by Battalion Commander Lt. Col. Myint Naing burnt down 8 houses in Pawa area, 60 miles southeast of Mergui. These troops captured 23 internally displaced persons (including 12 children) and killed 1 named Saw Hpo Pe. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 28 February 2004, Lt. Col. Myint Naing from IB 224 arrested a villager from Pawat, Tenasserim Township, Mergui District, and beat him severely. After that, Saw Wah Lay was submitted to Tenasserim town hospital but the hospital could not help. He was taken back to his home where he died from the pain 2 weeks later. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 28 February 2004, Burmese troops from LIB 558 Column 1 headed by Lt. Col. Than Daing killed Saw Rotex (age 18), son of Saw Rayner, from Panwepoklo, Palaw Township, Mergui District. A villager found the corpse of Saw Rotex with a broken leg and 1 empty eye near his hiding place in Tah Meh Lor. His friend Saw Ne Thaw (age 16), son of Saw Ni San, was wounded in the knee after he managed to escape. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 12 April 2004, the Burmese army IB 224 captured 6 people in Manoroe village in Tenasserim Township. Saw Myint Thein was 1 of the 6 captured. He was killed by the army for no reason. On the same day, the troops burnt down Saw She Hter's house. He estimated the value of his house and possessions to be 200,000 kyat. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy Information Department, KNU, April 2004)

On 30 April 2004, Pu Ku, an old IDP from Kadinchaung Mayanchaung in Tenasserim Township, stepped on a landmine that had been planted in the Kadin area by Burmese Army IB 224. The villagers from Kadin said Pu Ku would have survived if he had been sent to the hospital. The Burmese Army didn't allowed Pu Ku to go to the hospital. They killed him immediately. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy Information Department, KNU, April 2004)

On 11 June 2004 at 7:40 am, troops from SPDC LIB 385 Column 2 led by Lt. Col. Htin Maung Htun fired on villagers in Htee Thit-ka Hkee village in Ker-ser Doh Township without reason. The shooting killed 2 men, 1 woman and injured a child. The victims were:

1. Saw Pa Eh, male, age 35;
2. Saw Di Doh, male, age 30; and
3. Naw Say La, female, age 28. (Source: KIC, 2004)

On 26 June 2004, troops from SPDC IB 101 Column-2 led by column commander Captain Kyaw Lwin Oo fired on villagers hiding at Lay-law-ka-ti-khee in the Ma-noe-roe area. These troops fired on the hut of Saw Ready, breaking the arm of Saw Ready's wife, Naw Aung Thein May (age 38). They seized Naw Ka Ah, daughter of U Hla Maung, raped her and then shot her to death on the spot. The troops cut away her ears and took her earrings and other items worth 90,000 kyat, 3 muzzle-loaders and 1 basket of rice. (Source: KIC, 2004)

On 27 September 2004, Burma Army troops attacked Hsaw K'daw Hta, Mergui-Tavoy District. During the attack, 3 villagers were killed. The 3 villagers were:

1. Saw Bua, male, age 46;
2. Saw Yin Poe, male, age 40; and
3. Naw Ah, female, age 45.

Saw See Pa Thru, a KNLA medic (male, age 45) was also killed. (Source: FBR, 2004)

On 22 November 2004 at 2:45 pm, the active company from LIB 561 column 1 under the control of Operation Command 13 led by Maung Maung Kyaw found and shot at villagers who were hiding between Aung Tha Wa Ra village and Mae Ngau village (damaged village), located in the eastern part of Pa-law Township. The troops destroyed and burnt down 5 plantation huts and 5 cultivation huts belonging to the hiding villagers. One hiding villager was shot to death while the troops arrested them and accused them of attempting to run away. (Source: ABSDF, 2004)

2.3 Personal Accounts

Source: Free Burma Rangers
Interview Date: 25 June 2004
Name: Xxx Xxx (name withheld)
Sex: Female
Age: 33 years old
Marital Status: Married, five children
Husband's name: Xxx Xxx (name withheld)
Village: Xxx Xxx, Karenni State

Her husband's father and mother and brother were killed by the Karenni National Solidarity Organization (KNSO) in February 2004. They were told by the KNSO that they were to go to the Mawchi forced relocation site, but didn't want to go. The KNSO told them that anyone who is a follower of resistance leaders should run away to another country, but those who wanted peace should go (to Mawchi). The family was separated after they fled their village, with her parents-in-law in one place, her brother-in-law in another and herself and her husband in a third place. She and her husband left their village on 13 February 2004 to go into hiding.

On 27 February at midnight, her brother-in-law was hunting in the jungle and was killed by KNSO troops. Also on 27 February at 5am, her mother-in-law and father-in-law were killed by KNSO troops. On 28 February, the troops burned their bodies. There were two other villagers with her in-laws who escaped the KNSO troops with only some injuries and they told her what happened to her family. Her family first went to a district in Karen State, but it was too difficult to survive, so they moved to this hiding site.

Two of her sisters have been arrested and were beaten by the KNSO (slapped and punched). They were accused of supporting the Karenni resistance forces. One of her nephews, accused of supporting the Karenni resistance forces, was arrested by the KNSO and sent to Loikaw prison, where he was tortured with electric shocks. When his wife went to visit him in prison, she was not allowed to see him.

"Now I am in a strange place where I can't find my way around. The leaders here have made good arrangements, but I don't know what happened to my rice barn or my parents' rice barn."

3. Arbitrary Detention and Enforced or Involuntary Disappearances

“No one shall be subjected to arbitrary arrest, detention or exile.”

- Article 9, Universal Declaration of Human Rights

3.1 Background

Since 1962, Burma has been ruled by successive military regimes. The current regime, known as the State Peace and Development Council (SPDC), maintains an extensive network of state sanctioned personnel, including police and government officials, to monitor and detain individuals who are suspected of holding or expressing opinions against the government. Until 19 October 2004, when Prime Minister Khin Nyunt was removed from office, arrested and replaced with Lt Gen Soe Win, the Office of Chief Military Intelligence (OCMI) and Military Intelligence (MI) personnel played a central role in this network. As the OCMI was under the direction of Khin Nyunt, it and organizations within its apparatus were subsequently disbanded on 22 October 2004. The Military Affairs Security (MAS) assumed the same role, although with a reportedly lesser degree of power. In addition, the Special Police Information Force (SPIF) has taken over responsibility for political matters, under the direction of the SPDC. By the end of 2004, the effects of these changes had yet to be fully realized and many believed them to be only cosmetic as many intelligence personnel were transferred to serve the same duties under the new apparatus. Yet, both prior to and following this change in government leadership and organization, the people of Burma had been denied the right to criticize or change their government, facing arrest and detention for peaceful expression of political opinion.

The government has enacted and enforced strict laws which curtail civil and political freedoms enabling government personnel to eliminate any opposition. These laws suppress and criminalize rights to freedom of assembly, association, belief, expression and movement. The most frequently utilized laws for these purposes are 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. Additional laws have been established in order to contend with technological developments that may allow for organizing or communicating through alternative means. In addition, citizens are denied the right to privacy as government officials frequently enter homes without warrants and monitor communication.

Throughout 2004, government personnel continued to arrest and detain individuals suspected of expressing political dissent, regardless of the fact that these activities were usually peaceful. While some detainees reportedly returned to their homes after a few days or weeks, others disappeared entirely. It is believed that government personnel took all detainees for the purpose of interrogation, without the knowledge of family members. Political detainees are usually subject to interrogation which is often accompanied by torture. Many are held incommunicado without trial for extended periods of time under Article 10(a) and (b) of the 1975 State Protection Act, which allows for detention of up to 5 years without trial or charge. According to the U.S. Department of State, government personnel arrested and detained at least 85 political activists in 2004, most of whom were members of the largest pro-democracy political party, the National League for Democracy (NLD). Forty-two of these arrestees were

reportedly released while 43 remained incarcerated and were tried and sentenced by the end of 2004. (Source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005)

Arbitrary arrest and detention of ethnic minorities suspected of supporting rebel activity also persisted throughout 2004. In areas such as Karen State, Mon State and Shan State, villagers were frequently arrested on the suspicion of supporting or having contact with rebel groups. Villagers arrested under these circumstances frequently endured torture or cruel and degrading treatment. In addition, release from detention was often contingent upon the guarantee of fellow villagers or the village headman that the detainee had no rebel connections, as well as payment of heavy fines. Various 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 Section 17/1 (contact with illegal organizations) and Section 17/2 (rising against the State) of the 1908 Unlawful Associations Act.

Aside from politically related arrests, arbitrary arrest and detention of persons not suspected of political activity also persisted throughout 2004, perpetrated by soldiers and other government personnel. Arrest and detention of villagers or individuals was frequently a means to extort money, food or supplies from villagers in return for their release. Other reports indicate that villagers were arrested and detained without any reason provided. Moreover, there were increasing reports of villagers either arbitrarily arrested or arrested for petty offenses, such as failure to pay unfair taxes or possession of lottery tickets. In turn, these villagers were sentenced to prison terms and were subsequently sent to serve as porters for the military on the frontlines or as laborers. Concurrently, the number of prisoner porters utilized by the military has reportedly increased over the past several years. Therefore, many observers have conjectured that arbitrary arrest of villagers is a method of maintaining a supply of laborers. This method of procuring laborers is believed to be an attempt by the SPDC to deflect criticisms for the use of civilian forced labor by concealing it with prison labor. (Source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District*, KHRG, September 2004) (Please see chapter on forced labor for more information.)

The SPDC released a number of political prisoners during the year. According to the National Coalition Government of the Union of Burma (NCGUB), 177 political prisoners were released in 2004 (source: NCGUB, 15 June 2005). This included seven of the nine NLD Central Executive Committee (CEC) members. Following the removal of Prime Minister Khin Nyunt, the regime announced the release of 14,318 prisoners during three mass releases in November and December. According to SPDC statements, those who were released had been imprisoned due to "improper deeds" of the former National Intelligence Bureau. Of these mass releases, only 76 were reported to be political prisoners, including Min Ko Naing, chairman of the All Burma Federation of Student Unions (ABFSU). Min Ko Naing's release came after more than 15 years of imprisonment, most of which was spent in solitary confinement.

In late 2003, the SPDC announced a seven-point roadmap to democracy, which included the reconvening of the stalled 1993 National Convention, drafting of a new state constitution, and eventually, free and fair elections. Despite claims of embarking down a road of transition, those who expressed anti-government views continued to face harassment and arrest

following this announcement. The National Convention, an essential step in the roadmap process, assembled from 17 May to 9 July 2004 while approximately 1,300 political prisoners remained incarcerated. The continued detention of political prisoners, including NLD General Secretary Daw Aung San Suu Kyi and NLD Vice-Chairman U Tin Oo, served as a key factor in the NLD's justification for not attending the Convention. Both domestic and international actors have continually called for the release of all political prisoners as a pre-requisite to any genuine dialogue or political transition. In the sixty-first session of the UN Commission on Human Rights, the UN Special Rapporteur for Human Rights in Burma stated: "Releasing of all political prisoners should go hand in hand with discontinuing the practice of imprisoning people for merely speaking their minds or subjecting them to unfair trials without providing legal assistance or the most basic elements of the due process of law. Without these basic requirements, it would be extremely difficult or even impossible to launch a process of genuine transition towards democratization." (Source: "Statement by Mr Paulo Sergio Pinheiro, Special Rapporteur on the Situation of Human Rights in Myanmar," *Sixty-first session of the Commission on Human Rights*, Item 9, United Nations Economic and Social Council, 29 March 2005)

Despite the releases which occurred during the year and the SPDC's stated intention to work towards political reform, over 1,300 political prisoners remained in detention at the end of 2004. (The NCGUB reports this number to be 1,465.) This number includes 11 Members of Parliament elected in the 1990 general elections and at least 280 members of the NLD. Moreover, the U.S. Department of State reports that at least 27 political prisoners had completed their sentences but continued to be detained under article 10(a) of the 1975 State Protection Act, which grants the SPDC broad discretion to extend their prison periods. Extensions are made regardless of age and health concerns. At the end of 2004, at least 100 prisoners were suffering from health complications resulting from the overcrowded unsanitary conditions and lack of access to medical treatment within Burma's prisons. In addition, the number of political prisoners who had died either while in prison or shortly after detention, from the time of the 1988 nationwide pro-democracy uprisings to the end of 2004, stood at approximately 100 persons. (Source: AAPP, 2004)

3.2 Black Friday

"The effects on human rights of the events of 30 May 2003 in Depayin have yet to be fully reversed."

- UN Special Rapporteur for Human Rights in Burma, Professor Paulo Pinheiro (Source: "Situation of Human Rights in Myanmar," *Fifty-ninth session of the UN General Assembly*, Item 107 (c) of the provisional agenda, 30 August 2004)

On 30 May 2003, Aung San Suu Kyi, NLD members and supporters were violently attacked just outside of Depayin, Sagaing Division, as the NLD was proceeding with an organizing trip to Kachin State. The attack, perpetrated by members of the Union Solidarity and Development Association (USDA) and other state sanctioned actors, transpired approximately one year after Aung San Suu Kyi's release from house arrest in May 2002. The attack involved an unverified number of people, estimated to be in the several thousands, armed with bamboo sticks and metal rods. The attack, which has come to be known as the "Depayin Massacre" or "Black Friday", has been noted as "the largest regime-sponsored aggression against the NLD, and indeed all opposition groups, since the violent crackdowns

against the nationwide pro-democracy demonstrations in 1988” (source: *Burma Briefing: Issues and Concerns Volume 1*, ALTSEAN, November 2004).

The precise number of dead, wounded and arrested have been impossible to ascertain as the SPDC has refuted both international and domestic calls for an independent investigation into the events of 30 May 2003, allowing the perpetrators of the attack to enjoy freedom from punishment or reproach. Instead, the SPDC has held firm to their claim that four people were killed and 50 injured in a conflict instigated by the NLD. Conversely, unofficial sources have reported these numbers to be much higher, while presenting extensive evidence that the attack was well planned and sanctioned by the SPDC. According to the NCGUB, 11 people were killed and 124 arrested on the night of the attacks. Those arrested included NLD General Secretary Daw Aung San Suu Kyi and NLD Vice-Chairman U Tin Oo, as well as other NLD members, supporters and MP-elects. Moreover, subsequent to the attack, a crackdown on the democracy movement ensued during which the military authorities attempted to eliminate evidence of the event as well as other activists in the pro-democracy movement. According to the NCGUB, a further 132 individuals were arrested following 30 May. Those arrested in conjunction with the attacks also included 18 MP-elects prior to 30 May and a further 25 thereafter. As of October 2004, SPDC authorities released 149 individuals who had been detained in conjunction with the attack at Depayin, including seven of the nine NLD CEC members. At the same time, 107 individuals remained in detention (source: “Political Prisoner Summary,” NCGUB, 4 October 2004).

Despite rumors and innuendoes of release, the two remaining NLD CEC members, Aung San Suu Kyi and U Tin Oo, remained in detention at the end of 2004. The SPDC had initially reported that both were held under “protective custody” and would be released when the situation in the country became stable again. Aung San Suu Kyi was first detained at Insein Prison and later transferred to a military intelligence unit. By the end of 2003, she was transferred to her home in Rangoon where she remained under house arrest throughout 2004. On 29 November 2004, her period of detention was extended for an additional year under Article 10(a) of the 1975 State Protection Act, which allows for the detention of a person for up to five years without charge or trial. On 16 December, it was reported that military authorities reduced the number of NLD security personnel allowed to be stationed outside of Aung San Suu Kyi’s home from 13 to six. When she responded that the reduction was unsatisfactory, the government removed all of the security personnel. In addition, the permitted number of visits from her doctor was reduced from three to one time per week. These alterations in her health and security situation caused an outcry from NLD and opposition members who feared that the SPDC was placing Aung San Suu Kyi’s life in danger. (Source: “Myanmar Junta Putting Aung San Suu Kyi’s Health, Safety at Risk,” AFP, 16 December 2004)

NLD Vice-Chairman U Tin Oo was detained in Kale Prison in Kale, Sagaing Division, until he was transferred to house arrest at his home in Rangoon on 14 February 2004. Approximately six security personnel were reportedly stationed outside his home, allowing only his family members to see him. Moreover, the authorities had reportedly cut his phone lines rendering communication and contact with the outside world highly austere. Like Aung San Suu Kyi, U Tin Oo was detained under Article 10 (a) of the 1975 State Protection Act. In early 2005, U Tin Oo was notified that his period of detention was extended for an additional year. (Sources: “Myanmar Opposition Figure Tin Oo Moved From Prison to House Arrest,” AP, 15 February 2004; “U Tin Oo Given One Year Extended Detention by Burma’s SPDC,” DVB, 15 February 2005)

Throughout 2004, arrests and sentencing related to the 30 May 2003 attack at Depayin continued. For example, on 5 August 2004, NLD members U Po Too from Kokkosu village and U Than Lone from Ywathigalev village, Mandalay Division, were arrested for throwing stones during the incident at Depayin on 30 May 2003. "Hired thugs" had reportedly been responsible for throwing stones during Aung San Suu Kyi's visit to Singu, yet authorities blamed and detained four NLD members for the act. The four detained included U Sein Tun and U San Oo, who were sentenced to seven years in prison. U Po Too and U Than Lone had avoided arrest by fleeing from the area. Following the release of many who had been detained in conjunction with the Depayin Massacre, including U Sein Tun and U San Oo, the two returned home where they were caught. On 22 August 2004, a Mandalay court sentenced U Po Too and U Than Lone to seven years in prison. (Source: "Two Democracy League Members Sentenced to Seven Years Jail," BBC, 22 August 2004)

In addition, on 9 April 2004, 11 NLD members who had been arrested in conjunction with the 30 May 2003 incident at Depayin were sentenced to prison terms ranging from seven to 22 years at a special tribunal in Aofoe Prison, Mandalay Division. The group was charged under Article 5(j) of the 1950 Emergency Provisions Act and Section 17/1 of the Unlawful Associations Act. Moreover, they were not permitted to have legal representation or assistance during their trials. The 11 NLD members and their sentences were:

1. U Hla Saw of Mandalay, 17years;
2. U Myint Oo of Mandalay, 7 years;
3. Daw Nhin Pa Pa of Mandalay, 17 years;
4. Maung Aung Naing Thu of Mandalay, 12 years;
5. Ko Aung Aung of Mandalay, 7 years;
6. U Win Kyi of Mandalay (layway), 22 years;
7. Ko Thay Lwin Oo of Mandalay, 7 years;
8. U Than Win of Rangoon, 12 years;
9. Ko Ray Tun Min of Rangoon, 12 years;
10. U Tin Oo of Rangoon, 12 years; and
11. Ko Zaw Min Naing of Rangoon, 12 years. (Source: "Long-Term Jail Sentenced to 11 NLD Members By Burma Military Government," *Narinjara News*, 29 April 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, Universal Declaration of Human Rights.

“Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

“No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.”

- Article 11, Universal Declaration of Human Rights

Although remnants of the British-era legal system remain in place in Burma and laws exist protecting the rights of the accused, the court system and its operation remain highly flawed, particularly in political cases. The unstable political nature of the country along with the existence of broadly worded legislation often results in detention and unfair trials. The 1950 Emergency Provisions Act was enacted shortly after independence from the British and is believed to have been created in response to increased armed-resistance within the country following independence. Yet, the vague provisions of the law have allowed for the sentencing of numerous political prisoners who have spoken out against the authorities or State. Article 5(j) of this act allows for imprisonment for up to seven years if a person is believed to cause or intends to cause disruption to “the morality or the behaviour of a group of people or the general public, or to disrupt the security of the reconstruction or stability of the union.” The definition of disruptive behaviour is not provided. In 1975, the Burmese Socialist Program Party enacted the State Protection Law to protect the State from destructive elements. Article 10(a) of this act allows for an individual to be detained for up to three years without a trial. In addition, those who are detained under this act may also be held incommunicado or in solitary confinement. Moreover, under the same article, authorities can immediately extend a prisoner’s sentence as soon as it has been completed if the detainee is determined to be a continued threat to the State.

Throughout 2004, the SPDC continued to rule by decree and was not bound by any constitutional provisions for fair trials, due process or any other rights. While the SPDC reports that the law provides for the burden of proof to fall upon the prosecutors, this is reportedly not the case. Instead, most defendants are guilty until proven innocent. Political prisoners are frequently forced to sign false confessions or provide testimony towards their guilt during pre-trial detention or interrogation periods by military authorities, often reported to be personnel of the now disbanded MI. These confessions or evidence are often extracted through the use of torture. Political prisoners are usually denied the right to legal representation provided for under Section 340 of the Criminal Procedure Code. When legal counsel is permitted, rights to privacy, confidentiality and adequate preparation time are usually not provided. During the course of a trial, political defendants are usually denied their right under Article 208 of the Myanmar Criminal Procedure Code to cross-examine

prosecution witnesses or to call witnesses in their defense. Trials are usually held behind closed doors as Article 352 of the Criminal Procedure Code grants the “presiding Judge or Magistrate” the power to limit public access to the court as they deem necessary. Political trials are frequently held in the Special Court in Insein Prison, Rangoon Division. As a result, political defendants are often cut off from their families and unable to obtain copies of the trial proceedings. Because political cases rarely receive copies of the court’s judgment or trial proceedings, they are unable to exercise their rights to appeal the court’s decision under Article 408, 409 and 410 of Chapter XXXI of the Criminal Procedure Code. In addition, without a copy of the court’s judgment, political cases are unable to follow the procedure for appeals set out under Article 419 of the Criminal Procedure Code which requires the submission of a petition for appeal along with a copy of the court’s judgment. (Source: *Myanmar: Justice On Trial*, Amnesty International, 30 July 2003)

Lack of independence of the judiciary also contributes to unfair trials for political detainees. Supreme Court judges are chosen and appointed by the SPDC. In turn, these judges then choose lower level court judges with the approval of the SPDC. Yet, as judges are not protected with tenure under the Judiciary Law of 2000, they are vulnerable to arbitrary removal if their rulings do not coincide with the political motives of the government. Therefore, judges are rendered powerless to protect the rights of the oppressed, particularly in political cases where the MI reportedly dictated sentences to judges. According to some political prisoners, judges read their sentences from a letter or a piece of paper in their pocket. These sentences are often the maximum possible under the law. In cases where a political defendant receives more than one sentence, they are usually forced to serve them consecutively as opposed to concurrently. As a result, many political cases receive sentences of such length that death prior to completion is almost inevitable. (Sources: *Myanmar: Justice on Trial*, Amnesty International, 30 July 2003; *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005)

Conversely, criminal defendants have been able to exercise a degree of their rights to due process of law. Criminal defendants are reportedly able to meet with legal defense representatives 15 days prior to their trials in order to prepare their defense and can request a 15 day delay in trial for the same reason. They are able to cross-examine prosecution witnesses and call witnesses for their defense. Defense lawyers reportedly serve primarily to plea bargain for the briefest viable sentence for their clients. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005)

Nine men accused of high treason and sentenced to death

On 28 November 2003, the North Rangoon District Court sentenced nine men to death for treason under section 122/1 of the Penal Code. The Court found the nine men guilty of conspiring to detonate bombs in five locations in Rangoon, planning to assassinate military leaders and contacting illegal organizations in exile. Those sentenced to death were: 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 Htwe alias Thet Zaw, the editor of a popular sports magazine entitled *First Eleven*. Zaw Thet Htwe was arrested on 17 July 2003 while the other eight men were arrested later in the same month.

(Source: *The Administration of Justice- Grave and Abiding Concerns*, Amnesty International, 1 April 2004)

The trial was held in camera behind closed doors and many observers voiced concern that the trial proceedings were unfair. In March 2004, the Burma Lawyers Council (BLC), an exiled Burmese human rights and legal organization, reported that the trial was not conducted in accordance with proper trial procedures. The BLC cited various transgressions of proper trial procedures, including the submission of inadmissible evidence. For example, the prosecution submitted a list of items seized as evidence without exhibiting the actual items or a witness who was present when the items were allegedly seized. The prosecution also submitted written statements obtained by MI personnel as evidence, which is a violation of sections 24 and 28 of the Evidence Act. In addition, none of the six witnesses examined were independent. The BLC further indicated that the “convictions were based entirely on statements taken by MI personnel and so there is a likelihood that they were obtained under extreme forms of duress.” Moreover, the BLC reported that there was no evidence provided to prove the charge of high treason. (Source: “Urgent Appeal by the Burma Lawyers’ Council on Behalf of Nine Innocent People Condemned to Die,” BLC, 9 March 2004)

Also in March 2004, the International Labor Organization (ILO) expressed strong concerns regarding the sentencing of Min Kyi, Aye Myint and Shwe Mahn, three of the nine sentenced. The ILO had received an unofficial copy of the court’s judgment which cited that the three men had communicated with the ILO regarding forced labor in Burma. In response, the ILO questioned the future of cooperation with the Burmese government in eliminating forced labor if communication with the ILO was determined to be an act of treason. On 12 March, the ILO submitted a letter to the Minister of Labor expressing these concerns. In addition, on 17 March, the ILO Liaison Officer met with the Minister of Labor to request both copies of the trial proceedings as well as access to the convicted men. During the meeting, the Minister of Labor indicated that contact with the ILO was not illegal and that the case necessitated review as the judge had made errors. After meeting with the three convicted men and reviewing the cases, the ILO reported that the charges were untenable and called for their release “pending a full review of the case.” The ILO also questioned the investigation and trial proceedings. (Source: *The Administration of Justice: Grave and Abiding Concerns*, Amnesty International, 1 April 2004)

Many observers contend that pressure from the ILO and other international human rights advocates was successful in prompting the Burmese authorities to alter the sentences of the nine men. Aside from the ILO, several human rights advocates had objected to the sentence of Zaw Thet Htwe and several others as many observed that their sentences were solely based upon communication with exiled political opposition organizations. On 12 May 2004, the Supreme Court commuted the sentences of four of the nine men from death to three years in prison. The four persons included Zaw Thet Htwe, Min Kyi, Aye Myint and Zaw Myo Htet. The Court also changed the sentences of the remaining five men, including Shwe Mahn, from death to life imprisonment (source: “Sports Journalist Zaw Thet Htwe Has Death Sentence Commuted,” RSF, 18 May 2004). In late September, the Special Appellate Bench of the Supreme Court ruled to allow eight of the nine men to appeal their sentences. This was the first time the Supreme Court had allowed an appeal for a treason case (source: “Myanmar Supreme Court Allows “Unprecedented” Appeal,” Reuters, 23 September 2004). Finally, on 14 October, the Supreme Court reduced the sentences of five men. The sentences of four men, including Zaw Thet Htwe, were reduced from three years to two years in prison while one man’s sentence was reduced from life to five years in prison. The remaining four of the nine

did not receive any reduction in their life sentences (sources: "Jail Terms Cut of Five Myanmar Men Formerly on Death Row for Treason," AFP, 15 October 2004; *Burma Briefing: Issues and Concerns Volume 1*, ALTSEAN, November 2004).

3.4 Life of Prisoners

Of the 39 prisons in Burma, 20 detain political prisoners. Both criminal and political prisoners endure prison environments which both violate their human dignity and threaten their physical well-being. Conditions of detention in prison remain deplorable and fall far short of 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. In fact, conditions of detention fall short of established laws in Burma, such as those enshrined in the Union of Myanmar Prison Manual. Furthermore, political prisoners are often subjected to extra prohibitive and repressive measures not mentioned in the Prison Manual. For example, theoretically every prisoner has the right to parole. Chapter 11, Article 59(5) of the Union of Myanmar Prison Manual states: "A prisoner who has acted in accordance with prison regulation has the right to parole at least 60, 70 or 90 days a year." In reality, however, political prisoners are almost always denied this right.

Prison conditions in Burma constitute cruel, inhuman and degrading treatment and are a danger to the health of prisoners, frequently causing sickness. Three to four prisoners are kept in a small cell measuring 8 by 12 feet (2.6 by 3 meters) for more than 20 hours per day. Prisoners often must eat, sleep and defecate inside the cell, making conditions extremely unsanitary. According the U.S. Department of State, food, clothing and supplies were in short supply in prisons in Burma during 2004 (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005). Prisoners were provided with one mat for sleeping but did not always receive a mosquito net, making them vulnerable to disease and sickness transmitted by insects. Prisoners have reported inadequate provisions to contend with cold weather at prisons located in temperate areas. Prisoners are fed small portions of poor quality rice with bean or vegetable soup and fish paste, sometimes supplemented with a small piece of fish once a week. Former prisoners have reported that the food had little to no nutritional value and was often rotten or filled with rubbish and stones.

Prisoners are provided with inadequate healthcare in violation of sections 22 through 26 of the Standard Minimum Rules for the Treatment of All Prisoners. In early 2003, the Director General of the Prisoner Department and the Medical Officer reported to representatives of Amnesty International that all prisoners received free and equal access to medical care. Yet, most reports from prisons indicate that prisoners receive minimal to no medical care unless a medical condition has reached a critical stage. Several former political prisoners have reported that they only received outdated medicines for a myriad of conditions. The most common diseases and ailments among prisoners are those caused by the poor sanitation, unclean and partially cooked food and restrictions on water usage found in all prisons. These ailments include gastrointestinal diseases, jaundice, tuberculosis and skin diseases. Moreover, HIV/AIDS infection rates have reportedly increased "due to communal use of single syringes for injections and sexual abuse by other prisoners." In 2004, the International Committee of the Red Cross (ICRC) reported the formation of a central medical service for prisoners established by a joint working group comprised of the ICRC, the Department of Prisons and

the Ministry of Health. The service was to be staffed by personnel from the Ministry of Health and those trained by the ICRC. Despite the reported formation of this centralized service, there were no overt changes reported in the condition of medical care in prisons during 2004. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005)

According to paragraph 670(6) of Burma's Prison Manual, prisoners "may be allowed the use of books from the jail library, and also to read books and magazines from outside (purchased at their own expense), subject to the approval of the Superintendent." Despite the provisions for access to reading materials in the law, political prisoners have frequently been denied this right. In 1999, restrictions were eased and prisoners were permitted to read religious books and some periodicals in prison. However, authorities continued to frequently withhold religious books or other reading materials for extended periods of time in order to censor them. Prisoners who have received religious books from family members outside of prison have reported waiting weeks to months for the authorities' approval or rejection. Some political prisoners have reported reading bits of newspaper salvaged from smoked cheroot (Burmese cigars) filter castes in the rubbish as a method of obtaining any small amount of information about the outside world. (Source: AAPP, 2004)

Political prisoners are also usually denied their right to writing under paragraph 670(8) of the Jail Manual which states that prisoners "may be allowed to write and receive one letter, once a fortnight." Political prisoners are not permitted to maintain written communication with their families. Moreover, political prisoners found in possession of a writing device and/or paper have reportedly been punished severely with beatings, solitary confinement or other methods. Most prisoners rely on delegates of the ICRC to carry and deliver letters to and from their families.

Family visits are permitted every two weeks for most political prisoners, although these usually do not transpire without monitoring. Once sentenced, visits are permitted to last for 15 minutes and prisoners have reported being instructed to focus their conversations on family issues and not to speak about prison conditions or political matters. Yet, as a method of punishment and psychological torture, political prisoners are often placed in prisons in remote locations or at considerable distances from their place of origin or residence of their families. In turn, visits become extremely costly, time consuming and difficult for a prisoner's family. Detention of a prisoner in distant or remote locations from his or her place of origin is in contravention of Principle 20 of the UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, which states: "If a detained or imprisoned person so requests, he shall if possible be kept in a place of detention or imprisonment reasonably near his usual place of residence." Without regular family visits, prisoners' ability to procure necessary medicine, food and other supplies for survival from family members is severely compromised. Moreover, prisoners are prohibited from receiving visitors until they have been sentenced, despite the fact that many political cases are detained for extended periods of time prior to sentencing.

Prisoners who have complained or protested the harsh and unsuitable conditions of life in prison have received brutal treatment as penalty. Punishments have included beatings, reduction of food rations, solitary confinement or confinement in a cell designed for kenneling dogs, shackling, or transfer to remote prisons. (Source: *Facing Political Imprisonment: Prisoners of Concern to Amnesty International*, Amnesty International, 1 December 2004)

In 1999, the ICRC commenced monitoring visits of the prisons and labor camps in Burma. Throughout 2004, ICRC delegates continued to conduct these visits and were not hindered by the government in engaging in their normal activities, such as providing medicine and delivering letters. The ICRC contends that their visits and monitoring have helped to improve prison conditions. In April 2003, ICRC's chief delegate in Burma, Michel Ducraux, stated, "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" (source: Lisa Schlein, "Red Cross Claims Positive Impact on Burma Human Rights Conditions," VOA, 7 April 2003). Conversely, many former political prisoners have indicated that advanced notice allowed prison authorities to temporarily improve conditions during an ICRC delegation visit. While some improvements following ICRC visits have been reported in terms of food quality, ability to leave cells and some aspects of sanitation, overall prison conditions remained deplorable throughout 2004.

Women Prisoners

Like male prisoners, women prisoners are not spared from torture, beatings, inadequate food and lack of medical care. Unlike male prisoners, women also fear the overt threats of sexual harassment and assault during the interrogation and detention periods. Moreover, some women have been detained in the same cells as men, creating another environment for potential sexual assault. In addition, women face particular hardships due to their sex. Prison authorities do not provide any sanitary provisions for women during menstruation. Some former political prisoners have reported not having extra clothing items such as underwear or sarongs to wear while washing soiled ones during their menstruation. Women must rely on either their families or other prisoners in order to obtain necessary sanitary items for menstruation. Women who are arrested and imprisoned during pregnancy also suffer from the lack of pre-natal care. Women who give birth while in prison frequently are not allowed the assistance of a doctor and must rely on the assistance of other prisoners who may possess minimal to no skills at all. Lack of skilled physicians or birthing assistants has often resulted in adverse health effects for both mother and child. Moreover, mothers must care for their babies within the same unsanitary and restrictive conditions. Therefore, children and mothers alike suffer, leading to both sickness and in some cases, death. (Please see chapter on children for more information.)

Myaung Mya Prison Uprising

Approximately 1,000 prisoners, at least 65 of whom are political prisoners, are held in Myaung Mya Prison located in Irrawaddy Division in lower Burma, 170 miles from Rangoon (source: AAPP, 2003). On 18 August 2003, prisoners in Myaung Mya Prison demonstrated outside of their cells to demand their basic human rights. Prison authorities and military personnel on the scene fired warning shots at the demonstrating prisoners. Following this, Chief Director of the Prison Department Ba Myint went to Myaung Mya Prison to look into the event. He indicated that the prisoner participants would not be punished and that he believed the authorities' behavior and misrule were to blame for the uprising. Irrawaddy Divisional Director Win Myint, one of the main prison authorities, was well known for his cruelty and lack of concern for the wellbeing of prisoners. In response to the uprising, several prison authorities were replaced while Win Myint remained and problems persisted. On 21 September 2003, Ba Myint, Win Myint, jailors and wardens led a raid on prisoners who had participated in the demonstrations. The prisoner participants were beaten for the entire day and all other prisoners were also subject to beatings. On 23 September 2003, 85 prisoners and

prison staff were transferred. Win Myint also sanctioned further incidents of abuse, torture and inhumane treatment through the end of 2003. During 2004, incidents of inhumane treatment resulting from the leadership of Win Myint persisted. Some prison staff have reportedly indicated that Win Myint is both rude and harsh in his treatment of prisoners and staff. Moreover, he reportedly has little to no concern for the state of prisoners' health.

On 24 March 2004, prisoner Zin Bo from special cellblock 3 complained of inadequate amounts of drinking water. As a result, Warden Chit Ngwe took Zin Bo to the Myaung Mya Prison main jail where he beat Zin Bo for being rude to the authorities. Officer Ngwe Paw also shackled and punched Zin Bo.

On 4 April 2004, prison authorities ordered the prisoners to take a bath in the afternoon under the burning hot sun. As a result, political prisoner Yi Mon vomited and almost fainted. After examining him, a doctor concluded that Yi Mon had heart disease. However, he did not prescribe any medication for his condition.

On 18 April 2004, political prisoner Aung Myo Tint experienced dizziness after having a bath and informed the prison authorities. The prison doctor finally examined him 18 hours after he had told the authorities. The doctor diagnosed Aung Myo Tint with coronary heart disease. As the doctor provided no medicine for his condition, Aung Myo Tint was reliant upon what medicine his family could bring to him. In addition, prisoners Aung Naing Zaw, Kyaw Sein, Ye Min and Zaw Htoo were suffering from hypertension, prisoner Sarkalay was suffering from lung disease and Phone Thet Naing from spondylitics. As all of these prisoners were in poor health, they requested not to take baths under the extreme sun of the hottest part of the day. The prison authorities denied their request.

On 22 April 2004, 100 elderly female prisoners were transferred from Insein Prison to Myaung Mya Prison. As a result, Myaung Mya Prison became overcrowded.

On 26 April 2004, political prisoner Daun Mon died of an aneurysm after bathing. (Source: "New Leadership Brings New Abuses Following Uprising at Myaung Mya Prison," AAPP, 20 June 2004)

3.5 Monks in Prison

"Regarding the long prison terms, as long as there is no political stability these things will occur. If there is no political change, there will always be unrest instigated either by the monks or the students. Well, the monks are born of the people, so the monks and the people rely on each other. The lay people revere and venerate the monks while the monks on the other hand rely on the people for the propagation of the faith. As the monks themselves are suffering under the burden of politics, it is impossible for the monks to be separated from politics. They will always be associated."

– Unidentified Abbot from Magwe Division following the sentencing of 26 monks to long term imprisonment. (Source: "Burmese Opposition Radio Reports 26 Monks Jailed for Refusing Generals," BBC Monitor & DVB, 29 March 2004)

The majority of the population of Burma is Buddhist. Thus, monks and monasteries have played an integral and respected role in education and village life throughout the history of

the country. By the nature of Buddhist laws, monks have continually played a supportive role for common people enduring hardships, as monks are unable to practice the teachings of Buddha in an unstable environment. Because monks are in daily contact with the people through religious ceremonies and ritual, they have frequently come to know and represent the wishes of the community as various political movements have transpired since the time of British colonization of Burma. (Please see chapter on religion for more information.)

During the 1988 pro-democracy uprising, monks actively participated. Approximately 600 monks were killed during August and September of that year as the military attempted to overcome the protesting masses. In 1990, on the two-year anniversary of the '88 uprising, approximately 7,000 monks walked through the streets of Rangoon accepting alms from the people in honor of those who died in the uprising. In response, the armed forces cracked down on them, resulting in the death of two monks, the disappearance of one novice, and the injury of several others. In reaction to the military's actions, the Monks' Union (*Sangha Samaggi*) of Mandalay, led by Ven. Yewata, gathered and unanimously declared *pattam nikkujjana kamma* or "over turning the bowls" in which monks refused to accept offerings from or perform ceremonies for members of the military or their families. While the boycott commenced in Mandalay, it quickly spread throughout the country. Despite the military regime's demands for the monks to desist, they cannot do so unless all monks who gathered to declare the boycott reassembled and agreed to cease.

Successive military regimes have attempted to ally themselves with Buddhism as a method of obtaining legitimacy in the eyes of the majority Buddhist population. Therefore, monks' participation in anti-government political activities, such as the "overturning the bowls", was particularly threatening. Following the commencement of the boycott in 1990, the State Law and Order Restoration Council (SLORC), the regime at the time, enacted several laws aimed to dictate proper conduct, association and activities of monks. On 20 October 1990, the SLORC enacted Order 6/90 prohibiting all Sangha organizations aside from the nine sects approved by General Ne Win's 1980 campaign to cleanse the Sangha. On 21 October 1990, the SLORC issued Order 7/90 granting military officials the power to bring monks before military tribunals if determined to be behaving in a manner "inconsistent with and detrimental to Buddhism." In these tribunals, monks could be forcibly disrobed for participation in boycotts and demonstrations. In addition, monks were subject to punishments, including imprisonment for three years or the death penalty. On 30 October 1990, the State released a code of conduct for Buddhist monks. And, on 31 October 1990, the SLORC passed Order 20/90, also known as the Sangha Organization Law, regarded as a gross intrusion of the State in Sangha affairs. Monks and novices found in violation of the law may be subject to criminal penalization. Monks have also been sentenced under Article 5(j) of the 1950 Emergency Provisions Act, charged with threatening the stability of the State. Therefore, government personnel have long arrested monks suspected of political involvement and subjected them to the same harsh treatment as political or criminal prisoners. In November 2004, the Assistance Association for Political Prisoners (AAPP) reported that at least 300 monks and novices were incarcerated in the prisons and prison labor camps of Burma. (Source: *Burma: A Land Where Buddhist Monks Are Disrobed and Detained in Dungeons*, AAPP, November 2004)

Once in the custody of authorities, monks are forcibly disrobed and made to wear regular prisoner uniforms. Monks who have refused to disrobe have been severely beaten by prison authorities. Some monks have been ordered to defrock, which would strip them of their monkhood. Yet, a monk may only be defrocked by his own initiative; disrobing does not

defrock a monk. In addition, dressed as regular prisoners, authorities treat them as common criminals and not with the respect due to monks. Prison personnel have been reported to slap monks' bald heads and call them "ka-done," which means "baldy". In addition, monks who have been imprisoned under the Criminal Code are treated as criminals and often sent to serve time in labor camps or to serve as porters for the military. Many monks have died in prison labor camps due to the hard work, poor quality food, extreme conditions and inadequate medical care. Only those who are sentenced under Article 5(j) of the Emergency Provisions Act are exempted from the labor camps. (Source: *Burma: A Land Where Buddhist Monks Are Disrobed and Detained in Dungeons*, AAPP, November 2004)

26 monks sentenced for not accepting alms from the military authorities

On 19 January 2004, 26 monks from Gandayone monastery were each sentenced to 18 years imprisonment by the Insein Prison court. The group consisted of 25 novices and Ashin Sandazawthi, a leader monk. The 26 monks had been part of a group of 100 monks who were arrested in December 2003 following their refusal to accept alms or donations from the military authorities during the October and November Kathin festival. News of their sentencing did not reach their families until late March, around which time several novices had already been transferred to Tharawaddy Prison while some remained in Insein. (Sources: "Burmese Opposition Radio Reports 26 Monks Jailed for Refusing Generals' Alms," DVB, 29 March 2004; *Burma: A Land Where Buddhist Monks Are Disrobed and Detained in Dungeons*, AAPP, November 2004)

3.6 Political Prisoners - a few profiles

Name:	Aye Aung
Occupation:	University Student, 2nd year (Physics)
Age:	35
Address:	Thingangyun, Rangoon Division
Law Violation:	Article 5(j) of the 1950 Emergency Provisions Act, 17/1 of the Unlawful Associations Act
Sentence:	45 years imprisonment
Date of Sentence:	15 January 1999
Prison:	Kale Prison

Ko Aye Aung attended Dagon University in 1996 as a second year student majoring in Physics. He was involved in the Establishing Committee of the Dagon Student Union which was secretly set up in October 1996. He was responsible for the propaganda for and organization of this committee. He actively participated in the December 1996 student demonstrations by leading the Dagon student demonstration on 9 December 1996. After the demonstrations, he participated in organizing Dagon University students to set up the Dagon University Student Union. He was elected as the third in-charge of the information committee of the student union. In 1997, the Military Intelligence cracked down on Dagon University student activities and arrested 11 students. Many other students, including Ko Aye Aung, were able to evade arrest. At that time, he tried to contact other student union groups. He was assigned to reorganize the separated executive committee members of the Dagon Student Union. He worked very hard to accomplish his duties. Later, he became a member of the organizing committee of the student union. In 1997, the Central Organizing Committee

decided to create "Universities and Colleges Reopening Movements" and Ko Aye Aung was assigned to carry out these activities. He organized students and distributed statements for this purpose.

In 1998, Ko Aye Aung played an important role in the student movement led by Myo Min Zaw. He energetically participated in the 1998 August and September student demonstrations with Myo Min Zaw. Due to his activities, Ko Aye Aung was arrested by Military Intelligence on 15 January 1999. He was sentenced to 14 years imprisonment under Article 5(j) of the 1950 Emergency Provisions Act and Section 17/1 of the Unlawful Associations Act. His combined sentence amounted to 45 years in prison. At the time of this report, he was serving his sentence at Kale Prison. (Source: AAPP, 2005).

Name:	Aye Kyu aka Monywa Aung Shin
Occupation:	Translator, poet, writer, member of NLD Sagaing Division
Address:	Monywa, Sagaing Division
Law Violation:	Article 5(j) of the 1950 Emergency Provisions Act, Section 17/20 of the Printers and Publishers Act
Sentence:	14 years under current sentence
Prison:	Insein

U Aye Kyu was born to U Phoe Win and Daw Kyin Sein. As an active member of the NLD Magwe Branch, he has been detained twice. His first sentence was from 13 December 1967 to 7 March 1970, and his second sentence was from 5 February 1990 to 16 March 1990. He was released from his second sentence when his spouse passed away.

He earned his living by translating short stories and writing poems for monthly magazines, such as the *Guila Padata*, *Moe Wai*, *Sbai Phyu*, *Pan and Sar Maw Kun*. He did all his writing under the pseudonym Monywa Aung Shin. Because he was an active and high-ranking member of the NLD Sagaing Division branch, the regime frequently censored his writing.

In an NLD statement dated 12 September 2000, he requested the release of Aung San Suu Kyi and other CEC members who were under house arrest. The statement also called for the authorities to allow the Headquarters and Rangoon Division Branch to reopen. In addition, the statement denounced the unlawful actions of the SPDC and called for an urgent tripartite dialogue between the government, NLD and ethnic groups. On 23 December 2002, the Criminal Court of Justice in the Insein Prison compound sentenced him to 14 years imprisonment under Article 5(j) of the Emergency Provisions Act and Section 17/20 of the Printers and Publishers Act. As of the time of this report, he was serving his sentence in Insein Prison. (Source: AAPP, 2005)

Name: Kyaw Min Yu aka Jimmy
Occupation: Student, DPNS Central Committee Member
Address: Hlaing Township, Rangoon Division
Law Violation: 5(j) and 5(e) of the Emergency Provisions 1950 Act, Section 3
Sentence: 20 years initially, 12 years added
Prison: Thayawaddy

Kyaw Min was born to U Tin Yu and Daw Ah Mar Nyunt. In 1986, he attended Rangoon University (Hlaing Campus), majoring in Physics. He participated in the March and June student demonstrations as a student leader following the death of Phone Maw, who had attended the Rangoon Institute of Technology, and the arrests of many students in previous student demonstrations. During the 1988 uprising, he led many campaigns and after the 1988 uprising, he became a member of the central committee of the Democratic Party for a New Society (DPNS) students' party. At the same time, he became an organizer for DPNS (central).

Under the SLORC, he was arrested in 1989 and detained under Article 10(a) of the State Protection Act. After 6 months of detention he was sentenced to 20 years imprisonment with hard labor under Section 3(b) for trying to incite unrest. During his prison term, on 18 September 1990, many political prisoners held a hunger strike in order to be allowed to read political books. Kyaw Min participated in this strike. On 25 September 1990, he was seriously tortured as a result of his participation.

In 1991, a delegation from Amnesty International visited and investigated Insein Prison. At that time, Kyaw Min Yu and some other political prisoners tried to relate the dire situation of political prisoners to the delegation by using connections outside the prison. In 1994, he was moved from Insein to Thayawaddy Prison. In 1995, Military Intelligence transferred him back to Insein Prison from Thayawaddy. Having been sent to Insein Prison, he was again sentenced to 12 years imprisonment with hard labor because of contacting the UN Commission on Human Rights. After his prison term was extended, he was sent to Thayawaddy Prison again. As of the time of this report, he should have been released according to the SPDC's prison policy. Yet, he remained in detention in Thayawaddy Prison. (Source: AAPP, 2005)

Name: Myo Min Zaw
Occupation: Student
Address: Bahan Township, Rangoon Division
Law Violation: Article 5(j) of the 1950 Emergency Provisions Act, Section 17/20 of the Printers and Publishers Act
Sentence: 38 years, additional 14 years, total of 52 years imprisonment
Date of Sentence: 15 January 1999
Prison: Mandalay Prison

Myo Min Zaw was born in 1976. In 1988, he was 22 years old and was attending the University of Rangoon (Hlaing Campus) as a second year student, majoring in English. On 14 September 1998, he was arrested while meeting with other student activists somewhere in Kyanktada Township, Rangoon Division.

He organized and participated in non-violent student demonstrations in December 1996 and in June and September 1998. He was also involved in the student movement by distributing

written statements among the public- particularly among students. He was an active organizer in pro-democracy demonstrations during 1998 through two student union groups. The first group was the All Burma Federation of Student Unions (ABFSU) and the second was the Student and Youth Union Front (SYUF). One of his statements mentioned that the students supported the National League for Democracy – who won the majority of parliamentary seats in the democratic elections of May 1990 - and other parties. In the statements, the students further demanded that the Burmese military regime (SPDC) allow these parties to convene. They also demanded that the authorities give freedom to student unions and student movements, and to give civil and political rights to the people of Burma.

In October 1998, Military Intelligence arrested him as a result of his political activities. He was initially sentenced to a term of 38 years in prison. Whilst in prison, he was handed an additional 14 year sentence, increasing the term of imprisonment to 52 years in total. At the time of this report, he was serving his sentence at Mandalay Prison. (Source: AAPP, 2005)

3.7 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 were in need of urgent healthcare (source: AAPP, 6 March 2004). Yet, on 5 October 2004, AAPP reported that within the six months following the March information release, the number of political prisoners in poor health had nearly doubled (source: AAPP, 5 October 2004). Prevalent health conditions among political prisoners included amoebic hepatitis, anemia, depression, diabetes, diarrhea, dysentery, gastric ulcers, heart attack, HIV/AIDS, hypertension, impairment of vision, malaria, piles, skin infections and stroke. Occurrence of health problems are exacerbated and recovery protracted by the overcrowded and unsanitary living conditions inside prisons, malnutrition from inadequate and poor quality food, torture and/or beatings and prolonged imprisonment. Prior to being disbanded, the MI controlled political prisoners' access to medical services. Medical care is frequently inadequate if at all provided. Lack of medicine, improper diagnosis, and insufficient or unskilled medical personnel and equipment all contribute to the continuing deterioration of prisoners' health.

Prisoners Suffering from Health Problems - Partial List for 2004

Aung Kyaw Oo

Aung Kyaw Oo, a political prisoner in Thayarwaddy Prison, was arrested in December 1991 and sentenced to 12 years imprisonment. When the then SLORC issued order 1/93 in 1993, his sentence was reduced to 10 years. However, he was sentenced to an additional 7 years when he collaborated with 23 other political prisoners to prepare and submit a report reflecting the situation of human rights in Insein Prison to the UN Special Rapporteur for Human Rights in Burma. In late August 2004, Aung Kyaw Oo was sent to the guarded-ward of Rangoon General Hospital to receive medical attention for liver and kidney problems. According to Zaw Htun, a former political prisoner who had been arrested alongside Aung Kyaw Oo, his liver and kidney problems were the result of lack of treatment for malaria. (Source: AAPP, 28 August 2004)

Dr. Maung Maung Kyaw

Dr. Maung Muang Kyaw, age 78, was arrested for collaborating in writing about student activists in Burma and about being the chairman of a student union in the 1950s. He was sentenced to seven years imprisonment under Article 5(j) of the 1950 Emergency Provisions Act and has been held at Moulmein Prison in Mon State. Dr Maung Maung Kyaw's health has been deteriorating as he has reportedly been suffering from breathing problems, diabetes and heart disease. At the end of March, he reportedly requested permission to seek medical treatment. As of the time his case was reported on 1 April, the authorities had neither replied nor taken any action to ameliorate his health conditions. (Source: "Dr. Maung Maung Kyaw's Health Condition," DVB, 1 April 2004)

Dr Zaw Myint Maung

Dr Zaw Myint Maung was born on 11 December 1951 and originally from Amarapura, Mandalay. In the 1990 general elections, he was elected as a Member of Parliament for Amarapura constituency. He was arrested in November of the same year for attending meetings regarding the formation of a provisional government. He was sentenced to 25 years imprisonment under Article 122/1 of the Penal Code on 30 April 1991. On 27 November 1991, the Election Commission dismissed him from Parliament and banned him from running for a position in future elections. While he was serving his sentence in Insein Prison in March 1996, an additional 7 years was added to his sentence under Article 5(e) of the 1950 Emergency Provisions Act. He and other political prisoners had been charged on the basis of having produced a magazine commemorating the 75th anniversary of Rangoon University. The magazine was called *New Blood Wave*. He was also sentenced to another 7 years under Section 17/20 of the Printers and Publishers Act. At the time of this report, he was serving his sentence in Myintkyina Prison. In addition, AAPP reported that he was suffering from low blood pressure and had many unidentified black spots on his face. (Source: AAPP, February 2005)

Htay Kywe

Htay Kywe was a prominent student leader who was arrested in 1991 and sentenced to 15 years in prison. When the then SLORC issued order 1/93 in 1993, his sentence was reduced to 10 years. However, when he completed this sentence, he was not released. Instead, he was held and his sentence was extended under Section 10(a) of the 1975 State Protection Act. As he was suffering from abdominal pain, he was sent to Tharawaddy Hospital on 24 February 2004 for emergency surgery for an appendectomy. During the operation, the anesthesiologist administered an excessive dose of anesthetic causing him to fall unconscious and foam at the mouth through to the following day. The AAPP reported that the hospital did not have electricity, proper tools for the operation, adequate medicines or other basic items. The hospital conditions contributed to the further deterioration of Htay Kywe's health and he reportedly suffered from excessive pain. Following appeals by his family to military authorities, Htay Kywe was transferred to the Intensive Care Unit at Insein General Hospital in Rangoon (source: AAPP, 5 March 2004). On 15 March 2004, he was sent to Insein Prison. According to his sister, Mi Mi Kywe, he was sent back to prison before his stitches had fully healed. In addition, his sister reported that he was unable to walk or eat properly. When she attempted to give him soft rice, prison authorities indicated that Htay Kywe was only allowed to eat prison rice as he was a prisoner. She was also unable to give him blankets, pillows and other supplies (source: "My Father is Dead, My Other Brother is Dead, And My Mother Is Dying of Cancer, Please Release My Brother," DVB, 16 March 2004).

Khin Khin Lei

Khin Khin Lei, a teacher, was arrested in her early 30s, along with her three-year-old daughter, Thaint Wunna Khin. She is married to Kyaw Wanna, a noted political activist and member of the All Burma Federation of Student Unions, a leading organization in the peaceful political opposition. When the Burmese authorities were unable to locate and arrest Kyaw Wanna for his role in planning a peaceful demonstration, they arrested his wife and daughter instead on 3 December 1999. While her daughter was released, Khin Khin Lei was sentenced to life imprisonment under Article 5(j) of the 1950 Emergency Provisions Act and Section 17/1 of the Unlawful Associations Act. In 2004, she was suffering from an unspecified lung problem and it was not known whether or not she was receiving medical care. At the time of this report, she was serving her sentence in Insein Prison. (Source: AAPP, 2005)

Ko Nay Lin Soe

Ko Nay Lin Soe was arrested and sentenced to five years in Insein Prison under Article 5(j) of the 1950 Emergency Provisions Act in 1989. Later, he was transferred to Tharawaddy Prison. In 1998, he was arrested again and sentenced to 14 years imprisonment in Insein Prison under the same Act. In 2002, he was transferred to Kale Prison where he suffered from a chronic fever and requested that he be sent to a hospital for medical treatment. The prison authorities denied his request. As a result, he banged his head against the wall of his cell and sustained internal head injuries. On another occasion, Ko Nay Lin Soe attempted to commit suicide by slitting his wrists and banging his head against his cell walls after which he was sent to Kale Hospital. Ko Nay Lin Soe was reportedly suffering from depression. As Kale Prison is far from where his family lives, they are unable to come and visit him. His family requested that military authorities transfer Ko Nay Lin Soe to either Mandalay or Insein Prisons where they would be able to monitor his condition with greater ease (source: AAPP,

7 May 2004). On 9 May 2004, he was transferred to Mandalay Prison but was not provided with any medical attention. On 12 May, one of his family members visited him in Mandalay Prison. He reportedly could not eat, walk, or talk. As a result, his family appealed to the authorities to be able to provide him with medical care at their own cost. As of the time AAPP reported his case on 14 May 2004, the authorities had not yet to reply to their appeals. (Source: AAPP, 14 May 2004)

Ko Than Zaw

Ko Than Zaw was from Thanlmyin Township, Rangoon Division, and was the organizer of the Youth Wing (NLD-Tanyin Branch). He was wrongfully arrested and sentenced to death in 1989 by the MI. He was arrested on 7 July 1989 by MI under the suspicion of participating in the explosion of the Tanyin Petroleum Factory. He was given the death penalty with Nyi Nyi Oo and Moe Kyaw Thu under Sections 122/1, 302/1 and 6/3/34. Several months after they had been sentenced, Ko Ko Naing and other people who were responsible for the explosion were arrested and sentenced to death. Nevertheless, Thant Zaw and the other two who were wrongly sentenced were not released. As of February 2005, Thant Zaw was serving his sentence at Thayet Prison. He was suffering from swelling all over his body, which was a result of the torture he endured while he was being investigated. He was also suffering from eye problems and general bad health. (Source: AAPP, February 2005)

Ko Thet Win Aung

Thet Win Aung took part in the 1988 pro-democracy movement as one of the leading members of his high school student union, Tarmwe Township. In 1989, he was elected as the vice general secretary of the Basic Education Student Union (BESU). He was dismissed from his school for his political involvement in student demonstrations and later jailed for 9 months for aiding in forming the Student Union. In 1994, the MI tried to arrest him again because he published ABFSU pamphlets and organized student demonstrations to commemorate the 32nd anniversary of the 7 July Affair (In 1962, the military regime killed hundreds of university students by dynamiting the student union building at Rangoon University.). Although he escaped, his home was frequently searched and his family was constantly harassed while he was on the run. In 1996, he participated behind the scenes in the student demonstrations. In 1998, he assisted in organizing student protests against the poor quality of education and students' rights. In 1998, he was also arrested. In October of that year, he was sentenced to 52 years imprisonment, which was increased to 60 years. At first, he was detained in Kale Prison, Sagaing Division, and then transferred to Mandalay Prison. According to the AAPP, he was suffering from serious mental conditions and malaria at the beginning of 2005. (Source: AAPP, February 2005)

Ko Tin Aye

Ko Tin Aye was arrested in 1989 and sentenced to 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. Instead, his sentence was extended under Section 10(a) of the 1975 State Protection Act. In March 2004, it was reported that he had also been 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 sentenced to 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. Moreover, AAPP expressed concern that their lives might be in danger due to lack of adequate facilities in the hospital. (Source: AAPP, 6 March 2004)

Nay Oo

Nay Oo is an organizer for the NLD, Thingangyung Township. Because of his participation in the NLD, he was arrested for the first time in 1990 for three weeks. In 1998, he was arrested again and accused of making copies of a students' statement and giving one to Aung San Suu Kyi and to U Tin Oo. In February 1998, he was sentenced to 14 years in prison under Article 5(j) of the 1950 Emergency Provisions Act and Section 17/1 of the Unlawful Associations Act. In 2002 and 2003, MI tried to persuade him to sign a Section 401 form in order to be release, he refused to sign it. He was serving his sentence in Kale Prison in harsh conditions. In the beginning of 2005, AAPP reported that Nay Oo was suffering from mental illness which was a result of torture and malnutrition. (Source: AAPP, February 2005)

Nay Tin Myint

Nay Tin Myint, a member of "Tri-color," was actively involved in the 1988 uprising. In 1989, he was detained and sentenced to 3 years imprisonment with hard labor by the martial court. He served his sentenced in Myingyan Prison where he was placed in solitary confinement with iron shackles for the duration of his time there. In 1992, he was released and subsequently continued to participate in political activities. In 1993, he was detained again. He was sentenced to 20 years in prison with hard labor for meeting with UN Commission for Human Rights representatives and for handing out the *New Era Journal*, which is published by pro-democracy groups in exile. He was sentenced under Article 5(j) of the 1950 Emergency Provisions Act, Section 17/20 of the Printers and Publishers Act and Section 17/1 of the Unlawful Associations Act. He was suffering from muscle cramps, swelling of the right leg and vomited blood on a regular basis. Although the jail authorities knew about his declining health, all treatment had been denied. His situation was, therefore, deteriorating. (Source: AAPP, 2005)

Saw Bin Son

Saw Bin Son was a member of the Karen National Union (KNU). He was arrested on 6 April 1983 at Pegu Yoma. On 28 September 1984, he was sentenced to death under Section 122/1 of the Penal Code. While he was serving time in prison, the regime issued a series of amnesties in 1989, 1992, 1993, and 1997. However, his sentence was only affected by the 1989 amnesty, which allowed for his sentenced to be commuted from death to 25 years imprisonment. As of the end of 2004, he had been in prison for nearly 21 years. He was reportedly suffering from tuberculosis as well as eye and liver problems. In 2003, he was transferred from Thayet Prison to Insein Prison but he has never received adequate medical treatment. In early 2005, the AAPP reported that Saw Bin Son's condition was critical. (Source: AAPP, February 2005)

Than Lwin aka Anaing

Than Lwin, from Thirimalar in Ye Township, Tenasserim Division, was a member of the NLD. In 1999, he was accused of having contact with illegal organizations along the Thai-Burma border. On 7 April 1999, he was sentenced to 10 years in prison under Article 5(j) of the 1950 Emergency Provisions Act and Section 17/1 of the Unlawful Associations Act. He was serving time in Moulmein Prison. According to AAPP, his health condition has continually deteriorated and has reached a critical state as he has not received any proper medical attention. (Source: AAPP, 2005)

U Htway Myint

U Htway Myint was the vice-chairman of the Democracy Party. He has been held in Insein Prison under Article 10(a) of the 1975 State Protection Act. His health has continually deteriorated and in August 2004, he could not eat. Representatives from the ICRC visited him in prison and reported that he was also unable to speak. Amnesty International argued that U Htway Myint should be released on the grounds that he was too old and ill to endure the conditions and treatment in prison. As of the time his case was reported in August 2004, the military authorities had done nothing to indicate that his release was imminent. (Source: "U Htway Myint And Some Political Prisoners' Conditions Continue To Deteriorate," DVB, 6 August 2004)

U Kyi Toe

U Kyi Toe, age 45, from Chauk Township, Magwe Division, was the NLD chairman of the township organizing committee. On 2 August 1998, U Kyi Toe and ten other NLD members were arrested in connection with the distribution of two "Messages to the Nation by the General Secretary." Those two messages were dated 23 July 1998 and had already been distributed. He was sentenced to 7 years in prison on 14 August 1998. At the time of this report, he was serving his sentence in Thayet Prison. U Kyi Toe was reportedly suffering from hypertension and a gastric ulcer. (Source: AAPP, February 2005)

Members of Parliament Suffering from Poor Health in Detention

Dr. Than Nyein

Dr. Than Nyein, the son of Maung Sein, was born in Khanaung Village, Kyauktan, Rangoon, on 5 August 1937. He obtained a medical degree from Rangoon Institute of Medicine in 1963. He worked as an assistant doctor and township doctor from 1964-88 and was also a volunteer doctor for the United Nations in Sri Lanka from 1982-84. He served as the vice-chairman of the NLD Rangoon Division Organizing Committee. Due to his involvement in the 1988 uprising, Dr. Than Nyein was forced to retire from his position as a doctor. He ran a private clinic in Thakayta Township in Rangoon, during which time the military authorities arrested and charged him for not paying the registration fee for his private clinic. He was charged under the 1972 People's Health Affairs Act Article 9 (1c) and the authorities released him after he paid a fine. The NLD stated that the authorities had targeted him and did not arrest or charge other clinic owners. In the 1990 general elections, he was elected as a Member of Parliament for Kyauktan constituency.

On 28 October 1997, Dr. Than Nyein was arrested following an attempt by the NLD to hold a meeting with Aung San Suu Kyi and NLD youth in Mayangone Township, Rangoon. On that day, the military authorities blocked a delegation of NLD members and leaders from holding the meeting, which included the Chairman, the two Vice-Chairmen and General Secretary Aung San Suu Kyi. Many NLD members were forced into waiting vehicles and dumped near townships outside Rangoon. At midnight of the same day, the military authorities arrested Dr. Than Nyein along with seven other persons. All detainees were given 7 years imprisonment under Article 5(j) of the 1950 Emergency Provision Act. The sentences were handed down on 10 December 1997. Dr Than Nyein was suffering from Ankylosing Spondylitis, liver disease and gastric ulcers. He completed his sentence in July 2004, but the military authorities extended his detention by 60 days under Article 10(a) of the 1975 State Protection Act. This extension pushed his release date to 20 September. Again on 19 September, the military authorities extended his sentence by an additional 60 days under the same article. In protest of his prolonged detention, he commenced a hunger strike in Insein Prison. According to his wife, his health was already poor as he suffered from nerve damage, a gastric ulcer and a deteriorating liver condition. Military Intelligence then transferred him to Thayarwaddy Prison. On 26 September 2004, he was admitted to Rangoon General Hospital due to a decline in his health from engaging in the hunger strike. (Sources: AAPP, 29 September 2004; Nandar Chann, "Jailed MP moved to Rangoon Hospital," *Irrawaddy*, 28 September 2004)

Dr. May Win Myint

Dr. May Win Myint participated in the 1988 nationwide democracy uprising. She became an active high-ranking member in the NLD. In the 1990 general elections, she was elected as a Member of Parliament for Mayangone constituency (2), Rangoon. In December 1995, she boycotted the military regime's National Convention, along with other NLD MPs. On 28 October 1997, she and NLD members went to the Mayangone Township NLD office branch for a founding meeting of a local NLD youth wing. The authorities did not allow them to hold the meeting and forced them to disperse. Later that night, MI personnel arrested Dr May Win Myint and seven other NLD members. The authorities accused them of disrupting the peace and stability of the country. They were each sentenced to 7 years imprisonment under Article 5(j) of the 1950 Emergency Provision Act. In addition, they were all denied access to legal counsel. At the time of her arrest, she was also in-charge of the NLD Central Women's Wing. Dr. May Win Myint was suffering from hypertension, heart disease and cervical spondylosis while she was imprisoned in Insein Prison at the time of this report. Furthermore, her prison term has been extended by one year. (Source: AAPP, February 2005)

U Aung Soe Myint

U Aung Soe Myint was born on 3 August 1952. In 1975, Aung Soe Myint graduated from the Rangoon Institute of Economics. From 1975 to 1988, he operated his own business. During the 1988 uprising, he was a member of the Central General Strike Committee of the Toungoo District People's Liberation Alliance. In the 1990 democratic elections, he was elected as a Member of Parliament for the Toungoo constituency. As an MP-elect, he was among the NLD representatives who boycotted the National Convention in December 1995. U Aung Soe Myint was arrested on 31 August 2003 in connection with a traffic accident and he was charged with possessing and using an unlicensed motorcycle and sentenced to 7 years in prison. At the time of this report, he was detained in Insein Prison and suffering severely from diabetes, heart disease and eye problems. U Aung Soe Myint was transferred from

Thayet Prison to Insein Prison to be examined for his condition, but he had yet to receive adequate treatment. (Source: AAPP, February 2005)

3.8 Prolonged Detention

The ruling military regime has frequently used Law No. 11/91, an amendment to Article 14 of the 1975 State Protection Act, to unfairly extend the term of detention of prisoners. The law, which is also known as the Law Amending the Law Safeguarding the State from the Danger of Destructionist Elements, allows for a period of detention to be extended by one-year intervals for three to up to five years. This extension can be made without trial or charge. While a prisoner has the right to appeal this extension under Article 19 of the same act, this is not a judicial appeal but an executive appeal made to the Minister of Home Affairs. The inability to appeal to the judicial branch of the government is considered a contravention of international standards. (Source: *Myanmar: Justice On Trial*, Amnesty International, 30 July 2003)

As of the end of 2004, the U.S. Department of State estimated that at least 27 prisoners were imprisoned beyond the completion of their sentences (source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005). In addition, at the Sixty-first session of the UN Commission on Human Rights, the UN Special Rapporteur for Human Rights in Burma expressed concern for “the administrative detention of political prisoners beyond the expiry of their prison sentences.” (Source: “Situation of Human Rights in Myanmar,” *Sixty-first session of the UN Commission on Human Rights*, Item 9 of the provisional agenda, United Nations Economic and Social Council, 2 December 2004)

Partial list of political prisoners who completed their sentences but remained imprisoned at the end of 2004:

Name	Prison
Aung Khin	Toungoo
Bo Bo Han	Mandalay
Htway Aung	Insein
Kyaw Mya	Myingyan
Myat San	Toungoo
Soe Myint	Mandalay
Than Naing aka Pagan aka Ko Oo	Toungoo
Than Swe	unknown
Tin Tun	Insein
Ye Nyunt	Mandalay
Dr Than Nyein	Prome

(Source: AAPP, 2005)

3.9 Death in Custody

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

- Aung San Suu Kyi

According to the AAPP, the death toll of political prisoners who passed away while in the custody of the State or shortly after release rose to nearly 100 by the end of 2004. This figure includes political prisoners who have passed away in custody since the 1988 nationwide pro-democracy uprising transpired. In 2004, at least 5 political prisoners died, either while serving their sentences or within 3 months of being released. These deaths were the result of poor health exacerbated by insufficient to no medical attention received while in prison, as well as torture and unsatisfactory living conditions within the prisons. (Source: AAPP, 2004)

Ko Wan Nay Soe

Ko Wa Nay Poe was an NLD-HQ member in Ye Township, Mon State. He was sentenced to 10 years in prison under Article 5(j) of the Emergency Provisions Act and Section 17/1 of the Unlawful Associations Act in 1999. On 24 June 2004, he was released from Moulmein Prison but was seriously suffering from liver cancer. While in prison, Ko Wa Nay Poe had received inadequate treatment for his cancer. He was reportedly released due to his medical condition. On 20 July 2004 at 9:30 pm, less than a month after being released, Ko Wa Nay Poe passed away due to the liver cancer. (Source: "A Former Political Prison Dies Cause of Liver-Cancer After Being Released Nearly a Month," AAPP, 20 July 2004)

Kyi Tin Oo

On 24 July 2004 at 6:30 am, poet Kyi Tin Oo, age 60, died from a heart attack just four months after being released. While in prison, Kyi Tin Oo had suffered from high blood pressure, a heart condition and diabetes. According to the AAPP, his health conditions were a result of the torture he endured when he was arrested and interrogated. The poor living conditions of the prison only exacerbated his health problems, causing them to progressively worsen. Kyi Tin Oo has been arrested and detained several times under successive military regimes. Under the Burmese Socialist Program Party (BSPP), he had been arrested and detained for three years on one occasion and seven years on another occasion. On 1 March 1994, he was arrested along with five others and accused of having contact with the illegal Communist Party of Burma. He was sentenced to 15 years imprisonment under Article 5(j) of the Emergency Provisions Act and Section 17/1 of the Unlawful Associations Act. He was released from prison on 26 March 2004 after serving 10 years. (Source: AAPP, 25 July 2004)

U Min Thu

On 12 June 2004, U Min Thu, male, age 50, Jail Registration No. 1713-C, passed away from heart disease at Insein Township Hospital. U Min Thu died while serving the sixth year of his seven year sentence. U Min Thu, from Lashio, Shan State, had been a lawyer prior to being arrested in 1998. He was arrested along with several other students and activists who were collaborating to produce evidence for The History of Students' Activities in Politics in Burma, which had been compiled by the All Burma Federation of Student Unions in 1996 and 1997. He was charged and sentenced under Section 5(J) of the 1950 Emergency Provisions Act on 28 April 1998. U Min Thu had been transferred from Insein Prison to the hospital to be

treated for coronary thrombosis shortly before he passed away. According to Ye Maw Htoo, his former cellmate in Insein, U Min Thu also suffered from gastritis, partial blindness and bone disease for which he received minimal medical attention while in prison. According to the AAPP, U Min Thu was the 90th political prisoner to have passed away while in detention. (Sources: AAPP, 14 June 2004; Shah Paung, "Political Prisoner Dies in Detention," *Irrawaddy*, 15 June 2004)

Zaw Myo Htet (a.k.a. Zaw Zaw)

On 19 October 2004, Zaw Myo Htet also known as Zaw Zaw, male, age 28, died from Amoebic Hepatitis in Rangoon General Hospital. Zaw Myo Htet, a first year geology student at the time, had been arrested along with eight others who were all accused of having contact with illegal groups based in Thailand. He was charged with High Treason under Section 122/1 of the Penal Code and sentenced to death in November 2003. On 12 May 2004, his sentence was commuted from death to three years in prison. The AAPP reported that Zaw Myo Htet had been suffering from tuberculosis and amoebic hepatitis. However, as he was never provided with adequate medical attention while in prison his health progressively deteriorated. Finally, he was transferred to the emergency unit of Rangoon General Hospital where he passed away. (Sources: AAPP, 2 November 2004; Yeni, "Burmese Political Prisoner Dies," *Irrawaddy*, 2 November 2004)

U Shein Tin

U Shein Tin was imprisoned in 1994. In January 2004, he reportedly died from cancer at age 69. (Source: *Facing Political Imprisonment: Prisoners of Concern to Amnesty International*, Amnesty International, December 2004)

3.10 Release of Political Prisoners

Approximately 177 political prisoners were freed from Burma's prisons during 2004 (source: NCGUB, 2004). The rate of release of political prisoners has decreased over the past two years. Among those released were those who had been arrested and detained in conjunction with the 30 May 2003 attack on Aung San Suu Kyi and the NLD near Depayin, Sagaing Division, including seven of the nine NLD Central Executive Committee members were released. Yet, despite the releases, NLD Secretary Aung San Suu Kyi, Vice-Chairman U Tin Oo and an estimated 1,300 political prisoners remained in detention at the end of 2004.

Following the removal of Lt General Khin Nyunt on 19 October 2004 and the dissolution of the National Intelligence Bureau (NIB), the SPDC engaged in three mass releases of prisoners. The SPDC reported that those released had been wrongly imprisoned due to the "improper conduct" of Military Intelligence personnel of the NIB. On 18 November, 25 November and 12 December, the SPDC allegedly released 14,318 prisoners. Most of those released were criminals, while only an estimated 76 were political prisoners. In addition, 21 of the 76 released had already finished their seven-year sentences which they had received in 1998. The SPDC did not release any lists or information about the prisoners released, and there has been no independent confirmation of the numbers reported by the state run media or the government. (Sources: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005; *Facing*

Political Imprisonment: Prisoners of Concern to Amnesty International, Amnesty International, 1 December 2004)

The motivation for the mass releases was not clear, yet was widely argued to be an attempt to divert the international community's attention and criticisms. Significantly, the removal of Prime Minister Khin Nyunt, considered a moderate among other members of the regime, was followed by the appointment of Lt General Soe Win as the new Prime Minister. Soe Win and others who were simultaneously shuffled into positions of power have been well known for their hardline stance against the NLD, political dialogue and ethnic minorities. Therefore, observers conjectured that the mass releases were an attempt to deflect criticisms of the consolidation of hardliners. At the same time, the releases may have also served as a method of averting pressure from ASEAN members during the 29-30 November ASEAN Summit in Vientiane, Laos. Other explanations contend that the motivation may have been as simple as the fact that prisons were too crowded. (Source: *Burma Briefing: Issues & Concerns Volume 2*, ALTSEAN, November 2004)

The first round of mass releases saw the freedom of Min Ko Naing, the Chairman of the ABFSU and the second most famous political prisoner in Burma. Min Ko Naing's release came after he had served more than 15 years in prison. He was initially arrested on 24 March 1989 for political activities and held under Article 10(a) of the 1975 State Protection Act. In 1991, he was charged under 124(d) and sentenced to 15 years imprisonment, which was commuted to 10 years in 1993 under a general amnesty. When this sentence was completed in 1999, his detention was extended under Article 10(a) for a further five years. In July 2004, this five-year extension was completed, yet he was not released until 18 November.

The release of Min Ko Naing along with several other political activists gave rise to hopes that other prominent figures in the pro-democracy movement, such as Aung San Suu Kyi and U Tin Oo, would also be released. Rumors persisted about the release of NLD political strategist U Win Tin, who had been arrested and imprisoned in 1989, as the Deputy Minister of Foreign Affairs reported that U Win Tin would be released on 25 November. Yet, on 26 November, the Director General of Prisons reported that this was not the case and U Win Tin remained in prison at the end of the year.

Political prisoners who are offered early release and have their sentences suspended are frequently required to sign a document relating to Section 401 of the Criminal Procedure Code, which attaches conditions to their release. Under Section 401/1, the President of the Union has the power to suspend a sentence at any time. Conditions of release frequently include refraining from all political activities. Under Section 401/3, "If any condition on which a sentence has been suspended or remitted is, in the opinion of the President of the Union, not fulfilled, the President of the Union may cancel the suspension or remission, and there upon the person in whose favor the sentence has been suspended or remitted may, if at large, be arrested by any police-officer without warrant and remanded to undergo the un-expired portion of the sentence." Therefore, the prisoner is vulnerable to re-arrest at any time if the authorities determine the conditions of the release unmet. In this case, the prisoner must serve the unfinished sentence with the possibility of a new sentence attached. Due to the unstable political climate of Burma and constant crackdowns on those perceived to be threats to the State, prisoners who sign this agreement remain in precarious and vulnerable situations to the arbitrary decisions of the authorities. (Source: *Myanmar: Justice on Trial*, Amnesty International, 30 July 2003) (Please see Appendix I for full translation of Section 401 of the Criminal Procedure Code.)

Once released, former political prisoners and their families are often subject to ongoing monitoring, harassment and interference by the authorities. Some political prisoners have also reported that authorities visit their homes to question them regarding their activities and ensure non-participation in political activities. Family members are also subject to questioning and monitoring regarding their own or their relative's movements and activities. Visits from authorities have reportedly been as frequent as once a week. During politically sensitive times, such as opposition or national anniversary dates, former political prisoners have been detained and interrogated without reason. In addition, many former political prisoners have reported that personnel of the former MI would threaten or thwart employers who hired former political prisoners or their family members. As a result, maintaining stable employment and their livelihoods was extremely difficult. Authorities have often prevented former political prisoners from pursuing educational opportunities or from obtaining travel and identification documents. Moreover, both former political prisoners and their families are usually denied passports. By limiting their education and economic opportunities, the military authorities attempt to marginalize ex-political prisoners from society. (Please see Appendix II for a list of political prisoners released during 2004.)

3.11 MP-Elects who Remained Imprisoned in 2004

No	Name	States/Div	Party	Arrested on	Prison	Remark
1	Dr.Zaw Myint Maung	Mandalay	NLD	00-11-1990	Myitkyina	37 Yrs
2	Sein Hla Oo	Rangoon	NLD	04-07-1994	Myitkyina	7 Yrs
3	Khin Maung Swe	Rangoon	NLD	05-08-1994	Myinkyan	7 Yrs
4	Than Nyein Dr.	Rangoon	NLD	28-10-1997	Pyi	7 Yrs + 2 month
5	Dr.May Win Myint(F)	Rangoon	NLD	28-10-1997	Insein	7 Yrs + 6 month
6	Soe Myint	Magwe	NLD	09-09-1998	Insein	28 Yrs
7	Yaw His	Kachin	NLD	02 10-1998	Myitkyina	5 Yrs
8	Naing Naing	Rangoon	NLD	00-08-2000	Insein	21 Yrs
9	Aung Soe Myint	Pegu	NLD	31-08-2003	Thayet	7 Yrs
10	Than Htay	Shan	NLD	16-08-2004	Lashio	5 Years
11	Dr.Myint Naing	Sagaing	NLD	08-12-2004	Shwebo	3 month

(Source: "Summary and Situation of Members in Parliament," NCGUB, 10 January 2005)

3.12 Partial List of Activists and Opposition Forces Arrested and/or Sentenced in 2004

On 2 January 2004, MI officials arrested 2 Mandalay Division NLD members. According to the AAPP, the activists were arrested due to their political activities. No details were released as of the time of this report, 5 January. (Source: Kyaw Zwa Moe, "Junta Continues Crackdown on Dissidents," *Irrawaddy*, 5 January 2004)

On 7 January 2004, military authorities sentenced 7 students from Dagon University to prison terms for establishing a student sports union without official permission. The group, comprising of first and second year students, had been arrested in June 2003. Not all of the students received the same sentences. Aung Kyi, Nan Sian Naung and Myo Min Htun were sentenced to 15 years imprisonment while 3 others were sentenced to 13 years and 1 to 7 years imprisonment. While the students had initially sought official permission to establish the student union, the head of the university had denied their request. Instead of complying with the rejection, the students established the union by themselves, which then led to their arrest and suspicions that they were working with political opposition groups. The students were interrogated and tortured during their detention. (Source: Kyaw Zwa Moe, "Students Sentenced to 15 Years," *Irrawaddy*, 9 January 2004)

In late January 2004, Nyan Gyi, an NLD youth member from South Dagon Township, disappeared. Family members were unable to trace his whereabouts until the relative of another prisoner informed them that he was in Insein Prison and on trial. At year's end, Nyan Gyi was still denied access to family members and lawyers. (Source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

On 30 and 31 January 2004, MI No. 7 officials arrested U Tin Maung Kyi and U Myint Aye, both from the Kemmendine Township NLD Headquarters in Rangoon Division. The 2 men were reportedly sent to Insein jail. In addition, the MI officials searched U Tin Maung Kyi's house, who was also a publisher, and appropriated 2 computers, a printer and photographed and seized some of the books to be published. (Source: "Burma Opposition Radio: Two Senior Democracy Party Members Arrested," AFP, 9 February 2004)

On 31 January and 1 February 2004, MI officials arrested the chairman of Kyee Myin Daing Township NLD, Myint Aye, and senior member Tin Maung Kyi in Rangoon Division. The reasons for the arrests were unknown as of the time of this report, 2 February 2004. (Source: Kyaw Zwa Moe, "More NLD Members Arrested," *Irrawaddy*, 2 February 2004)

In February 2004, military authorities arrested Ne Min (age 55), a lawyer who had worked for the British Broadcasting Company (BBC) in the 1980s, on the charge of providing information to foreign media associations. Ne Min had served an 8 year sentence for "spreading false rumors." On 7 May 2004, he was sentenced to 15 years imprisonment in a special court inside Insein Prison. Four others reportedly received long prison sentences at the same time, including Nyan Htun Linn, a former activist and staff member of a Thai-based exiled media group, who received a 22 year sentence for "distributing a statement criticizing the procedures of the upcoming convention." (Source: "Myanmar Ex-reporter Imprisoned Ahead of Convention: Media Monitor," AFP, 14 May 2004)

On 11 February 2004 at 11:00 pm, Irrawaddy Division, Bokalay Township Peace and Development Council authorities arrested and detained 7 NLD members, including Chairman U Aung Khin Bo. U Aung Khin, U Aung Myint, Ko Win Naing, Daw Mi Mi Sein and Daw Khin Lay, the other 6 arrested, were all organizers. The arrests came following orders from regional MI officials. On 14 February 2004, the authorities also detained U Khin Maung Thit who had given a speech for the NLD Union Day ceremonies in Bokalay Township. It was believed that these arrests were motivated by the authorities' unease over high attendance at the NLD's Union Day celebration. At the time of this report, 14 February 2004, the location of the detainees remained unknown. According to witness accounts, 6 people were arrested on the night of 11 February when they met to make preparations for the ceremony. Authorities also instructed the NLD not to hold the ceremony but on the actual day over 100 people assembled. The authorities then ordered U Aung Khin Bo to disperse the crowd. (Source: "Seven Members of Burmese Opposition Group Arrested," BBC Monitor, 14 February 2004)

On 20 February 2004, 6 students from Dagon University, who had been arrested in September 2003 for criticizing the SPDC's intention to reconvene the National Convention, were sentenced to imprisonment in Insein Prison for ranging terms. Two of the 6 received 17 year sentences, 1 received a 12 year sentence and the remaining 3 received 7 year sentences. (Source: Kyaw Zwa Moe, "Students Sentenced," *Irrawaddy*, 23 February 2004)

On 5 June 2004, government authorities arrested 3 NLD members under the accusation that they were communicating with illegal associations on the Thai-Burma border. The 3 members arrested were:

1. Than Than Tay, Women's Group Secretary, NLD Magwe Division;
2. Thiha Soe, son of Than Than Tay; and
3. Tin Myint, Secretary, Thingangyun Township, Rangoon Division.

On 9 June, Thiha Soe was released as he was determined not to be connected. The location of where Than Than Tay and Tin Myint were being held remained unknown at the time of this report. (Source: Shah Paung, "Two NLD Members Arrested, Whereabouts Unknown," *Irrawaddy*, 11 June 2004)

In June 2004, government authorities arrested and detained 4 NLD members for having unlawful associations with illegal organizations. On 23 September 2003, Ma Than Htay, Ma Yi Yi Win, San Ya and Tin Myint, the 4 NLD members, were sentenced to 7 years imprisonment in a court inside Insein prison. The court reportedly handed down the sentences based on confessions obtained by government officials during periods of interrogation. According to the NLD legal representatives, the prosecuting authorities did not provide any additional evidence or substantial proof to verify the accusations. NLD legal representatives reported that they would appeal the court's decision (source: "Myanmar's Junta Jails Four Opposition Members for 7 years," AP, 24 September 2004). On 2 December 2004, it was reported that the 4 lost their appeal with NLD legal representatives indicating that they would appeal again at the Supreme Court level. (Source: "Myanmar Opposition Loses Appeal to Free Four Party Members," AFP, 2 December 2004)

On 13 August 2004, Ko Kyaw Aung, also known as Ko Aung Myint Tun, and his father-in-law, U Wan Khin, from Thayagon village in Mawkyun Township, Irrawaddy Division, were arrested for participating in NLD activities. The 2 men were charged with not registering with the authorities as guests. On 27 August 2004, they were sentenced to 7 days in prison and U Wan Khin was sent to Myaungmya Prison. Ko Kyaw Aung was also charged with violating

further acts and regulations. (Source: "NLD Member Sent to Prison for Peaceful Activities," DVB, 9 September 2004)

On 24 September 2004, Than Than Htay, Tin Myint and 1 other NLD member were found guilty of violating 3 counts of Burmese law and sentenced to 7 years in prison. It was reported that the government had no credible evidence against them. (Source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005)

On 6 December 2004, the military authorities in Bokalay Township, Irrawaddy Division, arrested 14 NLD members. Ten of the 14 members were arrested between 2:00 am and 6:00 am. Three organizing committee members were arrested around 12:00 noon. The circumstances of the arrests of the 14 NLD members remained unknown at the time of this report. The local militia and local cultural committee authorities were ordered to enter the NLD members' homes and arrest them. After Bokalay Township NLD Chairman, U Aung Khin Bo, was arrested, his house was guarded by 100 soldiers, 6 trucks and members of the fire brigade. The 14 NLD members were taken directly to Pyapohn Special Court. The 10 NLD members arrested in the morning were:

1. U Khin Aung Bo, Chairman of NLD, Bokalay Division;
2. U Aung Htay, Secretary of NLD, Bokalay Division;
3. U Khin Mg Chit, Joint Secretary;
4. U Thet Tun, Township Organizing Committee Member;
5. Daw Mit Mit Sein, Township Organizing Committee Member;
6. Daw Khin Lin, Township Organizing Committee Member;
7. Daw Hnin His, Local Organizing Committee Member;
8. Ko Nyein Tun, Local Organizing Committee Member;
9. U Tin Oo, Local Organizing Committee Member; and
10. Ko Saw Va Ku, Local Organizing Committee Member.

The 3 NLD members arrested at 12:00 noon were:

1. Ko Aung Myint, Township Organizing Committee Member;
2. Ko Win Naing, Township Organizing Committee Member; and
3. Ko Hla Myint, Township Organizing Committee Member. (Source: "14 NLD Members Arrested in Bokalay Township," *Yoma3*, 7 December 2004)

On 10 December 2004, military authorities arrested NLD local organizing committee member U Tha Chaung (age 60) in Bokalay, Ahma Township, for distributing copies of human rights documents. In addition, the authorities arrested all the people who received the documents and threatened others from taking it as the documents had been distributed around the area. Moreover, the authorities intimidated the people who frequent the Pan Daw Win Teashop in Section 5, Second Street, Bokalay City, because it is a place where political activists usually come to have discussions. (Source: "Authorities Put Pressure on Political Party Members in Bokalay," *Yoma3*, 12 December 2004)

On 19 December 2004, military authorities arrested 4 NLD members in Rangoon Division for publishing and distributing human rights educational documents on 10 December 2004, which is International Human Rights Day. The 4 members were Ahlon Township NLD Chairman U Ba Myint and South Dagon Township NLD members Aung Moe San, U Ba Tint and Ma Theigi. (Source: "Burma Junta Arrests Four Political Activists," DVB, 20 December 2004)

On 20 December 2004 at 5:00 am, Rangoon Division police arrested Ma Thein Kyi, an NLD member from Alone Township, Rangoon Division. The reason for the arrest was unknown at the time of this report. (Source: "Authorities Arrest NLD Members in Rangoon Division," *Yoma*3, 20 December 2004)

3.13 Ethnic Minority Political Prisoners

Politically Motivated Detention of Ethnic Minority Villagers - Partial List of Incidents for 2004

(Please see section 3.15 "Arbitrary Seizure of Villagers" for more information, below.)

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 9 June 2004, SPDC IB 106 led by Bo Mu Than Win came to Bila Mai village in Win Yin Township, Dooplaya District. Bo Mu Than accused Naw Ka Re and her family of being KNU terrorists. He then arrested the family and sent them to the headquarters in Mor Ka Nay area. Naw Ka Re's daughter, Naw San Way (age 14), was unable to attend school because she was arrested and detained. (Source: BI, 2004)

On 13 June 2004, Saw Pan-war from DKBA No. 999 Column 4 accused 6 villagers from Hta Kler village in Hta Kler Township, Pa-an District, of having contact with the KNU and subsequently put them in a detention cell in Peh K'rue village (Paing Kyon village). The six villagers from Hta Kler village in Hta Kler Township were:

1. Maung Kyi Win,
2. Saw Doh Doe,
3. Saw Pu-lu,
4. Saw Chit Poe,
5. Saw Dah-loe and
6. Saw Paw Thay. (Source: CIDKP, 2004)

On 12 September 2004, Battalion Commander Myo Zaw Thein of SPDC LIB 591 accused the village heads of Saw Hta village and Nat Kyi village in Win Yae Township, Dooplaya District, of having connections with the KNU. As a result, Myo Zaw Thein locked the 2 village headmen up for 6 hours at his battalion headquarter office. (Source: CIDKP, 2004)

Karenni State

Starting from the beginning of 2004, there were more threats posed to relatives of KNPP staff in the Mawchi area by the ceasefire armed group led by Htoo Kari, who surrendered to the SPDC regime in late October 2002. Members of this ceasefire group, called the Karenni National Solidarity Organization (KNSO), in cooperation with local Burma Army troops, frequently lead searches for relatives of KNPP staff and threatened them with arrest or death. (Source: KNAHR, 2004)

In the first week of August 2004, troops from the Karenni National People's Liberation Front (KNPLF), a SPDC-backed ceasefire group, arrested the former village chief of Harlei village in Goe Ei, Daw Rawkhu Township, and accusing him of having connection with the KNPP. He was then transferred into the hands of SPDC troops by KNPLF. As there is no valid evidence to justify his detention, the SPDC troops returned the former village chief to the custody of the KNPLF. At the time of this report, no further information is known about the whereabouts or wellbeing of the village chief. (Source: KNAHR, 2004)

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 26 January 2004, Major Kyaw Ngwe Soe of SPDC IB 97 arrested village secretary Tun Kyi and 4 villagers from Kyone-kanya village in Ye Township, Mon State, on the suspicion that they were rebel supporters. The villagers were detained and tortured for 5 days. The 4 villagers were released after meeting the soldiers' demands for 100,000 kyat each. Tun Kyi was released after providing 400,000 kyat. (Source: "Inhumane or Degrading Treatments Against Civilians Continue," *The Mon Forum*, HURFOM, 29 February 2004)

On 4 February 2004, troops from SPDC LIB 586 arrested Mi Tun Shein (female, age 55) and Mi Pa Khin (female, age 50) from Kabya-wa village in Ye Township, Mon State. Mi Tin Shein is the wife of Nai Hlein, a rebel leader, and Mi Pa Khin assisted Mi Tin Shein by allowing rebels to take shelter in her home. The 2 women were reportedly interrogated and tortured to the degree that their faces were unrecognizable to their fellow villagers. The soldiers reportedly used bamboo sticks and knives to cut and beat them on their bodies and faces. As a result of the torture, Mi Tun Shein provided the military authorities with the names of 6 villagers who also had contact with rebels, who the soldiers then arrested. The villagers were also tortured in an attempt to obtain information. Soldiers used bamboo sticks and the butts of guns to beat them. When the soldiers were satisfied with the information they received, they released 5 of the villagers upon payment of 100,000 to 300,000 kyat each. The sixth villager, Mi Mya Kyi, was detained further as she was suspected of providing a significant amount of support to the rebels. The 6 villagers were:

1. Nai Hara, male, from Win-tamort village;
2. Mi Hla Tin, female, wife of Nai Hara, from Win-tamort village;
3. Nai Suu, male, village headman, from Kyone-kanya village;
4. Nai Gone Sakar, male, village headman, from Kyone-kanya village;
5. Nai Hit, male, from Kyone-kanya village; and

-
6. Mi Mya Kyi, female, wife of Nai Hit, from Kyone-kanya village. (Source: “Inhumane or Degrading Treatments Against Civilians Continue,” *The Mon Forum*, HURFOM, 29 February 2004)

On 29 June 2004, 8 New Mon State Party (NMSP) members went to Lamine village in Ye Township to levy annual taxes for the “revolutionary fund.” The tax fee ranged from 2,000 to 4,000 kyat. The NMSP members had informed the Village Peace and Development Council (VPDC) of their activities. However, SPDC soldiers, MI and the village headmen arrested the 8 NMSP members when they were in the village. The military authorities accused the group of threatening villagers in order to procure taxes. The 8 NMSP members were detained in the South East Command HQ in Moulmein. On 28 September, the group was finally released after having been trailed and sentenced to 3 months of detention. As they had already been detained for 3 months prior to the trial, they were released immediately. Three of the 8 NMSP members arrested were Nai Aung Yin, Nai Ron Nai and Nai Tala Lawi. The names of the other 5 NMSP members were unknown. (Source: “SPDC’s Tensions Against Mon Political Parties And Systematic Persecution Against Mon Activists,” *The Mon Forum*, HURFOM, 31 October 2004)

On 29 August 2004, soldiers from SPDC IB 273 arrested 8 villagers from Mi-taw-hlar-kalay village after a skirmish with Mon rebels from the Hongsawatoi Restoration Party, a Mon splinter group operating in southern Ye Township. The 8 villages were accused of supporting the Mon rebels with food and shelter. (Source: “Caught In The Crossfire: Villagers Killed And Arrested,” *Kao Wao News* No. 74, 9 September 2004)

On 22 September 2004, soldiers from SPDC LIB 586 led by Colonel Ngwe Soe arrested 5 villagers from Kaw-hlaing village in Ye Township. The five villagers were the parents of former members of the Mon splinter group, the Hongsawatoi Restoration Party. Yet, the sons had left the HRP and gone to work in Thailand prior to their parent’s arrest. The victims were:

1. Nai Aung Tin, male;
2. Mi Phae, female;
3. Daw Nu, female;
4. Daw Mya Sein, female; and
5. Mi Oud’s husband, male. (Source: “Suspicious BA Target Alleged Rebel Families,” IMNA, 23 September 2004)

Shan State

Kun-Hing Township

On 28 September 2004, a patrol of troops from company 2 of SPDC LIB 524 led by Captain Maung Maung Soe stopped and arrested 8 villagers who were on their way to harvest an early crop at their farms. As the 8 villagers planned to sleep at their farms for a few days while they harvested the crop, they carried bags of uncooked rice so they would have food for the duration of the harvest. The soldiers searched the villagers’ bags and pockets and found 200-300 kyat and the uncooked rice. As a result, the soldiers accused the villagers of carrying the rice to give to Shan rebel soldiers. The soldiers arrested the 8 villagers, 3 men and 5 women, and took them to the LIB 524 base in Kun-Hing Township where they were detained. The villagers were ordered to send for their families to verify their claims for their release. When family members arrived, they were told that they must pay a 10,000 kyat fine for each villager because they were carrying more rice than is allowed and could have given it to Shan

rebels. The families were able to negotiate and reduce the fine to 8,000 kyat each. The 8 villagers, from Saai Khaao village, Saai Khaao village tract, Kun-Hing Township, were released after the fines were paid. (Source: "Villagers Detained, Money Extorted, in Kun-Hing," *SHRF Monthly Report*, SHRF, January 2005)

Murng-Nai Township

On 2 October 2004, a patrol of approximately 50 soldiers from SPDC Tactical Command No. 17 arrived in Loi Aai village, Naa Khaan village tract, Murng Nai Township, where they slept for 1 night. At 7:00 pm on the night they arrived, the soldiers called the village headman and asked for information about Shan rebels hidden in the village. When the village headman indicated that he was unaware of Shan rebels, the soldiers did not persist. At 4:00 am the following morning, the soldiers arrested villager Zin-Ta (age 45) and accused him of being a Shan rebel. They interrogated and tortured him in an attempt to procure information about the whereabouts of other Shan soldiers. The soldiers took Zin-Ta to Pa Laai, a deserted village which had been relocated, and continued to interrogate and torture him for 3 days and 2 nights. Zin-Ta heard the SPDC soldiers say that they would kill him. Therefore, he ran away with his arms tied behind his back. (Source: "Arrest, Detention and Torture in Murng-Nai," *SHRF Monthly Report*, SHRF, February 2005)

Murng-Sart Township

On 6 February 2004, a patrol of 35 soldiers from SPDC LIB 579 led by Commander Hla Oo accused villager Zaai Pan (male, age 32) of being a Shan rebel soldier. The soldiers proceeded to arrest, tie up, interrogate and torture him. Then, the soldiers forced Zaai Pan to carry their belongings and follow them. Zaai Pan was arrested in his home in Pa Noi village, Murng Kok village tract, Murng-Sart Township. At the time of this report in March 2004, he had not yet returned and his whereabouts was unknown. (Source: "A Man Disappears After Being Arrested, Tortured and Forced to Serve As A Porter In Murng-Sart," *SHRF Monthly Report*, SHRF, February 2005)

3.14 Civilians Arbitrarily Arrested - Partial List for 2004

On 19 September 2004, local authorities in Irrawaddy Division arrested 4 students from Ma U Pin Technical College after 2 of the students had tried to "pick-up" a young woman. Two of the boys reportedly tried to strike up a conversation with the young woman when they were walking near their hostel. The girl answered with a negative reply and a quarrel ensued. After the young woman reported the incident to the local SPDC endorsed women's organization, the 2 young men, along with 2 others who had witnessed the event, were arrested and detained at Ma U Pin Prison under charges related to physical and sexual assault. The 4 young men detained were Aung Ko Ko Win, Pyeit Phyo, Win Ko Ko and Wunna Aung. (Source: "Burmese Students Imprisoned for Attempting to Court Girls," DVB, 4 October 2004)

In December 2003, Ko Thet Lwin (male, age 46) an employee of Ivanhoe Co., a Canadian based company, accompanied a foreign colleague to the home of Aung San Suu Kyi. As a result, they were both arrested. While his colleague was released, Ko Thet Lwin remained in detention and in February 2004 he was charged and sentenced to 7 years imprisonment under the Criminal Act. In May 2004, he was sent to Taungsoon Labor Camp in Mon State. AAPP

have reported that there were no clear justifications provided for his arrest and imprisonment. (Source: AAPP, 2 July 2004)

3.15 Arbitrary Seizure of Villagers – Partial List of Incidents for 2004

Arakan State

Buthidaung Township

On 27 January 2004, a Rohingya cattle trader named Sultan from Phone Nyo Lake (Hpon Myar Li) village in Buthidaung Township went to Ann Township to purchase cattle. Three Rakhine cattle traders from Ze Di Taung village went with him and 3 more Rakhine traders joined the groups once they reached Ann Township on 29 January. After purchasing cattle, they headed back to Buthidaung Township when they encountered Nasaka officers from No. 25 camp in Ann Township. The Nasaka officers detained all of the cattle traders at the camp and interrogated them. The following day, the Nasaka officers released only the 3 Rakhine traders from Ann Township. On 6 February, family of the 4 remaining cattle traders went to the Nasaka camp in Ann Township where they paid 100,000 kyat for their release. The 3 Rakhine traders from Buthidaung Township were released while Sultan, the Rohingya trader, remained in detention despite the fact that his father had paid 40,000 kyat. On 13 February, Sultan was sent to the police camp and taken to Ann Town court where he was arbitrarily sentenced to 7 years imprisonment under the charge of being a terrorist in an unfair trial. (Source: “SPDC Authority Sentenced A Cattle Trader a 7-Year Jail Sentence,” *Kaladan News*, 7 March 2004)

On 17 July 2004, *Kaladan News* reported that Moulvi Nurul Islam (age 42) was going from his job as a trader on the Bangladesh-Burma border to visit his family in Ywet Nyo Taung Para village in Buthidaung Township. He was carrying some clothing which he bought for them when he encountered a few Rakhine villagers who accused him of coming from Bangladesh. On 18 July 2004, the chairman and secretary of the VPDC came to his house, arrested him and gave him to the Nasaka No. 21 in the township. In the custody of the Nasaka, he was severely beaten. Moulvi Nurul Islam’s father paid the Nasaka personnel 20,000 kyat in an attempt to cease the torture. On 19 July 2004, Moulvi Nurul Islam was taken to the Buthidaung Township court with a letter indicating that he should be sentenced to a minimum of 7 years imprisonment. He was sentenced without a fair trial on the charge that he had crossed illegally into Bangladesh. (Source: “A Religious Teacher Sentenced A 7-Year Jail Sentence,” *Kaladan News*, 7 August 2004)

Karen State

(Please see note above about Dooplaya, Pa-an and Papun Districts in section 3.13)

Dooplaya District

On 26 March 2004, troops from SPDC LIB 548 led by Column 1 Commander Lt Col Tin Maung Oo arrested villager Saw Po Seet (age 25) of Old Shwe Poe Hat village and Saw Po Heh (age 30) of Htee Po Way village at Shwe Tha (Pa-lay-taik) and demanded that the

villagers pay a ransom of 10,000 kyat and 40,000 kyat respectively for their release. Moreover, these troops extorted 50,000 kyat from the village head of Ko Du Kweh village. (Source: CIDKP, 2004)

On 19 April 2004 at 10:00 am, Bo Mu Aung Kaing of SPDC LIB 588 commanded Saw La Kyi to come to him and sent him to La Mai Yae infantry. There he was imprisoned for 2 days. (Source: BI, 2004)

On 22 May 2004, SPDC IB 326 Operation 2, led by Bo Win Bo, came into Ta K' Dae village in Win Yin Township. There, Bo Win Bo ordered 5 villagers and a village headman to find Saw Pa Taw and the Load Shar village leader in another village. The villagers could not find these 2 people. The troops then arrested the 6 people because they could not find Saw Pa Taw and the Load Shar village leader and sent them to Tha Pu Z' Yart. The 6 people who were arrested were:

1. U Thaing Kyaw, Ta K' Dae village headman;
2. Naw Dah Say;
3. Po Chate;
4. U Bight Pu;
5. U Kyaw Klæ; and
6. Saw Ngæ Tun. (Source: BI, 2004)

On 9 July 2004, the camp commander of SPDC IB 30 based at Htee Po Than village in Kyone Doe Township, Dooplaya District, arrested the Htee Po Than village head, a woman. Thereafter, they put her in stocks in connection with the case of Saw Nyo Nyaing who returned late from an information gathering mission, which he left for on 7 July 2004. (Source: CIDKP, 2004)

On 30 August 2004, Battalion Commander Myo Zaw Thein of LIB 591 arrested 2 villagers from Kleit Tu village in Win Yae Township who were cutting and selling bamboo. The battalion commander beat them up and put them into the Kyaung Ywa detention cell. The 2 villagers detained were Saw Than Kyaw (age 28), son of Saw Than Aye, and Saw Thaung Yi (age 40), son of Saw Neh Kleh. (Source: CIDKP, 2004)

On 10 October 2004, 3 soldiers from SPDC LIB 357 went to Htee The Law village, Mae Khee village tract, Kawkarate Township, Dooplaya District. One of the 3 soldiers, who was dubbed Maung Lay (age 22), remained in the house of a villager, Naw Ble Say, and asked her to show him the way to escape. When she denied him, he became angry and indirectly shot off a pistol beside her temple. The pistol that he shot belonged to his company commander. The gun shot frightened Naw Ble Say and she fled to a friend's house. Later, approximately 30 soldiers from SPDC LIB 357 led by Command Khaing Maung Tway entered Htee Ther Lea village and caught Naw Ble Say demanding, "where are you hiding my soldier, the one who escaped? The SPDC soldier who escaped has his company commander's pistol." Naw Blae Say said that she did not hide the soldier. The soldiers arrested Naw Ble Say and detained her for 3 days without food while they searched for the escaped soldier. At the same time, the soldiers ordered the village chief, Pa Thu Po, to prepare 2 tractors with drivers. The soldiers took 3 tractor with diverse from Htee Ther Lae villagers. There are 5 tractors with diverse and the soldiers will use them to find the soldier who is lost. The following day, they sent more troops to find the soldier who was missing. (Source: BI, 2004)

Pa-an District

On 23 June 2004, Saw Pan Wah from DKBA 999 arrested Saw Pu Lu of Paing Kyon village and extorted 16 buffaloes and 4 cattle from him. On 26 June 2004 at 3:00 am, Saw Pu Lu committed suicide by using a rope in the detention cell in which he was confined at Peh Kru (Paing Kyon) village. (Source: CIDKP, 2004)

Karenni State

On 10 September 2004, about 100 troops from SPDC LIB 530, IB 72, and allied troops from the KNPLF divided into 2 columns and came to Daw Tahe village in Loikaw Township. The troops arrested 16 males, females and children without giving a reason. The arrested villagers were brought to Loikaw and detained at Central Control Command Quarters. (Source: KNAHR, 2004)

Mon State

(Please see note above about Thaton District in section 3.13)

Thaton District

On 16 March 2004 at 10:00 pm, Than Htun, Pa Nya and Ta Baw from DKBA arrested 3 villagers from Ta Maw Daw village in Thaton Township; Maung Myint (age 38), Maung Hta Loo (age 28) and Pa Kyu. The villagers were arrested while they were celebrating a novice ordination ceremony and forced to show the place where KNU troops were. As these 3 villagers did not know the place to show, the DKBA troops brutally beat them up and extorted 30,000 kyat worth of items from the shops. (Source: CIDKP, 2004)

On 28 March 2004 at 10:45 pm, Ta Baw, Zaw Zaw, Maung Tin Soe and Pa Nya of the DKBA came to Ta Roi Wa village in Thaton Township and seized the following villagers:

1. Saw Than Keh, 30, son of Tee Maung Ta; and
2. Saw Than Aung, 30, son of Tee Pa Soe.

The DKBA soldiers took the 2 villagers with them and had not released them by the time of this report in the first half of 2004. (Source: CIDKP, 2004)

Pegu Division

Note: Both Nyaunglebin District and Toungoo District are areas demarcated by the KNU as Karen territory. 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 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 Toungoo as official districts.

Nyaunglebin District

On 23 February 2004, troops from SPDC LIB 264 arrested Saw Pa Lay Lor and Naw Leh Keh Tri of Khee Lor village in Mone Township without reason. The soldiers also slapped Saw Pa Lay Lor in the face 2 times. The 2 villagers were later released. (Source: CIDKP, 2004)

Toungoo District

On 26 January 2004, troops from SPDC IB 94 came to the Sho Ser area and took villager Saw Ler Htoo (age 50), son of Saw Win Lin Bo. He has not been released at the time of this report in the first quarter of 2004. (Source: CIDKP, 2004)

On 9 February 2004, troops from SPDC IB 224 led by Battalion Commander Myint Khaing burnt down 8 houses belonging to internally displaced persons in the Pa-wa area and also arrested 8 villagers. The troops beat to death without reason villager Saw Po Peh, who was 1 of the arrested villagers. Three SPDC troops released propaganda that all of the KNU had laid down their arms and as a result only a few KNU members were remaining in the Pa-wa area. These troops threatened that they would search and kill all the remaining KNU members and those who support them. (Source: CIDKP, 2004)

On 14 March 2004 at 5:30 pm, these troops came to Der Doe village and arrested the following villagers without reason:

1. Saw Ta Bleh,
2. Saw Kaw Lar Thoo,
3. Saw Bo Win Htoo,
4. Saw Robin and
5. Saw Po Klo.

They were not released until the day of this report in the first half of 2004. (Source: CIDKP, 2004)

On 30 May 2004, SPDC IB 48 Company Commander Kyaw Lwin Oo arrested and beat Saw Aye Mya in Thay Cha Say village. (Source: BI, 2004)

On 10 December 2004, troops from SPDC IB 73 Column 2, led by Bo Maung Maung Soe, came to Klaw Mee Doe village in Tan Ta Bin Township and took 9 villagers away with them, including the village head. (Source: KIC, 2004)

Shan State

On 14 February 2004, police in Kaeng-Tung Township arrested Naang Kham Yong (age 36) and accused her of having lost a fake ID card. The arrest came despite the fact that when she lost her national ID card she had reported it to the police and paid a 20,000 kyat fee for a new one. At that time, the police had indicated that they would issue her a new card. Naang Kham Yong was originally from Pung Thun quarter, Tachilaek town, Tachilaek Township. Approximately 10 years before the incident, she had moved to Kaeng-Tung town. At the time of this report in June 2004, she remained in jail. (Source: *SHRF Monthly Report*, SHRF, June 2004)

In mid 2004, 2 policemen and 2 soldiers from SPDC IB 246 went to the home of Pa Man (female, age 46) in Kun-Hing town. They claimed to be searching for opium sold in the house. They found no opium but they did find a homemade toy gun made from an umbrella handle. Despite the fact that it was a toy, they accused Pa Man of having a gun without authorization, arrested and detained her in jail. After her relatives paid a 50,000 kyat fine for having a gun without authorization, Pa Man was released. (Source: "A Woman Detained, Money Extorted, in Kun-Hing," *SHRF Monthly Report*, SHRF, January 2005)

On 7 August 2004, SPDC soldiers from the Military Intelligence unit stationed in Kho Lam village relocation site in Nam-Zarng Township arrested Zaai Phaw-Ka (male, age 35) from Kaad Lur village in the same township. When his family inquired as to his whereabouts sometime after the arrest, they were unable to obtain any information. Zaai Phaw-Ka has not been seen any time following his initial arrest. (Source: “Disappearance in Nam-Zarng,” *SHRF Monthly Report*, SHRF, November 2004)

On 4 December 2004, a patrol of approximately 20 soldiers from SPDC LIB 526 led by Captain Thein Win went to Sen Taw village relocation site and abducted villagers Lung Ta, Lung Aw-Ta and Khat-Ti-Ya. In Nam Tawng, their original village, Lung Ta was the former village headman and Lung Aw-Ta was the village secretary. The SPDC soldiers, who were dressed similarly to Shan soldiers and claimed to be Shan soldiers, took the 3 villagers into the forest and sent Khat-Ti-Ya back to the village to procure 350,000 kyat for Lung Ta’s release and 450,000 kyat for Lung Aw-Ta’s release. The 3 were released after 2 nights when Khat-Ti-Ya returned with the money. Despite the fact that the SPDC soldiers tried to pass as Shan soldiers, the villagers recognized them as local SPDC soldiers. (Source: “Villagers Taken Hostage, Money Extorted, in Murng-Nai,” *SHRF Monthly Report*, SHRF, April 2005)

On 21 December 2004, a patrol of about 30 soldiers from SPDC LIB 324 led by Captain Aung Naing Win came to the Palawng village, Loi Saai in Nawng Hee village tract, Murng-Nai Township. Pretending to be Shan rebel soldiers and claiming that the villagers had not provided rice for support, the troops arrested 3 villagers. The troops ordered each family in the village to pay 5,000 kyat in exchange for the release of the 3 villagers. The 81 families of Loi Saai village paid a total of 405,000 kyat. Thereafter, the soldiers killed 1 pig worth 32,000 kyat and weighing 40 viss and 1 cow worth 11,000 kyat, which had belonged to some of the villagers. Prior to departing, the soldiers removed their Shan rebel costumes and the villagers were able to see their SPDC uniforms. The 3 villagers who were arrested were:

1. Paw Noi, male, age 56, village elder and consultant;
2. Paw Awng, male, age 47, village headman; and
3. Paw Saang Sawng, male, age 43, secretary of the headman. (Source: “Villagers Taken Hostage, Money Extorted, in Murng-Nai,” *SHRF Monthly Report*, SHRF, April 2005)

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 23 September 2004, Maj. Soe Win from SPDC LIB 559 under Operation Command 13 arrested machine boat owners Saw Lay Pwey and Saw Swee Swe from Thin-baw-eu village. He claimed that the 2 men were suspected and demanded that they provide 2 pigs weighing 100 kg. (Source: ABSDF, 2004)

3.16 Arrest and Detention of Foreigners

Nine Bangladeshi woodcutters arrested and detained

In the first quarter of 2004, Nasaka personnel arrested and detained nine Bangladeshi woodcutters who were cutting wood along the Bangladesh-Burma border. The nine woodcutters were from Upazilas of Cox's Bazar, Ramu and Naikhongchari of Bangladesh. On 7 July 2004, they were sentenced to serve 3 years in Maungdaw jail. (Source: "Nine Bangladeshi Woodcutters Sentenced Three-Year Imprisonment by Court in Burma," *Kaladan News*, 21 July 2004)

Six Bangladeshi fishermen detained in Burma

On 17 June 2004, a heavy storm in the Bay of Bengal near Saint Martin Island caused five Bangladeshi fishing trawlers to sink, killing 2 fishermen. Seven fishermen, however, managed to swim to the shore of Arakan State, Burma, where all except 1 were arrested by the Nasaka and detained in Maungdaw Town. One fisherman, Hafizullah, was able to abscond, temporarily staying in a village to receive medical attention, and return to Bangladesh on 23 June. When the Bangladeshi Rifles learned of the detention of the fishermen, a letter was written and sent to the Nasaka petitioning for the fishermen to be released. All from Mistri Para of Shafurir Dip, Teknaf, the 6 fishermen being detained were:

1. Sayed Karim,
2. Ziaur Rhaman,
3. Noor Hossain,
4. Altas Hossain,
5. Mohammad Hossain and
6. Rahim Ullah. (Source: "6 Bangladeshi Fishermen Detained in Burma," *Kaladan News*, 3 July 2004).

Two Bangladeshi woodcutters abducted and detained in Burma

On 16 August 2004, members of the Nasaka reportedly went into Reju-Amtoli in Bangladesh where they abducted and arrested 2 Bangladeshi woodcutters who had been searching for firewood. According to *Kaladan News*, the Nasaka officers took the woodcutters back to Burma and detained them there. The woodcutter's families discovered the whereabouts of the woodcutters after they inquired with the Bangladeshi Rifles. *Kaladan News* reported that Nasaka officials frequently abduct and imprison woodcutters taking them from Bangladesh to Burma's jails. *Kaladan News* estimated a total of 70 Bangladeshis remain in the prisons of Buthidaung, Maungdaw and Sittwe. (Source: "Two Bangladeshi Woodcutters Snatched By Burmese Border Security Force," *Kaladan News*, 25 August 2004)

3.17 Appendix 1: CHAPTER XXXIX of the Criminal Procedure Code of Suspensions, Remissions and Commutations of Sentences

Section 401

(1) 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.

(2) Whenever an application is made to the President of the Union for the suspension or remission of a sentence. The President of the Union may require the presiding Judge of the Court before or by which the conviction was or has confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion, and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists.

(3) If any condition on which a sentence has been suspended or remitted 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 person in whose favor the sentence has been suspended or remitted may, if at large, be arrested by any police-officer without warrant and remanded to undergo the un-expired portion of the sentence.

(4) The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favor the sentence is suspended or remitted, or one independent of his will.

(4A) The provisions of the above sub-sections shall also apply to any order passed by a criminal Court under any section of this Code or of any other law, which restricts the liberty of any person or imposes any liability upon him or his property.

(5) Nothing herein contained shall be deemed to interfere with the right { - - - } of the President of the Union { - - - } to grant pardons, reprieves, respites or remissions of punishment.

(5A) Where a conditional pardon is granted { - - - } by the President of the Union, any condition thereby imposed, of whatever nature, shall be deemed to have been imposed by a sentence of a competent Court under this Code and shall be enforceable accordingly.

(6) The President of the Union may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with.

Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.
For such rules, see Burma Gazette, 1941, part 1, p.106.

(Source: AAPP, 2004)

3.18 Appendix 2: List of Political Prisoners Released in 2004

Name	Organization	Address	Prison	Arrest date	Release date
Aung San	Member of NLD Youth	Mdy Div			Released
Bar Bar	NLD MP, Myinmu-1, Sag Div, Chairman of Sag Div NLD	Sag Tsp, Sag Div	Shwebo		16 Jan 2004
Bo Maung	NLD MP Dapayin-1, Sag Div	Dapayin Tsp, Sag Div	Shwebo		Released
Dr Hla Myint,	Member of NLD	Amarapura Tsp, Mdy Div	Shwebo		16 Jan 2004
Dr.Hla Soe Nyunt	NLD MP (Singaing-2), and Mdy Division Organizer	Mdy Div			Released
Myint Wai	Member of NLD	Yenangyaung Tsp, Magwe Div			Released
Moe Shwe Oo	NLD youth	Shwebo Tsp, Sagaing Div	Shwebo		25 April 2004
Paw Khin	NLD MP Myingyan-1	Myingyan Tsp, Mdy Div	Kale		16 Jan 2004
Saw Hlaing	NLD MP	Indaw Tsp, Sag Div	Shwebo		16 Jan 2004
Than Shwe		Monywa Tsp, Sag Div	Monywa		30 May 2004
Tin Aung Aung	NLD MP Mdy North-west-1, NLD Divisional organizer	Mdy North-west, Mdy Div	Kale		16 Jan 2004
Tin Htut Oo	NLD MP from Lewe Constituency 1, Mdy Div	Lewe Tsp, Mdy Div	Kale		16 Jan 2004
Tun Myaing	Joint Secretary, Sag Div NLD	Sag Div	Shwebo		16 Jan 2004
Dr. Win Aung	Member of NLD, Amarapura Tsp	Amarapura Tsp, Mdy Div	Shwebo		16 Jan 2004
Win Mya Mya (F)	NLD Mdy Division Organizer	Mdy Div			16 Jan 2004
Ye Myint Aung	Member of NLD Mdy North East	Mdy North-east Tsp, Mdy Div	Shwebo		16 Jan 2004
Zaw Moe (aka) Zaw Wana	NLD Supporter	Kyi village, Dapayin Tsp	Shwebo 9 years 3 Month		25 April 2004
Thike Ngwe	NLD Supporter	Kyi village, Dapayin Tsp	Shwebo, 7 Years		25 April 2004
Hteik Minn	NLD member	Kyi village, Dapayin Tsp	Shwebo, 7 Years		25 April 2004
Tin Aung Lwin	NLD member	Kyi village, Dapayin Tsp	Shwebo, 7 Years		25 April 2004
Tin Ko	NLD Youth member	Khin-Oo Township	Shwebo, 2 Years		25 April 2004
Win Maung	Vice chair of Dapayin Tsp NLD	Dapayin Township	Shwebo, 2 Years		25 April 2004
Tin Hlaing	NLD member	Dapayin Township	Shwebo, 2 Years		25 April 2004
Hteik Than	NLD member	Dapayin Township	Shwebo, 2 Years		25 April 2004

Kyaw Shwe	NLD member	Ye-U Township	Shwebo, 1 Years		25 April 2004
Myint Zaw	NLD member	Ye-U Township	Shwebo, 2 Years		25 April 2004
Htun Htun Han	NLD member	Ye-U Township	Shwebo		25 April 2004
Aung Shwe	NLD, CRPP	Rgn Div	House Arrest	31 May 2003	13 April 2004
Lwin	NLD, CRPP	Rgn Div	House Arrest	31 May 2003	13 April 2004
Myint Thein	NLD MP Kyaikmaraw -1, Mon State	Rgn Div			15 July
Maung Maung Latt	NLD MP Thaketa-1, Rgn Div	Thaketa Tsp, Rgn Div			Released
Thein Zan	NLD MP Kawlin Constituency, Sag Div	Kawlin Tsp, Sag Div			15 July
Tun Tin	NLD Legal Advisor				Released
Win Ko	Member of NLD	Mogok Tsp, Mdy Div			Released
Wimala (aka) Yan Aung Soe	Buddhist abbot of Myauk-Kyaung Monastery	Kyiywa village, Dapayin Tsp, Sag Div	Shwebo, 9 Years and 3 months		25 April 2004
Kyee Nyo	Villager of Kyiywa	Kyiywa village, Dapayin Tsp, Sag Div	Shwebo, 7 Years		25 April 2004
Cho	Owner of NLD office where Daw Aung San Suu Kyi Lodged	Myitkyina Tsp, Kachin State			Released
Hla Seng	Chairman of Kachin State NLD	Kachin State	Myitkyina	31 May 2003	16 Jan 2004
Ne Win	NLD secretaries	Kachin State	As above	31 May 2003	16 Jan 2004
Hlaing Zaw Win	NLD secretaries	Kachin State	As above	31 May 2003	16 Jan 2004
Mran Paukla	Lawyer, Legal adviser	Kachin State	As above	31 May 2003	16 Jan 2004
Kwanaw Sein		Kachin State	As above	31 May 2003	16 Jan 2004
Maran Po Thar	NLD member	Kachin State	-	-	16 Jan 2004
La Seng	Chairman of NLD Kachin State	Kachin State	As above	1 June	
Hla Maung	POCL MP Kya-in-Seikkyl -1, CRPP member	Kya-in-Seikkyl Tsp, Karen State	-	3 June 2003	Released
Myint Kyi	NLD MP, Katha Constituency	Katha Tsp, Sag Div	-	3 June 2003	16 Jan 2004
San Linn	Mogok Tsp NLD Organizing committee chairman	Western Mogok Tsp, Mdy Div	-	3 June 2003	16 Jan 2004
Ko Oo	Mogok Tsp NLD Organizing committee vice-chair	Mogok Tsp, Mdy Div	3 years	3 June 2003	16 Jan 2004
Kyaw Din	Mogok Tsp NLD Organizing committee member	Mogok Tsp, Mdy Div	3 years	3 June 2003	16 Jan 2004
Bo Zan	NLD MP, Kyaukpadaung (1), Mdy	Kyaukpadaung Tsp, Mdy Div		5 June 2003	16 Jan 2004
Myo Thant	NLD Organizing Committee Member	Mdy Div	Monywa	5 June 2003	6 June 2004

U Nyo	Vice Chairman of NLD Madaya Tsp, Mdy Div	Madaya Tsp, Mdy Div	3 yr & 3 months	22 June 2003	25 April 2004
Zaw Lin	NLD member	Madaya Tsp, Mdy Div	As above	22 June 2003	25 April 2004
Naing Than	NLD member	Madaya Tsp, Mdy Div	As above	22 June 2003	25 April 2004
Maung Soe	NLD member	Madaya Tsp, Mdy Div	As above	22 June 2003	25 April 2004
Tun Tun	NLD member	Madaya Tsp, Mdy Div	As above	22 June 2003	25 April 2004
Tint Zaw Htwe	NLD member	Madaya Tsp, Mdy Div	As above	22 June 2003	25 April 2004
Sein Tun	Chairman of NLD Singu Tsp, Mdy Div	Singu Tsp, Mdy Div	2 Years	28 June 2003	25 April 2004
San Oo Maung	Secretary of NLD Singu Tsp, Mdy Div	Singu Tsp, Mdy Div	As above	28 June 2003	25 April 2004
Hla Shwe	Member of NLD Singu Tsp	Singu Tsp, Mdy Div	As above	28 June 2003	25 April 2004
Thein Naing	Member of NLD Singu Tsp	Singu Tsp, Mdy Div	As above	28 June 2003	25 April 2004
Nyan Win Tun		Monywa Tsp, Sag Div	10 years	-	18 June 2004
Htet Aung		Monywa Tsp, Sag Div	Monywa, 10 years	-	6 June 2004
Ye Htut aka Tun Gyi		Monywa Tsp, Sag Div	10 years	-	18 June 2004
Kadei Soe		Monywa Tsp, Sag Div	10 years	-	18 June 2004
Change aka Brake Change		Monywa Tsp, Sag Div	3 years	-	30 May 2004
Ko Aung		Monywa Tsp, Sag Div	3 years	-	30 May 2004
Min Naing	NLD member	Monywa Tsp, Sag Div	Mandalay, 7 years	-	6 June 2004
Nyein Zaw oo aka Zaw Gyi		Monywa Tsp, Sag Div	7 years	-	18 June 2004
Chan Nyein Aung		Monywa Tsp, Sag Div	10 years	-	18 June 2004
Myo Aung	Ex-member of Student Union, NLD organizer	Khin-U Tsp, Sag Div	3 years	July 2nd week	25 April 2004
Tin Myint	NLD Vice Chairman	Kuanthaing village Khin-U Tsp, Sag Div	2 years	July 2nd week	25 April 2004
Saw Htun	Lawyer	North Koodo Ward, Monywa Tsp, Sag Div	2 years	c. 10 July	28 May 2004
Kan Tun	Secretary of Mdy Div NLD	Mdy Div		18 July 2003	16 Jan 2004
Ko Gyi	Treasurer of Mdy Div NLD	Mdy Div		29 July 2003	16 Jan 2004
Yu Lwin	Son of Daw Khin Htar Tin	Monywa Tsp, Sagaing Div	Mandalay, 7 years	5 August 2003	6 June 2004
Khin Htar Tin (F)		As above	Monywa	9 August 2003	28 May 2004
Tin Ko	Former Member of CPB	As above		9 August 2003	

Aung Than Min aka Pauktu		As above	Monywa	-	6 June 2004
Chan Myai Aung		As above	As above	-	18 June 2004
Tun Zaw		As above	As above	-	6 June 2004
Han Moe Win			As above		6 June 2004
Myint Ngwe	NLD	Myaseinyaung campus, Yenangyaung Tsp, Magwe Div		21 January 2004	Released
Tin Maung Kyi	Member of NLD Organizing Committee	Kemmendine Tsp, Rgn		30 Jan 2004	12 Feb 2004
Myint Aye	<i>Chair of NLD Organizing Committee</i>	Kemmendine Tsp, Rgn		31 Jan 2004	12 Feb 2004
Aung Khin Bo	<i>NLD chairman</i>	Bogale Tsp, Irrawaddy	-	11 Feb 2004	13 Feb 2004
Aung Khin	<i>NLD EC member</i>	Bogale Tsp, Irrawaddy	-	11 Feb 2004	13 Feb 2004
Aung Myint	<i>NLD EC member</i>	Bogale Tsp, Irrawaddy	-	11 Feb 2004	13 Feb 2004
Win Naing	<i>NLD EC member</i>	Bogale Tsp, Irrawaddy	-	11 Feb 2004	13 Feb 2004
Mi Mi Sein (F)	<i>NLD EC member</i>	Bogale Tsp, Irrawaddy	-	11 Feb 2004	13 Feb 2004
Khin Lay (F)	<i>NLD EC member</i>	Bogale Tsp, Irrawaddy	-	11 Feb 2004	13 Feb 2004
Khin Maung Chit	<i>NLD EC member</i>	Bogale Tsp, Irrawaddy	-	12 Feb 2004	13 Feb 2004
Maung Chan Thar Kyaw	<i>Monywa 15 yrs old high school student</i>	Monywa Central Burma		June 2003	26 Feb 2004
Myint Kyaw Oo	<i>NLD Youth</i>	Shwepyitha Tsp, Rgn Div		30 May 2004	7 June 2004
Myo Min Wai	As above	Shwepyitha Tsp, Rgn Div		30 May 2004	7 June 2004
Myo Min Soe	As above	Kamayut Tsp, Rgn Div		30 May 2004	7 June 2004
Myo Than Htike	As above	Tamwe Tsp, Rgn Div		30 May 2004	7 June 2004
Nay Soe	As above	Shwepyitha Tsp, Rgn Div		30 May 2004	7 June 2004
Myo Min Maung	As above	Yangon Tsp, Rgn Div		30 May 2004	7 June 2004
Kyaw Kyaw	As above	Dagon Myothit Tsp, Rgn Div		30 May 2004	7 June 2004
Than Win Aung	As above	Dagon Myothit Tsp, Rgn Div		30 May 2004	7 June 2004
Myo Min	As above	Mayangone Tsp, Rgn Div		30 May 2004	7 June 2004
Aung Khin	NLD Joint Secretary	Tannensary, Plaw Township	1 Years	July 2003	April 2004
Nai Lwin Nai	NMSP	Ye Township Mon State	Moulmyine	29 June 2004	28 Sep 2004
Unknown	NMSP	Ye Township Mon State	Moulmyine	29 June 2004	28 Sep 2004
Unknown	NMSP	Ye Township Mon State	Moulmyine	29 June 2004	28 Sep 2004

Unknown	NMSP	Ye Township Mon State	Moulmyine	29 June 2004	28 Sep 2004
Unknown	NMSP	Ye Township Mon State	Moulmyine	29 June 2004	28 Sep 2004
Unknown	NMSP	Ye Township Mon State	Moulmyine	29 June 2004	28 Sep 2004
Unknown	NMSP	Ye Township Mon State	Moulmyine	29 June 2004	28 Sep 2004
Unknown	NMSP	Ye Township Mon State	Moulmyine	29 June 2004	28 Sep 2004
Nyan Thaung	NLD	Myangaung		1997	16-09-2004
Htay Kwe	student leader 8888	Yangoon		June 1991	26 Oct 2004
Ne Win Dr	Doctor	Rgn	10 Years	1989	01-Oct 2004
Min Ko Naing	Student leader	Akyab-Sittwe	1989- (16 yrs)		21 Nov 2004
Ohn Maung	NLD MP	Pegu Div	Insein		21 Nov 2004
Kyaw San	NLD MP	Sagaing	Insein		21 Nov 2004
Toe Po	NLD		Insein		21 Nov 2004
Aung Zin	NLD member		Insein		21 Nov 2004
Htay Myint	NLD member		Insein		21 Nov 2004
Yar Kyaw	Student		Mandalay		21 Nov 2004
Zaw Zaw Lin	Student		Mandalay		21 Nov 2004
Soe Than Maung Dr	Doctor		Mandalay		21 Nov 2004
Chit Ko			Mandalay		21 Nov 2004
Moe Kyaw			Mandalay		21 Nov 2004
Nyi Nyi Win			Mandalay		21 Nov 2004
Moe Zaw Tun			Mandalay		21 Nov 2004
Kyaw Win Swe			Mandalay		21 Nov 2004
Mya Thaung			Mandalay		21 Nov 2004
Ohn Mar (Female)			Mandalay		21 Nov 2004
Tin Mar Yi (Female)			Mandalay		21 Nov 2004
Myo Tun (a) Hkun Seng Dr	Doctor		Shwebo		21 Nov 2004
Nyan Hla	-		Thayet		21 Nov 2004
Min Zaw Thein			Thayet		21 Nov 2004
Thet Naing	School teacher		Myikyina		21 Nov 2004
Aung Myo Tint			Myaungmya		21 Nov 2004
Reverend Ashin U Pinnya Zawta	Monk		Tharawaddy		21 Nov 2004
Myo Myint			Tharawaddy		21 Nov 2004
Myo Shwe			Tharawaddy		21 Nov 2004
Khin Maung Cho			Tharawaddy		21 Nov 2004
Mya Soe			Tharawaddy		21 Nov 2004
Sai Sithu			Tharawaddy		21 Nov 2004
Kyi Soe		Mogaung	Myikyina		26 Nov 2004
Lin Ko		Rgn	Myikyina		26 Nov 2004
Sein Ohn	Photographer		Mandalay		26 Nov 2004
Naing Myint			Mandalay		26 Nov 2004
Sein Myint			Mandalay		26 Nov 2004

Khin Mayng Win	NLD		Moulmyine		26 Nov 2004
Kyaw Thet Aung			Shwebo		26 Nov 2004
Thaung Lwin	NLD		Lashio		26 Nov 2004
Khaing Myint			Pegu		26 Nov 2004
Myat Bo			Pegu		26 Nov 2004
Aung Myint Oo			Pegu		26 Nov 2004
Aung Moe			Pegu		26 Nov 2004
Tun Myint	NLD		Insein		26 Nov 2004
Lay Naing			Katha		26 Nov 2004
Thu Wai			Insein		12 Dec 2004
Htwe Myint			Insein		12 Dec 2004
Khin Maung Than			Insein		12 Dec 2004
Aung Thein			Insein		12 Dec 2004
Kyaw Naing Oo			Insein		12 Dec 2004
Kyaw San Hlaing			Insein		12 Dec 2004
Kyaw Sein Aung			Insein		12 Dec 2004
Mya San Htoo			Insein		12 Dec 2004
Unknown	Teacher		Insein		12 Dec 2004
Thaung Aue	NLD	South Oaklapa	Thayet		12 Dec 2004
Aung Naing aka Saw Tin Soe	KNU		Thayet		12 Dec 2004
Zaw Myo Tun	University Student		Thayet		12 Dec 2004
Than Zaw			Mandalay		12 Dec 2004
Tun Oo			Mandalay		12 Dec 2004
Tin Win			Mandalay		12 Dec 2004
Nyi Nyi aka Jay Ei			Mandalay		12 Dec 2004
Aung Moe			Myinchin		12 Dec 2004
Aung Zaw Oo	Dagon university student		Thayawaddy		12 Dec 2004
Thein Lat			Thayawaddy		12 Dec 2004
Zaw Than			Thayawaddy		12 Dec 2004
Aung Kyaw Tun			Thayawaddy		12 Dec 2004

(Source: "Update Situation on Political Prisoners in Burma," NCGUB, 7 January 2005)

3.19 Appendix 3: List of Political Arrests in 2004

Name	Organization	Case	Prison	Arrest date	Release date
Myint Ngwe *	NLD	For distributing anti-HIV/AIDS leaflets		21 Jan 2004	Released
Mya, U	Vice chair of NLD Organizing	Arrested by MI,		Jan 2004	
Maung Maung Kyaw Aye	Member of NLD Organizing Committee	As above		Jan 2004	
Tin Maung Kyi *	Member of NLD Organizing Committee	As above		30 Jan 2004	12 Feb 2004
Myint Aye *	Chair of NLD Organizing Committee	As above		31 Jan 2004	12 Feb 2004
Aung Khin Bo*	NLD chairman Bogale Township	For distributing the Union day Statement		11 Feb 2004	13 Feb 2004
Aung Khin *	NLD Executive Committee member	As above		11 Feb 2004	13 Feb 2004
Aung Myint *	NLD Executive Committee member	As above		11 Feb 2004	13 Feb 2004
Win Naing *	NLD Executive Committee member	As above		11 Feb 2004	13 Feb 2004
Mi Mi Sein (F) *	NLD Executive Committee member	As above		11 Feb 2004	13 Feb 2004
Khin Lay (F) *	NLD Executive Committee member	As above		11 Feb 2004	13 Feb 2004
Khin Maung Chit *	NLD Executive Committee member	As above		12 Feb 2004	13 Feb 2004
Kyaw Zeya	Student Dagon University	For wearing Penni Type Shirt		13 Mar 2004	
Unknown	Student	As above		13 Mar 2004	
Unknown	Student	As Above		13 Mar 2004	
Unknown	Student	As Above		13 Mar 2004	
Unknown	Student	As Above		13 Mar 2004	
Salin	NLD member		2 Years	15 Mar 2004	
Maung Maung Latt		Having communication with illegally banned political organizations	12 Years (sentenced on 2004 May 7)		
Paw Lwin		As above	12 Years (sentenced on 2004 May 7)		
Ne Min	Former Political Prisoner	As above	15 Years (sentenced on 2004 May 7)		
Ye Thiha	Ex-member of ABSDF, Former Political Prisoner	As above	7 Years (sentenced on 2004 May 7)		
Ne Lin Aung (aka) Yan Naing	Office manager of Amyin Thit Media Agency, a member of ABFSU	As above	22 Years (sentenced on 2004 May 7)		

Myint Kyaw Oo *	NLD Youth	For distributing Human Rights Declaration Pamphlet		30 May 2004	7 June 2004
Myo Min Wai *	As above	As above		30 May 2004	7 June 2004
Myo Min Soe *	As above	As above		30 May 2004	7 June 2004
Myo Than Htike *	As above	As above		30 May 2004	7 June 2004
Nay Soe *	As above	As above		30 May 2004	7 June 2004
Myo Min Maung *	As above	As above		30 May 2004	7 June 2004
Kyaw Kyaw *	As above	As above		30 May 2004	7 June 2004
Than Win Aung *	As above	As above		30 May 2004	7 June 2004
Myo Min *	As above	As above		30 May 2004	7 June 2004
Hla Su (F)	Student	Solo protest in front of Town Hall		30 May 2004	
Than Than Htay (F)	NLD		7 years		
Tin Myint	NLD		7 Years	8 June 2004	
Thet Lwin	Student	Went to Dassk house with foreigners	7 Years	Feb 2004	
Nai Lwin Nai	NMSP	Organizing people	Moulmyine	29 June 2004	28 Sep 2004
Unknown*	NMSP	Organizing people	Moulmyine	29 June 2004	28 Sep 2004
Unknown*	NMSP	Organizing people	Moulmyine	29 June 2004	28 Sep 2004
Unknown*	NMSP	Organizing people	Moulmyine	29 June 2004	28 Sep 2004
Unknown*	NMSP	Organizing people	Moulmyine	29 June 2004	28 Sep 2004
Unknown*	NMSP	Organizing people	Moulmyine	29 June 2004	28 Sep 2004
Unknown*	NMSP	Organizing people	Moulmyine	29 June 2004	28 Sep 2004
Unknown*	NMSP	Organizing people	Moulmyine	29 June 2004	28 Sep 2004
Ma Ye Ye Win	NLD	Supporting to go people in exile	7 Years	27 July 2004	
Unknown		Supporting to go people in exile	Rgn- Police station	27 July 2004	
Unknown		Supporting to go people in exile	Rgn- Police station	27 July 2004	
Ye Myint	NLD vice chairman	Failure to inform the authorities	Pha-an prison (7 days)	27 July 2004	
Phoe Thee	NLD	Dapayin Case		05 Aug 2004	
Than Lone	NLD	Dapayin Case		05 Aug 2004	
Than Htay	NLD- MP	Selling imported goods	Detention	16 Aug 2004	
Aung Kyin	NLD-MP		Detention	16 Aug 2004	
Kyaw Naing Tun	NLD (Chairman)	Quarrel with Neighbor	7 Years		
Tin Myint	NLD	lottery			
Khin Maung Latt	NLD	concerning Dassk trip	2 years		
Than Aung	NLD	Video act (announcing Dassk trip)	3 years		
Mahn Aye	NLD	escaping from Dapayin massacre	hard working		
Unknown	NMSP	Accused of fighting with NMSP splinter group		14 Sep 2004	

Unknown	NMSP	Accused of fighting with NMSP splinter group		14 Sep 2004	
Unknown	NMSP	Accused of fighting with NMSP splinter group		14 Sep 2004	
Thet Way	NLD (chairman)	Related with Aung Than protest		23 Sep 2004	
Aung Than	Ex-Political Prisoners	Protesting at UNDP office in front	2 years	23 Sep 2004	
Han Sein	NLD	charged with distributing leaflets and documents		5 Nov 2004	
Win Maung	NLD	charged with distributing leaflets and documents		5 Nov 2004	
Than Htut	NLD	charged with distributing leaflets and documents		5 Nov 2004	
Khin Ngwe	NLD	For solo protest in front of Rgn City Hall		27 Nov 2004	
Aung Khin Bo	NLD chair	For preparation National Day	Pya Pon	6 Dec 2004	
Aung Htay	NLD Secretary,	For preparation National Day	Pya Pon	6 Dec 2004	
Khin Maung Chit	NLD Joint-Secretary	For preparation National Day	Pya Pon	6 Dec 2004	
Thet Tun	NLD organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Meet Meet Sein (F)	NLD organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Khin Lay (F)	NLD organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Hnin Si (F)	NLD village organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Nyein Tun	NLD village organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Tin Oo	NLD village organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Saw Van Kuu	NLD village organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Aung Myint	NLD organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Win Naing	NLD organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Hla Myint	NLD organizer	For preparation National Day	Pya Pon	6 Dec 2004	
Tun Lin Kyaw	NLD	A peaceful solo protest in front of the Rgn city hall		14 Dec 2004	
Ba Myint	NLD Chairman of the Ahlon Township	For distributing human rights educational leaflets		19 Dec 2004	
Theigi (F)	NLD South Dagon Township member	as above		19 Dec 2004	
Aung Moe San	NLD	as above		19 Dec 2004	
Ba Tint	NLD	as above		19 Dec 2004	
Khin Kyaw	NLD	-		22 Dec 2004	

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 forty 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 that could lead to blame for some sort of misconduct is imprisonment for up to ten years. Under Article 323, one who "voluntarily causes hurt" may be subject to up to one year of imprisonment. Under Article 325, those who "voluntarily cause grievous hurt" may be subject to imprisonment for up to seven years. 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)

The State Peace and Development Council (SPDC), the ruling military regime, however, believes that the law specifically prohibits the use of torture. When Amnesty International, in 2003, submitted their observations regarding the administration of justice in Burma to the SPDC citing the lack of a clear definition of torture in the law, the SPDC reported: “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)

Yet, in their *World Report 2005*, Human Rights Watch (HRW) noted that “Burma remains one of the most repressive countries in Asia, despite promises for political reform and national reconciliation by its authoritarian military government, the State Peace and Development Council (SPDC).” The report indicated that torture of both detainees and civilians, particularly members of ethnic minorities, is common, and that the Burmese army has continued to commit gross human rights abuses. In keeping with ongoing forced relocation campaigns, hundreds of thousands of ethnic minorities have been forced into

internment centers, and those who have escaped report forced labor, extra-judicial executions, rape, and torture committed by government forces. (Source: *World Report 2005: Burma*, Human Rights Watch, 13 January 2005)

Members of the army, the former 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.

A resolution adopted on 21 April 2004 by the Commission on Human Rights stated that extra-judicial killings, torture, rape, and other forms of sexual violence are persistently carried out by members of Burma's armed forces, and asked that Burma consider as a matter of high priority becoming party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its optional protocol, as well as other standard conventions designed to protect human rights in the world today. (Source: "Situation of Human Rights in Myanmar," *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council, Agenda item 9, 9 April 2004)

At the 59th Session of the United Nations General Assembly, Special Rapporteur Paulo Sergio Pinheiro reported that the "situation with regard to the exercise of basic human rights and fundamental freedoms in Myanmar has not substantially changed." He also reported the death of 60-year-old poet and former political prisoner, Kyi Tin Oo, who died in June of a heart attack relating to ailments incurred as a result of torture and poor prison conditions (source: "Situation of Human Rights in Myanmar," *Fifty-ninth session of the General Assembly*, United Nations, 30 August 2004). In a similar statement in October, the Special Rapporteur stated that the human rights situation in Burma "has not substantially changed, and may have even worsened" (source: "Statement by Mr. Paulo Sergio Pinheiro, Special Rapporteur on the Situation of Human Rights in Myanmar," *Fifty-ninth session of the General Assembly*, United Nations, 28 October 2004)

On 19 October 2004, Prime Minister Lt General Khin Nyunt was unexpectedly removed from office and replaced with junta hardliner Lt. General Soe Win. Khin Nyunt had headed the National Intelligence Bureau (NIB) for over two decades, and the MI unit, part of the NIB, was known to be responsible for widespread incidents of torture and other inhumane punishment. Subsequent to Khin Nyunt's removal, the NIB was dissolved, many MI members were retired or transferred by the junta and the unit's name was changed to the Office of Military Affairs Security. The Special Police Information Force (SPIF) has taken over responsibility for political matters, under the direction of the generals. The effects of these changes have yet to be fully realized and many observers believe them to be only cosmetic.

4.2 Torture during Detention

According to the U.S. Department of State's *Country Reports on Human Rights Practices-2004*, "Disappearances continued, and security forces raped, tortured, beat, and otherwise abused prisoners and detainees." Well-established torture practices continued throughout the year both inside and outside the prisons. Political activists who work in opposition to the government often faced torture after arrest and during the initial period of interrogation by officials. On 24 February 2004, for example, National League for Democracy (NLD) member Khin Maung Oo was beaten unconscious at Insein Prison. In another incident, four members of the NLD reported that they had been forced to stand on stools for four days during their detention in June, after which they were forced to sign false confessions that led to long prison sentences. Other beatings and forms of torture in custody were reported regularly in 2004, some leading to death. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005).

According to Amnesty International, political prisoners have reported that MI personnel were 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)

During Amnesty International's second ever country visit to Burma in December 2003, 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 Phyithu 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 were coordinated by the National Intelligence Bureau (NIB) prior to its dissolution, under the direct control of the SPDC. The DDSI was commonly known as the MIS or Military Intelligence Service and has been the agency most frequently identified as inflicting torture during interrogation.

Methods of Torture in Detention and Prison

Detainees are systematically interrogated in order to get information and false confessions. The methods of abuse and torture include, among others: electrocution; sleep deprivation; forcing a person 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 him or her to kneel on sharp stones or pieces of glass; hanging him or her 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 first step is the breaking down of their confidence and morale. They are kept in the interrogation center for one to three weeks during which rotating teams of inquisitors interrogate them non-stop. Most are not allowed to sleep, and are not usually 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, not allowed to bathe or 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. Authorities use various items to beat their victims including 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. 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 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 often exhibit little to no restraint and 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 1½ to 2 feet long, is often placed horizontally between the shackled legs of prisoners in solitary confinement, forcing them to stand or lie 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 the outside of the 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 or more. In some cases, political prisoners are forced to remain in solitary confinement indefinitely. (Please see chapter on political prisoners for more information and for specific cases.)

4.3 Torture During Forced Portering and Forced Labor

Throughout 2004, civilians continued to be conscripted or arbitrarily seized as porters to carry heavy loads for SPDC army battalions. Among the many difficult conditions forced laborers and porters have faced, beatings are common, and sometimes lead to death. 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 too sick or exhausted to continue are sometimes beaten or shot and left in the jungle for dead. (Source: *Country Reports on Human Rights Practices - 2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005)

At forced labor sites across the country, such as for the construction of roads or army camps, SPDC personnel routinely mistreat the villagers they are supervising. 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 International Labor Organization (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. (Please see 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 targeting both villagers serving in armed opposition groups and civilians caught in the cross-fire. The continuing conflict has resulted in killings, rapes, beatings, torture, forced mine clearing, forced labor, and forced relocations of Chin, Karen, Karenni, Shan, Mon, and other ethnic groups by SPDC soldiers. 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, destruction of property and sexual violence. The fear of physical injury deprives villagers of their livelihoods 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. Some armed ethnic groups, particularly the SPDC-affiliate Democratic Karen Buddhist Army (DKBA) and the United Wa State Army (UWSA) have also committed abuses, although on a smaller scale than the Tatmadaw or SPDC armed forces. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005)

4.5 Torture of Buddhist Monks

Monks have played a significant role in Burma's democracy movement since the military seized state power in 1962. Following the killings of several Buddhist monks participating in a demonstration in 1990, groups of monks have engaged in a protest known as "overturning the bowl". The protest entails monks refusing to accept alms from members of the military or their families and refusing to conduct or attend services arranged by the military. As most of the members of the junta regard Buddhism as intrinsic to their own sense of legitimacy and national unity, and may believe that the alms somehow mitigate their own wrongdoings, this is particularly threatening to them. The SPDC frequently portrays itself as a group of devout Buddhists that provides donations, attends ceremonies, and supports the construction of monasteries, in an attempt to win the support of and control the predominantly Buddhist population. Despite SPDC attempts to influence the Buddhist order, the monks who have engaged in the boycott have not ceased and have continued to remain involved in politics, while monasteries have continued to serve as a place for community gathering, organizing and information sharing. Suppression of anti-government elements among the Buddhist community has also continued. (Please see chapter on freedom of religion for more information.)

According to a 2004 report by the Assistance Association for Political Prisoners (AAPP), there were approximately 300 Buddhist monks in Burmese prisons at the beginning of 2004. The precise numbers are difficult to determine, as monks are usually sent to prison labor camps as they are frequently sentenced under criminal charges. In this situation, designed to degrade, they live and work amongst common criminals, such as murderers and rapists. Monks arrested and sent to prison for these offences are purposely degraded and forcibly disrobed, although Buddhist tenets explicitly state that this does not remove monkhood. Monks are often harassed more severely than others because of the nature of their protest. Reports of kicking, beating, slapping of their bald heads, being forced to stand

in uncomfortable positions for long periods of time, other forms of torture, and improper burial after death in the prison labor camps are common.

On 19 January 2004, a tribunal in Insein Prison sentenced a group of 25 novice monks and one monk to eighteen years in prison for refusing to accept alms from the military at the Mahar Ghandaryone Monastery in Rangoon in November 2003. After being arrested and beaten, they were sentenced under article 295 (a) of the Penal Code and Article 5 (d & j) of the Emergency Provisions Act. Given the choice to join the army or go to prison, all chose, and remain in, Insein Prison. (Source: *Burma: A Land Where Buddhist Monks are Disrobed and Detained in Dungeons*, AAPP, November 2004) (Please see chapter on religion for more information.)

4.6 Torture and Other Cruel, Inhuman, and Degrading Treatment or Punishment – Partial List of Incidents for 2004

Chin State

On 12 July 2004, Second Lieutenant Khin Maung Win and a soldier from Burma Army LIB 269, along with 2 policemen based in Tibual village, Falam Township, in northern Chin State, went to Satawm village on the India-Burma border. They were inebriated at the time and had come to the village with the plan to extort money from cross-border traders. There, they sent a villager to call the village headman. When he returned, indicating that the headman was not well, Lt. Khin Maung Win sent 2 soldiers to retrieve the headman, who they beat along with the villager who had been sent to fetch him. At the same time, the soldiers shot their guns randomly, hitting the Evangelical Methodist Church while services were being held. Lt. Khin Maung Win and his group continue to storm the village, entering houses and attempting to molest several women. Local villagers reported the incident to the battalion commander of LIB 269 and a meeting was arranged during which the soldiers begged the forgiveness of the villagers. (Source: CHRO, 27 August 2004)

Karen State

Note: Dooplaya, Pa-an and Papun Districts, as reported below, are all areas demarcated by the Karen National Union (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: 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 Karen State. These townships do not correspond with the KNU demarcated districts and townships, even for those which share the same name.

Doplaya District

On 16 February 2004 at 12:00 pm, Private Ahn Gyi of SPDC IB 32, under control of Htee Hta Baw camp commander, Sergeant Kyi Noo, raped Mu Yone Kyi (age 27), the wife of Saw Yin Htwe and the mother of 2 children from Lay Khaw Hti village, Kya Inn Township. Afterwards, he slapped her face 2 times. (Source: CIDKP, 2004)

On 26 March 2004 at 12:00 pm, SPDC troops based at Pa Yah Ngote Toe camp demanded 20,000 kyat from Htee Plaw villagers traveling from Pa Yah Ngote Toe to a religious ceremony at Wah Ma Hta. As the villagers could not pay, the troops ordered the villagers to stand in the sun for more than 1 hour. (Source: CIDKP, 2004)

On 8 June 2004, SPDC LIB 549 Operation 1, led by Regiment Commander Thu Rat Myo Tint, went to Tee Pa Taw village, Win Yin Township, and slept there for 1 night. The soldiers forcibly confiscated several items, including 9 chickens, from the following villagers:

1. Mu Naw Poe, age 40;
2. U Tin Ngway, age 50;
3. Tee Kort, age 23;
4. Ta K' Paw Moo, age 31;
5. Saw Di, age 25; and
6. Eh Kin, age 45.

Saw Kyaw Lu (age 37) was slapped when he was unable to provide additional chickens to the troops. At midnight, 1 soldier entered the home of a widow, Ma Ta Lu (age 37) with the intent to sleep with her. When the widow shouted, the soldier ran away. Later, 1 of the captains of the regiment visited the widow's house to find out about the event. After the widow told him everything, the captain told her not to lie and that it was not his soldier. (Source: BI, 2004)

On 30 August 2004, Battalion Commander Myo Zaw Thein of LIB 591 arrested 2 villagers from Kleit Tu village, Win Yae Township, who were cutting and selling bamboo. The battalion commander beat and tortured Saw Than Kyaw (age 28), son of Saw Than Aye and Saw Thauung Yi (age 40) son of Saw Neh Kleh, and put them into Kyaung-ywa detention cell. (Source: CIDKP, 2004)

Pa-an District

On 1 June 2004, soldiers from DKBA 999 led by Pa Du tortured the headman of Ta Kre village and accused him of having contact with the KNU. The headman was fined 1 pig and 30,000 kyat. (Source: BI, 2004)

On 29 August 2004, Saw Poo Loo of DKBA 999 arrested Paw Ya Kyo villager Pa Nya Kay and kicked him 12 times with his military boots, demanding 100,000 kyat. On that day, Saw Poo Loo also seized 10 head of cattle from trader Saw Doe Kho and demand 400,000 kyat in ransom for the cattle. (Source: CIDKP, 2004)

On 16 September 2004 at 4:00 pm, troops from DKBA 999 fired an M-72 round in Ta Krai Ni village, wounding the following 3 villagers:

1. Naw Moe Loe, age 53;
2. Naw Paw Ler, age 13; and
3. Saw Dah Ler, age 11. (Source: CIDKP, 2004)

On 13 October 2004, Second Company Captain Thain Lwee of DKBA 999 Company 3 shot Kwee Maw Tae village chief Nae Kaw La (age 51) causing heavy injuries. This village is in Noh Kay village tract, Ta Na Cha Township. (Source: BI, 2004)

Pa-pun District

On 15 January 2004 at 3:00 pm, troops from SPDC LIB 55, under control of Major Htun Ohn, shot at 30 villagers returning from shopping between Kho Lay village and Thway Doe village. Fifteen of them returned safely and 15 were lost until the time of this report. (Source: CIDKP, 2004)

On 24 May 2004, troops from SPDC LIB 384, based at Ler Mu Plaw camp, fired both their heavy weapons and small arms without reason on the villagers in the Yu Hgaw Lo Khee area of Lu Thaw Township. (Source: CIDKP, 2004)

On 27 August 2004, Battalion Commander Win Myint of SPDC IB 232, based at Thwe Thee Eu camp, attacked without provocation village head Pa Maung Kyaw. He was slapped 5 times in the face and punched 2 times in the back. (Source: CIDKP, 2004)

Karenni State

On 27 February 2004 at 10:00 am, local militia leader Saw Phlo Htoo arrived at Phlo Htee village with his troops and accused villagers of having contact with the Karenni forces, although they gave no reason or evidence for this accusation. They then searched every house and confiscated some domestic property, chickens, and pigs from the villagers. A soldier hit villager Naw Leimu with the butt of his gun. (Source: KNAHR, 2004)

On 28 February 2004 at 6:00 am, troops from SPDC LIB 422 entered a hideout site near the Karenni-Karen border where Karenni villagers from Hosarkee were taking refuge with local Karen. The Burmese troops opened fire without warning and killed 3 Hosakee villagers and wounded another. The villagers were:

1. Saw Bwemu, age 60;
2. Naw Kee Lei, age 45;
3. Saw Deh Tar, age 40; and
4. Saw Taw Htee, age 46, was wounded. (Source: KNAHR, 2004)

Mon State

Note: Thaton District, as reported below, 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). The SPDC does not recognize this area as an official district.

Mudon Township

On 17 October 2004, Htun Aung, a drunken Burma Army soldier, beat Nay Ri (male, age 27) from Chak Toa village, Mudone Township. Nay Ri was returning to his village from fishing around 8:00 pm. A soldier accused Nay Ri of trying to take his gun and demanded 20,000 kyat to retract the accusation. Nay Ri's parents paid the demanded amount to avoid further threats and charges by the BA. (Source: *Kao Wao News* No. 76, 17 October 2004)

Thaton District

On 26 February 2004, Company Commander Tin Myint of SPDC LIB 3 ordered Ta-raw-meh villagers to haul large logs with bullock carts. As the logs were too large to transport with bullock carts, the army commander brutally beat the villagers and tied them up at the cemetery for 2 hours. The victims were:

1. Saw San Oo, age 28;
2. Saw Nyunt Win, age 30;
3. Saw Po Lo Loe, age 27; and
4. Saw Chit Aung, age 30. (Source: CIDKP, 2004)

On 16 March 2004 at 10:00 pm, Than Htun, Pa Nya and Ta Baw from the DKBA arrested 3 villagers from Ta Maw Daw village, Thaton Township. Maung Myint (age 38), Maung Hta Loo (age 28) and Pa Kyu (age unknown) were taken while the villagers were celebrating a novice initiation ceremony and ordered to lead the DKBA troops to the place where KNU troops were. As these 3 villagers had no knowledge of KNU troop locations, the DKBA troops brutally beat them and stole 30,000 kyat worth of items from the shops. (Source: CIDKP, 2004)

On 25 March 2004, Than Htun and Sai Pu of the DKBA came to Pwa Gaw village, Pa-an Township, and demanded 10 bullock carts to haul logs to the Mae Ka Na saw mill. As the villagers could not give them these items, the 2 DKBA officers arrested and tied up Pwa Gaw village head, Pa Din, and fired off 30 rounds of an M-16, 1 magazine of a pistol and 1 shot from an M-79 grenade launcher to intimidate them. (Source: CIDKP, 2004)

On 26 March 2004, approximately 22 men from a DKBA unit led by Than Htun came to Noe Htoe Day village, Thaton Township, and seized 4 villagers. The soldiers then accused them of having sent food supplies to the KNU. As a result, the troops forced the 4 villagers to do somersaults in the sun and demanded 20,000 kyat from them. The victims were:

1. Saw Kywet Ni, age 35;
2. Saw Ler Paw, age 38;
3. Saw Mar Pu, age 25; and
4. Saw Ta Yoe, age unknown. (Source: CIDKP, 2004)

On 29 March 2004, Ta Baw, Zaw Zaw, Maung Tin Soe and Pa Nya of the DKBA came to Ta Maw Daw village, Thaton Township. They gathered residents of about 10 villages and asked them whether they knew where village tract chairman Maung Kaba lived. As the villagers could not tell them, the 4 men forced the villagers to do standing and sitting exercises for 1 hour. After that, Pa Nya and Zaw Zaw of the DKBA stationed themselves near the village of Ta Maw Daw, questioning people, and searching bullock carts that passed by. They beat up Ta Roi Khee villager Maung Thaung Kyi (age 43) who suffered head injuries. (Source: CIDKP, 2004)

On 6 May 2004 at 8:20 pm, troops from SPDC LIB 541 led by Battalion Commander Moe Zaw Lin shot at Naung Ka Doe villagers and Ta Maw Daw villagers, who were out hunting for frogs. Those from Naung Ka Doe managed to escape safely to their village but Ta Maw Daw villager, Saw San Win (age 30), son of Tee Aung Chit, was killed in the shooting. (Source: CIDKP, 2004)

On 12 August 2004, troops from the DKBA Brigade 333 Battalion 3, led by Company Commander Tin Win, came to Kaw Heh village, Bilin Township. They arrested and brutally beat the following villagers:

1. Pah Tin Tha, age 35, son of Tee Kho Po;
2. Ta Po Nyaw, age 40, son of Tee Maung Kyaw;
3. Maung Nay, age 40, son of Tee Toe; and
4. Maung Taw, age 40, son of Tee Pa Thi. (Source: CIDKP, 2004)

Ye Township

On 18 January 2004, it was reported that soldiers from the Burma Army were punishing villagers in southern Ye Township for not speaking Burmese by forcing them to sit in the sun from 7:00am to 6:00pm. The SPDC troops had launched an offensive against the Hangsowatoi Restoration Party in December 2003. Villagers both young and old were forced to sit in the sun and were denied water. Villagers also reported that soldiers would slap, beat and torture villagers through other methods when villagers were unable to reply to questions in Burmese. (Source: "Villagers Tortured for Not Speaking Burmese," *Kao Wao News* No. 60, 18 January 2004)

On 26 January 2004, Maj. Kyaw Ngwe Soe of IB 97 arrested Tun Kyi, village secretary of Kyone-kanya village, along with 4 other villagers. They tortured them inhumanely with the suspicion that they were supporters of Mon rebels. The soldiers took Tun Kyi by the hair and dragged his face on the ground. They beat his head with an RPG motor-boot until he was bleeding heavily. The soldiers detained the 5 villagers for 5 days, only releasing them for a ransom of 400,000 kyat for Tun Kyi and 100,000 kyat each for the other 4 villagers. (Source: "Gross Human Rights Violations in Ye Township," *The Mon Forum*, HURFOM, September 2004)

On 4 February 2004, the troops of LIB 586 arrested 2 women in Kabya Wa village: Mi Tin Shein (age 55) and Mi Pa Khin (age 50). Mi Tin Shein is the wife of the rebel leader, Nai Hlein, and Mi Pa Khin had helped Mi Tin Shein by providing shelter in her home. According to a witness, both women were seriously tortured. During the interrogation, the Burmese soldiers beat their bodies with bamboo sticks and cut their faces with knives until the other villagers could not recognize them. Because of the serious torture, Mi Tin Shein gave the names of 6 villagers with contacts to the rebel soldiers, who were then arrested. Nai Hara and his wife Mi Hla Tin from Win-tamort village, Nai Suu and Nai Gone Sakar, Kyone-kanya village headmen, and Nai Hit and his wife Mi Mya Kyi from Kyone-kanya village were all seriously tortured. They were brought into the jungle by soldiers from LIB 586 to find hidden guns supposedly left by rebels and to show them the rebels' temporary bases. When the villagers could not do this, the soldiers tortured them and pointed knives at their throats. During the rest of their incarceration, they were beaten with bamboo sticks and gun-boots. According to Nai Suu (age 59) the soldiers beat his entire body while he was tied up, hung him from a roof, and burned him with cigarettes. They were eventually released for a ransom of 100,000-300,000 kyat per person. The soldiers held Mi Mya Kyi for over 2 weeks, torturing her continuously. (Source: "Gross Human Rights Violations in Ye Township," *The Mon Forum*, HURFOM, September 2004)

Pegu Division

Note: Both Nyaunglebin District and Toungoo District are areas demarcated by the KNU as Karen territory. 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 Nyaunglebin or Toungoo as official districts.

Nyaunglebin District

On 6 February 2004, soldiers from SPDC Kamaya 264 stopped Saw Pa Lay Loe and Naw Ler Ka Tray in Ko Pu village. The soldiers slapped Saw Pa Lay Loe in the face 2 times and questioned him about the KNU. They eventually released him. (Source: BI, 2004)

On 10 February 2004, SPDC Kamaya commanders Bo Win Tway and Bo Kyaw Swar Lin, warrant officer Nyi Nyi, Sergeant Zaw Min, and 15 privates ordered villagers from Ko Nee village to destroy their houses and abandon the village at once. At the time, Bo Kyaw Swar Lin entered houses, kicking and beating villagers, injuring 7 people. One villager suffered severe head injuries. Bo Kyaw Swar Lin also took galvanized iron sheets and timber from houses. The Ko Nee villagers were relocated to Plaw Mu Ka, a dry location without water that is very cold at night, resulting in a high frequency of sickness among villagers. (Source: BI, 2004)

On 23 February 2004, troops from SPDC LIB 264 arrested without reason Saw Pa Lay Lor and Naw Leh Keh Tri of Khee-lor village, Mone Township. They slapped the face of Saw Pa Lay Lor 2 times and later released them. (Source: CIDKP, 2004)

On 6 April 2004 at 1:00 pm, troops from SPDC LIB 264 and IB 60 fired on Kho-pu village, Mone Township, wounding Kho-pu villager Saw Dah See. (Source: CIDKP, 2004)

Prome

On 30 August 2004, USDA members Aung Moe Zin, Ko Ko Htaik and Ko Mu beat up first-year chemistry student Maung Ye Naing without provocation in Prome, Pegu Division, while he was returning to his hostel. He was rescued by other students and was recovering in the local hospital at the time of this report. The parents of the victim reported the incident to the local police and another local source reported that 2 of the attackers were being detained. (Source: DVB, 2 September 2004)

Toungoo District

On 3 January 2004, troops from SPDC IB 124 led by Bo Aung Ko Ko accused Saw Heh Tu of Kaw Thay Doe village, Tantabin Township, of being a KNU member. They beat him up at a location between the villages of Kaw Thay Doe and Baw Ga Li and threatened him not to tell anyone about the beating. (Source: CIDKP, 2004)

On 24 February 2004, troops from SPDC IB 48 led by Column 2 Commander Myo Zaw Win, under control of SPDC Southern Headquarters Operation Command 1, combined with troops from SPDC IB 75, came to Kaw Thay Doe village, Tantabin Township. There, they fired

gunshots to threaten the villagers and also detonated 7 mines, terrorizing the Kaw Thay Doe villagers. (Source: CIDKP, 2004)

On 8 April 2004, troops from SPDC IB 75 in the area of Wah Soe fired on a Christian pastor and his group from Kho Khee village, Tantabin Township, while they were traveling on a trip for religious services. The pastor and villagers managed to escape without casualty. (Source: CIDKP, 2004)

On 10 April 2004 at 11:00 am, troops from SPDC IB 48 fired without reason at Plo Mu Doe villagers from Tantabin Township at Ka Dah Hta, a place between Plo Mu Doe and Pway Baw Doe villages. (Source: CIDKP, 2004)

On 16 April 2004 at 12:00 pm, Columns 1 and 2 of SPDC IB 92 led by Battalion Commander Aye Min Htun fired on villagers of Saw Mu Doe village, Tantabin Township, at Tha Mee Nyaw Daw Kho. These troops stole food and other items valued at 10,000 kyat from Saw Mu Doe villager Naw Sa Paw. (Source: CIDKP, 2004)

On 28 May 2004 at 10:00 pm, troops from SPDC IB 48 led by Company Commander Kyaw Lwin Oo and Sergeant Kyaw Mya came to Thit Cha Seik village, Tantabin Township. They accused villager Saw Aye Mya of being involved in an explosion at SPDC IB 73 headquarters. He was subjected to interrogation and brutal beating. On seeing her husband brutally beaten, his wife Naw Moo Wah (age 39) who had recently given birth to their 6th child, went into shock and died the next morning. (Source: CIDKP, 2004)

On 30 May 2004, SPDC Kalaya 48 Company Commander Kyaw Lwin Oo arrested and beat Saw Aye Mya in Thay Cha Say village. (Source: BI, 2004)

On 13 December 2004, troops from SPDC IB 73 Column 2 led by Bo Maung Maung Soe came to Ku Ler Doe village and the Kaw Thay Doe area of Tantabin Township and seized village head Kwa Lar Hser. After forcing him to guide them through the village, they beat him and stole 3,700 kyat from him. The troops went on to loot more money, chickens, peanuts, rice, a mosquito net, and a hammock from other villagers. At a plot of betel nut plantation in Ku Ler Doe, they seized and beat villager Saw Wah Gay Htoo before taking 30,000 kyat from him. They next seized villager Saw E' Leh Tray and took him to Naw Soe, taking 30,000 kyat in all from him. (Source: KIC, 2004)

On 13 December 2004 at 5:00 am, troops from SPDC LIB 590 led by Bo Aung Gyi gathered villagers of Kaw Thay Doe village, Tantabin Township, and forced them to carry their food supplies. The group of villagers, 7 women and 4 men, were:

1. Naw Thaw Thi,
2. Naw Kray Kray,
3. Naw Ma Mar Lay,
4. Naw Loo Sa,
5. Naw Htoo Paw,
6. Naw Moo Mu,
7. Naw Ree Sa Paw,
8. Saw Moshang,
9. Saw Cho Mar Oo,
10. Saw Oo Mya and
11. Saw Ngwe Say.

In addition, Bo Aung Gyi slapped the face of Naw Ma Mar Lay once and fired 2 gunshots to threaten her. (Source: KIC, 2004)

Rangoon Division

On 18 April 2004 at about 2:30 pm, Police Corporal Aung Naing Soe attacked a betel nut seller, Ma San San Htay (female, age unknown) on Thida Street, in Thida Ward, Kyinmyindaing Township, Yangon Division. After complaining about homeless people in the vicinity, the officer began clearing them away. Ma San San Htay was resting when the officer kicked her awake. The officer then hit her in the mouth, grabbed hold of her hair, and dragged her along the road by her hair for over 50 yards while abusing her verbally. At this time, Kyaw Min Htun (male, age 26) came by on his bicycle and tried to intervene. The officer hit Kyaw Min Htun, after which Kyaw Min Htun hit and broke the officer's nose. He was then arrested and charged with crashing his bicycle into and attacking the officer without warning while the officer was performing his duties. On 24 June 2004, the Kyinmyindaing Township Court found Kyaw Min Htun guilty of assaulting the police officer in the course of his duties and sentenced him to 2 years' imprisonment with hard labor (Case No. 247/2004). (Source: Urgent Appeals Deck, AHRC, 30 August 2004)

Shan State

Kaeng-Tung Township

On 8 June 2004, SPDC police and members of the 'people's militia' forcibly entered the house of Zaai Tui and his wife, Naang Leng, in Yaang Wo village in Kaad Fa village tract, Kaeng-Tung Township. They were accused of hiding methamphetamine tablets in their house. The group searched the house and found nothing. They then arrested and tortured Zaai Tui and Naang Leng. As a result of the torture, Naang Leng incurred severe wounds on her forehead and waist. The group also took all the money and valuables found in the house, worth approximately 1,900,000 kyat. (Source: "Villagers Tortured and Robbed of Their Property in Kaeng-Tung," *SHRF Monthly Report*, SHRF, October 2004)

On 31 October 2004, Zaai Sai Paan (male, age 36) from Nawng Paan village in Yaang Kaeng village tract, Kaeng-Tung Township, was beaten and had money extorted from him by SPDC policemen manning a checkpoint at Nam Laab bridge. He had been driving his motorcycle to the Kaeng-Tung town market, when the police at the checkpoint forcibly confiscated his motorcycle, giving the reason that Zaai Sai Paan was driving without a safety helmet. When Zaai Sai Paan repeatedly asked the police to give the motorcycle back, the leader of the group became angry and beat and kicked Zaai Sai Paan severely, causing bleeding and wounds to his head. Although he was released with his motorcycle after paying a fine of 2,000 kyat, Zaai Sai Paan had great difficulties driving because of his injuries. He was treated at the Kaeng-Tung hospital, where he received 7 stitches in his head. He later lodged a complaint with the SPDC authorities in Kaeng-Tung town, but no action had been taken at the time of this report. (Source: "A Motorcyclist Beaten, Money Extorted, in Kaeng-Tung," *SHRF Monthly Report*, SHRF, March 2005)

Kun-Hing Township

On 15 January 2004, a patrol of about 15 SPDC troops from LIB 524, led by a second lieutenant, came into Nam Khaam village, Wan Paang village tract, Kun-Hing Township. After searching some houses, they arrested:

1. Zaai Lawt, age 30;
2. Pi Su, age 40; and
3. Zaai Kaeng Surng, age 35.

The SPDC troops accused the 3 villagers of being Shan soldiers and interrogated them. During the interrogation the troops severely beat them with sticks and dropped burning plastic on their bodies. The villagers were released only after daybreak when the village headman and elders guaranteed that they were not Shan soldiers, but villagers who had always lived there. (Source: “3 Villagers Beaten and Tortured in Kun-Hing,” *SHRF Monthly Report*, SHRF, August 2004)

On 31 February 2004, Saang Wi (male, age 35) from Wan Paang village in Kun-Hing Township was returning from his farm at 5:00 pm when he was accused of being late and beaten by SPDC troops from IB 246 manning a checkpoint at Nam Paang bridge. When Saang Wi pointed out that the time was 5:00 pm, which was within the permitted time limit, Sgt. Sein Myint, who was in charge of the checkpoint, grabbed a stick and hit him 2 times on the back and 2 times on the buttocks before releasing him. At his village, Saang Wi complained about it to the community leader who said he would make an inquiry into it the next day. However, the community leader was summoned by the SPDC troops early in the morning and told that villagers would only be allowed to work outside the village from 8:00 am to 4:00 pm. A few months before, Saang Wi was also slapped several times by an SPDC soldier at the same checkpoint for no apparent reason. When the community leader inquired about it, the military authorities said that the soldier was drunk at the time of the incident and nothing was done. (Source: “Beating and More Restrictions in Kun-Hing,” *SHRF Monthly Report*, SHRF, August 2004)

Lai-Kha Township

On 18 September 2004, 2 villagers gathering bamboo in the forest in Lai-Kha Township were beaten by SPDC troops from LIB 514. Lung Kham Leng (male, age 53) and Zaai Yawd (male, age 35) had gone into the forest with a mini-tractor to cut bamboo as usual. A patrol of about 30 SPDC troops from LIB 514 came and searched their belongings. The 2 villagers had brought enough food for 2 meals and when the SPDC troops saw this they were accused of bringing food for Shan soldiers. The villager’s explanations were ignored and the troops beat them severely, demanding to know where the Shan soldiers were and threatening to beat the villagers to death if they did not comply. They were finally released, with bruises and splits covering their backs and buttocks. The troops also took away all of their food. While the 2 victims lived in Lai-Kha Township at the time of the incident, they were originally from Wan Nim village in Murng Khun village tract, Murng-Kerng Township. (Source: “Bamboo Gatherer’s Severely Beaten in Lai-Kha,” *SHRF Monthly Report*, SHRF, January 2005)

On 19 September 2004, SPDC troops of IB 64 manning a checkpoint stopped 5 male and 3 female travelers, from different areas of Lai-Kha Township, who were leaving Lai-Kha town in a car owned and operated by Zaai Kyaw Taan (male) of Murng-Pan. They were accused of going to Thailand for the purpose of human trafficking and arrested. When the travelers explained that they were visiting Tawnggyi, the capital of Shan State, the SPDC troops beat

some of them up and extorted 2,000 kyat from them. The 8 travelers were then put in jail at the IB 64 base for 3 days and 2 nights. Lai-Kha town is in central Shan State, quite far from the Thai border, with many townships between it and the border. The SPDC troops accused them of going to Thailand and molested them in order to take advantage of the human trafficking ban. (Source: "Beating, Extortion and Detention on False Accusation of Human Trafficking in Lai-Kha, Murng-Nai and Murng-Ton," *SHRF Monthly Report*, SHRF, November 2004)

On 24 September 2004, a patrol of about 30 SPDC troops from LIB 515 led by Commander Kyaw Win Naing attacked a group of villagers (13 men, 11 women and 4 children) at a rice farm near Wan Paang village in Wan Heng village tract, Lai-Kha Township. The troops said that Shan soldiers had recently passed by that way and asked the villagers whether they had seen them and which way they had gone. When the villagers said that they had not, the SPDC troops then accused the villagers of telling lies and beat the men with sticks. The women were questioned one by one and slapped 1 time each. After that, the troops accused the villagers of cultivating rice with intent to support the Shan resistance. After that, the oldest villager present, Lung Zaai Long (age 51) was singled out and severely beaten and kicked until he lost consciousness. An ox-cart had to be brought in to carry him home as he was so severely wounded that he could not walk. Many of his relatives judged by his injuries that he would not live long. (Source: "Farming Villagers Severely Beaten, One of Them Close to Death, in Lai-Kha," *SHRF Monthly Report*, SHRF, February 2005)

Mu-Se Township

On 13 February 2004, during the forced rice planting known as Sin-Shweli-527, a field owner, Lung Suay Kyawng, and his assistant, Ai Thun, were accused of being unwilling to work and defying orders. USDA member Win Maung beat the owner 5 times and his assistant 3 times with a bamboo-split stick in a field at Kaeng Yaang village, Paang Saai village tract, Mu Se Township. (Source: "Beating During Forced Labour in Mu-Se," *SHRF Monthly Report*, SHRF, July 2004)

On 27 February 2004, in a rice field at Kaeng Yaang village, Paang Saai village tract, Mu Se Township, during the same forced rice planting, 7 villagers were beaten with a stick by the same USDA member. The victims were:

1. Lung Kham Yad, male, the village headman;
2. Lung Kham Leng Lern, male;
3. Zaai Saang Mawng, male;
4. Naang Kham Suay, female;
5. Naang Yaen, female;
6. Naang Yong, female; and
7. Naang Mo Kham, female.

Naang Yaen was 3 months pregnant at the time of the incident. As a result of the beating she suffered a miscarriage the next week. (Source: "Beating During Forced Labour in Mu-Se," *SHRF Monthly Report*, SHRF, July 2004)

Murng-Kerng Township

On 31 January 2004, a group of 17 SPDC troops from LIB 514 led by a second lieutenant and Sergeant Myo Chit conscripted a mini-tractor in Murng-Kerng town and forced the owner, Zaai Thun, (age 36) to take them to Murng Khun village in Murng Khun village tract. At a point midway between the town and village, the mini-tractor broke down due to the heavy weight. Although Zaai Thun tried to fix it with help from the SPDC troops, it would not work. After some time, some of the troops accused Zaai Thun of deliberately causing the breakdown and pretending not to be able to fix it because he did not want to serve the military. The sergeant, Myo Chit, then accused Zaai Thun of not driving his mini-tractor properly even before it broke down, kicked him to the ground, and beat him with a stick several times, breaking his left arm in the process. After the beating, the SPDC troops left on foot. Zaai Thun was left alone and wounded until relatives heard about the incident and came to take him home. (Source: "Villager Severely Beaten During Forced Labour, His Arm Broken in Murng-Kerng," *SHRF Monthly Report*, SHRF, October 2004)

Murng-Nai Township

On 7 April 2004, a patrol of SPDC troops from LIB 576 beat and robbed Lung Kaang Yoi, a roaming trader from Loi-Lem town. Lung Kaang Yoi had been in Ton Hung village tract in Murng-Nai Township since the beginning of 2004 after agreeing to regularly provide food for the SPDC's GE #369 (an engineering unit) that was working on a power plant project at the Zong Arng waterfall in Murng-Nai Township. Every 5 days, he bought consumer goods at a local market and brought them to sell to the troops. As he was returning from GE #369, he met a patrol of about 30 SPDC troops from LIB 576 near Khaai Naa Kong. The troops stopped and questioned him, then beat him with a stick several times on his legs, back, and head, until he fell and lost consciousness. When he regained consciousness, Lung Kaang Yoi found that 20,000 kyat had been stolen from him by the SPDC troops. He later lodged a complaint with the military authorities at the LIB 576 based at Pa Saa village in Nawng Hee village tract, Murng-Nai Township. No action had been taken when this report was received in late July 2004. (Source: "A Trader Beaten Unconscious and Robbed of His Money in Murng-Nai," *SHRF Monthly Report*, SHRF, October 2004)

On 10 August 2004, a patrol of SPDC troops from LIB 574 led by Major Kyaw Tay Ya arrested Ai Wi (male, age 40) of Ton Hung village in Ton Hung village tract, Murng-Nai Township, while he was catching fish in a stream. The troops took Ai Wi to their base, interrogated, beat, and detained him, saying that they would kill him in 2 days if he did not cooperate and give them the answers they wanted. When Ai Wi had not returned by the time he should have, relatives and community leaders reported it to the police. After receiving some money from Ai Wi's relatives, the police found out that he was being detained at the base of LIB 574. Ai Wi was later released, but only after money had been extorted from his family and relatives by the SPDC troops. (Source: "A Fisherman Arrested and Beaten in Murng-Nai," *SHRF Monthly Report*, SHRF, November 2004)

On 30 September 2004, SPDC troops from LIB 574 beat the village headman of Ta Kun village in Murng-Nai Township until he lost consciousness. He had just returned from a rice mill and was unloading a sack of rice in front of his house when the patrol came by. When the SPDC troops saw the rice, they accused the headman of preparing to take it to Shan soldiers, which the headman denied. The SPDC troops opened the rice sack, and finding seasoning powder and about thirty pieces of dried pickled soya bean, again accused the

headman of being about to take them to the Shan soldiers. The headman said that he had bought the food items for his own consumption, but the troops interrogated him and beat him repeatedly until he lost consciousness. The troops then searched his house and stole 1,560,000 kyat and a precious ring valued at 200,000 kyat. (Source: "A Village Headman Beaten Unconscious, Money and Valuables Stolen, in Murng-Nai," *SHRF Monthly Report*, SHRF, January 2005)

On 2 October 2004, a patrol of about 50 SPDC troops came to Loi Aai village in Naa Khaan village tract, Murng-Nai Township, to camp for the night. Around 7:00 pm, they summoned the village headman and his deputy and said that they had information about Shan soldiers being harbored in the village. The villagers said that they had not seen any in the village and the matter was dropped. However, early the next morning, at about 4:00 am, the SPDC troops arrested Zin-Ta (male, age 45) in the village, a native of the village that had nothing to do with the Shan soldiers. The troops accused him of being a Shan soldier hiding in the village and interrogated, beat, and tortured him to make him say where the other Shan soldiers were. Zin-Ta repeatedly denied the charges. The troops then took him to a deserted (relocated) village, Pa Laai, and continued to interrogate and torture him. After 3 days and 2 nights, Zin-Ta heard the troops say they were going to kill him and ran away with his hands bound behind him. The troops shot at him, but missed and then lost track of him. (Source: "Arrest, Detention and Torture in Murng-Nai," *SHRF Monthly Report*, SHRF, February 2005)

Murng-Paeng Township

On 22 April 2004, a patrol of about 45 SPDC troops from IB 43 led by commander Tin Nyo Win came to the house of Lung In Phome, village tract headman of Murng Pu Awn. They arrested him and accusing him of allowing Shan soldiers to keep arms in his house. After searching the house and not finding any arms, the SPDC troops interrogated the headman, beating and kicking him. Although the headman denied any knowledge of the arms, the SPDC troops extorted 200,000 kyat from him. They then ordered him to buy 2 viss (1 viss = 1.6 kg) of opium for them. If he could not provide the opium by the specified time, another 50,000 kyat of money would be extorted from him. As of July, the headman was still suffering from severe pain in his spine, had to lie down most of the time, and needed help to be able to move around. (Source: "Village Tract Headman Severely Beaten, Money Extorted, Murng-Paeng," *SHRF Monthly Report*, SHRF, October 2004)

Murng-Sart Township

On 19 October 2004, SPDC troops of IB 49 conscripted 5-6 villagers from each of the surrounding 4-5 villages to build fences around the military camp in Murng-Sart Township as forced laborers. At one point, 1 of the villagers, Lung Aa-Ya (male, age 47) was told by 1 of the SPDC troops to do something. Because he did not understand Burmese, he did not know what to do. One SPDC soldier, Corporal Ong Laing, became angry and beat Lung Aa-Ya with a stick. One of the strokes hit Lung Aa-Ya severely in the waist, causing him to fall down. He was then unable to stand up or straighten his waist. Lung Aa-Ya's relatives reported in December 2004 that his waist bone might have been displaced or broken, as he has since been unable to get up or look after himself without help from others. (Source: "Beating During Forced Labour, Causing Sever Injuries, in Murng-Sart," *SHRF Monthly Report*, SHRF, February 2005)

Murng-Su Township

On 17 March 2004, civilian driver Lung Wi-Ma-La (male) from Murng Kawng village in Murng-Su Township and his passengers were stopped by a group of approximately 28 SPDC troops at a temporary checkpoint on the Murng-Su to Tang-Yarn road in Murng-Su Township. They were ordered to hand over 1,200,000 kyat. Lung Wi-Ma-La told them he did not have that much money as he only earned about 7-8,000 kyat per day. The SPDC troops then searched his car and found the driver's and the passengers' money hidden together, 1,350,000 kyat in all. The troops became angry at the perceived deception, took the money, and beat Lung Wi-Ma-La so severely that his right thighbone was broken. He was still under treatment and unable to walk when this report was received in May. (Source: *SHRF Monthly Report*, SHRF, June 2004)

Murng-Ton Township

On 10 August 2004, 80 SPDC troops from Murng-Sart-based LIB 333 and 70 troops from Murng-Paeng-based IB 43, led by commanders Aung Htun and Win Naing Oo respectively, gathered in Murng-Sart town and conscripted 20 civilian cars to go to Murng Jawt village in Murng-Ton Township. Those drivers who said that they did not have enough fuel were ordered to come to the front and line up. When 7 drivers had done so, a sergeant beat them several times with a stick, saying, "Don't you know, it is an emergency? Why aren't you prepared to serve the military?" The drivers then hurried to find fuel for their cars, borrowing money from their relatives to buy it from wherever they could get it, to avoid further abuse. They sustained several bruises from the beating. (Source: "Civilian Drivers Beaten During Forced Labor in Murng-Sart," *SHRF Monthly Report*, SHRF, January 2005)

Nam-Zarng Township

On 4 April 2004 at 9:00 am, SPDC soldiers and police arrested Zaai Leng (male, age 31) from Kung Niu village in Wan Paeng village tract, Nam-Zarng Township. He was in Nam-Zarng town shopping for items for the Buddhist water festival. As it was also the Sabbath day, Zaai Leng went into a temple to worship. While he was lighting candles at the altar, a group of SPDC soldiers and police seized him, accusing him of trying to burn down the temple. The man in charge of the temple was present and Zaai Leng unsuccessfully plead his innocence. He was then taken to the police station at the No. 4 town quarter, beaten, tortured, and put in jail. Zaai Leng was eventually released, but only after 20,000 kyat of money was extorted from his father by the police. Zaai Leng sustained serious wounds in his head from the beating, including a fractured skull and a broken nose. He has since then become mentally disturbed, laughing and crying without knowing what he is doing, and must be taken care of by his parents. (Source: "A Man Beaten Until He Lost His Mind in Nam-Zarng," *SHRF Monthly Report*, SHRF, October 2004)

On 14 August 2004 at around 8:00 pm, a captain in civilian clothes from battalion 209 assaulted a car driver, Mae Shwe Shwe, and the car owner, Mai Aiki, as they tried to go through the gate to their village in Namkham, Shan State. They had assumed he was the gatekeeper and asked him to open the gate. The captain threatened the men with his weapon for asking that a captain perform such a task and hit them both in the jaw. The following day, police fined Mae Shwe 1,500 kyat for disrespecting the captain. The gate, which is not legal and was erected by the army battalion, is used as a taxing mechanism for villagers entering and exiting the town. In 2001, a seriously ill woman from Man Aung village was brought to

town for treatment, but soldiers at the gate refused them entry because it was night, and they had no money. As a result, the women failed to receive medical assistance in time and died. (Source: PYAN, 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 9 February 2004 at about 5:00 pm, 40 men from IB 224, led by the Column 2 commander entered Hle Seik village, on the Tenasserim-Moe Daung car road in Tenasserim Township, Mergui District. The next day they burnt down a house owned by Naw Ree, a 35-year-old widow. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 14 February 2004, Burmese soldiers from No. 12 Divisional Military Training Center, based near Pyicha village in Palaw Township, Mergui District, beat a villager named Saw Karuh Teh. His head was wounded from the beating. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 9 March 2004 at about 1:00 am, a group of Burmese soldiers led by Officer Zaw Minn from LIB 410 entered Pasawlaw (Michaunglong) village and arrested Saw K'tah and his son Saw Kaw Say. Saw K'tah was released the next day but Saw Kaw Say was tortured and taken to the battalion camp. On 13 March, the same group returned and detained Saw Bu Hpaw, accusing him of not reporting the activities of the Karen soldiers. They demanded 150,000 kyat and 1,500 roofing leaves for his release. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, March 2004)

On 30 May 2004, a group of soldiers from LIB 558 led by Lieutenant Soe Aung and based in Theindaw village, Tenasserim Township, captured Oo Kyaw Lwin and Oo Kyi Shwe, accusing them of contact with the KNU. They were tortured and beaten by Lieutenant Soe Aung, who then shot Oo Kyi Shwe in the head. Oo Kyi Shwe was taken to the Tenasserim hospital, but declared dead on arrival. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, June 2004)

4.7 Interviews

Interview #1

Source: AAPP
Date of Interview: June-August 2004
Name: Xxx Xxx (name withheld)
Sex: Male

Xxx Xxx, a student activist since 1986, has been arrested and detained three times by the Military Intelligence of Burma. The first time was on 18 March 1988, during the *Phomemaw* student demonstration, and he was held at Insein Prison for one week. He was arrested again on 4 August 1989 and was held for eleven months at Insein. He was arrested for the third time on 10 December 1991, and was released from Mingien Prison in April 2004.

“The first arrest...the riot police beat us and arrested the students. The students at Rangoon University were demonstrating on campus and the demonstration got so large that it spilled off campus. Near Inle Lake, the riot police and military cracked down by beating us with batons. Some of the guns were bayonets with sharp points. I escaped the confusion by diving into Inle Lake, and escaped. The riot police didn't catch me, but I met with another police group on the other side! They saw my longyi floating in the water as I was hiding behind some weeds. They called out, "Are you dead or alive?!" I didn't answer, but then they said, "If you are dead, we will shoot!" So I came out and yelled, "I'm alive!" They took me out of the water, and started beating me until a sergeant ordered them to stop.

“This first time I was detained, I was kept in a prison hall. I kept telling them during the interrogation that I was not involved in the movement. If we didn't answer correctly, we were beaten, made to kneel on gravel, or made to ride the "motorcycle", or ride the "plane". We had to pretend to ride a motorcycle, make the noises. The guards would order us, "Stop! Red light!" and we had to freeze, or, "Green Light!" and we had to pretend again to make the motor sounds. Many times. This is a kind of punishment. Another kind, is that we had to "jump like a frog" or "crawl like a crocodile". They make us do this until they are satisfied, if not, they will order us to do it again and again. They did this to the students, because we are so brave. I think they felt the need to treat us like children. I wanted to laugh; I preferred doing this to being beaten.

“The second time, I was returning from a ceremony I was leading, when I was arrested by army soldiers. They took us to the marching place, "Revolutionary Park". There SB and MI personnel came and questioned me. In the evening they blindfolded me and tied me up in the car with a small rope, coconut fiber, tied my whole body with my arms across my chest. On my head was a helmet, as if I were a soldier, so people could not recognize me. They took me directly to the Yeikyiai interrogation center at Insein jail.

“I was kept in ‘the Annex’, a special prison. I am the vice-chairman of DPNS (Democratic Party for a New Society) and they asked about my contact with BCP (Burmese Communist Party) and kept asking me if I was a Communist. I was not given any food. The interrogation period was two weeks long, and I was given food only three times, and water once or twice a day. I wasn't allowed to take a shower or even go to the toilet. It was miserable. I wasn't allowed to sleep. They would come to me in the middle of the night and

question me. There was no regular time for sleep. There was only a little slit for ventilation, no window, they kept both the wooden and bar doors shut. I could tell the time of day from the light in the ventilation shaft. They did not use batons on me during this interrogation period, only fists. I had to stand a very long time in interrogation, there is no rest time. If they did not get a satisfying answer, they used an electric shock. Whenever I got a shock, I fell immediately to the floor. They did this to me twice, both times to my hands. Sometimes in punishment we were made to sleep on a hard and narrow bench. After I lay down on the bench, they tied me down, the whole body, with rope and then covered my face with a towel. They poured a lot of water on my face, ordinary water. It was very difficult to breathe. I thought I was going to die. They stopped, and then they asked again. If I could not answer, they poured water on my face again. At last they stopped. This happened only one time, if it happened again I would have died.

“We had very bad relations with the authorities, it was inhumane. There was no respect for us as human beings. At that time we were made to be very afraid of the authorities. They put us into a room and locked the door.

“Between the second and third arrest, an army official came to my house, pointed at me with his bayonet and took me to the army office. Some people had been putting political statements on town walls. Because I was involved in politics in that area, I was pointed out by the township headman, and they came for me.

“I was arrested at 2:00 am. They came into the house, and one of them stabbed me in the stomach while I was sleeping. The next day, they traced who was hanging the statements and I was released. I was kept only a day. I wasn't too hurt.

“10 December 1991, the day Daw Suu (Aung San Suu Kyi) won the Nobel Peace Prize. There was one commemoration at Rangoon University. At 11:15 pm, they broke my gate down. They brought the army, intelligence, and police to my house. A one-room house. They searched for documents in my house, but found nothing. There was no need to handcuff me because there were so many soldiers around, what was I to do?

“I was brought to the MI 12 office. There I spent two days, my eyes covered with a blindfold. They asked about my involvement in politics. There was no sleep time, but some food, because they already knew I was not involved in the strike. After two days I was moved to MI 7 by car. I fell down in the car. I arrived at MI 7 and they beat me, punched me and broke my ... with boots. They blindfolded me again and shackled and locked my legs. There were six holes for three people. I could not move. Once again, no sleep, food, or water. They gave me food once, but I could not eat. Blindfolded all the time, I was blind since I was arrested. I was there for two days, total time in the blindfold four days. Then I was moved to Aung Pa Bay, a SB training quarter in Mayanton Township. In there I was blindfolded and handcuffed in front. During the interrogation period, they cuffed me to the chair. I was not free. There was no food or water. I was locked by handcuffs to the chair or else made to stand up, so there was no time to sleep. For six days I did not sleep.

“They didn't want to torture me again, they already knew about my involvement in different movements. Once again no food, water, or sleep, blindfolded. Then I was brought to Insein's MI office, where I was interrogated again. They sent me to a cellblock room and gave me a prison meal, followed by two days of straight interrogation. Then I was sent back to MI 7, blindfolded and handcuffed. In MI 7 there was 'dog food' and no sleep time. I was forced to

stand in a 'K' position with my hands up for seven days. If my head dropped down, they used bamboo to force my head back up. They did not ask about student movements, but if I had a relationship with a foreign embassy.

"On the seventh day, I asked the MI officer, if I could write my will. I could not stand the torture, I was going to commit suicide, and I wanted my family to have my will. After that I banged my head against the brick wall. I banged my head against the bricks three times very hard. After the third time I fell down and the officer came to try to control me. After an hour I was calmer, and they sent me to Insein Annex jail."

Interview #2

Source: AAPP
Date of Interview: June-August 2004
Name: Yyy Yyy (name withheld)
Sex: Male

Yyy Yyy was 23 years old when he was arrested on his way home, on the evening of 18 June 1989. At that time he was an active member of DPNS and was involved in preparations for the upcoming democratic elections. He was charged under Article 10(a) of the State Protection Law, and later given another seven years imprisonment with hard labor for his participation in the 1996 prisoners' movement. He served nearly fifteen years in prison, and was released on 20 February 2004.

"As I was walking home that evening, fifteen officers from the central MI met me at the top of my street. All of them were waiting there to arrest just one man, me. They hooded me and sat me on the floor of the arrest car. I was taken to Yeigiai Interrogation Center. I was still hooded when we arrived, and they ordered me to jump left, jump right, bend my head, and act as if there were many stairs even though it was a flat hallway. I think this is a type of mental punishment.

"At midnight, I was taken to an interrogation room. The interrogators asked me about the 21 Committee, which at that time was organizing a ceremony to commemorate the anniversary of the June 21 strike. They asked me detailed questions about who was involved and what they were doing. However, the intelligence officers already knew all about the 21 Committee, so they did not need my information. The main purpose of my arrest, it seemed, was not intelligence, but rather to prevent the planned commemoration ceremony from occurring by arresting those involved, such as myself.

"I was provided with enough food and water, but no shower; and when I went to the bathroom, I was supervised by a guard. But I do not feel that I was tortured then; I did not endure any abuse. I think that is because they didn't actually care to get any information from me, they were simply interested in arresting me and detaining me so I couldn't participate in preparing for the ceremony.

"After seven days at Yeigiai, I was moved to Insein. They wrapped a blanket around my head and I was brought to a cell in the death sentence hall.

“After one month they moved me to different compound. There were four or five of us sharing one room, about 8x12 feet large, with one toilet plate in the room. We were allowed to leave the room for only fifteen minutes each day, for a shower and to walk around.

“On 25 September 1990, I participated in the prison strike. As punishment, I was taken hooded to a room, forced to lie down on the floor, and beaten by between five and seven guards. It was hard to tell since I could not see. They held down my hands and struck my hips and thighs with a baton for an hour. Then I was moved to a punishment cell in Block 2, where I had to sleep on the cement floor without a mat, and shower using just five platefuls of water.

“I was beaten whenever I was found with materials from outside the room, like a nail from the yard outside. Three-star officer Byone Cho would take a baton to my hips and thighs. I was allowed no direct contact with my family, but I did receive parcels from them containing food and clothes.

“I went to trial on 18 February 1992. I was sentenced to seven years under 5(g). Then I was tried again in March 1996 under the Emergency Provisions Act and 5(e) for publishing a university magazine. I thus got another seven years with hard labor.

“I was kept in solitary confinement for one year and six months, until 15 November 1997. I totally lost my voice from shouting, and even showered alone. There were no reading materials. During the time I was there, three people went crazy in solitary confinement: they started hearing voices threatening to kill them and their family. So in order to maintain my sanity, I meditated three times daily, one hour at a time. I did not think about yesterday or tomorrow, only the present moment. I was allowed only one supervised fifteen-minute visit with my family every two weeks. The supervisor wrote down everything we said, so we dared not speak our minds.

“On 15 November 1997, I was brought into a large room filled with prisoners. It was night time, and we were called out by name. Once our name was called we were moved to different parts of the camp and shackled. As morning came, we were loaded into police trucks and moved to Tharawaddy Prison.

“At Tharawaddy, I shared an 8x12 foot cell with three other prisoners. Between the four of us, we had to share two mats of 2x4 feet each, one water pot, and one toilet plate. But Tharawaddy's conditions are better than Insein's, the cell gates were kept open during certain parts of the day and we were free to walk around. It was more humane.”

5. Deprivation of Livelihood

“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

"Hunger persists in Myanmar not due to natural disaster or causes otherwise beyond human control, but rather because of the policies and practices of the Government of Myanmar, which deny people's right to food."

(Source: “Food Scarcity in Myanmar,” Asian Legal Resource Center, *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council 30 March 2004)

5.1 Background

Throughout 2004, 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 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 minority areas. (For more information on forced labor and displacement please see relevant chapters.)

Independent data indicates that in 2004 agriculture accounted for 56.6% of Burma’s GDP, employed 70% of the workforce and provided the country with significant export earnings. Despite this, many of Burma's farmers are struggling to maintain their livelihoods and as many as 25% of Burma's almost 50 million people continue to live below the poverty line. Weak land rights, state intervention in the domestic market and restrictions on exports have severely impacted farmers' ability to provide for themselves and their families. Despite the regimes announcement in April 2003 that it would withdraw from the rice market by ending its 40 year rice procurement policy, an export ban on rice and other essential commodities at the beginning of 2004 caused rice prices to fall below the cost of production, further impoverishing farmers.

Speaking at Burma's annual Peasants Day on 2 March 2004 Sr General Than Shwe recognized Burma's agricultural sector as "the nations main economic pillar" and called on farmers to "strive for full realization of the production targets" (source: "Economic Development Must be Building up the Nation," *The New Light of Myanmar*, 20 March 04). However, low rice prices together with a sharp increase in the price of basic

commodities, resulting from a salary rise for public servants at the end of 2003, brought significant hardship on Burma's already struggling population. Following her visit to Burma in September 2004, Sheila Sisulu, deputy executive director of the UN World Food Program, noted that restrictions on the free movement of agricultural products were "policies of the government [that] are impoverishing the people" (source: "Top Official Calls on Myanmar to Step up Reforms so Poor can Benefit," UN World Food Program Press Release, 14 September 2004).

Banking Crisis

In 2004, Burma's economy remained weak following the February 2003 private banking sector collapse. The banking crisis, which saw a run on private banks following irresponsible lending, led the SPDC to restrict withdrawals, account transfers and credit card services. This further undermined public confidence in the private banking system and resulted in the closure of six banks throughout 2003. It was also reported that a number of factories and small business were forced to close down as a result of the banking crisis. On 29 January 2004, three banks, the Myanmar Oriental Bank (MOB), Myanmar Universal Bank (MUB) and the Kanbawza Bank (KB), were granted approval by the Crisis Committee to reopen for normal business as of 2 February 2004 (source: *Burma Briefing: Issues and Concerns Volume 1*, ALTSEAN, November 2004).

Factors Affecting the Cost of Living

At the beginning of 2004, there were reports from Arakan State of a significant increase in the cost of basic commodities such as onion, garlic, chili, mustard oil, meat and fish. This increase was attributed to the regimes decision to increase government employees' salaries by 5,000 kyat per month as of 1 January (source: "Prices Rise in Arakan as the Salary of Government Servants Increase," *Narinjara News*, 9 January 2004). Conversely, there were reports of a significant decrease in the price of rice in the first half of 2004 following a six month export ban on rice and other commodities (source: "Burma Bans Rice Export," *Irrawaddy*, 14 January 2004) (Please see section titled "Forced Sale of Crops to the Government" for more information, below). In March, it was reported that a weakened economy had also caused a fall in the apartment rental market in Rangoon, with some rental prices falling by as much as a quarter (source "Lower Rent in Rangoon Due to Weakened Economy," *Narinjara News*, 13 March 2004). In addition to poor economic management, fees, such bus fares and port fees, also increased in areas where the SPDC auctioned licenses at high prices to local businesses. This situation was particularly acute in Arakan State (source: "Auctioning Means More Pain for the Arakanese People," *Narinjara News*, 14 April 2004).

Economic Sanctions

On 8 July 2004, the U.S. renewed sanctions first introduced in July 2003 under the Burmese Freedom and Democracy Act 2003. The Act, together with an Executive Order signed on the same day, barred all Burmese imports from U.S. markets, froze all assets of high-level SPDC and Union Solidarity and Development Association (USDA) officials in the U.S., and banned the provision of financial services to Burma. The financial services ban, which prohibits the transfer of U.S. dollars through Burmese banks, was mitigated in part when the regime changed their international trading currency to the euro in early 2004. Belgian conglomerate SWIFT was reported to have helped to establish bank accounts in euro and to have provided

software and data for the conversion (source: "Banks Bust Burma Trade Ban," *The Observer*, 18 January 2004).

On 11 October 2004, the EU joined the U.S. in imposing both visa and financial sanctions against Burma. The EU's Common Position on Burma, first introduced in 1996, states that sanctions will be imposed on those who "benefit from military misrule and those who actively frustrate the process of national reconciliation, respect for human rights and democracy" (source: "EU Council Common Position 2004," EU Statement, 23 April 2004). The EU reiterated its Common Position on Burma in April 2004 and in October 2004 called on the SPDC generals to release Daw Aung San Suu Kyi, cease harassment of the NLD and to allow genuine debate in the National Convention. As the regime ignored these demands, on 11 October 2004 the EU imposed a range of sanctions. These sanctions included, an extended visa ban, a ban on EU based companies or organizations providing funding to public companies in Burma and a systematic EU vote against granting of loans to Burma by international institutions.

Throughout 2004, there were numerous reports for and against the imposition of sanctions on Burma. Those opposing sanctions, such as the International Crisis Group, have argued that sanctions wrongly target the civilian population by negatively affecting employment and income within Burma. It is further argued that such effects not only lead to greater levels of poverty but also to budget pressure which results in the government further cutting spending on social services. Sanctions are therefore seen as having the greatest impact on ordinary civilians rather than on the regime. On the other hand, critics and organizations in favor of sanctions, such as Burma Economic Watch and ALTSEAN, have argued that Burma's economy is divided into two distinct sectors, the formal and the informal. The later, which includes the majority of the population, is dominated by village based structures and focuses on subsistence agriculture. The formal sector, which includes Burma's lucrative natural resource industries (logging, mining and petroleum) and the manufacturing, finance and banking sectors, is dominated by the SPDC and their state sponsored partners. Significantly, it is argued that targeted sanctions, such as those imposed by the U.S. and the EU, directly impact the formal sector while having minimal impact on the informal sector. Targeted sanctions therefore have little affect on the ordinary citizens of Burma while significantly undermining the regime's access to capital (source: Oehlers, A., "Sanctions and Burma: Revisiting the Case Against," *Burma Economic Watch*, Issue No. 2, 2004)

Tsunami

The Burmese government was extremely slow to respond to the tsunami that hit Asia on 26 December 2004. The regime not only denied the severity of the event in Burma but also hindered aid agencies from providing assistance to those affected by the disaster and did nothing to assist Burmese migrant workers in Thailand. While casualty figures remain disputed, the UN and the junta both estimate that between 60 and 80 people were killed in Burma. It was also reported that between 5,000 and 7,000 people were displaced and that up to 15,000 people would face longer term affects. In neighboring Thailand, it was estimated that between 2,500 and 3,000 Burmese migrant workers were killed and thousands more were reported as missing. Burmese migrant workers were prevented from claiming dead family members and there were credible reports that migrant workers were denied relief aid due to their illegal status in Thailand. Following unfounded accusations that Burmese migrant workers were responsible for looting following the disaster, it was reported that over 2,000 Burmese were expelled from Thailand back to Burma. To add insult to injury, it was

reported in late January 2005 that 40 migrant workers were fined 700 baht each by Burmese authorities at Three Pagoda Pass for crossing the border and that Burmese authorities closed the Kawthaung border checkpoint at Kawthaung to prevent others from returning home (source: *Tsunami Impact on Burma – Update 28 January 2005*, ALTSEAN, January 2005).

5.2 Situation of Farmers in Burma

An estimated 70% 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 the 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 18 September 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 is 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

In April 2003, the SPDC announced that as of 2004 the 40 year old paddy procurement policy would come to an end. The paddy procurement policy, which was implemented by the state agency Myanmar Agricultural Produce Trade (MART) proscribed the forced sale of rice to the government at fixed discounted prices as low as one sixth of the market rate. The MART also designated paddy land and collected a fixed quota based on land area. This crop quota was essentially a crop tax and was 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. At the end of 2003, the government ceased the supply of subsidized rice to civil servants and provided them with a 5,000 kyat pay increase instead (source "Salary Hike for Burmese Civil Servants," DVB, 30 December 2003). In conjunction with the end of the rice procurement policy, the junta also announced that it would permit private sellers to export surplus rice, thus ending the government's monopoly of the

international rice trade (source: "Burma's rice policy chaos sows economic seeds of doubt," *The Financial Times*, 14 February 2004). In March 2004, the SPDC announced that it would allow for the free trade of sugarcane, cotton and rubber in an attempt to ensure "greater economic development and better practice of the market-oriented economic system" (source: "Economic Development Must be Building Up the Nation," *The New Light of Myanmar*, 20 March 2004).

Despite the government's claims that it was moving out of the rice market, in January 2004 the government unexpectedly placed a six month export ban on rice and other essential commodities, including chilies, onions, sesame and maize. This ban was reportedly motivated by fear that rising rice prices would place rice beyond the reach of both the army and ordinary citizens, thus fueling public outcry. The effect of the rice export ban was a sudden significant downturn in rice prices at precisely the time when farmers were preparing to sell an abundant harvest of 21 million tones (source: "Myanmar Slaps Sudden Ban on Rice Exports," AFP, 13 January 2004). One hundred baskets of paddy, which were expected to sell at more than the previous year's price of 150,000 kyat, were reported to be worth 60,000 kyat at the end of January. Farmers in Rangoon claimed that this price would not cover associated costs of production, including transplanting costs, labor for hired hands, fertilizers, pesticides and other expenses, and petitioned the SPDC Secretary 1 Lieutenant General Soe Win to increase paddy prices (source: "Burmese Farmers Petition Government Over Falling Prices," BBC Monitor, 25 January 2004). In addition to falling rice prices, it was reported that rice traders, who were prevented by the export ban from filling international rice orders, were subject to legal action (source: "Myanmar Slaps Sudden Ban on Rice Exports," AFP, 13 January 2004).

There were credible reports that the forced sale of rice continued throughout 2004. In Arakan State, there were reports of SPDC soldiers buying rice and then forcing the farmers to provide the same amount of rice as a "donation". There were also reports of soldiers refusing to pay the SPDC set price of 1,300 kyat per tinn (source: "Arakanese Farmers Forced to Sell Rice to the Burmese Army," *Narinjara News*, 23 March 2004). In December 2004, the Shan State Triangle Region Command ordered the Kengtung Township Rice Traders Association to purchase 100,000 baskets of rice at 3,800 kyat per basket and to then re-sell it to the army at 3,500 per basket. In order to provide the rice traders with a small profit, the army allowed them to use a slightly more favorable measure. The market price was reportedly 4,500 kyat per basket. Farmers were prohibited from selling their harvest outside the community until the army quota had been filled (source: "Forcible Paddy Purchase at Better Prices," SHAN, 10 December 2004).

In November 2004, the Shan Human Rights Foundation (SHRF) reported that the SPDC had announced that they would officially reinstate rice procurement as of February 2005. The SHRF reported that in August 2004 the SPDC Township authorities in Murng-Ton Township announced the resumption of the rice procurement policy requiring farmers to sell their quotas to the authorities at a fixed price. The quotas and prices would be announced closer to February 2005. The authorities reportedly cited unreasonably low rice prices resulting from the SPDC's withdrawal from the rice market as justification for the resumption (source: *SHRF Monthly Report*, SHRF, November 2004).

Dry Season Paddy Crops

In an attempt to increase paddy production throughout the country, the SPDC has for several years promoted summer, also known as dry season, paddy production. Traditionally, farmers have cultivated a single rice crop per year, sown in the rainy season and reaped in the cool season of October – December. Under the summer paddy program, a further crop is planted, 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. Summer paddy is especially fostered in the Irrawaddy Delta region, which is rich in both land and water resources. In 2004, it was reported that 0.68 million hectares of land had been designated for summer paddy cultivation in Irrawaddy Division (source: "Myanmar Top Leader Stresses Ensuring Food Security in the Future," Xinhua News Agency, 16 November 2004).

The cultivation of summer paddy has created new burdens for farmers. In order to build roads, small dams and irrigation ditches, state-directed forced labor is often used. Thus, farmers are required to work on these development projects and have less time to tend to their crops or engage in other subsistence activities. Furthermore, the chemical fertilizers and the high yielding seeds required to produce a dry season crop 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 and their land, officially designated for double cropping, is reassigned to a more able household. Consequently, farmers will often go into debt in order to buy the necessary fertilizers and seeds to participate in the program. However, insufficiency of water, inclement weather and unsuitability of crops to be cultivated can lead to an unsuccessful yield. It was reported that in some areas the government confiscated land from farmers who could not repay the loans they had taken out to obtain crop supplies (source: *Country Reports on Human Rights Practices 2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005).

5.3 Situation of Labor in Burma

A surplus of labor, a dismal economy and lack of protection by the government continue to dictate substandard conditions for workers in Burma. As the majority of Burma's workforce is engaged in the agricultural sector and the informal sector, the labor affairs laws that do exist apply to only a small portion of the workforce. Furthermore, these laws are often outdated and ineffectual and minimum wage laws apply only to government employees and employees of a few traditional industries. Consequently, the majority of Burma's workforce is 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) Workers conditions are regulated by the 1964 Law on Fundamental Workers Rights and the 1951 Factories Act. Under these laws, public sector employees work a 5 day, 35 hour workweek while those employed in private and state enterprise work a 6 day, 44 hour workweek. There are also provisions for the payment of overtime for additional work and a 24 hour rest period per week. Workers are entitled to a

21 day paid holiday per year. In practice, very few employees outside the public sector abide by these laws. For instance, 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.

- b) The majority of the workforce is not covered by minimum wage provisions and wages are generally insufficient for people to meet their basic living costs. The minimum daily wage for public employees, which is unilaterally set by the government, is \$US 0.10 (100 kyat) for what is in effect an 8-hour workday. Despite the various subsidies and allowances which supplement this sum, both low and senior public servants do not earn wages sufficient to provide themselves or their families with a decent standard of living. Consequently, widespread corruption and absenteeism is reported in the public sector. Urban laborers in the private sector earn approximately US\$ 0.80 (800 kyat) per day, while rural agricultural workers earn approximately half that rate. A skilled factory worker in the private sector can earn as much as US\$ 4 (4,000 kyat) per day.
- c) Foreign employers and joint ventures operate 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 generally set wages close to that offered by domestic private sector employers. The government has also pressed joint ventures not to pay salaries higher than those of ministers and senior government employees. Some joint ventures and foreign firms have circumvented this by awarding supplemental wages and benefits.
- d) There are few viable processes or systems by which worker's grievances can be aired. The government does not allow unions and therefore workers are unable to collectively organize and bargain for better working conditions. The majority of workers are legally prohibited from striking. Major labor disputes were once handled by the Central Arbitration Board, but this Board has been dormant since 1988. While Township level labor supervisory committees do exist, in practice, there are no clear mechanisms for the resolution of disputes and workers are often too afraid to complain. Furthermore, there are no step by step appeal programs for negotiations, interventions and plenary discussion. Workers, therefore, suffer considerably.
- e) 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.
- f) Despite the fact that health and safety regulations exist, the government does not provide the necessary resources to enforce these regulations. Workers, who in principle can remove themselves from dangerous conditions, do not do so out of fear of losing their jobs. 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.

Wages in Burma are generally insufficient for people to meet their basic living costs. In the beginning of 2004, it was reported that civil servants received a 5,000 kyat per month pay increase in compensation for the government's decision to stop the supply of rice subsidies to state employees. This, together with an export ban on rice and other commodities, led to a sharp increase in commodity prices and a dramatic fall in the price of rice. According to a Rangoon civil servant, the pay increase has left civil servants worse off (source: "Salary Hike for Burmese Civil Servants," DVB, 5 January 2004). Farmers have also been severely affected by the export ban as the price of rice has fallen below production costs (source: "Burmese farmers petition government over falling prices," BBC Monitor, 25 January 2004). In order to find ways to supplement their meager incomes, many government servants, including administrators, educators and those in the healthcare 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. (Please also see 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 strengthening 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 1988, the military regime 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 the advent of this "Self Reliance Program," 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 not only contribute funds and materials but to also build the projects themselves, at their own time and 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. Townships and villages are also subject to the 1988 "Self Reliance Program," which requires them to find their own funding for various public and social services, such as schools. In addition to the economic burden this entails, people in areas of armed conflict are also subject to the additional demands associated with a significant military presence 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 and maintain the army barracks, supplying the materials themselves, and to then send "servants" to work at these bases. No compensation for this work is provided. Villagers 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 money 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 are 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 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 500 – 1,000 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 festivals 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 facilities, 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 ceasefire 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 cattle trader who drives cattle through Chin State into India, "We used to pay 1,000 - 1,500 kyat per cattle at the most in previous trips, but now the police and the soldiers have excessively and randomly demanded the so called cross border tax and we can't make any profit at all" (source: "The Tale of Cross Border Cattle Traders," *Rhododendron News*, CHRO, September-October 2004).

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.

2) Forced Labor

Despite the fact that the government of Burma 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 (please see chapter on forced labor for more information). 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 across the border.

In 2004, the continued widespread use of forced labor in Burma prompted the International Labor Organization (ILO) to reconsider the imposition of sanctions. Several factors, including the sentencing to death of three men on charges which included having contact with the ILO, raised serious concern about the regime's commitment to the elimination of forced labor within Burma. Following the ousting of Khin Nyunt from the position of Prime Minister on 19 October 2004, the ILO decided to send a high level team to Burma to evaluate current attitudes and assess the determination of authorities to address the issue of forced labor. The high level team is due to provide a report to the ILO Governing Body in March 2005.

3) Land Confiscation

As mentioned above, weak land rights have provided the government of Burma with various opportunities to deprive citizens of their land. In addition to land confiscated to provide room for army battalions, the government 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 market value. The confiscation of

land, which is the sole source of livelihood for many people in Burma, is a major infringement upon their right to an adequate livelihood as well as to 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" campaign, in which the army seeks to undermine opposition groups' access to food, funds, information, and recruits by targeting the local community. In part of this policy, known as the "scorched earth" campaign, SPDC troops relocate villages in known insurgent areas and 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" opposition forces. 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. However, Burma's army personnel have always been underpaid, especially the lower level soldiers and privates, and this has led to their frequent looting of villager property. In the years since the 1998 "Self Reliance Program," when the SPDC cut rations for the armed forces, this looting and expropriation of food and possessions has become condoned by the State. Some units even detail officers whose main task is to organize this activity. 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 armed forces rarely pay for the items which they extort. Villagers are even sometimes forced to provide money, food and other provisions for army personnel when they wish to make offerings at local Buddhist temples.

6) Restrictions on Trade, Travel and Cultivation

Restrictions on trade, travel and cultivation are frequently imposed by the SPDC army, especially in areas of armed conflict, and this has 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 often only allow travel within a short period, sometimes only from dawn to dusk. For villagers attempting to work in fields or towns 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 travel 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. Some travel restrictions are associated with discrimination against religious or ethnic minorities, such as in the case of travel restrictions which exist only for Muslim Rohingya people in Arakan State.

Another factor, which affects the ability of people in Burma to make a living, is the existence of landmines. Landmines are often laid by the Tatmadaw in and around villages after villagers have been forcibly relocated. Villagers who refuse to obey relocation orders often flee into the jungle and live as IDPs (internally displaced persons). The landmines are placed in and around villages to prevent villagers from returning to gather their belongings or tend to their fields. Consequently, landmines both restrict villagers' ability to tend to their fields and also limit the areas in which labor-seekers are able to move.

Trade restrictions imposed by the authorities also result in economic hardship for the people of Burma. In 2002, the SPDC's over zealous rice export program depleted rice reserves in Arakan State and caused a manmade famine in the region. In 2004, the SPDC's six-month ban on rice exports caused rice prices in the country to fall below the cost of production, severely affecting the livelihood of the country's rice farmers.

5.4 Situation in Arakan State

The economic situation in Arakan State remained poor throughout 2004 due to continued excessive taxation, land confiscation and restrictions on trade and travel imposed throughout the state. In early 2004 it was reported that military officials in Sittwe Township had banned both the export of basic commodities, such as rice, cooking oil, salt, chili, onion and garlic, to neighboring Bangladesh and had also canceled permits to transport such commodities throughout Sittwe Township. The ban reportedly resulted in a deceleration in trade of these commodities to Arakan State from other parts of Burma. Consequently a sharp increase in the price of basic commodities was reported throughout the state (source: "Burma Stops the Export of Basic Commodities," *Narinjara News*, 10 January 2004). This increase was contrasted with a significant decrease in the price of rice throughout 2004. This severely affected the ability of farmers to generate an adequate income to meet the rising cost in basic commodities. In September 2004, a 50 kg bag of rice cost between 5,000 and 5,500 kyat, less than half the price of rice during the same period of the previous year (source: "Essentials Prices Soaring at Western Border of Burma," *Kaladan News*, 29 September 2004). Furthermore, despite the changes to the state paddy procurement policy, there were reports of forced sale of rice to the military and demands by the military for the "donation" of rice (source: "Arakanese Farmers Forced to Sell Rice to the Burmese Army," *Narinjara News*, 23 March 2004). This, together with excessive taxation, made it increasingly difficult for farmers, traders, and others to make an adequate living.

Arakan State has been victim to numerous natural disasters and these disasters have had a severe impact on people's livelihoods. On 19 May 2004, the worst cyclone to hit Western Burma in over 40 years hit Arakan State. According to the Red Cross, at least 220 people were killed and 14,000 others left homeless. Despite the immediate and long-term affects of the cyclone on people's livelihoods, the Burmese government did not allow any independent monitoring of foreign aid distribution in the area. (Source: *Tsunami Impact on Burma – Update as of 4 January 2005*, ALTSEAN, January 2005)

While the measures which deprive civilians of an adequate livelihood are imposed on all ethnicities residing in Arakan State, including the majority Rakhine Buddhist population, some of the most severe restrictions are directed towards the Rohingya. The abuses suffered by the Rohingya stem, in part, from the fact that they are denied access to Burmese citizenship. Under the 1982 Citizenship Law, the Rohingya are deprived of citizenship as

they are not included in the list of the 135 “national races” of Burma nor are most able to provide evidence of their ancestors residing in Burma prior to British annexation of the country in 1923. The Rohingya are therefore identified as illegal immigrants in Burma and consequently suffer unparalleled restrictions on movement, excessive taxation, land confiscation and demands for forced labor. These human rights abuses have severely impeded the Rohingyas' ability to access an adequate livelihood and many have subsequently been forced to flee. The human rights abuses suffered by the Rohingya population reportedly increased markedly following the creation of the Nasaka border security force in 1992. Following the removal of Prime Minister Khin Nyunt from office on 19 October 2004, the Nasaka was disbanded and replaced by the military. There were initial reports that human rights abuses, including arbitrary taxes, marriage fees, travel authorization fees, extortion and corruption had significantly declined following the disbanding of the Nasaka (source: "Overview of the Bangladesh-Burma Border," Forum Asia, 10 November 2004). However, the military has retained a border security forces within Arakan State and the junta has renamed the Nasaka as the Nakapa. By the beginning of 2005, it was reported that human rights abuses against the Rohingya had increased to the level previously witnessed prior to Khin Nyunt's removal (source: Forum Asia, May 2005).

Unfair Taxes and Levies

Between 19 December 2003 and 1 January 2004, it was reported that the Nasaka authorities were taking photographs of Rohingya families in Maungdaw Township and Buthidaung Township, northern Arakan State. Though the Rohingya families already had family photographs, which had been taken earlier, the Nasaka authorities took new photographs and forcing the families to pay 1,700 kyat. It was further reported that sometimes the Nasaka and Immigration officials took photographs without film inside the camera and that while they charged the family for the photograph they never returned the photograph to the family. (Source: "Nasaka (Border Security Force) taking Photos of Rohingya Families," *Kaladan News*, 1 January 2004)

On 4 January 2004, bridegroom, Nurul Alam (age 19), son of Matiur Rahaman of Taungbro Right village, Maungdaw Township, canceled his engagement and wedding plans to his future bride, upsetting her and her family. When the bride's family complained to the Nasaka authorities they arrested the bridegroom. The bridegroom was only released after paying 100,000 kyat to the Nasaka, money that should have gone to the bride's family. (Source: "Nasaka Benefited but Villager Lost in Arakan," *Kaladan News*, 16 January 2004)

On 11 January 2004, a traffic police officer arrested Azizul Amin (age 17), son of Abu Sufian of Habi Para village, 3 miles from the northern side of Maungdaw Town, for an alleged violation of traffic regulations. The victim was severely beaten and detained for 1 night in prison before 70,000 kyat was paid for his release. (Source: "A Motor Cyclist Fined Kyat 70,000 by Police at Maungdaw Town," *Kaladan News*, 19 January 2004)

On 29 February 2004, Nasaka authorities extorted 700,000 kyat from a Rohingya villager in Maungdaw Township, Arakan State. Sayed Hossain (age 42), son of Khalilur Rahman from Odaung village, Maungdaw South, was arrested on 27 February 2004 by a team of Nasaka from sector No. 8 and accused of human trafficking. According to a relative of the victim, the reason behind the arrest was that Sayed Hossain is a wealthy person in the area. On 26 February 2004, a team of Nasaka accompanied by Village Peace and Development Council (VPDC) members went to his house and demanded 5 million kyat, which he could not afford

to pay. He was then taken to the Nasaka sector No. 8 HQs and charged with human trafficking. After 2 days, he was able to bribe the Nasaka through Karim Ullah, the VPDC Chairman of the village, with 700,000 kyat for his release. Similar cases are common in the northern Arakan, especially in Rohingya areas. ("Continued Extortion of Money in Northern Arakan," *Kaladan News*, 10 March 2004)

In early March 2004, fisherman in Maungdaw Township would typically be preparing their boats for the next fishing season. However, due to a lack of capital to build new boats, repair old ones or make fishing nets, some fisherman have resorted to acquiring high interest loans to maintain their fishing equipment. It was reported that as they were unable to repay their debts from last season, moneylenders have refused to lend these fishermen more money to complete this year's maintenance. This problem is further compounded by the taxes fisherman are forced to pay to SPDC authorities. Fishermen are required to pay 2,500 - 12,500 kyat, depending on the size of their fishing nets, for a license from the Nasaka authorities. Fisherman also have to pay 3,500 kyat every 15 days and a 5,000 kyat once off payment for a book used by Nasaka to keep records on each fisherman. Finally, fishermen are required to pay 120,000 kyat to the local Nasaka agent for a 1 year permit. (Source: "Bad Days for Fishermen in Coastal Areas," *Kaladan News*, 3 March 2004)

On 8 March 2004, Military Intelligence Division 10 demanded funds from dry-fish transport boats belonging to non government organizations in Thandwe Township. The boats are all founded and organized with the blessing of the Junta. The MI agents demanded "donations" of 5,000 kyat from small boats and 10,000 kyat from larger boats. The funds are to support the Myanmar Mother and Child Welfare Association, Myanmar Woman Affairs Federation and the Union Solidarity and Development Association (USDA). A motor boat owner from Thandwe Township said, "If the boat owner refuses to pay, the boat would not be signed in the port logbook." This could lead to being accused of engaging in "illegal" activities, such as smuggling goods from neighboring countries. Furthermore, a boat cannot start its journey without first being recorded in the logbook. It is believed that the MI have targeted the dried fish transport industry because Thandwe's dried Nga Nee Duu fish production is doing well in both domestic and export markets. Thandwe mainly sells both Nga Nee Duu and Nga Koune Nyo dried fish to Sittwe (Akyab), the capital of Arakan State, and Rangoon, the capital of Burma. (Source: "The Burmese Military Intelligence Extorts Money from the Fish Boats for NGOs," *Narinjara News*, 8 March 2004)

On 30 June 2004, Military Intelligence (MI) in Maungdaw Township extorted 3 crore kyat from 3 Rohingya cattle traders. The traders were:

1. Mohamed Ismail, age 47, of Myo Thu Gyi village (Khan Da Para);
2. Mohamed Ali, age 45, of Myo Thu Gyi village (Khan Da Para); and
3. Kamal, age 55, of Shikdar Para village in Maungdaw Township.

MI reportedly arrested the cattle traders on 1 June 2004, while they were moving cattle from the southern side of Maungdaw Town to the Shikdar Para, where they were living. It was alleged that the cattle traders were smuggling the cattle to Bangladesh. The traders possessed licenses from the authorities of Maungdaw Township for the fiscal year of 2004. The licenses permitted the traders to move cattle from other towns of Arakan State and sell them in Maungdaw Township. They were therefore legal traders from which the government receives a great deal of money in taxes. After their arrest, they were detained at MI camp until their release on 30 June 2004. They were severely tortured while they were in MI custody in order to force them to confess that the cattle were being sent to Bangladesh. After nearly 1 month, the traders were set free on 30 June 2004 after bribing the MI officer with 3

crore kyat. (Source: "MI Extorted Money from Rohingya Traders," *Kaladan News*, 28 August 2004)

On 4 July 2004, Captain Aung Kyaw Moe, Nasaka commander of sector no. 4, called a meeting with the village chairman, village secretaries and the villagers of Kyein Chaung and Pruma villages in Maungdaw Township. In the meeting, the commander ordered Rohingya villagers to demolish houses which had constructed tin roofs. In 1999 – 2000, Prime Minister General Khin Nyunt visited the area and instructed villagers to decorate the town and construct quality roofing for houses in the area. Villagers therefore constructed tin roofs in accordance with this order and with the permission of the appropriate authorities. Captain Aung Kyaw Moe denied that this was the case and charged the villagers with illegally modifying their houses. To avoid having to destroy their homes, villagers had to pay a fine of 500,000 kyat. As this order came in the rainy season, participants requested the commander to withdraw the order as many villagers would have difficulty finding alternative accommodation if forced to destroy their homes. The commander would not withdraw the order and it is estimated that 120 houses in the 2 villages were affected by the order. While some villagers were able to pay the 500,000 kyat fine, most villagers were too poor to afford this. Nasaka forces also arrested and detained 3 villagers who were discussing the order after the meeting. They were later released after money was extorted from them. (Source: "Nasaka Issued Ultimatum to the Villagers whether to Pay Kyat 500, 000 or to Demolish the Houses" *Kaladan News*, 20 July 2004)

On 18 October 2004, it was reported that Nasaka authorities forcibly extracted "donations" and labor from Rohingya villagers in Maungdaw Township for the construction of a Buddhist pagoda and temple. In June 2004, Nasaka authorities established a *Natala* village (model village) named *Aung Thaya* "model village" near Wabag village (Myaw Taung village), Maungdaw Township. The "model village" is occupied by 130 families, consisting of 242 males and 253 females. Settlers were brought in from Burma proper and the village consists of a pagoda, monastery and community center. The village is built on confiscated land from the Rohingya and the Rohingya were also forced to provide labor and "donations" for the construction of the *Natala* village. Villagers from Wabag (Myaw Taung), Maung Hna Ma, Thet Kai Pyin (Nanda Khali) and Zambonnya (Zinbaingya) were also forced to provide labor for the construction of the pagoda and monastery. It was further reported that Nasaka authorities also confiscated paddy fields from nearby Rohingya villagers for redistribution to *Natala* villagers. (Source: "Nasaka Forcibly Extracts Labor and Donations from Rohingya Villagers," *Kaladan News*, 18 October 2004)

Land Confiscation

Between December 2003 and January 2004, the Military Operation Planning Bureau, under Western Military Command, confiscated grazing and farm land traditionally owned by villagers in Ponnagyum Township. The plots of land confiscated were:

1. plot No Kha/ 639 near the mile stone 176/3 under Aung Fru Bran village track;
2. plot No. Kha/ 667 near mile stone 160/1 under Yotayook village track;
3. plot No. 676/1 under Thaydaw village track; and
4. plot No Khagway/ 629 near the milestone on Sittwe - Ann highway. (Source: "Western Military Command Continuing Grabbing Private Land," *Narinjara News*, 6 February 2004)

On 15 April 2004, the local SPDC authorities based in Minbra confiscated pasture land in Htane Pin village tract and then rented the land back to local residents in order to make money. Fifty acres of land was confiscated by MI 10 officer Min Bya and SPDC soldier Sin Gri Bran, based with LIB 380. The local authorities also demanded 30 baskets of rice for the use of an acre of confiscated land. The rice was collected to fund the troops. Traditionally, the confiscated pastoral land had been left unattended and was used as pasture lands for farm animals. Since the land has been confiscated, farmers are facing a shortage of animal fodder. (Source: "People Farm, the Army Funds," *Narinjara News*, 15 April 2004)

On 17 September 2004, it was reported that the Nasaka confiscated approximately 315 acres of farmland from villagers in Buthidaung Township. Since the beginning of August 2004, villagers have been recruited as forced labor to work on the confiscated land producing rice paddy. Villagers from the following village tracts were ordered to provide forced labor:

1. Kyaung Taung village tract,
2. Tan May village tract and
3. Bada Gar village tract.

Only poor villagers were ordered to provide forced labor. More affluent villagers were required to pay 500 - 1,000 kyat per family to the Nasaka authorities. It was also reported that on 10 August 2004 the commander of Nasaka sector No. 9 conducted a field survey of the above mentioned areas. The local Nasaka authorities put the laborers in a nearby jungle to avoid them being seen by the sector commander. Local Nasaka authorities threatened the villagers with punishment if they informed the higher authorities about their demands for forced labor. In the second week of August 2004, a delegation from Rangoon arrived in Buthidaung Township and instructed the local authorities not to take forced labor from any villagers. Furthermore, 15 families in the village were ordered to provide a cook to the police camp. In order to avoid forced labor and for the salary of the cook, the 15 families had to pay 500 kyat per family per month. (Source: "Confiscation of 315 Acres for Nasaka Business and Forced Labor," *Kaladan News*, 17 September 2004)

Forced Sale of Crops

On 23 March 2004, it was reported that since 16 February 2004 SPDC troops under the Western Command have been buying rice from Arakanese farmers in Sittwe Township and either refusing to pay the full price of the rice or forcing the farmers to give them mandatory "donations." According to 1 local farmer from Mrauk-Oo, "In the remote villages, especially those upstream on the Lay Myo river, the army buys 10 tinn (1 tinn = 32 kg) of rice with money and then force farmers to give 10 more tinn as a "donation" to the army." The price of rice is set by the SPDC in Rangoon at 1,300 kyat per tinn. (Source: "Arakanese Farmers Forced to Sell Rice to the Burmese Army," *Narinjara News*, 23 March 2004)

Military Monopoly on Trade and Agriculture

On 9 January 2004, it was reported that the price of basic commodities had increased significantly in Sittwe Township after the Burmese government increased the salary of government servants. The Burmese government has ceased the supply of rice to government servants and provided a 5,000 kyat salary rise to compensate. The salary increase, effective as of January 2004, has seen the price of cooking oil increase from 1,400 kyat a viss (1.75 kg) to 1,500 kyat, onions from 600 to 1,200, garlic from 700 kyat to 1,000 kyat and chili from 1,500 kyat to 1,800 kyat. The price of rice has reportedly fallen. The price of goods has affected wage earners (non-government employees) and the fall in the price of rice has negatively

affected farmers. (Source: "Prices Rise in Arakan as the Salary of Government Servants Increase," *Narinjara News*, 9 January 2004)

On 10 January 2004, it was reported that Burmese military officials in Sittwe Township had, as of 5 January 2004, banned the export of basic commodities to neighboring Bangladesh. The banned commodities are rice, cooking oil, salt, chili, onion, garlic and items that are used to produce cooking oil such as peanut and sesame seeds. There has not been any incident where these commodities have been prevented from entering Arakan State, the western border state to Bangladesh, but the permit to transport such commodities through the townships has been cancelled. With the ceasing of these border trade commodities, the trade between Arakan State and mainland Burma has also slowed. Hence, the price of these commodities has risen sharply in Arakan State. It is reported that the military junta is attempting to control the price of basic commodities by controlling the foreign trade of these commodities. (Source: "Burma Stops the Export of Basic Commodities," *Narinjara News*, 10 January 2004)

On 10 February 2004, it was reported that Military Intelligence (MI) at Sandoway in Arakan State cancelled the permits of 20 privately owned timber mills. MI 18 closed these mills in order to take over the timber milling business and produce cheaper timber needed for the construction of bungalows at Ngapali Tourist Center. After closing these mills, MI officers have opened 6 timber mills in Zi Fru Goon village and Lan Tha village. The permits had originally been granted by the Burmese government. U Thin Tun, U Maung Ni and U Foe Thant were among the mill owners whose permits were cancelled. (Source: "Ban on Private Timber Mills by MI at Sandoway," *Narinjara News*, 10 February 2004)

On 9 March 2004, it was reported that local authorities in Maungdaw Township have made a tender for the right to produce salt in Maungdaw Township. During the 2004 salt session the Nasaka tendered for the Ngu Khu Ra salt farm. The farm was sold to Than Shwe from Sittwe, who is close to the Nasaka commander, for 300,000 kyat. Than Shwe resold the rights to produce salt and leased the plot of land at a high price. This has affected many local salt farmers who are now unable to afford the price of the land lease. A local salt farmer said, "We only have to produce salt for the local use, within Arakan State. There wasn't any international market. Only under the junta, the salt is more expensive. It is because our neighboring countries buying it. Now, the junta is making some field for salt production and selling them to the highest bidder who has connections and cash. Currently, Ko Than Shwe is selling them back to us at an unreasonably high price. We would not be able to attain it at all [sic]." (Source: "The Big Shot Contractor Destroying the Salt Industry in Arakan," *Narinjara News*, 9 March 2004)

On 14 April 2004, it was reported that the military in Akyab has been auctioning off permits to operate markets, ports and bus stations. During this time, permit prices have been increasing, creating economic hardship for the local community. Because these permits have no guidelines regarding fees, those who are able to obtain the permits by being the highest bidders use the permits to extort money from those who were not able to obtain the permits. For example, those with permits that control areas of the Pha Du and Soe Mae Gee rivers will force fisherman to sell their dried fish at 50% of its value and make them pay a fine of 130-500 kyat depending on how much fish the fisherman has with him. Therefore, extortion by the local junta has led to further extortion by members of the local community to compensate for the initial extortion perpetrated by the military in Akyab. (Source: "Auctioning Means More Pain for the Arakanese People," *Narinjara News*, 14 April 2004)

On 29 September 2004, it was reported that the prices of essential goods were rising in Maungdaw market, Arakan State. Essential goods are in short supply, threatening hardship for those with middle to low incomes during the month of Ramadan. Almost all vegetables and essential items are selling at a higher price per kilogram compared to prices in recent weeks. The price of rice has reportedly gone down significantly. Traders and shopkeepers attribute the increase in prices to lack of supply as the new harvest will not reach the market for at least another month. A businessman told Kaladan Press, "I am spending 800 kyat a viss (1 viss = 1.75 kg) of peas which used to sell at 600 kyat." A 50 kg bag of rice was being sold at 5,000-5,500 kyat whereas it would have sold for 6,000 kyat one month ago. (Source: "Essentials Prices Soaring at Western Border of Burma," *Kaladan News*, 29 September 2004)

Other Incidents Affecting Livelihood

On 19 May 2004, it was reported that a cyclone hit Arakan State killing 520 people and leaving 20,000 people homeless. The following townships were severely affected:

1. Sittwe Township,
2. Minbya Township,
3. Myebon Township and
4. Pauktaw Township

It was reported that on 7 June 2004 Prime Minister Khin Nyunt arranged a roundtrip from Rangoon to Akyab for 35 wealthy Rohingya wishing to provide relief aid to the victims of the cyclone. At present, Rohingya are banned from traveling to Rangoon from Arakan State. It was reported that the delegation of 35 Rohingya donated US\$ 267,000 (240.3 million kyat) to the victims of the cyclone while the Rakhine people from Rangoon donated only US\$ 50,000 (45 million kyat). While distributing the relief aid among the cyclone victims the local officials did not distribute relief aid to Rohingya victims, stating that they were not citizens of Burma. The delegation of Rohingya, sensing the discrimination of relief aid distribution, secretly distributed some money among the Rohingya victims. (Source: "Rohingya Barred from Cyclone Relief in Arakan," *Kaladan News*, 18 June 2004)

5.5 Situation in Chin State

Throughout 2004, Tatmadaw forces continued to loot, steal, destroy and extort money, livestock, and other goods and supplies from the villagers of Chin State. Significantly, there were widespread reports throughout the year of military forces and police extorting money from livestock traders on their way to sell livestock in Mizoram State, India. In August 2004, the Chin Human Rights Organization (CHRO) reported that five cattle traders, who were driving twenty six cows to India through Chin State, were first stopped by police, who demanded 150,000 kyat as a cross border fee, and then stopped again by a military patrol, who demanded a further fee of 100,000 kyat. According to CHRO, the traders stated, "We used to pay 1,000 - 1,500 kyat per cattle at the most in previous trips, but now the police and the soldiers have excessively and randomly demanded the so called cross border tax and we can't make any profit at all." CHRO further reported that Indian officials impose a "village crossing" fee of 50 – 100 rupee per head of cattle on livestock traders at every village they pass through in Mizoram State (source: "The Tale of Cross Border Cattle Traders," *Rhododendron News*, CHRO, September-October 2004). Such excessive fees have severely affected cattle farmers and traders ability to sustain their livelihoods.

Unfair Taxes and Levies

On 15 January 2004, Burmese soldiers in Lailente village extorted 11,000 kyat from 2 girls, Cherry May Pan and Thein Sang. (Source: "Burmese Army Extort Money from Villagers," *Rhododendron News*, CHRO, January-February 2004)

On 16 January 2004, Sergeant Tin Soe and his troop seized a cow and 4 pigs from Ngo Bi and his friend Than Set. The Burmese soldiers threatened Ngo Bi and his friend that unless they paid 25,000 kyat they would not get their livestock back. Ngo Bi and his friend, Than Set, gave 25,000 kyat to the army. (Source: "Burmese Army Extort Money from Villagers," *Rhododendron News*, CHRO, January-February 2004)

On 28 January 2004, 2nd Lieutenant Win Sein and his troops extorted 12,500 kyat from U Maung Shwe and Daw Ni Sung. U Maung Shwe and Daw Ni Sung were on their way to sell some pigs and goats when they were intercepted by 2nd Lieutenant Win Sein and his troops. When the Lieutenant and his troops threatened to beat them up, the 2 villagers gave the soldiers 2 goats and 12,500 kyat at the rate of 2,500 kyat per pig for 5 pigs. (Source: "The SPDC Soldiers Collect Illegal Tax from Chin Villagers," *Rhododendron News*, CHRO, March-April 2004)

On 31 January 2004, Pu He Thang of Tinam village in Matupi Township was accused of trying to sell 3 pigs in India without permission and badly beaten by 2nd Lieutenant Win Sein of LIB 268, camp commander of Lailenpi army camp. The Lieutenant extorted 6,000 kyat from Pu He Thang, charging him 2,000 kyat for each of the 3 pigs. (Source: "The SPDC Soldiers Collect Illegal Tax from Chin Villagers," *Rhododendron News*, CHRO, March-April 2004)

On 9 February 2004, Sergeant Kyaw Htun of SPDC LIB 55 badly beat Pu Kawng Rim from Lailenpi village and extorted 800,000 kyat from him. The incident occurred at Sau-U village in Paletwa Township, southern Chin State. (Source: "Human Rights Violations in Lailenpi Area as Reported by Mara People Party," *Rhododendron News*, CHRO, January-February 2004)

On 15 February 2004, Captain Win Sein, camp commander of Lailenpi army camp, seized 2 goats, a pig and 6,000 kyat from Maung Maung and his friends who are Aru villagers. (Source: "Human Rights Violations in Lailenpi Area as Reported by Mara People Party," *Rhododendron News*, CHRO, January-February 2004)

On 27 February 2004, Lieutenant Tin Soe, who is in charge of LIB 268, and his troop extorted 15,000 kyat from a group of 8 Thongbu villagers in Matupi Township while they were on their way to Mizoram State, India, to sell livestock. (Source: "Burmese Soldiers on Extortion Rampage," *Rhododendron News*, CHRO, March-April 2004)

On 1 March 2004, Lieutenant Tin Soe, who is in charge of LIB 268, and his troops extorted 5,000 kyat from Khai Lawng of Ruanvan village while he was on his way to Mizoram State, India, to sell livestock. (Source: "Burmese Soldiers on Extortion Rampage," *Rhododendron News*, CHRO, March-April 2004)

On 4 March 2004, Lieutenant Tin Soe, who is in charge of LIB 268, and his troops extorted 6,000 kyat and 2 chickens from Vua Chawng and Bi Khe of Aru village. The incident

occurred when the 2 villagers were on their way to sell chickens and pigs in Mizoram State, India. (Source: "Burmese Soldiers on Extortion Rampage," *Rhododendron News*, CHRO, March-April 2004)

On 9 March 2004, Lieutenant Tin Soe, who is in charge of LIB 268, and his troops extorted 20,000 kyat from Lay Maung and Laise. Lieutenant Tin Soe threatened to seize 7 buffalo if they refused to pay the money. (Source: "Burmese Soldiers on Extortion Rampage," *Rhododendron News*, CHRO, March-April 2004)

On 12 August 2004, 5 cattle traders from Kyikan Village in Kalay Myo Township, Sagaing Division, were arrested by police in Duhmang village in Falam Township, Chin State. The cattle traders were driving 26 cows to the Indian border through Chin State. The cattle traders were arrested on charges that it is illegal to trade cattle to another country without government permission. The police demanded 150,000 kyat as a cross-border tax for their release. The cattle traders paid the demanded sum of money and continued on towards India. They were again arrested by an SPDC patrol, led by 2nd Lieutenant Ko Khan, at Manipur river in Teddim Township. The soldiers demanded 100,000 kyat for their release and the release of the cattle, which the traders again paid. One of the traders complained to a CHRO field worker that, "We used to pay 1,000 - 1,500 kyat per cattle at the most in previous trips, but now the police and the soldiers have excessively and randomly demanded the so called cross border tax and we can't make any profit at all." The cattle traders are also required to pay a "village crossing" fee of 50 – 100 rupee per head of cattle to every village they pass through in Mizoram State, India. (Source: "The Tale of Cross Border Cattle Traders," *Rhododendron News*, CHRO, September-October 2004)

In the last week of August 2004, village headmen from Rezua Township (45 villages in total) were summoned to a meeting by U Kyaw Win Naing of Rezua Township PDC. In the meeting, the village headmen were instructed that each house in their respective village was to possess and hang a poster of the SPDC Chairman General Than Shwe in their living room. The village headmen were instructed on how to hang the poster neatly and properly and were also warned that those who damaged the poster would be properly punished. The village headmen were required to buy between 50 – 100 posters, depending on the size of their village, at 200 kyat a poster. According to CHRO, the poster is not popular among village residents and the village headmen are having trouble selling the posters. Every village headman is responsible for paying the full price of the posters by the end of September 2004. (Source: "SPDC's Chairman Gen. Than Shwe Poster a Must Buy in Chin State," *Rhododendron News*, CHRO, September-October 2004)

On 20 August 2004, SPDC soldiers led by Major Thein Sein of battalion 269 based at Darkhai army camp near Tonzang Town in Northern Chin State extorted money from cattle traders in Darkhai village. Pa Maung and his friends were on their way to sell 24 cows in India when they met with the group of soldiers. The soldiers immediately arrested Pa Maung and his friends, stating that they would be released if they paid 200,000 kyat. Pa Maung and his friends eventually paid the demanded money. Pa Maung (age 36) and his family make their living trading across the border. (Source: "The Tale of Cross Border Cattle Traders," *Rhododendron News*, CHRO, September-October 2004)

5.6 Situation in Karen State

In January 2004, the Karen National Union (KNU) and the SPDC declared a verbal ceasefire. While the verbal ceasefire was meant to pave the way for a future formal ceasefire agreement, it failed to address issues such as territory assignment, the movement of troops or the numerous human rights abuses perpetrated by the Burmese military. It has been widely reported by organizations such as the Karen Human Rights Group (KHRG), a Thailand based human rights organization, that the SPDC has used the period since the verbal ceasefire agreement was made to consolidate and expand its military presence within Karen State. This has resulted in excessive demands by both the Tatmadaw and their ceasefire partner, the Democratic Karen Buddhist Army (DKBA), on the civilian population. There have been extensive reports of demands for forced labor for military camp and road construction, restrictions on movement, land confiscation, extortion of money and demands for materials and food throughout Karen State during 2004. These abuses have severely affected villagers' food security and their ability to provide for both 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.

Dooplaya District

Looting and Expropriation of Food and Possessions by the Army

On 12 February 2004, troops from SPDC LIB 548 led by Tin Maung Oo set fire to the forest in Mae Ku area without reason and as a result slash and burn paddy fields which had not been harvested were destroyed. Paddy fields of villagers from Htee Kyot Kay village in Kyain Seik Kyi Township were burnt and destroyed. The following villagers lost crops:

1. Saw Thant Wah;
2. Pah Kay Lay;
3. Saw Kho Bo;
4. Pah Set;
5. Pa Htwe Meh, 200 cashew trees;
6. Pah Poe, 500 cashew nut trees;
7. Pah Gaw Gaw, 100 cashew nut trees; and
8. Saw Tha Say, sugar cane plantation.

Furthermore, the house of Mae Ku village head, Kyaw Myint (age 47), with 5 baskets of paddy, a basket of sticky rice, 15,000 kyat and household materials worth 250,000 kyat was burnt down. (Source: CIDKP, 2004)

On 12 February 2004, Column 1 and 2 of SPDC LIB 548 led by Battalion Commander Tin Maung Oo, responsible for the construction of a motor road linking Kya Inn Seik Kyi and Three Pagodas Pass, looted from villagers in Htee Kyaw Kay village, Mae Ku area. The following items were looted from the following villagers:

1. Saw Pah Lay Lay, 3 chickens and 1 tin of rice;
2. Saw Kho Bo, age 38, 3 chickens, 1 basket of rice and 3,000 kyat;
3. Saw Pay Po, age 50, 5 chickens and 1 pyi of chili;
4. Saw Dah Way, age 35, 3 chickens and 3,000 kyat;
5. Saw Pa Hsee, age 43, 3 chickens and 3 baskets of rice;
6. Saw Gaw Kay Lay, age 70, 3 chickens;
7. Pah Dah Den, age 70, 2 ducks;
8. Sa Pa Plo, age 43, 1 chicken and 3 pyi of rice;
9. Saw Has Tu, age 34, 1 chicken;
10. Saw Pah Gaw Khay, age 35, 5 milk tins of rice and 1 large packet of seasoning powder;
11. Naing Kyaw Dah, age 50, 1 chicken;
12. Saw Lay Heh, age 31, 1 chicken;
13. Naw Koe Noe, age 48, 3 milk tins of rice;
14. Saw Ma Kwee, age 33, 2 chickens and 1 pyi of rice;
15. Naw Mu Naw, age 55, 1 chicken and 3 milk tins of rice;
16. Saw Pay Paw, age 40, 1 pyi of rice;
17. Saw Maw Aye Than, age 35, 1 pyi of rice and 2 pyi of chili;
18. Saw Klay Tin, age 45, 5 milk tins of rice;
19. Saw Tha Say, age 38, 1 chicken;
20. Saw Eh Hser, age 28, 2 chickens;
21. Saw Tha Weh, age 47, 35,000 kyat; and
22. Saw Lah Htoo, age 35, 6 bottles of sesame oil and 3 ducks.
23. The troops also burnt down the following villagers' farms and plantations:
24. Saw The Wah, age 47, 1 plot of hill paddy field;
25. Saw Pa Lay Lay, age 49, 1 plot of hill paddy field;
26. Saw Kho Bo, age 38, 1 plot of hill paddy field;
27. Saw Pa Hser, age 43, 1 plot of hill paddy field;
28. Saw Pay Po, age 50, 1 plot of hill paddy field;
29. Saw Maung Win, age 45, 1 plot of hill paddy field;
30. Saw Pa Htwe Meh, age 48, 1 plot of hill paddy field and a mango plantation with 200 mango trees;
31. Saw Pa Poe, age 43, 1 plot of hill paddy field and a mango plantation with 500 mango trees;
32. Saw Pa Gaw Hkay, age 35, 1 plot of hill paddy field and a mango plantation with 100 mango trees; and
33. Saw Tha Say, age 38, 1 banana plantation. (Source: CIDKP, 2004)

On 13 February 2004 at 2:00 pm, troops from SPDC LIB 588 led by battalion second in command came to Neh Bye village in Ye Township and looted the following items from the following villagers:

1. Naw Has Paw, age 35, 12,000 kyat;
2. Saw Leh Meh, age 45, 1 large packet of seasoning powder, 8 pyi of rice, 1 large tray and 1 torch light;
3. Saw Po Cho, age 30, 3 chickens; and
4. Naw May Koo, age 40, 2 viss of cooking oil, 2 small packets of seasoning powder and 1 machete. (Source: CIDKP, 2004)

On 24 March 2004, troops from SPDC LIB 548 led by Column 1 Commander Lieutenant Colonel Tin Maung Oo came to Htee Pa Doe village and looted the following items from the following villagers:

1. Saw Dee Di, age 50, 4 milk tins of rice;
2. Naw Noe Baw, age 50, 5 milk tins of rice;
3. Sa Po Ya, age 43, 5 milk tins of rice;
4. Ma Aye Than, age 17, 4 milk tins of rice;
5. Saw Ler Po, age 60, 8 milk tins of rice and 1 chicken;
6. Saw Wee Po, age 21, 1 chicken;
7. Saw Yo Heh, age 72, 1 chicken;
8. Saw Thay Kyay Loo, 1 chicken;
9. Saw Aung Mya Htoo, age 38, 8 milk tins of rice and 1 chicken;
10. Saw We Plo, age 43, 1 chicken;
11. Saw Lah Baw Htoo, age 30, 1 chicken;
12. Saw Lah Pwe, age 30, 1 chicken;
13. Maung Thein Shwe, age 51, 1 chicken;
14. Saw Maung Cha, age 41, 1 duck and 12 duck eggs;
15. Saw Po Pwe, age 63, 8 milk tins of rice;
16. Naw Noe, age 43, 1 chicken;
17. Ma Thaung Tin, age 54, 1 chicken;
18. Saw Maw Gyi, age 40, 1 chicken;
19. Saw Dah Po, age 25, 1 chicken;
20. Saw Lay Po, age 58, 1 chicken; and
21. Saw Kah Kyaw, age 36, 10,000 kyat. (Source: CIDKP, 2004)

On 26 March 2004, troops from SPDC LIB 548 led by Column 2 Commander Major Aung Myat Thu came from Mae Tet Klet village to Paw Ler Moo village and looted the following items from the following villagers:

1. Saw Hsa Ner Moo, age 30, 2 ducks;
2. Naw Plat, age 36, 3 packets of coffee mix;
3. Saw Kyu Doo, age 32, 2 chickens; and
4. Saw Htwee Maw, age 39, 2 ducks. (Source: CIDKP, 2004)

On 29 March 2004, troops from SPDC LIB 548 Column 2 led by Column 2 Commander Major Aung Myat Thu looted 2 ducks from Naw Pa Ee Thoo (female, age 72) of Htee Khaing village in Kya In Township. (Source: CIDKP, 2004)

On 2 April 2004, troops from SPDC LIB 545 Column 1 led by Battalion Commander Tin Maung Oo came to New Shwe Poe Hut village in Kya In Township and looted the following items from the following villagers:

1. U Kyaw Yi, age 75, 1 chicken;
2. Maung Win Shwe, age 35, 1 duck;
3. U Hla Thein, age 50, 1 duck;
4. U Than Maung, age 60, 1 duck;
5. U Nyi Yae, age 35, 1 duck;
6. U Than Lwin, age 64, 2 ducks;
7. Maung Myint Aung, age 35, 1 duck; and
8. Maung Hla Win Kyi, age 45, 1 duck. (Source: CIDKP, 2004)

On 3 April 2004, troops from SPDC LIB 545 Column 1 led by Battalion Commander Tin Maung Oo came to Shwe Tha village and looted the following items from the following villagers:

1. Kaw Lah Mu, age 45, 2 tins of sprite soft drink, 1 towel and 3,200 kyat;
2. Hsa Po Thaw, age 35, 1 chicken;
3. Saw Pla Wah, age 46, 1 chicken;
4. Saw Htoo Ko Lo, age 46, 1 chicken; and
5. Maung Thu Kha, age 45, 1 chicken. (Source: CIDKP, 2004)

On 4 April 2004, troops from SPDC LIB 545 Column 1 led by Battalion Commander Tin Maung Oo came to Ko Doo Kweh village in Kya In Township and looted the following items from the following villagers:

1. Maung Pu, age 60, 5,000 kyat;
2. Saw Kat See, age 60, 5,000 kyat;
3. Ya Shin, age 45, 5,000 kyat;
4. Ka Daik, age 35, 5,000 kyat;
5. No Zi, age 36, 5,000 kyat;
6. Cho Thi, age 35, 5,000 kyat;
7. U Pan Nyunt, age 38, 1 chicken and 1 duck;
8. San Ma Ray, age 35, 8 chickens;
9. Naw Way Kyaw, age 50, 1 dog;
10. Naw Ka Mu, age 25, 1 chicken; and
11. Maung Ohn Myint, age 30, 1 chicken. (Source: CIDKP, 2004)

On 4 April 2004, troops from SPDC LIB 548 led by Banya came to Htee Po Than village in Kyone Doe Township and looted the following items from the following villagers:

1. Saw Kyu Doo, 1 duck;
2. Saw Kho Poe, 1 chicken;
3. Saw Dah Da, 3 chickens and a pair of shoes;
4. Saw Taw Tha Pa, 1 chicken;
5. Saw Toe Naw Nor, 1 chicken;
6. Ma Thaung Kyi, 2 chickens;
7. Saw Maung Lwin, 2 chickens;
8. Lu Pyo Gyi, 3 tins of rice;
9. Naw Khu, 1 chicken;
10. Naw Tway Say, 3 chickens; and
11. Naw Koo Ku, 1 chicken. (Source: CIDKP, 2004)

On 9 April 2004, troops from SPDC LIB 548 led by Column Commander Thura Myo Tint came to Maw Pa Htaw Klo in Kya In Township and destroyed 90 baskets of paddy and 10 baskets of rice belonging to Saw Tha Daw (age 20). Moreover, these troops looted the following items from him:

1. 2 pieces of underwear,
2. 1 pair of jeans,
3. 2 short-sleeve shirts,
4. 3 long-sleeve shirts,
5. 1 sweater and
6. 1 muzzle loader gun. (Source: CIDKP, 2004)

On 28 April 2004, troops from SPDC IB 230 led by Kyaw Lwin Oo came to Khu Done village in Kaw Ka Reik Township and looted 2,000 kyat from villager Ma Aye. They also looted 1 chicken from villager Meh Klo and 4 chickens from a village monk. (Source: CIDKP, 2004)

On 20 May 2004, SPDC IB 230 Operation 1 led by Lwin Shine came into Kaw Hser P' Nyae Pu village in Kaw Kerate Township and looted the following items from the following villagers:

1. Maung Hlat Yin, age 35, 3 chickens;
2. Naw Kay Pway, age 50, 2 chickens;
3. Naw Noe Kae, age 42, 3 chickens;
4. Maung Tay, age 39, 1 chicken;
5. Thout Kyar, age 45, 1 chicken;
6. Naw Thaung Kin, age 50, 1 chicken and 11 eggs;
7. Orr Lah Paw, age 36, 7 chickens and 1 bushel;
8. U Tee Paw, age 37, 1 chicken and 10 eggs;
9. Paw Kyaw Klaw, age 27, 1 chicken;
10. Mg Tin La, age 40, 2 chickens; and
11. Lah Pwae Paw, age 30, 1 chicken. (Source: BI, 2004)

On 21 May 2004, soldiers from SPDC IB 230 Operation 2 led by Nay Tun Oo looted the following items from Kya Gyi (age 45), Mae K' Wor Kee village, and Naw Yu Aung (age 40), Noh Ta Mee Wor village in Kyo Doe Township:

1. 12 chickens,
2. 12 Karen traditional shirts,
3. 2 ducks and
4. 2 chickens. (Source: BI, 2004)

On 1 June 2004, SPDC IB 230 Operation 2 led by Kyaw Min Aung came to Dit Toe village in Kyo Doe Township and looted the following items from the following villagers:

1. Kyoung Than Ngae, 4 chickens;
2. Aung P' Lae, 1 chicken; and
3. Moo Lo Lae, 10 eggs, 1 kilo of fade meat, 1 packet of noodles and 1 kilogram of chilies. (Source: BI, 2004)

On 3 June 2004, SPDC IB 230 Operation 1 led by Ko Ko Soe came to Ky Doe village in Kaw Kerate Township and looted the following items from the following villagers:

1. Monastery, 1 chicken;
2. Mun Net Thaung, 1 chicken;
3. Naw Moo Ploe, 1 chicken;
4. Mg Yaw Pae, 2 chickens;
5. Mun A' Yin, 1 chicken;
6. Mg Chit Lwin, 2 chickens; and
7. A' Myint, 1 bottle of sprite. (Source: BI, 2004)

On 8 June 2004, SPDC LIB 549 Operation 1 led by Regiment Commander Thu Rat Myo Tint came to Tee Pa Taw village in Win Yin Township and slept there 1 night. In addition, the soldiers looted the following items from the following villages:

1. Mu Naw Poe, age 40, 6 big packs of msg;
2. U Tin Ngway, age 50, 19 packets of coffee-mate;
3. Tee Kort, age 23, 1 chicken;
4. Ta K' Paw Moo, age 31, 5 chickens;
5. Saw Di, age 25, 1 chicken; and
6. Eh Kin, age 45, 2 chickens.

Moreover, the soldiers demanded Saw Kyaw Lu (age 37) find more chickens but he was unable to do so. As a result, the regiment commander slapped him 1 time. In the night time, 1 of the soldiers planned to sleep with a widow named Ma Tu Lu (age 37) who has 2 children. At mid-night, this soldier went into the house but the widow woke up and shouted. The soldier ran away. Later, 1 of the captains of the regiments visited the widow's house to find out about the event. After the widow told him everything, the captain told her not to lie and that it was not his soldier. (Source: BI, 2004)

On 12 June 2004, SPDC IB 230 medic Aung Myo took 3 kilos of pork from Saw Kwa Lu (male, age 24) and Naw Hser Lah Moo (female, age 36) in Tee Gu Thaw village in Kyo Doe Township. (Source: BI, 2004)

On 19 June 2004, SPDC LIB 230 Operation 2 led by Commander Nay Tun Zaw, Second Commander Nyain Tun Zaw and Tee Ku Thaw infantry commander demanded that the villagers provide and deliver 2 video players. When the soldiers received the video players, they forced the owners to go back. They could not operate the video players by themselves and damaged them. The Nya Toe (age 27) and Klo Say Htoo (age 29) were the owners of the video players. Both owners live in Tee Gu Thaw village in Kyo Doe Township. (Source: BI, 2004)

On 2 July 2004, SPDC LIB 548 Operation 2 led by Commander Aung Mya Thu came to Paw Ner Moo village in Kya In Township and looted the following items from the following villagers:

1. Saw Bi Htoo, age 36, half kilo of onion, half kilo of chilies, 4 chickens and half tin of rice;
2. Saw Tay Poe, age 64, 4 chickens;
3. Saw Ma, age 45, 4 chickens, 1 tin of rice;
4. Saw Kya Pu, age 65, 2 chickens, 3 big cans of rice;
5. Saw P' Loe, age 28, 2 chickens, 2 big cans of rice;
6. Saw Win, age 59, 9 chickens, 1 tin of rice, 1 long pair jeans, 1 kilo of chilies, and 1 pkt of msg;

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7. Saw A' Day, age 55, 1 chicken;
 8. Shae La Paw, age 35, 10 chickens, 6 big cans of rice;
 9. Pu Dazen, age 80, 4 chickens;
 10. Saw Ni Tha, 4 chickens, 1 tin of rice;
 11. Saw Day Bu, age 60, 2 big cans of rice;
 12. Saw Wah Doh, age 50, 12 small cans of rice;
 13. Naw Mu Ya Paw, age 40, 3 chickens;
 14. Naw Moo Ta Eh, age 30, 10 small cans of rice; and
 15. Naw Noe La Paw, age 60, 10 chickens. (Source: BI, 2004)

On 9 July 2004, troops from SPDC IB 51 led by Battalion Second in Command Moe Than Oo looted a pair of earrings and a Casio wristwatch from villager, Naw Ohmmar (female) of Si Kyauk Kweh village in Win Yae Township. (Source: CIDKP, 2004)

On 9 July 2004, troops from SPDC LIB 548 led by Column 2 Commander Aung Myat Thu came to Paw Ner Moo village in Kya In Township and looted the following items from the following villagers:

1. Saw Bi Htoo, age 36, 30 kyat worth of onions, 25 kyat worth of chili, 4 chickens and 4 pyi of rice;
2. Saw Htay Po, age 64, 4 chickens;
3. Saw Mahn, age 45, 4 chickens and 1 tin of rice;
4. Kya Pu, age 65, 2 chickens and 3 pyi of rice;
5. Saw Ba Loe, age 28, 2 chickens and 2 pyi of rice;
6. Saw Win, age 59, 9 chickens, one tin of rice, a pair of jean pants, 50 kyat weight of chili and 1 packet of msg;
7. Saw Ah Day, age 55, 1 chicken;
8. Seh Lar Paw, age 35, 10 chickens and 6 pyi of rice;
9. Saw Wah Doe, age 50, 12 milk tins of rice;
10. Naw Moo Rah Paw, age 40, 3 chickens;
11. Naw Mu Ta Eh, age 30, 10 milk tins of rice; and
12. Naw Noe Lar Paw, age 60, 10 chickens. (Source: CIDKP, 2004)

On 15 July 2004 at 9:00 am, troops from SPDC LIB 549 Column 1 came to Mae Ta Ler village in Kaw Ka Reik Township. They used threats and looted the villagers' livestock and vegetables. The following items were looted from the following villagers:

1. Saw Hla Aye, 3 chicken worth 4,000 kyat;
2. Saw Htun Kyaw, 1 rooster worth 2,000 kyat;
3. Naw Nah Na, 1 chicken and 2 ducks worth 1,500 kyat;
4. Naw Pa Na, 1 chicken and chicken eggs worth 1,500 kyat;
5. Naw Ni Hser, 2 chickens worth 3,000 kyat; and
6. Saw Htoo Say, 2 pigs worth 60,000 kyat and some vegetables. (Source: CIDKP, 2004)

On 21 July 2004 at 12:00 pm, approximately 50 troops from SPDC IB 308 led by Column 2 Commander Soe Shwe came to Pa Pya village in Win Yae Township and looted dry cell batteries from the following villagers:

1. Saw Win Aung, age 40, 8 boxes of large-size battery;
2. Naw Chit Nu, age 22, 8 pairs of large-size battery;
3. U Dan Pet, 5 boxes of large-size battery;
4. U Khin Aye, age 36, 1 box and 6 pairs of small-size batteries;

5. Naw Win Myint, age 29, 9 boxes of large-size batteries;
6. U Aung Myint, age 50, 4 boxes of large-size batteries and 2 boxes of small-size batteries;
7. Zaw Win Khaing, age 30, 7 large-size batteries; and
8. Naw Mya Than, age 48, 3 boxes of large-size batteries. (Source: CIDKP, 2004)

On 22 July 2004, troops from SPDC IB 230 Column 2 came to Aung Chan Tha village, between Kya In and Kyone Doe Townships, and looted the following items from the following villagers:

1. Naw Htoo Lar Paw, age 60, 6 chickens;
2. Saw Thoo Meh, age 62, 1 machete;
3. Naw Hla Aye Moe, age 62, 2 chickens; and
4. Naw Klo Moe, age 38, 2 chickens and 1 machete. (Source: CIDKP, 2004)

On 1 August 2004, troops from SPDC LIB 547 led by Column 1 Commander Zaw Htun came to Htee Kyaw Kay village in Kay In Township and looted the following items from the following villagers:

1. Naw Su Kha, age 40, 6 saws wood at the measurement of 5" x 3" x 18'; and
2. Naw Ku Lay Beh, age 36, 12 saws wood at the measurement of 5" x 3" x 18'. (Source: CIDKP, 2004)

On 17 August 2004, troops from SPDC LIB 548 Column 2 led by Naing Lwin Oo came to Ka Zat village in Kya In Township and looted the following items from the following villagers:

1. Saw Ye Shwe Htoo, age 75, 2 pyi of rice;
2. Naw Mu Roe, age 58, 2 pyi of rice;
3. Naw Ta Po Hka, age 38, 2 pyi of rice and 2 viss of beef;
4. Naw Ther Eh Paw, age 42, 2 pyi of rice;
5. Naw Htoo Pya, age 43, 2 baskets of paddy;
6. Naw Mu Deh, age 25, 2 baskets of paddy and 6 milk tins of rice;
7. U Shwe Yin, age 65, 2 baskets of paddy, 6 milk tins of rice and 5 chickens;
8. Naw Hu Doe Htoo, age 20, 3 pyi of rice, one torch light and 1 pyi of chili;
9. Naw Ko Lo, age 40, 12 pyi of rice and one chicken;
10. Ba Ku Ku, age 20, 1 chicken;
11. Naw Lu Paw, age 18, 2 chickens;
12. Naw Eh Lay, age 60, 2 chickens, 2 pyi of rice and 1 tin of paddy;
13. Naw Het Ta Let, age 65, 1 pyi of rice and 2 chickens;
14. Saw Tha Win, age 35, 1 chicken; and
15. Naw Bler Boo, age 70, 1 chicken. (Source: CIDKP, 2004)

On 30 August 2004, troops from SPDC LIB 548 led by Soe Min came to Tha Kho Khee village in Kya In Township and looted the following items from the following villagers:

1. Saw Hsa Gay Moo, age 30, 4,000 kyat and a radio set; and
2. U Pa Hlaing, age 55, 4 chickens. (Source: CIDKP, 2004)

On 17 September 2004, troops from SPDC LIB 548 led by Column 1 Commander Min Soe came to Paw Ner Moo village in Kya In Township and looted the following items from the following villagers:

1. Saw Ta Ka Dee, age 20, 2 chickens;
2. Lah Doe Po, age 25, 1 chicken;

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3. Naw Aye Mya, age 40, 1 chicken and 5 milk tin of rice;
 4. Saw Ta Mla Lay, age 40, 2 chickens and 5 milk tins of rice;
 5. Saw Nay Moo, age 43, 2 chickens and 1 Pyi of rice;
 6. Naw Paw Htwe, age 43, 2 chickens;
 7. Saw Soe Lay, age 67, 2 chickens;
 8. Saw Ka Moe Htoo, age 32, 4 chickens;
 9. Saw Isaac, age 38, 1 chicken;
 10. Saw Klay Klo, age 50, 2 chickens;
 11. Saw Paw Yer Ya, age 24, 1 chicken;
 12. Saw Kaw Paw, age 25, 2 chickens and 1 duck; and
 13. Saw Kaw Peh, age 42, 2 chickens. (Source: CIDKP, 2004)

On 20 September 2004, troops from SPDC IB 231 led by Major Hla Moe came to No Auk village in Kyone Doe Township and looted the following items from the following villagers:

1. Mahn Ta Loe, age 30, 1 chicken;
2. Mahn Paw Tah, age 30, 1 chicken;
3. Mahn Aung Myin, age 28, 1 duck; and
4. Mahn Thaung Aye, 500 Kyat.

The SPDC troops also accused Mahn Thaung Aye of being a member of the KNU.
(Source: CIDKP, 2004)

On 21 September 2004 at 9:00 am, approximately 50 troops from SPDC IB 51 led by Battalion Commander Zaw Min under control of SPDC South Western Command Headquarters looted items from villagers in Win Ka Na village in Win Yae Township. The following item were looted from the following villagers:

1. Saw Po Bleh, age 19, 2 chickens;
2. Naw Htoo Ka Mu, age 30, 2 hats;
3. Naw Than Shwe, age 35, 1 chicken;
4. Saw Dah Ler, age 29, 7 pumpkins and waxy gourd;
5. Naw Htoo Lwee Paw, age 53, 4 chickens;
6. Naw Ku Li Li, age 56, 4 chickens and 10 waxy gourd; and
7. Naw Ka Ri, age 21, 3 chickens. (Source: CIDKP, 2004)

Unfair Taxes and Levies

On 15 February 2004, in Kyai In Sain Kyi Township the Land Surveying Department, led by Myo Aung, Sain Nyo Than and Myo Thu, came and surveyed the land and fields in Ta Ku Kee and Ta Ka Klo villages. They asked the villagers to pay 3,000 kyat per yard. Everyone had to pay the money at once. (Source: BI, 2004)

On 26 February 2004, troops from SPDC LIB 548 based at Htee Pa Khee camp went to steal villagers' chickens at Htee Po Wai village, which was 5 miles away from their camp. These troops demanded money from traders traveling between Three Pagoda Pass and Kya In Seik Kyi at the rate of 600 kyat for a bullock cart, 1,000 kyat for a motor cycle and 5,000 kyat for a truck. Moreover, they also extorted money from villagers collecting leaves for thatch at the rate of 200 - 500 kyat per bullock cart. (Source: CIDKP, 2004)

On 4 March 2004, troops from SPDC LIB 548 Column 1 led by Battalion Commander Tin Maung Oo demanded 30 viss of pork from Kyone Ma Tee villagers and 10 viss of pork from

Htee Say villagers. On that day, these troops demanded from Kyone Ma Tee village 4 logs of wood and 2 carts of bamboo for constructing building. (Source: CIDKP, 2004)

On 26 March 2004, troops from SPDC LIB 548 led by Column 1 Commander Lieutenant Colonel Tin Maung Oo arrested villager Saw Po Seet (age 25) of Old Shwe Poe Hat village and Saw Po Heh (age 30) of Htee Po Way village at Shwe Tha (Pa Lay Taik) and demanded that the villagers pay 10,000 kyat and 40,000 kyat respectively for their release. Moreover, these troops extorted 50,000 kyat from the village head of Ko Du Kweh village. (Source: CIDKP, 2004)

On 30 March 2004, troops from DKBA 999 demanded villages in Kaw Ka Riek Township to each pay 20,000 kyat to construct a motor road from Kaw Ka Reik to Kaw Ka Reik Ta Daing. (Source: CIDKP, 2004)

On 17 April 2004 at 5:00 pm, SPDC LIB 588 Sergeant Bo Yin Shway entered Ro Poe Kay village in Win Yin Township and accused Saw La Kyi (age 47) of having contact with the KNU and fined him 3,000 kyat and half a kilo of chicken. (Source: BI, 2004)

On 10 May 2004, SPDC LIB 548 led by Maung Oo saw 9 youngsters, frightened them, and demanded money from each of them in Shway Poe Ha (Ywar Thit) village in Kya In Township. The following youngsters paid the listed amounts of money to the soldiers:

1. Naw Mu Yar Paw, from Doe Pi village, 9,000 kyat;
2. Saw Eh Kaw, Du Lae village, 8,000 kyat;
3. Naw Nun Way, Du Lae village, 6,000 kyat;
4. Nun Kyi Thaing, Kyort B'lue village, 2,000 kyat;
5. Nun Thee Da Thaing, Kyort B'lue village, 2,000 kyat;
6. Saw Kyaw Aye, A' Nae Nee village, 2,000 kyat;
7. Naw Paw Pa, Nay Sot village, 2,000 kyat;
8. Saw Eh Shee, Wah Thae Pue village, 2,000 kyat; and
9. Saw Aung Zaw Win, Wat Pay Thwaet village, 1,000 kyat. (Source: BI, 2004)

From 18 June 2004, SPDC LIB 549 Operation 1 led by Regiment Commander Thu Ra Myo Tint demanded that all boats passing through Z' Mit river pay 3,000 - 7,000 kyat. The villagers subject to this tax were from Shway Poe Hart (Wyar Thit) village in Kya In Township. (Source: BI, 2004)

On 15 July 2004, the SPDC Land Survey Department of Kya In and Seik Kyi Township led by Myo Aung, which also consisted of Sein Nyo Than and Myo Thu, came and conducted a land survey at Ta Ku Khee and Ta Khat Klo villages in Kya In Township and demanded 3,000 kyat per acre from the villagers. (Source: CIDKP, 2004)

On 15 July 2004, troops from SPDC LIB 549 led by Column 2 Commander Thein Zaw seized 37 cattle from cattle trader Maung Tin Hlaing (age 40) from Kyaik Ma Raw village at Lay Wah Kha village and demanded 500,000 kyat for their release. (Source: CIDKP, 2004)

On 25 July 2004, passengers who passed through the SPDC checkpoint at Kyar In Seik Kyi, Karen State, were forced to buy drinking water at 90 kyat a bottle, more than 3 times the normal price. The SPDC checkpoint in the town sells bottled water to passengers who are heading to the border town and who are believed to be economic migrants entering Thailand. (Source: "Money Thirsty Checkpoints," *Kao Wao News* No. 72, 25 July 2004.)

On 31 August 2004, Kaw Ka Reik Township Chairman U Htun Wai ordered farmers in Ye Gyaw village tract in Kaw Ka Reik Township to buy urea fertilizer from the village tract Chairman U Ba Aung. The villagers were forced to buy 9 bags of Thai made urea, at a cost of 8,800 kyat a bag, and 560 bags of Shwe-myitta fertilizer, at a cost of 760 kyat a bag. The villages and the amount that villagers were forced to buy were:

1. Ta Maing Gon village, 1 bag of urea and 96 bags of Shwe-myitta fertilizer, at a total cost of 81,760 kyat;
2. Ywa Thit village, 1 bag of urea and 53 bags of Shwe-myitta fertilizer, at a total cost of 49,080 kyat;
3. Ye Gyaw Gyi village, 2 bags of urea and 111 bags of Shwe-myitta fertilizer, at a total cost of 101,760 kyat;
4. Ye Gyaw Lay village, 2 bags of urea fertilizer and 110 bags of Shwe-myitta fertilizer, at a total cost of 101,090 kyat;
5. Hlaing Wah village, 2 bags of urea and 130 bags of Shwe-myitta fertilizer, at a total cost of 116,400 kyat; and
6. Ta Dan Kyo village, 1 bags of urea and 60 bags of Shwe-myitta fertilizer, at a total cost of 54,400 kyat. (Source: CIDKP, 2004)

On 2 September 2004, U Ba Aung chairman of Ye Gyaw village tract in Kaw Ka Reik Township forcibly collected 30,000 kyat from sections of the village track for a football team. (Source: CIDKP, 2004)

On 8 September 2004, Camp Commander Ye Naing Htun, in the rank of company second in command, based at the camp of Ta Maing Gon village in Kaw Ka Reik Township from SPDC IB 231 under SPDC No. 12 Military Operation Command Headquarters demanded that each section of the 3 sections of Ta Maing Gon village provide 2 pyi of rice, 5 coconuts and ½ viss of fish paste. (Source: CIDKP, 2004)

Situation in Pa-an District

Looting and Expropriation of Food and Possessions by the Army

On 20 May 2004, frontline Operation Commander Win Myint of SPDC LIB 549 under local Military Operation Command Headquarters 12 demanded 1 piglet, 1 goat and some rice bran for livestock breeding from each village of Ta Nay Cha (Na Boo) Township. (Source: CIDKP, 2004)

In late May 2004, DKBA Battalion 3 Commander Pu Ta Kler gave orders to his company commander Bo Tha Tu to catch 100 cows in Tow Kaw Koe field belonging to the villagers. Bo Tha Tu also caught 40 cows belonging to villagers at Tee Poe Train village. After stealing these cows, Bo Tha Tu sold them in Thailand. (Source: BI, 2004)

On 14 June 2004, troops from brigade security unit DKBA 999 led by Saw Paw-peh killed a goat worth 15,000 kyat for food in Pa Yar Gyi village. (Source: CIDKP, 2004)

On 15 June 2004, Saw Hta Htu, Saw Pel-lei and Saw Du from DKBA 999 Column 3 looted 90 cows and 6 buffaloes worth over 300,000 kyat from cattle merchants in Don Yin village tract. The following livestock from the following villagers was looted:

1. Saw Hta-may, Naung Lone village, 6 cows;
2. Saw K' Lar Na, Naung Lone village, 10 cows;

3. Aung Naing Oo, Pa Kar village, 4 cows;
4. Aung Thein, Pa Kar village, 4 cows;
5. Aung Win, Kaw Kyaik village, 4 cows;
6. Ka Toe Hta villager, 10 cows;
7. Htay Win, Pa Kar village, 4 cows;
8. Saw A'dee, Naung Lone village, 6 buffaloes;
9. Saw Hta Htar, Naung Lone village, 8 cows;
10. Aung Htun, Pa Kar village, 8 cows;
11. Hsa Hta-yar, Naung Lone village, 6 cows; and
12. Li-sa-hkee, Naung Lone village, 8 cows. (Source: CIDKP, 2004)

On 22 June 2004, 2 SPDC battalions from LID 77, LIB 6, led by Second Battalion Commander Myo Tun passed through Lah Kwaie village on their way to Toe Kaw Koe village. In Lah Kwaie, they shot at KNU soldiers. The KNU soldiers reportedly did not shoot back and tried to run away because during this time a recent ceasefire agreement had been made. During this attack, 1 KNU soldier was killed and another wounded. Also 1 villager was killed and another wounded. The wounded villager was Maung Naing Oo, son of Saw A' Way, a local shop owner. All the people in the area ran away and the SPDC soldiers looted all the things in 2 shops. The 2 shops were owned by Saw A' Way and Chaw Dee Klee Moe. The soldiers slept in the village one night and the next morning they left and proceeded to Toe Kaw Koe village. The following items were looted from Saw A'Way's shop by Major Bo Mu Myint Lwin and military doctor Min Naing Oo to a total value of over 100,000 kyat:

1. 3 shirts,
2. 2 hindi,
3. 1 chopper,
4. 1 knife,
5. 1 tin rice,
6. 11/2 kilo salt,
7. 1 kilo preserved fish / shrimp paste and
8. 70,000 kyat.
9. The following items were looted from Chaw Dee Klee Moe's shop by Major Bo Mu Myint Lwin and military doctor Min Naing Oo:
10. 1 bottle of oil,
11. 2 hindi,
12. 1 chopper,
13. 1 goat,
14. 1 tin rice,
15. 11/2 kilo salt,
16. 3 kilo preserved fish/shrimp paste,
17. 20,000 kyat and
18. 1,000 bhat. (Source: BI, 2004)

On 6 August 2004, Saw Mon Daing of the DKBA extorted 5 viss of pork from Htee Po Net village and 10 viss of pork from Baw Ta Pru village in Pa-an Township. (Source: CIDKP, 2004)

On 3 September 2004, troops from DKBA 999 led by Saw Win Myint confiscated cattle from cattle traders at Ler Wah Suy Day. A total of 79 head of cattle were seized with a total value of 20.5 million kyat. The following cattle were confiscated from the following villagers:

1. Pa Naw Pi, Ka Mah Hta village, 30 cattle worth 8 million kyat;
2. Saw Ku Say, Tarit Po Kwee village, 30 cattle worth 8 million kyat;
3. Maung Kyaw Yin, Kyaw Ta Lay Kho village, 9 cattle worth 2 million kyat; and
4. Pa Yay Heh, Htee Tha Blu Hta village, 10 cattle worth 2.5 million kyat. (Source: CIDKP, 2004)

On 22 September 2004, DKBA 999 led by Saw Dur Kaw looted 4 tins of rice and children's school notebooks from Toe Kae, a villager from U Pu Toe village in Lu Plae Township. (Source: BI, 2004)

Unfair Taxes and Levies

On 3 February 2004, Maung Lue Kyi of DKBA 999 extorted 25,000 kyat from a trader named Saw Maung Yoe. (Source: CIDKP, 2004)

On 9 February 2004, troops from DKBA 555 led by Saw Pah Eh Htoo extorted money from villages in Htee Pa Reh village tract. The following amounts were extorted from the following villages:

1. Khaw Thoo Khee village, 7,500 kyat;
2. Htee Moe Khee village, 7,500 kyat;
3. Htee Pa Reh village 7,500 kyat; and
4. Wah Mi Kla village, 7,500 kyat. (Source: CIDKP, 2004)

On 5 March 2004, Pah Nya of the DKBA demanded from Pwa Gaw village 4 tons of sawed wood. (Source: CIDKP, 2004)

On 25 March 2004, Than Htun and Sai Pu of the DKBA came to Pwa Gaw village in Pa-an Township and demanded 10 bullock carts to haul logs to Mae Ka Na saw mill. As the villagers could not provide the demanded bullock carts, the DKBA troops arrested and tied up the village head of Pwa Gaw village, Pa Din, and fired 30 rounds of an M-16, 1 magazine of a pistol and 1 round of a M-79 Granada launcher to threaten him. (Source: CIDKP, 2004)

On 14 April 2004, frontline Battalion Commander Htay Aung of SPDC LIB 549 under SPDC No.12 Military Operation Command forcibly collected money from villagers in Da Nay Cha Township to buy a computer for Ta Nay Cha village school. The army collected 4,200,000 kyat from villages in Ta Nay Cha Township. (Source: CIDKP, 2004)

On 18 April 2004, troops from DKBA 555 led by Kyaw Pa Khin and Min Than robbed cattle owner Saw Pa Li of Ta Ngaw village at Tha Blay Ler Hta of 120,000 kyat. (Source: CIDKP, 2004)

On 20 May 2004, SPDC soldiers from LID 77, LIB 391, led by Commander Myo Min and Sergeant Tun Tha raided Sgaw Koe village in Tay Nay Sar Township in the morning. They asked the village leader to find them a pig. When the village leader replied that he could not find it, Battalion Commander Myo Min threatened him. He was very afraid so he collected the money from the villagers to pay for a pig which cost 35,000 kyat. (BI, 2004)

On 1 June 2004, troops from the DKBA Special Battalion 999 led by Pah Du Kot accused the head of Hta Kler village of having contact with the KNU and fined him a pig worth 30,000 kyat and a goat worth 15,000. (Source: CIDKP, 2004)

On 20 June 2004, Lieutenant San Myint of LIB 549 under SPDC local Operation Command 12 demanded by order from every village in Na Bu Township a pig, a goat and some hog feed for breeding at the military camp. (Source: CIDKP, 2004)

In late June 2004, DKBA Battalion 3 Commander Pu Ta Kler based in Ta Nay Sar village ordered each house in the village to bring 1 bamboo pole and 1 length of wood to the DKBA infantry to repair their fence. (Source: BI 2004)

On 8 July 2004, troops from SPDC IB 24 and DKBA 999 led by Saw Min Than seized 4 cows and a buffalo from Saw San Aung of Hlaing Bwe village and Kyaw Htoo of Noe Pa Doe village. They were ordered to pay a ransom of 200,000 kyat for the livestock. (Source: CIDKP, 2004)

In July 2004, troops from SPDC LIB 549 demanded 250,000 kyat from each village in Na Boo Township in order to buy a computer for the school in Na Boo. Similarly, Tee Mu Hkar of the DKBA demanded 30,000 kyat from villagers to construct a monastery in Na Boo village. (Source: CIDKP, 2004)

On 20 July 2004, troops from DKBA 999 battalion 2 and battalion 3 led by Saw Pan Wah demanded that villagers logging in Htee Set Ker village pay a fine. The following villagers were required to pay the following amounts:

1. Saw Leh Say Thay, 100,000 kyat;
2. Naw Htoo Paw Say, 60,000 kyat; and
3. Saw Pee Tu, 60,000 kyat. (Source: CIDKP, 2004)

On 29 August 2004, Pa Thay Gay and Pa Kaw Paw of DKBA 555 seized 12 cattle from cattle traders at Htee Tha Lu Hhta village and demanded 120,000 kyat. (Source: CIDKP, 2004)

On 1 September 2004, troops from DKBA 999 led by Kyaw Mying camped at Tha Blu Hta and extorted 4,000 kyat per person from 12 villages of Tarit Po Kwee village tract. (Source: CIDKP, 2004)

On 1 September 2004, DKBA soldiers at different DKBA gates in La Pah village in Lu Plae Township demanded different taxes for 36 cows. At gate 1, DKBA Saw Poe Klay demanded 54,000 kyat. At gate 2, DKBA Company Commander Saw Win Pan demanded 288,000 kyat. At gate 3, DKBA San Yue demanded 80,000 kyat. At gate 4, San Yue again demanded 800,000 kyat. The cattle owners were Tee Noe, Mg Aye Mya and Saw Thaing Sit. (Source: BI, 2004)

On 2 September 2004, DKBA soldiers lead by Kyaw Win Myai from the DKBA camp at Mae Tha Moo Ta arrested 4 livestock traders with 82 cows and fined them different amounts when they arrived to Ler Wah Kyin Day village. The following traders were fined the following amounts:

1. Pa Naw Pet, Taray Poe Kwee village, 30 cows, fined 200,000 kyat;
2. Saw Dee Poe, Kray Hta village, 9 cows, fined 112,500 kyat;
3. Mg Kyaw Yin, Kyaw Ta Lady village, 8 cows, fined 100,000 kyat; and

4. Saw Ku Say, Taray Poe Kwee village, 35 cows, fined 500,000 kyat. The traders were sent to DKBA headquarters but Mg Kyaw Yin escaped at Klaw K' Tay village. (Source: BI, 2004)

On 8 September 2004, troops from DKBA 999 led by Pu Ter clashed with KNLA 7 brigade troops at Hey Taw Htaw Kyo where DKBA troops lost 1 .30 carbine. For this reason the DKBA troops demanded 200,000 kyat from villagers in Plaw Nya Khee village tract for their lost weapon. (Source: CIDKP, 2004)

On 9 September 2004, DKBA soldier Kaw Plaw and his friends stopped 2 cattle owners when they arrived at Mae The Moo village in Lu Plae Township at 5:00 am. The soldiers fined the cattle owners 500,000 kyat before they release them. The 2 cattle owners were Saw Po from Pa Wa, who had 14 cows, and Mg Aye Sain from Pa Wa, who had 18 cows and buffaloes. (Source: BI, 2004)

On 19 September 2004, DKBA 999 Battalion 3, Battalion 2 Commander Tha Toe, cooperating with SPDC 77 fighting force unit Column 2, led by Lieutenant Commander Major Kyaw Myit, entered Kwee Maw Tae village, Noh Kay village tract, Ta Na Cha Township, and zapped the chief of the village tract, Pu Ta Thu (age 58). The soldiers fined the chief village tract assistant, Saw Ko Ya (male, age 40) 80,000 kyat and 25 viss of pork. (Source: BI, 2004)

On 21 September 2004, SPDC IB 24 and DKBA leader Min Than set up 2 checkpoints in Kae Koo and Klate Poe Kloe areas at 1:00 pm. The soldiers then arrested 2 cattle traders with 18 cows and fined them 200,000 kyat. The 2 cattle traders were San Aung from Lai Boi village and Kyaw Htoo from No Nae village. (Source: BI, 2004)

Situation in Papun District

Looting and Expropriation of Food and Possessions by the Army

On 16 February 2004, SPDC troops led by Bo Tin Htun looted 6 chickens, 2 viss of dried green tea and 2 viss of sesame oil from villagers of Mae Khu Hta village in Dwe Lo Township. Moreover, on 17 February 2004 at 7:30 am, these troops left Mae Khu Hta village and demanded 5 villagers to carry military supplies for them. (Source: CIDKP, 2004)

On 9 March 2004, troops from SPDC IB 27 Column 2 came to Thwa Hta village in Dwe Lo Township and demanded 2 tins of rice, some fish paste and 10 chickens from villagers. (Source: CIDKP, 2004)

On 10 March 2004, Bo Aung Kyaw Pwint of SPDC IB 27 extorted the following items from the following villages in Dwe Lo Township:

1. Mae Ku Khe village, 7 chickens, 4 milk tin of rice, 5 coconuts and 1 machete; and
2. Kler Si Kho village, 5 tins and 4 pyi of rice, 6 viss of salt, 2 viss of chili, 6 pyi of sticky rice, 3 machetes, 17 chickens, 1 mosquito net and 1 pot. (Source: CIDKP, 2004)

On 11 March 2004, troops from SPDC IB 27 Column 2 came to Tha Per Pah village and extorted from villagers 8 chickens and 47 milk tins of rice. They then traveled to Kler Si Kho village and extorted from villagers 20 chickens, 10 pyi of rice, 1 pair of shoes and 1 cat. (Source: CIDKP, 2004)

Unfair Taxes and Levies

On 14 January 2004 at 9:00 am, SPDC troops shot and killed 3 buffalo belonging to Saw Klo Po Heh (age 19) from Kleh Lor village. The buffalo were worth 29,000. They also took from him 3,000 baht and 50,000 kyat. These troops then arrested Saw Klo Po Heh and later shot and killed him. On 15 January 2004 at 3:00 pm, these troops also shot at 30 villagers who were on their way back from shopping. The troops shot at them between Kho Lay village and Thway Doe village. Fifteen villagers returned safely and the other 15 are missing to this day. (Source: CIDKP, 2004)

On 15 February 2004, Battalion Commander Kyaw Khin Win of SPDC LIB 374 based at Khu Thu Hta ordered villages in the Kho Thu Hta area in Dwe Lo Township to provide pieces of thatch for the construction of the army camp. The villagers were also forced to work at the site. The following pieces of thatch were demanded from the following villages:

1. Khor Htee Kho village, 300 pieces of thatch;
2. Htee Nah Day village, 220 pieces of thatch;
3. Po Lo Hta, 500 pieces of thatch;
4. Wah We Day village, 200 pieces of thatch; and
5. Mae Ta Ru Khee village, 300 pieces of thatch. (Source: CIDKP, 2004)

On 17 February 2004, Battalion Second in Command Kyaw Zan of SPDC LIB 374 called a meeting of villages in Kho Thu Hta and Lay Khaw Hti village tracts at Kho Thu Hta village in Dwe Lo Township. In the meeting, he ordered the heads of the villages in Kho Thu Hta village to reconstruct 2 warehouses used for stockpiling rations and to construct a new army camp fence for camp security. Later, he ordered villages in Ma Lay Ler village tract to provide thatch. The thatch was to be sent to Kho Thu Hta village by 2 March 2004. The following villages were order to provide the following pieces of thatch:

1. Deh Hta village, 400 pieces of thatch;
2. Hser Ri Kyo village 250 pieces;
3. Htee Baw Lor village, 350 pieces of thatch;
4. Pa New Lor village, 140 pieces of thatch;
5. Naw We Hta village, 150 pieces of thatch; and
6. Lay Khaw Hti village, 170 pieces of thatch. (Source: CIDKP, 2004)

On 20 February 2004, SPDC troops led by Column Commander Aung Kyaw Pwint came to Mae Ku Hta village in Dwe Lo Township and demanded nearby villages provide 200 pieces of thatch each. (Source: CIDKP, 2004)

Land Confiscation

On 16 March 2004, Commander of Operation Command 1 of the SPDC South Western Command Headquarters confiscated 30 acres of lands from 6 villagers of Mae Throe village in Papun Township to construct an army base and set up flags on this plots of land. The villagers wanted to be anonymous because they were afraid of the SPDC troops. (Source: CIDKP, 2004)

5.7 Situation in Karenni State

Throughout 2004, troops from the Tatmadaw as well as the SPDC backed Karenni National Peoples' Liberation Front (KNPLF) continued to loot, steal, destroy, and extort money, livestock, and other goods and supplies from the villagers of Karenni State. Extortion demands were often accompanied with unfounded accusations that villagers were supporting rebel Karenni forces. The demands for money, rice and livestock caused the already impoverished population increased hardship. (Source: KNAHR, 2004)

Looting and Expropriation of Food and Possessions by the Army

On 1 January 2004, SPDC troops from LIB 567, under the command of LID 55 led by Khin Maung Latt, came to Deileh village. The Burmese troops searched house by house and took 1 silver sword and 3 blankets from Thay Reh's house. (Source: KNAHR, 2004).

On 13 January 2004, about 100 SPDC troops from LIB 567, under the command of Thein Shwe, came to Kelya village in Pruso Township and took 4 chickens and 1 pig from the village. (Source: KNAHR, 2004)

On 23 January 2004 at 4:00 pm, about 150 SPDC troops from LIB 509, under the command of Division 55 led by Myint Oo, entered Kapwedoh village in No. 2 Township, west of Mawchi. The troops looted rice, chickens and pigs from the village and then threatened the villagers so that they would not report the incident to the authorities. (Source: KNAHR, 2004)

On 27 February 2004 at 10:00 am, Saw Phlo Htoo led his local militia group to Phlo Htee village. The troops then accused villagers of having contact with the Karenni forces without giving a reason for this accusation or providing any evidence. They then searched the village house by house and took some domestic property, chickens and pigs from the village. A villager named Naw Leimu was hit by a soldier with his gun butt. (Source: KNAHR, 2004)

On 9 April 2004, a column of Burmese military units from LIB 422 came to Bulawper village, west of Mawchi, and forced family members to come out from their houses and searched each house. Property owned by the villagers such as paddies, rice, salt and chili were destroyed by the Burmese troops. (Source: KNAHR, 2004)

Unfair Taxes and Levies

In 2004, it was reported that local Burmese military and the Karenni Nationalities People Liberation Front (KNPLF) charged villagers living in Daw Rawkhu area an annual tax for their opium production. This was reported by Gopher, a trader from Daw Rawkhu, during his recent business trip to the border. Gopher stated that: "Last year, I was asked to pay a tax of 500,000 kyat by the Deemaw Soe based SPDC IB 102 commander and 300,000 kyat by the KNPLF (SPDC backed ceasefire group) for my opium cultivation." In addition, it was reported that all opium cultivators were ordered to sell their entire opium crop to the KNPLF at the price of 130,000 - 150,000 kyat for one viss (1.65 kg). There were about 400 acres of opium planted in the Daw Rawkhu area in the 2003 cultivation season. This produced 2,500 - 3,000 viss of opium. (Source: KNAHR, 2004)

On 21 February 2004, Ye Soe, the commander of a Pruso-based KNPLF contingent, forced Pukrakhu village and Dohpreh village cluster to pay 5 chickens and 10,000 kyat in cash for their failure to send someone to act as a messenger, as demanded by the KNPLF. Ye Soe once again demanded another 20,000 kyat on 16 March 2004 from Pukrakhu village for the same reason and threatened to set fire to the village if they failed to send a messenger in the future. (Source: KNAHR, 2004)

On 16 March 2004, Ye Soe, commander of Pruso-based KNPLF contingent, ordered the Pukrakhu village Secretary, Soe Reh, to report to his Pruso base. As soon as he arrived at the Pruso base Commander Ye Soe accused him of having connections with the Karenni Army and put him in a prison cell from 12:00 am to 3:00 pm on that day. Ye Soe released him at 3:00 pm and demanded 20,000 kyat from him as a fine. He was also told by Ye Soe that he must come to Pruso KNPLF base on 21 March 2004 with 15 roosters or the village would be set on fire. (Source: KNAHR, 2004)

On 28 March 2004, Ye Soe, commander of Pruso-based KNPLF contingent, demanded that Lyadu village, Dohpreh village cluster, Pruso Township, give 8.25 kg of chicken and 20,000 kyat for having failed to send someone to act as a messenger at his base for 1 day. (Source: KNAHR, 2004)

On 1 and 2 May 2004, SPDC troops from IB 54 and 102, with the help of local militia led by Sae Reh, came to Daw Takleh, Daw Tanaw and Nguthweleh villages in the Kaylya area. The Burmese troops demanded those villages provide them with bamboo to re-establish their military camp at Hteepokloe. Villagers from these villages transported bamboo with 34 bullock carts on 2 May to Hteepokloe without delay, as the army demanded. In addition, the Burmese troops ordered them to provide 3,000 sheets of thatch to roof the military barracks by 6 May at the latest. Villagers were threatened with a fine should they fail to send the demanded thatch on the fixed date. (Source: KNAHR, 2004)

On 15 August 2004, a group of troops from the SPDC backed ceasefire armed group KNPLF, led by Nay Reh and Kwar Reh, came to Shadaw relocation camp and fined the families for not having reported to them about the Karenni forces movement in the area. Actually, none of the families had knowledge about the KA troop movement as alleged by the KNPLF. The following accused families were fined the following amount:

1. Poe Reh's family was fined 10,000 kyat;
2. Sae Reh and Mei Mehi's family were fined 10,000 kyat;
3. Dah Reh and Pray Meh's family were fined 10,000 kyat;
4. Dah Reh and Mei Meh's family were fined 10,000 kyat;
5. Su Reh and Mei Meh's family were fined 10,000 kyat; and
6. Plae Reh and Ei Paw's family were fined 10,000 kyat.

Furthermore, they were threatened with a 30,000 kyat fine if they failed to report KA troop movement in the future. (Source: KNAHR, 2004)

5.8 Situation in Mon State

Human rights abuses such as land confiscation, excessive taxation, forced labor and restrictions on movement contributed to the deprivation of livelihood of villagers in Mon State throughout 2004. Between December 2003 and June 2004, the SPDC military launched offensives in southern Ye Township against the Monland Restoration Army (MRA). As part of counter insurgency operations in the area the military severely restricted movement outside of villagers. The Human Rights Foundation of Monland (HURFOM) reported that as of late August 2004 some villagers in Ye Township were ordered not to go to work on their paddy farms and orchid plantations (source: "Gross Human Rights Violations in Ye Township, Southern Part of Mon State," *The Mon Forum*, 30 September 2004). The Thailand Burma Border Consortium (TBBC) also reported that travel restrictions to areas outside village boundaries severely limited villages access to their farms and that this, together with taxation and demands for forced labor, had made existence in some Mon villages untenable (source: *Six-Monthly Report*, TBBC, July – December 2004).

Land confiscation, extortion and looting by both the Tatmadaw and the DKBA also severely affected villagers' ability to provide for themselves during the year. The HURFOM reported that in January 2004 villages in Thanbyuzayat Township were ordered to provide 280 tons of wood for the construction of a new artillery regiment. Villagers were ordered to provide the wood from their own plantations or to pay for the required amount of wood on the open market, at the cost of 200,000 kyat per ton (source: "Logging, Gas Pipeline and Impacts to the Mon People," *The Mon Forum*, 30 June 2004). In June 2004, it was reported that the SPDC confiscated over 800 acres of farmlands in southern Ye Township. The farms, which included rubber, betel nut, durian and lime plantations, were owned by subsistence farmers and no compensation for the confiscated land was provided (source: "The Junta's Way of Sustainable Development," *Kao Wao News* No. 70, 22 June 2004). There were also reports throughout the year that DKBA forces not only cut virgin forests but also entered villagers' farms and plantations and cut down trees to meet their own business objectives (source: "Logging, Gas Pipeline and Impacts to the Mon People," *The Mon Forum*, 30 June 2004). In all instances, villagers were not provided with any compensation for the lands, labor and wood taken from them, thus creating obstacles for farmers to meet their basic subsistence needs.

Bilin Township

Looting and Expropriation of Food and Possessions by the Army

On 22 September 2004, Second Lieutenant Htun Htun Oo and his troops, under the control of Mae Prae Khee Camp Commander Kyaw Naing Lwin of SPDC LIB 375, came to Ka Ser Po village and looted machetes from villagers and ordered his soldiers to cut rattan cane. The troops were divided into 2 groups to cut rattan cane and in each group a villager had to guide them every day to show them where the cane was. (Source: CIDKP, 2004)

Unfair Taxes and Levies

On 8 January 2004, Camp Commander Bo Ohn Naw Din of SPDC IB 80 based at Yo Kla demanded from Ta Eu Khee village 1,500 poles of bamboo, which were to be sent to Yo Kla camp. (Source: CIDKP, 2004)

On 12 January 2004, Than Htun of the DKBA demanded thatch from villages in Bilin Township. If the villagers could not provide the thatch they were required to pay cash. The following villages and pieces of thatch demanded were:

1. Pa Ya Raw village, 2,000 pieces worth 80,000 kyat;
2. Ta Eu Ni village, 1,000 pieces worth 40,000 kyat;
3. Ta Eu Khee village, 4,000 pieces worth 160,000 kyat;
4. Paw Khee village, 1,000 pieces worth 40,000 kyat; and
5. Nya Po Khee village, 500 pieces worth 20,000 kyat. (Source: CIDKP, 2004)

On 7 April 2004, Battalion Commander Tin Maung Win of SPDC IB 96 demanded from Waw Ka Ter village in Bilin Township 20 pieces of 4 inch x 2 inch timber. He told the villagers that they had to pay 20,000 kyat if they failed to meet the demand. (Source: CIDKP, 2004)

On 16 April 2004, Township Peace and Development Committee chairman Htun Oo of Bilin Township summoned the village heads of Kho Tha Nya village, Ka Di Pu village, Shwe Yaung Pya village and Ya village to come and see him. He ordered them to tell their villagers to cut wood and bamboo for construction of a motor road from Mi Chaung Aing to Kho Tha Nay. He told the villagers to sell the bamboo and wood they cut if they could not transport it and to buy bricks and cement in place of them. He threatened the villagers with punishment if they did not obey. On that day, Bo Tin Myint of SPDC LIB 3 demanded the following items from the following villages:

1. Mi Chaung Aing village, 30 bamboo poles and 300 pieces of split bamboo;
2. Ma Yan Gon village, 30 bamboo poles and 300 pieces of split bamboo; and
3. Shwe Yaung Pya village, 30 bamboo poles and 300 pieces of split bamboo.

Moreover, the SPDC troops ordered each household to send a person to build roofs for the buildings at Thi Ho camp every day. In addition, the SPDC troops ordered Lah Au Hker villagers to take responsibility for building roofs for the buildings at Ah Leh Sa Karn camp immediately. (Source: CIDKP, 2004)

On 6 September 2004, Major Myat Soe of SPDC LIB 9 demanded wood from the following villages to be bought to Htee Nya Paw by the end of Wa Gaung month (mid September):

1. Mi Chaung Aing village, 50 logs of wood 18 feet in length and 5 feet in girth and 50 logs of wood at 12 feet in length and 50 feet in girth; and
2. Mayan Gon village, 50 logs of wood 18 feet in length and 5 feet in girth and 50 logs of wood 12 feet in length and 5 feet in girth. (Source: CIDKP, 2004)

On 17 September 2004, Battalion Commander Zaw Zaw Min of SPDC IB 35 based at Win Maung camp demanded from villagers of Pa Ta Ta village in Bilin Township the following items:

1. 170 poles of small bamboo,
2. 80 poles of giant bamboo and
3. 50 pieces of palm leaf thatch. (Source: CIDKP, 2004)

On 21 September 2004, Mae Prae Khee Camp Commander Kyaw Naing Lwin of SPDC LIB 375 ordered villagers from Zee Gon village in Bilin Township to build a roof for their video theatre. Because the villagers did not go, he demanded 1 chicken and two pyi of rice from each household as a fine. (Source: CIDKP, 2004)

Kyaik Hto Township

Unfair Taxes and Levies

On 1 May 2004, Sergeant Kya Aung of SPDC LIB 10 demanded 5,000 kyat as a monthly tax from tractors owners of Ka Reh Pu village in Kyaik Hto Township for each tractor. The following tractor owners were affected:

1. Saw Peh Hlaw,
2. Daw Peh,
3. Khin San Win,
4. Po Zaw and
5. Ta Yoke Gyi. (Source: CIDKP, 2004)

On 14 May 2004, about 20 troops from DKBA Brigade 333 led by Battalion Second in Command Saw Bi based at the old Paw Dah Lor village, Waw Kay (Win Khan) village tract, Kyaik Hto Township, demanded 5,000 kyat as a monthly tax for making charcoal from each of the following Waw Kay villagers:

1. Daw Kyi,
2. Win Naing,
3. Po Toe Gyi,
4. Nwe Aung,
5. Win Oo,
6. Soe Win and
7. Nay Htoo. (Source: CIDKP, 2004)

Mudon Township

Crop Destruction

On 7 January 2004, it was reported that the Township Peace and Development Council (TPDC) and irrigation officials of Mudon Township forced villagers to uproot maize plants in farmlands near Sat-Thwe village. During an inspection trip to Sat-Thwe village on 3 January the TPDC members and irrigation officials accused the village headman and farmers of using water from the dam to grow maize instead of rice. Even though the maize had been grown with water from the lake and not the dam, the officials ordered the village headman to gather 1 person from each household and to destroy the maize plants grown by Nae One and Mi Woot. Even though farmers had traditionally planted maize before the dam was constructed, the TPDC members demanded the villagers uprooted the maize plants. After the village headman and villagers unwillingly uprooted approximately 1 acre of maize plants they felt pity for the owners and returned home. The TPDC members and officials again ordered the villagers to destroy the plants but the villagers remained disobedient. It was reported that TPDC member ordered the destruction of the maize plants in order to show senior officers that rice was grown with water from the dam during inspection. (Source: "Junta Destroys Corn Crops in Mudon," *Kao Wao News* No. 60, 7 January 2004)

Land Confiscation

On 4 June 2004, it was reported that the Burmese Army announced to the Village Peace and Development Council (VPDC) from Hnee Padaw and Kwan Hlar at a meeting in Thanbyu Zayat that they planed to confiscate 800 acres of farmland for 4 new battalions near Thanbuy Zayat. The VPDC council announced that the army would survey the farmlands in southern Mudon and Thanbyu Zayat Townships and that they would confiscate uncultivated and unregistered farmlands from their owners (Source: "Army Confiscates 800 Acres from Villagers," *Kao Wao News* No. 69, 4 June 2004)

Moulmein Township

Unfair Taxes and Levies

On 14 October 2004, it was reported that civilians in Mon State's capital, Moulmein, were forced to buy tickets and calendars issued by government organizations. Civil servants reportedly went door to door selling the calendars and those who did not buy them were assumed to be opposition supporters. (Source: "Buy Calendar or Supply Thatch for the Army," *Kao Wao News* No. 76, 14 October 2004)

Thaton Township

Looting and Expropriation of Food and Possessions by the Army

On 28 March 2004, Sergeant Maung Hla Than of SPDC 314 artillery unit stole a goat from villager Saw Ta Bi Kho of Kya Ta Raw village in Thaton Township. (Source: CIDKP, 2004)

Unfair Taxes and Levies

On 2 January 2004, Company Commander Htun Htun Win of SPDC IB 6 demanded a ton of timber from each of 10 villages in Thaton Township to be sent to Pa Nwe Kla by 5 January 2004. The affected villages were:

1. Pah Hta village,
2. Htee Wa Klay village,
3. Htee Pu Wah village,
4. Ta Roi Wah village,
5. Naw Ka Tu (upper) village,
6. Naw Ka Tu (lower) village,
7. Ta Maw Daw village,
8. Noe Ber Baw village,
9. Pah Baw village and
10. Noe Ta Lar Aw village. (Source: CIDKP, 2004)

On 28 February 2004, Than Htun from the DKBA demanded from villagers of Ta Maw Daw village in Thaton District 100 logs of Inn tree. Moreover, he also demanded 10 planks of sawed wood measuring 5 inches x 2 inches x 12 feet and 10 planks of sawed wood measuring 4 inches x 2 inches x 10 feet. (Source: CIDKP, 2004)

On 13 March 2004, Sergeant Major Maung Aye of SPDC 314 artillery unit demanded each household of Shwe Yaung Pya village to provide wooden poles measuring 18 inches in girth and 6 feet in length. (Source: CIDKP, 2004)

On 13 April 2004, SPDC troops got drunk and pretended to be DKBA troops. They met with Ler Hkaw and Ta Roi Khee villagers between Yo Po village and Lah Aw Hker village. The villagers were on their way to a monastery. The SPDC troops looted from Ta Roi Khee villagers, Maung Ni and Wah Shwe, 2,500 kyat. (Source: CIDKP, 2004)

On 23 May 2004, Than Htun from DKBA ordered villagers from Win Yaw village in Thaton Township to sell all their chickens, ducks and pigs and become vegetarians. He said that he would fine the families 5,000 kyat for failing to sell their domestic animals. (Source: CIDKP, 2004)

On 30 August 2004, Battalion Commander Than Htoo Zaw of SPDC LIB 9 based at Wa Pa held a meeting of villagers in Thaton Township and demanded a total of 33 tons of wood to be bought to Win Yaw by the end of the month of Wa Kaeny month (mid September). The following villages were affected:

1. Ta Roi Khee village,
2. Hee Pu Wah village,
3. Ta Roi Wa village,
4. Lower Naung Ka Dok village,
5. Ta Maw Daw village,
6. Noe Ber Baw village and
7. Noe Ta La Aw village. (Source: CIDKP, 2004)

On 1 September 2004, Battalion Commander Myint Naing of SPDC IB 8 demanded villages to provide the cost of fuel required to construct a road between Kyaik Tu Gon and Keh Maw. The following villages were required to pay the following amounts:

1. Shwe Yaung Pya village, 80,000 kyat;
2. Ka Law Hker village, 70,000 kyat;
3. Lah Aw Hker village, 80,000 kyat; and
4. Kya Ta Raw village, 70,000 kyat. (Source: CIDKP, 2004)

Ye Township

Unfair Taxes and Levies

On 8 September 2004, it was reported that the SPDC military forced villagers in southern Ye Township to pay the schoolteachers' salaries. It was reported that village headmen were ordered to collect 50,000 kyat from each village in order to pay the salary of civil servants. Furthermore, a central committee member of the NMSP reported that the SPDC is building police stations in front of the Mon national schools in Ywar Thit and Yong Reh villages in order to upset the popular Mon schools, which have been run by the local community and Mon National Education Committee (MNEC) for several years. (Source: "Villagers Taxed to Pay Teachers' Salaries," *Kao Wao News* No. 74, 8 September 2004)

Land Confiscation

On 15 May 2004, it was reported that a Mon school in Ye Township was forced to shut down after the State Peace and Development Council authorities confiscated the land to build a government office. It was reported that Colonel Myint Aung had accused the Mon school of competing with the SPDC school. Approximately 425 children from the Mon school are now out of class for an indefinite period of time even though the school is still standing and has yet to be demolished. (Source: "Mon Forced Out of Their Schools," *Kao Wao News* No. 67, 15 May 2004)

On 22 June 2004, it was reported that the SPDC confiscated over 800 acres of land owned by about 100 farmers in southern Ye Township. The confiscated land has rubber, betel nuts, durians, limes and other tropical fruits and vegetables. The majority of landowners are Mon farmers who rely on their land for a subsistence way of life. The area is designated a "black area" by the SPDC military as the SPDC launch military offensives against the armed Hongsawatoi Restoration Party (HRP) in the area. Farmers must obtain permission to go to their farms in this area. The SPDC government has confiscated over 5,000 acres of land in Ye Township since the ceasefire agreement between the NMSP and military regime. This has left people impoverished. The land is used for military purposes and the crops are ruined by the military, causing environmental degradation. (Source: "The Junta's Way of Sustainable Development," *Kao Wao News* No. 70, 22 June 2004)

On 20 August 2004, it was reported that approximately 300 acres of land in Gu Kha Taw, near Du-Yar (Durae) in western Ye Township, were surveyed by the Ye Township SPDC authorities. While the SPDC authorities did not reveal the details for the planned project on this site, they did announce that the government would offer 2 million kyat for a new hospital in Du-Yar. Villagers were initially happy about this news, but were upset when 8 acres of land was confiscated. In addition, the Myanmar Maternal and Child Welfare Association, who is in charge of the project, have ordered villagers to contribute money to the project. Villagers have been forced to pay approximately 10 million kyat towards the hospital project. (Source: "Land Confiscated for Infrastructure Projects," *Kao Wao News* No. 73, 20 August 2004)

5.9 Situation in Pegu Division

Note: Both Nyaunglebin District and Toungoo District are areas demarcated by the KNU as Karen territory. 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 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 Toungoo as official districts.

Nyaunglebin District

Looting and Expropriation of Food and Possessions by the Army

On 27 February 2004, troops from SPDC LIB 264 looted items, arrested villagers and killed 2 villagers in Shan Gyaung village in Mone Township. On 28 February 2004, these troops also looted items, arrested villagers and killed 2 villagers in Pan Gar Gin village at Ywa Sa Gaw road in Mone Township. Villagers inquired into the names and facts of the 4 killed villagers. The SPDC Division Commander Maung Ni issued an order that any villagers found in Ywa Sa Gaw and Tu Kot Kho areas would be shot to death without question. (Source: CIDKP, 2004)

On 29 February 2004, soldiers from SPDC LIB 390 entered Yae Tway Pyu and Myaung U' villages and went to the timber mills and demanded the following items from each mill:

1. 30,000 kyat;
2. 1 tin of rice;
3. 1 chicken;
4. salt;
5. aginomoto (monosodium glutamate);
6. shrimp paste; and
7. turmeric. (Source: BI, 2004)

On 11 September 2004, a column of 50 troops from SPDC LIB 599 came to Ta Per Hta area in Mone Township, and looted the following items from the paddy field hut of Saw Soe Win:

1. 2 pots,
2. 2 cattle,
3. 5 machetes,
4. 5 plastic sheets for roofing,
5. 1 mosquito net,
6. 1 blanket,
7. salt and
8. chili. (Source: CIDKP, 2004)

On 14 September 2004, 23 troops from SPDC LIB 264 led by Column Commander Nyein Chan Oo came to Mar Lar Daw village in Mone Township and demanded 5 viss of pork from the village headman. (Source: CIDKP, 2004)

Unfair Taxes and Levies

From 1 January 2004 to 1 April 2004, troops from SPDC LIB 590 and troops from the anti insurgent group operating in Mone Township demanded 80,000 kyat a month from Mee Daing Taw village tract. The SPDC troops based at Mee Daing Taw and Htee Toe Loe demanded 22,000 kyat per month for porter fees and watch man fees from 2 villages. As village tract chairman, U Aung Pe, had to go to the office at Kyauk Kyi once a month, they also demanded 12,000 kyat per month from the villagers as a travelling allowance. Furthermore, the SPDC camp commander based at Htee Toe Loe village and Mee Daing Taw village demanded villagers to provide a bullock cart each day. If the bullock cart failed to function the villagers had to pay 30,000 kyat. (Source: CIDKP, 2004)

On 7 January 2004, troops from SPDC LIB 590 under SPDC LID 99 commandeered 3 bullock carts from Paw Pi Doe village in Mone Township for transporting bamboo to build a pagoda at Ye Oh Sin. While transporting bamboo, the bullock that was drawing the cart ran and the bullock driver, Saw Kyeh Pray, fell off the cart and the cart and the bull trampled him. (Source: CIDKP, 2004)

On 27 January 2004, SPDC LIB 599 ordered villagers from Ko Nee area to provide 10 bullock carts for transporting timber to Tee Ler Baw and Mg Lay Pu. The areas subject to this order were Goe Nee and Ta Kaw Pwa village tracts. (Source: BI, 2004)

On 29 January 2004, SPDC LIB 599 ordered villagers from Goe Nee and Ta Kaw Pwa village tracts to provide 10 bullock carts and to transport wood from Tee Ler to Tone Hong. Those who refused would be charged 500 baht. (Source: BI, 2004)

On 13 February 2004, SPDC LIB 599 Battalion Commander Win Tway, Bo Mu, Major Saw Maung Maung and Office Minister Myint Tun, together with members of the militia, extorted money from the cart and car owners in Ko Nee village as they passed on the road. No one was allowed to refuse to pay. (Source: BI, 2004)

On 28 February 2004, troops from SPDC LIB 264, consisting of 12 men and led by Bo Khin Maung Myint, came to Ye Dwin Phyu village in Mone Township and demanded 30,000 kyat from villagers for each saw mill, making a total of 120,000 kyat from 4 saw mills. Moreover, these troops also extorted 1 basket of rice, 1 chicken and some cooking materials from that village and also extorted 1 chicken from Paw Pi Doe village. (Source: CIDKP, 2004)

On 1 March 2004, Mee Daing Taw Camp Commander Sergeant Major Mi Da of the SPDC army and Thein Han of the anti insurgent group demanded 8 logs of teak from Mae Zi Li Gon village in Mone Township. (Source: CIDKP, 2004)

On 2 March 2004, Mee Daing Taw Camp Commander Sergeant Major Mi Da of the SPDC army and Thein Han of the anti insurgent group demanded 11 logs of teak and 27,500 kyat from Aung Chan Tha village in Mone Township. (Source: CIDKP, 2004)

On 5 March 2004, troops from SPDC LIB 439 led by Column 2 Commander Sann Myaint collected money from villagers traveling on the Kyauk Kyi Pauk road in Mone Township. Villagers were charged 5,000 kyat for a bullock cart and 100 kyat for a bicycle. (Source: CIDKP, 2004)

On 19 March 2004, SPDC Operation Command 3 Commander Khin Maung Oo, Bo Lin Ko and Bo Eh Kaw Htoo of the DKBA ordered 400 bullock carts and 3 large trucks from areas No.5 and No.6 of Mone Township to go up to Maw Lay and Htee Ler Baw Hta to collect timber from Kaw Lar Wah Lu mountain. (Source: CIDKP, 2004)

On 22 March 2004, regarding the order of forced relocation of villages in plain areas and mountain foot areas in Kyauk Kyi Township, SPDC Operation Command 3 Commander Htein Win reissued an order that these villages no longer had to relocate but that each village tract was required to pay 100,000 kyat instead. The affected village tracts were:

1. Wet Lar Daw village,
2. Toe Wah Saik village,
3. Noe Gaw village,
4. Thoo Ka Bee village,
5. Gamon Aing village,
6. Kyauk Sa Yit village,
7. Par Ta Lar village and
8. Hin Tha Weh village. (Source: CIDKP, 2004)

On 2 April 2004, troops from SPDC IB 60 and IB 351 in Kyauk Kyi Township were ordered to find funds for troops in the front lines and camps. Therefore, each unit collected 100,000 kyat from the villagers, of which 80,000 kyat had to be sent to the Battalion Headquarters and 20,000 kyat was for their own use. (Source: CIDKP, 2004)

On 7 April 2004, about 15 men from SPDC LIB 599 led by Aung Kyaw Lin came to Ye Dwin Pyu village in Mone Township and demanded timber measuring 3"x 2", 4"x 2" and 2 logs of Pyin Kadoe wood from saw mill owners Daw Hla Hla Win, Ko Lun Maung Zaw and Daw Thein Kyi. The total amount was 4 full bullock cart loads and the villagers were forced to transport the items to the camp of LIB 599. (Source: CIDKP, 2004)

On 16 April 2004, SPDC battalions IB 57 and LIB 349 of Shwe Gyin Township dismantled their former army camp buildings on a mountain top and took the wood and metal sheets to construct a new camp at Shwe Gyin River, 5 miles south of Kwee Lay village. The troops used villagers' bullock carts to move. The objectives for shifting the camp to the new site were to mine gold, to grow cardamom, to construct a hydro-electric power station, to create security for Kyauk Na Gar dam site and to cut the communication line between of KNLA Battalion 7 of Kyauk Kyi Township and KNLA Battalion 9 of Shwe Gyin Township in order to prevent them from going to plain areas. Furthermore, as it was the rainy season and the time to grow rice, villagers in the plain areas of Kyauk Kyi Township who needed to stay in their field huts to work in their fields were charged 3,000 kyat per month by the SPDC army. Citing security as the reason, the SPDC troops also posted DKBA troops in the area and ordered each household to pay 1,000 kyat to the army. Kaw Tha Say village, with 70 households, and Shu Khin Tha village, with 64 households, had to pay 1,000 kyat per month, per household, until the end of rice growing season. In order to have permission to stay in their field huts and work, the villagers had to pay 5,000 kyat per month for each hut or a total of 15,000 kyat in three installments. Villagers on the plains in Mone Township had to pay 500 kyat per month while villagers of Ta Kort Bwa had to pay 1,000 kyat per month during rice growing season in order to get permission to stay in field huts and work. (Source: CIDKP, 2004)

On 9 July 2004, Da Wee from the DKBA based at Yan Gyi Aung village ordered villagers from Pa Ta La village to buy him a boat worth 30,000 kyat. (Source: CIDKP, 2004)

On 11 July 2004, Intelligence officer Yan Naing of SPDC LIB 439 ordered the villages of Pa Ta La, Thoo Ka Bee and Wet Lar Daw in Kyauk Kyi Township to each pay him 30,000 kyat. (Source: CIDKP, 2004)

On 10 September 2004 at 10:00 am, about 30 troops from SPDC LIB 599 column 2 led by the battalion second in command arrested and questioned Aung Chan Tha villagers, Ma Mah, Ko Kyaw Thu, Ma Nah and Kyi Soe. On 12 September 2004, the villagers were taken by the army. The army also came to the plantation of Saw Pleh Ray and looted the following items:

1. 1 mosquito net,
2. 1 blanket,
3. 1 sarong and
4. 1 shirt.

In addition, they came into Paw Pi Do village and ordered the village headman to buy them a chicken worth 1,500 kyat and also ordered him to collect money for the guide, at 1,000 kyat per day for 4 days. (Source: CIDKP, 2004)

On 22 September 2004, Company Commander Thein Soe of SPDC LIB 599 and his troops demanded money from the following villages in Mone Township for the construction of an army camp office:

1. Myaung Oo village, 700,000 kyat;
2. Paw Pi Doe village, 700,000 kyat; and
3. Aung Chan Tha village, 300,000 kyat.

They said that villagers who paid money would not be ordered to work from 26 September 2004 to 7 October 2004. These troops also ordered 20 Myaung Oo villagers to construct a building to store food. (Source: CIDKP, 2004)

On 27 September 2004, troops from SPDC LIB 599 based at Daung Taung camp arrested 2 villagers, Win Myint and Ko Wa, from Myaung Oo village in Mone Township. The troops demanded 20,000 kyat from each of them and released them on 28 September 2004. (Source: CIDKP, 2004)

On 29 September 2004, troops from SPDC LIB 599 led by Company Commander Thein Soe arrested Ma Htay from Myaung Oo village in Mone Township and demanded a sewing machine from her. As she did not have a sewing machine, she had to pay 100,000 kyat for her release. (Source: CIDKP, 2004)

On 1 October 2004, troops from SPDC LIB 599 led by Company Commander Thein Soe demanded 200,000 kyat and 5 viss of betel nut from Myo Naing of Myaung Oo village in Mon Township. Moreover, these troops also demanded 280,000 kyat from 16 betel nut plantation owners and banned them from going to their plantations. The troops also sold the villagers' betel nuts. (Source: CIDKP, 2004)

On 30 November 2004, Camp Commander Sergeant Khin Maung Kyi of SPDC LIB 381 based at Aung Soe Moe in Mone Township ordered 110 villagers from Aung Soe Moe village to construct a clinic. Moreover, he collected 500 kyat from each household in Aung Soe Moe village, totaling 120,000 kyat. (Source: KIC, 2004)

Crop Destruction

On 15 March 2004, SPDC troops came to a place above Paw Likay Kho village in Kyau Kyi Township and found 2 rice barns and burnt them down. (Source: CIDKP, 2004)

From the beginning of November 2004 to 23 November 2004, troops from SPDC LIB 598 came to the village tracts of Blaw Kho and Mae Ka Ti, in the southern part of Shwe Gyin Township, and burnt down villagers' paddy barns. Twenty seven plots of upland paddy were damaged and villagers could not harvest their rice crops. (Source: KIC, 2004)

On 23 November 2004, troops from SPDC IB 264 came to Doo Pa Leh area in Htee Bla village tract in Shwe Gyin Township and burnt down villagers' paddy barns and paddy threshing ground. The full extent of the damage is not yet known. (Source: KIC, 2004)

On 22 December 2004, the SPDC column operating in Kyauk Kyi Township destroyed 5 paddy barns belonging to villagers in Pler Kaw Plaw. Moreover, these troops looted 11 baskets of paddy, 3 pots and all of Saya Nay Htoo's clothing. (Source: KIC, 2005)

On 22 December 2004, troops from SPDC LIB 182 and LIB 168 destroyed 1 paddy barn at Hkeh Doe village and 1 paddy barn at Daw Baw Khee village in Kyauk Kyi Township. Due to this, 1,477 persons from 171 families from Hkeh Doe village had to hide in the jungle as IDPs. (Source: KIC, 2005)

Destruction of Property by the Army

On 5 March 2004, Column 1 and 2 of SPDC IB 30 came to the pagoda of Ta Paw Lay mountain in Shway Gyin Township and burnt down the temple building and the rest house. (Source: CIDKP, 2004)

On 14 November 2004, SPDC IB 57, LIB 350 and LIB 589 left the town of Shwegyin and entered the Su Mu Lah river and Khaw Lah river area. The SPDC troops burnt the civilians' houses, field huts and paddy. (Source: FBR, 2004)

Toungoo District

Looting and Expropriation of Food and Possessions by the Army

On 14 January 2004, troops from SPDC IB 264 led by Bo Nay Htun Lin shot and killed one cow from Maw Pa Doe village in Tan Ta Bin Township. Similarly, troops from SPDC IB 12 led by Bo Aung Naing Oo came to Kaw Soe Kho area and looted all items found from villagers. (Source: CIDKP, 2004)

On 16 January 2004 at 3:56 pm, troops from SPDC LIB 511 led by Battalion Commander Aung Kyaw Moe came to Htee Sar Per village in Than Daung Township and burnt down 2 houses belonging to Saw Ah Mara and Saw Ta Nee Ni. Moreover, these troops looted the following items from the following villagers:

1. Saw Ta Pay Meh, aged 70, 1 fishing net, 1 home made arm, 2 gold rings, 1 silver ring, 2 Karen bags, 15 viss of salt, 20 viss of fish paste, 40 sheets of zinc for roofing, 4 pots, 8 plates, one trunk, 6 tins of rice, one machete, 30 chickens and some clothing with a total value of 955,000 kyat and 320,000 kyat of cash;

2. Saw Ah Mya Htoo, 2 tins of rice, 4 pots, 10 plates, 3 spoons, 4 viss of betel nut, 5 machetes, 3 pairs of shoes, 3 viss of chicken and some clothing with a total value of 167,500 kyat;
3. Saw Henry, 1 tin of rice and 5,000 kyat;
4. Saw Ah Mara, 14 sheets of zinc roofing sheets, 60 viss of betel nut, 3 tins of rice, 30 viss of salt, 13 machetes, 3 viss of cardamom seeds, 3 hens with chicks, 6,500 kyat cash, 10 viss of fish paste, 13 baskets of paddy rice, 3 large pots, 5 plates, 3 pairs of rain boots, 2 mats, 1 casting net, 2 flashlights, 2 kettles, 5 tea cups, 2 local made arms and 1 hammock;
5. Saw Pa Bi Keh, 3 large pots and 5 machetes; and
6. Saw Ta Gaw, 1 large pot. (Source: CIDKP, 2004)

On 27 January 2004, troops from SPDC IB 94 came to Sho Ser area in Than Daung Township where villagers were in hiding and caused villagers from Sho Ser to flee from their hiding places. The troops looted items from the following villagers:

1. Naw Pu, items worth 120,000 kyat;
2. Saw Htoo, items worth 18,000 kyat;
3. Naw Say Mu, items worth 200,000 kyat;
4. Saw Mar Sha, items worth 20,000 kyat;
5. Naw Dah Dar, items worth 5,000 kyat; and
6. Saw Day Po Si, items worth 38,000 kyat. (Source: CIDKP, 2004)

On 27 January 2004, troops from SPDC LIB 117, under LIB 55, came to Kaw Thay Doe village in Tan Ta Bin Township and destroyed 48 houses and looted villagers' household items, such as rice, salt fish paste and clothing. The troops also destroyed the villagers remaining items worth 910,000 kyat. Moreover, they killed and ate villagers' cats, leaving the skulls of the cats in the villagers' houses and also excreted in the houses. The troops threatened the villages that they must not tell anybody what they had done. (Source: CIDKP, 2004)

On 10 February 2004, troops from SPDC LIB 439 based at Klaw Mee Doe looted 2 large pots and 2 large pans from Klaw Mee Doe village. (Source: CIDKP, 2004)

On 4 March 2004, about 40 troops from SPDC IB 124 and IB 39 came to Maw Koe Doe village in Than Daung Township and looted the following items from the following villagers:

1. Saw December, 25, 5,000 kyat, 1 chicken and 1 torch light;
2. Saw Nay Oh Tha, 55, 1 blanket, 2,000 kyat, 1 tin of rice, 2 shirts, 1 men's sarong and 5 viss of fish paste;
3. Naw Paw Hser Nay, 22, 2 blankets, 2 hangkok pots, 2 torch lights and 5 viss of cooking oil; and
4. Naw Sha Say, 30, 5 viss of cooking oil, 3 viss of slab sugar and 1 viss of sugar. (Source: CIDKP, 2004)

On 18 June 2004, troops from SPDC IB 39 led by Sergeant Aung San Oo, under Battalion Commander Win Oo, came to Kaw Soe Kho village and demanded liquor and chickens from the villagers. In addition, these troops stole 1 chicken from Naw Aw Ku. (Source: CIDKP, 2004)

On 21 June 2004, SPDC IB 92 Commander Thaing Myint demanded 1 tin of rice from the villagers of Su Ler Ko village. (Source: BI, 2004)

On 7 July 2004, SPDC IB 60 Operation 1 Commander Hlaing Win Tint took the following items from Mong Long Lay, the leader of Hu Mu Dun village:

1. 3 golden rings,
2. 1 silver ring,
3. 70 silver coins,
4. 1 pair of golden earrings,
5. 1 golden necklace,
6. 1 silver bracelet,
7. 5,000 kyat,
8. 13 longyi and
9. 4 shirts. (Source: BI, 2004)

On 7 July 2004, troops from SPDC IB 60 led by Column 1 Commander Bo Hlaing Win Tint came to Hu Mu Doe village in Tan Ta Bin Township and looted the following items from the following villagers:

1. Saw Sa Keh, one air rifle; and
2. Maung Ah Noe, 14 ampoules of intravenous injection, some intra-muscular injections and some medicine tablets. (Source: CIDKP, 2004)

Between 8 July 2004 and 27 July 2004, members of the Township Peace and Development Committee (TPDC) of Tan Ta Bin Township came to Shan Zee Bo village and extorted 1 sack of ordinary grade rice, 6 pyi of high grade rice and poultry worth 28,600 kyat from villagers. (Source: CIDKP, 2004)

Between 20 July 2004 and 24 July 2004, troops from SPDC IB 73 led by Bo San Myint came to villages in Tan Da Bin Township and looted 16 villagers' chickens worth 20,000 kyat. (Source: CIDKP, 2004)

On 21 July 2004, troops from SPDC IB 92 led by Bo Thein Myint came to Ler Kho village and demanded 1 tin of rice from the village head. (Source: CIDKP, 2004)

On 17 July 2004, an SPDC column deployed for battle and led by Commander Kin Soe ordered Kler La villagers to provide 13 cars with fuel and 1 large iron container. The total worth of the items provided was 104,000 kyat. (Source: BI, 2004)

On 23 July 2004, troops from SPDC IB 60 Column 2 confiscated muzzle loaders from villagers of Swa Lo village in Tan Da Bin Township. The villagers were:

1. Than Lwin,
2. Maung Hla Myint,
3. San Ma Tet,
4. Po Ka Lah,
5. Many Hla Myaing and
6. Saw Tha Taw. (Source: CIDKP, 2004)

On 31 August 2004, troops from SPDC IB 60 based at Klaw Mee Doe and led by Column 1 Commander Hlaing Win Tint came to the hill paddy fields of Mwe Lor villagers in Tan Ta Bin Township and looted the following items from the following villagers:

1. Saw Htoo Ker, 4 pyi of rice;
2. Saw Hla Win, 1 chicken;
3. Saw Say Po, 3 chickens and 2 sarongs;

4. Saw Kaw Kor Gyi, 1 viss of salt and 8 pyi of pea nut;
5. Maung Than Shwe, 4 pyi of rice and 1.5 viss of chicken;
6. Saw Sha Ngeh, 1 blanket and 1 cat;
7. Saw Hsa Paw Law, 1 bottle of oil and 1 viss of dried fish; and
8. Saw Hsa Klee Kli, 2 pyi of rice. (Source: CIDKP, 2004)

On 10 September 2004, SPDC IB 73 Commander Thi Ro Saw demanded 1 large package of rice from the villagers in Taw Ma Aye village. (Source: BI, 2004)

On 17 September 2004, SPDC IB 73 Operation Command 1 Regiment Commander San Myint took 2 ducks and 3 chickens from villagers in Ka Hser Doh village. In addition, 6 villagers were taken to carry military supplies. (Source: BI, 2004)

On 18 September 2004, troops from SPDC IB 73 Column 1 led by Major San Myint came to Mwee Lor village in Tan Ta Bin Township and looted 20 chickens, 12 pyi of peanut and 3 pyi of rice from villagers. (Source: CIDKP, 2004)

On 19 November 2004, troops from SPDC IB 60 Column 1 and Column 2 led by Battalion Commander Hlaing Myint and 2nd Commander Win Bo Shein came to Saw Mu Doe village in Tan Ta Bin Township and looted food and other possessions from villager Saw Pa Nwee. They also looted the following items from Naw Saw Paw:

1. 24 bottles of honey,
2. 2 tarpaulin sheets,
3. 1 tin of rice,
4. 1 "hangkok" (rice carrier),
5. 2 steel pots,
6. 2 carry plates,
7. 5 machetes,
8. 5 bottles of insulin and
9. 1½ tins of peanuts. (Source: KIC, 2004)

On 26 December 2004, Battalion Second in Command Maung Maung Soe of SPDC IB 73 seized 2 villagers from Hsaw Wa Doe village in Tan Ta Bin Township and looted all items from them. From Saw Tu Kru he looted:

1. 300,000 kyat,
2. 1 air rifle and
3. 1 radio receiver.
4. From Saw Tah Ta he looted:
5. 1 firearm.

They were not released until the time of this report, February 2005. (Source: KIC, 2005)

On 27 December 2004, troops from SPDC IB 73 led by Battalion Second in Command came to Hsaw Wa De area in Tan Ta Bin Township and looted from Hsaw Wa Doe villager, Saw Kay En Yu, 1 chicken and 2 large pots. (Source: KIC, 2005)

Unfair Taxes and Levies

On 3 January 2004, Commander Khin Soe of Military Command 1 under SPDC Southern Command Headquarters commandeered 8 trucks belonging to Baw Gali and Kaw Thay Doe villagers to transport army food supplies from Baw Gali to Tha Aye Hta. The owners of the trucks were:

1. Saw Yo Nah,
2. Saw Maw Kro,
3. Saw Ta Hto,
4. Saw Per Boo,
5. Saw Lu Pway Doe,
6. Saw Tin Nyunt,
7. Saw Tat Ma Daw and
8. Naw Ma Mar.

At present, the SPDC troops do not use their bulldozers to construct roads. Instead, they use villagers for road construction. (Source: CIDKP, 2004)

From 12 January 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters based at Baw Gali commandeered Baw Gali villagers' trucks to transport rice sacks from Southern Command Headquarters. The following Baw Gali villagers were forced to transport rice:

1. Saw Yo Nah, 160 sacks of rice;
2. Naw Dihlia, 160 sacks;
3. Saw Maung Kro, 120 sacks;
4. Saw Per Bu, 120 sacks; and
5. Saw Ta Htoe, 120 sacks.
6. The following Kaw Soe Kho villagers were forced to transport rice:
7. Saw Say Doe, 120 sacks.
8. The following Kaw Thay Doe villagers were forced to transport rice:
9. Naw Ma Mar, 120 sacks;
10. Naw Ah Ri, 120 sacks; and
11. Saw Win Kro, 120 sacks. (Source: CIDKP, 2004)

On 13 January 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters arrested and extorted 1,500 kyat from villagers in Baw Gali area between Baw Gali village and Maw Koe Doe village. Each of the following villagers was forced to pay 1,500 kyat each:

1. Naw Kree Meh,
2. Saw Hpa Haw,
3. Saw Nay Kaw,
4. Saw Has Keh,
5. Saw Nay Paw,
6. Saw Ku,
7. Saw Taw Kater Moo and
8. Saw Lah May. (Source: CIDKP, 2004)

On 14 January 2004, troops from SPDC IB 73 led by Bo Kyaw Myo Htun came to Pyin Gan village in Tan Ta Bin Township and forced bullock cart owners to purchase ownership cards at 1,000 kyat per card. Moreover, these troops collected money with cash receipts from Pyin Gan, a Pa-o village and Burmese village, at 3,000 kyat per cash receipt. (Source: CIDKP, 2004)

On 19 January 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters ordered his sub-ordinate G-3 Aye Min Htun to commandeer trucks from truck owners in Baw Gali village and Kaw Thay Doe village to transport 7,000 sacks of rice and materials for bridge construction to Aung Myin camp in Bi Mu Kho area at the border of Karenni State. (Source: CIDKP, 2004)

On 19 January 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters commandeered a truck from Naw Noe of Kaw Thay Doe village and a truck from Saw Yo Si of Kaw Soe Kho village to carry steel materials for bridge construction from the Southern Command Headquarters to Tha Ay Hta camp. (Source: CIDKP, 2004)

On 22 January 2004, the SPDC troops led by Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters commandeered 6 trucks from Baw Gali village and Kaw Thay Doe village to transport 3,825 sacks of rice for army rations from Baw Gali village to Tha Aye Hta village. (Source: CIDKP, 2004)

On 22 January 2004, the Tan Ta Bin Township SPDC authorities came to Sha Zi Bo village tract and Lay Ti village tract and demanded 400 kyat from each villager for an ID card. On that day, Bo Tin Lin Zaw of SPDC LIB 439 demanded 100 kyat for each villager's bullock cart and demanded 200 kyat for each villager's bullock cart that carried fire wood and bamboo. (Source: CIDKP, 2004)

On 28 January 2004, Operation Commander Khin Soe of SPDC Southern Command Headquarters commandeered a truck from Saw Lah Doe of Baw Gali village in Tan Ta Bin Township to transport ration supplies from Baw Gali village to the front line camp at Kaw Thay Doe. (Source: CIDKP, 2004)

On 9 February 2004, SPDC IB 73 troops based at Kler Pa Htaw in the Place region ordered the following poles of bamboo from the following villages in order to construct their former army camp at Hnget Pyaw Daw, Pyin Gan village:

1. Sha Zee Po village, 300 poles of bamboo and 10 poles of wood;
2. Zee Pyu Gon village, 150 poles of bamboo and 5 poles of wood;
3. Ye Shan village, 100 poles of bamboo and 5 poles of wood; and
4. Taw Gon village, 100 poles of bamboo and 5 poles of wood. (Source: CIDKP, 2004)

On 24 February 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters ordered villagers' trucks from Baw Gali village and Kaw Thay Doe village to come to Baw Gali Gyi village. The next day these trucks were commandeered to transport food supplies for the army to Naw Soe, Ka Law Soe and Bu Sa Khee camps. (Source: CIDKP, 2004)

On 27 February 2004, troops from SPDC Southern Command Headquarters led by Operation Command 1 Commander Khin Soe commandeered trucks from villagers in Baw Gali village and Kaw Soe Kho village in Tan Ta Bin Township to transport rice to Naw Soe camp. The amount of rice to be carried by each truck by the following villagers was:

1. Saw Maung Yo, 60 sacks;
2. Saw Maung Klo, 35 sacks;
3. Saw Yo See, 45 sacks;
4. Saw Ta Toe, 45 sacks;
5. Naw Dalia, 60 sacks; and
6. Saw Say Doe, 35 sacks.

Moreover, Operation Commander Khin Soe ordered villagers' trucks from Baw Gali village and Kaw Thay Doe village to come and gather up at Kaw Thay Doe village by 5 March 2004. (Source: CIDKP, 2004)

On 16 March 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters commandeered a truck from Naw Mar Ma of Kaw Thay Doe village to transport 50 sacks of rice and other materials from Baw Gali to Kaw Thay Doe. (Source: CIDKP, 2004)

On 19 March 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters commandeered the trucks of the following Baw Gali villagers to transport military rations from Naw Soe to Bu Hsa Khe.

1. Saw Yo Nah,
2. Saw Tat Ma Daw and
3. Naw Mah Mar.

These trucks normally transport goods to Toungoo and as they were commandeered to carry supplies by the army, including betel leaf and other goods, the truck owners lost about 100,000 kyat. (Source: CIDKP, 2004)

On 7 April 2004, SPDC Operation Command 1 Commander Khin Soe commandeered 4 trucks from Kaw Thay Doe and Baw Gali villagers in order to transport military supplies and to clear landmines. The following villagers' trucks were commandeered:

1. Naw No Noe, from Kaw Thay Doe village;
2. Saw Lah Doe, from Baw Ga Li village;
3. Saw Toe See from Baw Ga Li village; and
4. Saw Yo Ha, from Baw Ga Li village. (Source: CIDKP, 2004)

On 10 April 2004, SPDC Operation Command 1 Commander Khin Soe demanded villagers' trucks from Baw Gali and Kaw Thay Doe villages in Tan Ta Bin Township and ordered Battalion Commander Nyi Nyi Thein Dan of SPDC IB 75 and Battalion Commander Thet Naing of SPDC IB 48 to take control and send food supplies to Bu Hsa Khee camp. (Source: CIDKP, 2004)

On 11 April 2004, troops from SPDC IB 39 led by Battalion Commander Win Oo and troops from SPDC IB 73 led by Battalion Commander San Myint were operating in Sha Zi Bo area in Tan Da Bin Township. They demanded 20 bullock carts from Sha Zu Bo and Ye Shan villages. On 12 April 2004, Bo Soe Lwin of SPDC IB 73 took control of these bullock carts and transported food supplies to Ka Ser Doe camp. (Source: CIDKP, 2004)

On 21 April 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters commandeered a truck from Saw Lah Doe of Baw Gali village and a truck from Naw Ma Mar of Kaw Thay Doe village to transport 200 sacks of rice from Naw Soe to Bu Hsa Khee. (Source: CIDKP, 2004)

On 22 April 2004, Operation Commander of Southern Command Headquarters based at Baw Gali camp demanded that villagers from Lerko village in Baw Gali village tract cut 250 giant bamboo poles 6 cubits long and 250 giant bamboo poles 12 cubit long and ordered them to pile the bamboo up near the motor road on 25 April 2004. The bamboo was for sale in the town for the soldiers' own profit. The villagers were faced with great difficulty as the area has a scarcity of giant bamboo. (Source: CIDKP, 2004)

On 25 April 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters demanded that villages in the Baw Gali area bring 500 poles of bamboo to Baw Gali camp to construct Baw Gali army camp. (Source: CIDKP, 2004)

On 2 May 2004, SPDC Commander Min Ko Ko of the IB at Kaw Thay Dun ordered Kaw Thay Dun villagers to provide 200 large poles of bamboo. (Source: BI, 2004)

On 18 May 2004, SPDC IB 60 Commander Hlaing Win Tint ordered each household in both Ler Klar Dur village and Hu Mu Dur villages to provide 1 bamboo pole and to send it to the Klaw Mee Dur infantry camp. (Source: BI, 2004)

On 8 June 2004, SPDC IB Commander Nyi Nyi ordered the headman of Ga Mu Dur village in Daw Pa Ko Township to buy food for the military from Kler La village and to send it to Ko Day Infantry once each week. (Source: BI, 2004)

On 14 June 2004, troops from SPDC IB 26 led by Bo Aung Naing Oo demanded 2,500 kyat from each of the following bullock cart owners:

1. Saw Bo Lay,
2. Saw Henry,
3. Saw Bo Win,
4. Saw Kyaw Peh Say,
5. Saw Kya Htwe and
6. Saw Po Sheh. (Source: CIDKP, 2004)

On 30 June 2004, SPDC IB 73 Commander Tin Khaing demanded all the villagers from Tha Ya Goe and Ma La Goe villages to buy a work permit for 100 kyat each. (Source: BI, 2004)

On 1 July 2004, SPDC IB 39 Commander Lwin Oo ordered all Ma Aye villagers to purchase a work permit twice a week for 200 kyat per permit. (Source: BI, 2004)

On 2 July 2004, SPDC IB 60 Commander Mg Mg Lah ordered villagers in Sa Si Boe, Yin Sha, Taw Ku and Si Pyu Goe villages to buy work permits twice a week for 100 kyat each. (Source: BI, 2004)

On 3 July 2004, SPDC IB 73 led by Tint Khaing ordered villagers from the following villages to bring 2 big packages of rice to Pyint Ka infantry once a month:

1. Sa Si Boe village,
2. Yin Sha village,

-
3. Taw Gu village and
 4. Si Pyu Goe village. (Source: BI, 2004)

On 15 July 2004, SPDC IB 73 Commander Myo Zaw ordered every villager in Sa Si Boe, Yin Sha, Taw Ku and Si Pyu Goe villagers to provide one large package of rice. (Source: BI, 2004)

On 17 July 2004, troops from Southern Command Headquarters Operation Command 1 based at Baw Gali and troops from SPDC IB 53 led by Battalion Commander Aung Kyaw Htay commandeered a truck from Saw Yo Nah of Baw Gali village to transport army rations to Maw Chee and Bu Hsa Khee. The troops also demanded 20 liters of gasoline per truck from the following truck owners in the Baw Gali area:

1. Saw Yo Nah,
2. Saw Ta Toe,
3. Saw Maung Kro,
4. Saw Lu Pwe Doe,
5. Saw Lah Doe,
6. Saw Yo See,
7. Saw Say Doe,
8. Saw Peh Pu,
9. Naw Mah Ma,
10. Naw Dahlia,
11. Naw Noh Noe,
12. Saw Way Roe and
13. Saw Ta Maw Taw. (Source: CIDKP, 2004)

On 21 July 2004, troops from SPDC IB 92 led by Bo Kyaw Thu based at Bo Deh Gon camp near Htone Bo village demanded 10,000 kyat per pair of buffalo from buffalo owners in Swa Lor village in Tan Da Bin Township. The buffalo owners were:

1. Zaw Myint Soe,
2. Zaw Lin Htin and
3. Po Than Si. (Source: CIDKP, 2004)

On 7 September 2004, troops from SPDC IB 73 led by Bo Aung Kyaw Myint demanded 3,000 kyat per rice mill from Sha Zi Po village, making the total amount 12,000 kyat for 4 rice mills. (Source: CIDKP, 2004)

On 16 September 2004, Operation Command 1 Commander Khin Soe of SPDC South East Command Headquarters based at Baw Gali village commandeered a truck from Naw Ah Ree of Kaw Thay Doe village in Tan Ta Bin Township to transport fire wood for their army camp. (Source: CIDKP, 2004)

On 16 September 2004, an SPDC column led by Commander Kin Soe ordered that all villagers from Kler La and Kaw Thay Dur had to purchase work permits for 50 kyat each in order to go out to their fields and work. If the villagers failed to do so, actions would be taken against them. (Source: BI, 2004)

On 6 November 2004, Camp Commander Ba Thein of SPDC IB 92 based at Bo Deh Gon camp demanded 5,000 kyat for a pair of buffaloes. In total, he took 20,000 kyat from buffalo owners of Htone Bo village in Tan Ta Bin Township. The buffalo owners were:

1. Saw Po Lay,
2. Saw Kyaw,
3. Saw Po Thein and
4. Saw Kyaw Pwe. (Source: KIC, 2004)

On 19 November 2004, troops from SPDC IB 73 Company 4 led by Bo Kyaw Ze Ya demanded 3,000 kyat for each pair of buffalo. In total, he took 21,000 kyat from buffalo owners in villages of Tan Ta Bin Township. From Swa Lor village, the buffalo owners were:

1. Kyaw Kyaw,
2. Myint Soe and
3. Po Di.
4. From Karenni Gon village, the buffalo owners were:
5. Saw Lin Htin,
6. Saw Ler Moo,
7. Tin Than Win and
8. Saw Ah Per. (Source: KIC, 2004)

Crop Destruction

On 6 March 2004 at 3:00 pm, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters ordered IB 48, which is under his control, to burn forests on both sides of the motor road from Si Hkeh Doe to Ploe Mu Doe, which damaged many villagers' betel nut, durian and cardamom plantations. (Source: CIDKP, 2004)

On 13 March 2004, troops from SPDC IB 124 led by Ko Ko Aung set fire to forest in Klay Soe Khee, Ger Mu Doe, Koe Day and Tha Aye Hta areas along the motor road from Tha Aye Hta to Koe Day and as a result many villagers' plantation were burnt and destroyed. On 14 March 2004 at 5:30 pm, these troops came to Der Doe village and arrested the following villagers without reason:

1. Saw Ta Bleh,
2. Saw Kaw Lar Thoo,
3. Saw Bo Win Htoo,
4. Saw Robin and
5. Saw Po Klo. (Source: CIDKP, 2004)

On 26 March 2004, troops from SPDC IB 124 led by Ko Ko Aung and under the control of Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters burnt down villagers' cardamom plantations at Naw Thay Doe and Der Doe villages. The owners of the cardamom plantations were:

1. Saw Htoo Htee,
2. Saw Htoo Lay,
3. Saw Kri Po,
4. Naw Heh Htoo,
5. Saw Wah Sa,
6. Saw Ah Ree,
7. Saw Ha Deh,
8. Saw Gay Gay and
9. Saw Dah Po. (Source: CIDKP, 2004)

On 7 April 2004, troops from SPDC IB 75 operating in Sheh Lor on the Toungoo Maw Chi motor road torched the forests, resulting in the destruction of 90 percent of villagers' cardamom fields. Owners of the cardamom fields were:

1. Naw Lar Toe, expecting a yield of 120 viss;
2. Naw Lah Po, expecting a yield of 40 viss;
3. Saw Hsa Koo, expecting a yield of 190 viss;
4. Saw Lah Heh, expecting a yield of 30 viss;
5. Saw Heh Moo, expecting a yield of 40 viss;
6. Saw Kaw Ka Ter, expecting a yield of 30 viss;
7. Saw Ku Neh, expecting a yield of 150 viss;
8. Naw Doe Htoo, expecting a yield of 40 viss;
9. Saw Ta Teh Doe, expecting a yield of 80 viss;
10. Saw Maung Thet Tha, expecting a yield of 70 viss;
11. Saw Ah Theh, expecting a yield of 60 viss;
12. Saw Ta Po Tu, expecting a yield of 80 viss;
13. Naw Ler Htoo, expecting a yield of 80 viss;
14. Saw Ree Ni, expecting a yield of 80 viss;
15. Saw Kaw Keh Neh, expecting a yield of 70 viss;
16. Naw Poo expecting a yield of 40 viss;
17. Saw Ywa Heh, expecting a yield of 100 viss;
18. Naw Ta Ree, expecting a yield of 40 viss;
19. Saw Thee Dee, expecting a yield of 70 viss;
20. Saw Tu Lo Mo, expecting a yield of 60 viss;
21. Saw Hee Doe, expecting a yield of 40 viss;
22. Saw Mo Shay, expecting a yield of 30 viss;
23. Saw Ta Pu, expecting a yield of 60 viss;
24. Naw Htee Mu, expecting a yield of 30 viss;
25. Saw Benjamin, expecting a yield of 70 viss; and
26. Naw Paw Gay, expecting a yield of 80 viss. (Source: CIDKP, 2004)

Land Confiscation

On 3 April 2004, in order to carry out the SPDC Southern Command Headquarters' plans to distribute lands to SPDC 124, based at Ba Yint Nayng garrison town, troops from SPDC IB 39, led by Sergeant Major Tin Oo, together with a land survey team, came and conducted land surveys and confiscated lands in area No. 761, Sha Zee Bo area, Tan Ta Bin Township. In total, 14 plots of rice fields covering 107 acres were confiscated. The confiscated lands were owned by:

1. Saw Pah Wah, 8 acres;
2. Saw Kyaw Tet, 7 acres;
3. Saw Kya Hser, 4 acres;
4. Saw Ta Po Po, 1 acres;
5. Saw Hay Tha, 7 acres;
6. Saw Keh Ner, 7 acres;
7. Saw Say Pay, 4 acres;
8. Saw Htoo, 9 acres;
9. Saw Dwe Pyi, 11 acres;
10. Saw Maw Lay, 5 acres;
11. Saw Neh Kweh, 11 acres;
12. Saw Way Way 11 acres;

13. Saw Ba Chit, 11 acres; and
14. Saw Hser Wah, 11 acres. (Source: CIDKP, 2004)

5.10 Situation in Shan State

The confiscation of both private and communal land continued to be a major issue in Shan State in 2004. The Burmese military has significantly expanded its presence in Shan State in the past decade, from approximately 40 battalions and units prior to 1988 to over 100 battalions and units in 2000. Consequently, large areas of land, especially in rural areas, have been confiscated to accommodate new military battalions in the area. The confiscation of land, together with looting and extortion by the military, has not only deprived many villagers of their livelihood but has also caused significant displacement within the state (source: SHRF, 2004). (Please see chapter on Internally Displaced Persons (IDPs) for more information.)

In 2004, residents of Shan State faced ongoing challenges in maintaining their livelihood as both local Peace and Development Council officials and Burmese military personnel continued to extort money from villagers and make demands for unfair taxes. For instance, residents of Kaeng-Tung town were forced to provide money on several occasions throughout 2004 for various SPDC coordinated events, such as the "District SPDC Cup", a boxing match, a student tournament and a light festival at the end of the Buddhist Lent period (sources: SHRF, 2004; SHRF, 2005).

Looting and Expropriation of Food and Possessions by the Army

In August 2004, SPDC troops from IB 296 robbed the villagers of Naa Keng and Nam Paa Man villages, Kaeng Lom village tract, Kun Hing Township, of their property and forced Lung Ti (male, age 44) and Lung Kum-Ma (male, age 45) to accompany them as guides/porters. The troops looted 10 chickens, 2 viss of cooking oil (1 viss = 1.6 kg) and 1/2 a basket of husked peanut from the house of a villager named Lung Saw. They then forced Lung Ti and Lung Kum-Ma to guide them to Nam Paa Man village, in the same village tract. They arrived at Nam Paa Man village after 6:00 pm and ordered the village headman to provide them with a pig and ½ a basket of husked rice. The troops also went into a shop belonging to Lung Ta and Pa Suay and looted 10 bottles of whiskey, a box of canned beer and other small items of food. The troops threatened the store owners, saying "We know you open this shop to support the Shan rebels and that you trade in opium and methamphetamine. This is better than arresting you and putting you in jail. Thank us for that." The SPDC troops left Nam Paa Man village on the same night forcing the guides/porters they conscripted from Naa Keng to carry their loot for several miles during the night. The porters were only released when the troops reached the main road leading to their camp, a short distance to the east, at Ta Kaw village. (Source: "Forced Labor and Robbery in Kun-Hing," *SHRF Monthly Report*, SHRF, November 2004)

In September 2004, a patrol of about 35 SPDC troops from IB 296 led by Captain Maung Win came to Saai Leng village, Kaeng Lom village tract, Kun Hing Township, and forced 2 villagers to serve as guides/porters. They also looted 15 chickens, weighing about 7 viss (1 viss = 1.6 kg), from the villagers. The chickens belong to 5 of the villagers, each of whom

lost 3 chickens. ("Forced Labor and Robbery in Kun-Hing," *SHRF Monthly Report*, SHRF, November 2004)

Unfair Taxes and Levies

On 15 February 2004, SPDC authorities in Kaeng-Tung town issued an order requiring all the townspeople to contribute money to buy a fire engine for the town. Each household in all the 5 quarters of the town was required to pay 600 kyat. There were about 6,000 households in the town. (Source: "Extortion in Kaeng-Tung," *SHRF Monthly Report*, SHRF, February 2005)

In mid 2004, SPDC IB 246 and police detained a woman in Kun-Hing Township for having a toy gun in her house and extorted 50,000 kyat for her release. On the day of the incident, a mixed force of 2 policemen and 2 soldiers from IB 246 came to a house belonging to Pa Man (female, age 46) and searched the house, saying that they were informed that opium was sold in the house. After searching the house thoroughly the police and soldiers found no opium but they did find a homemade toy gun made from the stem of an umbrella and accused Pa Man of keeping a gun without permission. Pa Man tried to explain that it was only a toy gun made by her son and that it was not functional. Nonetheless, she was arrested and put in jail and only released after her relatives paid 50,000 kyat as a fine for possessing a gun. (Source: "A Woman Detained, Money Extorted, in Kun-Hing," *SHRF Monthly Report*, SHRF, January 2005)

On 14 June 2004, SPDC authorities in Kaeng-Tung town forced residents to provide money for organizing a "District SPDC Cup" football tournament. Each of all the households in the town had to contribute 400 kyat towards the tournament. (Source: "Extortion in Kaeng-Tung," *SHRF Monthly Report*, SHRF, February 2005)

On 1 August 2004, SPDC township authorities in Murng-Ton announced that the military junta would resume the rice procurement policy, starting from February 2005. Village tract headmen from villages in Murng-Ton Township were summoned to a meeting and told that according to orders from higher up farmers in the area would be required to sell their rice quotas to the authorities as before. The SPDC authorities added that they had heard that rice prices had fallen because they had not purchased rice in 2004 and that they would therefore start buying rice again. In fact, restrictions and regulations imposed on farmers and traders had affected farmers throughout 2004. The SPDC authorities further added that the size of the rice quotas and rice prices would be set at a meeting to be held closer to February 2005. (Source: "Forcible Rice Procurement to Start Again in Murng-Ton," *SHRF Monthly Report*, SHRF, November 2004)

In August 2004, SPDC township authorities in Kaeng-Tung issued an order requiring all the primary, middle and high schools in the township to collect money from their students for the funds to organize the 1st term-end student tournament. The tournament was held from 5 August 2004 to 19 September 2004. Each student was required to contribute to the tournament funds according to their grades: 500 kyat for primary schools; 600 kyat for middle schools; and 700 kyat for high schools. There were 8 primary schools, 7 middle schools and 6 high schools in Kaeng-Tung Township - not including small and remote primary schools - with an average number of not less than 200 students at each school. Owners of sizable shops in the town were also required to provide large bottles of drinking water free of charge for the duration of the tournament. Football games among girl students of high schools were virtually compulsory. Members and officials from all the SPDC

departments attended to watch them, including Gen. Khin Zaw himself, the commander of the Special Golden Triangle Regional Command. (Source: "Extortion in Kaeng-Tung," *SHRF Monthly Report*, SHRF, November 2004)

On 17 October 2004, SPDC authorities in Kaeng-Tung town forced residents to provide money for a light festival at the end of the Buddhist Lent period. Each household in the town had to give 300 kyat to the authorities. (Source: "Extortion in Kaeng-Tung," *SHRF Monthly Report*, SHRF, February 2005)

On 31 October 2004, Zaai Sai Paan (male, age 36) from Nawng Paan village, Yaang Kaeng village tract, Kaeng-Tung Township, drove his motorcycle to Kaeng-Tung town market. When he reached the checkpoint he was stopped by the policemen taking charge there. The police said they would confiscate the motorcycle because Zaai Sai Paan was driving without a safety helmet and forcibly took it from him. Zaai Sai Paan repeatedly asked the police to give him back his motorcycle saying that nothing was wrong with it and that it had nothing to do with him that he was not wearing a safety helmet. One of the police officers, the leader of the group, became angry and beat and kicked Zaai Sai Paan severely several times until he bled from the wounds in his head and told him to pay a fine of 2,000 kyat if he wanted the motorcycle back. Although he was released with his motorcycle after paying a fine of 2,000 kyat, Zaai Sai Paan had great difficulties driving it because of his injuries from the beating. Fortunately, one of his friends who saw him on the way helped him get to the hospital in Kaeng-Tung town. The wounds in Zaai Sai Paan's head had to be treated with 7 stitches. Later, he lodged a complaint with the SPDC authorities in Kaeng-Tung town for being unfairly treated by the police officer. No action has been taken regarding the case up to the time of this report, March 2005. (Source: "A Motorcyclist Beaten, Money Extorted, In Kaeng-Tung," *SHRF Monthly Report*, SHRF, March 2005)

On 8 September 2004, approximately 30 troops from SPDC LIB 524 led by Captain Maung Maung Soe stopped 8 villagers, 3 men and 5 women, from Saai Khaao village in Saai Khoo village tract, Kun-Hing Township, who were on their way to their farms to harvest an early crop of rice. Each village had bought a little amount of uncooked rice that would last about 3 days and 2 nights as they intended to stay at their farms during the harvest. However, before they reached their farms, the patrol from LIB 524 stopped the villagers and searched their bags and pockets. The SPDC troops found only 2,300 kyat and a little amount of uncooked rice on each of the villagers. The soldiers accused the villagers of carrying uncooked rice meant for the Shan soldiers and arrested them. The SPDC troops took the villagers to their base in Kun-Hing town and detained them there. The villagers were then told to send word that they would be released only if their relatives and village leaders came and guaranteed their innocence. When they arrived, however, the relatives and the village leaders were told by the military authorities that the villagers had committed an offense by carrying more food than the amount allowed and that as they may have intended to give it to the Shan soldiers they needed to pay a fine of 10,000 kyat each for their release. After some negotiation during which the villagers pleaded with the authorities to reduce the fine because they could not afford that much money, the villagers were released after paying a fine of 8,000 kyat each. (Source: "Villagers Detained, Money Extorted, in Kun-Hing," *SHRF Monthly Report*, SHRF, January 2005)

On 6 November 2004, SPDC authorities in Kaeng-Tung town forced residents to provide money for a boxing match. Each of the 5 town quarters was required to pay 6,000 kyat. (Source: "Extortion in Kaeng-Tung," *SHRF Monthly Report*, SHRF, February 2005)

Crop Destruction

In October 2004, SPDC authorities forced villagers from Zawn-Zaw village in Mu-Se Township to destroy 10 acres of their own rice plants in the field near the bridge spanning the Nam Paw River in order to make room for planting soya bean. The field had been flooded during the early part of the cultivating season and all the rice plants had been destroyed. New seedlings had to be sowed and replanted by the farmers, causing the harvest time to be delayed. On 30 October 2004, before the rice was ripe, the SPDC authorities ordered the farmers to destroy the rice plants and plough the field to grow soya bean. Soya bean was to be planted on 25 acres of land as a model. Fortunately the rest of the land had not been flooded and had already been harvested. One basket of soya bean seeds was required to be planted on each acre of the land and the farmers were forced to buy the seeds from the authorities at the rate of 1,600 kyat per 'pay' (1 basket = 16 pay). (Source: "Forced Labor, Extortion and Crop Destruction in Mu-Se," *SHRF Monthly Report*, SHRF, February 2005)

Land Confiscation

In early 2004, it was reported that the SPDC IB 45 based in Murng-Sart confiscated hundreds of acres of cultivated land belonging to villagers of Kawngmu Tan village, Saai Khaao village tract, Murng-Sart Township. In February 2004, villages going to their farms and vegetable gardens situated to the north and along the Nam Kok river to the south of Kawngmu Tan village were stopped by the SPDC troops of IB 45. The SPDC troops told the villagers that their farms and gardens had been confiscated and that they should find new lands for themselves. No compensation was provided for the confiscated land and no one dared to complain to the authorities. Many villagers who had no alternative livelihood moved to other places in search of new land and have become internally displaced. A small number of villagers have migrated to Thailand. (Source: "Land Confiscation in Murng-Sart," *SHRF Monthly Report*, SHRF, September 2004)

In early 2004, it was reported that the SPDC IB 66 confiscated a farm from Lung Thun (male, age 49) from Nam-Zarng Township depriving him of his only means of survival and causing him to flee. Lung Thun was originally from Kaeng Kham Awn village in Loi La village tract, Nam-Zarng Township, which had been forcibly relocated to the outskirts of Nam-Zarng town in 1996 by the then SLORC (State Law and Order Restoration Council). During the relocation, Lung Thun sold most of his possessions and was able to buy a small plot of land to build a house in No. 1 quarter in Nam-Zarng town and a farm outside the town, about 1 ½ miles east of the base of IB 66. In March 2004, Lung Thun's farm was confiscated by SPDC IB 66 while they were expanding their base to the east. One month before, Lung Thun was forced to sell 25 out of 60 baskets of his rice to the SPDC authorities at the rate of 400 kyat per basket. The market rate was 1,500 kyat per basket at the time. Following the confiscation of his land, Lung Thun had no land left to farm and no money to buy a new plot of land. To find a new plot of land in a remote area would be putting oneself at the mercy of the roaming SPDC troops. By July 2004, Lung Thun had run out of rice to feed his family and so they all fled to the Thai border. (Source: "A Farm Confiscated from a Displaced Farmer in Nam-Zarng," *SHRF Monthly Report*, SHRF, September 2004)

In early 2004, it was reported that the SPDC IB 12 confiscated several cheroot-leaf plantations belonging to villagers of several villages in Sanin village tract, Loi-Lem Township, depriving the villagers of their means of livelihood and causing many to flee. In March 2004, several acres of cheroot-leaf plantations belonging to villagers from Khong

Laang, Huay Long, Paang Nim and Kung Ood villages in Sanin village tract, Loi-Lem Township, were confiscated by IB 12 so that they could expand the military base. The villagers, who had grown cheroot leaves as their livelihood for generations, were told by the SPDC troops to find another place and to grow tea instead of cheroot leaves. However, most villagers were unable to find new land as land near the village had been taken by the military and land in far remote areas was designated as off limits by the SPDC authorities. (Source: "Confiscation of Cheroot-Leaf Plantations in Loi-Lem," *SHRF Monthly Report*, SHRF, September 2004)

In March 2004, it was reported that Lung Li (male, age 49), a native farmer from Murng-Su village, pleaded with local SPDC troops not to confiscate his 5 acres of rice fields, which he had inherited from his ancestors. The troops agreed not to confiscate his rice fields and extorted 500,000 kyat from Lung Li instead. However, in late April 2004, a new group of SPDC troops came to replace the local troops and immediately confiscated Lung Wi's rice fields, saying that it was an order from their superiors. The rice field was then sold by the SPDC troops to members of the UWSA (United Wa State Army) at the rate of 500,000 kyat per acre. When Lung Wi's mother (age 78) heard the news on 29 April 2004, she was so shocked that she fell down and died instantly while eating a meal with her family. (Source: "Extortion and Land Confiscation in Murng-Su," *SHRF Monthly Report*, SHRF, September 2004)

In June 2004, SPDC police and village tract authorities confiscated hundreds of acres of woodland and a fish pond belonging to villagers in Kaad Tao village tract, Kaeng Tung Township. The following acres were confiscated from the following villages:

1. Yaang Saw village, 100 acres of woodland;
2. Wan Kawm village, 100 acres of woodland; and
3. Wan Kwang village, a 500 acre wide fish pond.

The woodland was confiscated for the local police and SPDC authorities and the villagers in Kaad Tao village tract were forced to build fences around it and clear some parts of it for crop cultivation. All the 23 villages in Kaad Tao village tract had to take turns to build the fences and clear the land. Each village was required to work for 3 days. The fish pond at Wan Kwang village, about 500 acres wide, had long been a public pond which every villager could go to fish. However, after it was confiscated the police made it their pond and villagers were banned from fishing in it. (Source: "Confiscation of Woodland and Fish Pond, and Forced Labor, in Kaeng-Tung," *SHRF Monthly Report*, SHRF, September 2004)

On 8 September 2004, the Commander of the Golden Triangle Special Regional Command, Khin Zaw, issued an order confiscating woodland in Murng Zaem and Murng Laab village tracts, Kaeng-Tung Township. Woodlands from the following villages in Murng Zame village tract were confiscated:

1. Ho Kho village,
2. Murng Zaem village,
3. Nam Zawm village,
4. Wan Mai village,
5. Loi Paang Phaath village and
6. Tin Loi Muay village.

Woodlands from the following villages in Murng Laab village tract were confiscated:

1. Wan Kaang,
2. Wan Sa,
3. Wan Tawng,

-
4. Wan Mai and
 5. Wan Yaang.

The order said that the military needed the land and the wood for the expansion of military bases and people in the area were banned from cutting wood in the area. However, a lot of trees were being cut by SPDC individuals and groups of SPDC soldiers and sold as firewood to the villagers and townspeople almost every day. The same things had already happened to the forests in Murng Khawn village tract in the same township. Not very long ago, SPDC troops of IB 220, LIB 320 and LIB 520, who had set up bases in Murng Khawn village tract, cut away so many trees in the area that almost all the woodlands had turned into bald hills and valleys. (Source: "Confiscation of Woodland and Destruction of Forest in Kaeng-Tung," *SHRF Monthly Report*, SHRF, February 2005)

Forced Sale of Crops

On 9 December 2004, SPDC troops from Nam-Zarng Township went to Naa Poi village tract in Lai-Kha Township and forced Kung Sim, Mai Hai and several other villages to sell them rice at a rate much lower than the current market rate. The SPDC troops forced the villagers to sell until they got 500 baskets of rice at the rate of 500 kyat per basket. The market prices were between 1,250 kyat and 1,500 kyat per basket at the time. (Source: "Forced Buying of Rice in Lae-Kham," SHRF, 2005)

5.11 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.

Looting and Expropriation of Food and Possessions by the Army

On 28 June 2004, SPDC IB 358 led by Commander Win Naing Oo demanded 3 pigs and 30 chickens from Saw Be Koe and 2 pigs from Saw Pah Eh in K' Taw Ni village, Blate, Tavoy District. (Source: BI, 2004)

On 29 September 2004, SPDC General Aung Myint Tun from IB 285 with a force of 20 soldiers arrived at Kin Ni village in Pa Law Township, Tenasserim Division, and demanded villagers provide 1 pig weighing 100 viss and 6 chickens weighing 2 viss. (Source: ABSDF, 2004)

Unfair Levies and Taxes

On 15 September 2004, SPDC LIB 559, under Military Operation 13 led by Commander Bo Aung Soe who campaigns at Thin Baw Eu village in the eastern part of Pa Law Township, demanded that each family in Thin Baw Eu village provide 3 sheets of flatten wood measuring 3 inches x 8 inches and 3 sheets of flatten wood measuring 4 inches x 8 inches to build the monastery at Aung Tha Wara village. The residents had to comply without fail. (Source: ABSDF, 2004)

On 23 September 2004, Major Soe Win from LIB 559 under Operation Command 13 arrested motorboat owners Saw Lay Pwey and Saw Swee Swe from Thin Baw Eu village, Tenasserim Division, and demanded 2 pigs weighing 100 kg for his column. Major Soe Win claimed that the 2 men were suspected of being connected to an opposition group. (Source: ABSDF, 2004)

On 29 September 2004, SPDC city authorities demanded that residents from Ka Wet Hta village provide 20 posts, 2 inches round and 20 inches tall, and 6 sheets of flat wood, 12 inches tall, to build the Pa Law township office, Tenasserim Division. The residents had to meet the demands without failure. Other villages in Pa Lauk Township were required to provide the necessary wood for the township office buildings. (Source: ABSDF, 2004)

On 6 November 2004, troops from SPDC LIB 40 under Operation Command 8 came to Khaw Htee village in Mergui/Tavoy District and arrested the village head and some villagers. The troops forced the villagers to carry military supplies and did not allow the villagers to go out of the village to harvest their paddy. Moreover, they demanded money from the villagers to finance the purchase of arms. Villagers who could not give any money had to flee and hide in the jungle. Consequently, they have been unable to harvest their paddy crop and are facing many problems. (Source: KIC, 2004)

On 10 November 2004, SPDC Operation Command 2, based in the eastern part of Mit Ta village, confiscated 5 boats belonging to residents of Mit Ta village to reconstruct the road sites in Mit Ta, Aih Wai, Sin Phyu Tine, Ah Moe and Htee Hta, Mae Tami villages. The villagers were required to send petrol to Htee Hta village. (Source: ABSDF, 2004)

On 12 November 2004 at 11:00 am, Tactical Command 2 based in Tavoy Township confiscated 5 cars belonging to the residents of Tavoy town. They used the cars to transport rations such as 300 packs of rice, 50 viss of fish paste and 20 viss of sugar to Mit Ta village in the eastern part of Tavoy Township. (Source: ABSDF, 2004)

On 21 December 2004 at 9:00 am, SPDC IB 104 led by Commander Bo Zeya Aye arrested cattle broker U Maung Thein along with his 30 cattle in Nyaung Chaung Wa village in the eastern part of Tavoy Township. He was arrested while transporting the cattle from Maung Mae Shaung village to the Thai border for trading. The troops demanded 300,000 kyat to release him. (Source: ABSDF, 2004)

On 26 December 2004 at approximately 1:00 pm, SPDC IB 104 led by Commander Bo Zeya Aye arrested U Kya Pu, a cattle trader from Thit To Htauk village, Ye Phyu Township, along with his 70 cows. He was arrested in the eastern part of Tavoy Township while transporting the cattle from Thit To Htauk village to the Thai border for trading. The company demanded U Kya Pu pay 300,000 kyat for his release. (Source: ABSDF, 2004)

On 28 December 2004, SPDC Tactical Command 2 based in Mit Ta village confiscated 6 boats belonging to the villagers. The boats were sent to transport 150 packages of rice for the frontline Tactical Command 1, based at Htee Hta village and under the control of Operation Command 13 from the eastern part of Tha Yet Chaung Township, Tavoy District. (Source: ABSDF, 2004)

Crop Destruction

From 14 November 2004, SPDC troops led by Commander Kyaw Myo Aung and Commander Way Lin Aung, based at Paw Klo area, Mergui/Tavoy District, did not allow Khaw Htee villagers to harvest their 80 plots of hill paddy fields. As a result, the crop was ruined. Furthermore, the troops looted 2 cattle from the villagers and burnt down two houses along with all the household possessions. They also destroyed a crop of betel nut. In addition, the troops sold betel nuts from 3 plots of betel nut plantations and paddy from 3 plots of paddy fields. They also looted 400 chickens and merchandise from villagers' shops worth 150,000 kyat. (Source: KIC, 2004)

5.12 Interviews

Interview # 1

Source: Human Rights Foundation of Monland
Date of Interview: First quarter of 2004
Name: Name withheld
Age: 41 years old
Sex: Male
Nationality: Mon
Address: Ye Township, Mon State
Religion: Buddhist
Marital status: Married
Occupation: Farmer

Q. Why did you leave your home?

A. I'm a farmer and planted betel-nut and rubber trees in my plantation. As the Burmese Army confiscated my lands, I have no work and can not get an income to survive.

Q. What did you lose when your land was confiscated?

A. I had 10 acres of land that grow betel-nut trees and rubber trees. Burmese Army LIB No. 591 and No. 583 confiscated my lands. Other villagers also lost land like me. Ms. (name withheld) lost 10 acres of land, Nai (name withheld) lost 3 acres of lands and Nai (name withheld) lost over 10 acres of land. Most of lands were growing rubber trees and a small piece of Ms. (name withheld) land grew betel-nut trees. A second battalion commander, Major Ba Lay, confiscated the lands.

Q. Did you receive any compensation?

A. They promised to pay the cost of the lands since they confiscated the lands. However, until now, we have not received any compensation. Last year, they called us again and forced us to sign that we sold the land but they said that would pay next year.

Q. Did you receive compensation and are they allow you to go to your plantation?

A. At first, they allowed us to go our plantation but the army commander instructed that we needed to take permission letters from their bases in Kwan-bae village. We have to pay 500 kyat for permission and 500 kyat for photos. They made a card. They said that if we could not show that we had a permission card they would beat us. They did not allow us to stay over

night. Later, we faced a lot of threats and the soldiers also arrested us for porter duty. We are afraid of them. I abandon my plantation.

Q. How much was your land worth?

A. It cost about 1 million kyat but they said it was worth only 737,300 kyat. They said that if other people were paid compensation, I would also be paid.

Q. How long ago did you leave your home?

A. One month.

(Source: "Personal Accounts: The Forgotten Mon Refugees," *The Mon Forum*, HURFOM, 30 Apr 2004)

Interview # 2

Source: Free Burma Rangers
Date of Interview: May - June 2004
Name: Name withheld
Age: 88 years old
Sex: Female
Address: Withheld
Religion: Buddhist
Marital status: Married, 8 family members
Occupation: Farmer

Q. Please tell me approximately how much the DKBA has fined you?

A. The DKBA #999, led by Tee Du, including five members who live in Larnay (Kwanbi), arrived at [name of village withheld], and commanded me to meet him. Then they told me to pay 200,000 kyat because they accused me of having contact with KNU (the secretary of Takreh Township.)

Q. What was the date of that incident?

A. It was on May 18th, 2004

Interview #3

Source: Free Burma Rangers
Date of Interview: May - June 2004
Name: Name withheld
Age: 32 years old
Sex: Female
Village: Withheld
Occupation: Hillside cultivation
Religion: Buddhist

Q. Please explain to us about how the DKBA ate your food without paying anything.

A. The DKBA commander who camped at Sakye Koh commanded chicken from three villages on 2 May 2004. There were two viss from Pakwe Kwi costing 6,000 kyat, 2 viss from Tawekho costing 6,000 kyat and 2 viss from Tokyekwi. The total was around 18,000 kyat for three villages.

Q. Did they ask for anything else?

A. Yes, each of the families had to send a piece of bamboo to the DKBA camp. The villages were Ta Wei Kho, Pa Kwe Kwi, To Kye Kwi, Takreh Ni, Hteiper villages. Again, the villagers had to sharpen the pieces of bamboo and bamboo spikes for the camp. They didn't provide any money or food but we had to finish our work and had our meals at home.

Interview #4

Source: Free Burma Rangers
Date of Interview: May - June 2004
Name: Name withheld
Age: 58 years
Family: 4 members
Occupation: Hillside farmer
Religion: Buddhist

Q. Please tell me about the DKBA orders given to you.

A. On 13 February 2004, the DKBA company commander, Pa Maw Heh and Kyaw Lay Kin, along with 25 troops, entered into the village and butchered a pig, which cost 8,000 kyat, and then they proceeded to Nyamatay Khi village. Again, on 21 April 2004, another column led by Kaloh, entered into the village at 22:00 hours. Then, they fired 4 rounds of M-79 grenade launchers because they saw a spot of fire under a tree. The next day, they asked for the cost of the five rounds of grenade launchers from the villagers. At that time, they asked again for three chickens, which cost 2,000 kyat, 5 bottles of alcohol which cost 1,500 kyat. After they drank, they proceeded to Nya Ma Tay Khi village.

On 27 April 2004, DKBA Saw Wah Dee led his column which was posted at Kwe Baw, Naw Kha-rei Kyo, and entered into May Tu Hta and butchered a pig which cost 6000 kyat. After finishing their meal, they returned to Nya Ma Tay hi village.

On 29 April 2004, DKBA Saw Paw Peh led his men to Pay Tu Hta village and butchered a pig which cost 25,000 kyat. They then returned to Nya Ma Tay Khi village.

Interview #5

Source: Free Burma Rangers
Date of Interview: May - June 2004
Name: Name withheld
Age: 57 years
Family: 6 members
Occupation: Hillside cultivation
Religion: Buddhist

Q. Have the DKBA taken things from your village?

A. On 25 March 2004, the DKBA security officer of #999 Brigade, Saw Paw Peh, came from Mae Tu Hta village with his 20 troops. They entered X-X-X and ate a goat, which cost 13,000 kyat, without payment. Then they proceeded to Nya Ma Tay Khi village.

Interview #6

Source: Free Burma Rangers
Date of Interview: May - June 2004
Name: Name withheld
Age: 60 years
Family: 6 members
Occupation: Farmer
Religion: Buddhist

Q. Have the DKBA abused you?

A. On 22 April 2004, the DKBA officer in charge, Pa Kadone, burned down my hut as well as one hand saw, 2,000 kyat, one ax, two spades, two swords, some utensils, 2 sarongs, and 4 shirts.

Interview #7

Source: Free Burma Rangers
Date of Interview: May - June 2004
Name: Name withheld
Age: 35 years
Family: 7 members
Occupation: Farmer
Religion: Buddhist

Q. Please tell me if the DKBA has taken anything from your village?

A. On 19 May 2004, DKBA #999 leader Paw Peh led 7 soldiers and arrived at our village. He told me, "You are illegally giving treatment as a quack doctor" and fined me a goat, which cost 15,000 kyat.

Q. What are Paw Peh's responsibilities?

A. He is responsible as a patrolling security officer between Pa Tu Klaw Plaw, Pay Tu Hta, Htimohta, Kwebaw, and Nyamaday Khi villages.

Interview #8

Source: Free Burma Rangers
Date of Interview: May - June 2004
Name: Name withheld
Age: 50 years
Family: 13 members
Occupation: Farmer
Religion: Buddhist

Q. Please tell me which DKBA group fined you.

A. On 20 May 2004, the DKBA soldier Paw Peh arrived at our village with seven soldiers and fined me 25,000 kyat and a pig. He told me that I was fishing with a fishing-net with an explosive bomb, therefore I should be fined.

Q. How many people paid fines to him?

A. Saw Pah Lu paid 10,000 kyat, Kyaw Lar paid 7,000 kyat, Taw Nyo paid 2,000 kyat, Tu Lu paid 2,000 kyat, Pee Hki paid 2,000 kyat and Kyaw Lwe paid 2,000 kyat. All together he received about 25,000 kyat.

Interview #9

Source: Free Burma Rangers

Date of Interview: May - June 2004

Name: Name withheld

Age: 45 years

Family: 5 members

Occupation: Farmer

Religion: Buddhist

Q. What was the reason that the DKBA fined you?

A. I asked for a recommendation letter from Pa Daw Bow, who is the commander at Maw Po Kla DKBA post, before I bought an ox from Takaw (Kya Inn) village for my farm work. When I was returning, at Maw Khi, on 10 May 2004, I met the DKBA company commander Mya Win's soldier, Pa Mae Lare. He accused me of smuggling cattle and said I must be fined 50,000 kyat. I replied that I am not a smuggler because this ox would be used on my farm in X-X-X X village and also that I did not have any money to give him. Then, he took me to Maw Khi Burma Army camp and threatened me by shooting a gun into the air. He then fined me 150,000 kyat. He said again that if I couldn't give the money he would take my ox to Maw Po Kla and then to Yaw Po village where he lived. At that moment, he ordered me to hide under a bush because he saw his commander walking towards him. He forbade me to say anything to the commander.

Q. What happened after that?

A. Then I met with their leaders, Pa Dee and Pa Daw Boe. They said to me that they would get the money for me but up to this point I haven't received anything.

Q. Did you want to say anything about that?

A. I don't want people to face the same experiences that I have had. Because the DKBA are also Karen, they should understand that we are the same nation.

6. Rights of the Child

6.1 Situation of Children in Burma

Burma became a party to the UN Convention on the Rights of the Child (CRC) on 15 August 1991. 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 military regime at that time, known as the State Law and Order Restoration Council (SLORC), promulgated 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 that "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). The regime's decision to accede to the CRC was considered a step of progress and temporarily improved its image throughout the international community. However, widespread evidence of continuing violations against children has shown that while national laws to protect children may be in place, the military regime, currently known as the State Peace and Development Council (SPDC), has taken little action to enforce these laws.

In 2002, Burma published and submitted its second periodic report to the UN Committee on the Rights of the Child, which outlined action taken by the military regime to uphold the provisions of the Convention. The report, which was already two years overdue, was reviewed by the Committee on 26 May 2004 during its thirty-sixth session. During the meeting, Professor Dr May May Yi, advisor for women's affairs in the Prime Minister's office and leader of the delegation of Myanmar, delivered a speech reiterating many of the points illustrated in the second periodic report. According to her speech, "the government is giving top priority to the rights of children in our national agenda." The speech indicates that children are considered "jewels" of the society in Burma and their development is fostered by their immediate and extended families as well as their communities. Furthermore, Dr May May Yi states that the military government has made "significant achievements in promoting and protecting the rights of the children in Myanmar. We are today trying our utmost to create better opportunities for the children so that they can live in a better world enjoying full range of their rights." (Source: Statement by Professor Dr. May May Yi, Advisor for Women's Affairs at the Prime Minister's Office and Leader of the Delegation of Myanmar to the Thirty-Sixth Session of the Committee on the Rights of the Child, Geneva 26 May 2004)

Conversely, in its concluding observations of the review of Burma's second periodic report, the Committee on the Rights of the Child noted that the SPDC has done little to address the concerns raised by the Committee during the first review. Moreover, the Committee noted that the 1993 Child Law does not fully uphold the principles set forth in the Convention. Various government initiatives and long term plans focusing on the development of social sectors such as health and education have had little effect or been insufficient in improving the conditions for children in Burma. Instead, the Committee expressed concern for, among other issues, the significant reduction in resources allocated to health and education, inequalities between rural and urban as well as ethnic minority and majority children, and the

effects of Burma's political instability and continued armed conflict on the development of children (source: "Concluding Observations: Myanmar," *Thirty-sixth session of the UN Committee on the Rights of the Child*, UN Committee on the Rights of the Child, 4 June 2004). Moreover, NGOs, political opposition groups, and other national governments have continued to provide clear evidence that children in Burma cannot depend on the government to protect or advocate for their rights. Instead, SPDC is at best negligent, and at worst complicit, in abuses such as the recruitment of child soldiers, the trafficking of children, and the destruction and dislocation of ethnic minority families and communities.

Years of ongoing civil war and poor governance have led to widespread poverty, low levels of education, poor healthcare, and systematic human rights abuses. Children, who comprise approximately 40% of the population, are disproportionately affected by all of these factors. Decreased government spending on education has resulted in the deterioration of standards of primary education, which have coincided with increased illiteracy and dropout rates. Likewise, lack of spending on healthcare has resulted in Burma's healthcare system being ranked 190 out of 191 countries by the World Health Organization in 2000. According to UNICEF, of the 1.3 million children born every year in Burma, more than 92,500 will die before they reach one year of age. The majority of infant mortality has been attributed to insufficient medical knowledge and attention. As poverty has consumed the population, children are frequently required to contribute to their family's livelihood either by participating in family businesses, seeking external employment, or fulfilling a family's obligations to participate in government forced labor projects. Children are not exempted from serving as porters for the military or being recruited to serve in the armed forces, fighting against ethnic minority populations and forced to perpetrate human rights abuses themselves.

Ethnic minority children are often more vulnerable due to the fact that ongoing civil war is 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 as the government attempts to suppress any opposition, both armed and unarmed. Children in these areas are 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 healthcare, 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

“States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

a) Make primary education compulsory and available free to all;”

- Article 28, Paragraph 1, UN Convention on the Rights of the Child

As a signatory to the UN Convention on the Rights of the Child, the SPDC is obligated to work towards attaining equal access to education for all children. In addition, the SPDC is obligated to make primary education compulsory and free to all. Yet, during the concluding observations of its 36th session, the UN Committee on the Rights of the Child expressed concern over Burma's deteriorating education system, which includes high dropout rates, unqualified teachers, excessive fees, and discrepancies in access to education in urban, rural and ethnic minority areas. (Source: “Concluding Observations: Myanmar,” *Thirty-sixth session of the UN Committee on the Rights of the Child*, UN Committee on the Rights of the Child, 4 June 2004)

The SPDC's deteriorating education system and failure to fulfil all of its obligations as a signatory to the Convention are a direct result of the disproportionate amount of the national budget allocated to the armed forces leaving necessary social services, such as education, neglected. In 1998-99, 6.98% of the state budget was allocated to education while 49.93% was allocated for the military. Spending on education has continually decreased and according to the U.S. Department of State, in the 2003-2004 fiscal year, the SPDC spent 1.3% of the national budget on education. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2004)

In 2003, the International Confederation of Free Trade Unions reported that there are approximately 39,000 state-run primary schools in the country, or one for every two villages. Only 46% of these schools have toilets while only 17% have running water. Children who live in remote rural areas often have to walk considerable distances in order to reach a school. UNESCO estimates that some 2,000 villages are more than 3 kilometres from the nearest school. Secondary schools pose even greater challenges to children who attempt to access them, as there are fewer than 3,000 in the whole country. UNICEF has reported 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*, ICFTU, August 2003)

The SPDC has publicized the implementation of a short-term four-year education plan from 2000-2004 and a 30-year long-term plan from 2001-2031, both aimed at improving basic education in Burma. Specifically, the four-year plan focuses on improving basic education through the universalization of primary education, increased teacher education, revision of basic education curriculum, new assessment systems, multi-media classrooms, and greater support in general. In conjunction with the 2000-2004 four-year plan, the SPDC claims to have upgraded 1,257 basic education schools. Yet, these schools reportedly remain useless as the government has failed to provide teachers.

According to Article 20 of Burma's 1993 Child Law, “Every child shall have the right to free basic primary education in state schools and that the Ministry of Education shall implement a

system of free and compulsory primary education.” While the law stipulates that education must be free for all children, in actuality, it is not. Up to fourth standard, children are not required to pay for enrolment or monthly tuition fees but they must cover other costs for supplies, school repairs, or supplements to teacher salaries. Beyond fourth standard, students are required to cover all these costs. School fees vary in different locations, yet at the beginning of the 2004-2005 school year, enrolment fees for students in rural areas ranged from 5,000 to 8,000 kyat and from 10,000 to 14,000 kyat for students in urban areas. In 1988, the military government initiated a self-reliance program through which communities in rural areas are encouraged to raise funds and build schools by themselves. As a result, villages are often required to cover all costs of education and thus eliminating the notion of free education for all, even at the primary level. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

Aside from enrolment and monthly tuition fees, students must also pay for textbooks, school supplies, building maintenance, uniforms, teachers’ wages, Union Solidarity and Development Association (USDA) membership, and any other required donations for announced projects such as multimedia classrooms and computers. Often, students never see the realization of the projects for which they are forced to pay. The average income for a person in Burma is between 5,000 to 7,000 kyat per month, making the costs of education beyond the means of most people. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

The high cost of education has resulted in high dropout rates from Burma’s education system. According to UNESCO, the dropout rate stands at 45% as only half of all children who enter primary school in Burma will reach fifth standard or fifth grade (source: “Asia Has the Highest Number of Children Out of School: UNESCO,” AFP, 10 February 2004). Many children do not attend school at all and of those that do, most do not complete high school. According to UN figures, 98% of all students dropout before completing high school. Yet, even at the primary level, dropout rates and lack of enrolment are extremely high as most families are unable to afford the costs of education fees. Government figures indicate that only 55% of children who register in school complete primary education.

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 dropout of the educational system.

Education in Burma is further compromised by the low wages the government provides for teachers. Government provided salaries are not adequate, causing many teachers to resort to alternative means to maintain their livelihoods. The All Burma Federation of Student Unions (ABFSU) reported that in January 2004, the monthly salaries of teachers stood at 4,500 kyat for primary level, 5,000 to 5,500 kyat for middle school, and 5,500 to 6,000 kyat for high school. Moreover, in June 2004, it was reported that the government was no longer providing government staff, including teachers, with supplementary rice. Instead, the government offered 5,000 kyat in addition to their salaries. Yet, with required donations and other obligatory fees for teachers, this additional money has made little difference. In order to sustain themselves, many teachers reduce the amount of information taught during the class

period and focus only on basic theories or ideas. Only during extra tuition sessions are students able to learn all the information necessary to pass exams. At the same time, these tuition sessions require payment of additional fees ranging from US\$ 2-6 a month per subject per pupil. According to the ICFTU, approximately 50-80% of students attend tuition classes outside of school hours. Children that do attend have a greater chance of passing exams either as a result of a better understanding of the material or because of favoritism. Teachers in rural areas have also been reported to engage in agricultural work or selling items in the market as a means of incurring additional income, which also reduces their hours in the classroom. (Source: Grumiau, Samuel, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003)

Lack of teacher training and experience has also contributed to erosion in the quality of education in Burma. According to the ABFSU, teachers who receive their training through the University of Education are taught teacher-centred teaching methods and rote learning that do not embrace independent, creative or critical thinking. At the same time, a large percentage of teachers based in rural or ethnic minority areas have graduated from the University for Development of National Races, which offers a masters degree in philosophy and education. These teachers are taught by members of the military to perpetuate state ideology through their lessons. When teachers are sent to teach at posts in rural areas they continue to promote state ideology through their lessons, such as the importance of the role of the military in the country. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

State promoted teaching methods and curriculum also serve as a method of deterring students from becoming involved in political activities. As students have long played an integral role in the pro-democracy movement, the government considers student populations a potential source of political dissent. As a result, in times of political instability or social tension, schools are subject to closure. This was evident following the 1988 pro-democracy demonstrations and following the 2003 Depayin Massacre. The strict state controlled curriculum serves to thwart political dissent by incorporating negative perspectives of democracy while promoting notions of military rule. Teachers are also forced to ensure that their students do not get involved in anti-military activities. 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 USDA, which means joining activities organized by army officers and performing for high-ranking officials when they visit schools. Students are quickly indoctrinated in the ideals of not questioning authority or thinking critically, reinforcing military ideology and rule.

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-US\$ 200 per year. At these schools children are indoctrinated to believe that the army must always be obeyed and never criticized. The children of 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 the Burmese Dictatorship*, ICFTU, 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 at 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: Kyaw Zwa Moe, "Educating the Elite," *Irrawaddy*, Vol. 11 No. 6, July 2003)

Education in Ethnic Minority and/or Conflict Areas

Ethnic minority children, particularly those in areas of active armed conflict, suffer disproportionately from Burma's failing education system. Aside from the obstacles to education faced by children in other areas of Burma, children in these areas endure the obstacles posed by an environment of ongoing human rights abuses such as forced labor, sexual violence, torture, extra-judicial killing and restrictions on movement. In 1999, UNICEF reported that 84% of all children who dropout of primary school in Burma come from ethnic border areas. According to government statistics, only 1.6% of children living in ethnic border areas attends school while 32.7% of the population in these areas are under 14 years of age. Only 10% of children in Karen, Karenni, and Shan States attend school while in other areas, such as Arakan State or Wa areas of Shan State, the percentage is even lower. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

Most schools in rural and ethnic minority areas under SPDC control are critically under funded by the government and those that exist are reportedly old and in disrepair. The Ministry of Progress and Border Areas, National Races, and Development Affairs has claimed that new schools have been constructed in ethnic minority areas. Yet, it has been reported that while these new schools may exist, they are completely lacking in resources. In Karenni State, for example, it was reported that several new school facilities were built in 2003 but as they were never supplied with teachers or resources, the schools remained useless (source: "Students Flee Burma in Pursuit of Education," *Irrawaddy*, 17 June 2004). As many schools in ethnic minority areas are in rural areas, they are frequently subject to the government's self-reliance program and forced to raise all funds for the school by themselves. As most villagers in rural ethnic areas survive on seasonal work, their income is not sufficient enough to cover all the costs of a child's education. In addition, many families rely on the contribution of all family members to maintain their livelihood, including children. This influences many children to discontinue their education after reaching fourth standard (source: *Year 2004 Education Report*, ABFSU-FAC, February 2005).

Children in ethnic minority areas may be subject to relocation orders for a variety of reasons, including the suspicion of rebel activity, which poses many threats to the continuity of their education. SPDC soldiers frequently burn down villages after a relocation order has transpired and schools are not exempted from this process. Relocation sites often have little to no educational facilities and parents are forced to contend with the full costs of their children's education. According to the Karen Human Rights Group (KHRG), Karen villages which fall under the category of "Nyein Chan Yay" or peace villages in Toungoo District, which are under SPDC control, usually have a school in which children can obtain a primary

education up to fourth standard. Children from villages without any school often travel to another village in order to attend. Very few schools extend to tenth standard and teachers themselves often have comparable education levels to students having completed no more than fourth or fifth standard. Schools in these areas receive minimal government support, forcing villagers to take responsibility for the remainder of the costs. While the government may provide teachers' salaries, villagers frequently supplement this by providing rice or other crops. Most villagers are unable to supplement salaries in any other way. (Source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District*, KHRG, September 2004)

According to government regulations, children are forced to learn in Burmese in order to obtain a formal education while the study of ethnic minority languages is prohibited, creating further barriers to education for children in ethnic minority areas. Teachers sent from Rangoon to teach in rural schools are reportedly unmotivated and unable to effectively communicate with their students. In addition, state schools teach a government designed curriculum which promotes the role of the military as a unifying force in society, does not embrace ethnic and cultural diversity, and does not allow for local history to which ethnic minority children might relate. Often, the only way for children to learn their ethnic language or history is through private schools or their parents. The government's policy on language and curriculum has often been categorized as a method of Burmanization to eliminate ethnic minority cultural identity and prevent any ethnic resistance to the government in Rangoon. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

Children who live on the run as internally displaced persons (IDPs) have the least access to education, healthcare, and other social services. There is an estimated 600,000 to one million IDPs living on the run in Burma in perpetual fear of the military. Like their parents, IDP children live in constant fear of an attack by government troops and must be prepared to flee to a new hiding place at any time. IDP communities often establish small make-shift schools in an attempt to continue education. Some IDP communities' efforts are supported by cross border relief projects which provide limited amounts of rice and other supplies if the community is reachable. Otherwise, these schools often use whatever materials they can find from the jungle around them. When a community is threatened by an impending attack and forced to flee, these schools are also forced to close. Government armed forces frequently burn schools down along with other IDP shelters. When a new hiding place is secured, schools must be re-established, and communities must be prepared to flee and abandon their schools again at any time.

Education of Children in Burma - Partial List of Incidents for 2004

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.

In February 2004, it was reported that due to the offensive operation of SPDC LID 55 in the northern part of Pa-pun District, Karen State, and the Karenni border, which began in January 2004, 24 schools in north eastern Lu Thaw Township had to close. (Source: CIDKP, 2004)

Mon State

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.

In June 2004, it was reported that students in Mudon Township were forced to pay entrance fees of 4,000 kyat for the new school term. The fees had to be paid in materials as opposed to cash. The fees were for school maintenance. School fees varied according to school level and location. In Hnee Pa Dol village, all students reportedly had to pay 6,700 kyat in entrance fees. (Source: "Poor Forced to Pay for Basic Education," *Kao Wao News* No. 69, 15 June 2004)

Pegu Division

Note: Both Nyaunglebin District and Toungoo District are areas demarcated by the KNU as Karen territory. 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 Nyaunglebin or Toungoo as official districts.

On 16 January 2004, Operation Command 2 Commander Tin Maung Oo ordered Column Commander Ko Ko Oo to relocate Ko-ni village, Mon Township, Nyaunglebin District, to Noe Nya Lar Kwee Thint by the deadline of 2 February 2004. Those who did not want to relocate would be put on a list which was to be sent to the office of SPDC LIB 590 and each of them had to pay 200,000 kyat. Due to the forced relocation, the village school had to be closed and villagers' paddy and bean crops were destroyed by animals in a great number. The new relocation site was a place where bricks were baked and as a result many people, especially children and elderly people, got sick. (Source: KIC, 2004)

6.3 Status of Health of Children in Burma

“States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such healthcare services.”

- Article 24, Paragraph 1, UN Convention on the Rights of the Child

Children often suffer the most from the SPDC's severe neglect of Burma's eroding healthcare 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. In 2004, the SPDC spent approximately 1.2% of total government expenditures on healthcare in Burma. While the budget granted to the Ministry of Health in the 2003-2004 period was reportedly doubled from the previous period, it remained inadequate in allowing for the provision of proper healthcare services and institutions throughout the country (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2004). During 2004, children in Burma continued to endure a healthcare system devoid of skilled health practitioners, proper medical facilities, and adequate information.

According to UNICEF statistics in 2003, the infant mortality rate in Burma was 76 per 1,000 live births and the under five mortality rate was 107 out of 1,000 children (source: *The Official Summary of the State of the World's Children 2005*, UNICEF, December 2004). AIDS, diarrhea, hepatitis B, malaria, measles, pneumonia, and tuberculosis have all been cited at the main causes of death or illness among children in Burma, while lack of knowledge and insufficient medical attention have been cited as the main causes of infant mortality. The World Health Organization (WHO) reports that only 52 out of 1,000 births were attended to by a skilled aid. Infant and child mortality rates are seen as a direct result of the SPDC's poor investment in education for health workers and in healthcare facilities (source: Grumiau, Samuel, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003).

Children's health and development has also been affected by the state of the Burmese economy. As one out of every four households lives below the poverty line, many children are unable to obtain proper nutrition. In September 2004, the World Food Program (WFP) reported that one third of all children under the age of five are malnourished (source: "UN Warns of Child Malnutrition in Myanmar," AFP, 14 September 2004). According to UNICEF, 35% of children under the age of five are moderately to severely underweight, 8% are severely underweight, 9% suffer from wasting, and 34% suffer from stunting. In turn, malnutrition along with poor sanitation and lack of clean water put children at greater risk of contracting disease and sickness.

There is a marked discrepancy in the quality or availability of healthcare services between urban and rural areas. 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, these facilities were not evenly distributed with rural areas having one hospital for every 132,500 persons. In addition, care or medicine received during a hospital visit is often dependent upon the financial abilities of the patients. As basic salaries for healthcare workers

in government facilities are low, many require direct or additional payment as a requisite of the administration of treatment. Poor infrastructure or remote locations also create obstacles to accessing medical care for those in rural areas. (Source: Grumiau, Samuel, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003)

Children residing in ethnic border areas, specifically areas of active armed conflict, have the least access to health services. Children living in areas of active-armed conflict or on the run as IDPs may not have access to any medical services other than traditional healers or cross-border backpack medical teams. According to the Thailand-Burma Border Consortium (TBBC), the mortality rate of children under the age of five in IDP areas in eastern Burma is 286 out of 1,000, which is two to three times greater than Burma's baseline rate. In addition, 16% of children under the age of 5 are suffering from acute malnutrition, which is twice the rate of that for the rest of Burma (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

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. In 2004, only Medicines Sans Frontieres (MSF) was providing anti-retrovirals free of charge to 200 people, including some children, out of a clinic located in Hlaing Thar Yar, Rangoon Division. For those who are not receiving the free treatment, the drug costs US\$ 1.53 per day, which is beyond the means of most members of the population (source: "Burma's Neglected Aids Babies Given New Hope," *Sunday Times*, 11 July 2004).

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. 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. (Please see section on child trafficking for more information, below. Please see chapter on situation of health and education for more information on HIV/AIDS.)

6.4 Children in Prison and Labor Camps

According to the 1993 Child Law, the minimum age a child can be held accountable for criminal activity in Burma is 7 years-old. The 1993 Child Law also defines children between the ages of 16 and 18 as “youth” and not “children”. As a result, “youth” are subject to treatment as adults under the penal code. According to the Committee on the Rights of the Child, Burma has made minimal progress in creating an adequate juvenile justice system equipped with trained professionals. In addition, the Child Law makes no provisions for guaranteeing legal assistance for juvenile offenders or those accused of such an offense. Like adults, children who are held in detention are often subject to prolonged periods of detention in poor conditions prior to their trials. (Source: “Concluding Observations: Myanmar,” *Thirty-sixth session of the UN Committee on the Rights of the Child*, UN Committee on the Rights of the Child, 4 June 2004)

Juvenile Prison Laborers

There are 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 of healthcare, results in an especially vulnerable position for such children. There are no figures available for the number of 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.

Children in Prison with Their Mothers

“Because of the malnutrition and lack of proper healthcare, many children died in prison. When a female warden left the women’s ward carrying a big plastic bag, we understand a child was also dead.”

– Myat Mo Mo Htun, former political prisoner in Insein Prison. (Source: *Women Political Prisoners in Burma*, AAPP & BWU, September 2004)

Children who are either born in prison or imprisoned with their mothers endure the same poor treatment and living conditions as their mothers, despite the fact that they are innocent of any criminal charges. 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. Women and their children face extreme difficulties and suffer from diseases while in Burmese prisons due to the inadequate healthcare, unsanitary conditions and lack of nutritious food that all prisoners must endure.

Pregnant women who are imprisoned are denied access to proper pre-natal care and during birth they are usually only assisted by a midwife, who is a fellow prisoner, or simply a fellow prisoner who has little skills to contribute. As a result, a high number of children born in prison die during childbirth due to complications. After giving birth, female prisoners are forced to care for their new born babies under the same restrictions and harsh living conditions, such as limitations on the amount of water they are allowed to use, which adversely affects the health of both mother and child. Daw Khin San Nwe is a former political prisoner who was arrested and imprisoned in 1989 while she was pregnant and later gave birth in prison: "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. Children's health in prison is also affected by the lack of nutritious foods provided to their mothers by the prisons. Another former political prisoner, Yu Yu Hlaing, who gave birth while imprisoned in Mergui Prison reported, "After delivering, I did not breast feed my baby for three days. I tried to allow myself to breast feed my child by drinking a lot of nutritious soup. I requested that I be allowed to cook soup for myself because we were not allowed to cook in the prison, but I was refused. I had only the soup provided by the jail." Another former political prisoner, Myat Mo Mo Htun, reported, "One day, a female prisoner with a skinny child came to the female warden officer. She told the officer she could not breast feed her child. She could not afford milk powder for her baby because nobody came to visit her. Therefore, her once fat son had become a skeleton. The pathetic child was so thin and gaunt; his face resembled a monkey's. The mother didn't demand food for her child that she couldn't get. She only demanded to carry her child out of the prison to spare his life...Soon after, I heard the child had passed away." (Source: *Women Political Prisoners in Burma*, AAPP & BWU, September 2004)

No provisions are made for children's development; there are no books or toys, and children's movements are restricted to inside the cells. According to one former political prisoner, "Children who lived in prison with their mothers knew nothing of the world. Sometimes we met children who did not know what dogs were. They were the children who did not know what a motorcar was, and didn't know people outside of the wall were free" (source: *Women Political Prisoners in Burma*, AAPP & BWU, September 2004). 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).

6.5 Child Labor

“States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.”

- Article 32, Paragraph 1, UN Convention on the Rights of the Child

As Burma's economy has steadily deteriorated, many families have become increasingly reliant upon all members of the family, including young children, to obtain sources of income for the family's livelihood. While children in Burma have traditionally contributed labor for their family farms or household duties, they can be increasingly found engaged in labor in a variety of industries both inside and outside of their family agriculture projects or small businesses. Seeking employment may often result in children leaving their homes in rural areas to live in urban areas as well as relinquishing their educational opportunities. While the 1993 Child Law prohibits the employment of children under the age of 13, the restrictions are rarely enforced. In addition, Burma has not ratified ILO Convention 138 regarding minimum age for labor and ILO Convention 182 regarding the worst forms of child labor. According to the U.S. Department of State, children's presence in the work force has become “increasingly prevalent and visible”. Statistics from 2002 indicate that 6% of children in urban areas worked while only 4% were able to procure salaries (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005).

Children can be found employed in the agricultural, fishing, service, domestic, manufacturing, sex and construction sectors. Many children are forced to work long hours for little pay while often losing their opportunity to obtain a basic education. According to the Human Rights Foundation of Monland (HURFOM), children are often paid lower salaries than adults for the same work, which is a motivation for shop owners to employ them. HURFOM reported that a child working in a teashop from 5:00 am to 10:00 pm would receive a monthly salary of approximately 3,000 kyat while an adult in the same position would receive 6,000 kyat. At the same time, employers do not always provide accommodation, leaving children in a precarious situation to maintain a livelihood with minimal funds (source: “Widespread Exploitation of Child Labour in Burma,” *The Mon Forum*, HURFOM, 31 March 2004). Children employed in factories contend with the same lack of protection as adult factory workers due to the ban on trade unions, lack of workers' rights, and little regulation of workplace standards. During its 36th session in June 2004, the UN Committee on the Rights of the Child expressed concern that “economic exploitation is extremely widespread in Myanmar and that children may be working long hours at young ages, with very negative impact on their school attendance” (source: “Concluding Observations: Myanmar,” *Thirty-sixth session of the UN Committee on the Rights of the Child*, UN Committee on the Rights of the Child, 4 June 2004).

In March 2004, HURFOM reported that child beggars have become increasingly prevalent on the streets, teashops and public transportation centers. Moreover, many children are pressed into gangs of beggars where leaders coordinate their begging. Children are reportedly encouraged to engage in delinquent behavior such as theft. Children who are unable to beg a certain quota of money are reportedly beaten or denied food by the gangs. At the same time, child beggars are often treated harshly by proprietors of establishments where they beg

(source: "Widespread Exploitation of Child Labor in Burma," *The Mon Forum*, HURFOM, 31 March 2004).

The poor state of the economy has also led more women and girls to turn to prostitution as a means of securing an income. According to the U.S. Department of State, in Rangoon and Mandalay, there was a noticeable presence of prostitutes during 2004, "who appeared to be in their early teens and for whom there was reportedly a high demand" (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). In November 2004, Mizzima News reported the story of Lian, a 15 year old Chin girl, who started working as a sex-worker when she was 13 years old in order to support her family. Each day, she travels across the border from Chin State, Burma, to Champai, Mizoram State, India. She earns approximately 50 to 100 rupees per day from Indian customers. Lian is one of many young Chin girls who engage in prostitution along the border in order to support their impoverished families in Burma. In Moreh, another border town, girls from Tamy, Kabaw Valley and Namphalang cross the border daily to engage in sex-work. Young female sex workers are vulnerable to HIV infection and other STDs. In addition, they must contend with the dangers of ongoing crackdowns and security threats on both sides of the border. (Source: Surajit Khaund, "The Opposite Side of Border Fence," *Mizzima*, 18 November 2004)

Children and Forced Labor

Children are also subject to conscription for forced labor projects including portering, road construction, sanitation and building maintenance for military camps, building construction, acting as messengers, conscription into the military and various other chores for military personnel. Although Burma passed Order 1/99 in 2000 banning the use of forced labor, incidents of forced labor continued to emerge from all over the country in 2004. Moreover, there are no specific provisions in the law against the use of children in forced labor. The U.S. Department of State reported that "forced child labor remained a serious problem" in 2004 (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). On 5 August 2004, it was reported that the Ms Kyoko Yonizu, the UNHCR field officer based in Arakan State, protested the pervasive use of child labor in Maungdaw Township, Arakan State. The UNHCR field officer appealed to Nasaka Border Force Acting Commander Myint Oo to assist in reducing the rate of child labor. Sending children in place of their parents for labor projects was reportedly extremely common, particularly in the rainy season (source: "UNHCR Field Officer Complains to Nasaka for Child Labor Use," *Narinjara News*, 5 August 2004).

Children often participate in forced labor projects in place of their parents who may be out working on their family farms or unable to afford to lose a day of work. This is particularly true during harvest periods. In other cases, a request for laborers may not provide enough time to call adults back from their farms or there simply may not be enough people in the village to fulfill the requested number of laborers. Children are usually unable to attend school while they perform forced labor. In March 2004, HURFOM reported that No. 3 Tactical Command in Ye Township engaged in a project to repair the Ye-Khawza motor road, which resulted in the call for 10 to 20 villagers from each of four villages. Women and children were included in those who were forced to contribute labor for one to three days at a time (source: "Continuous Conscription of Forced Labor in Mon Areas," *The Mon Forum*, HURFOM, 31 August 2004).

Men are usually called for portering duty, as they are the most able bodied for the job. Yet, when men are unavailable, women must often go in their place. For mothers of small children, they are faced with the choice of leaving the child unaccompanied or taking him or her along for the portering duties. Children may also be obliged to engage in portering duties if there is no one else in the village to do so. According to KHRG, children as young as eight years old have been forced to porter, carrying loads ranging from 16kgs/36 lbs. to 33 kgs/72 lbs. for long distances and extended periods of time. Children are also subject to acting as human shields or human mine sweepers by being forced to walk in front of troops. As porters, children are exposed to the same harsh treatment as adult porters, which includes beatings, lack of food, and exposure to the elements. (Source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District*, KHRG, September 2004)

Forced Labor Involving Children - Partial List of Incidents for 2004

Chin State

On 2 November 2004, Corporal Tin Thun of SPDC LIB 274, led by Sergeant Hlah Thun, gave Salai Bi Ram, a student, and his friends 20,000 kyat and ordered them to buy foreign liquor in Chinletwa village, Paletwa Township, Chin State. The students were ordered to go and buy the liquor on the day of their high school final exams. They attended High School of Lailenpi sub-Township. The students returned with the liquor on 6 November and were not provided with any compensation for their traveling costs. Liquor is banned in the area but SPDC soldiers reportedly force villages to go to other places to buy it for them. (Source: "High School Students As A Liquor Carrier," Khonumthung News Group, 4 December 2004)

Mon State

(See note above about Thaton District in section 6.2)

In the first week of September 2004, troops from SPDC LIB 343 forced villagers from Singu and Toe-tat Ywa-thit to perform labor for a road construction project from Khawza village to Magyi village, approximately 10 miles long. It was reported that children as young as 10 to 12 years old also contributed labor as their parents were not free as they had to work on their farms. The laborers were monitored by Colonel Nyi Nyi Htwe who reportedly opened fire when workers arrived late. If this happened, the workers were required to pay him 7,000 kyat for each bullet that he fired. (Source: "Gross Human Rights Violations in Ye Township, Southern Part of Mon State," *The Mon Forum*, HURFOM, 30 September 2004)

Pegu Division

(See note above about Nyaunglebin and Toungoo Districts in section 6.2)

On 17 May 2004, troops from SPDC IB 39 led by Battalion Commander Win Oo came to Kaw Soe Kho village, Tantabin Township, Toungoo District. As they could not find a sufficient number of male villagers, they seized four women villagers, together with their young children. The women were:

1. Naw Paw Kree,
2. Naw Mar Ta,
3. Naw Mya Yin and

4. Naw Tah Ta.

The troops also seized the village heads, Saw Ta Htoo and Saw Law Der, and took them to Baw Gali village. On 18 May 2004, the police station demanded 9 villagers from Kaw Soe Kho village to replace the villagers who had been seized. However, the women villagers were not released. The 9 villagers for replacement were:

1. Saw Kyi Lin, son of Saw Khing Maung;
2. Saw Hsa Kwe Klo, son of Saw Ta Bah;
3. Saw Maw Law, son of Saw Eh Kata;
4. Saw Eh Doe, son of Saw Maung Hser;
5. Saw Roger, son of Saw Helly;
6. Saw Hser Ta, son of Saw Po Kyaw;
7. Saw Min Lin, son of Saw Ta Soe;
8. Saw Ploe Htoo, son of Saw Aung Thin; and
9. Saw Keh Ta, son of Saw Maung Wah.

They were forced to carry food supplies from Tha Aye Hta camp to Koe Day. (Source: KIC, 2004)

6. 6 Child Soldiers

As a signatory to the UN Convention of the Rights of the Child, Burma is obligated to “ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.” Moreover, Burma is obligated to “refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavor to give priority to those who are oldest” (source: Article 38, Paragraph 2 and 3, UN Convention on the Rights of the Child). 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 the age of 18. Burma has not yet signed the optional protocol. Yet, according to the Myanmar Defense Services Act of 1974 and War Office Council Instruction 13/73 “a person cannot be enlisted into the armed forces unless he has attained the age of 18” (source: Statement by Professor Dr May May Yi at the Thirty-Sixth Session of the Committee on the Rights of the Child, 26 May 2004). Despite both international and national law prohibiting their use, Burma has been well documented as a perpetrator of forced recruitment, training, and deployment of child soldiers as young as age 12 in the national armed forces. According to Human Rights Watch, child soldiers account for 20% or 70,000 of the 350,000 people in the armed forces of Burma. At least 19 armed-opposition groups have also been documented to have child soldiers among their ranks. Moreover, of the estimated 300,000 child soldiers around the world, 25% are in the armed forces of Burma. According to Human Rights Watch, Burma has more children serving in its armed forces than any other country in the world (source: *World Report 2005*, Human Rights Watch, 13 January 2005).

The SPDC has consistently refuted criticisms of the use of child soldiers by highlighting that national law sets the minimum age for voluntary enlistment at 18 years. Along with denying the use of child soldiers, the SPDC has continually attempted to convince the UN Security Council the armed conflict transpiring in the country is an internal matter. Yet in 2003, the Security Council requested a progress report on governments and groups known to recruit and use child soldiers from the UN Secretary General. In doing so, the Security Council

aimed to identify countries responsible for the use of child soldiers, thereby creating pressure for these countries to implement reforms and find remedy to the situation. Moreover, additional measure such as imposing sanctions were reported as possible steps the Council would take in the event that identified countries made no progress in ameliorating the situation (source: Becker, Jo, "A Gun as Tall as Me," from Human Rights Watch, *Asian Wall Street Journal*, 20 January 2004). Burma was placed on a list of 15 countries in violation of international law due to the use of child soldiers. In January 2004, the SPDC refuted the report claiming the information was provided by NGOs and insurgent groups and remained unverified (source: "Myanmar Rejects UN Claims on Child Soldiers in Army," AFP, 21 January 2004). At the same time, the SPDC sent a letter to the Security Council in January 2004 stating, "The Myanmar Armed Forces is an all volunteer force and those entering military service do so of their own free will...There is neither a draft system nor forced conscription by the Government of Myanmar. Forced conscription by the Government is strictly prohibited throughout the country" (source: *Child Soldiers Global Report 2004: Myanmar*, Coalition to Stop the Use of Child Soldiers, 17 November 2004).

On 5 January 2004, the SPDC created the Committee for the Prevention of the Recruitment of Child Soldiers. The Committee is chaired by SPDC Secretary 2 Lt Gen Then Sein and includes "the Ministers for Foreign Affairs, Labour, and Social Welfare and the Home Minister, the Judge Advocate-General and two high-ranking military officials from the Ministry of Defence." On 16 January, the Committee met for the first time, focusing on adopting "resolutions on prevention of the recruitment of minors for military service," which resulted in the creation of a task force (source: "Interim Report of the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Myanmar," *Fifty-ninth session of the UN General Assembly*, Item 107 (c) of the provisional agenda, 30 August 2004). In October, the Committee adopted a Plan of Action for the Implementation of the Objectives of that Committee. The concerns revealed in the plan included: "strengthened control of the recruitment process to ensure that no one under 18 years of age enters the armed forces; the discharge from military service and return to their parents or guardians of those found to be under 18 while training or in service; the provision of vocational training or other educational options and livelihood support, in particular for orphans, vulnerable children and those without guardians; an improved birth registration system; and the dissemination of information to recruitment centres and the general public on the prohibition of recruitment of persons under 18 years." Yet as of December, no implementation of the intentions set forth in the Plan of Action were apparent. (Source: "Situation of Human Rights in Myanmar," *Sixty-first session of the UN Commission on Human Rights*, United Nations Economic and Social Council, 2 December 2004)

While the UN Special Rapporteur, the UN Committee on the Rights of the Child, and advocates for child rights have recognized the SPDC's creation of the Committee for the Prevention of the Recruitment of Child Soldiers, doubts remain as there are no formal disarmament, demobilization, or reintegration programs in place. By creating the Committee, the SPDC has been given credit for acknowledging the issue of child soldiers. Concurrently, the SPDC continues to deny that recruitment is systematic. Yet, child rights advocate from Human Rights Watch, Jo Becker, has contended that the SPDC's formation of the Committee is an attempt to deflect international criticisms while real action has yet to be taken to demobilize active child soldiers and to eliminate incentives for their recruitment (source: "Burma: Demobilize Child Soldiers," Human Rights Watch, 4 June 2004). At the same time, during the concluding observations of its 36th session, the UN Committee on the Rights of the Child expressed extreme concern for the continued "use of children below the age of 15 years

as soldiers by both the governmental armed forces and the armed groups....” (source: “Concluding Observations: Myanmar,” *Thirty-sixth session of the UN Committee on the Rights of the Child*, UN Committee on the Rights of the Child, 4 June 2004).

In May 2003, the International Labor Organization (ILO) and SPDC agreed upon a joint Plan of Action regarding forced labor. Signed in June 2003, the plan included an independent mechanism to which complaints of forced labor, including forced conscription of child soldiers, could be made. As of the end of 2004, it had yet to be implemented. Yet, during 2004, it was reported that several parents were able to retrieve their children from soldier training centers with the assistance of the ILO. The U.S. Department of State reported that in March and April, the ILO informed the SPDC of nine cases of forced recruitment of children. After an investigation, the SPDC reported that eight of the nine recruits mentioned had not been forcibly recruited while one was not found. Two boys were discharged from the military while five remained with military authorities claiming their age to be above 18 years (source: *Country Reports on the Situation of Human Rights- 2004*, Bureau for Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005).

Child Soldiers in the Tatmadaw

"They would beat or swear at children who are unmanageable when climbing mountains. There were children who couldn't climb the mountains. They beat them and made them climb," Than Naing said. "Some died because of their health conditions. Some became ill and died. Some caught malaria. Malaria was really bad. They were buried when they died... But what difference is it going to make for the parents? They're already dead," he said.

- Than Naing, former child soldier recruited at age 16. (Source: “The Yearbook of Experts, Authorities and Spokespersons: Burmese Deserters Describe Lives of Child Soldiers,” RFA, 21 January 2004)

"They took me to the army camp in Tamwe and punched me," Yan Paing Soe said. "There were about two people in front of me. They had also been punched that way. There was bleeding, so I got scared and said I would join them."

- Yan Paing Soe, former child soldier. (Source: “The Yearbook of Experts, Authorities and Spokespersons: Burmese Deserters Describe Lives of Child Soldiers,” RFA, 21 January 2004)

Since 1988, Burma has doubled the size of its armed forces and children serve as easily coerced and intimidated recruits. Throughout 2004, reports of kidnapping and forcible recruitment of children from all over Burma, some as young as 11 years-old, continued to emerge with orphans and street children as one of the most vulnerable groups. Children are frequently arrested while others are deceived by recruiters with promises of access to education and a secure life. Children are frequently kidnapped while on the way home from school, in teashops, bus stations, train stations, markets, festivals or other public places. One former child soldiers reported, “At the end of school, students would take pocket money from their parents and go to the teashop. The SPDC government was lying in wait for that. As soon as the classes were dismissed, they would run to snatch the students. They would go and drag them away” (source: “The Yearbook of Experts, Authorities and Spokespersons Burmese Deserters Describe Lives of Child Soldiers,” RFA, 21 January 2004). In rural areas, children are often recruited when a village does not have enough adults to fulfill a conscription order. In ethnic minority 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.

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. There is no evidence of any recruiters actually being sanctioned or punished for recruiting children. In February 2004, it was reported that the SPDC had issued an order for the Tatmadaw to focus on the recruitment of ethnic minority youth. A recruiter would receive 20,000 kyat for each ethnic minority youth recruited which was an increase from the previous 5,000 kyat payment. Other incentives were also offered to military officers who were successful in recruiting children (source: "Burmese Government Urges Army to Recruit More Minority Youths," DVB, 4 February 2004).

Children are often confronted with the option of joining the army or serving jail time for a possibly fabricated or extremely simple offence. Several former child soldiers have reported being arrested for not having their national identity card. Others that had their ID cards have reported that recruiters destroyed their cards and maintained that they do not have them, presenting them with the option of jail time or enlisting in the army. One former child soldier, Than Naing, who was forced to enlist in the army at age 16 when found without his national identity card, reported, "They would interrogate the children: 'Do you have your national registration card?' If they didn't have it, they would hit and beat them. Only after that did they send them away to the army" (source: "The Yearbook of Experts, Authorities and Spokespersons, Burmese Deserters Describe Lives of Child Soldiers," RFA, 21 January 2004).

Orphan and street children are often recruited into the army through the *Ye Nyunt* or "new leaf" system, which was reported to be a system of camps where these children were trained until they were of proper age for enlistment in the army. In 2004, the SPDC reported that the *Ye Nyunt* system no longer existed. Instead, children who attended were given the opportunity to attend the Nationalities Youth Development Training School where children of various ethnic backgrounds reportedly receive a free education. There was no evidence available to support the SPDC's report of these schools. (Source: *Child Soldiers Global Report 2004: Myanmar*, Coalition to Stop the Use of Child Soldiers, 17 November 2004)

Once recruited, children are usually sent to one of two main recruitment centers outside of Rangoon and Mandalay. Other recruitment centers are located in Mingaladon, Pyin Oo Lwin and Toungoo. According to reports of former soldiers who were trained in the last four years, 35% to 45% of new recruits at the two largest recruitment centers near Mandalay and Rangoon were under the age of 18. Moreover, an estimated 15% to 20% were under the age of 15 (source: *Child Soldiers Global Report 2004: Myanmar*, Coalition to Stop the Use of Child Soldiers, 17 November 2004). In some instances, former child soldiers have reported that their names were changed by military authorities as a measure to prevent their families from finding them. In addition, many former child soldiers have reported being forced to sign documents indicating that they are 18 years of age when they are not. Child soldiers are not allowed to have any contact with their family, although some former child soldiers have reported that higher ranking officers informed them that they could send letters to their families, but they never received replies; "They did say that we could contact our parents and that we would get a reply if we wrote them a letter. We did write them letters but we never got a reply" (source: "The Yearbook of Experts, Authorities and Spokespersons, Burmese Deserters Describe Lives of Child Soldiers," RFA, 21 January 2004).

During training, child recruits receive harsh treatment where they are beaten, receive insufficient or poor quality food, and often have their money taken by higher-ranking officers. Maung Myo, who was recruited at the age of 11 in 1999, was sent to a child soldier training camp in Mingaladon. There he was trained for nearly six months while living in a room with approximately 80 other children. At the Mingaladon training center, “the children were regularly beaten with canes or whips when they failed to carry out orders correctly. Victims were regularly hospitalized.” According to Maung Myo, several children died during the course of his training as a result of the harsh treatment (source: “Deserting From the Rape Commanders,” *Irrawaddy*, 14 August 2004). Children who attempt to escape and are caught receive severe punishment which often includes beatings or detention. In 2003, a 14 year old boy revealed to the Coalition to Stop Child Soldiers, “other trainees, if they were caught trying to run away, had their hands and feet beaten with a bamboo stick, and were then put in shackles and beaten and poked again and again, and then they were taken to the lock-up.” In March 2004, a 16 year old boy reported that he was shackled and forced to sign a document indicating that he was 18 years old when he did not comply with remaining in the recruitment center (source: *Child Soldiers Global Report 2004: Myanmar*, Coalition to Stop the Use of Child Soldiers, 17 November 2004).

When children are deployed as soldiers in the Tatmadaw and assigned to duty with various military units, they are treated as adults while forced to engage in armed conflict and to perpetrate human rights abuses against ethnic minority civilians. Maung Myo, mentioned above, reported that soldiers had little choice but to participate in the perpetration of human rights violations or face punishment themselves: “When we arrived at a village we would tell the villagers to give us chickens, pigs and other food. If people didn’t want to give us what we wanted, we would beat them and take it anyway...I took part in the beatings- my superiors would order me to. If I didn’t, I would be punished myself. But I was disciplined more than 20 times anyway for not following orders.” Moreover, Maung Myo’s experience, like other child soldiers, included witnessing the perpetration of human rights abuses by higher ranking officers or other members of the military, including rape. While on patrol in Karen State, led by Lt Soe Naing, Maung Myo observed rape for the first time when his unit encountered a Karen woman fishing in a river. Lt Soe Naing attempted to communicate with the woman to tell her that he wanted her in Burmese. When Lt Soe Naing discovered that the woman could not understand him because she only spoke Karen, he became angry and proceeded to beat her. Thereafter, he took her into the bushes and raped her. Maung Myo reported that during his time on the frontline he observed at least 10 incidents which were comparable in nature (source: “Deserting From the Rape Commanders,” *Irrawaddy*, 14 August 2004).

Like adult soldiers, child soldiers are not provided with adequate food, money or supplies. They are subject to harsh conditions, frequently sent to the frontlines, and treated badly by commanding officers. Many child soldiers attempt to desert the army but have few choices of where to go. If they return to their homes or remain in Burma, they fear arrest, punishment and being forcibly re-recruited. Others fear approaching ethnic opposition groups, like the Karen National Union (KNU), believing that they will be turned away or punished due to their participation with government forces fighting against the ethnic opposition groups. Despite this, many child soldiers have been able to desert and find protection with groups such as the KNU. In addition, many have fled across the border to Thailand in search of refuge or to work as migrant laborers.

Child Soldiers in Ethnic Armed Resistance Groups

According to Human Rights Watch, approximately 7,000 children were included in the ranks of the various ethnic armed resistance groups in 2004, both ceasefire and non-ceasefire. As the size and strength of the armed opposition groups has waned over the years, the number of child soldiers has also decreased. Ethnic minority children often join armed resistance groups as a result of the ongoing-armed conflict within their regions. Ethnic minority children are often motivated to enlist as a direct result of the human rights abuses they, their families, or communities have suffered at the hands of the Tatmadaw. Children who have lost their families and homes join for a sense of protection and community or in search of revenge. Conversely, many of the ethnic armies train children to be the new generation for the revolutionary forces and future leaders. While progress has been made, many of these armed groups lack political will or resources to actually demobilize child soldiers from their ranks. Even if soldiers are demobilized, they have little opportunity to obtain an education and may have no other existing “family”.

According to a former soldier, approximately half of all recruits to the Democratic Karen Buddhist Army (DKBA) are under the age of 18. The United Wa State Army (UWSA) is estimated to have approximately 2,000 children among its ranks. Both the DKBA and UWSA have signed ceasefires and are supported by the SPDC. Despite its claims of no child soldiers, the Kachin Independence Army (KIA), another ceasefire group, reportedly conscripts both boys and girls to provide labor for infrastructure and military projects. The Mon National Liberation Army (MNLA), the armed wing of the New Mon State Party (NMSP), is also reported to have child soldiers serving in its forces. In 2002, the Karenni Army (KnA) reported that approximately 1,200 soldiers served in its forces. It has been estimated that nearly 20% of these soldiers are below the age of 18. In addition, the Karen National Liberation Army (KNLA), the armed wing of the Karen National Union (KNU), has approximately 500 child soldiers serving. According to the KNU, these children willingly enlisted to participate in combat. In March 2004, KNU General Secretary Padoh Mahn Sha reported that KNU policy is to recruit no one under the age of 18. Despite this policy, many displaced children remain in the ranks but reportedly have been assigned to administrative duties. (Source: *Child Soldiers Global Report 2004: Myanmar*, Coalition to Stop the Use of Child Soldiers, 17 November 2004)

Conscription of Child Soldiers – Partial List of Incidents for 2004

Rangoon Division

On 16 January 2004, Min Zaw (age 16) was recaptured when he tried to run away from Phaunggyi Soldier Training School to which he had been forcibly recruited. On 6 November 2003, he had been captured and forced to enlist in the Navy by Sergeant Hla Myint and Private Mya Shaung. On 8 November 2003, he had been sent to the soldier training school. Min Zaw had been living with his parents in Dawpone Township, Rangoon, and was working at View Point Amusement Park, Thaketa Township, Rangoon, when he was captured. (Source: “Child Soldier Attempts to Escape But Is Recaptured,” *Yoma3*, 16 January 2004)

On 29 January 2004, Sak Thi Aung (age 16) was hospitalized after stepping on a landmine serving as a soldier for the Burma Army. As a result of being hospitalized in No. 1 Military Hospital in Mingaladone Township, Rangoon Division, Sak Thi Aung was able to make contact with his family in February 2004. This was the first time he was able to make contact

since he was abducted and forcibly conscripted by SPDC authorities on 16 April 2002. At the time of his abduction, he was 14 years old and living with his parents in Rangoon. He was taken to Da Nyin Kone Soldier Collection Point and by the end of April 2002 he was sent to No. 9 Basic Training School in Thaton Township, Mon State. Upon completion of his training, he served in SPDC LIB 340. On 23 April 2002, his parents had gone to Da Nyin Kone Soldier Collection Point to try and find him but the authorities had denied that he was there. Despite his attempts to send letters to his family, they never received them. As a result of stepping on the landmine, his right leg was amputated. (Source: "An Abducted Child Soldier Reunites With His Parents From A Hospital Bed," *Yoma3*, 29 January 2004)

On 30 January 2004, military authorities released Naing Lin Aung (age 16) from the army due to pressure from the ILO. Originally from Hlaing Thaya Township, Naing Lin Aung was forcibly conscripted when he went to Rangoon to visit his grandmother. His abductors took his watch, clothing and money. He was sent to No. 3 Basic Training School in Ya Myi Thin Township, Mandalay Division. When he disappeared, his father, U Soe Naing, searched for Naing Lin Aung with police, hospitals, and local officials. On 16 September, U Soe Naing went to Da Nyin Kone Soldier Collection Point in search of his son. He was able to meet Naing Lin Aung while he was training at No. 3 Army Basic Training School. The training was reportedly due to finish on 30 January, the same day he was released. (Source: "SPDC Abducts and Forces Military Enlistment of 16 Year Old" & "SPDC Releases Two Underage Soldiers," *Yoma3*, 20 February 2004)

In February 2004, Chit Ko (aka Chi Po, age 17) secretly made contact with his family for the first time after being kidnapped and forced to join the army in 2002. Chit Ko had been abducted by SPDC authorities at age 15 when he was in the railway station on the way to his parent's house in Twante Township, Rangoon Division. When they took him, the authorities indicated that he would only be gone for approximately a month for portering duties. Yet, he was forcibly conscripted and at the time of this report, he was a soldier in LIB 328 in Mie Sat Town, Shan State. He was able to secretly contact his family with the assistance of a private in his unit. (Source: "A Child Soldier Finally Contacts His Family After Two Years," *Yoma3*, March 2004)

On 6 February 2004, military authorities released Khin Maung Than (age 15) from the army due to pressure from the ILO. Khin Maung Than had been abducted and forcibly conscripted on 17 September 2003. On that day, he had gone back to his school, No.2 Basic High School, where he attended 9th Standard, because he had forgotten his umbrella. While he was on his way, he was abducted by 2 men at the Mee Kwet Market junction in Hlaing Thaya Township, Rangoon. First, he was sent to Da Nyin Kone Soldier Collection Point and then sent to No. 5 Basic Training School (La-Ka-Ya) in Yani Township, Pyinmana District, Mandalay Division. Unaware of Khin Maung Than's whereabouts, his father, U Khin Maung, bribed officials at the Mingaladon Army Record Office to find out where he was. As a result, they were able to meet at the training camp. On 24 January, U Khin Maung appealed to the ILO for their assistance in procuring Khin Maung Than's discharge from the army. The ILO's efforts proved successful. (Sources: "SPDC Abducts and Forces Military Enlistment of 16 Year Old" & "SPDC Releases Two Underage Soldiers," *Yoma3*, 20 February 2004)

On 16 February 2004, Thaw Zin Oo (age 15), a 10th standard student at No. 4 Basic Education High School in Sanchaung, was recruited to join the military and sent to Da-Nyin-Gone Soldier Collection Point by Second Corporal Tun Min Soe. On 16 February, his aunt, with whom he had been living, received news of his new military status. When she attempted

to visit him 2 days later, the authorities denied her access. The following day, she reported the case to The Committee for the Prevention of the Use of Child Soldiers, an SPDC child soldier monitoring and prevention committee, and to the International Committee of the Red Cross. (Source: "Fifteen Year Old in Sanchaung is Enlisted into the Burmese Army," *Yoma3*, 16 February 2004)

In March 2004, it was reported that Htay Kyi Aung, who was forcibly conscripted into the army at age 16, was serving in SPDC LIB 283 in Kyai In Seik Kyi Township, Karen State. Htay Kyi Aung had lived in Khayan, Rangoon Division. On 18 February 2002, soldiers from SPDC IB 90 came to his home and kidnapped him. He was able to contact his family through a private in his unit. (Source: "After Two Years An Abducted Child Soldiers Sends Word Home," *Yoma3*, 2004)

On 14 March 2004, military officials abducted and enlisted the following children from Hlaing-Tha-Ya Township, Rangoon Division:

1. Yan Myo Naing, aka Ye Kyaw, age 14;
2. Ye Kyaw, aka Arwar, age 14;
3. Kyaw Thu, age 14; and
4. Kyaw Zaw Win, age 17.

When the 4 teenagers disappeared, their parents requested the assistance of the International Committee of the Red Cross (ICRC) in attaining their release. It was reported that as a result of the ICRC's assistance, the 4 children were released on 23 March 2004 at 2:00 am. (Source: "International Committee of the Red Cross Helps in the Release of Four Child Soldiers," *Yoma3*, 2 April 2004)

On 17 March 2004, Daw Hla Aye, mother of Chit Min Oo (age 17), appealed to ILO representatives to assist with securing the discharge of her son who was forcibly conscripted into the army on 9 November 2003. Chit Min Oo had been abducted while his mother was out working as a street seller. His captors left a note indicating that she must query the Da Nyin Gone Soldier Collection Point to learn the whereabouts of her son. On 10 November, she inquired to no avail as the authorities denied having any information about Chit Min Oo. Chit Min Oo was from Waryong village, Kyi Myin Dine Township, Rangoon Division, where soldiers from SPDC Division 77 were reportedly stationed at the time of his disappearance. (Source: "Teenager Abducted and Forcibly Enlisted From Kyin-Myin-Dine Township," *Yoma3*, 17 March 2004)

On 19 March 2004, Aung Phyo Oo (age 16) completed training at No. 1 Phaunggyi Soldier Training School. He was placed in IB 273 in Tavoy, Tenasserim Division. He had been recruited into the army around 3 November 2003 when he was an 8th standard student and was living in Dagon Myothit, Rangoon Division. His parents reported that he just disappeared on that day. He was sent to Da-Nyin-Gone Soldier Collection Point. It was reported that Sergeant Zaw Htoo and Private Zaw Tun, both from LIB 342 in Kawthaung, Tenasserim Division, were paid for recruiting Aung Phyo Oo. (Source: "Underage Soldier Recruitment in Dagon, Rangoon Division," *Yoma3*, 25 March 2004)

On 28 March 2004, it was reported that Myo Zaw Oo (age 14) and Kyaw San Win (age 15) were still serving as soldiers in SPDC LIB 327 in Mie Khat, Shan State. The 2 were abducted on 24 November 2002 in Alhone Township, Rangoon Division, where they lived and worked. Their abductor sent them to a soldier collection point where they were forcibly conscripted. They were trained at No. 3 Soldier Training School in Yamethin, Mandalay Division. Their

training was completed on 9 May 2003. While the army does not usually allow child soldiers contact with their families, a private in their unit assisted them in doing so. (Source: "Abducted Two Years Ago Two Child with Their Families Soldiers Make Contact," *Yoma3*, 28 March 2004)

On 5 April 2004, the parents of Wai Zin (age 16) appealed to the International Committee of the Red Cross (ICRC) to help retrieve their son from the army. At age 13, Wai Zin was captured and taken from his parents' house in Hlaing Thaya Township, Rangoon Division, in December 2000. His captor was his cousin, Sien Kalar, who was reportedly a deserter and was required to secure 2 new recruits in his place. Sien Kalar turned Wai Zin over to Sergeant Kyaw Win who sent him to Da Nyin Gone Soldier Collection Point and changed his name to prevent his family from finding him. Next, he was sent to No. 9 Soldier Training School in Thaton, Mon State. Upon completion of his training in May 2002, he was sent to serve with LIB 215. Wai Zin tried to desert and run away in 2002, in early 2003 and again in December 2003. The first 2 times, he was caught and sent back to the army along with jail time as punishment. The 3rd time he was afraid to return home believing that he would most certainly be caught again. In the beginning of 2004, he was caught again. (Source: "A Deserting Child Soldier Is Recaptured on His Third Attempt," & "A Deserting Child Soldier Remains At Large," *Yoma3*, 2004)

On 28 September 2004, Min Chan Myet (age 16) from Hlaing Thaya Township, Rangoon, was re-recruited into the army. He was initially forcibly conscripted in 2002 but ran away after a few months. Unfortunately, he was found by military authorities and charged with deserting. In May 2004, a military tribunal court sentenced him to 6 months of hard labor in prison. On 23 September, he was released. On 28 September, an officer from SPDC LID 19 based in Pegu Division came to Min Chan Myet's home and took him to a military base. Despite his parents' contesting on the grounds that he is not yet 18 years old, he was not released. (Source: "Sixteen Year-Old Boy Recruited to Burma's Army Twice," DVB, 28 September 2004)

On 17 December 2004, soldiers from the Tatmadaw's Danyin-kone soldier recruit corps in Mingaladon Township, Rangoon Division, abducted 5 school children to be trained to serve as soldiers in the armed forces. The 5 children were all from Sae-ywa village, Thonekhwa Township. Despite appeals from their parents, the recruiting officers, led by Lt. Aung Myint, took the children after a recruiting meeting and sent them to No. 6 Bassein Township Military School for combat training. Both local authorities and military authorities at the Mingaladon military base were notified of the abduction of the children but had taken no action as of the time of this report, January 2005. The parents were reportedly composing letters to appeal to the ICRC and the ILO for assistance. The names of three of the students were:

1. Win Zaw Oo, age 17, son of U Win Naing, 10th standard;
 2. Min Zaw, age 16, son of U Tun aka U Tun Myat, 10th standard; and
 3. Ye Win Naing, age 17, son of U Kan Nyunt and Daw Hla Myint, 10th standard.
- (Source: "Burma Army Snatched Children from Parents," DVB, 27 January 2005)

6.7 Child Trafficking

“States Parties shall take measures to combat the illicit transfer and non-return of children abroad.”

- Article 11, Paragraph 1, UN Convention on the Rights of the Child

“States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.”

- Article 35, UN Convention on the Rights of the Child

Throughout 2004, children in Burma continued to fall into the hands of human traffickers. 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. The exact number of children trafficked from Burma each year is unknown as the military government heavily restricts the transfer of information and has not allowed an independent investigation to be made. In 2004, Burma remained ranked as a Tier 3 country, the lowest of the U.S. government’s standards, for its failure to comply with the minimum standards of the 2000 Trafficking Victims Protection Act and for failing to address the ongoing trafficking of citizens into forced labor (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005). In addition, in its 36th session in June 2004, the UN Committee on the Rights of the Child expressed concern “at the large number of children being trafficked for their exploitation to neighboring countries, notably Thailand” (source: “Concluding Observations: Myanmar,” *Thirty-sixth session of the UN Committee on the Rights of the Child*, UN Committee on the Rights of the Child, 4 June 2004).

During the late 1990s, the trafficking of women and girls from Burma into the sex industry received increased international attention and concern. As a result, the military government imposed greater restrictions on the movement of woman both domestically and internationally under the pretense of fighting human trafficking. These restrictions particularly target the movement of young people. Women below the age of 25 are prohibited from traveling abroad without the accompaniment of a guardian. In some areas of the country, women below the age of 25 are restricted from traveling domestically without special passes or a guardian. At the end of 2002, the SPDC formed “Human Trafficking Prevention Committees” to monitor the movements of young people between the ages of 16 to 25. The SPDC contends that these committees are to prevent the trafficking of women into the sex industry of neighboring countries. However, concern has been expressed that these committees and restrictions have done little more than to restrict the freedom of movement of young people and to increase the cost and dangers of traveling.

In 2004, the SPDC claimed to have arrested and prosecuted 335 traffickers from July 2002 to July 2004. At the same time, the SPDC continued to engage in activities seemingly for the purpose of combating trafficking in persons. In September, the SPDC announced the drafting of the Suppression of Trafficking in Persons Law in consultation with UN and regional trafficking experts. According to SPDC representatives, the law would place Burma in line with its obligations under the UN Convention against Transnational Organized Crime and international human rights standards (source: “Myanmar to Introduce Human Trafficking

Law,” *Kyodo News*, 7 September 2004). In October, Rangoon was host to the Coordinated Mekong Ministerial Initiative against Trafficking which included government representatives from Cambodia, China, Laos, Thailand, Vietnam and Burma. A Memorandum of Understanding (MoU) for further cooperation and the development of related future plans was signed at the end of the meeting. Despite these meetings and stated intentions for action, the SPDC made “limited progress” in actually combating trafficking as hundreds of thousands of men, women and children were trafficked throughout the year. In addition, the activities or positions taken by national level officials are often negated by the actions of local level government officials. It has been reported that local level officials remain complicit as they allow traffickers to continue after receiving bribes (source: *Country Reports on Human Rights Practices-2004*, Bureau of Human Rights, Democracy, and Labor, U.S. Department of State, 28 February 2005).

Children from Burma are most frequently trafficked to neighboring Thailand but also to Malaysia, Bangladesh, China, Japan, Macao, Taiwan, India, Singapore and countries in the Middle East. As many children are forced to seek employment either to support themselves or to contribute to their family’s livelihood, they become easy targets for traffickers who promise good salaries and jobs. Friends or family members may also be responsible for selling children to traffickers. In turn, children may be sold as slave laborers for factories, domestic servants, prostitutes or beggars. Concurrently, children are often trafficked domestically from rural areas to urban areas or to areas where prostitution is prevalent such as trucking routes, military bases and mining areas. Recruiters reportedly travel around rural areas, particularly in northern Burma, to procure children as domestic laborers in urban areas (source: Grumiau, Samuel, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003).

The Sex Industry

Young girls who fall into the hands of traffickers are particularly vulnerable to being sold into the sex industry within Burma and in other countries. Young boys are also vulnerable to the same fate. As the infection rate and fear of HIV/AIDS has increased in the region, the demand for virgin girls in the sex industry has also increased as they are viewed as safe and disease free. In 2004, it was reported that some customers in Thailand would pay as much as 30,000 baht (US\$ 750) for a virgin. In turn, this creates a greater demand for young girls (source: Vyas, Karishma, “Asia Takes Aim at Growing Child Sex Trafficking,” Reuters, 8 November 2004).

Thailand is one of the main destinations for children trafficked into the sex industry. According to the Coalition Against Trafficking in Women (CATW), 60% of women and girls trafficked from Burma arrive in the sex industry in Thailand. As with other locations, children who are trafficked often are unaware of it and must work for several months without salary to earn back the amount of money for which their employer purchased them. In addition, many children are deceived into believing that they will be connected to different jobs but find themselves in brothels upon arrival to their destination country. Unfamiliar with the country they have arrived in, unable to speak the local language, and without legal identification, many children are easily frightened into remaining in exploitative working environments. In other cases, children may be trafficked into a different employment situation but turn to prostitution due to pressure from their employers or in an attempt to procure a better salary (source: “Report No. 1: Women and Children Trafficking in Burma,” *The Mon Forum*, HURFOM, 30 June 2004).

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 children of 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*, ICFTU, 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*, ICFTU, August 2003)

6.8 Children in Armed Conflict

“States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.”

- Article 38, Paragraph 1, UN Convention on the Rights of the Child

“In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.”

- Article 38, Paragraph 4, UN Convention on the Rights of the Child

“States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.”

- Article 39, UN Convention on the Rights of the Child

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. During the concluding observations of its 36th session, the UN Committee on the Rights of the Child noted that political instability and ongoing armed conflict “have continued to pose a negative impact on the situation of children in Myanmar” (source: “Concluding Observations: Myanmar,” *Thirty-sixth session of the UN Committee on the Rights of the Child*, UN Committee on the Rights of the Child, 4 June 2004).

Children living in conflict areas in Burma are routinely deprived of most of the rights prescribed in the Convention; 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 are not exempted from forced labor, particularly clearing roads and forced portering, and 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 persons (IDPs) are forced “to live on the run” and 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 resulting from an environment of conflict. Family, community and cultural life in these areas is continually disrupted by violence and insecurity. Children witness killing, torture, rape and other forms of 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 2004

Karen State

(See note above about Pa-an and Papun Districts in section 6.2)

On 10 May 2004, SPDC LIB 548 led by Maung Oo saw 9 youngsters, frightened them, and demanded money from each of them in Shway Poe Ha (Ywar Thit) village, Kya In Township, Dooplaya District, Karen State. The following youngsters paid the listed amounts of money to the soldiers:

1. Naw Mu Yar Paw, Doe Pi village, 9,000 kyat;
2. Saw Eh Kaw, Du Lae village, 8,000 kyat;
3. Naw Nun Way, Du Lae village, 6,000 kyat;
4. Nun Kyi Thaing, Kyort B'lue village, 2,000 kyat;
5. Nun Thee Da Thaing, Kyort B'lue village, 2,000 kyat;
6. Saw Kyaw Aye, A' Nae Nee village, 2,000 kyat;
7. Naw Paw Pa, Nay Sot village, 2,000 kyat;
8. Saw Eh Shee, Wah Thae Pue village, 2,000 kyat; and
9. Saw Aung Zaw Win, Wat Pay Thwaet village, 1,000 kyat. (Source: BI, 2004)

On 9 June 2004, SPDC IB 106 led by Bo Mu Than Win came to Bila Mai village, Win Yin Township, Dooplaya District, Karen State. Bo Mu Than accused Naw Ka Re and her family of being KNU terrorists. He then arrested the family and sent them to the headquarters in Mor Ka Nay area. Naw Ka Re's daughter, Naw San Way (age 14), was unable to attend school because she was arrested. (Source: BI, 2004)

On 16 September 2004 at 4:00 pm, troops from DKBA 999 fired an M-72 round in Ta Krai Ni village, Pa-an District, wounding the following 3 villagers:

1. Naw Moe Loe, age 53;
2. Naw Paw Ler, age 13; and
3. Saw Dah Ler, age 11. (Source: CIDKP, 2004)

Karenni State

On 4 June 2004, 80 KNPLF troops led by Poe Reh, (the SPDC-backed ceasefire armed group) came to Shadaw relocation camp. The troops arrested Khu Plyar Reh, his wife, Baw Meh, and their 2 children without giving any reason. The troops threatened to kill the family, which scared them. When the troops left, the family ran away and hid in the jungle. Soon after, the KNPLF troops made a second visit to the relocation camp and inquired about Khu Plyar Reh's family to learn that they had run away. Unexpectedly, the family members were found by troops and Khu Plyar Reh was shot and killed on the spot. Nobody knows the whereabouts of his wife, Baw Meh, and their 2 children to this day. (Source: KNAHR, 2004)

On 10 September 2004, about 100 troops from SPDC LIB 530 and IB 72 and its alliance, the Karenni Nationalities People's Liberation Front (KNPLF), divided into 2 columns and came to Daw Tahe village, Loikaw Township. The troops arrested 16 males, females and children

without giving a reason. The arrested villagers were brought to Loikaw and detained at the Central Control Command Quarters. (Source: KNAHR, 2004)

Pegu Division

(See note above about Nyaunglebin and Toungoo Districts in section 6.2)

Nyaunglebin District

On 15 November 2004, many IDPs, including women and children, had to flee into Hsaw Htee Township, Nyaunglebin District, Karen State, when soldiers from SPDC LIB 589, 350 and 20 as well as IB 57 commenced attacking. All of the IDPs were worried about staying alive because all of the food they could not take with them was burnt by Burma Army troops. They expressed that they did not know how or where to get medicine, blankets and clothing or how to treat the IDPs who were sick. In addition, they could only cook between 6:00 pm and 4:00 am out of fear that SPDC troops would see the smoke from their fires during the day. (Source: FBR, 2004)

Toungoo District

On 7 January 2004, at about 9:00 pm, Sergeant Tin Shwe and one of his friends, under the command of Bo Aung Naing Oo of SPDC LIB 124, abducted a woman, Naw Thay Po (age 36) of Kaw Soe Kho village, Tantabin Township, and 1 of her young children. At a place between Kaw Soe Kho and Kler Ler village, these SPDC troops raped her. The village headman followed them and brought her home at about 1:00 am. Although she was brought back home, she could not speak normally until the time of this report, as she was still in shock. On that night, sergeant Tin Shwe went to Maw Pa Doe village, summoned a girl named Naw Htee Ye and looted from her a pair of earrings and a gold ring. (Source: CIDKP, 2004)

Mon State

(See note above about Thaton District in section 6.2)

Ye Township

From mid-December 2003 until the time of this report, 15 January 2004, battalions led by No. 3 Tactical Command were responsible for killing at least 6 men. Those killed included Mehm Ye Myint Paing (age 16) from Khaw- za village as well as a 15 year old whose name was not known at the time of the report. It was reported that the victims were all accused of being rebels. (Source: "Serious Human Rights Violations: Crimes against Humanity!," *The Mon Forum*, HURFOM, 15 January 2004)

In February 2004, it was reported that many villagers, including women and children, who went outside of their villages were killed during the SPDC military offensives against the Mon splinter group in Ye Township, Mon State. Approximately 2000 soldiers from 5 battalions were sent to the area. The battalions, under the command of the Southeast Command No. 3 Tactical Command, were IB 97, 61, and 31 as well as LIB 586 and 591. The troops reportedly ordered all villagers to stay inside their villages. Those who went outside were accused of being rebels or rebel supporters. (Source: "Terror in Southern Part of Ye Township –Part II," *The Mon Forum*, HURFOM, 29 February 2004)

On 29 August 2004, fighting broke out between Mon rebel groups and SPDC LIB 273 in Ye Township, southern Mon State. Four SPDC soldiers and a 14 year old school boy were killed in the fighting. (Source: "Gross Human Rights Violations in Ye Township, Southern Part of Mon State," *The Mon Forum*, HURFOM, 30 September 2004)

Shan State

Lai-Kha Township

On 24 September 2004, a group of approximately 30 soldiers from SPDC LIB 515 led by Commander Kyaw Win Naing were patrolling in Lai-Kha Township, Shan State, when they encountered 28 villagers working on their rice farms. The group of villagers was comprised of 13 men, 11 women and 4 children from Wan Paang village, Wan Heng village tract. The soldiers claimed they had seen Shan rebels going in that direction and inquired as to whether or not the villagers had seen them. When the villagers replied that they had not, the soldiers accused them of lying and of supporting the Shan rebels. The troops proceeded to beat the men in the group with sticks. In addition, the soldiers questioned and slapped each woman in the group. (Source: "Farming Villagers Severely Beaten, One of Them Close to Death, in Lai-Kha," *SHRF Monthly Report*, SHRF, February 2005)

Murng-Paeng Township

On 3 May 2004, a group of approximately 30 soldiers from SPDC IB 43 led by Commander Myint Hla were patrolling near Paang Hok village, Murng Pu Awn village tract, Murng-Paeng Township, when they encountered 3 young villagers. The 3 villagers were siblings and were returning from their rice farm outside their village. The soldiers shot and killed the 3 siblings without warning. The victims were:

1. Zaa Zing, male, age 21;
2. Naang Kham, female, age 18; and
3. Naang Mu, female, age 14. (Source: "Brother and Sisters Shot Dead in A Group in Murng-Paeng," *SHRF Monthly Report*, SHRF, October 2004)

Murng-Ton Township

On 9 October 2004, a Lahu couple, Ja Mu and his wife, Na-Kha, and their 10-year old son, were in their farm hut when a column of about 30 Wa soldiers from United Wa State Army (UWSA) passed through their farm. The soldiers were some distance away, did not come closer, and shot at the hut without warning. The 10 year old son ran out of the hut to the forest and back to their village when the shooting commenced. Ja Mu and Na-Kha were both shot several times and died before they were able to get out of the hut. The son was able to relay the details of the situation to relatives who went to the hut accompanied by other Lahu villagers. The Lahu villagers reportedly believe that the Wa soldiers were part of a drug convoy and perhaps believed that the couple in the hut were spying on them and therefore killed them. (Source: "A Lahu Couple Shot Dead by Wa Soldiers in Murng-Ton," *SHRF Monthly Report*, SHRF, February 2005)

Tang-Yarn Township

On 2 July 2004, a group of SPDC soldiers stole 2 oxen from and beat a 13 year old boy to death near Murng Kaa village, Murng Kaa village tract, Tang-Yarn Township, Shan State. The boy, Zaa Khaw Law, had been grazing his family's 2 oxen when the soldiers found him and took away the oxen. When Zaa Khaw Law ran after them in an attempt to retrieve his oxen, the soldiers beat and kicked him into a ditch. Zaa Leak, a friend of Zaa Khaw Law, saw the incident and ran back to inform the villagers. When a group of villagers went to the area, they found Zaa Khaw Laek dead and the soldiers were too far away to be identified.

(Source: "A Boy Beaten to Death and Robbed of His Oxen in Tang-Yarn," *SHRF Monthly Report*, SHRF, November 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 9 February 2004, Burmese troops from IB 224 led by Battalion Commander Lt. Col. Myint Naing burnt down 8 houses in Pawa area 60 miles southeast of Mergui. These troops captured 23 internally displaced persons (including 12 children) and killed 1 named Saw Hpo Pe. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 25 February 2004, Saw Wah Lay's son, age 8, was playing beside his village in Htee Seh Baw Htee Hta, Tenasserim Township, Mergui District, when he stepped on a landmine which was planted by the Burmese army. He survived but lost his left foot. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 28 February 2004, Burmese troops from LIB 558 Column 1 led by Lt. Col. Than Daing killed villager Saw Rotex (age 18), son of Saw Rayner, from Panwepoklo, Palaw Township, Mergui District. A villager found the corpse of Saw Rotex with a broken leg and 1 empty eye near his hiding place in Tah Meh Lor. His friend, Saw Ne Thaw (age 16), son of Saw Ni San, was wounded in the knee after he managed to escape. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 11 June 2004 at 7:40 am, troops for SPDC LIB 385 Column-2 led by Lt. Col. Htin Maung Htun fired on the villagers without reasons at Htee Thitka Hkee in Kerser Doh Township. The shooting killed 2 men and 1 woman, and injured a child. (Source: KIC, 2004)

6.9 Sexual Assault against Children

States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

- Article 19, Paragraph 1, UN Convention on the Rights of the Child

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

- Article 34, UN Convention on the Rights of the Child

The perpetration of sexual violence against women and girls by members of the military and other state-sanctioned actors has been well documented by a range of human rights organizations. Throughout 2004, reports of sexual violence continued to emerge in conjunction with the government's efforts to eliminate all opposition activities and establish control over all parts of Burma. In addition, multiple human rights and women's organizations have argued that rape is systematically used by the military as a weapon targeting women and girls in order to terrorize and dominate ethnic minority populations.

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 in four 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 (RI) released a report, *No Safe Place*, independently confirming *License to Rape* and providing further evidence that larger numbers of women and girls from other ethnic minority groups are also targeted and raped by SPDC soldiers. In April 2004, a report published by the Karen Women's Organization (KWO), *Shattering Silences*, documented 125 cases of rape of Karen women and girls perpetrated by soldiers from 1988 until the time the report was released. Most recently, in September 2004, the Women's League of Burma (WLB) released *System of Impunity* documenting 26 incidents of sexual violence, which occurred throughout the country. Fifteen of the 26 cases documented in the report involved girls below the age of 18. The incidents included rape, gang rape, torture, and extra-judicial killing perpetrated by soldiers or other military authorities (source: *System of Impunity*, WLB, September 2004). (Please see chapter on women for more information.)

Despite the overwhelming evidence, 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 included 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 (please see chapter on freedom of expression for more information). The frequent rape of girls and young women is particularly demoralizing to ethnic minority communities, as it conveys the notion that the community is unable to protect even its most vulnerable members. While several cases from 2004 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 2004

Arakan State

On 27 April 2004, a Nasaka officer from Nasaka Headquarters in Kyi Kan Pyin reportedly raped and killed Shajeeda (age 12), daughter of Noor Kalam from Kyi Kan Pyin village, Maungdaw Township. The girl had been out grazing her cattle on a nearby hillside with a friend when a plain-clothes Nasaka officer encountered her and dragged her away. This occurred around 4:00 pm and when she did not return, her friend went and informed her parents. Shajeeda's father reportedly went to the Nasaka Headquarters to report the incident but was turned away. He then went to the village chairman and, together, they went to the Nasaka Headquarters the next day, who refuted any connection with the event. Shajeeda's father commenced searching for his daughter in the area where she had been taken and found her dead body face down and hidden under some bushes. He then took the dead body to the Nasaka office where they denied any connection with the event and ordered him to bury her immediately. While the incident was reported to both the police and military intelligence, action had yet to be taken. (Source: "Nasaka Raped a 12-Year Old Girl and Strangled," *Kaladan News*, 12 May 2004)

On 3 September 2004 at about 2:00 pm, 3 Nasaka personnel, including sub-inspector Rang Aung, Camp- in-Charge of Myawadi out-post Hla Myo, and one more, were going to an out-post in Aung Zu village of Nasaka Sector Command Area No. 2 when they encountered Amina Khatun (age 13). The daughter of Nzir Hussain, Thet Kain Nyar village, Maungdaw Township, the girl had been grazing her cattle when the Nasaka took her and raped her. Nearby villagers heard her screams, came to the location, and chased away the rapists. Rang Aung was too tired to run and fired 5 rounds of bullets at the villagers, killing Shfi Alam (age 26), the victim's older brother. Hla Myo was caught and beaten, It was reported that villagers later caught Rang Aung and beat him to death. (Source: "Two Killed Over the Rape of a Teenage Girl in Maungdaw Township," *Kaladan News*, 12 September 2004)

Karen State

(See note above about Dooplaya District in section 6.2)

On 5 September 2004 at night, troops from SPDC IB 51 led by Battalion Commander Zaw Min who were guarding Operation Command 3 Commander, Tin Aye, under SPDC South West Command Headquarters, slept at the monastery of Anam Gwin village, Win Yae Township, Dooplaya District. During the night, a group of soldiers made 3 attempts to rape 6 nuns from the nuns' dormitory in the monastery compound at 12:00 midnight, 1:00 am and 2:00 am respectively. The 6 nuns were:

-
1. Nan Moe Moe Myint from Htee Po Baw village, nun hood name-Ma Pa Pa Waddy (age 13), daughter of Saw Pah Lu Kho, lower robe was pulled away;
 2. Naw Paw Aw Ka Wah from Ta Nyin Gon village, nun hood name-Ma Nanda Waddy (age 8), daughter of Saw Hla Shwe, lower robe pulled away;
 3. Naw Mu Hser from Htee Po Baw village, nun hood name-Ma Nanda Sandi (age 11), daughter of Saw Hla Tin, lower robe torn;
 4. Naw Moo Nay Hser from Than Ba Ya village, nun hood name-Ma Wi Mar Lar (age 13), daughter of Saw Kyaw Klu, sexual contact but could struggle and escape;
 5. Naw Mu Thaw Eh from Than Ba Ya village, nun hood name-Ma Yu Pa Marlar (age 14), daughter of Saw Chit Hti Toe, legs were pulled; and
 6. Naw Lu Lu from Anan Gwin village, nun hood name-Ma Thi La (age 11), daughter of Saw Win Tha, lower robe torn. (Source: CIDKP, 2004)

Mon State

On 17 February 2004, soldiers from SPDC LIB 586 led by Captain Hla Khaing raped Mi Za Tile (age 17) from Sin Gu village, Mon State. The soldiers raped her while she was in her house. As she was being raped, she cried out for help and later she felt very ashamed for doing so. When other villagers learned of the rape, they ostracized her. As a result, she ran away and according to people who knew her, she went into hiding in northern Ye Town, Mon State. (Source: *System of Impunity*, HURFOM, WLB, September 2004)

On 19 February 2004, Corporal Naing Naing of the military training center in Wae Ka Li village, Thanbyuzayat Township, pretended to be in love with Mi Mya Htay (age 17) from Kyoun Ka Dat village of the same township and arranged to meet her that night. When she went to meet him, he raped her. After he raped her, Mi Mya Htay asked Corporal Naing Naing to marry her. He refused, threatened her, and abandoned her. Villagers collecting rubber sap from a plantation nearby heard her crying and took her to her home after midnight. When her father reported the rape to the commander of the Southern Command Military Training Center, they were told that action would be taken. Instead, her father was forced to sign papers withdrawing the report and no compensation was provided. (Source: *System of Impunity*, HURFOM, WLB, September 2004)

Shan State

On 4 May 2004, a group of 30 soldiers from SPDC IB 43 were patrolling near Naa Khaw village, Murng Pu Awn village tract, Murng-Peng Township, when they encountered 2 sisters working on their rice farm. The troops abducted Naang Poi (age 16) and Naang Aam (age 21). The soldiers gang-raped the girls. During the incident, Naang Poi reportedly lost consciousness for some time. After she regained consciousness, Naang Poi and Naang Aam returned to their village, approximately 2 miles away. (Source: "2 Sisters Gang-Raped in Murng-Paeng," *SHRF Monthly Report*, SHRF, October 2004)

On 31 July 2004, a group of soldiers from SPDC LIB 516 and 517 found 3 Palaung women working on their farms in Naung War village, which is near Mat Mon Long village, Nam San Township, southern Shan State. The soldiers approached the women pointing their guns and proceeded to rape them. One of the women was a 12 year old girl. Local villagers reported that the soldiers are based at the Namk Oo stone production camp under the authority of the Southeastern Military Operation Management Zone 2, Mile No. 9. At the time, the camp was supplying rock and sand for the Aung Lan/Wat Saya highway road construction project.

Villagers also reported that these soldiers regularly patrol around the area with their guns. (Source: PYAN, 2004)

On 14 August 2004, 3 soldiers from SPDC IB 66 led by a sergeant known as "Sara Kalaa" raped 3 Palaung women, including a 12 year old girl. The incident occurred near Maak Mong Lao village, Nam-Zarng Township, Shan State. The 3 victims were E Oo (age 12), E Suay (age 25) and Me Zoi (age 40). The village heads filed complaints with the local military authorities in Kho Lam village in Nam-Zarng Township but at the time of this report, October 2004, no action had been taken. (Source: SHRF, November 2004)

6. 10 Personal Accounts

Interview #1

Source: Yoma3
Date of Interview: 2004
Name: Soe Myint (not real name)
Age: 17
Sex: Male
Address: Hlaing Thar Yar Township, Rangoon Division

Q. What's your name and how old are you?

A. I'm Soe Myint and 17.

Q. Where did you live in Burma and who are your parents?

A. I lived in Yangon, Hlaing Thar Yar Township. My parents are U Aung Zaw (not real name) and Daw Shwe Zin (not real name).

Q. When did you join with military? Were you a student at that time?

A. Yes, I was studying in 9th grade at that time. I entered the military in 2002.

Q. How did you enlist?

A. A Sergeant from the military abducted me by asking me, "Will you enlist? If you enlist, I hope, you could be an officer due to your competence." So, I followed him without informing my parents.

Q. When the Sgt abducted you, where did he take you?

A. I was abducted and taken to the Infantry Battalion 305 near Danyinkone. I had to stay in his (the Sgt) house for 3 days. The following day, I had to go to No.1 Soldier Collection Point in Danyinkone. And then I was sent to No.9 Basic Soldier Training School in Zayitchaung village, Thaton Township, Mon State. The Sgt. gave me 1,000 kyat (45 baht). Later, I discovered that the sergeant was given a pack of rice and 6,000 kyat as a reward for recruiting me.

Q. How old were you when you entered the military?

A. When I entered the military, I was 14. But I was forced to lie and say that I was 18 when filling out the medical check up form.

Q. What is your soldier identification number (ID) and what is the number of your training rotation period?

A. The number of my training rotation is 11/2003 and my soldier identification is Ta/ 263120.

Q. How long were you there? And how many child soldiers did you meet there?

A. I had to attend 4 months of training. I met so many child soldiers like me when I was there. When training was finished, Captain Tun Hla and vice-warrant official, Kyaw Aung, took me to the Infantry Battalion 592 in San Thida military area, Kawthoung.

Q. What did you have to do when you got to Kawthoung Infantry Battalion?

A. Being in the military was horrible. We could never live without work. We had to cut down bamboo and sell it to raise funds for the army. We had to bring each wooden pillar from the mountain. And then we had to tow the pillars to a saw mill, which was two miles away.

If you couldn't drag the pillars, you had to carry tenth bamboo trees. After dragging the pillars down to the foot of the hillside, we had to scribble our name on the pillars with an iron stick which we used to tow the pillars.

If you finished working but had not signed your name on the pillars yet, you would not be allowed to eat. So, if you forgot to scribble your name on the pillar, they (army officials) would act as if you hadn't carried the pillars yet and you were not given food for lunch or for dinner.

We had to do different kinds of work such as constructing sheds for army families, farming, reaping thatch and collecting household equipment. We also had to hoe the garden owned by the army. In Sunday, we were allowed half day as rest time.

Q. When were you dispatched to the frontlines and where did you have to go?

A. After I was in the army for 5 months, I was dispatched to the frontlines. We left from Myithar village and headed to I-One which was the KNU's former encampment. From I-One, we walked at least 42 days to get to Htee Hta camp.

Q. What did you have to bring with you to the frontlines and what problem did you encounter there?

A. I had to carry equipment such as three 60mm mortars, four 40mm mortars, an M-A gun, 120 bullets, three grenades and some provisions.

I had so many difficulties on the way. During the march to I-One camp, we passed over a bridge and some landmines blew up immediately. After we had just passed over the bridge, an military officer stepped on a landmine and lost his right leg.

As soon as I saw that happen, I felt shocked and trembled. I didn't want to go forward any more and I almost tried to commit suicide on the spot with my gun.

Q. Did you have enough food or receive equipment from the military during the period that you were on the frontline?

A. No, we were not provided with enough food during the period that we were on the front lines. Once we ran out of provisions and we didn't have any rice for a week. So we had to harvest yams from the ground and use them for food. There were no villages along our route.

When we got the Htee Hta camp, we were able to bring some food in a powered schooner which we were able to survive on.

The military equipment we were provided with was also not enough. My boots were destroyed and I had to walk without boots.

Q. How long did you have to serve on the frontlines?

A. I had to serve on the frontlines for 8 months.

Q. Can you tell me about how you escaped from the military, please?

A. After two months, I got back to the battalion camp. The vice military warrant officer was there. His name is Shwe Manna and he was suffering from Malaria. He was taken to Mingaladon Military Hospital in Yangon for medical treatment. I had to accompany him to Yangon in order to take care of him while he was in the hospital. We arrived in Yangon on 28 February 2004. I bought some medical supplies for him and then I went back home without informing him or the doctor.

I didn't go out and I was able to stay in my house peacefully for a month. But I also know that I would be captured by military intelligence if I continued to take shelter in my home. In April, I moved to monastery as a monk. And then I fled to Thailand in June.

Q. Now, what are you doing and what are your plans for the future?

A. Now, I am studying English. In the future, I want to be an educated person. After I become an educated person, I want to go back to my family.

Interview # 2

Source: Yoma3

Date of Interview: 2004

Name: Phyto Lwin Naing (not real name)

Age: 16

Sex: Male

Address: Thakata Township, Rangoon Division

Q. Can you tell me your name? How old are you and what part of Burma did you live in?

A. I'm Phyto Lwin Naing and 16. I'm from Yangon Division, Thakata Township, Dagon Myothit. My parents are U Lin Lin (not real name) and Daw Thin Khaing (not real name).

Q. Are you a student? In what grade were you studying when you entered the military?

A. Yes, sure, I was a student when I was in Burma and I studied in No. 1 Basic Education High School in Dagon Myothit. In 2003, after I had passed 8th grade and was preparing to attend 9th grade, I was abducted into the military.

Q. How did you enlist?

A. My family was so poor and I wanted to be a captain in the military so that I could support my family. I thought if I became a captain I would be able to save a lot of money for them. At that time, there was a soldier named Zaw Tun who was our neighbor. His soldier identification number (ID) is Ta/280 229, he had joined the military after he had stolen things from other people. He fled to the military in order to avoid being prosecuted by the people that he stole from.

He visited me and solicited me to join the military: “Will you enlist? If you join the military you can live better than here (with Aung Phyo Oo’s family)”. At first, I refused to enlist. But he repeatedly asked me, saying “if you will enlist, you can do what you want. The situation is better than your current situation and you can also eat what you want”. At that time, he abducted me into military.

Q. Where did you have to go with Zaw Tun?

A. I was sent to Sergeant Aung Htoo. They let me stay in the military for 3 days and offered me special food during those 3 days. And then Sgt. Aung Htoo gave me 1,000 kyat (45 baht), left me alone and went back home. Later, I discovered that he was given a pack of rice and 3,000 kyat (120 baht) as a reward for recruiting me.

Q. What did you have to do after that?

A. After 3 days, I was sent to Insein-Da Nyin Kone Soldier Collection Point. When I arrived there, I had to undergo a medical health check up.

Q. How old were you at that time?

A. I was 15. But, the military authorities forced me to lie and indicate that I was 18 when I filled out the medical check forms.

After having my blood group checked, I was brought to meet with a captain for an interview. “If the Captain asks questions regarding your enlistment, you must answer that you really want to enlist. If you refuse, he will hit you with a big fist,” Sgt. Aung Htoo said. When I met with Captain, he asked me “Did you really choose to enlist by yourself? Did someone abduct you for enlistment?” Once in a while, I remembered what Sgt. Aung Htoo had told me already and I answered “Yes, sure I really want to enlist”.

Q. Where did you start to attend military training?

A. I started to attend the training in No. 1 Soldier Basic Training School which is located in Minm Khone village, Paungyi Township. On every Sunday off, we all had to work for a military officer's family by cleaning their house, bringing water, and chopping firewood for them. After working, some of the officer’s wives who took pity on us give some curries for dinner.

Q. What was the quality of food like during the training?

A. During training, we always received a cup of so-called tea with a lot of water and a little bit of milk, an egg and very little fried rice early every morning at 6:00 am. We had brownish rice and mostly rotten fish curry for lunch. For dinner, we got vegetables and fish paste. Occasionally, we were offered special curries like eggs.

Q. What was your soldier identification number and your training rotation period number?

A. The number of my training rotation period is 10/2004 and my soldier identification number is Ta/290794.

Q. How many child soldiers did you meet during this training?

A. I met nearly 50 child soldiers there.

Q. How long were you there?

A. I was there for four months. After completing training, we were allowed a day to rest. And then I and a group consisting of 9 soldiers were placed in Infantry Battalion 273 Tanintharyi

(Tenasserim) Division in Kanpyok village, Yepyu Township, by Sgt. Kyin Si and Corp. Aung Myint.

Q. When you arrived there, what did you have to do?

A. We had to cut down trees from the mountains and pull them down in order to build sheds for soldiers' families, pigsties and poultry farms. And then we had to chop the tree up for firewood (length 2 and a half-yards and 3 spans around) and do work such as hoeing for farming and watering plants. We received corporal punishment when we failed to water the plants.

Q. When did you have to go to the frontlines and where did you have to go?

A. After I was in Tavoy for a month, I was sent to the frontlines. We had to go to Mi Htaw Hla Gyi and Mi Htaw Hla Lay, which are both in the Tavoy area.

Q. On the frontlines, were you responsible for any particular duty and what kind of enemies did the officials command you to fight?

A. On the frontlines, I had to bring food and some ammunition along with me. I had to patrol. And then we were commanded to shot anyone we see who might be wearing guerilla uniforms on the spot or if someone was holding a weapon like an M-16 or an M-A.

Q. Were you provided with enough food and military equipment?

A. Although we were provided with some peas, oil, rice, sugar and milk, it was not enough for us. If we ran out of food, we begged from villagers where we made our camp. I had many difficulties because of inadequate equipment, especially with my boots. I had only one pair of boots provided during the frontline period. My boots were destroyed from crossing the river and walking in the mud during rainy season. So, I had to walk without boots and my feet became black and blue and I got a skin disease.

One guy in my company, San Oo, sympathized for me and stole a pair of sandals from the villagers without asking. Since then I felt comfortable and relieved from the serious pain of my feet. As a matter of fact, I didn't want to accept things that had been stolen from others. But, as I said, I was in a difficult situation at that time. I also know that it is very bad to steal things from other people but I had to make the best of every thing.

Q. By the way, what kinds of food did you beg from villagers?

A. Above all, we begged for rice, salt and fish paste. Some villagers took pity on us and they offered some food. Some villagers were afraid of us and although they don't want to give us any food, they had to. Sometimes, they offered us their poultry which was infected by unknown diseases.

But all of the soldiers stole a lot of vegetables when they went through the villagers' farms and gardens without asking.

Ah-one day, we ran out of food and we had to ask the Buddhist monastery for food. We were faced with a lot of problems within the four-month period on the frontlines.

Q. So, how were you able to escape from the military?

A. My mother and her sister, my aunt, arrived to the Infantry Battalion 273 base in Kanpyok village in order to call me.

So, I was allowed to visit my mother. When I got back to the battalion camp, I met with my mother. She and my aunt told me that they wanted to take me back home from the military.

But the major, his name's Ye Myint, told me, "You mustn't try to escape from the military. If you try to escape, you will be captured and put in jail. Your family also might be faced with trouble."

I was afraid of him and I just said, "Yes".

And then I asked him if I could take my mother to the train station to say good-bye to her. Fortunately, I was allowed to go to the train station with my mother. When we arrived at the station, I also bought a ticket for me and come back to Yangon.

When I got back to Yangon, I didn't dare to stay at home. So, I was hiding from the military intelligence and stayed in monastery. At the end of June, I fled to the Thai-Burma border in Mae Sot.

Q. How about your situation in Thailand? Are you having a good time here?

A. Sure, I am having a good time here. I think, I have been able to escape from my nightmare and I won't have to be faced with distressing situations anymore. Now I'm studying English and I can eat what I want as well. But I want to get a job and save some money. You know, my mother who is still in Burma has been so poor since my father passed away. If I get a job, I can support my mother with all of my wages.

Interview #3

Source: Human Rights Documentation Unit
Date of Interview: 28 April 2004
Name: Thi Thi San (not real name)
Age: 14
Sex: Female
Ethnicity: Karen
Religion: Muslim
Address: Pa-an District, Karen State

In March to April 2004, villagers in XXX village, Pa-an District, Karen State were ordered to labor on the road. Thi Thi San went in place of her grandmother because she is old and cannot work every day. At the same time, Thi Thi San's grandmother must work for their survival.

I don't speak Karen, only Burmese, because in school they only teach Burmese.

The first time I did forced labor was when I was 12 years old. I carried earth.

I have missed a lot of school because I went to do forced labor. Sometimes, I fail exams and other times, I pass. When I am absent in class, I fail. My school fee is 6,000 kyat for one year. I must work in order to make money to pay this fee.

It is hard to do the work (forced labor) and it is very tiring. The sun is very hot. When I was working, I fell down. When I fell, I tried to protect myself and put my arm down. But the weight of my body was too heavy and I hurt myself.

I had to carry both stones and earth. Sometimes, we have to carry very big stones. Sometimes, we use basins to carry them.

Many students from my school have gone to do forced labor. Sometimes 10 students and other times more. Other students who have had to do forced labor have had trouble in school because when they went to do the forced labor, they could not attend class.

7. Rights of Women

"In Myanmar [Burma], women are treated with respect and have never been subjected to degrading treatment."

- Statement by Burma's delegate at the 60th Session of the UN Commission on Human Rights in Geneva, 9 April 2004.

7.1 Background

The Convention on the Elimination of Discrimination of Women (CEDAW) is an international treaty that defines what constitutes discrimination against women and establishes an agenda for national action to end such discrimination and ensure the equal treatment of men and women. Although the Burmese military regime became a party to the 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 for Human Rights in Burma, Professor Paulo Sergio Pinheiro, indicated that Burma is indeed in violation of fulfilling some CEDAW articles (source: *Blurred Vision*, ALTSEAN, March 2003).

As the costs of maintaining military power and political hegemony continue, the Burmese government has allocated less and less money for infrastructure, healthcare and education. Although this affects the majority of the civilian population in Burma, it has affected women in particular ways, reinforcing traditional roles of female subordination and blocking their access to the means through which they could change their status (such as education and politics). Widespread poverty disproportionately affects women, particularly as women in Burma still do not receive equal pay for equal work. Lack of access to education and healthcare, particularly information on family planning methods, leaves women vulnerable to HIV infection, a problem further compounded by increasing incidences of trafficking in women, rape and prostitution. Although Burma's initial report on the CEDAW convention states that women have equal access to education, in fact, the admission policies of universities in Burma discriminate against women. To study at medical school, for example, men must score 450 on their admission test, but women must score 470. This is also true for engineering programs and other university courses (sources: CEDAW/C/MNR/1, March 1999; "Discrimination and Violation against Women in Burma," HURFOM, 31 March 2004).

Women in non-Burman ethnic minority areas are particularly vulnerable to human rights violations and suffer the greatest abuse and discrimination. Healthcare and education are severely underdeveloped in these areas. If facilities do exist, they are usually unequipped to provide adequate services and are frequently destroyed as a result of ongoing armed conflict between the State armed forces and armed ethnic resistance groups. Female illiteracy rates in conflict and remote areas are estimated at between 70-80%. Ethnic minority women are subject to forced relocation, forced labor, forced portering in war zones, as well as physical, mental, and sexual abuses. Incidences of domestic violence often increase in conflict zones, with women feeling unable to speak out against men of their own ethnicity. 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

vulnerable to abuse in such a manner that they may feel they have no choice but to flee, becoming internally displaced persons (IDPs), refugees or migrants. In these cases, women may still be vulnerable to violence from armed groups, domestic abuse, trafficking and prostitution.

7.2 Women in Politics

Although Burma signed the UN Convention on Political Rights in 1954, males still dominate the Burmese political arena 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. When the SPDC signed the CEDAW agreement, they acceded to guarantee women's right to vote, to hold political office and to participate in politics (source: Article 7, CEDAW, 1979). There are, however, 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 under 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 authority, it is often because of the influence of their husbands or male relatives.

The State endorses several other women's organizations, aside from the National Women's Affairs Committee, in promoting women's status in Burma. For example, the Myanmar Women's Entrepreneurs Association (MWEA), which is headed by either family relations of SPDC military leaders or other individuals favored by the regime. These women's organizations are not representative of the women of Burma. Nor do they play any role at all in the politics of the State. The SPDC controlled Myanmar Maternal and Child Welfare Association serves to extend support to mothers. In December 2003, the Myanmar Women's Affairs Federation was created, chaired by the wife of Prime Minister Lt Gen Soe Win, as the principle women's rights NGO. Yet, as all these organizations are connected to the government, there are no independent women's rights organizations in Burma. (Source: *Country Reports on Human Rights Practices- 2004*, Bureau for Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

Within local village government, adhering to tradition, most authority figures such as village heads and village council members are men. NLD General Secretary Daw Aung San Suu Kyi has discussed the lack of access for women in Burma to political decision-making positions. She has stated that, "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" (source: "Message from Daw Aung San Suu Kyi on the Occasion of Her Birthday and Women of Burma Day," NCGUB, 20 June 2002).

Although traditional Burmese society does not provide for the active participation of women in politics, women became involved in Burma's political struggles as early as 1919. Nationalistic and patriotic women participated in the struggle for Burmese autonomy before

World War II. When women gained the right to vote in 1922, but were denied the right to make laws, they protested again.

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. In the 1990 democratic general elections, 16 female Members of Parliament were elected out of a total of 485. Like their male counter parts, they continue to be denied the ability to carry out their mandate by the SPDC.

Women engaging in political activities were again subject to suppression on 30 May 2003 when 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 to indicate 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 were 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 your 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 undermine Aung San Suu Kyi by casting a negative light on her marriage to a British man, Michael Aris) (source: *The Second Preliminary Report*, The Ad Hoc Commission on Depayin Massacre (Burma), May 2004). Following the attacks, 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. 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).

At the time of the attack, the SPDC claimed that Aung San Suu Kyi had been taken into “protective custody” and would be released as soon as a peaceful environment reemerged in the country. Despite hints of release throughout the year, Daw Aung San Suu Kyi remained under house arrest at the end of 2004 and at the time of writing. Moreover, on 29 November, it was reported that her term of detention was extended for an additional year under Article 10(a) of the 1975 State Protection Act, which allows for detention of up to three years without charge or trial. Furthermore, the SPDC had yet to engage in or permit a full and transparent investigation of the Depayin Massacre, perpetuating an environment of impunity for the perpetrators of the attack.

Women as Political Prisoners

Since taking to the streets in 1988, women have been systematically harassed, interrogated and detained for their political beliefs and activities. Throughout 2004, women continued to be subject to arrest for their political involvement. On 5 June 2004, for example, Than Than Tay, secretary of the NLD women's group of Magwe Division, was one of two NLD members arrested for allegedly communicating with illegal groups on the Thai – Burma border. As of August 2004, both the length of their sentence and in which prison they were being detained remained unknown (source: "Situation of Human Rights in Myanmar," *Fifty-ninth session of the UN General Assembly*, Item 107(c), 30 August 2004). Following the removal of Lt Gen Khin Nyunt from the position of Prime Minister on 19 October 2004 and the dissolution of the Military Intelligence Bureau, the military regime conducted four mass releases of prisoners. The military authorities reported that the released prisoners had been wrongly imprisoned due to the misconduct of former MI personnel. On 19 and 26 November 2004, 12 December 2004 and 3 January 2005, the SPDC reported the release of 19,906 prisoners across the country, which reportedly included 104 pregnant women (source: "Statement by Mr. Paulo Sergio Pinheiro, Special Rapporteur on the Situation of Human Rights in Myanmar/Burma," *Sixty-first session of the Commission on Human Rights*, Agenda Item 9, 29 March 2005). Despite the mass releases, as of 10 May 2005, the Assistance Association for Political Prisoners (AAPP), a Thai based human rights organization, reported the names of 58 women political prisoners languishing in the prisons of Burma (source: AAPP, 2005). (Please see chapter on arbitrary arrests for more information.)

Like men, women face harsh conditions while in detention or prison, which include beatings, torture, overcrowding, poor sanitation, lack of proper food and nutrition as well as lack of access to medical services. In addition to those hardships faced by both sexes, women in prison face sexual abuse, harassment and rape at the hands of the military authorities. Prison staff are almost entirely men and jail cells are not always gender segregated, leaving women vulnerable to sexual harassment and rape by other prisoners. Moreover, women are not supplied with the proper sanitary supplies for their menstruation, a change of clothes or adequate amounts of water with which to wash. Women must rely on their families and relatives to supply the necessary sanitary items for menstruation. Women who have been incarcerated while pregnant have frequently been denied the assistance of a doctor, midwife or even another woman to attend to the birth of their child. The absence of skilled attendants during births in prisons has caused health complications for both mother and child. Moreover, women are forced to care for their babies under the same limited and unsanitary conditions, putting the health of both mother and child at risk. (Source: *Women Political Prisoners in Burma*, AAPP & BWU, September 2004) (Please see chapter on children for more information about children imprisoned with their mothers.)

7.3 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 particular, women's access to healthcare is alarmingly low. While the SPDC doubled its total spending on healthcare in the 2003-2004 fiscal year from the preceding period, the amount remained low, at 1.2% of total government spending. (Source: *Country Reports on Human Rights Practices - 2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005)

Women do not have a significant presence in the decision-making bodies of the government, which has resulted in a total lack of consideration for women's health issues, such as cancer of the uterus and ovaries, osteoporosis and family planning, as policy is designed. 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 identified 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 one health worker for every four villages. Because of the 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 medical attention and care. As the main provider of birth spacing services and contraceptives 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. Moreover, 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. Maternal mortality is one of the highest in South East Asia, with approximately 580 deaths per 100,000 live births. The United Nations Population Fund has estimated that 57% of maternal deaths occur at home where between 70% to 80% of women are estimated to give birth with the assistance of midwives or traditional birth attendants. These deaths result from lack of access to healthcare facilities, the high cost of services and unsafe abortions. While more than half of maternal mortalities occur far from any public health institution, over one third transpire within public hospitals and clinics due to the lack of medical equipment to deal with possible complications. Even in public hospitals, midwives often carry out the deliveries and not doctors. (Sources: Grumiau, Samuel, *Growing Up Under the Burmese Dictatorship*, International Confederation of Free Trade Unions, August 2003; *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).

Information about birth spacing methods and safe sex is particularly inaccessible to young single women as they are assumed to be sexually inactive until they are married. In fact, premarital sex does occur and pregnancy is sometimes the cause of young marriages. A United Nations Population Fund Survey of 1,800 young people in three townships of Burma found that 20% of unmarried boys and 3% of unmarried girls had had premarital sexual experiences. Among married youths, 45% of married boys and 21% of married girls admitted that they had had sexual experiences before marriage (source: "Community Oriented Youth Centres in Myanmar: Lessons Learned," UNFPA, July 2004). Sexual activity among young women was also documented in a 1997 fertility and reproductive health survey conducted by the UNFPA, which revealed that approximately 4% of girls age 15 to 19 already had children. Moreover, the survey highlighted the fact that teenage pregnancy was more prevalent in rural areas with lower education levels (source: "Fertility and Reproductive Health Survey," UNFPA, 1997). This statistic is particularly disturbing considering the lack of healthcare available in rural areas. In addition, the prenatal mortality rate of adolescent girls is 46-67 per 1,000 births, which is twice that of mature women.

Abortion remains illegal in Burma, 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," *Forced Migration Review*, January 2004). While abortions do occur in hospitals, women usually seek the assistance 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, frequently 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. Moreover, subsequent abortions are not uncommon as post-abortion contraception is usually not provided in hospitals (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003). Dr Thein Thein Htay, an assistant director of the Maternal and Child Health Section in Burma's Ministry of Health, has estimated that only half of all women who suffered from post-abortion complications sought treatment from professional health facilities (source: Nwe Nwe Aye, "Teens Need Reproductive Health," *Myanmar Times*, 16-22 August 2004).

Women in ethnic minority areas have significantly less access to healthcare facilities and services than women in major urban centers. Women in rural ethnic areas also face the dangers of ongoing armed conflict between armed ethnic resistance groups and government armed forces, which often thwarts their movement and ability to access the existing healthcare services. In a 2003 report, the International Confederation of Free Trade Unions (ICFTU) reported that the border regions contain one hospital for every 132,500 inhabitants and one rural health center for every 221,000 people (source: Grumiau, Samuel, *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003). The Women's League of Burma has reported that in some areas 7 out of 10 women have swollen thyroid glands (goiter), a condition 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 as IDPs or in relocation sites suffer from exposure to the elements, lack of clean water, sanitation, food and 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 continued to be a serious threat to the health and safety of women in Burma in 2004. Women's vulnerability to HIV infection has become increasingly recognized as related to issues of discrimination, political status, regulations regarding property, marriage, divorce and inheritance, human rights violations and violence against women. (See for example: "Violence Against Women and AIDS," UNAIDS/The Global Coalition on Women and AIDS, February 2004.) In addition, high mobility, sex work, trafficking, low utilization of contraceptives and a lack of perception of risk all contribute to a growing HIV/AIDS infection rate among Burma's female population.

While Burma's health minister claimed, in 2003, that 180,000 people were infected with AIDS, UNAIDS estimated the figure was between 170,000 and 420,000. However, in contrast, 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 most recent estimates come from UNAIDS's 2004 global report on AIDS, which indicated that 330,000 people in Burma are living with HIV/AIDS and 20,000 deaths have resulted from the disease (source: *2004 Report on the Global AIDS Epidemic*, UNAIDS, July 2004.) The Government has begun to take action on AIDS prevention and education, yet many obstacles remain to the dissemination of information, such as language. A member of the Shan Women's Action Network (SWAN), a Shan grassroots women's organization, 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, the information provided in these information sessions is inaccessible to villagers who do not have a command of the Burmese language (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 estimates 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 of information and a lack of honesty about infection rates encourage the spread of HIV infection. 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 hinder prevention and treatment efforts, the information about HIV/AIDS provided by the SPDC is often inaccurate. Moreover, the SPDC has been known to manipulate awareness campaigns in an attempt to further its own agenda. For example, women in Karen State have reportedly been told that if they leave Burma they will contract the disease, in an effort 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. Because cultural norms dictate that unmarried young women do not engage in sexual activities, HIV/AIDS education is targeted towards married women. In turn, many young women and girls are left 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 ostracized. In research conducted among Burmese migrant workers in Tak province, Thailand, it was found that less than 15% of married women had ever seen a condom. Even fewer knew how to properly use one (source: "AIDS Takes the Backseat in Burma: An Interview with Chris Beyrer," *Irrawaddy*, 20 July 2004). Finally, few people can afford to buy condoms, priced sometimes as high as a worker's monthly salary. The WHO has reported that 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). This is particularly true of sex workers inside Burma and those working in neighboring countries such as Thailand or China. Even women who are educated about HIV/AIDS and have access to condoms are often in no position to demand their use, facing violence from clients, employers or brothel owners if they insist. In one brothel in Mae Sot, women are free to decline sex with a client if, for example, the client refused to use a condom. However, the women are fined 500 baht (US\$ 12) for the lost client (source: *No Status: Migration, Trafficking and Exploitation of Women in Thailand*, Physicians for Human Rights, June 2004).

Social taboos towards sex are compounded by societal attitudes 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" (source: "An Interview with Vicky Bowman: The British Solution," *Irrawaddy*, May 2003). Although Burma's HIV education is targeted towards this very group, married women are perhaps even less able to insist on condom use than single women, as asking to use a condom with a spouse is tantamount to an accusation or admission of infidelity.

In their traditional role of caregivers, coupled with the inaccessibility of the healthcare system to the general public, the task of caring for HIV affected people falls mainly on women. The UNICEF country representative in Thailand, Innes Zalitis, reported, "Women carry the burden of care for other family members with AIDS. When women fall ill, however, they are more likely than men to suffer ostracism in their community once their HIV status becomes known. Many lose social protections. HIV positive mothers with infants may continue breast feeding from fear of being stigmatized if they stop." (Source: "HIV/AIDS Incidence Rising Faster Among Women in Mekong Region Than Men," *Asia Weekly*, 29 March 2004)

7.4 Women and Forced Labor

Burma ratified Article 11 of the International Labor Organization's (ILO) Convention No.29 in 1955, which 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 (Order 1/99) banning forced labor under Section 374 of the Penal Code. Despite these laws, the SPDC continues to use forced labor, conscripting both men and women for 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 conflict zones. As forced labor is particularly prevalent in rural areas inhabited by ethnic minorities, ethnic women, including teenage girls, are routinely taken for forced labor duties. 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 during harvest periods, that is critical to a family's survival or if men are simply not around at the time a call for laborers is made.

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 2004

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: 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 SPDC demarcated Karen State. These townships do not correspond with the KNU demarcated districts and townships, even for those which share the same name.

Nyaunglebin District

On 10 March 2004, Ta Ler Day Camp Commander Bo Sai Win Kyaw of SPDC LIB 439 ordered 4 male villagers and 23 female villagers from Mar Lar Daw village in Mone Township to each carry 12 pyi of rice from Ta Ler Day to Tha Byay Nyunt camp. (Source: CIDKP, 2004)

On 15 March 2004, Ta Ler Day Camp Commander Bo Sai Win Kyaw of SPDC LIB 439 ordered 5 female villagers and 11 male villagers from Mar Lar Daw village in Mone Township to repair a warehouse for storing army rations in Ta Ler Day. (Source: CIDKP, 2004)

On 17 July 2004, SPDC IB 73 Commander Myo Zaw forced 14 males and 3 females from Sa Si Boe village, as well as 13 males and 5 females from Taw Ku village, to repair the military camp. (Source: BI, 2004)

On 21 July 2004, SPDC IB 73 Commander Myo Zaw forced 25 males and 6 females from Taw Ku village to repair the military camp. (Source: BI, 2004)

On 23 July 2004, troops from SPDC LIB 264 led by Column-1 Commander Major Nyein Chan Oo, Column-2 Commander, Captain Kyi Win, Tha Bye Nyunt Camp Commander, 2nd Lieutenant Thein Htun Oo, Ta Ler Day Camp Commander, 2nd Lieutenant Thein Zan and Bo Tin Htun came to Mone Township and summoned 4 female villagers and 10 male villagers and forced them each to carry 12 pyi of rice from Ta Ler Day to Der Kew Lay Kho. (Source: CIDKP, 2004)

Toungoo District

On 15 March 2004, Operation Command-1 Commander Khin Soe of SPDC Southern Command Headquarters took 8 female villagers of Der Doe village to Baw Gali village. The following women were taken:

1. Naw Htoo Lweh, age 18;
2. Naw Gay Paw, age 26;
3. Naw Yu Eh Na, age 38;
4. Naw Stee Wah, age 16;
5. Naw Day Nya Paw, age 20;
6. Naw Bla Po, age 18; and
7. Naw Pya Po, age 20.

By September 2004, the women had still not been released. (Source: CIDKP, 2004)

On 19 April 2004, Bo Lin Lin Aung of SPDC LIB 439, based at Klaw Mee Doe camp, ordered 25 men and 65 women from Klaw Mee Doe village in Tan Da Bin Township to carry food supplies from Pa Let Wa to Klaw Mee Doe. (Source: CIDKP, 2004)

On 20 April 2004, Bo Lin Lin Aung of SPDC LIB 439, based at Klaw Mee Doe camp village, ordered 89 women and 51 men, a total of 140 villagers, to carry military rations from Pet Let Wa to Klaw Mee Doe village. (Source: CIDKP, 2004)

On 17 May 2004, SPDC Tapaka Column 1 forced 150 male and female Kler La villagers to carry the soldiers' food from Kler La to The Aye Ta infantry area. (Source: BI, 2004)

On 17 May 2004, SPDC IB 60 and IB 39 Battalion Commander Win Oo arrested and detained 4 women from Kaw Soe Ko village. The women were taken to the Kler Military camp. The following day, the soldiers went to Kaw Soe Ko village and demanded porters. The soldiers threatened not to release the women unless the villagers complied with their orders. As a result, 9 villagers went for portering duty, carrying items from The Aye Ta to Ko Lay camp. The women taken hostage were:

1. Naw Paw Sit,
2. Naw Ma Ta,
3. Naw Mya Yin and
4. Naw Ta Ta. (Source: BI, 2004)

Another source reported that these troops came to the village on 17 May 2004 and, as male villagers were away, forcibly gathered the remaining villagers, mainly women and children, to serve as porters. (Source: CIDKP, 2004)

On 18 May 2004, the police station at Kaw Soe Kho village ordered Kaw Soe Kho villagers to go as porters in exchange for the release of the village heads, children and women that the army had seized. As a result, 9 persons from Kaw Soe Kho had to go to replace them. The villagers who had to go were:

1. Saw Kyi Lin, son of Saw Khin Maung;
2. Saw Has Kwe Kloe, son of Saw Ta Bah;
3. Saw Maw Law, son of Saw Eh Hkeh Ta;
4. Saw Eh Doe, son of Saw Maung Hser;
5. Saw Roger, son of Saw Heh Lay;
6. Saw Hser Ta, son of Saw Po Kyaw;
7. Saw Min Lin, son of Saw Ta Hsoe;
8. Saw Plo Htoo, son of Saw Aung Thein; and
9. Saw Keh Ta, son of Saw Maung Wah.

These villagers were forced to carry food supplies for the army from Tha Aye Hta camp to Koe Day. (Source: CIDKP, 2004)

On 31 May 2004, SPCD IB 60 Operation Commander Hlaing Win Tint and Infantry Commander Yea Soe forced 2 females and 9 males from Kae Dur village to build a hut in the military camp in Kae Dur village. (Source: BI, 2004)

On 22 June 2004, SPDC IB 26 forced 4 females and 4 males from Ga Mu Dur village to carry heavy loads from Ga Mu Dur to The Aye Ta. (Source: BI, 2004)

On 17 July 2004, troops from SPDC IB 26 forced villagers, Naw Mary Paw and Naw May Si from Gar Mu Doe village in Tha Daung Township to carry military supplies to Tha Aye Hta camp. (Source: CIDKP, 2004)

On 21 July 2004, troops from SPDC IB 73, based in Sha Zee Bo area, forced 25 male villagers and 10 female villagers from Taw Gon village in Tan Ta Bin Township to construct their army camp. (Source: CIDKP, 2004)

On 22 July 2004, troops from SPDC IB 26 demanded that 4 female villagers and 4 male villagers from Gar Mu Doe village in Than Daung Township carry military supplies to Tha Aye Hta. (Source: CIDKP, 2004)

On 27 July 2004, Bo Myo Naing of SPDC IB 73 forcibly collected 16 male villagers from Sha Zee Po village and 16 men and 6 women from Taw Gon village in Tan Ta Bin Township to carry army ration to Ka Ser Doe army camp. (Source: CIDKP, 2004)

On 14 August 2004, troops from SPDC IB 73, based at Sha Zee Po village, ordered 10 women and 10 men from Ye-Sham village to clear the compound of their military camp. (Source: CIDKP, 2004)

On 6 September 2004, troops from SPDC IB 124, based at Tha Aye Hta, ordered 2 women from Gar Mu Doe village to transport military supplies from Baw Gali village to Tha Aye Hta camp. (Source: CIDKP, 2004)

On 15 September 2004, Bo Aung Gyi of SPDC LIB 590, based at Kaw Thay Doe camp, ordered 3 women and 1 man from Kaw Thay Doe village in Tan Ta Bin Township to carry military supplies and food to Naw Soe camp. (Source: BI, 2004)

On 16 September 2004, an SPDC column deployed by Commander Kin Soe ordered Naw Ah Ri (female) from Kaw Thay Dur village in Taw Ta Htoo Township to use her car to carry firewood to Kler La military camp. (Source: BI, 2004)

7.5 Trafficking of Women

"Women and girls are often subject to forms of discrimination on the grounds of their gender as well as their origin, particularly when they are victims of trafficking."

(Source: "Integration of the Human Rights of Women and a Gender Perspective," *Sixtieth Session of the UN Commission on Human Rights*, United Nations Economic and Social Council, 14 April 2004)

Women comprise a large percentage of persons trafficked out of Burma and are the most vulnerable to exploitation. There is a direct link therefore between the subordinated status of women in Burma and their risk of being trafficked. Women are trafficked from Burma into 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 Trafficking in Women (GAATW) 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. Deep Ranjani Rai has noted that, "We hammer the States all the time, but families have a greater influence over these women than other factors [government or laws]... 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)

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 from trafficking 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 - 2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005).

Burma has continuously been ranked on Tier 3, the lowest of U.S. government standards, for its failure to comply with the minimum standards of the 2000 Trafficking Victims Protection Act. While in its 2005 report, the U.S. Department of State reported that the SPDC had taken some measures to reduce trafficking, it condemned the SPDC for its failure to fully comply “with the minimum standards for elimination of trafficking and is not making significant efforts to do so” (source: *Trafficking in Persons Report-2005*, Office to Monitor and Combat Trafficking in Persons, U.S. Department of State, 3 June 2004). The SPDC continues to claim that U.S. imposed sanctions leave the government with insufficient funds to adequately deal with the problem of trafficking. In the absence of any large-scale efforts to reduce trafficking on the part of the Burmese government, however, the American sanctions have not been lifted. (Source: “Myanmar Announces New Moves to Battle Human Trafficking,” AFP, 12 September 2004.)

In response to the U.S. Department of State's ranking, the SPDC has instituted several widely publicized measures against trafficking. 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 the issue of human trafficking by July 2003 (source: “Myanmar Arrests over 400 Human Traffickers in A Year,” *Xinhua*, 3 September 2003). Other measures have included an announcement indicating the intention to open new anti-trafficking liaison offices in Tachilek and Myawaddy, both on the border with Thailand, and one near the Chinese border at Muse in September 2004. Furthermore, Lt. Gen. Soe Win's first regional meeting as Prime Minister in October 2004, the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), was focused on the problem of human trafficking in South East Asia and he made several statements about the resolve of the Burmese government to combat the problem. The COMMIT summit ended with leaders from Cambodia, China, Laos, Thailand, Vietnam and Burma signing an accord to fight trafficking in the region. Initial implementation of the plan is anticipated for the first quarter of 2005 and is thought by many countries to be a promising step in the right direction. (Source: “Six Asian Nations Sign Landmark Human Trafficking Pact,” AFP, 29 October 2004)

The SPDC has continually claimed that progress has been made in the fight against human trafficking. According to the Burmese government, since 2002, “795 arrests were made, 335 prison sentences handed down in relation to human trafficking, and 2,181 victims 'rescued'” (source: “Myanmar Announces New Moves to Battle Human Trafficking,” AFP, 12 September 2004). According to the U.S. Department of State's *Trafficking in Persons Report-2005*, Burma claimed to have prosecuted “474 cases related to trafficking for sexual exploitation and smuggling; an indeterminate number of these cases actually involved severe forms of trafficking in persons” since July 2002. (Source: *Trafficking in Persons Report-2005*, U.S. Department of State, 3 June 2005)

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 that part of the SPDC's "Anti-Human Trafficking Campaign" would include efforts to "teach people about negative consequences of working abroad." Likewise, at the end of 2002 the SPDC reportedly created "Human Trafficking Prevention Committees" in many states and divisions. These committees 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 both hinder the movement of and also 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 have done little more than to make their travel more costly (source: *Abused Bargaining Chips: Women's Report Card on Burma*, ALTSEAN, March 2003). For example, women in eastern Shan State have been entirely prohibited from travel in the border area since 2000. In 2004, the military regime issued a directive allowing women under 25 with official permission the right to travel. The approved transportation from Kengtung to Tachilek, Shan State, reportedly costs 150,000 kyat (about US\$ 150); the regular fare is 6,000 kyat (approximately US\$ 6) (source: "Mme Khin Nyunt Cashes In On Thai Demand for Young Women," SHAN, 23 August 2004).

A woman who has been trafficked and has the opportunity to return home may find many obstacles reintegrating upon her return. Jeremy Stoner, program director for Save the Children UK, who has been working with trafficked women since 2001, said women repatriated or reunited with their families often need ongoing counseling to help them cope with their ordeals. He noted that, "It can be difficult for women and children to fit back into their communities because they may experience some social stigma attached to what they had been doing overseas." (Source: Eve Eve Maung and Jessicah Curtis, "Women Trafficking Complexities Exasperate the Problem," *Myanmar Times*, 5 May 2004)

Women Trafficked to Thailand

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 sold to brokers by their own relatives. Women suffering from personal problems were especially easy victims. Trafficked women are often deceived by promises of good jobs in areas such as restaurant work, only to end up in the sex industry. Some trafficked Burmese women 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 July 2004, the *Irrawaddy* reported the story of Mi Mi, (not her real name), a 27-year old Burmese woman, who had once worked in the hills of Shan State cultivating leaves of the Thanapet tree, which are used for wrapping tobacco and herbs to make *cheroots* (Burmese cigars). After her husband abandoned her, she was approached by a job-broker who offered her a high paying job in Chiang Mai, Thailand, which would enable her to support her two children. When she arrived in Thailand, she was raped and robbed by the job broker and left

with little other choice but to work in a brothel to pay off the debt she had incurred to finance the trip to Thailand. She is not able to leave the brothel compound. She does not know what AIDS is, or how it is contracted, but she is terrified of getting it. (Source: Shah Paung and Nandar Chann, "Risking AIDS to Pay Back Debt," *Irrawaddy*, 14 July 2004)

Local police, border and immigration officials in Thailand accepting bribes and lending their complicity to the sex trade can also end up facilitating it. According to local labor activists, police are known to participate in the trafficking process by selling women who they have arrested. 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 (source: Manning, Kevin R., "Wooing Women Workers," *Irrawaddy*, 1 October 2003). In addition, while Thailand has a legal framework for combating human trafficking, Thai authorities are not equipped to identify cases of trafficking. Therefore, women who are victims of trafficking are subject to arrest as illegal migrants and deportation by Thai authorities. On 10 August 2004, for example, Thailand deported 20 young Burmese women back to Burma. It was speculated that these women were most likely victims of human trafficking and were liable to face persecution from Burmese authorities upon their return for illegally exiting the country (source: "The Plight of Burmese Women in Thailand," DVB, 11 August 2004). Furthermore, when arrested, women may face extortion, sexual exploitation, or sexual assault by law enforcement personnel in addition to the harassment, violence, detention and arrest faced by many migrants regardless of their gender (source: *No Status: Migration, Trafficking and Exploitation of Women in Thailand*, Physicians for Human Rights, June 2004).

While many trafficked women end up in the sex industry, others work as unpaid housemaids or factory workers. In June 2004, it was estimated that the majority (75% to 85%) of the factory workers in the garment manufacturing factories in the Mae Sot area were women. Representatives from several Burmese community NGOs have indicated that this is due to the fact that factory owners find women to be "quiet and compliant" and easier than men to control. Migrants may be confined to factories and they may face danger if they venture outside factory compounds. In addition to the threat of arrest, women are particularly vulnerable to attack from groups of Thai teenagers. There are at least 20 cases of rape or murder of this kind per year in Mae Sot, none of which have been punished. Inside the factories, women face harassment and/or sexual abuse from male factory owners, their families and assistants, male workers and security guards. Co-ed housing and incidences of rape can lead to pregnancies, which often cause women to be fired from their factory posts. Rather than lose their source of income, and without access to healthcare services either to prevent or terminate pregnancy, some women resort to unsafe home abortions or, especially if they are financially unable to care for their children, abandon the babies. (Source: *No Status: Migration, Trafficking and Exploitation of Women in Thailand*, Physicians for Human Rights, June 2004)

Women Trafficked to China

China is also a recipient of women trafficked from Burma who frequently 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. In turn, these men are increasingly employing brokers in both China and Burma to find wives. The purchasing 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 end up fleeing the harsh and isolating conditions of their new Chinese homes. These women ultimately travel thousands of miles to return to towns along the border on the Chinese side where they end up working as prostitutes as they have few other options. Returning to their homes in Burma is excessively difficult as they face arrest and imprisonment for illegally exiting the country. (Source: Naw Seng, "One Way Ticket," *Irrawaddy*, 1 January 2004)

In May 2005, the Kachin Women's Association of Thailand (KWAT) released *Driven Away*, a report examining the trafficking of Kachin women on the border between China and Burma. The report details 63 cases of trafficking between 2000 and 2004. The majority of the 85 women and girls in the report are 14 to 20 years old. Trafficking in this area follows the same pattern as elsewhere in Burma. In more than half of the cases, women followed their traffickers to border towns in search of economic opportunities and the promise of employment to support families or make money to go to school. Instead, many were drugged, threatened and tricked into entering China, where they often ended up in the sex industry or as the wives of Chinese men. KWAT identified increased border trade, the exploitation of natural resources and the lack of spending on public services as state policies that have directly contributed to the increase in the trafficking of women from Kachin State. Forced relocations and the widespread poverty brought on by the financial mismanagement of the regime affect women particularly and leave them increasingly vulnerable to trafficking. Although in some cases women were able to escape, those returning from China faced difficulty negotiating the border and avoiding imprisonment for illegally leaving the country. Many never returned to their communities, fearing the shame and humiliation they may face there (source: *Driven Away*, KWAT, May 2005).

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 augment their families' incomes. Many 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 rely more heavily upon prostitution in economically hard times, as they feel that sex work provides a better pay rate and better working conditions than other forms of employment, such as a laborer or factory worker. Following the onset of U.S. sanctions in July 2003, the garment industry was highly affected as it was largely reliant upon exports to the U.S. 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 U.S. sanctions were imposed, and several reports following the SPDC's claims indicated that women had been driven to prostitution because of the SPDC's economic mismanagement of the country. Prostitution is illegal and punishable by three years in prison and female prostitutes are often subjected to abuse when arrested or while incarcerated. Despite this, the U.S. Department of State reported that prostitution is

increasingly prevalent, "particularly in some of Rangoon's "border towns" and "new towns," which were populated chiefly by poor families that were relocated forcibly from older areas of the capital" (source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights and Democracy, U.S. Department of State, 28 February 2005).

Despite the fact that prostitution is illegal, government officials and military personnel have been reported to frequent brothels in Burma, utilizing the services of prostitutes. One Burmese brothel near the Three Pagodas Pass area near the border with Thailand was allegedly forced to close in August 2004 because the majority of its "clients" were soldiers and SPDC officials who would not pay for the services. Military Intelligence Service officers, policemen, SPDC soldiers and soldiers from ceasefire groups, including the Democratic Karen Buddhist Army, Karen Peace Force and the New Mon State Party, were the main clients of the Shwe Tagar (Golden Door) brothel house. Sex workers there have even coined a new word for the phenomenon: "sex hijacking" refers to what happens when high powered men with guns don't pay for the services of sex workers. (Source: "Sex in the Border Town," *Kao Wao News* No. 73, 9-27 August 2004)

Prostitution flourishes in urban areas, along trade routes and in international border areas 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 and 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 to these dangers, 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 payment. (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 Centrum Netherlands in October 2002, 52% of all female sex workers in Burma were HIV positive. The same report indicated that the HIV prevalence among commercial sex workers tested in Rangoon and Mandalay increased from approximately 4% in 1992 to 26% in 1997 (source: "Young Girls Exploited for Sex," *Kao Wao News*, 24 January 2005). Another report by the Asian Development Bank found that the HIV prevalence among commercial "hospitality girls" increased from 4.2% in 1992 to 36.5% in 1999. 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 purchasing 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 demand for young prostitutes, particularly virgins, is thought to be growing, fueled by increasing concerns of HIV/AIDS infection. While the market for young-looking teenage girls is reportedly growing in Rangoon and for Burmese girls in Thailand, precise statistics on this phenomenon are, as of yet, unavailable. In Mon State, some businessmen who visit brothels have estimated that up to 30% of the sex workers in brothels there are under 18 (source: "Young Girls Exploited for Sex," *Kao Wao News*, 24 January 2005). (Please see chapter on rights of child for more information.)

Trafficking of Women - Partial List of Incidents for 2004

In January 2004, a 20-year-old Kachin woman from Kawa Hka Myitkyina town was offered work in Laiza. Instead, she was sold to a Chinese man for 6,000 yuan. She was able to run away. (Source: *Driven Away*, KWAT, 2005)

In January 2004, an 18-year-old Kachin woman from Ding Ga Yang, Sadung, Wai Maw, was taken by a female broker through Laiza to China. Her parents tried searching for her but have failed. As of May 2005, she has not been found. (Source: *Driven Away*, KWAT, 2005)

In January 2004, an 18-year-old Kachin woman from Madiyang, Mansanyang, Bhamo, sought employment. She was persuaded to work in China. Her mother followed her and found her. (Source: *Driven Away*, KWAT, 2005)

On 3 January 2004, a 29-year-old Kachin woman from Dapkaung ward, Myitkyina town, was taken to a massage parlor in Laiza. She had been unemployed and promised a well paid job there. Instead, she was not paid, as the trafficker had taken the first 5 months of her salary. After 1 month, the woman ran away. (Source: *Driven Away*, KWAT, 2005)

In March 2004, a 19-year-old Kachin woman from Sitapru ward, Myitkyina town, was sold to China for 5,000 yuan (US\$ 625). As of May 2005, she has not been found. (Source: *Driven Away*, KWAT, 2005)

In March 2004, a 17-year-old Kachin woman from Kongkhar, Kutkai, was persuaded to work in Muse. She was trying to earn enough for school fees during her holiday. Her mother followed her and found her in Kutkai. The person who trafficked her was later caught and jailed. (Source: *Driven Away*, KWAT, 2005)

In May 2004, an 18-year-old Kachin woman from Madiyang, Namsan Yang, was sold to a brothel by her aunt who was addicted to drugs. Her family helped her escape but she died a week after returning home. (Source: *Driven Away*, KWAT, 2005)

On 11 May 2004, it was reported that an 11-year old Muslim girl went with her religious teacher from Mae Sot to Ranong and then to Bangkok, where she was sent to a flower seller to live in his family's house and work for him, earning 500 to 600 baht (\$12-\$15).per day. There, conditions were good, but eventually the teacher came again and took her money,

saying that it was for her mother. The teacher left her with another family who treated her badly. After 7-8 months, the girl and the entire family were arrested and taken to the detention center in Mae Sot. There, a female agent paid immigration officials 500 to 1000 baht (US\$12–\$25) for her and several others. She eventually ended up working for this woman, delivering food and assisting in trafficking activities. Almost a year later, she was reunited with her mother, who had found out about her whereabouts from the teacher. They were assisted by a community watch and an NGO with resources to pay transport and checkpoints to return to their home in Burma. Neither the teacher nor the second trafficker were ever arrested. (Source: *No Status: Migration, Trafficking and Exploitation of Women in Thailand*, Physicians for Human Rights, June 2004)

On 12 May 2004, it was reported that a young Burmese woman went to Thailand after high school in order to earn money for university in Burma. She worked at a factory in Mae Sot, but wasn't earning enough money. A police officer offered her a higher paying job as a domestic, so she went in a car to Tak. She was given medicine for carsickness, which drugged her. She awoke in Bangkok and was sold into unpaid domestic service there. She was not given enough food. After working there for a year, she asked to leave and was told she could not. She was afraid to leave on her own due to the risk of arrest and abuse. After two years, she learned Thai and English and borrowed enough money to make the trip home. Her "employer," afraid that she would be report him, facilitated her departure. (Source: *No Status: Migration, Trafficking and Exploitation of Women in Thailand*, Physicians for Human Rights, June 2004)

On 15 May 2004, it was reported that a 13-year-old orphan girl, who was staying with her grandmother and 3-year-old brother in Mung Sen, Shan State, was approached by a Shan woman who told her that she had relatives in Mae Sai and offered to take her to them. Fearing that her grandmother would not give her approval, the girl sneaked away with the woman, taking her brother with her. In Mae Sai she was sold for 4,000 baht (US\$100) to the headman of a nearby village as a domestic worker. She had to work very hard and she was beaten. She was later helped by a Shan woman who paid the headman "compensation" and, having located her relatives in an unofficial internally displaced persons camp in Burma, took her to them. The girl doesn't know what happened to her brother. (Source: *No Status: Migration, Trafficking and Exploitation of Women in Thailand*, Physicians for Human Rights, June, 2004)

In June 2004, a 16-year-old Kachin girl from Madiyang, Namsanyang, Bhamo, was promised work in China in order to help her poor family. Once in Yin Jiang, she was pressured to marry a Chinese man. Instead, she was able to run away and return home. (Source: *Driven Away*, KWAT, 2005)

In July 2004, an 18-year-old Kachin woman and 2 of her friends from Kyaut Paung Gyan ward, Myitkyina town, were invited to work in a noodle house in Laiza. They were unemployed and looking for a job so they traveled across the Chinese border. One girl was able to escape with the help of a friend, but the other 2 disappeared and, as of May 2005, have not been found. (Source: *Driven Away*, KWAT, 2005)

On 10 July 2004, it was reported that police in Bangladesh arrested 3 alleged human traffickers responsible for bringing 18 Burmese citizens, including 9 children, to a residential hotel in Dhaka, in order to traffic them to Saudi Arabia on Bangladeshi passports. All 18 of

the Burmese people were Muslim Rohingya who had come to Bangladesh from Arakan State in 1991-1992 with other refugees from that area. The rescued victims were identified as:

1. Abul Kalam, age 40;
2. Mohammad Rafiq, age 20;
3. Hossain Ahmad, age 20;
4. Sultan Ahmad, age 30;
5. Nur-e-Alam, age 40;
6. Abul Hashem, age 26;
7. Saanjida Begum, age 30;
8. Sabu Alam, age 8;
9. Shiri Zahan, age 35;
10. Nur Mohammad, age 7;
11. Shed Ullah, age 10;
12. Humaiya Beugm, age 5;
13. Kawsar Bibi, age 4;
14. Alam Rizan, age 35;
15. Umme Kulsum, age 13;
16. Saddam Hossain, age 7;
17. Fatema Khaun, age 13; and
18. Nurjahan, age 5.

(Source: "18 Burmese Citizens Rescued from Traffickers," *Narinjara News*, 10 July 2004)

7.6 Violence against Women

Women in Burma continue to be subjected to various forms of violence perpetrated against them by members of their own community and by other actors sanctioned by the military government. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified by the SPDC in 1997, binds the government to making attempts to reduce gender-specific violence. However, there is continuing evidence from both local and international NGOs, as well as the U.S. government, that the military regime specifically targets ethnic women and uses rape to control ethnic minority populations, effectively turning 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, Shan Women's Action Network (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 in four 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 when 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 and in most cases in front of their own troops, and the impunity with which they were carried out, the report argues that rape is both condoned by the government

and used as a weapon of war in order to terrorize and subjugate the ethnic Shan. (Source: *License to Rape*, SWAN and SHRF, May 2002)

In April 2003, Refugees International released a report, *No Safe Place*, independently confirming *License to Rape* and providing further evidence that large 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 else who had been raped. In only two of these cases were the rapists ever punished. Again, in April 2004, the Karen Women's Organization (KWO) released *Shattering Silences*, documenting 125 cases of rape perpetrated by soldiers of the Burma Army over a period of 16 years from 1988 to 2004 in Karen areas. 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.

Most recently in September 2004, the Women's League of Burma (WLB) released *System of Impunity* documenting 26 cases of rape which transpired over a two year period from 2002 to 2004 in all seven ethnic states. The report not only documents incidents of rape in Burma, but also places rape in an analytical framework that identifies rape as a systematic weapon of war employed by the military regime. In 17 out of the 26 incidents documented in the report, the rapes or gang rapes were either perpetrated by senior military officers or authorities, or with their complicity. In 11 of the cases, senior officers and authorities are the direct perpetrators. Fifteen of the cases presented in the report detail the rape of young girls under the age of 18 by members of the armed forces or other state sanctioned actors. (Source: *System of Impunity*, WLB, September 2004)

In addition to WLB's report, incidents of sexual abuse and rape continued to emerge throughout 2004. Many incidents actually occurred during the day, when women were gathering vegetables, harvesting fields or traveling along roads. In many cases, women were raped in front of their husbands while soldiers restrained or tied up the men who had been traveling with the women. Sometimes soldiers came into people's homes or took women from their villages. Soldiers from the Burmese Army frequently stay in the homes of villagers, taking advantage of their hospitality and trying to gain protection from guerilla attacks. Villagers have little say in the matter and this situation has often resulted in women being raped within their own homes.

Reports beginning in January 2004 describe soldiers in Mon State taking women from their homes and conscripting them for participation in "fashion shows" in order to entertain soldiers. Mi San Myint, a woman from Krein Ka Nyar village, Ye Township, said that 18 women from six villages were especially selected based on their beauty and forced to participate in a pageant at a military base. Following the pageant, soldiers raped several of the participants, including Mi San Myint, who was raped twice just outside her village. Another rape victim, Mi Cho Myint, indicated that, before raping her, soldiers forced her to remove her clothes in front of military officials. These reports were confirmed by the village headman (source: Taramon and Cham Toik, "Violence Mounts Against Mon Women In Rural Areas," *Kao Wao News*, 8 March 2004). Also on 4 January 2004, the No. 3 Tactical Command, led by Brigadier Myo Win, ordered 2 to 4 pretty Mon ladies each from 16 villages, including Khaw-za village, to participate in a "Fashion and Beauty Show." The show was held in Khaw-za village, southern Ye Township, where the No. 3 Tactical Command was based. There also, the most beautiful women were reportedly selected and often raped by

soldiers after the show. In both cases, women's families were fined if they tried to avoid their daughter's participation. (Source: "Terror in Southern Part of Ye Township – Part II," *The Mon Forum*, HURFOM, 29 February 2004)

Despite the extensive supply of evidence and testimony of rape and sexual violence, the SPDC holds firm that claims of rape are fabrications and refuses to concede to both international and domestic calls for independent and transparent investigations into the many rape reports. The UN Special Rapporteur on the Situation of Human Rights in Burma, Professor Paulo Sergio Pinheiro, has proposed conducting independent investigations for the purposes of corroborating information provided to him about rapes in Shan State and Karen State perpetrated by members of the Burma Army. Yet, the SPDC has not agreed to his offer. Moreover, in 2002 and 2003, reports emerged of military authorities' efforts to conceal evidence of these human rights violations by forcing villagers to sign affidavits indicating that rapes never occurred or training villagers to lie to international monitors such as the International Committee of the Red Cross.

Denial on the part of the SPDC and refusal to investigate and prosecute perpetrators not only leads to a culture where sexual abuse of women is permissible and women's protests are insignificant, it also invalidates women's attempts to speak out and for women's experiences to take public space. The political nature of rape is nowhere more evident than in the SPDC's manipulation of the rape reports as attempts to derail ceasefire efforts, the National Convention and Burma's path towards democracy. A statement made by the SPDC following the release of *Shattering Silences* stated, "While the whole country is preoccupied in the building of a unified and peaceful nation some individuals and interest groups based in foreign countries are resorting to malicious allegations in the derailment of the positive steps being taken in the country. Their latest ploy, such as "rape used as weapon of war" against the Kayin (Karen) women is not only absurd, but regretful to realize that nothing will stop (them) in their attempt to discredit the government and to derail its systematic transition to a sustainable democracy." Women are silenced not only by the taboos in their community and by their inability to take action against perpetrators, but also by the political rhetoric of the State (source: "Myanmar Rejects 'Absurd' New Rape Allegations," AFP, 4 April 2004). Yet, women do continue to speak out about the abuse. "What kind of transition to democracy involves raping women? We can't be silent about this," said Naw Hset, a KWO member involved in compiling the *Shattering Silences* report (source: "KWO Affirms Commitment to Peace Process," KWO, 5 April 2004).

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 that 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, with the risk of 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 - 2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

Domestic Violence

Domestic violence against women, including physical, emotional and sexual abuse, is also a significant and increasingly prevalent problem in Burma. The HURFOM estimates that approximately 80% of families in Burma have suffered from domestic violence. 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 prevent women from reporting incidences of abuse. EarthRights International, a human rights NGO, has indicated that 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," EarthRights International, 2003). In two cases reported by the HURFOM, women who filed for divorce after being repeatedly beaten by their husbands were forced to pay their husbands compensation because they had been the party to file for divorce. (Source: "Discrimination and Violation against Women in Burma," HURFOM, 31 March 2004)

People from Burma living in refugee camps in neighboring countries are especially susceptible to domestic violence. According to EarthRights International, "They [refugees] 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," EarthRights International, 2003)

Women who have been raped are sometimes punished and even killed by their own family members. A woman interviewed by EarthRights 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." (Source: "Facing Violence Amongst Ourselves: Domestic Violence in Refugee Communities," EarthRights International, 2003)

Physical Violence against Women - Partial List of Incidents for 2004

Karen State

(See note above about Pa-an and Papun Districts in section 7.3)

Pa-an District

On 16 September 2004 at 4:00 pm, troops from DKBA 999 fired a round of M-72s in Ta Krai Ni village, wounding 3 villagers. Those villagers were:

1. Naw Moe Loe, female, age 53;
2. Naw Paw Ler, female, age 13; and
3. Saw Dah Ler, male, age 11. (Source: CIDKP, 2004)

Shan State

On 27 February 2004, a USDA member beat 7 villagers with a stick while they were engaged in forced rice planting in a rice field near Kaeng Yaang village. The victims were:

1. Lung Kham Yad, male, the village headman;
2. Lung Kham Leng Lern, male;
3. Zaai Saang Mawng, male;
4. Naang Kham Suay, female;
5. Naang Yaen, female;
6. Naang Yong, female; and
7. Naang Mo Kham, female.

Naang Yaen was 3 months pregnant at the time of the incident. As a result of the beating she suffered a miscarriage the next week. (Source: *SHRF Monthly Report*, SHRF, July 2004)

On 28 February 2004 at about 9:30 pm, 4 SPDC troops led by Commander Tin Soe from the artillery unit about 1 mile west of Kun-Hing town entered a house in No. 3 quarter of Kun-Hing and arrested a woman named Naang Kham Ing. According to the local people, some time ago the SPDC commander had courted Naang Kham Ing, frequently visiting her house. However, Naang Kham Ing already had a boyfriend and she later married him. Naang Kham Ing was found dead in a bush near the road leading to the military base the next day. Her throat had been slit. (Source: "A Woman cut to Death in the Throat in Kun-Hing," *SHRF Monthly Report*, SHRF, June 2004)

On 8 June 2004, SPDC police and members of the "people's militia" forcibly entered the house of Zaai Tui and his wife, Naang Leng, in Yaang Wo village in Kaad Fa village tract, Kaeng-Tung Township. Zaai Tui and Naang Leng were accused of hiding methamphetamine tablets in their house. The police and militia searched the house and found nothing. They arrested and tortured Zaai Tui and Naang Leng. As a result of the torture, Naang Leng incurred severe wounds on her forehead and waist. The group also took all the money and valuables found in the house, worth approximately 1,900,000 kyat. (Source: "Villagers Tortured and Robbed of Their Property in Kaeng-Tung," *SHRF Monthly Report*, SHRF, October 2004)

On 9 June 2004, 4 SPDC troops from LIB 525 led by a Corporal came to the house of Naang Mya Ung (female, age 22) and told her that their Major had ordered them to take away her pig. Naang Mya Ung refused, as the pig was her only source of food. The troops seized the

pig and when Naang Mya Ung screamed for help, the troops shot her dead. They loaded her pig on a truck and drove away. Attempts by Naang Mya Ung's parents and community leaders to file a complaint were unsuccessful. (Source: "A Displaced Woman Shot Dead, Her Pig Stolen, in Laung-Khur," *SHRF Monthly Report*, SHRF, August 2004)

On 24 September 2004, a patrol of about 30 SPDC troops from LIB 515 led by Commander Kyaw Win Naing attacked a group of villagers (13 men, 11 women and 4 children) at a rice farm near Wan Paang village in Wan Heng village tract, Lai-Kha Township. The troops said that Shan soldiers had recently passed by that way and asked the villagers whether they had seen them and knew which way they had gone. When the villagers said that they had not seen the Shan soldiers, the SPDC troops accused the villagers of telling lies and beat the men with sticks. The women were questioned one by one and each woman was slapped once. The troops accused the villagers of cultivating rice with the intent to support it to the Shan resistance. After that, the oldest villager present, Lung Zaai Long (age 51), was singled out and severely beaten and kicked until he lost consciousness. An ox-cart had to be brought in to carry him home as he was so severely wounded that he could not walk. Many of his relatives judged by his injuries that he would not live long. (Source: "Farming Villagers Severely Beaten, One of Them Close to Death in Lai-Kha," *SHRF Monthly Report*, SHRF, February 2005)

Mon State

On 4 February 2004, troops from LIB 586 arrested and tortured Mi Tin Shein (age 55) and Mi Pa Khin (age 50) in Kabya-wa village. Mi Tin Shein is the wife of the rebel leader, Nai Hlein, and Mi Pa Khin had helped Mi Tin Shein by providing shelter to her in her home. According to a witness, after being arrested, both women were seriously tortured. During the interrogation, the Burmese soldiers beat their bodies with bamboo sticks and cut their faces with knives until the other villagers could not recognize them. Under the duress of the torture, Mi Tin Shein gave the names of 6 villagers with contacts to the rebel soldiers, who were subsequently arrested. The names of those villagers are:

1. Nai Hara, male, from Win-tamort village;
2. Mi Hla Tin (his wife), from Win-tamort village;
3. Nai Suu, Kyone-kanya village headman;
4. Nai Gone Sakar, Kyone-kanya village headman;
5. Nai Hit, male, from Kyone-kanya village; and
6. Mi Mya Kyi (his wife), from Kyone-kanya village.

After being arrested, all 6 villagers were seriously tortured. The LIB 586 soldiers brought the villagers to the jungle to find hidden guns supposedly left by rebels and to show them the rebels' temporary bases. When the villagers could not do this the soldiers tortured them and pointed knives at their throats. During the rest of their incarceration, they were beaten with bamboo sticks and gun-boots. According to Mr. Suu (age 59) the soldiers beat his entire body while he was tied up, hung him from a roof and burned him with cigarettes. They were eventually released for a ransom of 100,000-300,000 kyat per person. The soldiers held Mi Mya Kyi for over 2 weeks, torturing her continuously. (Source: *Gross Human Rights Violations in Ye Township*, HURFOM, September 2004)

(See section on Rape and Sexual Violence- list of incidences for sexual violence against women.)

Rangoon Division

On 18 April 2004 at about 2:30 pm., Police Corporal Aung Naing Soe attacked a betel nut seller, Ma San San Htay (female, age unknown) on Thida Street in Thida ward, Kyinmyindaing Township, Rangoon Division. After complaining about homeless people in the vicinity, the officer began clearing them away. Ma San San Htay was resting when the officer kicked her awake. The officer then hit her in the mouth, grabbed hold of her hair and dragged her along the road by her hair for over 50 yards while abusing her verbally. At this time, Kyaw Min Htun (male, age 26) came by on his bicycle and tried to intervene. The officer hit Kyaw Min Htun. Kyaw Min Htun responded by hitting the officer and breaking his nose. He was arrested and charged with crashing his bicycle into and attacking the officer without warning while the officer was performing his duties. On 24 June 2004, the Kyinmyindaing Township Court found Kyaw Min Htun guilty of assaulting the police officer in the course of his duties and sentenced him to 2 years imprisonment with hard labor (Case No. 247/2004). (Source: Asian Human Rights Commission (AHRC) Urgent Appeals Deck, 30 August 2004)

7.7 Rape and Sexual Violence - Partial list of incidents 2004

Incidents of Rape and Murder

Arakan State

On 27 April 2004, A Rohingya girl, Shajeeda (age 12), living in Rakhine State was raped and murdered by a member of the Nasaka border security force while she was with her cattle on a hillside near Kyi Kan Pyin Village in Maungdaw Township North. At 4:00 pm, a Nasaka border security officer took the girl, raped her and strangled her to death. (Source: *System of Impunity*, WLB, September 2004)

Shan State

In January 2004, Naang Kham (female, age 25) from Kun-Hing town was raped and killed by SPDC troops from Kun-Hing-based artillery unit about half a mile west of their base. Villagers reported witnessing 3 - 4 SPDC soldiers taking away a person to the area where Naang Kham's body was found the following day. She had apparently been beaten to death after being raped and sexually tortured, and a dry cell battery was still stuck in her sex organ. She was found naked with a fracture wound to her head. The woman's father, Lung Zin-Ta, and some relatives attempted to file a complaint against the SPDC soldiers. Although he met with only denial from the military, he continued to be vocal about the incident. In October 2004, Lung Zin-Ta was found beaten to death after having been arrested and taken into custody by 5 SPDC troops. (Source: "Daughter Raped and Killed, Father Killed for Complaining in Kun-Hing," *SHRF Monthly Report*, SHRF, January 2005)

On 13 March 2004, Naang Hawm (age 19) from Haai Ngern village was going to Murng-Kerng town market and was raped and killed by a patrol of SPDC troops from Lai-Kha-based LIB 515 in the forest about 5-6 miles south of Murng-Kerng town. Following Naang Hawm's disappearance, SPDC troops spread news that they had caught and killed a woman

who was a wife of a Shan soldier. After 5-6 days, Naang Hawm's body was found by some forest gatherers in the forest about 5-6 miles south of Murng-Kerng town and her relatives were informed. When Naang Hawm's relatives saw her body, it was almost beyond recognition. However, they recognized the clothes she had worn, which were scattered beside her body, and her other physical characteristics. It was evident that she had been raped. (Source: "A Woman Raped and Killed in Murn-Kerng," *SHRF Monthly Report*, SHRF, July 2004)

On 25 April 2004, Naang Zum (age 18) was forcibly taken from her garden by a group of about 15 SPDC troops and into a nearby forest. The soldiers wore no insignias but were apparently SPDC soldiers, according to some local people who saw them entering Naang Zum's cucumber garden. The SPDC troops gang raped Naang Zum and finally stabbed her in the neck with a knife and killed her. The incident occurred in the forest about 40 yards from her cucumber garden. Naang Zum was the daughter of Lung Kyawng Wong and Pa Kyawng Sa of Murng-Su. (Source: "A Woman Gang Raped and Stabbed to Death in Murng-Su," *SHRF Monthly Report*, SHRF, June 2004)

On 28 August 2004, Naang Thawn (age 22), who was 3 months pregnant, and her friend, Naang Wun (age 20), were arrested, gang raped and shot dead by a patrol of 20-25 SPDC troops from LIB 514, led by Commander Maung Myint, in a forest in Murng Khun village tract, Murng-Kerng Township. Some time later, some SPDC troops were heard telling villagers that they had raped and killed 2 women because they were wives of Shan soldiers. (Source: "Two Displaced Women Gang-raped and Killed, One was Pregnant, in Murng-Kerng," *SHRF Monthly Report*, SHRF, January 2005)

In November 2004, Naang Ting (age 29) was raped and killed while her husband, Zaai Zaam Myint (age 32), and another man, Zaai Thun Nae (age 21), were forced to serve as porters for 2 days before being killed by SPDC troops from LIB 515, led by Captain Kyaw Kyaw Aye, in Paang Saang village tract, Lai-Kha Township. Naang Ting was stopped by a patrol of 30 soldiers while bringing rice to the men harvesting rice in the fields. Despite having permission from the authorities to travel for the harvest, she was accused of taking food to Shan soldiers. She was forced to take the soldiers to where her husband and friend were working and the 3 of them were arrested. After traveling with the soldiers for 30 minutes, the SPDC troops stopped in the jungle and gang raped Naang Ting. They eventually shot her dead. Zaai Zaam Myint and Zaai Thun Nae were forced to serve as porters for 2 days before they were also shot dead by the troops. (Source: "A Displaced Woman Raped and Killed, 2 Men Killed During Forced Labour in Laika," *SHRF Monthly Report*, SHRF, February 2005)

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 26 June 2004, Colonel Maung Lwin Oo, with his troops from IB 101 Column 1, based in Tenasserim, came to Manoroue village area at Lay Law K'Tei Hkee (an area where villagers were hiding). The troops saw Saw Randy's hut and shot at it. Saw Randy's wife, Naw Aung Thein Me, who was in the hut, was shot in her hand. The troops entered the hut and raped Naw Aung Thein Me and killed her immediately. They cut off her ear lobes to take her

earrings. They also took possessions estimated to be worth 9,000 kyat from the hut. (Source: Monthly Human Rights Situation Report; Tenasserim Division, Mergui-Tavoy District Information Department, KNU, June 2004)

On 4 November 2004, the active company from LIB 557 Column 1 arrived near Kyauk-tu village in Tavoy Township, Tenasserim Division, and arrested villager Naw Dah (aka) Ma Khin Myo Oo (age 25) at her father, U Saw Eh Htoo's, plantation hut. They accused her of supporting KNU Company 1 Battalion 10. She was interrogated, tortured and raped by the same soldiers until she died. (Source: ABSDF, 2004)

Incidents of Rape

Chin State

On 13 July 2004, Captain Phu Thaw, company commander of SPDC LIB 50, tried to rape a Chin farmer, Daw Marie (age 30), in her home in Sabawngpi village. Daw Marie's husband was not at home when the captain suddenly covered the mouth of the woman with his hand and pointed his pistol at her and tried to rape her. Her struggles and cries alerted the neighbors who were able to prevent the rape from occurring. (Source: "SPDC Captain Tried to Rape a Married Woman," *Rhododendron News*, CHRO, September-October 2004)

Karen State

(See note above about Pa-an and Papun Districts in section 7.3)

Dooplaya District

On 16 February 2004 at 12:00 pm, Private Ahn Gyi of SPDC IB 32 raped Mu Yone Kyi (age 27) and slapped her twice on the face. The soldier was under the control of Htee Hta Baw camp commander, Sergeant Kyi Noo. Mu Yone Kyi is the wife of Saw Yin Htwe and the mother of 2 children. She is from Lay Khaw Hti village in Kya Inn Township. (Source: CIDKP, 2004)

On 5 September 2004, troops from SPDC IB 51 led by Battalion Commander Zaw Min made 3 attempts to rape nuns while sleeping at the monastery in Anam-gwin village, Win-yae Township, at 12:00 midnight, 1:00 am and 2:00 am respectively. The 6 nuns were:

1. Nan Moe Moe Myint, nun hood name Ma Pa Pa Waddy (age 13), daughter of Saw Pah Lu Kho from Htee Po Baw village. Her lower robe was pulled away;
2. Naw Paw Aw Ka Wah, nun hood name Ma Nanda Waddy (age 8), daughter of Saw Hla Shwe from Ta Nyin Gon village. Her lower robe was pulled away;
3. Naw Mu Hser, nun hood name Ma Nanda Sandi (age 11), daughter of Saw Hla Tin from Htee Po Baw village. Her lower robe was torn;
4. Naw Moo Nay Hser, nun hood name Ma Wi Mar Lar (age 13), daughter of Saw Kyaw Klu from Than Ba Ya village. There was sexual contact but she was able to struggle and escape;
5. Naw Mu Thaw Eh, nun hood name Ma Yu Pa Marlar (age 14), daughter of Saw Chit Hti Toe from Than Ba Ya village. Her legs were pulled; and
6. Naw Lu Lu, nun hood name Ma Thi La (age 11), daughter of Saw Win Tha from Anan-gwin village. Her lower robe was torn. (Source: CIDKP, 2004)

Toungoo District

On 7 January 2004 at about 9:00 pm, Sergeant Tin Shwe and one of his friends from SPDC LIB 124, under the command of Bo Aung Naing Oo, abducted a woman, Naw Thay Po (age 36), from Kaw Soe Kho village in Tan Da Bin Township, Toungoo District. They also abducted 1 of her young children. At a place between Kaw Soe Kho and Kler Ler village, these SPDC troops raped her. The village headman followed them and brought Naw Thay Po home at about 1:00 am. Although she was brought back home, she could not speak normally until the time of this report, as she was still in shock. On that night, Sergeant Tin Shwe went to Maw Pa Doe village, summoned a girl named Naw Htee Ye, and looted from her a pair of earrings and a gold ring. On 5 February 2004, Company 1 Commander Aung Naing Oo of SPDC LIB 124 put under duress Kaw Soe Kho village head, Saw Ta Tu, pastor Saw Htoo Heh and Naw Thay Po's husband, Saw Peter, and forced them to sign their names to a document stating that:

1. Sergeant Tin Shwe was not carrying a weapon on the night of 7 January;
2. Sergeant Tin Shwe took Naw Pay Po only as a guide; and
3. Sergeant Tin Shwe did not rape Naw Pay Po. (Source: *Shattering Silences*, KWO, April 2004)

On 16 February 2004 at 12:00 pm, Private Ahn Gyi of SPDC IB 32, under the command of Htee Hta Baw Camp Commander Sergeant Kyi Noo, raped Mu Yone Kyi (age 27), the wife of Saw Yin Htwe and the mother of 2 children from Lay Khaw Hti village in Kya Inn Township. When she reported the rape to Sergeant Kyi Naing, he slapped her in the face 2 times. No action was taken against the rapist. (*Shattering Silences*, KWO, April 2004)

Pa-an District

On 1 August 2004, an SPDC soldier from LIB 357 under the command of Captain Khin Maung Htay raped Naw Haw Thay in Pa-an District, Karen State. The victim was too terrified to reveal more details. (Source: *Shattering Silences*, KWO, April 2004)

Karenni State

On 7 July 2004, a Karenni girl, Daileh (age 15), was raped by SPDC soldier Ngae Lay of LIB 428/531 and IB 72 beside the military base, near Hoya in Pruso Township, Karenni State. She was traveling home from Hoya when soldiers blocked her way. Ngae Lay threatened her with a grenade and raped her behind some bushes off the road. Her parents reported the incident but no action has been taken. Daileh now reportedly suffers from depression and a mental disorder. (Source: *System of Impunity*, WLB, September 2004)

Mon State

In February 2004, Mi Choma (age 19), daughter of Nai Kmao Done and Mi Pu from Mi Tawhlar village in southern Ye Township, was raped by soldiers from SPDC Battalion 28 while she was in custody at a detention center near her village. Mi Choma and her parents were arrested by the soldiers and held in detention for 10 days. On the final day of their detention, Mi Choma was separated from her parents and raped by the soldiers. (Source: "Burmese Army Perpetuates Rape," *Kao Wao News*, 5 February 2004)

In February 2004, it was reported that Mi Aye (age 20) from Kaw Hlaing village was arrested and gang raped by soldiers from IB 586, under the command of Captain Hla Khaing. Mi Aye and her father, Nai Win, were accused of having contact with a Mon guerrilla group and were taken away to stay with the troops of Captain Hla Khaing during the military operation in their area. They were held for 2 months and forced to stay at the military base where Mi Aye was gang raped by the soldiers. (Source: "Burmese Army Perpetuates Rape," *Kao Wao News*, 5 February 2004)

On 17 February 2004, 3 Mon women were gang raped by Captain Hla Khaing and soldiers from LIB 586 in Mon State. The women were:

1. Mi Myat Hlay, age 20, from Ywa Thit;
2. Mi Soe Win, age 25, from Thae Khan Village; and
3. Mi Za Tile, age 17, from Sin Gu Village.

Mi Myat Hlay was detained for 2 days and serially raped by the Captain of IB # 58, Captain Hla Khaing, after being accused of having contact with Mon armed groups. Following his example, soldiers under his command also gang raped the women. (Source: *System of Impunity*, WLB, September 2004)

On 19 February 2004, a Mon woman, Mi Mya Htay (age 17), was raped by Corporal Naing Naing from the Fourth Military Training Centre of Southern Command in Kyoun Ka Dat Village in Thanbyuzayat Township, Mon State. (Source: *System of Impunity*, WLB, September 2004)

Bilin Township

On 7 November 2004, while the military was engaging in offensives in Karen State, soldiers from SPDC LIB 378 under Operation Command 9 arrived in Ler-ka-ter village. There, the soldiers lined up the villagers and demanded money from them. In addition, the soldiers raped villager Naw Ma Daw (age 32). On the same day, 2 soldiers from LIB 378 arrived at Mae-wae-hta village in Bilin Township and raped teenager Naw Cho Mar (age 13) while she was collecting vegetables in the forest. (Source: ABSDF, 2004)

Ye Township

On 12 January 2004, SPDC Tactical Command No. 3 ordered the village headmen to send 3 unmarried women every day to do basic work such as cooking, carrying water and finding fire wood for the military column while they were operating a military campaign in southern Ye Township, Mon State. Soldiers in the Tactical Command No. 3 used these women for forced labor by day and raped them at night. The women came from many households in Khaw-za village and 6 other nearby villages. The women were rotated daily with new unmarried women from the villages. "After having dinner, they demand to have massage, and when night fell they raped us. We did not dare resist at all," said a 23 year old woman who was raped by these soldiers, but who wished to remain anonymous. (Source: "Terror in Southern Part of Ye Township – Part II," *The Mon Forum*, 29 February 2004)

In February 2004, it was reported that Captain Hla Khaing of LIB 586 raped a 20-year-old woman who wished to remain anonymous. The woman is the daughter of Nai Sway from Toe-tat Ywa Thit village. The Captain had arrested the woman's father and tortured and interrogated him. The Captain called the woman to come and negotiate for the release of her father. When she came, she was detained and raped repeatedly over the course of 2 days.

Soldiers under the command of the Captain raped a 17-year-old woman from Sin-gu village. The soldiers also held a knife to the throat of a 25 year old woman from The-khone village. However, she was able to call for help and was rescued by nearby villagers. Following the incidents, the women did not dare live in their villages any longer and fled. (Source: "Terror in Southern Part of Ye Township – Part II," *The Mon Forum*, 29 February 2004)

In February 2004, it was reported that a 20-year-old woman from Kaw-hlaing village, who was 5 months pregnant, was arrested by the troops of Burmese Army LIB 586 and gang raped over a 2 month period. Her father, Nai W—, was arrested by the commander of LIB 586, Captain Hla Khaing, on the suspicion of being a rebel agent and she was arrested soon after. She was transported with the troops of LIB 586 and raped by both the commander and the soldiers. She was not given adequate food, she became very weak and she begged the soldiers to kill her. When the soldiers passed through Yinve village (approximately 5km from her home), the woman gave birth to her baby in the eighth month of her pregnancy. She is currently being taken care of by villagers there. (Source: "Terror in Southern Part of Ye Township – Part II," *The Mon Forum*, 29 February 2004)

Shan State

On 28 September 2004, Naang Nguay (age 30) from Zalai Khum village in Ter Leng village tract, Lai-Kha Township, was gang raped by 3 SPDC soldiers when she went to gather firewood in the forest in Lai-Kha Township. After the rape, she was accused of being the wife of a Shan soldier. Each soldier kicked her 3 times. Naang Nguay reported the rape to her husband and village leaders but without witnesses or information about the troops unit, no complaint could be made. (Source: "A Woman Gang Raped and Killed in Lai-kha." *SHRF Monthly Report*, SHRF, February 2005)

Kaeng-Tung Township

On 9 February 2004, Na Kyaw (not her real name) (age 39) from Naa Pao village in Naa Pao village tract, Kaeng-Tung Township, was going to buy consumer goods at Murng Lung village in Murng-Sart Township when she came across a group of SPDC troops from LIB 580 taking security about 2 miles north of Murng Lung village. The troops questioned the woman and forced her to stay with them, claiming it was for her own security to do so. When night came, the troops took Na Kyaw to where they camped for the night. There were altogether about 10 SPDC soldiers from Murng-Sart based LIB 580 camping at that place with a captain being their commander. Na Kyaw was raped by all 10 SPDC troops during the night and was only released the next morning. The SPDC troops warned Na Kyaw not to tell anyone about how she had been treated or they would come after her and kill her. (Source: "Gang Rape in Murng-Sart," *SHRF Monthly Report*, SHRF, May 2004)

Mong-Ton Township

On 16 April 2004, Nang Seng La (not her real name) was gang raped by 12-14 troops from SPDC IB # 245, led by a second lieutenant in Mong Hta village in Mong-Ton Township, southern Shan State. Two days later, the battalion commander himself arrived in Mong Hta to handle the case. The Second Lieutenant and his team were sent back to the Battalion HQ. The victim was given 150,000 kyat, equivalent to approximately US\$150. She was warned not to

reveal her story. She was placed under close observation and was forbidden to leave her village. (Source: *System of Impunity*, WLD, September 2004)

Murng-Paeng Township

On 20 April 2004, 3 women were going to the market at Paang Kaetu village when they came across a group of about 25 SPDC troops from LIB 514, led by Commander Kyaw Win. The SPDC troops, who were guarding the road, stopped the 3 women and gang raped them for many hours, from 9:00 am to 12:30 pm, before releasing them. The 3 women from Wan Huay village (not their real names) are:

1. Naang Mon, age 19;
2. Naang Zing, age 21; and
3. Naang Lern, age 24.

The women immediately returned to their village and related their plight to their relatives and community leaders. The leaders decided against reporting the incident for fear of further violence and reprisals. (Source: "Gang Rape and Torture in Murn-Paeng," *SHRF Monthly Report*, SHRF, October 2004)

On 4 May 2004, 2 sisters, Naang Poi (not her real name) (age 16) and Naang Aam (not her real name) (age 21) were gang raped by a patrol of 30 SPDC troops from IB 43 while they were working on a rice farm near Naa Khaw village in Murng Pu Awn village tract, Murng-Paeng township. When the troops, led by Commander Myint Hla, had left, Naang Aam treated her unconscious sister and they returned to their village, about 2 miles away. (Source: "Two Sisters Gang Raped in Murn-Paeng," *SHRF Monthly Report*, SHRF, October 2004)

On 1 June 2004, a group of 30 SPDC troops from IB 43 led by Commander Saw Naing came to Lung Awn's house (age 51) in Murng Pu Awn village in Murng Pu Awn village tract, Murng-Paeng Township. The troops asked the man for a walkie-talkie or a cell phone. When Lung Awn said he did not have any, the troops searched his house. They beat and kicked him and burnt his buttocks with candle fire, causing serious wounds. The man's daughter in law, Non Zing, was dragged onto a bed and raped by 6-7 soldiers, who then shot her in the thigh. (Source: "Gang Rape and Torture in Murn-Paeng," *SHRF Monthly Report*, SHRF, October 2004)

On 22 June 2004, Naang Seng (not her real name) (age 19) was gang raped by a patrol of 12 SPDC troops from IB 43 while gathering 500 pieces of split bamboo for the military with her husband, Zaai In Phom (not his real name) (age 24), in the forest near Naa Khaw village in Murng Pu Awn village tract, Murng-Paeng Township. While they were doing their forced labor, the troops, led by Commander Aung Naing Oo, came to them, tied Zaai In Phom up, and gang raped Naang Seng in front of him. When Naang Seng screamed and struggled, the troops covered her mouth with their hands, grabbed her arms and legs and continued to rape her until all of them had finished. (Source: "Gang Rape during Forced Labor," *SHRF Monthly Report*, SHRF, October 2004)

Ho-Pong Township

On 7 July 2004, a patrol of 30 SPDC troops from IB 249 led by Captain Thein Kyaw beat up Lung Kan-Tha, (age 57) until he lost consciousness, gang raped his daughter, Naang Khawng (age 31), until she too lost consciousness and stole their oxen. The 2 villagers were stopped on their way to gather firewood in Murng Pawn village tract, Ho-Pong Township. They were

accused of transporting rice for Shan soldiers. The village leaders reported the incident to the battalion commander of IB 249, however no action was taken. (Source: "Daughter Gang Raped, Father Beaten, Oxen Stolen, in Ho-Pong," *SHRF Monthly Report*, SHRF, November 2004)

Nam-Zarng Township

On 31 July 2004, 3 Palaung women were raped at gunpoint by 3 soldiers from LIB # 516 and LIB 517 in the former Naung War village in Namzarng Township, southern Shan State. The soldiers were based at a gravel quarry in the southeastern Military Control Zone Two, Mile No. 9, on the Kholam-Wet Saya road and although they wore no identification tags, they were recognized by villagers. The women were:

1. Mae Song, age 35;
2. Mae Aik Linn, age 30; and
3. Mae U Don, age 12.

Mae Song was struck by a gun by the soldiers several times when she tried to refuse their demand that she lie down for them. While the soldiers were raping Mae Aik Linn, another tortured her husband and proceeded to rape her cousin, Mae U Don. (Source: "SPDC's Soldiers Rape Palaung Teenager," PYNG & PWO, August 2004)

On 14 August 2004, 3 Palaung women were raped by SPDC troops from IB 66 led by a Sergeant, locally known as "Sara Kalaa", near Maak Mong Lao village in Nam-Zarng Township. The 3 women were:

1. E Oo, age 12;
2. E Suay, age 25; and
3. Me Zoi, age 40.

The 3 women were just outside their village when the incident occurred. The troops concerned were on patrol of the area at the time. Although the village leaders of Maak Mong Lao village had lodged a complaint with the SPDC military authorities at Kho Lam village in Nam-Zarng Township, no action, to the date of this report, October 2004, has been taken. (Source: "3 Palaung Women Raped, Including a 12-Year-Old, in Nam-Zarng," *SHRF Monthly Report*, SHRF, November 2004).

Tenasserim Division

(See note above about Mergui-Tavoy District in section 7.6)

Mergui/Tavoy District

On 14 March 2004 at about 10:00 am, Daw Mi Than (age 54), wife of U Pho Mya, who lives in Kyauk Hlayga village in Thayetchaung Township, Tavoy District, was repeatedly raped by Second Corporal Maung Toe and 2 other SPDC soldiers from LIB 402 Company One while she was on the way to her farm. The rape took place about 2 kilometers from the village. (Source: *System of Impunity*, WLB, September 2004)

On 5 June 2004, 2 groups of the People's Militia from Pawat village mistakenly opened fire at each other in Pawat Plaw Pa Htaw village in Tenasserim Township, Mergui District, during the night. During their fighting, 2 villagers were injured by a stray shell. After the accident, 1 of the militants raped a woman in the village. The village headman reported the case to No. 2 Tactical Command office. After that, No.2 Tactical Commanding HQ asked IB 101 to

investigate the case. The Commander arrived to the village and asked Oo Kyaw Win, the leader of the militants, about the rape case, but he said nothing. No militant was disciplined. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, June 2004)

On 10 August 2004, an 18-year-old Mon woman was repeatedly raped near her village in Yebyu Township, Tenasserim Division, by a Sergeant from SPDC LIB 406. She was traveling with 5 men when they were stopped and robbed by the Sergeant. The men were left to continue on their way and the woman was held and raped for 1 day and 1 night. The Sergeant then returned her to her village where she was treated in hospital for 3 days. LIB 406 and LIB 273 were responsible for security in this area. There were reports of at least 10 other Mon women being raped by Burmese troops in this area in early 2004 when the SPDC was fighting against a Mon splinter group in the southern part of Ye Township. (Source: HURFOM, 2004)

8. Rights of Ethnic Minorities

In conclusion, I would like to stress again that the right of “self-determination” that we are struggling for is what we call “internal self-determination”: which will guarantees our collective rights; the right to rule our homeland by ourselves, the right to practice our religious teaching and culture freely, the right to teach, learn and promote our language freely, and the right to up-hold our identity without fear and live peacefully together with others. I can assure you that we are not separatists. We are for a united Union of Burma, but what we want is a genuine federal union where all ethnic groups in Burma can live peacefully together [sic].

- Dr Lian H. Sakhong General Secretary of the United Nationalities League for Democracy (UNLD-LA) and Ethnic Nationalities Council – Union of Burma (ENC). (Source: “A Struggle for Self-Determination in Burma: Ethnic Nationalities Perspective,” delivered at the Conference on Indo-Burma Relations, India International Center, 16-17 September 2004)

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. The population of Burma is estimated to be 50 million people, with over 20 million people referred to as “ethnic minorities.” Therefore, the ethnic minority civilians constitute one third of the population, living on 55% of the land area or 371,000 sq. km. The major ethnic groups include the Chin, Kachin, Karen (or Kayin), Karenni (or Kayah), Mon, Rakhine (or Arakan) and Shan. These major ethnic groups are predominantly located in the border areas. The ethnic groups in Burma are frequently referred to as “ethnic nationalities.” At the same time, they are also defined by the international community as “ethnic minorities” because they represent a marginalized people. Moreover, the ethnic minorities have been subject to exclusion and oppression imposed upon them by the dominant Burman majority (source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003)

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 State Peace and Development Council (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 nationalities 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. By dividing the country into "Ministerial Burma" and "Frontier Areas" the British system 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, *Burma (Myanmar): The 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 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)

The 1948 constitution gave each nationality representation in a Chamber of Nationalities at the national level. Yet, it specifically only recognized four states for the Karen, Karenni, Shan and Kachin. Only the Shan and Karenni were granted the right to separate from the Union 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, *Burma(Myanmar): The Time For Change*, Minority Rights Group International, May 2002)

8.2 Ethnic Politics, Nationalism, Armed Resistance, and Ceasefire Groups

Prior to independence from the British, the ethnic nationalities were self-ruled and autonomous from other ethnic groups. Hence, the Burmese government and military has long viewed the ethnic minority population as a threat to centralized state control and the unity of Burma. The diversity of religions and languages found in the ethnic areas is also perceived by the SPDC as a barrier to “modernization” and economic progress (source: “USDA Say Teaching Mon a barrier for reconciliation,” *Kao Wao News* No. 73, 21 August 2004). The rich cultural diversity expressed by the ethnic minority populations represents a stark opposition to the apparent aims of the military government to create a homogenous culture, with one language, one religion and one rule. Consequently, the ethnic minority populations have been subjected to discrimination and cultural repression for decades under the rule of successive military regimes. The ethnic minority groups have long expressed their resentment towards the military government’s oppressive strategy of “Burmanization”, employed by the government in order to eliminate cultural diversity and resistance in the ethnic areas (source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003).

In addition to cultural repression, ethnic minorities have been denied the opportunity to represent themselves in the political sphere. Consequently, not only the political interests but also the economic and social interests of the ethnic minority communities of Burma are completely disregarded by the government. Lack of access to the political system within Burma has severely restricted the ethnic nationalities' ability to control their own lives and the future of their communities. As a result, the ethnic nationalities have campaigned against the centralized and exclusive political system in Burma since the country gained independence in 1948. This has been the seed for the formation of numerous armed resistance groups in the ethnic minority areas, some of which have been fighting with the government in Rangoon for over 50 years.

In 1976, the ethnic nationality armies formed an alliance called the National Democratic Front (NDF), with the aim of finding political solutions to Burma’s non-democratic political system by creating a federal union that represents all ethnic nationalities in Burma. Member groups of the NDF included the Karen National Union (KNU), New Mon State Party (NMSP), Kachin Independence Organisation (KIO), Arakan Liberation Party (ALP), Chin National Front (CNF), Lahu Democratic Front (LDF), Palaung Liberation Front (PLF), Pa-O Liberation Organization (PLO) and the Wa National Organisation (WNO). In 1989, the NDF was responsible for forming a new group called the Democratic Alliance of Burma (DAB), which encompassed member groups from the Burman opposition movement, to further campaign for a federal union in Burma. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003)

Since 2001, the NDF has been engaged with a state constitution process, which encourages both “inter and intra dialogue” among ethnic minority groups. The member groups have been working together to create a legal and political framework for Burma that recognizes seven main ethnic minority states; Arakan, Chin, Karen, Kachin, Karenni, Mon and Shan. (Source: “A Struggle for Self-Determination in Burma: Ethnic Nationalities Perspective,” Dr Lian H. Sakhong, General Secretary of the United Nationalities League for democracy (UNLD-LA) and the Ethnic Nationalities Council (ENC), 9 September 2004) (Note: A speech delivered at “Conference on Indo-Burma Relation,” India International Centre, 16-17 September 2004)

The NDF has stressed that the current ethnic nationalities' democracy movement is striving for an "internal" self-determination that encompasses individual rights as well as "collective" rights, political rights and the right to autonomy. This objective stems from the NDF's belief that the vast cultural diversity within Burma warrants more than individual rights. Dr Lian H. Sakhong, the General Secretary of the NDF, clearly articulated this idea at a conference in September 2004: "Individual rights is not enough for us; we need our collective rights as a people, as an ethnic group, as a nationality who speak different language, who practice different culture, who worship different religion and who also has different historical background and, above all, all of us have territorially clearly defined homelands and nations since time immemorial. And the simple fact is: We want to rule our homeland by ourselves. But we also know that we have to live together with other peoples and other ethnic groups who practice different religions and cultures and speak different languages [sic]." (Source: "A Struggle for Self-Determination in Burma: Ethnic Nationalities Perspective," Dr Lian H. Sakhong, 9 September 2004) Therefore the NDF has been developing a constitution that will allow all ethnic nationalities to practice these rights without fear of oppression and abuse. Dr. Lian H Sakhong further argued that in order to achieve a balance between "self-rule" for the different ethnic groups and "shared-rule" for all the people of Burma, a federal system is needed, referred to as "pyi-daung-suu" in Burmese. Through a federal system, the NDF believes that ethnic groups can achieve local autonomy while also participating in state political mechanisms. Ethnic minorities would be able to make decisions at a "local government" level and maintain their ethnic identity. At the same time, they would be empowered to contribute to the social, economic and political development of Burma and exist peacefully with other ethnic groups. (Source: "A Struggle for Self-Determination in Burma: Ethnic Nationalities Perspective," Dr Lian H. Sakhong, 9 September 2004)

Despite the fact that armed ethnic groups have always been represented in the NDF, the organization has historically tried to encourage a political rather than military strategy to achieve democracy. This strategy has involved promoting ceasefire agreements between the armed resistance groups and the military government. However, in spite of the NDF calling for a united ceasefire in Burma, whereby all armed ethnic groups participate in one ceasefire agreement with the military government, some member groups have established individual ceasefire deals with the government. These groups include the New Mon State Party (NMSP) and the Kachin Independence Organization (KIO).

Under the State Law and Order Restoration Council (SLORC) in the 1980s, Lt General Khin Nyunt initiated and led the ceasefire movement. This initiative aimed to "conquer and divide" the ethnic minority groups. Through brokering individual ceasefire agreements the SLORC fragmented the unity of the ethnic minority groups and thereby weakened their opposition to the State. By the mid 1990s ceasefire agreements had been made with armed groups from the Kachin, Karenni, Mon, Palaung and Shan ethnic groups, who had previously been members of the NDF (source: *Blurred Vision*, ALTSEAN, 1 January – 31 March 2004). Moreover, in the mid-1990s numerous groups splintered away from the central armed ethnic groups and formed alliances with the Burmese military. These defections occurred within the Karen National Liberation Army (KNLA), the military wing of the KNU, with the formation of the Democratic Karen Buddhist Army (DKBA) and in the Shan State National Army (SSNA), with the formation of the United Wa State Army (UWSA). These breakaway groups, like other ceasefire groups, have been given elevated political and military power through control over territory, materials and business opportunities in return for forming alliances with the military government against the remaining NDF member groups (source: *Burma Briefing: Issues and Concerns Volume 1*, ALTSEAN, November 2004).

During 2004, the main military strength within the ethnic minority armed resistance lay with the KNU, KNPP and the SSA. These groups all maintained strongholds along the Thai-Burma border. Also in the eastern border areas are the Arakan Liberation Army (ALA), based in KNU areas, and the Wa National Army (WNA), located in Karenni and Shan State. As the ALA and WNA have no territory of their own and have very small armies, they operate under the control of the three larger armed groups. On the western border with Bangladesh, the Arakan Liberation Party (ALP), Arakan Rohingya National Organization (ARNO) and the National United Party of Arakan (NUPA) maintain some military control. In addition, the Chin National Front (CNF) and the Nationalist Socialist Council of Nagaland (NCSM) maintain some military activity along the India-Burma border. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003)

In late 2003, the KNU and SPDC reached a verbal ceasefire agreement, giving rise to hopes of an improved environment for human rights and political stability in Karen areas. Formal ceasefire talks continued in 2004 with the aim of consolidating the talks into a formal agreement, in addition to discussing the issue of mass internal displacement of the civilian population within Karen State (source: *Blurred Vision*, ALTSEAN, 1 January – 31 March). Yet, despite the verbal ceasefire agreement, also known as the “gentlemen’s agreement”, abuse and repression continued to be documented in Karen areas throughout the year. Both during and following ceasefire talks, fighting persisted between KNU and SPDC forces and the civilian population continued to be subjected to human rights abuses perpetrated by the SPDC and their allies. For example, in January 2004, SPDC attacks resulted in the displacement of over 3,000 civilians in Papun District alone (source: Ehna, Saw and Zaw, Khaing Mar Kyaw, “Peace Talks: ‘I Want to Go Home’,” *Irrawaddy*, 25 February 2004). Several human rights organizations observed that the ceasefire provided the military with an opportunity to expand and consolidate its presence in Karen areas by building more troop camps, roads and increasing supplies.

Following the KNU-SPDC verbal ceasefire agreement, the Karenni National Progressive Party (KNPP) also announced its intentions to engage in ceasefire discussions with the military government. Although the KNPP and the military regime had reached a ceasefire agreement in 1995, it was broken only three months later when fighting recommenced. Talks scheduled for late March 2004 were postponed due to disagreement over the KNPP’s position of negotiation. While the Karenni delegation referred to itself as the “Karenni Government Delegation” and wished to negotiate as a government, the SPDC rejected the term and indicated that they would only engage in ceasefire negotiations with the KNPP as a party (source: “Karenni Peace Talk Halted,” NMG, 2 April 2004). Despite the KNPP’s expressed desire to engage in ceasefire negotiations, fighting ensued throughout the year in Karenni areas causing displacement of civilian populations along with other human rights violations. For example, in December 2004, the SPDC military launched a major offensive against the KNPP stronghold at Nyamu Hill in eastern Karenni State along the Thailand border (source: Six-Month Report, TBBC, July- December 2004)

On 19 October 2004, Prime Minister Khin Nyunt was removed from his position and placed under arrest, creating an environment of uncertainty for ethnic groups with whom he had brokered ceasefire agreements or those with whom he was engaged in negotiations, such as the KNU. Although the Burmese military announced that his dismissal was due to health problems, sources external to the SPDC have attributed his removal to internal power struggles and an attempt by Sr General Than Shwe to consolidate power. This initially fuelled anxiety among the ethnic groups, as Khin Nyunt was replaced by Lt General Soe Win,

notorious for his hardline attitude towards the ethnic minority movement and the National League for Democracy (NLD) as well for his primary role in engineering the 30 May 2003 attack on the NLD and the pro-democracy movement (source: "Burma Ends Rebel Talks Early," *Irrawaddy*, 21 October 2004). However, in the same month, Sr General Than Shwe reassured the ceasefire groups that the changes within government would not interfere with the ceasefire agreements established by the efforts of Khin Nyunt (source: "Situation of Human Rights in Myanmar," *Fifty-ninth session of the UN General Assembly*, Item 107 (c) of the provisional agenda, 30 August 2004)

Moreover, whilst the newly appointed Prime Minister General Soe Win was famed for publicly stating that "the SPDC not only will not talk to the NLD but also would never hand over power to the NLD," his attitude towards the ethnic nationalities has remained consistent with that of the former prime minister (source: *World Report 2005: Burma*, Human Rights Watch, 13 January, 2005). Like Sr General Than Shwe, Prime Minister General Soe Win assured ethnic armed groups that there would be no changes to the foundations previously laid for ceasefire agreements with ethnic armed groups. He asserted that ethnic armed groups would continue to receive limited autonomy, assistance with development projects and access to business opportunities. Furthermore, in an effort to maintain the confidence of ceasefire groups, Prime Minister Soe Win carried out visits to meet former insurgents in Kachin State to reassure them that ceasefire policies would remain unchanged (source: "Myanmar's New Prime Minister Moves to Shore Up Relations with Former Ethnic Rebels," *Irrawaddy*, 21 October 2004). Yet, despite these reassuring claims, increased military presence in ethnic minority areas has been reported since Soe Win's appointment, paralleled by the continued perpetuation of human rights abuses committed against ethnic civilians by the Burmese military (source: *Burma's National Convention; Illegitimate, Unrepresentative and Oppressive*, ALTSEAN, 16 February 2005).

Furthermore, fighting resulting from SPDC counter insurgency campaigns was reported throughout 2004 in various areas of the country. In Mon State, the SPDC military engaged in operations throughout the year in an attempt to eliminate the Hongsawatoi Restoration Party (HRP), a Mon splinter group which broke away from the NMSP in late 2001. Throughout the year, the Human Rights Foundation of Monland (HURFOM) reported ongoing human rights abuses such as arbitrary arrests, torture, killing, restrictions on movement and forced labor, which often occurred in conjunction with the SPDC's counter insurgency efforts. At the same time, fighting recommenced between the SPDC and the SSA-South in Shan State when the SPDC launched a surprise attack in the townships east of Tachilek on 11 January, killing 6 SSA-South officers. The SSA-South responded by attacking the SPDC headquarters in Takun village, resulting in persistent, daily fighting in Monkerng, Laikha, Namzarng, Kurihing, Mongnai, Longher and Mongpan villages. The SSA-South reported that it will only agree to a ceasefire with the SPDC if two pre-conditions are met. Firstly, that a national ceasefire takes place, involving all armed groups. Secondly, that open dialogue is held between all ethnic nationalities. These two pre-conditions coincide with the principles of the NDF to maintain unity within the armed ethnic resistance movement. (Source: *Blurred Vision*, ALTSEAN, 1 January –31 March 2004).

8.3 Need for Tripartite Political Dialogue

In October 2000, political dialogue transpired between the General Secretary of the NLD, Daw Aung San Suu Kyi, and the ruling SPDC. The dialogue gave hope to pro-democracy groups and the international community that the military regime was beginning to take steps towards achieving a democratic political framework in Burma. However, the talks excluded ethnic nationality organizations, therefore ignoring the views of the ethnic nationalities who represent 55% of the population. In 2002, the continued exclusion of ethnic groups provoked campaigns from ethnic groups themselves and from international human rights advocates, who urged the SPDC and pro-democracy activists to involve ethnic groups in political discussions. Consequently, pro-democracy groups from eight of the larger ethnic minority groups established a coalition called the United Nationals Alliance (UNA), with the aim of discussing the political goals and needs of the ethnic nationalities in preparation for their participation in tripartite dialogue with the SPDC and pro-democracy groups.

However, progress with the NLD-SPDC dialogue was thwarted throughout the first half of 2003 as the SPDC continually stalled in scheduling new talks. On 30 May 2003, the dialogue process came to a complete halt when Aung San Suu Kyi and members and supporters of the NLD were attacked by state sponsored forces near Depayin, Sagaing Division. The attack, which was led by the Union Solidarity Development Association (USDA), a mobilization organization created by the SPDC, resulted in the death, injury and arrest of an unconfirmed number of people. According to the SPDC, the attacks were instigated by the NLD and resulted in the death of four people and injury of 50. However, unofficial sources quote these numbers as much higher. Moreover, it is widely believed that there is ample evidence to prove that the attacks were well planned by state sanctioned actors. The attacks also resulted in the re-arrest of Daw Aung San Suu Kyi, whilst over 90 NLD members and supporters were arrested and detained for over two months. On 25 August 2003, the SPDC reshuffled with Lt General Soe Win being promoted to Secretary 1, in place of General Khin Nyunt who was moved to the newly created position of Prime Minister. Critiques argued that this move was an attempt by the SPDC to deflect international condemnation of the events referred to as the "Depayin Massacre", by softening their image in the international community. Following Khin Nyunt's appointment as Prime Minister, he announced the SPDC's "seven-point roadmap to democracy", with the aim of resuming the stalled 1993 National Convention, followed by a national referendum and national elections. Although the roadmap initially excluded the participation of ethnic nationalities in the National Convention, by late 2003 the SPDC's policy of exclusion had reversed, with an emphasis on political engagement in return for ceasefire agreements with the government while sidelining the role of the NLD. In 2004, the SPDC continued to promote ceasefires as a fundamental component of the roadmap to democratic reform. (Source: *World Report 2005: Burma*, Human Rights Watch, 13 January, 2005)

In February 2004, 61 representatives from 25 ethnic nationality groups rejected the regime's roadmap for national reconciliation and transition to democracy during the Third Ethnic Nationalities Seminar held in Law Khee La, Karen State. The ethnic nationalities made their rejection stating that the roadmap "would not lead to democratization and establishment of a federal union but only sustain a military dictatorship in the country." Furthermore, member groups drafted an "alternative" seven-point roadmap to democracy, entitled "Rebuilding the Union of Burma," which places an emphasis on tripartite dialogue between the military, ethnic opposition groups and the establishment of an interim government with proportional representation of the SPDC, NLD, other political parties and the ethnic nationalities. The

alternative roadmap has been praised by pro-democracy groups, including the National Coalition Government of the Union of Burma (NCGUB), the government-in-exile comprised of representatives elected in the 1990 general elections, and the National Council of the Union of Burma (NCUB). Supporters of the alternative roadmap argue that it correctly articulates the aims and objectives of the democracy movement. (Source: *Blurred Vision*, ALTSEAN, 1 January – 31 March 2004).

As part of the SPDC's roadmap to democracy, the National Convention resumed on 17 May 2004, receiving strong criticism from the NLD, other opposition parties and various ethnic nationality groups. Despite claims in late 2003 that the SPDC would release political prisoners and involve both ceasefire and non ceasefire groups, the NLD, the Shan Nationalities League for Democracy (SNLD) and the UNA refused to participate in the National Convention due to the continued house arrest of Daw Aung San Suu Kyi and the imprisonment of political party members. The SPDC's rhetoric in 2003 clearly did not become a reality in 2004 (source: *World Report 2005: Burma*, Human Rights Watch, 13 January 2005). Furthermore, the National Convention received strong opposition from the KNU, the Arakan political parties, whose representatives didn't receive an invitation to the convention, and Karenni, Palaung and Shan ceasefire groups (source: "ANC Strongly Protest Against National Convention," ALD, 2004).

Opposition to the National Convention stemmed from several fundamental objections. The most prominent objections focus on the "6 objectives" and "104 principles" drafted by the SPDC during the 1993 National Convention, which are a pre-defined framework for the reconvened National Convention in 2004. These objectives and principles will inform the constitutional drafting process at the National Convention, in spite of the fact that they were created without consultation with the delegates (source: *Blurred Vision*, ALTSEAN, 1 January -31 March 2004). Moreover, the 6th objective secures the military's domination in national politics, stating that any future president must have 10 years military experience. The second main objection lies in the fact that the National Convention does not represent genuine tripartite dialogue because some ethnic nationalities continue to be excluded from the process. A further objection lies with Law 5/96 which dictates that the government has the right to arrest and imprison for up to 20 years anyone who openly opposes government policy during the Convention. On 11 May, six ceasefire groups released a joint statement calling for modification to the National Convention, including the elimination of Law 5/96. The National Convention Convening Committee responded that it did not have the authority to meet these demands and that they therefore would not deal with them. (Sources: "Mon Leadership Meeting Boycotts Convention," *Kao Wao News* No.68, 22 May 2004; "Junta Scraps Ceasefire Groups' Demands," SHAN, 22 May 2004)

Although the National Convention was initially met with strong opposition from both Burman pro-democracy and ethnic nationality groups, 34 ceasefire groups attended the convention when it reconvened in May 2004. These 34 groups included the 17 main ceasefire groups along with various splinter groups which had separated from the main groups. Among the attendees was the New Mon State Party (NMSP), who reported harsh restrictions on freedom of movement and speech throughout the convention. Attendees were unable to access other groups or organizations for consultations between meetings. Moreover, under Law 5/96 attendees did not have the freedom to express opposition to policies put forward by the SPDC (source: "Ceasefire Groups Muzzled at the National Convention," *Kao Wao News* No. 68, 31 May 2004). Prior to the conclusion of the 2004 session of the National Convention, 13 ceasefire groups submitted a joint proposal addressing the SPDC's provisions for a centralized military

controlled state. Among other things, the group's proposal made clear the constituent states' demands for a high degree of legislative control and the right to maintain independent armed forces. The SPDC rejected the joint proposal and placed pressure on individual delegations to submit independent proposals. Following additional meetings aimed at exerting pressure on the ceasefire groups to act individually and not collaboratively, the groups agreed to adapt their proposals. The Convention recessed on 9 July and by late 2004, following the removal of Khin Nyunt, the SPDC was publicizing reconvening the National Convention in early 2005 under the same conditions as in 2004. (Source: *Burma Briefing: Issues and Concerns Volume 1*, ALTSEAN, November 2004). (Please see chapter on freedom of expression for further information.)

Many international observers have argued that the SPDC has attempted to marginalize the NLD while actively encouraging dialogue and co-operation with ceasefire groups. However, ceasefire agreements only create an illusion of greater participation for ethnic nationalities in political decision making processes, as was evidenced in the National Convention in 2004. The autonomy of ethnic ceasefire groups is limited, in the form of land control and access to resources for development projects and business ventures. Furthermore, the agreements do not involve taking real steps to empower communities to participate in the social, economic and political development of the country. Moreover, the seven-step roadmap for democracy and the National Convention exist within a political framework dictated by the SPDC, placing the military as the dominant force in informing national politics in Burma (source: *Burma's National Convention; Illegitimate, Unrepresentative and Oppressive*, ALTSEAN, 16 February 2005). The KNU and other groups such as the NMSP have urged the government to review the seven-point roadmap and the "6 objectives" and "104 principles" which will inform the constitution drafting process. These groups continue to argue that in order to achieve real democratic reform in Burma, tripartite dialogue must be the first step in the roadmap to democracy (source: *Blurred Vision*, ALTSEAN, 1 January-31 March 2004).

8.4 SPDC Campaigns of Abuse against Minority Villagers

"This evidence of continuing atrocities amounts to a policy of protracted cultural and physical genocide of death by a thousand cuts. Therefore, the SPDC's much-vaunted roadmap to democracy must be seen as a hypocritical propaganda exercise which should be treated by the international community with the contempt it deserves."

- Baroness Caroline Cox, representative of Christian Solidarity Worldwide. (Source: "Fresh Evidence of Ethnic Cleansing in Burma to be Given at Briefing on April 27," CSW, 27 April 2004)

Over five decades of armed conflict between successive military governments and armed ethnic resistance groups has had a particularly devastating impact on the lives of civilians living in ethnic minority areas. Over time, ethnic resistance groups have progressively lost control of border territories and the Burmese military has augmented its presence in these areas. In conjunction with an increased military presence, there has been a marked escalation in the perpetration of human rights violations in ethnic minority areas throughout the country. According to the U.S. Department of State, the perpetration of human rights violations against ethnic minority groups by the military government and its allies actually "worsened" in 2004, with increased incidences of rape, forced labor, forced relocation and the looting of agricultural produce. Moreover, violations frequently do not occur independently of other

violations. For example, while ethnic minority villagers are forced to relocate members of the community are subjected to rape, execution and forced labor for road construction and the construction of military infrastructure. (Source: Country Report on Human Rights Practices-2004, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005)

The SPDC has employed a long-term and widespread strategy of exploiting ethnic minorities to expand and strengthen its military control in these areas. Since 1997, the abuse and exploitation of villagers in ethnic minority areas has intensified due to financial difficulties within the department of the Ministry of Defense. Local commanders have been instructed to fund the needs of their soldiers locally, leading to increased demands for food and other resources needed by the troops. In addition, through the construction of roads and army bases in ethnic areas, the SPDC has demanded support from the local civilian population, in the form of forced labour, building materials, livestock and money. Villagers are consistently forced to work as porters for the army, carrying building materials, military equipment and rations. Furthermore, villagers are also forced to serve as human mine sweepers whereby they must walk ahead of the troops to detonate any landmines that may have been laid along the way (source: Myanmar: Aid to the Border Areas, ICG, 9 September 2004)

Attempts to eliminate all ethnic armed resistance through the implementation of the “four cuts” counter insurgency strategy is another cause of severe human rights abuses committed against ethnic minority villagers. The “four cuts” strategy is a brutal counter insurgency campaign established in the mid-1960s and has been utilized by successive military regimes. The strategy aims to cut off the four main supplies of food, funds, recruits and intelligence to armed ethnic groups by targeting the local civilian population. Although the “four cuts” strategy has effectively weakened the armed resistance movement, it has done so through the perpetual abuse and exploitation of ethnic minority civilians. The abuses committed include forced labor, extortion, land confiscation, torture, extrajudicial killing, forced relocation and displacement. As a result, whole communities have been driven into abject poverty. According to Thailand-Burma Border Consortium (TBBC), over 2,500 villages have been relocated, destroyed or abandoned since 1996 in eastern Burma, including 240 villages in the past 2 years alone. Furthermore, the Burmese military campaigns to eliminate ethnic resistance and exert total control over the whole country is estimated to have displaced over 526,000 ethnic people in eastern Burma. The majority of this population is believed to be in settlements located in areas administered by ceasefire groups. However, an estimated 77,000 IDPs (internally displaced persons) reside in government designated relocation sites. Conditions in relocation sites are extremely harsh and IDPs are subject to demands for forced labor and denied freedom of movement outside the relocation sites (source: Internal Displacement and Vulnerability in Eastern Burma, TBBC, October 2004).

SPDC campaigns of abuse in Karen State

In 2004, SPDC troops continued to commit human rights abuses against civilians in Karen State despite the existence of the KNU-SPDC verbal ceasefire. As the conditions of the verbal ceasefire made no provisions for troop movement, SPDC troops continued to augment and reinforce their presence through the construction of new army camps and roads. In turn, government troops perpetrated abuses including arrest, torture, forced labor, extortion, extrajudicial killing, destruction of crops and food supplies, land clearance, forced relocation and restrictions on freedom of movement. For example, it was reported that on 27 January 2004, troops from SPDC LIB 117, under LIB 55, came to Kaw Thay Doe village, Tantabin

Township, Toungoo District, and destroyed 48 houses and looted items such as rice, salt fish paste and clothing. These troops also destroyed the villagers' remaining possessions, worth 910,000 kyat. Moreover, it was reported that the troops killed and ate villagers' cats, leaving the skulls of the cats in the villagers' houses and also defecating in the houses. The troops threatened the villagers that they must not tell anyone about their actions (source: CIDKP, 2004). In another incident on 26 March 2004, it was reported that SPDC troops based at Pa Yah Ngote Toe camp, Dooplaya District, demanded 20,000 kyat from Htee Plaw villagers who were going from Pa Yah Ngote Toe to a religious ceremony at Wah Ma Hta. When the villagers were unable to pay the amount demanded, the soldiers ordered them to stand in the sun for more than an hour (source: CIDKP, 2004).

SPDC campaigns of abuse in Mon State

Throughout 2004, Mon civilians were subjected to perpetual human rights abuses, including forced relocation, land confiscation and forced labor. In particular, many of the abuses suffered by villagers in Ye Township, southern Mon State, resulted from the SPDC's efforts to eliminate the Hongsowatoi Restoration Party (HRP), a Mon splinter group which broke away from the NMSP in 2001, and other splinter groups. Villagers were faced with strict restrictions on movement and were often prevented from leaving their villages to tend to their fields. Villagers suspected of being rebel supporters were subject to arbitrary arrest, torture and other abuses. For example, in the first week of January, commanders of SPDC IB 31 ordered 150 households in Day-bound village to relocate within three days. The commander indicated that the village was too far from other villages and was therefore suspected of providing shelter to rebel soldiers. Over 40 families lost their homes, plantations and many belongings. Those who did not comply with the order risked being shot if found in the village after the deadline (source: "Terror in Southern Part of Ye Township," *The Mon Forum*, HURFOM, 29 February 2004). Furthermore, on 27 August 2004, soldiers from LIB 273 killed a villager and arrested eight others from Mi Htaw Hlar Kalay village, Ye Township, on the suspicion of being rebel supporters (source: "Gross Human Rights Violations in Ye Township, Southern Part of Mon State," *The Mon Forum*, HURFOM, 30 September 2004).

SPDC campaigns of abuse against the Chinese and Indian population

Despite the Chinese and Indian civilians constituting 3% and 2% of the population respectively and making a major contribution to the economy, they are not recognized as citizens of Burma by the SPDC. According to the 1982 Citizenship Law, ethnic groups determined to be non-indigenous by the government are required to prove that their ancestors lived in Burma prior to the British annexation of Burma in 1823 in order to be granted full citizenship. Most Chinese and Indians are only permitted to have a Foreign Resident Card (FRC). Without citizenship, many Chinese are unable to access government services such as healthcare and further education opportunities. Furthermore, their freedom of movement is restricted as those who possess the FRC must seek authorization from local authorities to leave their hometowns. In addition, ethnic Chinese and Indian who hold FRC cards are denied the right to own property. In 2004, the SPDC continued to enforce these discriminatory policies. (Source: Aung Lwin Oo, "Aliens in a Bind," *Irrawaddy*, June 2004)

8.5 Abuse of Ethnic Minorities by Ceasefire Groups

The 1980s and 1990s saw the establishment of ceasefire agreements with over 17 ethnic insurgent groups, including the United Wa State Army (UWSA), the Kachin Independence Organisation (KIO), the New Mon State Party (NMSP) and the Karenni National People's Liberation Front (KNPLF). However, the ceasefire agreements have not brought peace, stability and democracy to civilians living in ethnic minority areas. In many cases, these agreements have led to ceasefire groups becoming powerful allies to the SPDC, as they are sometimes given local autonomy, material support, business opportunities and development projects in return for supporting the SPDC's strategy of controlling the ethnic civilian population and oppressing cultural and religious diversity within ethnic minority areas. Furthermore, some of the ceasefire groups have developed an aggressive sense of ethnic nationalism, which has propelled inter-ethnic conflicts and resentment, further weakening the unity of the ethnic minority struggle in Burma. As a result, ceasefire agreements have been denounced as a tactic used by the military regime to create conflicts and divisions between and within different ethnic groups. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003)

Although the ceasefire movement has arguably led to a decrease in more severe human rights abuses, guerilla warfare and counter insurgency campaigns have continued in many of these areas. Moreover, in order to advance their own political and military control, some ceasefire groups perpetrate human rights abuses against members of their own ethnic group or other ethnic minority groups in their areas. As a result, the ethnic minority civilian populations endure greater suffering from the military regime's "divide and conquer" strategy of forging ceasefire agreements. Facing oppression, abuse and discrimination both at the hands of the SPDC military authorities as well as by the ceasefire groups, security and economic stability become greater challenges for civilians in these areas. (Sources: Myanmar: Aid to the Borders, ICG, 9 September 2004; Thornton, Phil, "A Journey Out of the Crossfire," *South China Morning Post*, 5 November 2004)

Abuses by the United Wa State Army

The United Wa State Army (UWSA), which signed a ceasefire on 5 September 1989, has received extensive material benefits and control of territory in return for sabotaging resistance among non ceasefire groups. In addition, the UWSA is notorious for carrying out drug production and trafficking in Shan State and along the Thai-Burma border, whilst publicly denying any responsibility for the drug problem in Burma. The SPDC overlooks the illegal production and trafficking of drugs in return for the UWSA's co-operation in leading forced relocation campaigns in Shan State. Furthermore, the UWSA is well known for extorting high opium and rice taxes in Shan State, impoverishing the local community. Members of UWSA have been reported to perpetrate other human rights abuses, including extrajudicial killings. For example, on 9 October 2004, approximately 30 UWSA soldiers shot and killed a Lahu couple who were inside their farm hut. The UWSA soldiers had shot at the hut without warning as they passed the couple's farm in Nawng Mai Hok Pha village, Me Ken village tract, Murng-Ton Township. (Sources: "A Lahu Couple Shot Dead by Wa Soldiers in Murng Ton," *SHRF Monthly Report*, SHRF, February 2005; *Country Report on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005; *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003)

Persecution by the Pa-O ceasefire group in Shan State

The Pa-O ceasefire group in Shan State is also known as a perpetrator of human rights abuses against ethnic minority groups in Shan State. For example, from August to November 2004, the Pa-O ceasefire group based in Nawng Mai Sak village, Murng-Nai Township, forcibly conscripted villagers from Murng-Nai, Nam-Zarng and Larng-Khur Townships to cultivate corn for the ceasefire group. After the corn was harvested, the ceasefire group offered the villagers paid work growing opium. Workers were provided with rice rations and told that they would receive their salary at a rate of 500 kyat per day once the opium cultivation was complete. According to the Shan Human Rights Foundation (SHRF), 277 men and women accepted the offer and worked for the Pa-O ceasefire group. Yet, shortly before the opium was to be harvested, the ceasefire group informed the workers that deductions for the cost of the rations had been taken from their salaries rendering their per diem salary to approximately 250 kyat per day. As workers had been able to take advances on their salaries, many had borrowed more than the total they were to receive and were subsequently forced into debt. Several workers who had not taken any advances only received a total of 1,500 kyat for the entire three months of work. (Source: "Labor and Extortion by a Ceasefire Group in Murng-Nai, Nam-Zarng and Larng-Khur," *SHRF Monthly Report*, SHRF, April 2005)

Human rights violations committed by the DKBA

The DKBA was formed as a result of a division within the KNU in late 1994, between Christian and Buddhist Karen. Buddhist members of the KNU felt discriminated against by the Christian majority leading to internal conflicts and eventually culminating in an armed conflict. As a result, several hundred Buddhist soldiers separated from the KNU in order to form their own army. Following this separation, the newly formed armed group surrendered to and engaged in a ceasefire deal with the military regime. In return for material support and control over areas of Karen State, the DKBA agreed to work with the SPDC to destroy the KNU's political and military hold in Karen State. The allegiance between SPDC military forces and the newly formed DKBA resulted in a military offensive in January 1995, which succeeded in over running the KNU headquarters in Manerplaw. In 1997, a second military offensive destroyed the remaining KNU base areas along the Thai-Burma border. The DKBA's headquarters are situated in Pa-an District with other bases in townships in both Karen and Mon States, such as Kawkareik, Kyainn-Seikyi, Three-Pagoda-Pass and Kyaikmayaw. (Source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003)

Following the SPDC's occupation of areas previously controlled by the KNU, the SPDC cut off food and monetary assistance to the DKBA, encouraging them to find their own means to meet their needs. As a result, the DKBA has committed many of the same human rights abuses as the SPDC military. In 2004, reports documented the perpetration of human rights abuses by the DKBA, which included forced labor, forced relocation, unfair taxation, extortion and forced conscription of child soldiers. Furthermore, the DKBA has been supported by the SPDC in their own business ventures and trade goods across the border to Thailand. It has been reported that DKBA trade primarily involves trade in lucrative timber resources and narcotics. (Source: *A Failing Grade*, ALTSEAN, November 2004)

Since the SPDC offensives in 1995 and 1997, the SPDC and the DKBA have been working to secure their control over areas previously under the KNU's control. As the DKBA has succeeded in doing so, Karen civilians who were previously living as internally displaced persons have been able to build "permanent" homes in these areas, acknowledged by the

SPDC and DKBA as “established villages.” At the same time, by living in DKBA areas, villagers are more easily exploited by both the DKBA and SPDC forces. Villagers are regularly conscripted for forced labor and forced to provide food, building materials and money for military and “development” projects. (Source: *Eastern Pa’an District: Forced Labour, Food Security and the Consolodation of Control*, KHRG, 23 March 2004)

The DKBA, through being a purely Buddhist Karen armed group, have developed a strong sense of ethnic nationalism, which has spurned abuse and discrimination against non-Buddhist members of their own ethnic group. Between December 2003 and April 2004, DKBA soldiers demanded that Christian villagers in Papun District relocate from their homes unless they converted to Buddhism. In April 2004, a 19 year old Karen Christian woman from Pa Zone Chak village and a 19 year old Christian Karen man from Pa Zone Chaung village, both in Papun District, reported that DKBA troops ordered them to leave their villages. They were only given two days to pack their belongings and therefore were unable to prepare all that they needed. That which they were forced to leave behind, including houses, gardens, rice fields and possessions, was confiscated by the DKBA. In Pa Zone Chak village, the DKBA also ordered a monastery and pagoda to be built in place of the Saturday Christian Church, and in Pa Zone Chaung village, a pagoda. (Source: BI, 2004) (Please see chapter on freedom of religion for more information.)

The terrorizing of civilians by the DKBA is also reflected in the abusive strategies used by the group to strengthen their military power and protect their business interests. In 2004, the Karen Human Rights Group (KHRG) documented human rights abuses perpetrated by the DKBA against the civilian population in Pa’an District, including the forced conscription of villagers into their army from areas including Lu Pleh, Ta Greh, and T’Nah Hsah Townships. In all villages in Ta Greh Township, the DKBA continued to demand one person per year; alternatively villagers faced a 400,000 kyat fine. (Source: *Eastern Pa’an District: Forced Labour, Food Security and the Consolodation of Control*, KHRG, 23 March 2004)

Furthermore, the security of civilians subject to the demands of the DKBA is further threatened by KNLA soldiers who demand that the villagers ignore the DKBA. In 2004, it was reported that the village head from Thi Wa Pu village tract did not send anyone to join the DKBA in response to the KNU’s request that they ignore the order. As a result, villagers fled from their villages because the DKBA had threatened to impose forced labour on anyone who did not comply with their demands for soldiers. Thus, the civilian population is often caught in power struggles between the DKBA and KNU, impeding upon their security and quality of life with devastating consequences for the well being of households and the community as a whole. (Source: *Eastern Pa’an District: Forced Labour, Food Security and the Consolidation of Control*, KHRG, 23 March 2004)

Abuses by the Karenni National Solidarity Organization

The Karenni National Solidarity Organization (KnSO) formed in 2002, breaking away from the KNPP in Pasaung Township, Karenni State. In 2004, the KnSO reportedly worked alongside SPDC troops to perpetrate human rights abuses such as forced relocation, extrajudicial killing and torture against the ethnic Karenni people. In December 2003, the SPDC issued a relocation order to all villagers north and south of the Mawchi road, in southern Karenni State, and redeployed approximately 1,000 troops from Nyaunglebin District, Karen State, to Karenni State. However, many villagers refused to obey the relocation order fearing forced labor and beatings in the relocation sites. Consequently, in

early 2004, the SPDC and the KnSO carried out a joint attack on villages in southern Karenni State and across the Karen – Karenni border in Muthraw and Toungoo Districts. All villagers who did not obey the December 2003 relocation order were considered supporters of the KNPP and SPDC and KnSO troops were ordered to shoot any villagers in the area on sight. It was also reported that SPDC and KnSO soldiers burnt down villages and laid landmines on and around villages to stop IDPs from returning home. Some reports have sited the SPDC's desire to cut support to the KNPP as the main reason for the attacks. The Free Burma Rangers (FBR), a Thai based humanitarian relief organization, reported that some villagers believed that the SPDC forces were taking advantage of the verbal ceasefire with the KNU to concentrate their forces against the KNPP (source: FBR, 2004). In another incident on 28 September, the KnSO reportedly assisted SPDC LIB 428 in attacking Karenni IDP hiding places in northern Karen State near K'Si Kee. The attacks resulted in the flight of the IDPs as well as the death of a 20-year-old IDP. According to FBR, the continued attacks on IDPs by SPDC and KnSO soldiers has rendered the IDP situation in Karenni State critical. Not only are IDPs forced to constantly move from one hideout to another but they also face food shortages and a lack of necessary medicines (source: FBR, 26 November 2004).

(Please see chapter on IDPs for more information.)

8.6 Obstruction and Interference of Holidays and Other Cultural Events/ Denial of Cultural Expression and Identity

The SPDC views the diversity of culture and religion among the ethnic nationalities as the root of economic instability and underdevelopment. Therefore, the SPDC employs a brutal, systematic and widespread strategy of repressing religious and cultural practices which are different to the Burman majority and which are not perceived as in alignment with the objectives of the SPDC to form a homogenous culture and a centralised political order. Although all civilians in Burma are subjected to socio-economic oppression by the military regime, the ethnic minority nationalities must also face a daily struggle to ensure the survival of their cultures. Through determination and community strength, the ethnic groups have found ways to express their cultural identity, despite the SPDC's continued repression of cultural expression through language, education and cultural events.

Mon villagers tortured for not speaking Burmese

In January 2004, it was reported that SPDC soldiers forced villagers in southern Ye Township to sit in the sun as a punishment for not speaking Burmese. The victims were forced to sit in the sun from 7.00 am to 6.00 pm. According to a refugee from the area who arrived to Thailand, "The SPDC captain said we were like animals because we didn't understand their language [Burmese], so they treat us as such." (Source: "Villagers Tortured for Not Speaking Burmese," *Kao Wao News* No 60, 6-23 January 2004)

Salon Sea Gypsies forced to live on land

In January, it was reported that ethnic Salon sea-gypsies, who had been forced to abandon their traditional lifestyle on boats, were facing difficulties enduring life on land. Military authorities had forced the Salon people to abandon their boats to live on Nyaughwi, Lanpi, Kyuntale and Phila islands. The authorities reportedly hoped to charge tourists a fee to view the Salon people. (Source: “Burmese Sea-Gypsies Forced to Live on Land for Tourists,” DVB, 13 January 2004)

Salon Sea Gypsies forced to perform traditional dances for tourists

In February, it was reported that local authorities were arresting ethnic Salon (Moken) sea gypsies in Tenasserim Division in order to force them to perform traditional dances in a “Sea-Gypsy” Festival organized for tourist purposes. The authorities were reportedly arresting five young Salon people from each island for the 14 to 17 February festival which was organized by the Ministry of Hotels and Tourism. (Sources: “Burmese Authorities Rounding Up Sea Gypsies for Show,” DVB, 10 February 2004; “Thirty-Seven Killed At Sea,” *Irrawaddy*, 4 February 2004)

Mon villagers fined for not speaking Burmese

In November 2004, it was reported that civilians from Wae Kwao village were subjected to fines between 100,000 and 300,000 kyat as a reprimand for not speaking Burmese. Furthermore, because they could not answer the soldier’s questions, the troops assumed they were supporting the insurgent group HRP (Hongsawatoi Restoration Party); this resulted in the soldiers torturing many Mon civilians. (Source: “Speak Burmese or Pay the Price,” *Kao Wao News No. 18*, 9 November 2004).

8.7 Discrimination in Education

Ethnic minority children suffer disproportionately from the military regime’s severely low spending on education. In the 2003-2004 fiscal year, the SPDC allocated 1.3% of the national budget to spending on education. This minimal amount of the budget is unevenly distributed between urban and rural areas. Ethnic minority areas frequently receive the least amount of government support, leaving schools critically under funded, poorly resourced, and without adequate teachers’ salaries. As part of the government’s self-reliance program, ethnic minority schools in rural areas are encouraged to raise the funds for the school from the local community. While the government has frequently reported the construction of new schools in rural/ethnic minority areas, the schools often lack any resources or teachers, rendering them useless to the community. In addition, these schools are often built with the use of forced labor or funds extracted from the village community. Most children in these areas do not receive an education beyond fourth standard.

Political instability and ongoing armed conflict have also contributed to the poor state of education in ethnic minority areas. Ethnic minority communities in areas of armed struggle face widespread poverty due to the demands placed on them for food and funds by the SPDC military units active in their areas. In many villages, particularly in Karen and Karenni State, school attendance is very poor because children are frightened to go to school due to active

fighting or due to the fact that schools are frequently closed down because of forced relocation orders. As part of forced relocation campaigns, villages, including schools, are frequently burned down causing many villagers to flee into the jungle and live as internally displaced persons (IDPs). Children growing up in these isolated areas are often deprived of an education because of a lack of resources and teachers. Some IDP communities attempt to establish makeshift schools in the jungle or wherever they may be hiding. Classes often take place outside, under the trees, where the only resources teachers have is a small blackboard and chalk, leaving them vulnerable to bad weather. Teachers are usually volunteers who have only attained an education up to tenth standard, working with no books or other teaching aids in a stressful and volatile environment due to fear of attack by the military. (Source: *Enduring Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

Ethnic minority children who are able to attend state schools face discriminatory policies which deprive them of the opportunity to learn their ethnic languages and culture. The SPDC prohibits instruction in any of the ethnic minority languages in all state education institutions. This policy not only poses a threat to the survival of ethnic minority languages but also impedes the educational development of those students whose first language is not Burmese. The suppression of ethnic minority languages is believed to be part of a larger system of oppression taking place within educational institutions, referred to as "Burmanization"; a systematic process of eliminating cultural and religious diversity within Burma (source: *Myanmar Backgrounder: Ethnic Minority Politics*, ICG, 7 May 2003). The SPDC's strategy of "Burmanization" is particularly evident in the state curriculum, which promotes the notion of mono-culture, military rule and Burman history. Most students cannot relate to the information because it is not multi-cultural, or relevant to their lives. Often the only opportunity children have to study about local history or language is through extra-curricular activities, private education, parents or the community. By restricting freedom of cultural expression through language and education, it is argued that ethnic resistance to the government in Rangoon will weaken. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

Discrimination in education against the Karen

In September 2004, it was reported that the Burmese government continued to prohibit the teaching of Karen language as well as a "localized" and culturally appropriate curriculum. Villagers from Nyein Chan Yay villages (peace villages in territory under the control of the SPDC) in Toungoo District reported that the government only permits Burmese language textbooks to be used in the schools. Furthermore, villagers reported that politics and democracy studies were also "strictly forbidden" in the schools, repressing opportunities for children to engage in critical thinking. A villager in Tantabin Township reported, "They do not allow us to write about Karen history. They cannot teach about democracy. The people can only learn about their (SPDC) work. If we do not praise them, but instead say that they are wrong, we are sent to prison. Recently, they have paid a lot of attention to the children so that they can change their (the children's) opinion of the SPDC and so that they have to rely on them (the SPDC)." Moreover, KHRG reported that these villagers were subjected to derogatory remarks by SPDC soldiers who told them that whether they received an education or not they would never be able to become any thing more than hill farmers. (Source: *Enduring Hunger and Repression Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

Discrimination in education against the Mon people

The NMSP has administered Mon national schools within its areas of control since 1972. Following the 1995 SPDC-NMSP ceasefire agreement, the SPDC initially agreed to allow the NMSP to continue the teaching of Mon language within these schools. However, the SPDC later violated this agreement, viewing such institutions as a “barrier to national development and solidarity”(source: “USDA Say Teaching Mon a Barrier for Reconciliation,” *Kao Wao News No. 13*, 21 August 2004). In many cases, the SPDC has closed down these schools and destroyed the buildings to make way for development projects and the construction of local government offices.

On 29 January 2004, Colonel Myo Winn of the Burma Army stated at a meeting with Mon teachers in Kwan Ta Moi Tao Tak village that all Mon national schools must convert to state schools, teach Burmese language and raise the Burmese national flag. Schools which disobeyed risked forced closure. Again, on 19 March 2004, Colonel Myo Winn made the same announcement to teachers in a meeting in Kao Jaer village, emphasizing that the curriculum must be altered and instruction of Mon language halted. In addition, on 8 March 2004, the SPDC army commander instructed education officials from the Mon National Education Office not to travel without official permission from the military authorities. According to a local teacher, the Burma Army increased pressure on the Mon education system in conjunction with their counter insurgency efforts to eliminate the Hongsawatoi Restoration Party (HRP). (Source: “Military Bans Mon National School in Ye,” *Kao Wao News No. 66*, 27 April 2004)

In April 2004, SPDC authorities confiscated land in Lamine, northern Ye Township, which included the property of a Mon national primary school. The land was confiscated for the purposes of building a government office and subsequently the primary school was forced to close, depriving 425 children of their learning environment. One teacher reported that Colonel Myint Aung, a local SPDC military official, had claimed the Mon school was contending with the state school. The Mon national school had been built eight years prior to the closure, following the NMSP-SPDC ceasefire agreement, and had Mon teachers teaching a Mon national curriculum. (Source: “Mon Forced Out of Their Schools,” *Kao Wao News No. 67*, 15 May 2004)

In October 2004, it was reported that Ye Township Military Intelligence (MI) personnel were threatening teachers from the Mon national school in Lamine not to teach the Mon language. When the village was promoted to town status, the MI indicated that instruction of Mon language and the existence of the school were not appropriate in the town. One woman from Lamine reported that MI personnel visited the school every few days to threaten the teachers. In addition, MI personnel visited the homes of villagers with whom teachers resided threatening them to stop providing accommodation for the teachers. (Source: Taramon, “Mon Teachers Warned By Military Intelligence,” *Kao Wao News No. 76*, 9 October 2004)

Discrimination in education against the Rohingya

The 1982 Citizenship Law denies the Rohingya population the right to citizenship as the Rohingya are not recognized as one of the "135 national races" of Burma and are generally unable to prove their ancestry prior to the British annexation of Burma in 1823. Consequently, the Rohingya are considered illegal immigrants in Burma and suffer from severe human rights abuses, such as strict travel restrictions, forced labor and land confiscation. Furthermore, only citizens are allowed to attend school past primary school level in Burma. Therefore, Rohingya children are denied access to higher education. While primary schools do exist in most village tracts, poverty forces most children to contribute to their family's survival and therefore many Rohingya children are unable to attend school. In addition, the Rohingya speak a dialect of Bengali and as the language of instruction in schools is Burmese many Rohingya children are unable to comprehend their lessons. The only university in Arakan State is located in Sittwe, the capital. Yet, Rohingya have been banned from travelling to Sittwe since the beginning of 2001 and therefore are only able to study through distance education programs. (Source: Forum-Asia, 2003)

8.8 Land Confiscation and Burman Resettlement

"Right now, our lives are under a modern slavery of the government. We have to pay forced labor, money, constructional materials, and farmlands, etc. Even though our valuable trees have been forcibly taken by the Nasaka for the construction of new settlers' houses. This construction of model villages entails us forced relocation and relegated to the poorest [sic]."

- Rohingya school teacher in northern Arakan State. (Source: "Forced Labor for Newcomers and Relocated the Rohingya Villagers in Northern Arakan," *Kaladan News*, 23 June 2004)

Since the early 1990s, the SPDC has carried out a systematic campaign of forced relocation in northern Arakan State, in order to establish "model villages" for Buddhist Burman and Rakhine civilians. The construction of model villages increased after 1992 and the formation of the Nasaka, or border security forces. While the Nasaka was disbanded following the ousting of Prime Minister Khin Nyunt on 19 October 2004, prior to this the Nasaka oversaw the construction of "model villages." The "model village" program is officially under the charge of the Ministry for Development of Border Areas and National Races. The Ministry is also known by its Burmese acronym, *NaTaLa*, and therefore "model villages" are often referred to as "*NaTaLa* villages." As of May 2004, Amnesty International reported a total of 26 model villages in Maungdaw and Buthidaung Townships. As a result of the construction of "model villages," vast amounts of Rohingya land has been confiscated in the border townships of Maungdaw, Rathedaung and Buthidaung. Consequently, whole communities have been forced to leave their homes and relocate. (Source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004)

Model villages usually consist of approximately 100 families of either Rakhine, Burman or a few smaller ethnic minority groups which reside in the western border areas. Among those of Burman ethnicity, the SPDC authorities have reportedly relocated released criminals, HIV patients, drug addicts, homeless people and retired armed forces personnel. Those who are relocated to model villages are reportedly offered incentives to encourage resettlement.

Residents of model villages are provided with a home, one to four acres of land and a pair of oxen. Other reports indicate that settlers receive food supplies and amenities such as generators and refrigerators. Despite these incentives, many settlers are allegedly unhappy and attempt to return to their homes.

Those who are forced to relocate from their land, mostly Rohingya and some Rakhine villagers, are usually not provided with compensation or assistance. Without their farmlands through which to maintain a livelihood, many villagers are driven deeper into poverty. In addition, the Rohingya who have been forced off their land have frequently been required to provide labor for the construction of new homes for settlers. In some cases, they are also forced to provide the materials and/or funds to construct the houses.

From the end of May 2004, the Nasaka Director Lt. Col. Myint Oo ordered the evacuation of 130 Rohingya houses from Myaw Taung (Wa-beg) and Kyi Kan Pyin (Kawa Bil) villages in Maungdaw Township, as well as the construction of a "model village". Rohingya villagers were ordered to build houses for newly arriving settlers from central Burma. Rohingya villagers from nearby villages were forced to work on the "settlement program" while no alternative arrangements were made for the evacuated Rohingya families, who were living in harsh conditions in nearby villages. Under the construction scheme, the villagers build 120 houses, a monastery, a school, a health center, wells and several ponds. The nearby villagers were compelled to abandon their agriculture works in order to undertake the construction works demanded by the Nasaka authorities. The villagers were not paid and, in addition to labor, were required to provide house building materials, including pillars and bamboo, and to pay 3,000 to 6,000 kyat per family according to their financial status. The Nasaka authorities also confiscated 260 acres of land from surrounding Rohingya villages in order to provide the new settlers with farming land. As a result of the measures imposed, some villagers' family members were reportedly facing starvation. (Source: "Forced labor for Newcomers and Relocated the Rohingya Villagers in Northern Arakan," *Kaladan News*, 23 June 2004)

8.9 Appendix I: 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-Yan (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

8.10 Appendix II: Ceasefire Status of Ethnic Opposition Groups

Group	Leader	Ceasefire
Arakan Liberation Party (ALP)	Khine Ye Khine	---
Chin National Front (CNF)	Thomas Thangnou -	---
Communist Party of Burma (CPB-Arakan State)	Saw Tun Oo	1997
Democratic Karen Buddhist Army (DKBA)	U Thuzana & Kyaw Than	12/1994
Gods Army (<i>Kersay Doh</i>)	Johnny & Luther Htoo	<i>not active</i>
Kachin Defence Army (KDA)	Mahtu Naw	13/1/1991
Kachin Independence Organization (KIO)	Lamung Tu Jai	1/10/1993
Karen National Union (KNU)	Saw Ba Thin Sein	temporary
Karen Peace Force	Saw Tha Mu Hei	24/2/1997
Karenni National Defense Army (KNDA)	Zaw Hla & Lee Reh	1996
Karenni National People's Liberation Front (KNPLF)	San Tha & Tun Kyaw	1994
Karenni National Progressive Party (KNPP)	* Hte Bupeh	1995
Karenni State Nationalities Peoples' Liberation Front (KNPLF)	Sandar & Htun Kyaw	9/5/1994
Kayan National Guard (KNG)	Gabriel Byan & Htay Ko	27/2/1992
Kayan New Land Party (KNLP)	Shwe Aye	26/7/1994
KNU Special Region group (Toungoo)	Saw Farrey Moe	8/11/1997
Lahu National Organization (LNO)	Paya Ja Oo	---
Mergui-Tavoy United Front	Saw Han	---
Mon Army, Mergui District (MAMD)	Ong Suik Heang	1997
Mong Tai Army	Khun Sa	2/1/1996
Myanmar National Democracy Alliance Army (MNDA-A-Kokang)	Phone Kyar Shin	21/3/1989
National Democratic Alliance Army (NDAA)	Sai Lin (Lin Ming-xian)	1989
National Socialist Council of Nagaland (NSCN) NSCN East NSCN Main faction	Khaplang Isaac & Muivah	---
National United Party of Arakan (NUPA)	Shwe Tha	---
New Democratic Army (Kachin) (NDA-K)	Sakhone Ting Ying	15/12/1989
New Mon State Party (NMSP)	Nai Shwe Kyin	29/6/1995
Palaung State Liberation Party (PSLP)	Aik Mone	21/4/1991
Pa-O National Organization (PNO)	Aung Kham Hti	11/4/1991
Rakhine State All National Races Solidarity Party	Saw Tun Oo	24/2/1997
Rohingya National Alliance (RNA)	Nural Islam, Dr Yunnus -	---
Shan State Army (SSA) (aka SSA-South)	Yord Serk	---
Shan State Army-Shan State Progress Party (SSA) (SSA-N)	Sai Nawng & Loi Mao	2/9/1989
Shan State National Army (SSNA) (aka SSA-Central)	Karn Yawd	1995
Shan State Nationalities Liberation Organization (SSNLO)	Tha Kalei	9/10/1994
United Wa State Army (UWSA)	Pao Yuchang	9/5/1989
Vigorous Burmese Student Warriors (VBSW)	Kyaw Ni 'Johnny'	---
Wa National Organization (WNO)	Maha San	---

(Source: *Burma Briefing: Issues and Concerns Volume 1*, ALTSEAN, November 2004)

9. Rights to Education and Health

9.1 Background

Burma has suffered nearly fifty years of civil war, economic mismanagement, thriving corruption and more recently international sanctions. The result has been a steady decline in education and increasingly poor healthcare, ranking Burma as having one of the lowest standards of living and poorest healthcare records in the developing world. Widespread poverty means access to both healthcare and education is strictly limited to those with financial means. Geographical location and individual, family or ethnic group relations to the military also have a considerable impact on access to these services. For those who can meet the cost, poor infrastructure and an extremely low level of government investment has meant that there are little or no facilities to adequately provide the population with these essential services. A combination of low salaries and a lack of transparency and supervision have meant that corruption in these sectors has flourished. As a result, academic qualifications and the quality of healthcare in Burma have been considerably devalued.

The political situation in Burma, along with detrimental government policies and practices, continue to deprive the population of health and education services. During 2004 there were continuous allegations of human rights violations in respect of the rights to health and education. On 19 October 2004, Prime Minister Khin Nyunt was removed from power and Lt Gen Soe Win was appointed in his place. However, the changes in government, as of the end of 2004, appeared to have had little or no effect on the situation of health or education within Burma.

In respect of the government fulfilling its obligations under international human rights law in relation to the rights to health and education in Burma, there was no improvement in 2004. Plans and programs for reform in the sectors of health and education have failed to achieve their goals and the government measures its success in these areas in quantity, not quality. Although there have been reports of increased government cooperation and a willingness to engage on the issues of HIV/AIDS and education with some UN agencies and international NGOs, meaningful reforms have yet to materialize.

It is clear that the Burmese government has continued to both abuse the educational and cultural rights of students and deny the people the right to health. During 2004, Burma continued in failing to meet its international human rights treaty obligations. Current plans to reform the health and education sectors fall short of international standards.

Government Spending on Health and Education

“Government spending on health and education is still perilously low, with the military seriously mismanaging the economy.”

(Source: *Myanmar: Update on HIV/AIDS Policy*, Asia Briefing N°34, 16 December 2004, International Crisis Group)

Since 1990, the Burmese government’s spending on the social sector services has steadily declined. As a result, Burma has one of the lowest levels of public investment in social services in the world (source: www.dfid.gov.uk). Conversely, Burma has one of the highest rates of military expenditure, in comparison to health and education spending, of any other ASEAN nation. During the year, the government continued to allocate minimal financial resources to both the education and health sectors. Consequently, the government’s under-spending on health and education remains a serious issue.

Official expenditures for all civilian education in the fiscal year 2003-2004 were equivalent to 1.3% of the government budget. Despite the government doubling its budget for the Ministry of Health during the same period, spending on health still amounted to only 1.2% of total government expenditures. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

Disproportionately large military spending at the expense of social and infrastructure spending remains a major issue. Published budget figures show that per capita spending on the military is nine times higher than that of health services and twice that of education services. (Source: “Even Animals Are Starving,” *Asian Human Rights Commission*, April 2002)

9.2 Situation of Education

“... New universities and colleges have been opened and postgraduate courses have been established. The number of institutes of higher learning in the country has increased from 32 in 1988 to 154. Greater educational opportunities have been created and as a result the number of students studying at institutes of higher learning has increased from 130,000 to 890,000 at present. Likewise, the numbers of professors and instructors have grown. The number today totals 16,600. The Yangon University, Mandalay University and the Yangon Institute of Education presently offer doctorate courses (PhD courses) and 30 Dr Med Sc courses, the technological universities five doctorate courses in engineering and 16 architecture and engineering doctorate courses; and one IT doctorate course.”

- Statement by Gen Khin Nyunt at the opening session of a seminar on understanding Myanmar, held in Rangoon on 27 January 2004 (Source: <http://www.karen.org/>)

“Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.”

- Article 25(1), Universal Declaration of Human Rights

Prior to the military coup in 1962, Burma had a reputation as being one of the most highly educated countries in Southeast Asia. For years, parents had sent their children to Monastic schools and education was always private and free for all. However, after the 1988 military takeover, most Monastic schools were abolished or banned. Since then, Burma's education system has been in the hands of the military.

In 1993, a National Education Committee was formed to tighten the military's control over the education system. The National Education Committee now controls all education institutions and there are no independent education institutions in Burma. Therefore, education is completely monopolized by the government. The education system in Burma has been widely criticized by human rights organizations as being grossly inadequate and at the thirty-sixth session of the Committee on the Rights of the Child, the committee expressed serious concerns about the low quality of education in Burma in their concluding observations. The situation is even worse in many rural and ethnic minority areas, where villages have suffered the effects of years-long government offensives against its own people. Government policy towards education continues to severely limit people's opportunities and development.

Despite government promises to promote free and compulsory primary education, many students are unable to receive any education as they are unable to meet educational costs. Others cannot attend school due to periods spent in hiding or fleeing attacks from government troops, or through forced relocation or labor demands by the government, which cause massive disruption to children's education. The obstacles, preventing many from attending school, have meant that some students are taking matters into their own hands and risking their lives fleeing Burma in pursuit of education in neighboring countries (source: “Students Flee Burma in Pursuit of Education,” *Irrawaddy*, 17 June 2004).

Others have developed an attitude of indifference towards education. Under present conditions many see making sacrifices in order to receive an education as pointless, as there are no decent jobs available with or without a diploma, other than to those with economic status, influence or military connections. For many, the financial costs of investing in an education are not worth making with employment opportunities so scarce. Many international institutions do not recognize the standards applied in Burmese institutes of higher education and corruption within the education system has devalued academic qualifications awarded by Burmese universities.

The government has been implementing a short-term four-year education program since 2001, alongside a 30-year long-term plan for basic education. The four-year plan (2000-2004) had six main targets, including the revision of the basic education curriculum, the introduction of a new assessment system and redefining the completion of basic education as well as a matriculation system. It also involved the introduction of multi-media classrooms, upgrading the quality of teacher education and supporting all-round development activity, and finally the universalization of primary education (UPE). The 30-year long-term education plan for basic education (2001-2031) aims at improving the quality of basic education.

Despite these plans, the government is failing in the realization of their goals to improve the education system and necessary reforms to implement the changes have not been made. During the implementation of the first four-year program the government claims that a total of 4,788 post-primary schools were opened and 1,257 basic education schools upgraded. However, there have been continuing accounts of new schools being rendered useless through a lack of teachers. (Source: "Students Flee Burma in Pursuit of Education," *Irrawaddy*, 17 June 2004)

Educational fees in Burma vary according to state and township. There is no consistency or government regulation of these fees and no available remedy for those who are denied an education through failure to meet with schools financial demands. Many parents are forced to pull their children out of school when they are unable to afford the compulsory fees. The government claims the school enrollment rate has risen from 92.5% in 2001 to 95.05% in 2003, according to official government statistics (source: "Myanmar Strives for Education Development Under New Special Plan by Yunfei," *Xinhua*, 29 September 2004).

However, despite the government's claims regarding the rate of school enrollment, a February 2004 statistical report released by UNESCO indicated that almost half these children will not reach grade five. In the report, it stated; "In India, the Lao People's Democratic Republic and Myanmar (Burma), only half of children who enter primary school will reach grade five, indicating a dropout rate of 53%, 47% and 45% respectively." (Source: "Asia Has the Highest Number of Children Out of School: UNESCO," AFP, 10 February 2004)

Many teachers are not properly qualified to teach. An average teacher salary is lower than subsistence wages. Therefore, teachers are either forced to leave the profession or make extra financial demands from students, making a free education inaccessible to most. In some communities local authorities have forced local people to pay teachers' salaries. A local commander of southern Ye Township, Mon State, for example, ordered the village headmen to collect funds for government teachers from September 2004 (source: "Villagers Taxed to Pay Teachers' Salaries," *Kao Wao News*, 8 September 2004).

With corruption thriving, many teachers pay money to the education administration in order to get a position in a specific school, in an ideal location. In some areas where parents cannot afford extra payments, teachers cease work altogether, or the students who cannot afford to pay the fees are expelled. Some students have reported being forced by teachers to pay to attend extra tuition classes. In Falam Township, Chin State, students reported being charged 300 kyat per month for tuition classes and 500 kyat per month in Thang Tlang and Haka Townships (source: “Students Distressed by Educational Officials in Chin State,” Khonumthung News Group, 21 August 2004).

Students have discredited government claims that it is focussing on improving education in border areas. In recent years the government has taken extreme measures to limit the possibility of student unrest. Campuses have been moved to remote areas and most on-campus dormitories closed. Students are forced to find their own accommodation. In Arakan State this can cost students around 30,000 kyat per month, three times the average monthly income of a civil servant (source: “University Student Condemns the SPDC’s Education System,” *Narinjara News*, 5 May 2004).

In some areas the government has confiscated school land with no regard to the effect on local students’ access to education. According to a source from Ye Township, Mon State, the authorities confiscated school land belonging to a Mon National School, in order to build government offices. The military had been confiscating land in the area since April 2004. Sources said a Colonel Myint Aung accused the school of competing with the SPDC’s school. The 425 students from the school were then out of class for an indefinite period (source: “Mon Forced Out of Their Schools,” *Kao Wao News*, 15 May 2004).

Despite a legal ban on private institutions, a limited number of private academic institutions are allowed to function. However, the government tightly controls what these institutions are allowed to teach. Likewise, instruction at faith-based organizations such as Buddhist monastery-based schools, Christian seminaries and Sunday schools, Muslim Madrassas and other private community-based groups is regulated.

Adult Illiteracy

Prior to the military takeover in 1962, Burma had one of the highest literacy rates in Southeast Asia. Since then, literacy rates, especially among women and those living in ethnic border areas, have steadily declined. The government has made attempts to reverse the decline in literacy and in recent years has claimed the literacy rate is steadily increasing.

There are several reasons for low literacy in Burma. Two significant contributing factors are non-attendance at school and high drop out rates. According to government figures, in 2002-2003 the percentage of pupils completing primary school was 63.8% and the percentage of pupils completing school at the secondary level was just over 64%. However, a February 2004 statistical report released by UNESCO reported that only half of the children who enter primary school will reach grade five, indicating a dropout rate of 53%.

Government figures claim Burma’s literacy rate grew to 93.3% in 2004, an increase from only 91.5% in 2001. The implementation of a summer literacy campaign by the government supposedly increased the number of illiterate people transitioning to literate during the year. Burma targets to attain a literacy rate of 95.5% in the next three years through literacy programs that mostly cover remote border areas where some ethnic groups have been denied

access to education and the opportunity to learn to read and write for many years. (Source: “Myanmar Strives for Education Development Under New Special Plan by Yunfei,” *Xinhua*, 29 September 2004)

The accuracy of the above government literacy figures is debatable, and with the absence of accurate demographic information, UN agencies and NGOs vary in their estimates. At the time of the 1983 census in Burma, literacy rates measured 82% for men and 71.3% for women. However, literacy rates in the ethnic states were 65% and 50% respectively. In 1995, UNICEF estimated that the literacy rate had dropped to about 55%. Surveys conducted in the mid-1990s in refugee camps along the Thai-Burma border showed that less than 50% of Mon women between the ages of 20 and 30 were literate, 40 to 50% of Karenni women of all ages were literate, and 60% of Karen women between the ages of 20 to 40 were literate. However, some community leaders in ethnic border areas claim literacy among women to be as low as 20%. In all areas, male literacy is notably higher than female literacy by 10% or more.

With the teaching of ethnic languages banned by the government, illiteracy is prevalent in ethnic areas where the use of ethnic languages is common. In these areas, education is inaccessible to many. For those who do have access, studying in a second language often creates difficulties and obstacles in passing their exams and receiving an adequate education. Therefore, language sometimes becomes a reason for students dropping out of school.

Primary Education

Government figures indicate that there were 40,505 basic education schools throughout the country in 2004, an increase from 33,747 schools in 1988, while the number of students has grown from 5.24 million to 7.55 million. Basic education school teachers number at 224,000. According to these figures, school enrolment rates for 2002-2003 were 93.1% at primary school level. The percentage of pupils completing primary school, during this period, was 63.8%. The government report also stated that the average percentage of dropouts, at the primary level, was 7.2%, for the same period. (Source: “Myanmar Strives for Education Development Under New Special Plan by Yunfei,” *Xinhua*, 29 September 2004)

However, international agency figures do not paint such a positive picture. A statistical report released by UNESCO in February 2004 stated that only half of children who enter primary school in Burma will reach grade five. These figures indicate a 45% drop out rate. UNICEF figures state that 50% of primary school students drop out before finishing the fourth standard. During the year, attendance rates continued to fall, largely due to the increase in educational fees (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005).

Burma became a party to the UN Convention on the Rights of the Child (CRC) in August 1991. Having ratified the convention, Burma is obligated to make primary education compulsory and free, and available to all, as stated in article 28, paragraph 1(a) of the convention. Burma is also required to put in place domestic legal measures in line with the convention. These domestic measures were enacted in Burma in 1993. Child Law, Section 20 states that; “Every child shall have the right to free basic primary education in state schools and that the Ministry of Education shall implement a system of free and compulsory primary education.” At the same time, under Section 20 of Burma’s 1993 Child Law, “the Ministry of Education shall implement measures as may be necessary to ensure regular attendance at schools, to reduce dropout rates, and make arrangements for children, who are unable for

various reasons, to attend schools opened by the state.” Yet, in its *2004 Education Report*, the All Burma Federation of Student Unions (ABFSU) reported that few children enroll for primary education and nearly half of those who enroll do not finish primary education (source: *Year 2004 Education Report*, ABFSU-FAC, September 2004).

Under article 28, paragraph 1(e), of the CRC, the government is obliged to take measures to reduce dropout rates from schools. The government claims that they have taken action to reduce dropout rates among students. There are a limited number of education centers located in special areas where students can learn part-time. However, for these the government relies solely on NGO programs, funded by foreign governments. The ABFSU contends that high dropout rates contribute to increased recruitment of child soldiers and child laborers as well as an increase in migration to neighboring countries or refugee camps in search of an adequate education (source: *Year 2004 Education Report*, ABFSU-FAC, February 2005).

Statistics have shown that around 84% of all children who dropout of primary school are from rural areas (source: *On the analysis of the situation of women and children in Rangoon*, UNICEF, August 1999). In Karen, Karenni and Shan States, for example, the percentage of children attending school is only 10% (source: Belak, Brenda, *Gathering Strength: Women from Burma on Their Rights*, Images Asia, January 2002). Lack of security and the distance of most schools from rural villages are also contributing factors. Children are not usually forced into labor. However, when parents are conscripted for laboring on government construction projects they are unable to support their livelihoods. This leads to financial difficulties that prevent them from sending their children to school. If parents are unable to fulfil their work obligations to the government, they may also choose to send their children to labor projects instead of themselves, again interrupting education. In addition, it is estimated that over 70,000 of all soldiers in the Burmese army, out of a total of around 350,000, may be children under the age of 18, also causing interruptions to education (source: *Child Soldiers Global Report 2004: Myanmar*, Coalition to Stop the Use of Child Soldiers, 17 November 2004).

In reality, education fees, in the form of enrollment costs, tuition fees and other extra costs such as donations to parent-teacher associations, the Union Solidarity and Development Association (USDA) and other local events, makes governmental claims that there is free primary education in Burma nothing more than a government slogan and lip service to the international community. In June 2004, it was reported that at the start of the 2004-2005 school year, the enrolment fees for a primary school pupil ranged between 5,000-8,000 kyat in rural areas and between 10,000-14,000 kyat in urban areas and cities. Some of the more reputable schools in Rangoon charge fees as high as 600,000 kyat. An average primary school teacher’s salary is between 4,700-4,900 kyat per month, a middle school teacher earns between 5,000-5,500 kyat a month and high school teachers earn on average 5,500-6,000 kyat a month. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

Corruption, rampant at every level of education, poses another challenge to the promotion of free and compulsory primary education. People are forced to pay bribery money to school teachers, headmasters or local education authorities in order to enroll their children in schools of their choice. Teachers also have to pay bribery money to education authorities to get jobs at good schools in the cities. With all these financial demands, poverty has become the greatest impediment to children receiving a free primary education in Burma, making primary education inaccessible to most.

High School Education

The Ministry of Education claimed that there were a total of 1,748 high schools in the country in 2003. According to government figures, school enrolment rates for 2002-2003 were 40% at secondary school level and 96.5% in the transition stage from secondary to tertiary level. The percentage of pupils completing school at the secondary level was just over 64% (source: "Myanmar Strives for Education Development Under New Special Plan by Yunfei," *Xinhua*, 29 September 2004). These figures are a sharp contrast from figures released by the military authorities in 1999, which indicated that 26% of 14 and 15 year olds attended school (source: *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003). Most educational institutes are disproportionately concentrated in urban areas. They have insufficient facilities and insufficient study material. Schoolbooks and books in the schools libraries are often very outdated and politically biased. Therefore, the quality of high school education has continually declined.

There are several contributing factors to the steady decline in the quality of education in Burma. Many teachers are not sufficiently qualified due to poor teacher training programs. In turn, the education system suffers from the absence of well-trained teachers and active learning techniques. Those teachers, who are qualified, frequently flee to neighboring countries in order to carry out their profession for a higher salary and without restrictions. The average high school teacher makes a salary of 7,000 kyat (US\$ 7) a month, far below subsistence wages. In order to supplement their wages, teachers are forced to demand extra tuition fees from their students. High school students reportedly pay 3,000-20,000 kyat per month for private tuition. One report estimated 50-80% of students attended these private classes (source: *Growing Up Under the Burmese Dictatorship*, ICFTU, August 2003).

As students and professionals have limited participation in drafting school curriculum, the military's influence and control over education policy also continues to have a negative impact on the education system. The school curriculum is entirely defined by the military government and it promotes the role of the army, while criticizing democratic structures, the role of political parties and independent civil institutions. Instead of fostering respect for human rights, the curriculum promotes the militarization of the country. In addition, the system of assessment is riddled with corruption, with many students paying bribes in order for teachers to pass them in their exams. A policy of achievement based on merit has been eliminated and replaced with one that awards only those students with financial means. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

The quality of education in ethnic border areas is particularly low. Lack of government investment in these areas and government policies on relocation and language have all contributed to a steady decline. All schools are obliged to teach in the Burmese language and tuition in ethnic languages is prohibited. This prevents the development of indigenous cultures and continues to infringe on the cultural rights of ethnic minority people. Teaching in ethnic languages, even as a second language, is prohibited, with the exception of the Mon language which students are permitted at their own expense and arrangement to learn outside school hours.

Conscription for forced labor and child soldiers also continues to contribute to the deterioration in students' ability to complete their high school education. Moreover, forced relocation is another factor which prevents children from attending school. Relocation sites often do not have adequate schooling and villagers are required to pay the full cost of

schooling, causing very few children to actually attend school. According to Ministry of Information statistics, only 88,277 students are attending the basic-education level in ethnic regions. Government statistics state that only 1.6% of the population living in ethnic border areas attend school, while 32.7% of the population is under the age of 14 (source: *Xinhua*, 11 July 2003).

University Education

“Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups.”

- Article 25(2), Universal Declaration of Human Rights

According to the government, at the start of 2004, Burma had 156 universities and colleges compared with only 32 in 1988. The number of students studying at these institutions was 777,174, as reported by the regime in 2003 (source: “Myanmar Makes Progress in Higher Education,” *Xinhua*, 9 July 2003). Yet, just one year before in 2002, Images Asia, a Thai based media and advocacy organization, estimated that only 374,112 students between the ages of 15 and 24 were attending post-secondary education (source: Belak, Brenda, *Gathering Strength: Women from Burma on Their Rights*, Images Asia, January 2002). Accounts from students during 2004 and the continuing obstacles that students’ faced in receiving higher education in Burma supports this lower estimation.

The military claims there is a high standard of education within higher institutions of learning. However, personal accounts from university students contradict this claim. Saw Bhone Tun, a graduate from Akyab University in Sittwe, Arakan State, reported that the university only graduated five students with Master degrees in a year and that there are less than one thousand undergraduate students. The academic year lasts only four months, therefore, most students require extra private tuition. Teachers guarantee to pass those students who pay for the extra tuition, however, private tuition fees are about 15,000 kyat a month (source: “University Student Condemns the SPDC’s Education System,” *Narinjara News*, 5 May 2004).

Frequent school closures, a short academic year and poor facilities and educators all contribute to a diminishment in quality of education in universities. In the period after the 1988 military coup, up until the December 1996 student uprising, universities and colleges in Burma were only open for a total of 30 months. Universities were allowed to reopen in August 1998 for a period of one month and students were called to take examinations. However, following this, the universities remained closed until June 2000. Upon the reopening of the universities in 2000, the military implemented some key changes to minimize the possibility of students engaging in political activities or demonstrations on campus. Courses were shortened considerably and many are even only offered by correspondence. On enrolment, students have to pledge not to be politically active and they are given no choice to which campus they are assigned. In 2000, only 1/3 of previously enrolled students re-enrolled due to these new oppressive measures.

These frequent disruptions to higher education have prevented many students from graduating, and those who have been allowed to continue their studies and to take rush exams have been unprepared. Examination papers are often leaked to students for a price beforehand.

With this kind of corruption rife in institutions of higher education, academic qualifications have been devalued as there is no guarantee that graduates will be awarded diplomas based on merit. It seems the regime is more interested in limiting the time students spend at university, in order to limit the risk of student unrest, than in providing the population with legitimate opportunities to study. Since the beginning of military rule in 1962, the government has placed severe restrictions on students and there has been an ongoing history of government violence towards students in their attempts to suppress student activism. Students are often forced to participate or join military sponsored committees, for example, the Union Solidarity and Development Association (USDA), a government sponsored social organization, or local women affairs committees. Failure to comply often leads to persecution or expulsion.

The government also began implementing a policy to build new universities and move existing ones to areas away from urban centers and near military barracks. The main campuses of Rangoon University and Rangoon Institute of Technology, which had been centers of student demonstrations in the past, were moved 20 km outside the city. The newly built campuses in suburban areas are too far away from the city center and as a result they do not cater for the basic needs of the students. There are no government hostels, no adequate public transport, no subsidized restaurants or shops and there is a total lack of security on university grounds. This means the living costs for university students is augmenting, making higher education even more inaccessible to most. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

In addition, there are severe restrictions on academic freedom in Burma. Freedom of expression and assembly in universities is strictly prohibited in order to prevent possible student demonstrations against military rule. As a consequence, there is no freedom of expression in the academic community. Not just students, but teachers and professors also face restrictions on their freedom of speech, political activities and publications. Teachers are routinely warned by the Ministry of Education against criticizing the government and are banned from discussing politics while working, from joining or supporting political parties or from engaging in any political activity, with the exception of joining the government sponsored USDA, which is compulsory for all teachers. Teachers must obtain advanced approval for meetings with foreigners, and foreigners are not permitted to attend any meetings involving students. Military officers are appointed in every educational institution to ensure compliance. Teachers continue to be held responsible for the political activities of their students. Choices in academic study also remain severely constricted. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

The education system, absent of academic freedom and rights, fails to support critical thinking in students. The serious roles of scholars and professionals are ignored. Scholars, who fail to comply with state regulations, face arrest, torture or even dismissal from their positions. As a result of government restrictions on academic freedom, creative thinking is seriously hindered and an education that encourages respect for civil institutions, human rights and democratic values is not possible (source: *Year 2004 Education Report*, ABFSU-FAC, February 2005).

Disparity between Civilian and Military Education

Despite civilian education institutes suffering through government mismanagement, the regime continues to promote military institutions that provide a quality education with extremely good facilities. Military universities are the only qualified institutions in the country. The government began establishing these institutes after the 1988 pro-democracy movement as a means of strengthening military power. The government does not disclose information about these institutions. Therefore, statistics on enrollment and budget allocation to these institutions are unknown. However, a comparison between civilian and military institutes reveals most government financial assistance goes only to these highly privileged schools and universities. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

The military runs 15 primary schools reserved only for the children of military elite. Unlike civilian schools, these schools run summer camps with computer-training courses, English tuition and field trips. Students from these schools are easily accepted into military institutes for higher education upon completion of high school and are then eligible for scholarships and scholastic awards. International scholarships are more often than not awarded to those with military ties. The selection process for international scholarships is not based on the level of competence of a student, but on a student's connections with government officials.

Facilities at these institutes, such as computer access, modern libraries and well-equipped science labs, far outweigh the poor resources of most civilian centers of education and students are sometimes allowed to attend short-term training seminars given by foreign scholars. Since the 1988 coup, military institutes have remained open despite the frequent closure of civilian institutes.

In 1955, the military established the Defense Services Academy, where many of the ruling generals received their education. Since then, the Defense Services Institute of Medicine, the Defense Services Institute of Nursing, the Defense Services Technological Academy and the Defense Services Technical College have been established. In addition, the military opened the Maritime University in 2002, under the auspices of the Ministry of Transportation. Here, a number of bachelor degrees are offered, including naval architecture, marine engineering, river and ocean engineering, marine electrical systems, electronics, and nautical science. The Aerospace Engineering University, also opened in 2002, under the Ministry of Science and Technology, and offers courses in engineering with concentrations in aerospace propulsion and flight vehicles, and aerospace electronic systems and instrumentation. Each program accepts 100 students annually, therefore entrance is highly competitive. The selection boards are made up of military officials and therefore those students who are able to obtain military recommendations are at a distinct advantage regardless of their academic ability.

As the civilian education system has deteriorated, an increasing number of civilian students have become interested in applying to study at military institutes. While this is feasible, the strict application process to these institutes, requiring students to obtain mandatory recommendations from government officials, including military officials, discriminates against many civilian students. Those with a family history of political opposition are disqualified and applicants must pledge they will not be politically active and will serve in the army or government for a number of years upon graduating. In many cases, when civilian students are accepted at military institutes, they are forced to pay tuition fees unlike their military counterparts who benefit from monthly salaries and free tuition. This makes

education at a military institute inaccessible to most as the financial costs prohibit enrolment for most civilian students.

Graduates from these institutes are eligible for education and employment opportunities not open to the public. Many graduate programs at civilian universities are only open to graduates from military institutes, and in some cases those with military connections are provided with financial support from the Defense Services. It is clear that the promotion of military institutions by the government is used as a mechanism for the long-term rule of the military regime. Students at the military universities receive a higher quality education and are perceived as the future political, economic, military and social affairs leaders.

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

The government began introducing multimedia classrooms in 1998 and claimed that 1,300 of these rooms had been installed in public high schools by 2002. While these government figures remain unverified and are often inaccurate, the presented figure represents only 2.2% of all government high schools. However, the financial burden for these rooms has been placed on the parents of the students, not on the government. Nearly all these rooms remain closed, with the exception of when government dignitaries make visits to schools. This is because the maintenance costs of running the facilities are too much for schools and parents to cover.

The government has also established E-learning centers. However, like the multimedia classrooms, they are just for show. Few people are involved in the programs and only a few elite students and privileged schools in the Rangoon area can access the centers. In border areas, access to IT facilities is non-existent. Since 1988, the government has claimed to be functioning 51 E-learning centers, 143 computer training centers, 49 E-education resource centers, multi-media lecture rooms, conference rooms and computer aided centers. The government also claims there is access to email, the Internet, intranet and video conferencing systems, such as VSAT Networks, have been installed in 56 locations in education

departments, universities and colleges. (Source: *Year 2004 Education Report*, ABFSU-FAC, February 2005)

The government claims that there are computers at universities and opportunity to study computer related subjects. However, in reality these facilities are only open to the elite. An account from a graduate of Akyab University in Sittwe, Arakan State, reveals that computer related subjects at Akyab University are taught from textbooks and computers are only permitted to be used by Computer Science students. Those who are allowed to use computers are restricted to two hours usage, two days a week. (Source: "University Student Condemns the SPDC's Education System," *Narinjara News*, 5 May 2004)

Burma receives the greatest amount of assistance in IT education through the Center for the International Cooperation for Computerization (CICC) in Japan. The CICC regularly holds IT training courses for Burmese students in Japan. However, as with all educational opportunities abroad, preference is given to those applicants with military connections. (Source: *Education Report 2002*, ABFSU-FAC, May 2003)

Updates on Education

Rising education fees

Entrance fees in Mon State continued to rise in 2004, with fees varying in different townships. Some schools in Mudon and Thanbyuzayat Townships, Mon State, charged 2,500 kyat for primary school, 2,980 kyat for middle school and 3,600 to 41,000 kyat for high school. However, students in Hnee Pa Daw village in southern Mudon Township were required to pay about 6,700 kyat. In addition, some students were required to pay extra fees for building and repair work on school facilities and it is also common for parents to have to pay the cost of textbooks and other necessary materials on top of school entrance fees. (Source: "Poor Forced to Pay for Basic Education," *Kao Wao News*, 15 June 2004)

Fees in Pa-an Township, Karen State, were reported to be substantially higher than in Mon State, with middle school fees as high as 5,250 kyat per student. Likewise, students in Three Pagodas Pass, a Thai-Burma border town, pay the higher fee of 180 baht for primary school, 250 baht for middle school and 300 baht for high school. In addition to these fees, students must pay the extra costs of textbooks, amounting to up to 1,000 baht.

In Arakan State, it was reported that there has been a sharp decline in the number of students enrolling for school and an increase in the number of dropouts due to increased fees and educational expenses in 2004. Fees, not including the cost of textbooks and other materials, were around 4,000 kyat for primary school, 7,000 for junior high school and 10,000 kyat for transfer admission fees. (Source: "Tuition Increases Lead to Decreased Enrollment in Arakan," *Narinjara News*, 29 June 2004)

Students fleeing Burma in pursuit of education

In May 2004, 100 Karenni students fled to Thailand in pursuit of education in refugee camps after months of teacher strikes in their own villages. The dangerous journey by foot took 14 days through the jungle. Despite new schools being built in some Karenni villages in 2003, they have remained empty with no teachers or supplies. (Source: "Students Flee Burma in Pursuit of Education," *Irrawaddy*, 17 June 2004)

Introduction of compulsory dress code for students

In August 2004, educational authorities introduced a compulsory dress code for all university students. The uniforms, based on traditional Myanmar outfits, must be worn at all times on campus. No public explanation was offered for the move, however, it has been speculated that the move is one intended to make sure students are easily identifiable should there be any student related disturbances, such as protests or demonstrations. (Source: "New Burden Riles Myanmar Students: A Dress Code," AP, July 29)

New government education development plans.

2004 saw the start of another new four-year short-term special education promotion plan in an effort to keep up with Southeast Asian educational standards. Under the plan, Burma will supposedly upgrade 6,000 schools and add over 21,000 more teachers. Future education plans include cooperation programs between higher educational institutes in Burma with others in Japan and Thailand. (Source: "Myanmar Strives for Education Development Under New Special Plan by Yunfei," *Xinhua*, 29 September 2004)

Discrimination of Rohingya

It was reported that Rohingya Muslims, residing in the northern part of Arakan State, have been denied access to state run schools beyond primary level and have continued to experience violations of their rights. On 4 June, the UN Committee on the Rights of the Child stated, "many of their rights are denied, including the rights to food, to healthcare, to education, to survival and development, to enjoy their own culture and be protected from discrimination." (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

9.3 Situation of Health

"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 vent of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

- Article 25(1), Universal Declaration of Human Rights

Geography, poverty, low levels of education on health issues, poor infrastructure and low government spending on the health sector have all contributed to Burma being labeled as having one of the poorest healthcare systems in the world. Despite the government doubling its budget for the Ministry of Health during the year 2003-2004, spending on health still amounted to only 1.2% of total government expenditures (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). Life expectancy in Burma is 54.6 years for men and 59.9 years for women, according to the World Health Organization's (WHO) *World Health Report 2000*. The same report claimed that the government spent a minimal four international dollars per year on health for each citizen, a substantially lower amount than neighboring Bangladesh and Thailand who spend 17 and 136 dollars per person respectively.

The causes of poor health in a country like Burma are numerous. A low level of education on health and safety issues, poor sanitation, ongoing armed conflict between the government and various ethnic minorities and a dramatic rise in HIV/AIDS cases have all exacerbated health problems within the country. The use of landmines and military violence in conflict areas and the use of citizens as forced porters and laborers by the military have continued to result in illness and injury. Workers are often forced to work in hazardous conditions through the government's failure to enforce health and safety regulations in the workplace, further affecting Burma's health situation. The political situation has a direct impact on migration and thousands of people have been internally displaced or forcefully relocated by the government, causing widespread malnutrition.

Although there have been no accounts of discrimination between men and women in access to healthcare, women, children and ethnic minorities continue to be disproportionately affected by the lack of healthcare. UN sponsored agencies' figures, taken in 2001, show that, on average, 109 out of 1,000 children die before reaching the age of five. Leading causes of death among children are acute respiratory infections, diarrhea related diseases, TB, malaria, measles, hepatitis B and AIDS. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

The same survey also revealed that a doctor attends only one out of twenty births in rural areas. The number of women who die during childbirth is estimated at between 100-580 deaths per 100,000 live births. The lack of resources in government hospitals is apparent as a third of these deaths happen in government facilities. During the year, the government drew up a five-year strategic reproductive health plan, funded by the UN Population Fund and the WHO, aimed at improving basic reproductive healthcare and reducing maternal mortality (source: "Myanmar Draws Up Reproductive Health Plan," *Xinhua*, 6 September 2004). A number of women also die from unsafe abortions each year, which are illegal in Burma.

Prisoners have continued to be denied access to adequate healthcare. However, 2004 saw the creation of a central medical service for all prisoners by a joint working group consisting of the ICRC, the Department of Prisons and the Ministry of Health. HIV/AIDS infection rates in prison were reportedly high due to communal use of syringes and sexual abuse among prisoners. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

Access to Healthcare

Despite government claims that the regime has established two new medical institutes and 140 new hospitals since 1988, an improvement in the health sector has not been apparent. Lack of resources is the primary reason why most people in Burma cannot gain adequate access to medical treatment. Patients may only receive medical attention if they have the financial means to pay for care and treatment. Therefore, many people in need of attention go untreated, increasing the risks of transmission of diseases that are otherwise treatable and preventable. Those who do have the economic means to be treated still have to contend with insufficient facilities, an inadequate number of doctors and medical staff, inappropriate or inadequate treatment and a complete lack of services in rural areas. (Source: "Myanmar Makes Achievements in Health Sector," *Xinhua*, 25 November 2003)

Huge disparities in access to health services and information continue to exist as a result of a person's financial status, ethnicity, connection to the military and geographical location. It is particularly difficult to get access to healthcare in border areas, which 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*, ICFTU, August 2003)

WHO statistics from 1999 showed that Burma has 29.7 physicians, 26.1 nurses, 22.1 midwives and 2.1 dentists per 100,000 people, placing Burma on par with Cambodia, but far below countries like India, which has 48 doctors per 100,000 people. A consultation with a doctor and an injection or prescribed medicine reportedly costs between 1,000-2,000 kyat. An operation in a private hospital costs a minimum of 150,000 kyat. Giving birth in a hospital costs approximately 25,000 kyat. These costs make hospital care inaccessible to many due to the high financial burden that comes with care and treatment.

Access to medicines is another obstacle to adequate healthcare in Burma. Not only are medicines expensive, but they are often very difficult to obtain. The government-owned drug manufacturer, Myanmar Pharmaceutical Factory (MPF), produces high quality drugs. However, the quantity of drugs produced is by no means sufficient. Approximately 95% of all medicine is smuggled into Burma from Bangladesh and India and then sold on the black market. These unregulated medicines are often produced by unregistered companies and are not tested for quality. Many are just imitations of popular drugs that are sold as the original product. These drugs are found in pharmacies and in government hospitals. They are often ineffective in treating illnesses due to their fake or substandard ingredients, which can lead to a patients' death. (Sources: "WHO Steps Up Action Against Fake Medicines," AP, 11 November 2003; "Bad Medicines," *Irrawaddy*, January-February 2003)

Malnutrition

"...while other factors such as natural disaster or mere incompetence may contribute to or exacerbate [food] scarcity... none can override the state's role in denying the right to food."

(Source: Voice of the Hungry Nation, The People's Tribunal on Food Scarcity and Militarization in Burma, AHRC, October 2000)

Burma is a signatory to the Convention on the Rights of the Child, placing it under an international obligation to combat disease and malnutrition among children. Despite this, the right to food in Burma continues to be denied by the regime and government practices continue to be directly responsible for the exacerbation of food insecurity. People are denied their right to food in several ways, through the denial of the right to work, government pursuit of aggressive agricultural expansion policies, compulsory paddy purchase programs, heavy taxation, confiscation of land and repeated demands for unpaid forced labor. The government frequently denies fluctuations and rising prices of rice and food shortages as fabrication spread by merchants to increase the market value of their product. However, there were credible reports of both food shortages and high basic commodity prices in some areas of Burma. Counter insurgency operations against ethnic minorities are also responsible for violating people's right to food as stocks of food are often destroyed and whole communities relocated by government sanctioned forces. All these factors have lead to millions of people in Burma suffering from malnutrition.

Despite Burma's abundance of arable land, a study carried out by the Ministry of Labor and the UN Population Fund in 2001 showed that 7.9% of children under the age of five were severely malnourished. A report conducted by UNICEF and the Ministry of Health in 2000 revealed 35.3% of children under five 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-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

Access to Clean Water and Sanitation

Lack of sanitation and access to clean drinking water remains a major concern and a major contributing factor to the high rate of mortality of among young children in Burma. Water and excreta-related diseases such as diarrhea, dysentery and trachoma are common in Burma as a result of unsanitary methods of waste disposal, unhygienic practices and unsanitary environments. Access to safe drinking water is estimated at 39% for rural populations and 36% for urban populations. Only 39% of urban dwellers have sanitary living conditions compared with 35% of the rural population. (Source: UNICEF)

Malaria

Malaria remains a major cause of death and illness in Burma. Official government figures from 2001 showed that 1.2% of the population contracted malaria and that it accounted for about six deaths in every 100,000 people. Recent government statistics claim there are on average around 600,000 malaria cases a year and 2,500 fatalities. This is a decline from government figures for the period of 1989 to 1991, which reported that there were 1.5 million malaria cases per year and over 5,000 fatalities (source: "Malaria Epidemic Situation Remains Normal in Myanmar," *Xinhua*, 20 August 2004).

Whether these government figures are accurate or not is debatable. Many deaths from malaria go unrecorded and UN statistics state that annual fatalities could be as high as 30,000. However, there are signs that the government is becoming more active in its fight against malaria and during 2004 the government collaborated with the WHO, the UN Children's Fund and neighboring countries in its fight against the disease. In August, it was reported that the UN Global Fund had allocated US\$ 9.4 million to Burma for the purpose of combating malaria for a one-year period, as well as a total of US\$ 27.4 million over a five-year period (source: "Agreement Signed to Bring Funds to Fight TB," *Myanmar Times*, 9 – 15 August 2004).

As well as receiving international funding, the government, along with the cooperation of the WHO and donations of medicine from Germany, launched a new two-year treatment program in July 2004 in the country's three central divisions. The government has also allegedly given out tens of thousands of insecticide-treated mosquito nets for people in high-risk areas, mainly along the border with Thailand. (Source: "Myanmar to Launch New Malaria Treatment Program," *Xinhua*, 25 May 2004)

Tuberculosis

TB, like malaria and AIDS, is a leading cause of mortality in Burma. According to a study carried out by the WHO in 2002, approximately 20,000 people die annually from the disease and about 85,000 people contract it each year. The WHO estimates 4.5% of TB patients are HIV infected and 60-80% of AIDS cases also suffer from TB. Since 1997, the government has adopted the Directly Observed Treatment Short Course (DOTS) strategy in treating TB, as recommended by the WHO. The strategy has so far covered over 300 townships. Under the strategy, 60% of TB patients receive treatment annually and 82% of them are cured (source: "Myanmar to Get Huge Global Fund for Fighting Deadly Diseases," *Xinhua*, 25 July 2004).

The UN Global Fund has provided the country with US\$ 4.2 million to fight TB for the year 2004. A total of US\$ 17.12 million from the fund will be distributed in the fight against TB over a five-year period and money will be put into strengthening the human resource capacity of the National TB Program, expanding its coverage and improving infrastructure. Burma hopes to achieve the global target set by WHO of detecting 75 out of every 100 TB cases and administering treatment to 85% of those detected by 2005. (Source: "Agreement Signed to Bring Funds to Fight TB," *Myanmar Times*, August 9-15)

HIV/AIDS

The HIV/AIDS virus was first detected in Rangoon in 1988. However, Burmese authorities were slow to acknowledge the seriousness of the epidemic claiming that Burma's impeccable morals would protect the nation from the disease. As late as 2000, police were still routinely confiscating condoms as evidence of prostitution. Since then, the movement of migrant laborers, new transport routes, a lack of prevention services, the sharing of needles among drug users, poor healthcare and a lack of adequate knowledge about AIDS and reproduction have all contributed to HIV spreading at an alarming rate.

Since the government relented and accepted it must take action against the disease, it claims it is doing everything it can, given its meager resources, and has allowed local and international health organizations to become active in the fight against AIDS. In 2003, the government committed US\$ 3.2 million to its National AIDS Control Program in cooperation with UNAIDS. Since then, it has initiated prevention campaigns through billboard advertisement, an exhibition, community health centers, and promotional activities to encourage 100% condom use and prevention of mother-to-child HIV transmissions. Despite these delayed efforts to curb the epidemic, Burma is still "One of the top three countries in Southeast Asia in terms of infection prevalence," as stated by Eamonn Murphy country coordinator for UNAIDS, and the country remains ill equipped to deal with the growing numbers of HIV/AIDS cases (source: "Myanmar Threatened by AIDS Epidemic: UN," AFP, 15 July 2004).

Women, children and intravenous drug users are particularly vulnerable to contracting HIV/AIDS in Burma. Children are at greater risk of becoming infected as many are forced to drop out of school by parents who cannot afford to pay their children's tuition fees. With few life skills and a lack of employment opportunities, many women and minors are exposed to drugs or enter the sex industry, increasing their vulnerability to infection. UN figures estimate a 20-30% infection rate among sex workers (source: "Myanmar Threatened by AIDS Epidemic: UN," AFP, 15 July 2004). Others estimate the infection rate among sex workers to

be as high as 50-60%. Sentinel surveys in Kachin State have shown an incidence rate of 95% among intravenous drug users, 73% in Rangoon and 84% in Mandalay (source: "Edging Towards Disaster," *Irrawaddy*, 4 May 2003).

There is no free treatment in Burma for those with HIV/AIDS. Therefore, most of those who suffer from the disease do so without medication or treatment, and as a result, their life span is significantly shortened. Those who can afford to pay bribes to health workers may receive treatment at clinics or hospitals while others pay for a doctor to visit their home. Medecins Sans Frontieres (MSF) introduced the country's first anti-retroviral (ARV) treatment in February 2003. Only 80 people are currently under treatment, however, MSF aims to treat 500 by 2005 and the government aims to increase capacity to be able to treat up to 12,000 by late 2005. The lack of ARV treatment in the country is likely to profoundly affect the future of Burma. (Sources: MSF International homepage; "Myanmar Threatened by AIDS Epidemic: UN," AFP, 15 July 2004)

Those who are infected with HIV/AIDS often suffer from social discrimination, and as a result are forced to hide their condition. A Shan woman reported that her friend, who had contracted HIV from her husband when they were living in Thailand, returned home to her village in Shan State only to be effectively murdered on the orders of village elders because of her condition. According to her friend, she was "tied up, wrapped in a garbage bag and taken to the local rubbish tip to be buried." The women claimed her friend was still breathing when she was being buried (source: "Just Wrapped Her Up in a Black Plastic Bag," *Irrawaddy*, 13 July 2004).

There is very little counseling available to those infected and according to a CARE Myanmar health worker, no preventative education on AIDS is reaching marginalized communities. During the year, regions that gained attention as being particularly affected by the epidemic included; Ye Township, in southern Mon State, Aung Ban in Central Burma and Shan State, where U.S. AIDS expert, Dr. Chris Beyrer, estimates that more than 10% of adults are HIV positive. (Sources: "Aids Threat Growing in Southern Mon State," *Kao Wao News*, 6 April, 2004; "Burma at the Crossroads of HIV Epidemic," *Financial Times*, 2 July, 2004; "AIDS Spreads Unchecked in Parts of Asia as Ignorance Remains: UN," AFP, 6 July 2004)

Statistics on AIDS in Burma are very difficult to verify and government, NGO and international agency figures vary greatly in their estimations. Governmental records claim 177,279 people in Burma were HIV infected by mid-2002. In December 2004, Burma's Ministry of Health estimated 338,911 people were infected with HIV (source: "Burma Confronts Taboo, Educates Villagers About HIV Prevention," *The San Francisco Chronicle*, 14 May 2004). In addition, official figures by Burmese authorities reported 6,727 AIDS cases in March 2003 and the total number of AIDS deaths at 2,843 for that year. A government survey indicates 68% of AIDS cases resulted from heterosexual sex, the remaining percentage from drug use and mother-to-child transmission (source: "Myanmar Steps Up Fight Against 3 Communicable Diseases," *Xinhua*, 17 February 2004). Government data from 2002 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).

Conversely, non-government sources indicate infection, mortality and other statistics to be much higher. According to a December 2004 International Crisis Group (ICG) report, *Myanmar: Update on HIV/AIDS Policy*, 1.3% of adults in Burma are infected with HIV.

UNAIDS released a report in July 2004, estimating that between 330,000 and 620,000 people are infected. At the end of 2003, adult HIV prevalence was estimated at 1.2%, with the range of rates being anything from 0.6% to 2.2% of the adult population, although, some UN officials believe it to be as high as 4% (sources: "Burma at the Crossroads of HIV Epidemic," *Financial Times*, 2 July 2004; "AIDS Spreads Unchecked in Parts of Asia as Ignorance Remains: UN," AFP, 6 July 2004). According to the United Nations Economic and Social Commission for Asia and the Pacific, or ESCAP, 30% of infected adults in Burma are women and the number is rising (source: "HIV/AIDS Incidence Rising Faster Among Women in Mekong Region Than Men," *Aids Weekly*, 29 March 2004).

In recent years few donors have been willing to assist the military dictatorship in its fight against the disease. However, the attitude of the international community has been changing and increasingly more funding has become available for Burma's battle against AIDS. The Joint Programme for HIV/AIDS: Myanmar, 2003-2005, was established to strengthen the supporting capacity for prevention and care of HIV/AIDS in Burma. The program is in support of Burma's National Strategic Plan for the expansion of HIV/AIDS prevention and care related activities, which will run from 2001-2005. As of October 2003, more than US\$ 48 million has been confirmed to fund the program (source: Joint Programme for HIV/AIDS: Myanmar 2003-2005).

The government's prohibition on HIV/AIDS testing by western aid groups and its failure to substantially increase funding for combating the disease indicates that the regime aims to hide the scale of the problem. In addition, this raises doubts over the regime's commitment or ability to successfully reverse the spread of the disease. The government's failure to take sufficient action, release accurate information about the disease and educate the people has resulted in the spread of the disease, not just within Burma but to neighboring countries, such as Thailand, China and India.

Mental Health

A June 2001 assessment of mental health problems among Karenni refugees residing in refugee camps in Mae Hong Son, Thailand, indicated elevated levels of depression, anxiety symptoms and post-traumatic stress disorder amongst residents. (Source: "Karenni Refugees Living in Thai-Burmese Border Camps Experience Trauma and Poor Mental Health," *Health & Medicine Week*, 12 July 2004)

Such studies indicate a sizeable portion of Burma's population may be suffering from mental health disorders as a consequence of the ongoing civil war and violence in Burma. The government has not addressed the issue of mental health and the situation is exacerbated by a lack of resources and an inability to effectively care for and treat many of those who suffer from mental health disorders.

Support for People with Disabilities

There are very few resources assisting persons with disabilities in Burma. There is no active discrimination against those with disabilities, however, there are also no laws in place to ensure such things as accessibility to buildings, public transportation etc. for those who have a disability.

There are a limited number of local and international organizations assisting people with disabilities in the country, but the majority of those who suffer from a disability have to rely exclusively on their families for support. Official assistance to persons with disabilities includes two-thirds of pay for up to one-year for a temporary disability and a tax-free stipend for a permanent disability. Military veterans with disabilities usually receive a civil service job at equivalent pay. However, the government fails to provide any private sector job protection for persons who become disabled.

The rehabilitation of persons with disabilities falls under the responsibility of the Ministry of Health and vocational training is under the responsibility of the Ministry of Social Welfare. There are three government operated schools for the blind, two for the deaf, two rehabilitation centers for adults and two for children. In addition to those run by the government, there are four schools for the blind run by NGOs. The ICRC runs clinics and outreach programs in conflict areas to provide orthopedic assistance to those who have lost limbs to landmines (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005).

International Humanitarian Aid

International Non-Governmental Organizations (INGOs) began entering Burma in the early 1990s, despite controversy over whether they would fall prey to the regime's manipulation and provide the government with credibility and legitimacy. The government's post-1989 shift to a more open policy to foreign investment was accompanied by a willingness to allow humanitarian agencies to respond to the needs of the population. Many INGOs defended their imperative to respond by arguing that many health issues, particularly the spread of HIV, could not wait for a change in the political climate. The government has shown a preference in working with organizations such as the WHO, UNICEF and UNDP, and in many cases these organizations have prevented the effective collapse of many health and education programs.

INGOs wanting to operate in Burma must have prior agreement from the authorities, with the exception of Red Cross national organizations. The issuing of a Memorandum of Understanding (MOU), allowing the INGO to work in Burma, is normally only granted after lengthy negotiations with government ministries and the approval of the Foreign Affairs Committee. Once a MOU is issued, the INGO is then allowed to establish a presence in Burma through the opening of an office. However, individual projects may only be implemented after a written agreement is reached with the relevant ministry, usually the Ministry of Health.

Interference in political affairs by INGOs is strictly prohibited, a restriction that affects who the organizations can associate with. Other problems these organizations encounter during their work include a lack of accurate information and figures, lack of access to parts of the country and an inability to address the underlying problems that affect health.

The debate over how humanitarian aid should be dispersed in Burma has continued. The NLD and other political opposition groups continue to argue that humanitarian aid cannot be separated from politics, as the problems that international agencies and INGOs are trying to address are at root political. Aung San Suu Kyi has continued to recommend that those providing aid work closely with the NLD. These calls have been largely ignored due to the restrictions placed on INGOs working in Burma and NLD supporters continue to be excluded from programs. Since many ethnic opposition groups have signed ceasefires with the government, they have subsequently called for aid and development assistance despite the NLDs stance that aid should generally be postponed until a change in the political system. (Source: *Strengthening Civil Society in Burma*, BCN & TNI, 1999)

9.4 Personal Accounts

Personal Accounts Related to Education

Matriculation Exams

Interview #1

Source: PYAN
Date of Interview: 2004
Name: Lway Sein (name not complete)
Age: 22 years
Address: Xxx Xxx village, Namkham Township, Northern Shan State
Ethnicity: Palaung
Sex: Female
School: Namkham High School

Q. How many times have you tried to pass the matriculation exam?

A. I have tried four times since the year 2000.

Q. Have you attended extra tuition and which subjects did you focus on?

A. Yes, I studied all subjects especially Mathematics.

(Extra tuition is not provided by the government. It is officially illegal but recognized by the government as necessary due to its extra income earning capacity for teachers from schools. These teachers would otherwise not be able to support themselves on the meager government wages.)

Q. Do you think you can go to the Matriculation exam without attending tuition? Are you satisfied with lectures at government schools?

A. No, I don't think I could pass the exam without tuition. There are so many weak points in government school's lectures. Unfortunately even after tuition I failed to pass the exam.

Q. Did you attend the special education camp and how much did it cost for a year? (Special camps are run independently of the government by teachers and academics who try to provide an alternative method of education. It is compulsory for students to attend government school in the daytime and so they must study in the camps on evenings and weekends.)

A. Yes, I did. I joined Aung Min Galar special camp and I had to pay 10,000 kyat per month, it was the cheapest one. (Estimated US\$ 12. The salary of a teacher in a healthcare school is between 5,000 and 8,500 kyat per month.)

Q. Were you able to see a copy of the questions before the exam?

(Often bribes are paid to see all or some of the questions before an exam takes place. This information is then communicated around the country to friends and relatives.)

A. No. Communication is so difficult for us, we live in such a remote area.

Q. In which subjects have you faced the most difficulty?

A. I would say English is the most difficult subject for me.

Q. How do you prepare for your exam?

A. I have studied hard day and night for the whole year to pass my exam, I have to struggle as we have no electricity and poor candle light at night.

Q. Did you give a bribe to the educational authorities to help you pass the exam?

A. I wanted to give a bribe, especially as I know I have difficulty with English and Science. However, it was a really high amount and unaffordable for poor people like me. Some of my friends, they gave 150,000 kyat per subject. (Estimated US\$ 175)

Q. As a Palaung, what kinds of problems do you have in school?

A. One of the biggest problems is discrimination because we are poor and from an ethnic minority. Most of the teachers favor military officers' relatives and rich people.

Q. What is your opinion on the current education system of Burma?

A. I would say that the education system in Burma is getting worse and worse. Most of our teachers are not focused on their tasks and lectures because of their painfully low salaries. Many have other jobs to supplement their measly wages. At the same time some teachers are not qualified to teach students. Some obtain their positions by paying bribes or because of family ties with those in positions of power.

Q. Do you want to further your education and what is your future plan? Do you have a plan to attend other institutional training?

A. I would like to further my education but I can't because of the cost. If I want to further it I have to spend 10,000 kyat per month for the camp tuition and at the same time at least 17,000 kyat per month for food; 5,000 kyat per month for normal school fees; and also more money for materials like books and pens. So if I want to continue my education, I have to spend at least 400,000 kyat for a year. My parents can't provide this amount of money and I have no way to obtain these funds myself.

Interview #2

Source: PYAN
Date of Interview: 2004
Name: Mai Aik (Name not complete)
Age: 21 years
Address: Xxx Xxx village, Namkham Township, Northern Shan State
Ethnicity: Palaung
Sex: Male
School: Namsan High School

Q. How many times have you tried to pass the matriculation exam?

A. I have tried two times in 2002- 2003 and 2003- 2004. Luckily, I passed the exam the second time. However many of my friends failed the exam repeatedly.

Q. Have you attended extra tuition and which subjects did you focus on?

A. Yes, I studied all subjects especially Science and English.

Q. Did you attend the special camp and how much did it cost for a year?

A. No, I couldn't afford to attend. It was really expensive; it cost at least 500,000 kyat (US\$ 585) for one year. This was only to cover costs of staying and studying at that special camp. If you join that camp, I would have to pay additional costs for study materials such as note books, pens, pencils, text books etc...

Q. Were you able to see a copy of the questions before the exam? (Cheating is so common that most students who can afford it pay bribes to see the exam questions before the exam. They understand that by not doing this it puts them at a disadvantage to their peers)

A. Of course we always try to do this if we can afford it, some of my friends and I gave a bribe to one of our teachers in high school to get a copy of the questions. Luckily, nearly 65% of these questions were included in our exam. This gave us a big help.

Q. Which subjects have you found most difficulty?

A. I would say English and Science are the most difficult subjects for me.

Q. How did you prepare for your exam?

A. I tried hard for the whole year to study for the exam; I spent most of my time in special tuition rather than school. I tried to memorize all of the lectures that were expected to be in exam.

Q. Did you give a bribe to the educational authorities to pass the exam?

A. I wanted to give a bribe, as I know that I have difficulty in English and Science. However, I couldn't afford it. I have heard some people gave more than 100,000 kyat per subject to pass.

Q. What kinds of problems did you have in your school at that time?

A. I think we didn't have enough teachers and even those we had were not qualified to teach us very well. As well, some of our teachers favor military officers' relatives and the children of rich people. They know that by helping these students they will be able to receive extra benefits.

Q. What is your opinion on the current education system of Burma?

A. The situation of education in Burma is really bad. The matriculation exam doesn't test the knowledge of the students, just their ability to afford the bribe payments and memorize the answers to questions. We didn't have a chance to access books from a library and learn critical thinking about the subjects we were studying. We were taught like parrots in such a way that we missed out on the process of learning for ourselves.

Q. Do you want to further your education and what is your future plan? Do you have a plan to attend other institutional training?

A. Firstly, I want to attend a university even it is very expensive and closed frequently. Now, I am helping my parents in our tea farm before university opens again for those of us who passed the 2003-2004 exams. I think we have to wait at least one year to attend the university. On the other hand, I don't want to attend the university and try to a degree because there are too many people that have no job even though they got a degree from university. So, sometimes, I think it is better to carry on my tasks with my parents in our tea farm business, let's wait and see what our future brings.

10. Freedom of Belief and Religion

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

- Article 18, Universal Declaration of Human Rights

“Religion is a matter of individual conscience, while politics is social science. We must see to it that the individual enjoys his rights, including the right to freedom of religious belief and worship. We must draw clear lines between politics and religion because the two are not the same thing. If we mix religion with politics, then we offend the spirit of religion itself.”

- General Aung Sun (Source: Lian H. Sakhong, "Human Rights: Human Rights Violations and the Denial of Minority Rights in Burma," CHRO, *Rhododendron News*, Volume VII. No. I., January - February 2004)

10.1 Background

Burma was designated one of six “countries of particular concern” in September 2004 by the U.S. Secretary of State for specifically severe violations of religious freedom. This is the fifth 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 and novices number more than 400,000 and there are also a small number of Buddhist nuns. Successive military regimes have promoted Buddhism as a key component of the country's national identity. In turn, they have used Buddhism to both further their own agenda and to also gain legitimacy. However, there are also significant numbers of Christians and Muslims in Burma. According to official government statistics, almost 90% of the population practices Buddhism, 4% practice Christianity and 4% Islam. There is also a small Jewish population in Rangoon and small communities which practice Hinduism, traditional Chinese religions and Animism. Government statistics are often unreliable and are not independently verified. Therefore, these figures probably understate the numbers of non-Buddhists living in Burma (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

Religious affiliation is linked with ethnicity, with Buddhism being the dominant religion of the Burman ethnic majority. Christianity is the majority religion among ethnic nationalities mostly concentrated in the border ethnic states, such as the Chin, Kachin, Naga, Karen and Karenni ethnic groups. Muslim communities are found in most areas of Burma, with a large concentration of Muslims in Arakan State, including the Rohingya minority. 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 (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

Burma has been ruled by a military regime since 1964 and following the 1988 pro-democracy uprising the military junta has ruled by decree with neither a state constitution nor a legislator in place. In 2004, the government reconvened the stalled 1993 National Convention with the aim of detailing the basic principles for a new constitution. The 1974 constitution provides for religious freedom and the current guiding principles laid out by the government for the reconvened National Convention allow for "freedom of conscience and the right freely to profess and practice religion subject to public order, morality, or health..." Yet, 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 religious 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. Moreover, the SPDC strictly controls the proselytizing and practice of religion in Burma in addition to restricting the building of new religious buildings and demolishes existing ones (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

Although there is no official state religion, successive military regimes have closely allied themselves to Theravada Buddhism. Under the principles expected to guide the drafting of the constitution, "the State recognizes the special position of Buddhism as the faith professed by the great majority of the citizens of the State." The state mandated curriculum in elementary schools contains Buddhist doctrine and all students must recite Buddhist prayer. In some schools students may be exempt, but in others, children from all religions are forced to conform. The government also promoted Buddhist monastic schools in rural areas and continued to fund two state universities to train Buddhist monks and another university intended to teach non-citizens about Theravada Buddhism (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

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 therefore descent, the junta has coercively promoted Buddhism over other religions and in some cases forcibly converted the non-Buddhist ethnic minorities to Buddhism. Citizens and permanent residents are required to carry government issued identification cards at all times. Identification cards indicate both religious affiliation and ethnic background. Non-Buddhists continue to disproportionately face abuses such as travel restrictions, demands for forced labor and land confiscation. For non-Buddhists, discrimination also 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 to Buddhism by their superiors (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

The old Buddhist saying, *Buddha Bata, Myanmar Lumyo* – "to be Myanmar is to be Buddhist," clearly illustrates the importance of Buddhism to the regimes conceptualization of the Burmese national identity. Successive military regimes have linked themselves to Buddhism and have attempted to heavily control it in order to claim and maintain legitimacy. Therefore, despite Buddhism being officially endorsed by the State, Buddhists who show signs of dissent are quickly quelled by the SPDC. Buddhists are governed by a state imposed code of conduct and Buddhist organizations outside the state-sponsored State Monk Co-

ordination Committee (*Sangha Maha Nayaka Committee*) are deemed illegal. In 2004, SPDC authorities continued to arrest and detain Buddhist monks who advocated for human rights and political reform. Buddhist temples deemed "illegal" by the State were also destroyed. Furthermore, 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 the political and economic conditions of the country. An example of this was cited after the Depayin incident in 2003. The SPDC was accused of fuelling anti-Muslim sentiment to draw attention away from the attack and arrest of Aung San Suu Kyi and NLD members in Upper Burma. In 2004, reports of Buddhist and Muslim violence decreased but tensions remained high.

10.2 Religious Discrimination against Christians

"The SPDC seems relentless in Burmanizing the country by systematically destroying significant and symbolic identities of non-Burman ethnic groups."

(Source: *Religious Persecution: a campaign of ethnocide against Chin Christians in Burma*, CHRO, February 2004)

Burma's current population is estimated at almost fifty million and official statistics place the Christian population of Burma at 4%, approximately two million people. The majority of Burma's Christian population is Baptist, although there are also Roman Catholic and Anglican communities. It is estimated that 90% of the Chin population are Christian and Christianity is also the dominate religion among the Kachin and Naga ethnic groups. Christianity is also widely practiced by both the Karen and Karenni ethnic groups (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

The Tatmadaw (national armed forces) and other state sponsored agents use various overt and covert means to oppress Christians in Burma. In 2004, Christian groups continued to face difficulties in obtaining permission to build new places of worship in most regions. It has been reported that the authorities only approve the construction of between 10 and 15 new churches each year. 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 inconspicuous sites with only informal approval. However, informal approval leaves these churches vulnerable to permission being suddenly rescinded, construction being stopped and buildings being destroyed (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

Freedom for Christian groups to practice their religion has also been curtailed, with religious activities being both disrupted and prohibited. It was reported that Christian sermons are subject to censorship and that Christian clergy are often prohibited from proselytizing. In some areas, proselytizing has been prevented by, among other methods, physically abusing the Christian clergy and driving them from their churches. According to the Chin Human Rights Organization (CHRO), SPDC authorities ordered the systematic suppression of Christian clergy from proselytizing in Gankaw District, Magwe Division, in late 2003. As a

result of this order, several pastors were driven from villages in the area. It was reported that the Ywa-Tha village pastor, Pastor Maung Maung of the Gankaw Baptist Association, was badly beaten and fined 3,000 kyat by the government backed people's militia. Pastor Maung Maung's house and church were also destroyed and he was reportedly driven from the village. In January 2004, Pastor Hram Ceu, who had also been forcibly expelled from Lung-Ywa village as a consequence of the same suppression order in late 2003, requested permission to restart his evangelical work. SPDC authorities reportedly declared that no Christian work was allowed in the area and that those who ignored the order would face severe punishment (source: "Suppression of Christians in Gankaw Township," *Rhododendron News*, Vol. VII. No. V., CHRO, September - October 2004).

All publications, religious and secular, are under strict control and censorship. Indigenous language translations of the Bible cannot be imported legally. While they can be printed with government permission, obtaining this permission is a lengthy and difficult process. In July 2004, it was reported that military authorities confiscated a bible and destroyed a lectern in Karen State (source: CIDKP, 2004).

In other attempts to prevent Chin Christians from worshipping, military units have repeatedly destroyed Christian churches and established new military camps in their place. 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-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004). (Please see chapter on forced labor for more information.)

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 practice their religion. It was reported that villagers in Chin State were forced to porter for the Burmese army between 20 December 2003 and 19 January 2004. Villagers were therefore prevented from celebrating Christmas in their communities (source: "Christian Children Forced to Become Buddhist Monks by Burmese Regime," Christian Solidarity Worldwide, 31 March 2004). Furthermore, it was reported that in April 2004 three Christian pastors in Chin State were arrested and detained for a night by SPDC authorities after refusing to participate in forced labor. The pastors were reportedly ordered to dress in their religious robes before being detained (source: "Obey or Go to Jail: Three Chin Pastors Detained One Night for Defying SPDC Order," *Rhododendron News*, Volume VII. No. III., CHRO, May-June 2004).

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 what has been labeled as a campaign to "Burmanize" the ethnic minorities, the SPDC has significantly increased the number of military units stationed in Chin State. The junta has also dispatched Buddhist monks throughout Chin State as part of the "Hill Regions Buddhist Mission." These monks, who reportedly hold more power than local army commanders, seek to coerce local residents into converting to Buddhism. Coercive techniques include subjecting only the Christian population to demands for forced labor and taxation while promising Chin Christians who "choose" to convert to Buddhism monthly stipends. Buddhists are also able to take advantage of reduced rice prices offered by the government and free food distributed on Sunday mornings when Christians are in church. CHRO has also reported that the authorities

have offered Chin children access to education only to take them from their homes and place them in monasteries, where they are forced to become novice monks. It was also reported that SPDC soldiers were promoted to higher ranks if they married Chin Christian women and converted them to Buddhism. Reports that the authorities have begun to import crude alcohol into Chin State, traditionally banned by Chin Christians, have also surfaced. The policies of discrimination based on religious identity and the coercive methods employed to force people to convert to Buddhism have led CHRO to go so far as to argue that the SPDC is actively attempting to inflict ethnocide on the Chin people (source: *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, February 2004).

Despite the verbal ceasefire agreement between the SPDC and the Karen National Union (KNU) forged in late 2003, religious persecution of Christians in Karen State continued throughout 2004. In the mid 1990's the government backed Democratic Karen Buddhist Army (DKBA) tortured and killed Christian villagers who refused to convert to Buddhism. While the DKBA's treatment of Christians has reportedly improved in recent years in the areas that they now oversee, there were reports in 2004 of the DKBA evicting Christian villagers who refused to convert to Buddhism from their villages (source: BI, 2004).

Persecution of Christians - Partial List of Incidents for 2004

Chin State

In late March 2004, Colonel Hla Swe of Burma Army Tactical Command No. 2, based in Matupi town, Chin State, ordered Church elders to stop the construction of the That Dun Baptist Church. The order reportedly came via oral instruction and no one dared to defy the order, even though it was not written down. Construction of the church had been halted over the past 10 years due to problems within the Church. However, the Church elders had approached Colonel Hla Swe and requested permission to recommence construction of the Church in December 2003. The Colonel had given permission and construction of the Church had commenced in January 2004. However, it was reported that Buddhist monks in Matupi town reported the commencement of building to higher authorities and that higher authorities had contacted Colonel Hla Swe and ordered him to stop the construction of That Dun Baptist Church. (Source: "Construction of Baptist Church Ordered to Halt in Matupi," *Rhododendron News*, Volume VII. No. III., CHRO, May - June 2004)

In early April 2004, a cross, first planted in 1996 by Longvang block Assemble of God church members from Matupi town at the top of mount Lungtak-tlong, situated in Kaisi range between Matupi town and Valangpi village, was destroyed by Burmese soldiers on the order of Colonel Hla Swe, commander of Tactical Command No. 2 based in Matupi town. According to Mr (name withheld for security reasons), who belongs to the Longvang Assemble of God church, the cross was destroyed during the night and now the site of the cross is reserved by the Tactical Command office to build a Buddhist pagoda. Furthermore, a request made by all denominations of Christians from Matupi to conduct the Easter Sunday service at Bawl-tlang, where a large cross was planted by Chin Christians, was denied by Colonel Hla Swe. Christians from the area used to conduct services and religious activities at Bawl-tlang in the past. However, the Colonel has now assigned the site of the cross at Bawl-tlang to Burma Army Battalion 304 as an army camp area and no civilians are allowed to approach the area. (Source: "Christian Cross Destroyed by SPDC in Matupi," *Rhododendron News*, Volume VII. No. III., CHRO, May - June 2004)

On 12 April 2004, 15 Chin Christian pastors, most of them with the status of Reverend, were forced to participate in the opening ceremony of the Buddhist water festival. According to Rev. C..... (name withheld for security reasons) of Matupi Baptist Association, the order came from Colonel San Aung, commander of Tactical Command No. 2. The Christian pastors were required to wear their Christian religious robes and were seated with Buddhist monks in the front row of the stage where the ceremony was held. According to CHRO, the ceremony was recorded by Mya-Waddi television station in order to propagate the idea that Burmese Buddhists are in harmony with Chin Christian leaders. Chin Christians in Matupi town were forced to construct a marquee in the middle of the town in order for the Buddhist ceremony to be held. Furthermore, every household was required to contribute 100 kyat towards the festival. Young girls were also compelled to perform cultural dances at the ceremony and one person per household was required to attend the ceremony. According to Rev. C....., the majority of the town's residents are Chin Christians and only a dozen Buddhist, who are Burman coming to the town as government servants, reside in the town. (Source: "Christian Pastors Forced to Take Part in Buddhist Water Festival," *Rhododendron News*, volume VII. No. III., CHRO, May - June 2004)

On 16 April 2004, 3 Chin Christian pastors were detained by the SPDC authorities for a night when they failed to participate in a forced labor order issued by Colonel Hla Swe of Tactical Command No. 2 to construct the road between Matupi town and Duma village. The 3 pastors were:

1. Rev. Thuan Ting of the Christian Reform Church at Longvan block, Matupi town;
2. Rev. Kui Dim of the Matupi Baptist Church at Ngala block; and
3. Captain Dup Ding of the Salvation Army church at Longvan block.

It was reported that Colonel Hla Swe ordered the 3 pastors to dress in their respective religious robes and then ordered the pastors to choose whether they wanted to go to jail or engage in road construction. The Colonel warned them that he would not tolerate it if they defied his orders in the future.

According to CHRO, forced labor has been used to construct the road between Matupi town and Duma village since March 2004. All Matupi town residents and residents from surrounding villages, including government servants, are compelled to contribute one person per household to participate in the forced labor. Widows are exempt from the labor if they can pay 4,000 kyat. Families who fail to provide a person for forced labor are fined 8,000 – 10,000 kyat. (Source: "Obey or Go to Jail: Three Chin Pastors Detained One Night for Defying SPDC Order," *Rhododendron News*, Volume VII. No. III., CHRO, May-June 2004)

Karen State

Pa'an District

Between December 2003 and April 2004, DKBA commanders from DKBA general headquarters ordered Christians living in Pa Zone Chak village, Pa'an District, to either convert to Buddhism or to leave the village. The order was issued by Bo Ta Kea, a Pa Zone Chaung villager. It was reported that DKBA troops had twice previously unsuccessfully attempted to attack and kill Christians in the village. It was also reported that villagers were not allowed to travel outside the village to their farms to feed their animals. Christian villagers from Pa Zone Chak were given only 2 days to leave the village and were therefore unable to take all their family belongings with them. The houses, gardens, rice and farms of the Christian villagers were confiscated. After the Christian villagers left the village, the local

head Buddhists and local head Christians went to the DKBA headquarters in Myai Gyi Nyu to speak to the leading monk (the head of the DKBA). They apologized and asked if the Christians could come back and stay in the village. However, the monk said that the order to evict Christians from Pa Zone Chak village had not come from him but from the DKBA commander. They then went to the DKBA commander, but he too denied responsibility and stated that the order had been issued by the leading monk. Some Christian villagers fled to Mae Kyi Ta village as other Christians lived there and they were able to stay there for a short time. Christians in Mae Kyi Ta, Ta Kaw Kho and Lae Kew reportedly gave the villagers rice and other vegetables to eat for a month. While a nurse, Naw Cha Lu, who was from Pa Zone Chak but worked at K, Ma Maung hospital, was able to treat the villagers, an elder man died. The Mae Kyi Ta pastor then prepared a boat and a long tail for the villagers and villagers gave what money they had towards the cost of the transportation. Christians from Moulmein town and Pa'an District reportedly heard about the plight of the Christian villagers from Pa Zone Chak and sent donations. (Source: BI, 2004)

Pa-pun District

On 28 February 2004, the DKBA Battalion 999 commander ordered non Buddhist villagers in Hter Tha Daw Hta village in Bu Tho Township to leave the village. Villagers who converted to Buddhism were allowed to stay in the village. Due to that order, 15 Christian families moved to Mae Si Hta village and 2 other families fled to the town where 8 families still remained in the village. (Source: CIDKP, 2004)

Toungoo District

On 10 July 2004, Column 1 Commander Bo Hlaing Win Tint of SPDC IB 60 took away to Klaw Mee Doe camp a bible and a lectern from a church in Klaw Mee Doe village in Tan Ta Bin Township. The village head requested him to return the church's property but instead of returning it he destroyed the lectern. (Source: CIDKP, 2004)

Magwe Division

In January 2004, Pastor Hram Ceu requested permission from the SPDC to restart his evangelical work, which was stopped in December 2003 when he was driven out of Lung-Ywa village by the Village Peace and Development Council (VPDC). The SPDC authorities responded in writing, stating that no Christian mission work was allowed in the area and that those who ignored the order would face severe punishment.

An official (name withheld for security reasons) from the Gankaw Baptist Association (GBA), who began their mission work in 1980 and who operate under the Zomi (Chin) Baptist Convention, told a CHRO fieldworker that Christians and mission workers in Gankaw District, Magwe Division, were systematically suppressed by the Burmese military authorities. The order of restriction and suppression reportedly came from Lt. Colonel Hte Oo, chairman of Gankaw District Peace and Development Council (DPDC). Despite the order, GBA has sent evangelists to 10 villages in Gankaw Township. Pastor Maung Maung, sent to Ywa-Tha village, was badly beaten in December 2003 by the state backed people's militia in accordance with the order issued by the DPDC authorities. He was also fined 3,000 kyat and driven out of the village after he was badly beaten. His house and the Church were also destroyed. There were approximately 27 newly converted Christians in Ywa-Tha village at the time.

According to the GBA official, the PDC authorities have created several problems for Christian missionaries in the area. There are two churches in Gankaw town; Gankaw Baptist Church and Calvary Baptist Church. Gankaw Baptist Church is located at No. 1 Ye-poke block and Calvary Baptist Church is located at No. 6 Taungkung block. There are approximately 300 members at Calvary Baptist Church (CBC). The CBC bought land, which had a bamboo house on it, in order to construct a Church building in 1989 for 400,000 kyat. They then applied to the PDC authorities for permission to construct a church. The authorities have consistently refused the request and therefore CBC members have had to conduct services in the bamboo house. (Source: "Suppression of Christians in Gankaw Township," *Rhododendron News*, Vol. VII. No. V., CHRO, September-October 2004)

10.3 Religious Discrimination against Muslims

Official and unofficial Muslim population figures vary considerably. Officially, government statistics estimate the Muslim population of Burma at between 4% and 5%. However, Muslim leaders within Burma claim that there are between seven and ten million Muslim people in Burma. While this figure can not be verified due to heavy restrictions on independent data and information collection within Burma, it places the Muslim population of Burma at between 14% and 20% of the total population (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

There are Muslim communities in most states and divisions within Burma. Four ethnically distinct Muslim communities live within broad geographical areas of Burma. In Mandalay and the North, the Muslim community dominates much of the cross border trade with China and has ethnic ties to the Chinese Hui. During the colonel period, Muslims from India and Pakistan arrived, settling mostly in Rangoon and Mandalay. In the central plains, the majority of Muslims are ethnic Burmans, converted between the 9th and 14th centuries by Arab traders and scholars. Finally, the Muslim Rohingya population live mainly in northern Arakan State and have a common cultural heritage with Bangladeshi Bengali Muslims (source: "Myanmar's Muslim Sideshow," *Asian Times*, 20 October 2003).

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 throughout Burma are essentially banned from constructing or renovating mosques. In September 2004, four Rohingya Muslims were sentenced to five years imprisonment for making repairs to the village mosque (source: "Demolished Mosques in Northern Arakan," *Kaladan News*, 16 September 2004). The government also destroyed several mosques throughout the year. It was reported that as many as forty mosques have been scheduled for destruction in the past two years in Arakan State alone (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

Freedom of assembly for Muslims has also been curtailed with authorities refusing permission for religious gatherings and restricting the number of Muslims who can gather in one place. In November 2004 and January 2005, the SPDC placed severe restrictions on Muslims wishing to celebrate the *Eid-ul-Adha*, the second largest Muslim festival in the Islamic calendar. According to Kaladan News, a tax of 1,000 to 1,500 kyat and 10 kilograms of meat was placed on Muslims who participated in the festival in northern Arakan State.

Rohingya Muslims were also reportedly banned from praying at the *Eid-Ghah* (an open air prayer ground) as there were restrictions placed on both the number of devotees at the *Eid-Ghah* and also on freedom of movement throughout the holiday period. The SPDC also limited the number of religious sermons in mosques (source: "Muslims Complain of Military Extortion during Religious Festival in Arakan," Kaladan News, 25 January 2005).

Anti-Muslim violence continued throughout the year, although to a lesser extent than reported in 2003. In 2003, there were several incidents involving Muslims and Buddhists in several locations, including Irrawaddy Division, Kyaukse and in Rangoon. Between October and December 2003, clashes in Kyaukse reportedly led to Buddhist attacks on Muslim homes and mosques, in which ten Muslims were killed (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004). In early 2004, there were reports of clashes between Buddhist and Muslim students in Sittwe, the capital of Arakan State, leading to the temporary closure of Sittwe University (source: *Blurred Vision*, ALTSEAN, January – March 2004).

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 the political and/or economic situation in the country. Commentators have noted that the anti-Muslim violence that took place in 2003, in particular that at Kyaukse and Pyinmana towns, was orchestrated by the government to deflect interest in the incident at Depayin where Aung San Suu Kyi and members of NLD were attacked and arrested (source: "SPDC Attempts to Divert Peoples Attention from Depayin Massacre," Kaladan Press, 26 July 2003). While there is no direct evidence of the government's connection to anti-Muslim violence, it was reported that both Muslim leaders and non-Muslim local residents believed that the attacks in 2003 were provoked by government affiliated agents. According to eye witnesses, the Buddhist attackers were transported into and out of the area and seen carrying pistols and walkie talkies under their robes (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

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 since the attacks of 11 September 2001 in the U.S.A. Initially the SPDC refuted the existence of any terrorist organizations in Burma. However, 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 had learnt that there were 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 feared that the SPDC was capitalizing on world concern over the war on terrorism to justify further persecution of the Muslim population in Burma. In May 2003, a Burmese man was arrested in Pakistan with alleged links to al-Qaeda, the terrorist organization believed to be responsible for the 11 September 2001 attacks on the U.S.A. Following this, the SPDC reiterated its commitment to investigate all links to terrorism in Burma while raising the possible link 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).

The Situation of Discrimination against Rohingya

The Rohingya are a distinct Muslims ethnic group living predominantly in the northern Arakan State townships of Maungdaw, Buthidaung and Rathedaung. The Rohingya speak a dialect of Bengali and are considered to be ethnically and religiously related to the Chittagonian people of southern Bangladesh. There are no systematic population figures for the Rohingya people. Estimates place the Rohingya population of Arakan State at between 700,000 and 1.5 million, approximately 50% of Arakan State's population. The Rohingya experience severe legal, economic, social and religious discrimination. This, in part, stems from the fact that the government denies the majority of Rohingya access to Burmese citizenship. The Rohingya are not recognized as one of the 135 "national races" of Burma. Furthermore, most Rohingya lack the documentation necessary to provide evidence of their ancestry in Burma prior to the period of British colonial rule, as stipulated by Burma's highly restrictive citizenship laws. Consequently, the Rohingya are rendered de-facto stateless within Burma. Despite this, Rohingya are not issued Foreign Registration Cards, which are issued to foreigners who wish to reside in the country. Rather, some Rohingya are issued with a "Temporary Residents Cards," or white cards, which specifically states that possession of the card does not afford the bearer citizenship. As non citizens, the Rohingya are categorized as illegal immigrants and are subject to severe restrictions on movement, excessive taxation, extortion, forced labor, forced relocation and land confiscation. Furthermore, the Rohingya are not entitled to secondary education, a prerequisite for most civil service positions. (Source: The Rohingya Minority: Fundamental Rights Denied, Amnesty International, May 2004)

In 1978 and 1991/92 more than 250,000 Rohingya fled to Bangladesh. Most of these left because of human rights abuses, which included the destruction of mosques and other acts of religious persecution. Many of these refugees have now been "voluntarily" repatriated, although the voluntary nature of their return has been seriously questioned. Moreover, many of those who were repatriated are believed to have fled across the border again having found conditions in Burma in the same repressive state. It is estimated that between 100,000 and 200,000 Rohingya refugees reside as illegal immigrants in Bangladesh as the camps are closed to any new arrivals. At the beginning of 2004, there were an estimated 20,000 Rohingya refugees remaining in two camps in Cox's Bazaar in southern Bangladesh. While 7,000 of the 20,000 Rohingya residing in refugee camps have reportedly been cleared for return to Burma, fears of human rights abuses, including religious persecution, remain within the refugee community (source: The Rohingya Minority: Fundamental Rights Denied, Amnesty International, May 2004).

The government has used various means to try and force the Rohingya out of Burma and to discriminate against them 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. Since then, permission to travel beyond Buthidaung and Maungdaw is rarely granted, making it difficult for Rohingya to travel to either Sittwe or Rangoon. There were reports that travel restrictions tightened further still during 2003 and at the beginning of 2004. Travel restrictions have had a devastating effect on the Rohingya as it

denies them access to markets, employment opportunities, higher education and health services (source: The Rohingya Minority: Fundamental Rights Denied, Amnesty International, May 2004).

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 that they were not rebuilt. In other areas, such as Thandwe, original resident Muslims were allowed to stay but all Muslim newcomers were refused permission to buy plots or houses (source: International Religious Freedom Report-2004, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

As part of the SPDC's policies of "Burmanization", "model villages" have been established to resettle both Rakhine and Burman Buddhists onto Muslim land. Amnesty International and Forum-Asia have estimated that there are approximately 26 "model villages" of about 100 houses each in Northern Arakan. Kaladan News, a Rohingya news organization based in Bangladesh, has estimated that as many as 39 "model villages" exist in this area. Kaladan News has argued that the SPDC's "model village" program is designed not only to "dilute" the Rohingya population but also aimed at ethnic and religious "cleansing" designed to eradicate the Rohingya people and their Muslim faith from Arakan State (source: "Nasaka Forcibly Extracts Labor and Donation from Rohingya villagers," Kaladan News, 18 October 2004).

Persecution of Muslims - Partial List of Incidents for 2004

Arakan State

On 1 April 2004, 4 Rohingya were arrested at the Lundun Madrasa by a group of 30 Nasaka officers in Maungdaw town, Arakan State, and accused of running the Madrasa with funds provided by insurgents. The 4 were taken to Ngakura Nasaka Sector No. 5 camp where they were detained, interrogated and tortured. As a result of the torture, Maulayi Sayed Ahmed (age 35), son of Sayedul Islam of Duden village, Maungdaw Township, died on 21 April. At first, the Nasaka officers refused to return the body but after a confrontation with the villagers and orders from the Nasaka Headquarters the body was finally returned. The body was reportedly injured, bruised and covered in blood. In addition, Maulayi Sayed Ahmed's tongue was cut off, sex organ destroyed and his testicles compressed. On 22 April, the 3 other detainees were released and concluded to be innocent. (Source: "Barbaric Killing of A Religious Teacher in Nasaka Custody," *Kaladan News*, 28 April 2004)

On 29 April 2004, Ali Ahmed (age 26), son of Amir Hamza from Alay Thankyaw village tract, Maungdaw Township, Arakan State, made an application for permission to marry. As required, the application was attached with other documents, such as a recommendation letter from the Village Peace and Development Council chairman, consent from the parents of both the bride and groom, an agreement by both the bride and groom to the marriage, both family lists and photos. On 12 May 2004, the parents of the bride and groom went to the Nasaka camp and paid a 70,000 kyat bribe to the commander in order to facilitate the approval of the application. It was reported that this is the lowest bribe accepted and that usually a bribe of 100,000 – 200,000 kyat is required. It was also reported that there have been instances of bribes of 500,000 to 1,000,000 kyat being paid. According to Kaladan News, it is virtually

impossible for a couple to be granted permission to marry without first paying a bribe to Nasaka authorities and that some poor couples, who are unable to pay the bribe, have withdrawn their applications to marry after having waited 2-3 years for a response. On 15 May 2004, the parents of both the bride and groom were summoned to the Nasaka camp where Nasaka authorities asked intricate questions. On 21 May 2004, the Nasaka commander granted permission for the marriage and the marriage was solemnized on 28 May 2004. (Source: "Marriage Restrictions Still Imposed on Rohingya Community," *Kaladan News*, 14 June 2004)

On 16 June 2004, the commander of Nasaka Sector No. 2 verbally ordered VPDC chairman and VPDC members to demolish an ancient mosque in the border village of Taungbro Right in Maungdaw Township, Arakan State. It was reported that the order caused both Rohingya and Bangladeshis' anxiety and that villagers approached the authorities requesting that the order be cancelled or adjourned. The request was refused. On 18 June 2004, the village chairman and VPDC members, instead of making efforts to save the mosque, reportedly fenced off the mosque compound and prohibited devotees from worshipping in the mosque. Both villagers and bordering Bangladeshi people fear that the historic mosque would be demolished. According to *Kaladan News*, in 1993 the Muslim cemetery adjacent to the mosque was confiscated by the Nasaka and a Nasaka camp built on the land. The mosque is set on 7 acres of land and the VPDC chairman reportedly uses the land for his own benefit. Members of the mosque committee have been reportedly threatened and harassed by the VPDC chairman for objecting to the mosque's destruction. (Source: "Nasaka Ordered Villagers to Destroy an Ancient Mosque in Northern Arakan," *Kaladan News*, 3 July 2004)

On 12 and 13 August 2004, Nasaka troops forced villagers to demolish 9 mosques. The following mosques were destroyed:

1. 1 mosque in Kinusi village;
2. 2 mosque in Fatiya village;
3. 4 mosque in Panze village;
4. 1 mosque in Tanzama Dia; and
5. 1 mosque in Nan Mraung village.

According to *Kaladan News*, Nasaka officials said, "It is not necessary to have many mosques in one village, one big mosque is enough for prayers. Soon many mosques will be demolished." (Source: "Demolished Mosques in Northern Arakan," *Kaladan News*, 16 September 2004)

In early September 2004, 4 Rohingya from Taung (Ywet Nyo Taung) village in Buthidaung Township, who were earlier arrested for repairing the village mosque, were sentenced to 5 years imprisonment. The villagers sentenced were:

1. Mostafa, age 50, former Chairman of the Village Peace and Development Council (VPDC);
2. Moulavi Arifullah, principal of a religious school;
3. Hafez Salamat Ullah; and
4. the incumbent VPDC Chairman of the village. (Source: "Demolished Mosques in Northern Arakan," *Kaladan News*, 16 September 2004)

On 22 September 2004, the Maungdaw Township Peace and Development Council (TPDC) General Secretary U Soe Win issued a notice ordering religious schools, mosques, temples, madrasahs and churches in Maungdaw Township to provide 4 photos, a list of committee members, income source, land and other relevant documents to the TPDC by the end of the

month. According to Kaladan News, TPDC authorities were visiting villagers collecting the above data at the time of this report. (Source: "Nasaka Arrested a 3-Member of Mosque Committee for not Complying Order," *Kaladan News*, 11 October 2004)

On 25 September 2004, Nasaka authorities arrested Zahir Ahmed (age 56), son of Omor Abbas; Molvi Zakaria (age 52), son of Lukman Hakim; and Abul Khasim (age 54), son of Tanda Meah, for their leading role in refusing to destroy an ancient mosque in Zun Baina village, Maungdaw Township. The order was issued in the first week of September by Colonel Tun Tun Oo, the commander of Nasaka Sector No. 6 of Maungdaw Township. The 3 men were released on 2 October 2004 after reportedly paying a 1.5 million kyat bribe to the concerned authorities. However, the order to destroy the ancient mosque, built with concrete and with a tin roof, was not withdrawn. According to Kaladan News, 6 years ago the commander of the same Nasaka Sector had given permission for renovations and small extensions to the mosque after accepting a 150,000 kyat bribe. In August 2004, the Nasaka Sector commander had ordered the destruction of the mosque but had withdrawn the order after reportedly receiving a 100,000 kyat bribe. (Source: "Nasaka Arrested a 3-Member of Mosque Committee for not Complying Order," *Kaladan News*, 11 October 2004)

10.4 SPDC Control over Buddhism

"Monks, sons of Buddha, are being tortured and cracked down upon in interrogation centers, in concentration camps, in prisons and in forced labor camps... I can't believe and understand why a group of so-called Buddhists in a majority Buddhist country dare to commit these ultimate sins. Moreover, I don't understand where they get these evil minds to commit such atrocious religious violations."

(Source: Naing Kyaw, "Sons of Buddha in Prison," *Burma: A Land Where Buddhist Monks are Disrobed and Detained in Dungeons*, AAPP, November 2004)

The majority of Burma's people are Theravada Buddhists and in 2004 the SPDC continued to closely align itself with Buddhism as a way of claiming legitimacy. At the same time, there were continued reports in 2004 of the SPDC both maintaining strict control over and limiting the activities of the *Sangha* (Buddhist clergy). Buddhist monks play a significant role in Burmese society and have traditionally been responsible for not only the community's spiritual guidance but have also tended to the community's social, educational and health needs. Successive military regimes have been threatened by this role and have therefore systematically curtailed any activities by Buddhist clergy that threaten the authority of the military junta by promoting human rights and political freedom. Monks took part in the pro-democracy uprising on 8 August 1988 and it is estimated that as many as 600 monks were killed. On 8 August 1990, the second anniversary of the pro-democracy uprising, over 7,000 monks took to the streets of Mandalay to peacefully collect alms from the people. The army retaliated to this peaceful protest by attacking the monks. Two monks were killed and seventeen others were wounded in the attack. In response to the army's brutal attack, the Monks' Union (*Sangha Samaggi*) of Mandalay, led by Ven. Yewata, declared *pattam nikkujjana kamma*, "overturning the bowl." Consequently, monks from across Burma refused alms from military personnel and their families and refused to attend religious services organized by the SLORC. Rather than offer the apology required by the monks to lift the boycott, the SLORC responded by arresting, jailing and disrobing Ven. Yewata. The SLORC also issued a number of orders through which to control the *Sangha* and punish monks who

engaged in anti-government behavior. On 20 October 1990, the SLORC issued Order 6/90 banning all "unlawful" *Sangha* organizations except the nine state recognized monastic orders. These nine orders are under the authority of the state sponsored State Monk Coordination Committee (*Sangha Maha Navaka Committee* – SMNC). On 21 October 1990, the SLORC issued Order 7/90, which authorized military officials to bring monks before a military tribunal for “activities inconsistent with and detrimental to Buddhism.” Under this law, monks could be disrobed and imprisoned for participating in protests or boycotts. Punishments ranged from three years imprisonment to death. Finally, on 30 October 1990, a code of conduct was imposed on Buddhist monks throughout Burma. Violations of the code of conduct are punishable by criminal penalties (source: *Burma: A Land Where Buddhist Monks are Disrobed and Detained in Dungeons*, AAPP, November 2004).

In 2004, the government continued to attempt to control monks who were possibly involved in political activities through travel restrictions, arrests and pressure on Buddhist leaders to expel "undisciplined" monks. Certain monasteries were prohibited from allowing members of political parties to be overnight guests. Adherence to these rules was strictly monitored and on 19 January 2004 twenty-five novice monks and Ashin Sandazawthi, a leader monk, were each sentenced to 18 years imprisonment for their refusal to accept alms or donations from the military authorities during the October and November 2003 Kathin festival (source: *Burma: A Land Where Buddhist Monks are Disrobed and Detained in Dungeons*, AAPP, November 2004). Furthermore, in late 2003, following anti-Muslim attacks in the Mandalay area, a 7:00 pm to 4:00 am curfew was imposed on all monasteries in Rangoon and Kyaukse. The curfew continued throughout 2004 and it was reported in January 2004 that as many as 100 monks had been arrested and imprisoned for curfew violations (source: "Monks Arrested for Curfew Violations," *Irrawaddy*, 20 January 2004).

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; making speeches and donations at pagodas; and organizing "people's donations" of money, food and labor to build, renovate and maintain Buddhist temples throughout Burma.

In an attempt to further ally themselves to Buddhism, Burma's junta hosted the fourth world Buddhist summit between 9 and 11 December 2004. However, controversy plagued the summit and on 9 November 2004, the chief sponsor of the event, Japan's Nenbutsuhu Buddhist sect, withdrew their sponsorship following the ousting of the then Prime Minister Khin Nyunt. Also in November 2004, the Assistance Association for Political Prisoners (AAPP), a Thai based human rights organization, released a report, *Burma: A Land Where Buddhist Monks are Disrobed and Detained in Dungeons*, detailing the continued detention of 300 monks by the SPDC and calling on *Sangha* organizations around the world to boycott the summit. The report was distributed to the UN, foreign embassies and religious organizations around the world. There were also fears that the junta was using the summit simply as a public relations tool to promote tourism to the country (source: "World Buddhist Conference Opens in Myanmar Despite Boycott call," AFP, 9 December 2004). According to a senior Rangoon monk, "Most monks go to jail when they refuse to submit to the cruel government... (the summit) is not sincere" (source: "World Buddhist Conference Closes in Myanmar amid Criticism by the Clergy," AFP, 11 December 2004). Despite the SPDC's claims that the summit was a success, the organizers of the event reported that most

participants had refused to attend the summit (source: "Prisoner Group Calls for Boycott of Buddhist Summit Over Monk Arrests," AFP, 15 November 2004).

In 2004, the SPDC continued to support and fund 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 with the people of the world." The universities train monks under the control of the SMNC and while they are, in principle, open to the public, there were reports that only students approved by either military intelligence or recommended by a senior monk were accepted. (Source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2005)

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 2003. In January 2004, it was reported that local PDC authorities and the *Sangha* council had used "fake" monks as a means to justify the destruction of twenty-six "illegal" Buddhist temples in Myawaddy. It was reported that Zaw Tipala, the Myawaddy *Sangha* council secretary, claimed that the destruction of the temples was based on the grounds that escaped prisoners and military deserters were dressing as monks and taking refuge in Buddhist temples in the area. However, representatives of one of the temples destroyed stated that they had obtained permission for the temple's construction from the chief of the *Sangha* council and that the real reason for the destruction of the temples was that the *Sangha* council wished to expel possible future rival monks in the area (source: "Illegal Temples Destroyed in Myawaddy," *Irrawaddy*, 28 January 2004). In contrast, the U.S. Department of State reported that the incident involved the destruction of six monasteries and that the *Sangha* council was forced to issue the order by the DKBA who wished to punish the monasteries abbots for being critical of the DKBA (source: *International Religious Freedom Report-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 15 September 2004).

Persecution of Buddhists - Partial List of Incidents for 2004

Arakan State

On 12 March 2004, it was reported that the monastery in Kan Pyan Rawr Haung in Sittwe Township, Arakan State, had been destroyed in accordance with an order issued by General Maung Oo, the President of the Arakan State PDC. It was reported that Maung Oo had ordered that that village PDC Secretary, Maung Sein Nyunt, and Monastery Treasurer, Maung Ba Khin, both be charged under the 1951 Rice Field Act for the destruction of rice fields resulting from the monastery's construction. The monastery was built in 2003 in a rice field donated by a villager to the village monk, U Thu Nanda. The Township *Sangha Nayaka* (Monk Order) and the Department of Religious Affairs had also reportedly given permission for the construction of the monastery. At first the villagers resisted the commander's order to destroy the monastery, but gave way as a result of pressure and threats of official sanctions. Both Maung Sein Nyunt and Maung Ba Khin were sentenced to a day imprisonment and a 2,000 kyat fine each. Since the destruction of the monastery, the village monk has had to stay in the home of a village lay-person. (Source: "Monastery is Destroyed and Villagers are Fined," *Narinjara News*, 12 March 2004)

On 10 November 2004, it was reported that 9 Arakanese Buddhist monks from Ka Yu Khung monastery, located in front of the state High School No.3 in Akyab, the capital of Arakan State, were detained by local authorities and face long prison sentences after getting into a fight with municipal staff members. It was reported that the fight occurred on 18 October 2004 after the monks went to the Akyab municipal authorities to negotiate the release of their food rickshaw, which had been compounded while on its way to collect food for the monks at the monastery. According to Niranjara News, Akyab municipal officers normally impound trishaws and then demand bribes for their release. However, in this case, a brawl started when officers tried to bribe the monks. It was further reported that the monk leading the group is in solitary confinement in Akyab Prison and rumored to have received a long prison sentence. (Source: "Nine Arakanese Monks Arrested for Agitating Municipal Authority," *Narinjara News*, 10 November 2004)

Karen State

Myawaddy Township

On 28 January 2004, it was reported that 26 Buddhist temples had been destroyed in Myawaddy by local authorities and the *Sangha* Council, or Burma's Buddhist monastic community. According to Zaw Tipala, the Myawaddy *Sangha* council secretary, the *Sangha* council has "principles for the setting up a wat or pagoda. You must get permission from the *Sangha* council, local authorities and the land department...We will allow the wats which have followed these procedures." It was reported that Zaw Tipala stated the reason for the order was issues concerning illegal temples and "fake" monks in Myawaddy. Zaw Tipala claimed that there were many instances of men who had fled from prison or the military impersonating monks and even crossing the river to Mae Sot, Thailand, to collect alms. According to Sandaw Bata, whose temple was destroyed, the order was issued on the pretext that some monks had contact with armed ethnic resistance groups. However, Sandaw Bata accused officials of using these claims as an excuse and stated that he felt the real reason for the destruction of the temples was fear by the *Sangha* council of possible rival monks. It was also reported that Ngwe Tin, the main donor of U Sandaw Bata's temple, had gained permission for the construction of the temple from the *Sangha* council chief and that since their decision to destroy the temple he had lost faith in the council. According to the *Sangha* council secretary, 4 large illegal wats and many more small huts in the jungle around Myawaddy had been destroyed. However, Sandaw Bata reported that as many as 26 temples had been destroyed. (Source: "Illegal Temples Destroyed in Myawaddy," *Irrawaddy*, 28 January 2004)

Nyaunglebin District

On 5 March 2004, Column 1 and 2 of SPDC IB 30 came to the pagoda at Ta Paw Lay mountain in Shway Gyin Township and burnt down the temple building and rest house. (Source: CIDKP, 2004)

Rangoon Division

On 20 January 2004, it was reported that approximately 100 monks in Rangoon had been arrested for breaking a curfew imposed by the government at the end of October 2003. The curfew, which prohibits monks from leaving their monasteries between 7:00 pm and 4:00 am, was reportedly imposed following clashes between Buddhists and Muslims throughout

Burma, in which approximately a dozen Muslims were killed during religious riots in Kyaukse, Mandalay Division, on 19 October 2003. The riot in Kyaukse was reportedly sparked when 3 Muslims cut the head off a Buddha image in the town. Local Muslims deny any involvement in the event. AAPP has reported that since the curfew was imposed more than 100 monks have been arrested for curfew violations, including 10 young monks from Ngwe Kyar Yan monastery in Rangoon on 22 November 2003. AAPP has further reported that all the arrested monks were being detained in Insein Prison, outside Rangoon. Some of the monks had reportedly been hospitalized in the prison's hospital because they were beaten during their arrest. The arrested monks were from about 10 monasteries in Rangoon, including Ngwe Kyar Yan, Tha Yet Taw and Aung Chan Tha. An abbot from a monastery in North Okkalapa Township, Rangoon, who spoke on the condition of anonymity, said monks are being arrested without investigation if spotted outside their monastery after 7:00 pm: "The arrested monks are immediately sent to Insein Prison and disrobed there... They are later sentenced to at least two years." (Source: "Monks Arrested for Curfew Violations," *Irrawaddy*, 20 January 2004)

Shan State

Kae-See Township

In October 2004, SPDC troops from IB 246 arrested, beat to death and dumped the body of Wi-Sa-Ya, a Buddhist monk from Kun Naa village in Kun Naa village tract, Kae-See Township, into the Nam Paang river. According to local residents, the monk had come to Kun-Hing town to visit a relative, Lung Ta (male), who lived in No. 3 quarter in Kun-Hing town, only to learn that Lung Ta had been killed by SPDC troops some time before his visit. As the monk was staying at Lung Ta's house, one night at around midnight, a group of SPDC troops from IB 246, who were responsible for security at Nam Paang bridge, came and took him away. The monk was beaten to death and his body dumped into the Nam Paang river. Local residents speculated that the murder of the monk was motivated by fears that the monk would make an inquiry into Lung Ta's death and file a complaint against the SPDC troops. (Source: "A Buddhist Monk Beaten to Death in Kun-Hing," *SHRF Monthly Report*, SHRF, February 2005)

Personal Accounts

Interview #1

Source: Burma Issues
Date of Interview: 28 April 2004
Name: Xxx Xxx (name withheld)
Age: 19 years
Village: Pa Zone Chaung village, Pa'an District

I am a 19 year old Baptist Christian Karen from Pa Zone Chaung village. I passed 10th standard high school and now I am studying in Mae La refugee camp.

My village is Pa Zone Chaung village. It has approximately 150 households. It is located behind the Salween bank and is a two hour walk from upper K, Ma Maung town. This area (Myin Gyi Ngu area) is controlled by the Democratic Karen Buddhist Army (DKBA) headquarters.

When I was doing fourth standard (junior school) I studied in Pa Zone Chaung village. During that time, there was a group of Saturday Christians (SDA) in K, Ma Maung town of Aung Daw village. I had heard in 1998 or 1999 (I do not remember exactly) that the Saturday Christians in that area had to move to another place.

Once before 2000, I remember the DKBA did not allow the villagers to feed the hens, pigs and ducks. Because the villagers were afraid of the DKBA they followed as they were ordered. But some of the DKBA relatives went to farms to feed the animals secretly. I heard a few times that the DKBA caught those who did not follow the orders, but among them were only relatives of the DKBA. Another rule of the DKBA was not to eat fish, frogs, pigs and others meats. But some villagers bought meat in K, Ma Maung to eat and some of them sold the meat among the other villagers secretly.

After I passed fourth standard I went to K, Ma Maung town to attend Middle and High school. During that time the DKBA forced the SDA to relocate out of this area and the DKBA built their pagoda and monastery at the location of the SDA church. I don't know how many households left and where they went.

In Pa Zone Chaung village they have a Baptist Christian church and approximately thirty Christian households and seventy or eighty Buddhist households. This difference caused tension between the Christians and Buddhists. The first conflict I do not remember. What I do remember is that at the end of 2003 and the beginning of 2004 the DKBA forced us (the Christians) to move away or become Buddhists. The person who ordered this is Bo Ta Kea. He did this even though he is a Pa Zone Chaung villager himself and one of his cousins became a Christian a very long time ago.

Earlier the DKBA troops were living in Kan Nying Naung. According to some of the heads of the Buddhist villagers, the DKBA decided to kill all Christians in Pa Zone Chaung village. The first time they attacked the village they only came half way because bees attacked them. Also the second time they could only come in half way, this time because buffalos attacked them.

After the DKBA forced the Christians to leave Pa Zone Chaung village, the head of the Buddhists and the head of the Christians from the village went to the headquarters in Myai Gyi Nyu to speak to the leading monk (the head of the DKBA). They apologized and asked if the Christians could come back and stay in the village. But the monk said that the order did not come from the headquarters. He said the order probably came from the commander. So they went to the commander. But also the commander said that he did not order for the displacement. He said that the order was from the leading monk. He also said that the Christians started to live here when the English ruled Burma. Now that the English are not ruling anymore, the Christians have to leave again.

In Burma the SPDC military is ruling now. The head of the Christians from the village mentioned the problem to them, but nothing changed.

When we (the Christians) had to move, the DKBA gave us two days to leave. We could not bring all the house resources within two days and they did not allowed us to come back to get it. So there are many house resources left behind. My father said that he left 150 baskets of rice. They confiscated our house, gardens, rice and farms and all the other things that we left behind. We heard they shared these things among the DKBA.

When we left, we fled to Mae Kyi Ta because there were some Christians there so we could stay for a short time. The food that we brought along was not enough to feed all families. For example, my family only brought one tin of rice. So the Christians in Mae Kyi Ta, Ta Kaw Kho and Lae Kwe gave us rice and vegetable for one month to eat.

After we arrived in Mae Kyi Ta, some adults, children and babies were getting ill. We got medicine from one of the nurses (Naw Cha Lu) from our village, who is working at K, Ma Maung hospital. After we got the medicine, all of us felt better. Only one of the old man died.

When we left Mae Kyi Ta, the pastor arranged a boat and a long tail boat for transportation. Some people among us had money and some had no money. We collected as much as we had and paid it to the boat owner.

One month after the DKBA ordered us to move, Christians from Moulmein town and Pa-an district heard about it and they sent donations to us. We are still using this money today.

During this time, I nearly had my final examinations, but when I went back to school in K, Ma Maung town I noticed I had forgotten my books in Pa Zone Chaung village. Without books it was impossible to pass my exams so I skipped my exams. I went to Mae La refugee camp to get more education. The Mae Kyi Ta pastor brought me with a borrowed car. On the way we had an accident and I got injured. This is the reason for the injuries I have now.

When we were ordered to move from Pa Zone Chaung village, the DKBA commanded us not to go to Thailand. So when we went we were afraid to mention that we are from Pa Zone Chak village.

After we left, we heard that the leader of religious and military government is discussing if the Christians are allowed to go back to Pa Zone Chaung village. I hope that he will agree.

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

“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 (PSB), 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 2004 there were approximately 300 weekly and monthly magazines published in Burma, according to the PSB, they were all kept under close observation by the regime and several were shut down after offending censors. Burmese people are well aware that much of the news from official sources is propaganda, and that 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 2004, due to an increase in the import of cheap Chinese-manufactured short-wave radios, a greater number of people were able to access these stations (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005). In addition to radio, a limited number of publications by exiled groups working along the Thai-Burma border are regularly smuggled into Burma. However, the State Peace and Development Council (SPDC) is aware of and attempts to cut off these sources of information. Outside radio broadcasts are closely monitored and sometimes scrambled. During 2004, at least one

business was fined for playing the BBC in a teashop (see below). Individuals caught distributing or possessing dissident news material were also punished. As of 2004, 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. (Source: *Burma- Annual Report 2005*, RSF, 2005)

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 run by Ye Naung Win, the son of Burma's former Prime Minister, Lt. Gen. Khin Nyunt. Furthermore, the cost of this service has effectively barred most people in Burma from being able to use the Internet. (Please 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. The New York-based Freedom House ranked Burma among the five worst offenders against press freedom in 2004, and RSF placed Burma in 165th place, above only North Korea and Cuba, out of the 167 countries reviewed for 2004. (Sources: "Burma High on List of Countries Jailing Journalists," *Irrawaddy*, 4 February 2005; "Attacks on the Press in 2003," CPJ, 19 May 2004; "Survey: Global Decline in Press Freedom," AP, 29 April 2004; "Third Annual Worldwide Press Freedom Index," RSF, 26 October 2004)

In November 2004, imprisoned documentary film-makers Aung Pwint and Nyein Thit were honored with the 2004 CPJ International Press Freedom Award for their work documenting forced labor and the harsh realities of life in the rural areas of Burma. CPJ Executive Director Ann Cooper said, "Journalists everywhere take inspiration from the courageous work of these awardees. In honoring them, CPJ seeks to bolster support for their work, and to win freedom and justice for these journalists." (Source: "CPJ Honors Burmese Journalists," *Irrawaddy*, 14 October 2004)

11.2 SPDC Laws Restricting Freedom of Opinion, Expression, and the Press

(Source: Burma UN Service Office – not sure where this source should be put if it refers to all our info re the below laws)

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 the 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 (US \$33). In April 1996, the State Law and Order Restoration Council (SLORC) used this law to prosecute James Leander Nichols, a close friend of Daw 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 conditions.

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. It was used in the fall of 1990 after the election results were disregarded against several NLD functionaries who attended meetings in Mandalay with the intent of forming a provisional government-in-exile. The functionaries were arrested and sentenced from between 10 to 25 years imprisonment under section 122.

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 drafting 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 above 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 Daw Aung San Suu Kyi's house in Rangoon. Observers believe this law specifically targets the NLD and Daw 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 Act 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" (article 5(a)), or "causes or intends to spread false news about the Government" (article 5(e)), or "causes or intends to disrupt the morality or the behavior of a group of people or the general public" (article 5(j)).

Article 3 renders any act which is "intended to cause, or causes, sabotage or hinders the successful functioning of the State military organizations 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" (article 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. According to the Press Scrutiny Board (PSB) guidelines, material that is not tolerated includes anything "detrimental to the ideology of the State; anything which might be harmful to security, the rule of law, peace, public order, national solidarity and unity; and any incorrect ideas and opinions which do not accord with the times." The effect of this law 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 August 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 the compulsory licensing of television sets, video cassette recorders and satellite televisions by the Ministry of Communications, Posts and Telegraphs, and of the video business by the 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 also been extended 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.

The Computer Science Development Law

This law requires anyone who wishes to import, possess or use computer equipment, notably those with networking or communication facilities, 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 to the Ministry for prior sanction (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 and 32).

The Ministry 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 The National Convention: Increased Control Over Expression

In May 2004, the junta's National Convention (NC) got underway, accompanied by a marked tightening of restrictions on freedom of expression in Burma. Just days before the National Convention commenced, the military junta stepped up their suppression of the media and sentenced two potential "problem" journalists to prison terms. Former reporter Ne Min, who was arrested in February 2004 under the accusation of sending inside information to foreign-based media outlets, received his sentence on 7 May 2004 at a special court inside Insein Prison. He was sentenced to 15 years in prison, according to the Burmese Media Association (BMA) and Reporters Sans Frontières (RSF). Ne Min, who worked for the BBC in the 1980s, previously spent 8 years in prison for "spreading false rumors." (Source: "Myanmar Ex-reporter Imprisoned Ahead of Convention: Media Monitor," AFP, 14 May 2004)

On the same day Ne Min was sentenced, Nyan Htun Linn, a student activist and former office manager of a Thai-based news website, was sentenced to 22 years for distributing a statement criticizing the procedures of the upcoming convention. These arrests were seen by media watchdogs as directly related to the start of the National Convention and the junta's desire to keep the media under control. (Source: "Myanmar Ex-reporter Imprisoned Ahead of Convention: Media Monitor," AFP, 14 May 2004)

Only SPDC-controlled media were allowed to cover the NC, and foreign journalists were consistently refused visas. Journalists who were allowed to enter were prohibited from bringing tape recorders, computers, mobile phones and cameras to the opening of the convention. Footage of the convention was released without sound, which made it impossible for viewers to determine what was really happening. The junta also excluded the

international community from the National Convention, refusing to invite either the UN Special Envoy Razali Ismail or the UN Special Rapporteur Paulo Sergio Pinheiro to visit Burma during the convention. Many foreign missions in Rangoon sought permission to send observers to the convention, but were denied. (Source: *Briefing: Issues and Concerns Volume 1*, ALTSEAN, 24 November 2004)

The freedom of expression of the delegates attending the convention was also restricted. According to one of the state-controlled newspapers, *Myanma Ahlin*, delegates to the National Convention were read a “code of ethics and discipline” by the Minister of Information, Brig. Gen. Kyaw Hsan, shortly after the opening ceremonies. This list of rules included a provision against walking out of the convention alone or in groups, mocking others, expressing disloyalty to the State and discussing “irrelevant matters.” Brig. Gen. Kyaw Hsan assured delegates that these rules were, “prescribed not for repression but for the interest of the national races and the delegates.” Further, every speech given at the NC had to be approved in advance by the Panel of Chairmen, in compliance with the NC Procedural Code, and the delegates could only read the edited version. Critics see these rules as a reaction to the 1996 protest by the NLD, when their 86 delegates to the NC walked out of negotiations after complaining that their contributions were ignored.

In a further attempt to minimize disruptions this year, the SPDC hand-picked most of the 1,076 delegates for the 2004 National Convention and chose an obscure location for the proceedings. UN Special Rapporteur Sergio Pinheiro described the delegates as being, “virtually under house arrest” at the specially constructed camp 45 km north of Rangoon, in Nyaung Hna Pin. The camp was surrounded by military bases and delegates were confined to the compound and forbidden from discussing the proceedings with non-delegates. This is a drastic shift from previous sessions of the NC, which were held in Rangoon. (Sources: *Briefing: Issues and Concerns Volume 1*, ALTSEAN, 24 November 2004; “NC Delegates Told Not to Walk Out or Make Anti-National Remarks,” AP, 18 May 2004)

During May and June 2004, famous singers Khin Maung Toe, Ringo and Htun Aeindrabo appeared on state-run TV and radio almost every night singing a promotional song for the NC. According to sources inside the Burmese music industry, these musicians were recruited by the Office of the Chief of Military Intelligence to “contribute songs for the National Convention.” Khin Maung Toe was reportedly taken by authorities and disappeared for several days, after which he and the other singers agreed to the government’s request. These musicians had previously been known for maintaining some distance from the military regime, and earlier in 2004 had performed for Burmese pro-democracy supporters living in Japan. Fans of the musicians were shocked to see them singing in support of the SPDC and, according to inside sources, several youth members of the NLD in Rangoon torched 300 cassette tapes of their music on the anniversary of the Depayin massacre. (Source: “Conscripted for Karaoke,” *Irrawaddy*, 14 June 2004)

11.4 State of Freedom of the Press in 2004

In 2004, 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 RSF, 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 2004. (Source: "Burma High on List of Countries Jailing Journalists," *Irrawaddy*, 4 February 2005)

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: the National Convention, natural disasters (such as the 26 December tsunami), the AIDS epidemic, human rights developments, drugs, debates about government policies (such as Gen. Khin Nyunt's removal from office), criticisms and commentary about the poor state of the national economy, or any local, national or international news which could be seen as uncomplimentary to the government. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

Severely restricted in the news they can print, the 300 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.

Publications in Burma go through two levels of screening in addition to 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 the 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)

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 until November 2004 was controlled by Prime Minister Lt. Gen. Khin Nyunt. Under Khin Nyunt, *The Myanmar Times* had more latitude than any other news source in the topics it was 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. Following Khin Nyunt's removal from office, *The Myanmar Times* was shut down briefly and at least one of his associates – a

management figure at the publication – was arrested. The official reason for the shut-down was "restructuring of the censorship board." It is unclear what changes will be made to the publication under the new officials, or who exactly will be running the magazine.

Even if *The Myanmar Times* does continue to enjoy greater press freedom than other publications, its existence does little to increase access to information in Burma. At 500 kyat per copy, most Burmese cannot afford to purchase the publication. (Sources: "New Military Government Closes 17 Publications," RSF, 21 October 2004; *Burma – 2005 Annual Report*, RSF, 2005)

Harassment and arrest of journalists also continued throughout 2004. Government officials repeatedly visited the offices of newspapers 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 tsunami of 26 December and any discussion of the National Convention. During 2004, Burmese representatives of international media organizations were permitted to attend government-organized press conferences, including one on narcotics control and another on the explosions at the Rangoon central train station. (Source: *Country Reports on Human Rights Practices-2004*, the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

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 an internationally renowned authority on Burma, has been "blacklisted" from the country for the past sixteen years. In 2004, at least one correspondent for the BBC's Burmese Service, who entered Burma as a tourist, was told verbally to leave the country, though another correspondent for the same organization was not harassed. (Source: *Country Reports on Human Rights Practices-2004*, the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

Few foreign journalists are allowed to live in Rangoon, though there is one correspondent for China's official *Xinhua* News Agency. In 2004, at least one American journalist was living and working in Rangoon, but she was writing as a weekly columnist with *The Myanmar Times* and subject to the same censorship as her colleagues. She wrote about her experience for an American newspaper, and explained that during her first month of working in Burma her censor told her, "We encourage freedom of expression. You can think whatever you want – just keep it in your head." Several of her columns were censored because they didn't portray the desired "image" of Rangoon. (Source: "A Voice in Myanmar," *Windsor Star*, 25 May 2004)

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). Foreign journalists were also forbidden from attending or reporting on the National Convention that started in May 2004. According to Reporter Sans Frontieres' 2005 Annual Report, Agence France-Presse, Voice of America radio and the Burmese and English services of the BBC World Service received no response from the Burmese authorities when they applied for visas to attend the NC. In February 2004, Burma's

state-owned paper, *The New Light of Myanmar*, attacked foreign broadcasting stations for threatening national unity and airing "lies" in order to provoke civil unrest. The accused "slanderers" included the British Broadcasting Corporation (BBC), the Voice of America (VOA) and All India Radio (AIR). (Source: "Junta Slams Broadcasters," *Irrawaddy*, 4 February 2004)

As a result of the heavy control of journalism in Burma, compounded with widespread poverty, illiteracy and lack of access to print media, 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, relied on foreign radio broadcasts for information about events inside Burma (source: "Thanks to the Foreign Burmese Radio Services," *Narinjara News*, 11 June 2003). In recent years there has been an increase in the number of cheap Chinese-made radio receivers, which has likely increased the number of radio listeners (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005).

Khin Nyunt's arrest and freedom of the press

In October 2004, a split within the SPDC resulted in the removal and arrest of Prime Minister Khin Nyunt, and the transfer of his duties to one of SPDC Chairman Gen Than Shwe's close allies, Lt Gen Soe Win. The state-controlled media inside Burma, however, noted these dramatic political shifts only in passing. On 19 October, *The New Light of Myanmar* printed a statement from Gen Than Shwe stating that, "The State Peace and Development Council has permitted Prime Minister General Khin Nyunt to retire on health grounds with effect from today." The issue also included notices of welcome to Lt Gen Soe Win as the new Prime Minister and Lt Gen Thein Sein as Secretary-1.

On 21 October 2004, just days after Khin Nyunt's arrest, Burma's new military leaders took control of the censorship bureau, which had until then been overseen by Khin Nyunt's associates. The new leaders shut down 14 privately-owned publications temporarily and three others indefinitely, according to Reporters Without Borders, in an apparent strike at media groups who had been closely linked to Khin Nyunt. The suspended publications included *Living Color*, *New Gazette*, *First Eleven Journal*, *Interview Journal*, *Reader's Journal*, *Idea Magazine*, *The Voice Journal*, *Naing Ngan Da-Kar Journal* and *Kumudra*. *The Myanmar Times*, jointly owned by Australian publisher Ross Dunkley and the Office of Strategic Studies (OSS), was also shut down for one week, allegedly due to "restructuring of the censorship office." Authorities also arrested the paper's co-owner, U Myat Swe, and his father, former OCMI officer, Brig Gen Thein Swe. (Sources: "New Military Government Closes 17 Publications," RSF, 21 October 2004; *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005)

Hiding the impact of the tsunami

In keeping with its policy of "no bad news," the SPDC implemented a ban on images of the 26 December tsunami's impact in neighboring countries and in Burma. On the day following the tsunami, there was no mention in Burmese papers of the local impact – only reports of the "messages of sympathy" sent by the generals to the affected countries. According to a report released by ALTSEAN Burma, a human rights and advocacy NGO, *Tsunami Impact on*

Burma, “It took two full days for the regime to officially report a minimal 36 deaths, 45 injured, 14 missing, and 788 homeless displaced, and 17 coastal villages destroyed. On 1 January 2005 the regime updated these figures to 59 dead, 43 injured, and 3,205 people made homeless.”

By the end of January 2005, the UN and the junta agreed that between 60-80 people had died while an estimated 5,000 to 7,000 people in Burma were directly affected by the tsunami. These numbers are significantly smaller than those estimated by the World Food Program, various NGOs and independent news agencies. In addition, these figures do not account for the people who died during the 26 December earthquakes in Shan State. Due to travel restrictions and severe censorship of the media, it remains difficult to judge the extent of the tsunami’s impact on Burma.

In the enforcement of the ban on tsunami images, four video store owners in Sittwe, Arakan State, were reportedly fined and arrested on 16 January 2005 for selling copies of tsunami footage they had obtained via satellite TV. The junta’s reluctance to publicize the devastation could be related to traditional belief in Burma that earthquakes are an omen of government change. (Source: *Tsunami Impact on Burma-Update*, ALTSEAN, 28 January 2005)

The tsunami also had a devastating effect on Burmese migrant workers living in Thailand. However, no information about these workers was reported in the Burmese media, leaving family and friends of migrant workers uninformed and unable to help.

Delay in reporting on Arakan cyclone

On 19 May 2004, Arakan State suffered the worst cyclone to hit Western Burma in over 40 years. According to the Red Cross, at least 220 people were killed and 14,000 left homeless. Despite the severity of the disaster, the state-controlled media waited ten days to issue a public report about the cyclone, and the government waited two weeks before asking for international assistance. (Source: *Tsunami Impact on Burma-Update*, ALTSEAN, 4 January 2005)

Arrested for reporting on Myitkyina flood

On 27 July 2004, documentary-film-maker Lazing La Htoi was arrested for making and distributing a video containing footage of a major flood in Myitkyina, the capital of Kachin State. He recorded the footage on his hand-held camera and made 300 VCD copies. Lazing La Htoi, who is also the owner of Htoi San Press in Myitkyina, was arrested but no information was available about his sentence. The computer shop that produced and distributed the VCD, Cyber Computer Centre, was also shut down for an indefinite period by military authorities.

The state-run paper *Kyemon* downplayed the effects of the flood, reporting that no casualties or property damage resulted from the disaster. According to local residents and NGOs, however, thousands of homes were damaged and up to 50 people died. Water-wells around the town were also contaminated. The documentary video showed youth volunteers assisting victims. (Source: “Flood Documentary-Maker Arrested,” *Irrawaddy*, 30 July 2004)

Journalists forced to report on Min Ko Naing's release

On 19 November 2004, well-known student leader Min Ko Naing was released after serving 16 years in prison. According to freelance journalists in Rangoon, several weekly publications were forced by the Press Scrutiny and Registration Board (PSRB) to run news stories about meetings between Rangoon-based western diplomats and Min Ko Naing. Published articles reported in detail the movement of embassy vehicles that visited Min Ko Naing's home and the headquarters of the NLD. Journalists and political activists said they had no idea why the regime wanted the meetings publicized, as news about opposition movements is normally banned from Burmese journals. The order was the first to come from the PSRB since Khin Nyunt's dismissal. (Source: "Weeklies Ordered to Report Diplomats Meet Min Ko Naing," *Irrawaddy*, 1 December 2004)

Media informants fear reprisal

According to the Thai-based Shan Herald Agency for News (SHAN), sources inside Burma asked outside media to respect their need to give vague details when reporting from inside. Informants were especially worried about providing "sound bites" for radio programs, as this makes them more vulnerable to military intelligence inside Burma. Last year, a SHAN informant was imprisoned for 3 years after a radio news station broadcast his voice expressing his opinion. As one source explained, "MI officers voice their annoyance openly every time they hear somebody inside Burma giving information to radio programs, be it BBC, VOA, RFA or DVB. Now with the National Convention drawing attention from the whole world, they are getting more edgy. And we certainly don't want to encourage them to do anything rash just yet." (Source: "Media Asked to Be More Understanding," SHAN, 27 May 2004)

Mon and Karen media sources in the Sangklaburi area in Thailand also feared for their safety after providing information to foreign radio stations. In October, Mon and Karen youth were warned by the SPDC not to speak to foreign radio stations about events in their areas. According to reports, youth who were suspected of being informants for the broadcasts were called and warned to stop reporting. One Mon youth who informs to a local media group said that he is often followed by MI. (Source: "Youths Warned about Leaks to News Media," *Kao Wao News* No. 75, 23 Sept – 7 Oct 2004)

Aside from pressuring informants not to provide information to foreign news sources, the SPDC also does little to hide its disdain for the foreign press. On 4 February 2004, Burmese state-run newspaper *The New Light of Myanmar* ran an article accusing foreign broadcasting stations of threatening national unity by airing rumors about the junta. The article, in reference to the BBC and VOA, stated that, "the media of neo-colonialist countries have been airing lies and slanderous accusations against Myanmar to transgress her independence and sovereignty." The article said that reports on the BBC, VOA and AIR were partially responsible for intensifying the unrest in 1988, as the foreign radio stations allegedly exaggerated facts and made up lies about the Tatmadaw. (Source: "Junta Slams Broadcasters," *Irrawaddy*, 4 February 2004)

Sports editor's death sentence commuted

In July 2003, Zaw Thet Htwe, editor for the sports magazine *First Eleven*, was arrested by the Burmese military. Analysts linked his arrest to the magazine's publication of articles critical of the Burmese authorities, and specifically an article questioning the SPDC's handling of a US\$ 4 million international grant to develop football in Burma. Zaw Thet Htwe, along with eight other people, was originally given the death sentence on fabricated charges of "high treason" for alleged assassination attempts against high-ranking military officials. The editor was also accused of sending information to opposition militants abroad. Reporters Without Borders and the Burma Media Association appealed to the judges to reconsider the sentencing, and on 12 May 2004, after the case received considerable international attention, Zaw Thet Htwe's death sentence was commuted and his sentence reduced to 3 years. On 14 October 2004, the Supreme Court further reduced his sentence to 2 years, and on 3 January 2005 he was reportedly released from prison. (Sources: "Reporters Without Borders and the Burma Media Association Ask Judges for Mercy for Sports Journalist Zaw Thet Htwe," RSF, 22 April 2004; *Briefing: Issues and Concerns Volume 1*, ALTSEAN, November 2004; "Four Journalists Freed from Prison, Nine Remain Behind Bars," RSF, 5 January 2005)

11.5 The State of Publications in 2004

Figures released by the Press Scrutiny Board show that Myanmar has 144 weekly journals and 234 monthly magazines, up from six journals and 35 magazines in 1988. In 2004, three new journals devoted to domestic news were launched, and another five changed their focus from celebrities to domestic news. The director of the Press Scrutiny Board, U Aye Tun, said that market demand was the main reason for the increase in news journals, according to the *Myanmar Times*. (Source: "Burmese Paper Hails Growth of Media Industry, Says People 'Hungry' for News," BBC, 14 October 2004)

Despite the increase in publications, the freedom of these publications to release genuine news is still strictly limited. In 2004, several publications were shut down due to government censorship. In April 2004, the popular Shan magazine *Hsenpai* (Variety) was ordered to cease publication following its incorporation of political news reports, according to sources who recently fled to Thailand from Shan State. The issue in question was published in June 2003 and included reports on a meeting of the Shan Nationalities League for Democracy and a meeting between the United Nationalities Alliance and the UN special envoy Razali Ismail on 3 June 2003. A few months after this issue was published, sources say the editor "was summoned by the MIS (Military Intelligence Service) and told he would face legal prosecution if he continued with his publication." (Source: "Shan Periodical Quashed," SHAN, 6 April 2004)

According to writers in Rangoon, the well-known local economics magazine *Myanmar Dana* (Myanmar Wealth) was ordered to stop publication for six months after the Censorship Board reacted to a cover photo on their September 2004 issue. The cover showed a photo of artist U Thet Nyunt, the father of the famous and long-imprisoned student leader Min Ko Naing, posing in front of his paintings. Two of the paintings in the background were portraits of his son. The cover story was "Art – Gallery and Artists" and examined the history of Burmese art, how art galleries develop in Burma and how artists can make a living. In addition to banning the publication for six months, the Censorship Board also seized unsold copies of *Myanmar*

Dana from shops in Rangoon. (Source: "Burma Censorship Board Bans Publication of Myanmar Dana Magazine," DVB, 24 September 2004)

On 1 September 2004, the Press Scrutiny Board ordered the closure of another publication, the current affairs journal *Khit-Sann*. The government cited financial and licensing issues as reasons for the closure. According to Radio Free Asia and the Burma Media Alliance (BMA), however, the magazine was shut down due to its international news coverage and American political ideas. *Khit-Sann* is a privately owned journal that started publishing in August 2003, featuring critical analysis of international affairs, economics and ideas from political theorists. The name *Khit-Sann* translates as "Renaissance" or "New Age." (Source: "Burma: CPJ Disturbed by Closing of Current Affairs Journal," CPJ, 21 September 2004)

Foreign publications are subjected to strict pre-distribution scrutiny and often appear in bookstores with pages blacked out or removed. The junta banned the 26 April 2004 issue of *Time* magazine because of the article "Stone Age" written by Andrew Marshall, which was critical of SPDC policies. As of 16 June 2004, foreign book retailers in Burma were still waiting for government permission to distribute the 14 June issue of *Time*, which included the article "Military Maneuvers," written by *Irrawaddy* editor Aung Zaw, which criticized the validity of the NC. One *Time* subscriber reported that he sometimes received his copy with pages torn out, and said, "If I want to read the entire magazine, I'll probably have to ask my contacts at foreign embassies to bring copies." According to the *Innwa* Bookstore in Rangoon, there are over 400 *Time* magazine subscribers in Burma. (Source: "Burmese Govt. Scrutinizes Time Magazine," *Irrawaddy*, 16 June 2004)

In a surprise and apparently contradictory move, the junta allowed the distribution of an issue of *Reader's Digest* that praised Aung San Suu Kyi as "the soul of the nation." Despite the regular pre-distribution censorship of foreign publications, the March 2004 edition of *Reader's Digest*, featuring a lengthy piece about Aung San Suu Kyi, was sold uncensored in Rangoon. The article explicitly described the Depayin incident of 2003 and the violent actions of the regime against the NLD supporters. The article states that, "Aung San Suu Kyi will not allow the torch of democracy to be extinguished," and adds that, "the petite 58-year-old with blossoms in her hair has become the sole repository for the Burmese people's hopes." According to booksellers in Rangoon, the copies sold out almost immediately. The junta's permission to distribute the magazine uncensored was referred to by a local bookseller as "unprecedented." The manager of *Innwa* Bookstore in Rangoon, who services about 1,000 *Reader's Digest* subscriptions, confirmed that there was no problem with distribution. (Sources: "Reader's Digest profile of Aung San Suu Kyi Sold Uncensored in Myanmar," AFP, 17 March 2004; "Suu Kyi Story Passes Censor," *Irrawaddy*, 18 March 2004)

11. 6 Journalists Freed in 2004

In 2004, sources reported the release of five journalists, and a further four journalists were released on 3 January 2005. Though thousands of prisoners were released in the wake of government restructuring in November, only an estimated 50 of these were political prisoners, and only a few journalists. In October 2004, Prime Minister Gen Khin Nyunt was removed from office and imprisoned, and replaced with Than Shwe's close associate Lt Gen Soe Win. Following the government restructuring, thousands of prisoners were released, allegedly as a correction of "mistakes" made under Khin Nyunt's rule. Unfortunately, only an estimated 50 of those released were political prisoners, and only a few of those journalists.

On 1 March 2004, the SPDC released writers Aung Zin Min and Cho Seint. Their release, along with that of three other political prisoners, coincided with the visit of United Nations Special Envoy Razali Ismail to Burma. Both writers were arrested in 1996 and sentenced to seven years in prison under Article 5 (j) of the 1950 Emergency Provisions Act, for their connections with underground anti-junta news bulletins and pamphlets supporting the 1996 students strike. Both men served their complete sentences plus an additional three months. Upon release, the journalists were allowed to return to their families. Their release was seen as a means of appeasing the Special Envoy. (Source: "Two Journalists Released at the End of Their Sentences," RSF, 10 March 2004)

On 24 March 2005, Kyi Tin Oo was released from prison. He 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 Emergency Provisions Act, State Protection Act and 17(l) of the Illegal Associations Act. The main source of incrimination came from his political writing for monthly magazines. He had been previously arrested for his dissenting publications and, as of 2004, had spent 19 of the past 40 years of his life in prison. Kyi Tin Oo died on 24 June 2004 from a heart attack, which was allegedly related to a heart condition and other ailments he developed as a result of torture at the time of his arrest, and poor conditions in prison. (Sources: Report to the UN General Assembly, 30 August 2004, Fifty-ninth Session, Item 107 (c) of the provisional agenda, Special Rapporteur Paulo Sergio Pinheiro; *Burma - 2004 Annual Report*, RSF, 20 October 2004)

On 12 July 2004, Arakanese journalist U Thar Ban was released from Insein Prison, four months after the completion of his seven-year sentence. He was arrested in March 1997 for helping with the documentation of the history of Burma's student movement. This was U Thar Ban's second time in prison, following his previous imprisonment from 1990 – 1995 for his involvement with the United Nationalities League for Democracy. His health was poor upon his release. (Source: "Burma Frees Imprisoned Journalist," *Mizzima*, 21 July 2004)

Sein Ohn was released on 26 November 2004 from Mandalay Prison, after spending more than eight years behind bars. He was one of thousands of prisoners released in the wake of government "restructuring" following the arrest and removal of Prime Minister Khin Nyunt. 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 videocassette 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. (Sources: *Burma - 2004 Annual Report*, RSF, 20 October

2004; "Journalist Ko Sein Ohn Released After More Than Eight Years in Prison," RSF, 2 December 2004)

On 3 January 2005, the SPDC released another group of prisoners, four of whom were journalists. Ohn Kyaing, Thein Tan, Aung Myint and Zaw Thet Htwe were all released on this day, according to Reporters Without Borders. (Source: "Four Journalists Freed from Prison, Nine Remain Behind Bars," RSF, 5 January 2005)

Ohn Kyaing and Thein Tan were arrested in September 1990, along with four other leaders from the NLD, and sentenced to seven years in prison. 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. Thein Tan was a freelance journalist and was also involved with the NLD. (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

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. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 2004)

Zaw Thet Htwe, a sports reporter, was arrested in 2003 and originally sentenced to death for alleged attempts at assassination and committing "high treason." His death sentence was commuted after considerable international pressure, and RSF announced his release on 3 January 2005. (Source: "Four Journalists Freed from Prison, Nine Remain Behind Bars," RSF, 5 January 2005) (For more information, please see section sports editor's death sentence commuted, above.)

11.7 Continuing Detention of Journalists

Despite the military's continued claims to have released large numbers of political prisoners, there were still at least 11 journalists in prison at the end of 2004. In their annual reports, the Committee to Protect Journalists (CPJ) reported 11 imprisoned journalists in Burma at the end of 2004, while Reporters sans Frontiers (RSF) reported 12 imprisoned journalists. Four journalists were released on 3 January 2005, along with thousands of other prisoners freed by the military junta.

According to an earlier report issued by RSF and the BMA, there were 33 writers, poets and journalists in prison in March 2004, and nine of those were in need of urgent medical attention (source: "Politics Becomes Zero-sum Game without Freedom of Expression," *Mizzima*, 8 March 2004). It is difficult to obtain accurate statistics from Burmese prisons, and sometimes the whereabouts or status of prisoners is unknown.

In April 2004, the continued imprisonment of writers in Burma received international attention from a group of Nobel Laureates who called on the Burmese junta to release Daw Aung San Suu Kyi and other imprisoned writers, journalists and artists. Vaclav Havel,

former President of the Czech Republic, and Jiri Grusa, the President of PEN International, an international literary and human rights organization of writers committed to freedom of expression and the advancement of literature worldwide, along with fourteen Nobel Laureates, sent a letter to SPDC Chairman Senior General Than Shwe stating that they are “profoundly” disturbed by the accelerating suppression of the democracy movement and by the denial of the freedom of expression in Burma. They state, “If a single political prisoner, if writers, journalists and other citizens cannot discuss the future of their country without fear, all announcements of political reform lack credibility. All historical experience teaches us that freedom of speech and free and open public debate cannot stand at the end of a road to democracy, but must be at the very beginning of any meaningful reform.” The letter was delivered on 13 April 2004 to Burmese embassies worldwide. (Source: “Havel and Nobel Laureates Call for Release of Suu Kyi and Burmese Writers,” *Mizzima*, 14 April 2004)

Despite these efforts, many journalists remain behind bars. The following is a list of journalists who remained imprisoned at the end of 2004.

U Win Tin

Despite news reports in November 2004 concerning U Win Tin’s imminent release, the 74-year-old former editor-in-chief of the *Hanthawati* and vice chairman of the Burma's Writers Association completed his 16th year in prison in 2004. U Win Tin was still in prison as of 5 January 2005. (Source: “Military Junta Releases Journalists Zaw Thet Htwe, Thein Tan and Aung Myint,” RSF Bulletin, 5 January 2005)

U Win Tin, one of Burma’s most prominent imprisoned journalists, was 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 imprisonment 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 about 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 UN Special Rapporteur for Human Rights in Burma about the conditions inside Rangoon’s Insein Prison.

In 2004, U Win Tin was kept in a special cell at Insein Prison 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 2003, 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 2003, UN Special Rapporteur for Human Rights in Burma Paulo Sergio Pinheiro also spent an hour visiting with U Win Tin. In 2004, he turned 74 years-old and his cumulative prison sentence was 21 years, ending in 2009. (Sources: “Attacks on the Press in 2003,” CPJ, 19 May 2004; “Win Tin and 12 Other Journalists Still Imprisoned Despite Anticipated Release Date,” RSF Bulletin, 23 November 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 NLD and had previously been imprisoned for his political activities. Though his second sentence of seven years had expired by 2004, 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 organization All Burma Federation of Students Unions (ABFSU). 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 2004, he was being confined in Tharawaddy Prison. (Source: "Attacks on the Press in 2003," CPJ, 19 May 2004)

Tha Ban was sentenced in March 1997 to seven years in prison for his pro-democracy writing and because he helped a student gather data on the history of a student association. He was transferred from Insein Prison to the Arakan State Prison, where his wife is permitted to bring him medicine for his dysentery. In 2004 he turned 67. (Source: *Burma - 2004 Annual Report*, RSF, 20 October 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 were 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 of life in Burma.

Aung Pwint and Thaung Tun were tried together and they were both 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)

These two documentary film makers were honored with CPJ's 2004 Press Freedom awards for their work, though neither could receive their awards from prison.

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 Lt Gen Khin Nyunt. 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. In 2004, 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)

11.8 Academic Freedom

There is no academic freedom in Burma, and the Ministry of Education controls the selection of all faculties 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 the 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)

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 also prohibited from publishing course reviews and study guides, and only government sponsored textbooks on these subjects are available. Moreover, students are discouraged from undertaking research and writing outside of their coursework. (Source: *2002 Education Report*, ABFSU, May 2003)

In their *Country Report on Human Rights Practices - 2004*, the U.S. Department of State reported that, "The Ministry of Education routinely warned teachers against criticizing the

Government. It also instructed them not to discuss politics at work, prohibited them from joining or supporting political parties or from engaging in political activity, and required them to obtain advance approval for meetings with foreigners." The SPDC continued to coerce professors and teachers into joining the Union Solidarity Development Association (USDA), the government's civilian mobilization organization (sources: *Country Reports on Human Rights Practices-2004*, the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). 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, and there have been reports of MI members infiltrating classrooms and reporting on students and teachers who speak out against the 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)

In 2004, state control over teachers' lives extended to private teachers as well. In Pa'an, the capital of Karen State, a local teacher reported that local authorities had warned private tuition teachers not to participate in political activities. Those who did not comply were subject to having their teaching licenses revoked. The move was seen by some as an indirect attempt to pressure elected NLD MP Daw Nan Khin Htway Myint, who is also a private teacher, to cease her involvement in politics. In previous years, government restrictions on teachers' political involvement were primarily limited to civil servants. Many students in Burma rely on private teachers due to the low level of education in state schools. (Source: *2004 Education Report*, ABFSU, February 2005)

In 2004, students' political lives were also strictly controlled. Many students were forced to participate in government groups such as the USDA and the local women affairs committees, which are headed by the wives of military generals and business men. In some areas, local authorities forced female students to wear the uniforms of the women affairs committee to school. Government organized rallies were also held, with students and teachers both being forced to attend, often with the promise of better jobs or higher grades for their participation. A recent report from Kalay University in the northwest of Burma noted that the choice of students admitted into the honors-class was based on membership to USDA rather than on a student's grades. Students are also selected for scholarships at many universities based on their family connections and affiliations rather than their academic merit. Some students from various ethnic groups are forbidden the right to education in their own ethnic language. (Source: *2004 Education Report*, ABFSU, February 2005)

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)

In the past, universities were a site of active resistance to the military regime. In response, the government has imposed restrictions on social gatherings on campus, and has moved

universities to remote locations in order to make organizing gatherings more difficult. The remote locations also make attending school more difficult. In March 2004, 400 students protested at Mandalay Computer College because 170 students had been banned by the college administration from taking their exams due to poor attendance. The college is built in the middle of nowhere - more than 30 miles from Mandalay, between Kyaukse and Sinkgaing – and no dorms were provided on campus for students. The college ferry buses did not have enough space for all the students, and commuting by city bus was very difficult. Hence, most students only attended 3 days a week and therefore failed to meet the 75% attendance requirement to take their exams. The 18 March 2004 protest began with 70 students blocking the administration doors and demanding permission to take their exams, and soon grew to around 400 protesters, according to eyewitnesses. A similar incident occurred at Shwepyitha Computer University in Rangoon, when more than 200 students staged a protest because children of senior military officers were permitted to sit for final exams despite failing to meet the minimum attendance requirement, while regular students were barred for the same reason. (Source: *2004 Education Report*, ABFSU, February 2005) (For additional information on education in Burma please see the chapter on the rights to education and health.)

11. 9 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's authority or policies. In 2004, any discussion about the National Convention was strictly curtailed, as was any sort of political demonstration, and the freedom of movement and expression of delegates to the NC were kept under tight control. (For more information, please see the section above on National Convention). Individuals were also forbidden from talking about the Depayin incident of May 2003, or the government's handling of that incident.

Students imprisoned for leaflets

On 21 February 2004, the junta sentenced six Dagon University students to between seven and 17 years imprisonment at Insein Prison for organizing a Students' Union and distributing leaflets critical of the junta's roadmap to democracy. The leaflets called on pro-democracy groups and ethnic nationalities to boycott the process. The six students were arrested in September 2003. (Source: *Blurred Vision*, ALTSEAN, 1 January – 31 March 2004)

Arrested for peaceful political demonstration

On 21 September 2004, U Ohn Than was arrested for protesting outside the United Nations building in Rangoon, wearing a poster that called for a free and fair parliament and for an investigation into the Depayin incident of 30 May 2003. The following day, Thet Wai Pauk Sa, NLD Chairman from Sanchaung Township, was arrested for providing assistance to U Ohn Than. Both men were sentenced to two years imprisonment under article 505 (b) of the Penal Code: "intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility." U Ohn Than is a former political prisoner. (Source:

Report of the Special Rapporteur, Paulo Sergio Pinheiro, to the Commission on Human Rights, Sixty-first session, Item 9 of the provisional agenda, 2 December 2004)

NLD members arrested for distributing pamphlets

On 5 November 2004, three members of the National League for Democracy (NLD) were arrested by local authorities for distributing pamphlets about the NLD to party members. U Han Sein, U Win Maung and U Than Htut were arrested in Danubyu, near Rangoon, according to U Win Myint, a legal adviser for the NLD. If charged and convicted, they could face up to 7 years in prison. (Source: "Three Members of Myanmar's Opposition Arrested for Distributing Pamphlets," AFP, 15 November 2004)

Continued detention of monks and nuns

According to estimates from human rights groups, a large number of monks and nuns remain imprisoned for their non-violent expressions of dissent or opposition to the military regime. While the numbers are difficult to confirm, estimates range up to 300, of which at least 100 have been arrested since 2004. In January 2004, 26 monks (including 25 novices) were sentenced to 18 years in prison for their refusal in November 2003 to accept alms offered by the military. (Source: Report of the Special Rapporteur, Paulo Sergio Pinheiro, to the Commission on Human Rights, Sixty-first session, Item 9 of the provisional agenda, 2 December 2004) (For more information, please see the chapter on Freedom of Religion.)

Teashop fined for playing BBC

In Ye Township, the Thein Kabar tea shop was accused of creating conflict by playing the Burmese BBC program in the shop. The teashop was fined 7,000 kyat by local authorities and warned against playing the BBC again. (Source: "Guilty of Listening to the BBC," Kao Wao News Group, 27 September 2004)

SPDC infiltration of websites

An upsurge of news reports and postings criticizing the NLD began appearing on Internet news groups and discussion forums in 2004. The reports are being posted under the pseudonym "Truth Finder" and pop up regularly to contradict news being posted concerning the democracy movement. The editor of the *Irrawaddy*, Ko Aung Zaw, told DVB that, "It is known as the Burmese SPDC military government's public relations (PR) stunt." A similar campaign of infiltrating web sites began ten years ago, with a person or team of people writing under the name Okkar. (Source: "Upsurge of Electronic News Against Burmese Opposition," DVB, 21 August 2004)

11.10 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 opportunities to go abroad to 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.

Artists forced to perform in support of the SPDC

In 2004, the SPDC continued their practice of using cultural troupes composed of actors, dancers, singers and musicians to spread the junta's messages to remote areas of the country. Reportedly, performers are recruited and made to perform skits and songs that praise the military and defame the NLD. The cost of the performances is paid for by local businesses who are forced to host the events. The military charged 5,000 kyat from teashops, 10,000 kyat from boarding houses, and 20,000 and 30,000 kyat from bigger businesses and farms, respectively, according to sources in the community of Maung Daw (source: "SPDC Using Cultural Troupes for Propaganda, Defaming Democratic Forces," *Narinjara News*, 11 January 2005). Popular singers were also recruited to sing promotional songs about the National Convention on state-run TV during May and June 2004.

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." Physical intimacy between lovers, as well as anything deemed too "Western," is also censored. 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. One famous actress, speaking on the condition of anonymity, told the *Irrawaddy* that the extensive restrictions on films detract from the actor's possibility to develop their creative abilities. She said, "All roles and characters we have performed are repetitive. The storylines allowed by the censorship board are always the same. There is no room for creative acting." (Source: "Digital Killed the Celluloid Star," *Irrawaddy*, March 2004)

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 that promote the army. Beautiful young female actors dressed in military uniforms appear on calendars stating, "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 an inaccessible occupation as instruments and music lessons are prohibitively expensive for all but the wealthy military and business elite, and performance venues are hard to find. Music lyrics 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 and hairstyles 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. In the case of Khin Maung Toe, the MI allegedly threatened him with imprisonment or "disappearance" if he didn't agree to perform in support of the National Convention. (Please see section on National Convention, above)

Burmese dissident groups in exile are increasingly using songs and other forms of art to spread their messages inside Burma, in an attempt to avoid the government's strict import regulations on political material. These attempts have been met with limited success. The exiled Burmese hip hop band Myanmar Future Generation (MFG), whose songs contain lyrics about freedom and democracy, has been specifically targeted by the SPDC. At the end of June 2004, the MI in Taunggyi, Shan State, began investigating reports that a student group called New Generation were downloading MFG songs and distributing the CDs throughout Shan State. MI were told to punish anyone caught with the offending CD. On 20 June, members and concert organizers of the hip hop band 9mm were arrested following a concert at the Strand Hotel in Rangoon, during which they performed several MFG songs. The arrestees were reportedly taken to an unknown location in Rangoon for interrogation and released on 9 July. (Source: "Burma Alert: Military Intelligence Cracks Down On Distribution of Politically-Sensitive Songs; Band Members and Concert Organizers Arrested," Southeast Asian Press Alliance via IFEX, 15 July 2004)

In October 2004, border security guards were put on high alert by officials in Rangoon to search for and confiscate copies of the album "For the Lady" being brought into Burma. The album, released in the U.S., features 27 songs by well-known musicians such as U2, Eric Clapton, Coldplay and the Indigo Girls, and was created to raise funds for the U.S. Campaign for Burma and to raise awareness about Daw Aung San Suu Kyi's continued detention. (Source: "No 'For the Lady' in Burma Says Burma Junta," DVB, 12 October 2004)

In February 2004, two prominent rock bands had their tours abroad cancelled by the Burmese authorities. First, the rock band *Iron Cross* had the continuation of its tour from the U.S. to England cancelled, with the Burmese junta offering no public announcement of the cancellation. A week later, the Burmese rock band *Emperor* had its two week Australian tour

cancelled shortly before it was slated to begin. The band's musicians Zaw Win Htut, Ringo, Tun Eindra Bo and Tint Tint Tun had been sponsored by the Culture and Arts Developers (CAD) and said that no reason was given for the cancellation. According to sources, the two cancellations were not related to each other. (Source: "Another Rock Band Had Tour Abroad Cancelled," *Mizzima*, 18 February 2004)

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 and all students are required to be USDA members. The authorities at the CU admit students according to such requirements, without first ascertaining the applicants' artistic abilities. In addition, the Minister of Culture 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. Many visual artists rely on self-study and assistance from art books, which are scarce and expensive in Burma.

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. 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 taken away, but the artwork itself is also stamped "censored."

Since visual art is more open to interpretation than writing, it has been noted that the restrictions on visual artists are not as harsh as those on writers. Some artists reported that when the government asks if their works are political or subversive, the artists avoid censorship by arguing that their works are Buddhist in nature. Regulations do seem to be loosening a little, and one artist stated that these days most exhibitions are held without official permission. (Source: "The Renaissance of Burmese Art," *Irrawaddy*, 1 February 2004)

Performance art in Burma also operates under strict restrictions. 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

11.11 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 one telephone 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 2004, the U.S. State Department reported that "(government) security personnel regularly screened private correspondence and telephone calls and monitored normally protected communications" (source: *Country Reports on Human Rights Practices-2004*, the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). 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)

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 income of about US\$ 15 a month.

According to a Rangoon-based business man, Bagan Cybertech has been "paralysed" by the deposition of former Prime Minister Gen Khin Nyunt in October 2004. Prior to his arrest, the company had been thriving under the direction of Khin Nyunt's son, CEO Ye Naing Win. According to a report from a western embassy, before the government purge, Bagan Cybertech was "49 percent owned by the privately-owned May Hka group, which runs fashion boutiques, coffee shops and cyber cafes in Rangoon; 30 percent by MI; 10.5 percent by Aung Ko Win, the chairman of Kanbawza Bank; and the remaining 10.5 percent shared by a group of foreigners." Since Khin Nyunt's ousting, it has been difficult to confirm who is running the show. It is speculated that the technical operations are being run by the military signals intelligence unit and that other duties have been taken over by the Myanmar Posts and

Telecommunications. After the changes in management, several BaganNet subscribers complained that they were unable to access their accounts, and as of January 2005 the company was no longer authorized to grant new accounts. For the people of Burma, this is a step backwards in their access to free and uncensored information. It remains unclear what the future of internet access will be under the country's new leaders. (Source: "Reading the Cybertech Signposts," *Irrawaddy*, March 2005)

A spokesperson at Bagan Cybertech stated that over 30,000 people had registered for e-mail accounts in 2004 – an increase of 10,000 since last year. *Xinhua* news agency reported that the number of internet users had grown to nearly 70,000 since 2000, and that there has been a 133% increase in the number of internet subscribers within the past year (source: "Number of Internet Users in Myanmar Rising," *Xinhua*, 21 July 2004). The *Irrawaddy* estimated that 35,000 of Burma's 52 million people browsed the web regularly in 2004, either at home or in internet cafes. In addition to Bagan Cybertech dial-up accounts, there were also approximately 1,000 ADSL digital-line subscribers, who were nearly all located in Rangoon or Mandalay. There are an estimated 100 iPSTAR satellite accounts which are used in the countryside. Very few people outside of the country's major urban areas have any access to the internet. (Source: "How to Fool the Cyber Spooks," *Irrawaddy*, March 2005)

Through Bagan Cybertech, public users are allowed to send and receive e-mails and have access to about 12,000 websites - an increase from the 900 accessible websites in 2003. 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 websites 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. The government also monitored all e-mail communications. (Sources: "How to Fool the Cyber Spooks," *Irrawaddy*, March 2005; *Country Reports on Human Rights Practices-2004*, the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). At present, some companies and NGOs that 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 in Rangoon where users pay 1,000 kyat for an hour of online access. 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). According to the local newspaper *7Day*, in 2004 there were approximately 20 internet cafes in Burma's largest cities.

The military government, in collaboration with fifty private companies, opened two Information and Communication Technology (ICT) Parks in Rangoon in 2001 and in Mandalay in August 2002 as an attempt to boost Burma's software industry. In January 2004, the ICT Park in Rangoon hosted its third week-long Computer Fair, during which the Park was open to the public and visitors could see the latest computers, use the internet for free and play games. One staff member estimated that there were 4,400 visitors to the Park on 21 January. Throughout the week, Bagan Cybertech was offering a promotional rate of one year internet access for 49,000 kyat (US\$ 49) instead of the usual 60,000 kyat. Bagan Cybertech also launched an "Access Prepaid Dial-up Kit" in October, which costs between 8,000 and 28,000 kyat and gives subscribers a certain number of access hours to be used within a given time period. The kits were being sold at Internet Cafes and computer shops in Rangoon and Mandalay (source: "Technology Fair Opens," *Irrawaddy*, 22 January 2004).

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 seven to 15 years in jail (source: AP, 2002). 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.

In an effort to boost Burma's computer literacy rate, the Myanmar Information and Communication Technology Standardization Steering Committee was developing local language versions of the Microsoft Windows operating system, according to the *Myanmar Times*. The project began in October 2003 and was slated to be finished by the end of 2004. According to estimates from the information technology industry, there are more than 300,000 personal computers in Burma, and approximately 30,000 are sold annually. (Source: "Myanmar to Create Local Language Version of Windows," Japan Economic Newswire, 29 March 2004)

The SPDC also announced plans in 2004 to introduce a range of e-government services, as the first stage in the implementation of the e-ASEAN agreement. The agreement, reached at the ASEAN summit in Singapore in October 2000, is aimed at narrowing the information technology gap among ASEAN member countries. Under the agreement, Burma is receiving training assistance from ASEAN to boost its IT capacity. It is unclear what impact these changes to government record-keeping will have on the people of Burma. (Source: "Myanmar to Introduce E-Government Services in Capital," *Xinhua*, 7 January 2004)

In April 2004, the junta enacted the Electronic Transaction Law, an eight chapter law pertaining to the use and transfer of information, records and data messages used in the context of commercial and non-commercial activities. The Minister of Communications, Posts and Telegraphs will be the chairman of a central body formed to oversee the new law. (Source: "Myanmar Enacts Electronic Transaction Law," *Xinhua*, 1 May 2004)

12. Freedom of Assembly, Association and Movement

“1) Everyone has the right to freedom of movement and residence within the borders of each state.

“2) Everyone has the right to leave any country, including his own, and to return to his country.”

-Article 13, Universal Declaration of Human Rights

“(1) Everyone has the right to freedom of peaceful assembly and association.

“2) No one may be compelled to belong to an association.”

-Article 20, Universal Declaration of Human Rights

12.1 Background

Throughout 2004, the State Peace and Development Council (SPDC) continued to monitor and restrict the movement of the people of Burma. Similarly, their rights to assembly and association continued to be effectively denied. Following the 30 May 2003 attack on the National League for Democracy (NLD), NLD General Secretary Daw Aung San Suu Kyi and supporters near Depayin, Sagaing Division, restrictions on the activities of the political opposition increased. In 2004, there was little change in this situation and Daw Aung San Suu Kyi, NLD Vice-Chairman U Tin Oo and NLD members remained in detention throughout the year. In addition, NLD offices remained closed, except for the headquarters in Rangoon. Any hopes for an improvement in the situation remained minimal as the SPDC proceeded with the National Convention, the first step of the seven-step roadmap to democracy announced in August 2003, without the participation of the NLD or the lifting of restrictions on the political opposition. The NLD's decision to boycott the convention stemmed, in part, from these continued restrictions, which significantly affected the party's ability to meet and organize.

Hopes for an improvement in the situation were further diminished on 19 October 2004 when Prime Minister Khin Nyunt was removed from his position and placed under house arrest. In his place, Lt Gen Soe Win was appointed as the new Prime Minister. Lt Gen Soe Win has been credited with orchestrating the 30 May 2003 attack on the NLD and is known for his hardline stance opposing dialogue and compromise with the NLD and ethnic resistance groups. Soe Win is famed for stating, “the SPDC not only will not talk to the NLD but also would never hand over power to the NLD” (source: “Introducing Burma's New Prime Minister Lt Gen Soe Win,” *Irrawaddy*, 4 October 2004). With Soe Win's appointment and several other simultaneous changes within the government, concerns were raised over the safety and security of Aung San Suu Kyi and other members of the NLD. Moreover, several observers contended that the consolidation of hardline leaders within the government would result in greater suppression of the pro-democracy and ethnic resistance forces (source: *Burma Briefing: Issues and Concerns Volume 2*, ALTSEAN, November 2004).

Khin Nyunt's removal also resulted in the disbanding of the Military Intelligence Services, also known as the Military Intelligence (MI), as it was under his control. Personnel from MI had frequently been identified as key figures in suppressing the rights to movement, assembly and association. While the then Home Minister Tin Hlaing reported that MI was "no longer suitable for the welfare of the public," many MI units were simply transferred to the Ministry of Defense or the Ministry of Home Affairs (source: "Senior Myanmar Minister Says Intelligence Body Won't Be Restored," AP, 24 October 2004). In early 2005, the Special Police Information Forces (SPIF) were reportedly training more personnel to perform intelligence duties (source: "Burmese Police Retrained to Be Intelligence Forces," DVB, 13 January 2005). In addition, members of the former MI were reportedly identified working amongst SPIF personnel in Rangoon, where they continue to monitor the activities of the political opposition (source: "Intelligence Agents Reappointed by Burma Junta," DVB, 18 January 2005).

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 the 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 contained 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 (please 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 states: "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

International travel for the majority of Burmese citizens proves to be both rare and extremely difficult. The military government carefully investigates reasons for foreign travel and retains authority over to whom passports are issued. This produces rampant corruption as many applicants are forced to pay large bribes to obtain passports to which they are otherwise entitled. In 2004, these bribes reportedly ranged from 300,000 to 1,000,000 kyat. Most passport holders tend to be government officials, friends or family of the government, or those who are able to afford the extremely high price of a passport and the supplementary bribes. The SPDC refuses to issue any passports to ex-political prisoners or to those with opposing political views (source: "SPDC Refuse to Issue Passports and Business Licenses to Ex-Political Prisoners," DVB, 18 March 2004). All college and higher education graduates who obtain passports (except for certain government employees) are required to pay an 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. (Source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005)

On 6 August 2004, significant changes in passport procedures were implemented. Under the new system, people wishing to obtain a passport from the Ministry of Home Affairs must follow a two-step process. Firstly, a Form 17 assessment, issued by the Internal Revenue Department (IRD) of the Ministry of Finance and Revenue, must be collected. The assessment is needed in order to acquire a Form 19-tax clearance certificate from the IRD, which must be presented in order to obtain the passport. Finally, passport holders must acquire a Form D, which permits them to leave the country. Under the new changes, passports no longer need to be extended every six months if they are not being used for overseas travel. In addition, people applying for a four-year passport will initially be issued with a two-year passport, which does not permit overseas travel. Eligibility for a four-year passport is contingent upon presentation of an official letter from an overseas employer. This policy is intended to limit the number of people travelling overseas through the use of fraudulent employer documents. Moreover, the new policy allows for individuals to retain their passports as opposed to surrendering them to the authorities upon return from their travels. Passports will remain valid for one year for incidental travel, three years for dependents, four years for employment and 18 months for those traveling on business. To leave the country again, holders need only acquire another Form D. The changes implemented have created an increase in the price of a passport from 5,000 to 8,000 kyat. (Sources: "Burma Introduces New Passport Regulations," *The Myanmar Times*, 30 August 2004; *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005)

Those who are granted permission to travel overseas may be subjected to arbitrary changes in government authorities' decisions. During the week of 18 February, the rock band *Emperor*, scheduled to tour in Australia from 7 to 20 of that month, and the band *Iron Cross*, due to perform in England, both had their trips cancelled by the authorities without any official explanation. Members of *Emperor* reported that they were told that they needed to obtain a letter from the Burmese Embassy in Australia in order to be allowed to leave the country. The authorities had expressed their concern that the bands would be performing in front of pro-

democracy supporters. (Source: “Another Rock Band Had Tour Abroad Cancelled,” *Mizzima*, 18 February 2004)

Electronic identity documents

On 22 April 2004, the Department of Marine Administration under the Ministry of Transport commenced distributing electronic identity documents to merchant seaman. The documents, which contain a computer chip to hold personal information, are reportedly “part of an international attempt to strengthen maritime security” and coincide with the International Labor Organization’s Seafarers’ Identity Documents Convention. The aim of the chip is to improve security in ships and ports, to help merchants gain entry into the International Labor Organization (ILO) member states and ease the process of obtaining visas in particular countries (source: “Electronic IDs for Merchant Seamen,” *The Myanmar Times*, 30 April 2004). Similarly, the SPDC announced the intention to distribute 3,000 electronic passports, valid for three years, to businessmen. These passports had not been issued by the end of 2004 (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005).

12.3 Restrictions on the Movement of Women

Throughout 2004, the SPDC continued to restrict the movement of women both domestically and internationally. Many of these restrictions were imposed in response to the increased international attention which Burma received regarding the situation of human trafficking in the 1990s. Due to significant international media attention on the trafficking of women in Shan State, women between the ages of 16 and 25 in Shan State have been 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)

Since 2001, Burma has been ranked as a Tier 3 country by the U.S. government for failing to comply with the minimum standards of the 2000 Trafficking Victims Protection Act. In response to both the U.S. government’s ranking and increased international attention, the SPDC has continually publicized various measures to illustrate political determination to combat human trafficking. 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. In September 2004, the SPDC announced the intention to open new anti-trafficking liaison offices in Tachileik and Myawaddy, both on the border with Thailand, and another office near the Chinese border at Muse. In addition, newly appointed Prime Minister Lt. Gen. Soe Win attended the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), which focused on the problem of human trafficking in South East Asia and during which he expressed the resolve of the Burmese government to combat the problem. The COMMIT summit concluded with leaders from Cambodia, China, Lao, Thailand, Vietnam and Burma signing an accord to fight trafficking in the region with initial

implementation of the plan anticipated for the first quarter of 2005 (source: “Six Asian Nations Sign Landmark Human Trafficking Pact,” AFP, 29 October 2004).

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 force many women to rely on traffickers, to whom they often have to pay even higher fees. This situation places women in a compromising position, rendering them more vulnerable to exploitation and abuse. At the same time, concern has been expressed that various anti-trafficking measures will do more to limit freedom of movement and expression than to deter trafficking.

12.4 Restriction on the Movement of Migrant Workers to Thailand

Throughout 2004, people from Burma continued to cross the border to Thailand, both legally and illegally, in search of employment. While the money sent back to Burma from these situations of employment has been essential to the survival of many, the SPDC has attempted to stem the flow of migrants to Thailand. On 13 October 2001, the SPDC enacted a law which imposes harsh penalties on those who attempt to leave Burma illegally. Despite these efforts to deter migration, an estimated one million migrant workers from Burma remained in Thailand in 2004.

Throughout 2004, relations between the SPDC and the Thai government continued to improve. The product of their relationship has been an 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 SPDC 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, where they are 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. The suspected migrants are then reportedly 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. (Please see Section 12.14 for an interview with a Burmese migrant worker who was deported through the reception center in Myawaddy and tested for HIV in February 2004.)

On 26 December 2004, a tsunami hit the Andaman coastline causing significant damage to southern Thailand and greatly affecting Burmese migrant workers in the area. The SPDC made minimal efforts to assist those who were tsunami affected either within Burma or its citizens working in Thailand. Moreover, government personnel reportedly took measures to restrict or hinder the movement of migrant workers attempting to return to Burma. In January 2005, military authorities reportedly attempted to prevent tsunami survivors from returning to Burma by closing the Kawthaung border crossing in Tenasserim Division. In addition, in late January 2005, military authorities at Three Pagodas Pass fined 40 migrant workers who had survived the tsunami 700 baht each to cross the border. Despite pleas that they had no money, the tsunami survivors were required to pay in order to return to Burma. (Sources: “Burma Migrants Fear Expulsion from Thailand: Following the Disaster, Many Are Hiding in the Hills,” *Financial Times*, 13 January 2005; “Survivors of the Tsunami Fined in Burma,” *Mizzima*, 24 January 2005) (Please see chapter on migrants for more information.)

12.5 Laws Restricting the Freedoms of Assembly and Association

Throughout 2004, the SPDC continued to restrict the right to assembly and association. Only government sanctioned organizations, such as the USDA, were able to enjoy this right. The ten legally registered political parties were required to obtain permission from the authorities prior to conducting any meetings or assemblies. The NLD, one of the ten, was restricted from opening its offices throughout the year and its members were frequently harassed. Religious organizations and gatherings were also subject to monitoring and limitations.

The military regime uses a number of laws to suppress the rights to assembly and association. The most frequently enforced law is the 1908 (1957) Unlawful Associations Act, which allows the detention of up to five years of anyone who is a member of, or assists in any way, an organization considered illegal by the military government. 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 dissents.

Order 2/88 was enacted on 18 September 1988, the day the State Law and Order Restoration Council (SLORC) assumed power. The law bars the gathering of more than five persons in one place. However, this law has rarely been enforced.

Order 6/88, the Law of Formation of Associations and Organizations, was created on 30 September 1988, following the military crackdown on the nationwide pro-democracy demonstrations. It 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 fitting this description must be granted official government 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)

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 register with local authorities on a daily basis. This 1961 act was intended 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.

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 this law, 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.

12.6 Restrictions on Foreigners in Burma

Over the past few years, restrictions on foreigners wishing to travel within Burma have eased as the SPDC has attempted to promote tourism. In 2004, foreigners wishing to travel as tourists in Burma were usually able to obtain one-month visas within 24 hours from Burmese embassies abroad. On 21 January 2004, an e-visa system was put into place, allowing tourists and business persons to obtain visas over the Internet at a government website available in seven languages. The Immigration and National Registration Department reviews e-visa applications, which can be processed in less than 24 hours. Visa approvals are sent to travelers via email and a printed copy must be presented to immigration officials upon arrival to Burma. Burma is reportedly the first country in South East Asia to implement an e-visa system (source: “Online E-Visa System in Progress in Myanmar,” *Xinhua*, 3 February 2004). In September 2004, the e-visa system was officially launched. In addition, a future

arrangement allowing Phuket Air, a Thai airline, to process visa applications was reported (source: "Myanmar to Launch Online Visa Application," AP, 18 September 2004).

Aside from easier visa procurement systems, it was also reported that foreign tourists were allowed access to more areas of the country than before. Yet, despite these efforts to accommodate tourists, foreigners continued to be restricted from entering university campuses or areas of active armed conflict. In addition, the government required most foreigners to obtain permission prior to exiting the country. Diplomats were exempt from this rule (source: *Country Reports on Human Rights Practices-2004*, Bureau of Human Rights, Democracy and Labor, U.S. Department of State, 28 February 2005).

Select categories of applicants, such as foreign human rights advocates, journalists and political figures, continued to be denied entry visas unless traveling under the agency of a sponsor and with a purpose acceptable to the SPDC. The UN Special Rapporteur for Human Rights in Burma, Professor Paulo Pinheiro, was denied entry to the country throughout the year. The government did not issue any visas to foreign journalists to attend the National Convention which convened from 17 May to 9 July 2004. In addition, a British Broadcasting Company (BBC) Burmese service correspondent was verbally requisitioned to exit the country.

International non-governmental organizations (NGOs) are subjected to monitoring and restrictions by the SPDC. Aside from the ICRC and UN agencies, there were 35 international NGOs in the country in 2004. The SPDC reportedly reduced some restrictions for foreign UN employees as well as foreign diplomats by permitting travel to certain tourist locations in the country without obtaining government authorization prior to departure. For non-tourist purposes, Rangoon based NGOs were required to obtain advanced permission from the government before traveling outside of the city. In some cases, representatives from international NGOs and UN agencies were required to be escorted by a government representative during field missions (source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005).

Both the International Committee of the Red Cross (ICRC) and the International Labor Organization (ILO) were exempted from the travel restrictions within the country which applied to other international organizations. The ICRC was able to access prisons, internally displaced persons (IDP) areas and other locations within the country throughout the year. Similarly, ILO employees were permitted to travel in the country without a government escort during the year. In the event that travel to a restricted area was intended, the government had to be notified. Local government authorities were reportedly notified of impending ILO visits and their interactions with local residents were monitored. Incidents of local residents being subject to detention or interrogation following contact with ILO representatives have been documented.

In March 2004, the SPDC granted the UNHCR authorization to access eastern border areas to evaluate the potential for the return of Karen refugees residing in refugee camps in Thailand. The UNHCR also intended to support infrastructure, health and education development projects in locations in Karen State, Mon State and Tenasserim Division. The UNHCR's desire to evaluate the area stemmed from the KNU-SPDC verbal ceasefire agreement of late 2003 and formal ceasefire discussions in 2004. With the possibility of a formal ceasefire agreement, the UNHCR determined that it was appropriate to commence a contingency

planning process for refugee repatriation (source: “UNHCR Gets Permission to Visit Eastern Myanmar,” AP, 11 March 2004). The exploratory missions revealed that extensive development was required before the areas could be suitable to host returning populations of refugees (source: *Six-Month Report*, TBBC, July-December 2004). (Please see chapter on refugees for more information.)

Phone lines tapped in the Indonesian Embassy in Rangoon

In the first half of July 2004, Indonesian Ambassador for Burma Wyoso Projowarsito reported that his and Indonesian Defence Attache Col. Yayat Hidayat’s phone lines were bugged. He further indicated that he was unaware of how long the eavesdropping devices had been in place in the embassy in Rangoon. Burmese government authorities refuted any responsibility in the matter. (Source: “Indonesian Ambassador to Myanmar Admits His Office Was Bugged,” Tempo Interactive, 13 July 2004)

Foreign teachers sent home

On 4 November 2004, seven foreign teachers working with orphans at a school in Phaungdaw-U Monastery in Mandalay were removed and sent to an immigration guesthouse in Rangoon without any prior notice. Their visas were canceled and they were exported from the country. Their expulsion came soon after Prime Minister Khin Nyunt was removed from office and placed under arrest. Khin Nyunt had reportedly had amicable relations with the abbot of the monastery and made donations to the school. Following his removal, both the teachers were removed and donations to the school prohibited. (Source: “Foreign Teachers Expelled From Mandalay,” DVB, 16 November 2004)

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 by 1993, following the 1990 general elections, which were never honored, only seven remained legal. Notably, among the first parties to be de-registered were those that represented ethnic minorities, and those that had collectively called for a federal constitution in their party manifestos. However, some of the parties, which were formed by the ethnic minority groups and which had made ceasefire agreements with the SLORC between 1989 and 1993, were removed from the list of "unlawful associations." In 2004, there were 10 legally registered political parties, whose actions were closely monitored by the SPDC, particularly during the National Convention which reconvened from 17 May to 9 July 2004.

12.8 The National Convention: Increased Control over Movement, Assembly and Association

Following Khin Nyunt's announcement of the seven-step roadmap to democracy in August 2003, the National Convention (NC) was reconvened on 17 May 2004. The vast majority of the 1,088 delegates selected to participate in the NC were hand picked by the regime and the regime maintained strict control over all aspects of the NC. Freedom of movement, assembly, association and expression were all severely restricted during the convention proceedings (for more information on restrictions to freedom of expression please see chapter on freedom of expression). In sharp contrast to the 1993 NC, which was held in Rangoon, the reconvened NC was held at a specially constructed camp near the village of Nyaung Hna Pin, 45 km north of Rangoon. The camp was surrounded by military bases and delegates were confined to the compound. The compound was reportedly furnished with every conceivable luxury and health facility in order to prevent any need for delegates to leave the military controlled area. According to the *New Light of Myanmar*, "TV, Karaoke, newspapers, movies, stage show, gymnasium, and a golf course is being provided for the health and recreation of the delegates. A hospital complete with specialists, modern medicines and medical equipment is being opened in the camp while restaurants, beauty parlour, barber shop, optical shop and grocery shop are being opened for the delegates [sic]" (source: "Regulations Are Prescribed in the Interest of the National Races and the Delegates," *New Light of Myanmar*, 18 May 2004).

Delegates were prevented from leaving the convention and were forbidden from discussing the proceedings with non-delegates. It was reported that on the first weekend of proceedings, ceasefire group representatives, who wished to consult with their organizations, were denied leave passes from the convention. Weekend leave was permitted for 700 of the delegates three weeks into the convention, but delegates were first required to sign an agreement that they would not speak to the media. According to a ceasefire delegate, only 10 delegates were allowed to move freely over the weekend, while the other delegates were forced to visit a pagoda. The strict restrictions on the movement of delegates during the convention were likened by UN Special Rapporteur Paulo Sergio Pinheiro to a "mass house arrest." (Sources: *Burma Briefing: Issues and Concerns Volume 1*, ALTSEAN, November 2004; "Burma Junta Tightening Control on Convention Delegates," DVB, 21 June 2004; "Burma's Constitutional Assembly Officially No Laughing Matter," *The Age*, 5 June 2004)

Freedom of movement was also restricted for political activists in Burma both before and during the National Convention. The Burma Army reportedly went into high alert and increased security was placed outside of government offices and buildings (source "Burma Army on Alert as National Convention Begins," *Irrawaddy*, 17 May 2004). There was also heightened surveillance of political activists during this time. Kyaw Thwin, elected in 1990 to a parliamentary seat for Kayan Township, Rangoon Division, reported that prior to the restart of the NC a ban on travel without approval was imposed on him by the Office of the Chief of Military Intelligence (OCMI). According to the Assistance Association for Political Prisoners (AAPP), based on the Thai-Burma border, at least 14 activists, most of them former political prisoners, fled Burma during this time due to security concerns and fear of arrest (source: "Burmese Activists Flee Rangoon for the Border," *Irrawaddy*, 18 May 2004).

12.9 Prohibition of Free and Independent Trade Unions

Under the 1926 Trade Unions Act workers may form trade unions with the authorization of the government. Despite this law, there were no free trade unions in Burma in 2004. 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. Furthermore, in April 1991, the military regime issued order 1/91 under which civil servants are prohibited from affiliating with any political parties. Most civil servants are forced to join the state sponsored Union Solidarity and Development Association (USDA). There are no independent labor unions and the government 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. (Source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005)

12.10 The Union Solidarity and Development Association (USDA)

The Union Solidarity and Development Association (USDA) was formed on 15 September 1993, approximately two weeks after the SLORC announced the first National Convention to draft a new constitution. The USDA was established under the patronage of the SPDC Chairman Than Shwe and is registered with the Ministry of Home Affairs. Although not officially a political party, some claim that it was created to rival the opposition NLD for popular support. The USDA is a mass mobilization organization whose mandate is to support the activities and policies of the military. The organization is also used by the junta to create the illusion that the regime enjoys popular support from its citizens. In return for deflecting criticism away from the SPDC and perpetuating the notion that the regime enjoys grass roots support, the SPDC bestows power and privileges to USDA members, such as appointment to the prestigious posts of township PDC authorities. It was estimated that in 2004 USDA membership was at 18 million (source: *Burma Briefing: Issues and Concerns Vol. 1*, ALTSEAN, November 2004).

The USDA continued throughout 2004 to increase its membership base through coercion, intimidation, blackmail and bribery. Despite claims by the organization that membership is voluntary, almost all public servants, students, teachers, skilled trade workers, professional association members and those seeking the favor of the generals are pressured to not only join the USDA but also to attend pro-government meetings (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). This pressure includes the incentive that if one fulfills their "social" requirements, they receive the benefits of better jobs, higher grades in exams or access to honor classes at university (source: *2004 Education Report*, ABFSU, February 2005). In August 2004, there were reports that high school students in Mandalay were tricked into joining the USDA. Authorities reportedly demanded that all students above the age of 12 provide passport photographs in order to be issued with national identity cards. However, when the students received the cards, they had been registered as USDA

members instead (source: "Mandalay Pupils Tricked into Joining USDA Members," DVB, 19 August 2004).

Despite claims that the USDA is not a political party, the USDA is extremely active in Burma's political sphere. Since its formation, the USDA has directly been involved in opposing the NLD. Moreover, ample evidence has been provided to implicate the organization in the 30 May 2003 attack on NLD members and Aung San Suu Kyi, in which an unverified number of people were killed and injured. More recently, the USDA 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 government 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.

Since the SPDC's announcement of the seven-point roadmap to democracy on 30 August 2003, the USDA, chaired by Sr. Gen. Than Shwe, has been actively organizing mass rallies in support of the roadmap. Tens of thousands of local residents have been forced to attend the rallies organized by the USDA throughout the country. Furthermore, in September 2003, the SPDC agreed to allow the Mon State USDA to become a legal national political party and to compete in the national elections as according to the seven-point roadmap (source: "USDA to Become 'Legal Political Party'," DVB, 9 October 2003). In addition, it was reported that the 633 delegates representing "national races" at the 2004 session of the National Convention were USDA members. Therefore, USDA members constituted 58% of the total delegates in attendance. The majority of the delegates invited to attend the 2004 session of the National Convention were hand picked by the SPDC (source: *Interim Report Card: July 2004 – February 2005*, ALTSEAN, March 2005). Furthermore, between 3 and 5 September 2004, Beijing hosted an International Conference of Asian Political Parties. The General Secretary of the USDA, Brigadier General Htay Oo, attended the conference, in which 81 political parties from 35 countries were represented (source: "Is the USDA to be a Political Party?," *Irrawaddy*, October 2004). The USDA's involvement in national politics has led some observers, such as ALTSEAN Burma, to speculate that the SPDC is grooming the USDA to take over national politics in Burma (source: *Interim Report Card: July 2004 – February 2005*, ALTSEAN, March 2005).

Incidents of Forced Recruitment into the USDA

On 12 August 2004, it was reported that members of the USDA in Aungmye, Magwe Division, tricked people into joining the USDA without their consent. It was reported that USDA members visited local residents at their homes on the pretence of taking census for the upcoming election. However, on checking the census information they had provided, local residence discovered that they had registered their membership and support to the USDA instead. It was also reported that a local religious organization, headed by the famous actor Kyaw Thu, was forced to accept two members of the USDA as central executive members. This reportedly prompted existing members to boycott the organization by withholding donations. (Source: "USDA Members Trick Burmese People into Joining Them," DVB, 12 August 2004)

On 19 August 2004, it was reported that high school students in Mandalay were tricked into joining the USDA. Local officials reportedly demanded that school teachers provide passport photographs of all students above 12 years of age on the pretext of issuing students with national identity cards. However, when the students received the cards, they found that they had been registered as USDA members instead. Students who inquired into the matter were told by their teachers that the order had come from the authorities. It was also reported that local people who updated their family composition list were also forced to fill in a USDA membership form. (Source: "Mandalay Pupils Tricked into Joining USDA Members," DVB, 19 August 2004)

On 19 August 2004, it was reported that NLD members in Keng-Tung Township in eastern Shan State were forced to renounce their NLD membership and join the USDA instead. It was reported that local USDA members visited NLD members at home and told them that if they did not hand in their NLD membership cards and join the USDA "unpleasant things" would happen in the future. While some people refused to renounce their NLD membership, others did so out of fear of reprisal. It was also reported that USDA members had intensified their counter campaign forcing people to sign a petition calling for an end to the NLD peaceful campaign. (Source: "NLD Members Forced to Join USDA in Eastern Burma," DVB, 19 August 2004)

12.11 Other Social Organizations in Burma

There are few secular non-governmental organizations in Burma. Independent human rights or pro-democracy groups are not allowed to operate in Burma and therefore those that do must do so from outside the country. The social organizations that do exist in Burma must be approved by the government, and the government strictly controls the mandates of those which it approves. People in Burma are only allowed to associate with approved organizations and they are often pressured to join government backed organizations, such as the USDA. Government sponsored organizations include: The Myanmar Medical Association (MMA), Myanmar Red Cross (MRC), Myanmar Anti-Narcotic Association (MANA), Myanmar Maternal and Child Welfare Association (MMCWA), Myanmar Women Entrepreneurs Association (MWEA), Auxiliary Fire Brigade, Parent Teacher Associations, and the Myanmar Nurses Association (MNA).

The SPDC maintains a large degree of power over these organizations and government sanctioned individuals often dominate the upper levels of the organization. While the extent to which these organizations are dominated by the SPDC varies, they are generally led by senior officials with military backgrounds, or the wives of senior officials, or military officers. These organizations are located at the township level across the country and are typically chaired at this level by USDA members (for more information please see section on USDA, above). There are also no independent woman's organizations. In December 2003, the Myanmar Women's Affairs Federation was established as the primary non government women's rights organization. At the end of 2004, the head of this organization was the wife of Prime Minister Soe Win (source: *Country Reports on Human Rights Practices-2004*, Bureau for Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). Members of these organizations are expected to participate in pro-military and USDA rallies, or anti-opposition rallies. There have also been reports that membership to these organizations has been obtained through coercion. For instance, in March 2004, the Chin Human Rights Foundation (CHRO) reported that all women in northern Chin State between

the ages of 10 and 60 were compelled to register membership to the National Working Committee for Women's Affairs (NWCWA) (source: "Chin Women Forced to Join Myanmar Women Organization Chaired by Gen. Khin Nyunt's Wife," *Rhododendron News*, Volume VII. No. II, CHRO, March-April 2004). Given the level of political involvement in these social organizations, the political agenda of the regime often takes precedence in the organization over the actual social issues they purport 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.

12.12 Restrictions on Villagers in Border Conflict Areas

"When we go (to our hill fields), we must get a letter of recommendation. If we don't get a letter of recommendation, they will accuse us of being bad people (helping the resistance)...they will force us to follow them a long way (forced to be porters). They would not release us. When we are looking for food without a letter of recommendation, they arrest us, beat us and sometimes kill us."

- Saw Thay Myo, villager from Y –village, Tantabin Township, Toungoo District, Karen State. (Source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District*, KHRG, September 2004)

The movement of villagers in areas of active armed conflict or ethnic resistance continued to be restricted throughout 2004. Movement was regulated through military imposed restrictions on exiting villages, curfews and extensive military checkpoints. Villagers were frequently required to obtain travel permits or "letters of recommendation" prior to travel outside of their villages, including to their farmland. These permits often required the payment of a fee. Villagers who have been forcibly relocated to government controlled relocation sites are often restricted from returning to their original land with threat of being shot on site if they do not comply. According to the UN Special Rapporteur for Human Rights on Burma, travel restrictions accounted for 23% of abuses against IDPs (source: *Situation of Human Rights in Myanmar*, Sixty-first session of the Commission on Human Rights, Item 9 of the provisional agenda, 2 December 2004). Villagers who fail to comply with restrictions on movement are often accused of supporting or having contact with ethnic resistance forces, which can lead to arrest, torture or execution.

Restriction of Movement of Villagers in Conflict Areas - Partial List of Incidents for 2004

From 2003 to the time of this report, September 2004, southern Ye Township was designated a "black zone" and villagers were restricted in visiting their farms. Villagers were only allowed to work at farms that were within 7 miles of their villages, and only from 6:00 am to 6:00 pm. Prior to the curfew, villagers would stay at their farms, but since the curfew was issued, they have been unable to stay overnight and have consequently lost a lot of time traveling back and forth between their villages and their farms. If villagers violated these travel restrictions, they would be shot or tortured. Furthermore, it was reported that in eastern Ye Township both Karen and Mon villagers were ordered to use traveling cards with attached photos. A local Karen village reported that the local military commander had issued the cards so as to be able to identify rebels from ordinary villagers. (Source: "Caught in the Crossfire: Villagers Killed and Arrested," *Kao Wao News*, 9 September 2004)

From December 2003 to the time of this report, April 2004, troops from SPDC Southern Command Headquarters Operation Command 1 and SPDC IB 124, IB 75, IB 48, IB 92 and IB 73 in Toungoo District, Karen State, organized themselves into small groups of army units and were placed in many areas, causing great difficulty for Karen villagers to travel or to go to work. (Source: CIDKP, 2004)

From 1 January until 1 April 2004, SPDC soldiers from LIB 590 demanded that villagers pay to work in their own fields. Villagers in the plains of Ler Doh Township, Nyaunglebin District, Karen State, were required to pay 3,000 kyat per month to stay in their field huts whilst working and villagers in Mu Township were required to pay 500 kyat. (Source: *Papun and Nyaunglebin Districts: Continued Oppression During the Ceasefire*, KHRG, 9 September 2004)

In February 2004, 40 soldiers from DKBA Battalion 907 led by Officer Soe Moe Oo entered Sho Hta village, Dooplaya District, Karen State, and decreed that all villagers working outside the village must return and stay inside the village. The DKBA soldiers said they would take action against anyone who remained outside the village, so the villagers were afraid and returned. (Source: *Dooplaya District: Fighting And Human Rights Abuse Still Continue After Ceasefire*, KHRG, 18 February 2005)

In the first week of February 2004, a Chin man, Za Herh Lian, from Tahtlang village, Chin State, was arrested, detained for 1 night and fined 7,500 kyat for failing to report to authorities his presence in Thantlang town. His host, Pu Lal Hngak, was also fined 5,000 kyat for failing to report a guest to the authorities. In October 2003, the Thantlang Township SPDC chairman, U Luu Tin, had issued an order requiring all residents to report their guests to the authorities. Those who failed to obey the order are subject to arrest and a penalty of between 5,000 and 10,000 kyat. According to CHRO, the order has caused many problems in the town. In order to enforce the order, police and SPDC soldiers conduct random checks on every house at midnight in search of unreported guests and visitors in Thantlang. Many innocent people have been arrested and fined. (Source: "Report Yourself to the Authority or Go to Lockup," *Rhododendron News*, Volume VII. No. II, CHRO, March-April 2004)

On 16 March 2004, troops from DKBA 999 prohibited villagers from Pah Klo village in Na Boo Township, Pa-an District, Karen State, from leaving the village. They set up landmines around the villages. (Source: CIDKP, 2004)

During April 2004, Operation Commander Khin Soe of SPDC Southern Command Headquarters banned motor vehicles between Toungoo and Kaw Thay Doe village, Toungoo District, Karen State, for 2 weeks. Consequently, Kaw Thay Doe villagers suffered from food shortages, including shortages in rice, salt and fish paste. (Source: CIDKP, 2004)

On 11 April 2004, the Burmese military commander of LIB 422 from Mawchi base issued order number 17/04 to the people living in and around Mawchi, Karenni State, prohibiting them from leaving their village or residing or traveling to another location. The order didn't indicate the length of time it would be in force. Villagers who violated the order would face legal action. (Source: KNAHR, 2004)

On the 30 June 2004, Bo Tint Soe of SPDC IB 73 based at Zayat Gyi issued an order requiring villagers in Dah Dank, Tha Ta Gon and Mar Lar Gon, Toungoo District, Karen State, to obtain a pass at the cost of 1,000 kyat per person for staying in their farm huts whilst working on their farms. (Source: CIDKP, 2004)

On the 20 August 2004, Major Kyi Thein Win of SPDC LIB 380 ordered villagers in Thaton District, Karen State, to obtain travel passes every 5 days and demanded 100 kyat for every pass. The following villages were affected:

1. Kaw Ler village,
2. Htee Po Ta Tu village,
3. Ner Paw Hta village,
4. Waw Pu village,
5. Maw Lay village and
6. Noe Toe Day village. (Source: CIDKP, 2004)

In mid-2004, SPDC units in the plains of western Tantabin Township, Toungoo District, Karen State, ordered the villagers in Pyin Gan and Taw Ma Inn villages to get 2 "letters of recommendation" a week for travel outside the village. Each letter cost 200 kyat. Villages in the Shan See Boh area, also in the plains, were ordered by IB 60 to get 1 travel recommendation letter per week at 100 kyat each. Remaining away from the village after the expiry of the letter of recommendation can lead to serious repercussions; in which case arrests and beatings usually ensue. (Source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District*, KHRG, September 2004)

In mid-2004, IB 92 decreed that all the villagers to the north of the Day Loh River in Than Daung Township, Toungoo District, Karen State, were not to cross to the south side of the river. They did not want the villagers to stay in Swa Loh, Bo Daing or Tha Yay Bah villages which have been relocated. The villagers were told that if the soldiers saw any villagers, they would all be shot dead, and if the soldiers saw any boats traveling on the river, they would also shoot the boat drivers dead. (Source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labor in Toungoo District*, KHRG, September 2004)

During September 2004, people in Kyar-in Seik-kyi Township, Karen State, were not allowed to go to their farms and gardens due to fighting between the KNU and the SPDC. (Source: "Burma Army's Travel Ban", *Kao Wao News* No. 76, 9-24 October, 2004)

On 17 September 2004, troops from SPDC LIB 106 led by Battalion Commander Myint Khaing came to Htee Baw Day village, Pa-an District, Karen State, and threatened the villagers and looted from them. In addition, villagers were prohibited from leaving their village until the time of this report. (Source: CIDKP, 2004)

In October 2004, local people in northern Yebyu Township, Tenasserim Division, were barred from going to their farms and gardens. The purpose given by the Burma Army for the travel restrictions was that they feared the people would support the Mon guerilla group if they went to their farms and gardens. The Mon armed group Hongsawatoi Restoration Party (HRP) had previously seized 6 arms with bullets from the SPDC militia in Kyauk Ka Din village. (Source: "Burma Army's Travel Ban", *Kao Wao News*, No. 76, 9-24 October, 2004)

In October 2004, villagers between the areas of Ye Township and Yebyu Township were detained in their villages by Burmese troops. General Khin Nyunt declared that he wanted to develop the area. If villagers wanted to leave their village or work in their plantations they needed to obtain a letter of permission from troops. If they did not, they were killed or beaten. In Kyauk-kadin village, villagers were barred from going out at all and as a consequence faced severe food shortages. (Source: "General Khin Nyunt Does Development By Detaining Villagers," *Kao Wao News* No. 76, 13 October 2004)

On 6 October 2004, SPDC authorities in Ta-Khi-Laek Township, Shan State, issued an order requiring all households in the township to register their household members with the authorities every month. Each household was required to draft a chart containing personal profiles of their household members. They were required to put a copy of the chart on the wall in front of the house and to send a copy to the township authorities. They were required to register in this way every month. When there was a difference in the number of household members, for example, if someone left or joined the household, a new chart had to be completed with the personal profiles of the newcomers included and sent to the authorities. If, on inspection by the authorities, the actual household members were not in accordance with the chart, the head of the household would face at least 3 months in jail. On 10 October 2004, another order was issued by the authorities preventing the people in the township from receiving 3 kinds of guests that came from far away or from different townships. Those 3 kinds of guests were:

1. Government servants;
2. Persons without Identity Cards (Guarantee Papers were not valid); and
3. Women under 25 years of age.

Those who defied this order would also face at least 3 months in jail. The above 2 orders took effect on 25.10.2004. (Source: "More Restrictions in Ta-Khi-Laek," *SHRF Monthly Report*, February 2005)

In November 2004, SPDC LIB 588 Commander Myint Zaw ordered that villagers from Beh La Mu, Yay La Mine and Ka Nay Ka Moh village tracts, Dooplaya District, Karen State, were required to have a pass to go to their plantations, hill fields and gardens. Overnight guests also must be registered. (Source: *Dooplaya District: Fighting And Human Rights Abuse Still Continue After Ceasefire*, KHRG, 18 February 2005)

In November 2004, DKBA soldiers came to villages in Thaton District, Karen State, and prohibited the villagers from going outside their villages to their fields. They told the villagers that if they were caught outside their villages they would be fined and tortured. When these orders came the villagers did not dare to go out or to their fields anymore. The

result was that the villagers faced problems getting enough food because November is harvest time and the villagers were unable to go to their fields and harvest their paddy. (Source: *Thaton District: Continued Consolidation of SPDC and DKBA Control through the use of Forced Labour, Extortion and Movement Restrictions*, KHRG, 21 February 2005)

On 1 November 2004, the Coastal Command ordered the Immigration Center and Public Councils from Kawthaung, Myeik, and Tavoy Districts in Tenasserim Division to register the population. Specifically, missing people were to be recorded. They stated that national identification cards were going to be newly registered in Burma. Missing persons who went unregistered would be removed from the records. Anybody found without a national identity card would be arrested and punished. (Source: ABSDF, 2004)

12.13 Restriction on the Movements of Religious Minorities

"It is easier for us [the Rohingya] to visit Bangladesh then Maungdaw."

- A 28 year-old Rohingya man from northern Maungdaw Township, Arakan State. (Source: Interview in *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004)

Non-citizens in Burma face strict travel restrictions as they must apply to the local authorities for permission to travel anywhere outside their hometowns. Those affected by travel restrictions include Burma's Indian, Chinese and Rohingya Muslim populations. The inability to travel freely in Burma has severely impacted on these religious and ethnic groups' livelihood and food security as it restricts their ability to find employment, trade in goods and access adequate healthcare.

Rohingya Muslims in northern Arakan State continued to face severe travel restrictions in 2004, 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" of Burma and most are unable to furnish proof of their ancestral origins in Burma. Those without a national identity card must obtain permission from the authorities prior to any domestic travel.

Travel to Sittwe, the capital of Arakan State, or Rangoon is effectively prohibited for the Rohingya. Following communal violence in Sittwe between Muslims and Buddhists in February 2001, travel to the Arakan capital was severely curtailed. Since that time, it has been virtually impossible for Rohingya to gain permission to travel to Sittwe. Rohingya who have managed to travel from Sittwe to northern Arakan State have also found it extremely difficult to return to Sittwe. (Source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004)

Rohingya are required to obtain permission and a pass from the authorities to travel outside their village. In order to travel to a village in the same township, a Rohingya traveler must

apply for and pay for a local travel pass at the Village Peace and Development Council (VPDC). In order to travel further, such as to another township, a Rohingya travel must obtain a travel permit from the Immigration Department at the Nasaka camp, otherwise called a "Form 4." According to a Rohingya man interviewed by Amnesty International, the cost of a travel permit from northern Maungdaw to Maungdaw town can be as much as 3,000 kyat (approximately one month's pay). As some 60% of Rohingya are poor day laborers, most cannot afford to obtain the required travel permits to travel outside their towns or villages (source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004). There were also reports that Rohingya were required to pay bribes at various checkpoints and that these checkpoints applied only to the Muslim population (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, Labor, U.S. Department of State, 28 February 2005).

Travel permits are only issued for a specific period of time. 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). Any Rohingya who is found traveling without the proper documentation risks being sentenced to jail with hard labor.

Following the removal of Prime Minister Khin Nyunt on 19 October 2004 and the subsequent disbanding of the Nasaka border security force, there were some reports that travel authorization fees for Rohingya had decreased. As the Nasaka was responsible for many of the human rights abuses perpetrated against the Rohingya, there were initial reports of a significant decrease in taxes, marriage fees, travel authorization fees, and a reduction in extortion and corruption. However, in January 2005, the junta decided to maintain a border security force in Arakan State and the Nasaka were renamed the Napaka. A dusk to dawn curfew for Rohingya in Maungdaw Township was also imposed and it was reported that in January and February 2005 all villages in Maungdaw Township were ordered to construct bamboo fences around the village. While this measure was supposedly implemented to enhance the security of the villages, the lack of insurgent activity in northern Arakan State has led some observers to speculate that the order was imposed to better control and contain Rohingya villagers. (Source: Forum-Asia, May 2005) (For more information, please see the chapter on freedom of religion.)

Incidents Involving the Rohingya Minority and Restrictions of Movement

In January 2004, Kaladan News reported that the curfew imposed on Rohingya in northern Arakan State following an arson attack on a mosque in Maungdaw town on 4 November 2003 was continuing. The curfew had initially been imposed from 6:00 pm to 6:00 am. It was later reduced to between 10:00 pm and 5:00 am. Despite the change in the 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. They would then be taken to the police station and charged with not complying with the curfew restrictions. The detainees were reportedly released after paying a fine of either money or goods. (Source: "How Long Curfew Would Be Continued!! Continued Curfew Paralyzes Movement of Rohingyas in Northern Arakan," *Kaladan News*, 18 January 2004)

In December 2004, Kaladan News reported that the dismantling of the Nasaka in Arakan State had severely affected Rohingya students' ability to obtain travel documents to travel to Sittwe for their university examinations. According to Kaladan News, shortly after the ousting of Khin Nyunt on 19 October 2004, the authority to issue travel documents in Maungdaw District was passed onto the District Peace and Development Council (DPDC) chairman, Major Ran Myu Aung. However, a local University student reported that the DPDC chairman was directed not to make a decision regarding travel without the knowledge of the Western Command Commander Brigadier General Maung. These changes to travel authorization have reportedly prevented more than 165 Rohingya students (60 correspondence students and over 105 day students) from obtaining travel documents in time to travel to Sittwe for their university supplementary examinations in December 2004. (Source: "Denied Issuing Travel Documents Made Over 165 of Rohingya Students Deprive In Their Exam," *Kaladan News*, 9 December 2004)

12.14 Restriction on the Movements and Harassment of Daw Aung San Suu Kyi and the NLD

On 30 May 2003, Daw Aung San Suu Kyi, NLD members and supporters were attacked in a remote village near Depayin, Sagaing Division, as the NLD was proceeding with an organizing trip to Kachin State. The attack, perpetrated by members of the USDA and other state sanctioned actors, transpired approximately one year following Aung San Suu Kyi's release from house arrest in May 2002. Eyewitness testimonies and other evidence have led many observers to believe that the attack was premeditated and sponsored by the State. Moreover, it is believed that Sr Gen Than Shwe was also behind the attack, as an event of that magnitude could not occur without his permission. Despite both international and domestic calls for an independent and transparent investigation into the events of 30 May 2003, the SPDC has not complied. Therefore, the perpetrators of the attack have continued to enjoy freedom from punishment or reprimand. Instead, the SPDC has held firm to their claim that 4 people were killed and 50 injured in a violent outbreak instigated by the NLD. Unofficial sources have estimated these numbers to be much higher. The attacks also resulted in the detention of NLD General Secretary Aung San Suu Kyi, NLD Vice Chairman U Tin Oo and numerous NLD members and supporters. Moreover, following the attacks, a crackdown on the pro-democracy movement ensued with members and supporters of the NLD facing increased restrictions on assembly and association as NLD offices across the country were ordered to close. In addition, harassment, arrest and detention of NLD members continued. According to the National Coalition Government of the Union of Burma (NCGUB), 124 persons were arrested on the night of the attacks and 132 were arrested following the event (source: "Political Prisoner Summary," NCGUB, 10 October 2004).

The effects of the 30 May 2003 attack continued to be felt in 2004 as the military government persisted in monitoring and restricting the activities and movements of NLD members. On 9 February, Foreign Minister Win Aung reported that limitations imposed on the NLD following 30 May 2003 would be removed in conjunction with "confidence-building measures" prior to the National Convention. At the time of his statement, the National Convention was not yet scheduled (source: "Myanmar Junta Lift Crackdown on Opposition, Suu Kyi Could be Freed," AFP, 9 February 2004). Despite these comments, NLD offices remained closed, except for the headquarters in Rangoon, which was permitted to re-open on 17 April. While the NLD was only allowed to engage in party activities in the headquarter

office with the authorization of the authorities, unofficial activities and meetings persisted under the surveillance of military authorities. At the same time, NLD members continued to be harassed, detained and denied their rights. On 23 December, the Ministry of Interior Affairs reportedly sent an order to all police forces in the country to adopt responsibilities previously held by the former Military Intelligence, including watching and thwarting NLD and other pro-democracy groups' activities (source: "A New Burmese Police Force to Be Formed," DVB, 25 December 2004). (Please see below for partial list of incidents of harassment of NLD members in 2004.)

In addition, both Daw Aung San Suu Kyi and U Tin Oo remained in detention throughout 2004, held under Article 10(a) of the 1975 State Protection Act which allows for detention for up to five years without charge or trial. While U Tin Oo was initially held in Kale Prison, Sagaing Division, he was transferred to house arrest on 14 February. Under house arrest, only family members were allowed to see him and his contact with the outside world was extremely limited (source: "Myanmar Opposition Figure Tin Oo Moved From Prison to House Arrest," AP, 15 February 2004). Similarly, Daw Aung San Suu Kyi was held under house arrest with limited contact with the outside world. On 29 November, her detention was extended for an additional year. Furthermore, on 16 December, it was reported that authorities reduced the number of visits allowed by her doctor each week from three to one. The permitted number of NLD security personnel was also reduced from 13 to six. When Daw Aung San Suu Kyi voiced her discontent with the arrangement, the authorities responded by removing all of the security personnel (source: "Myanmar Junta Putting Aung San Suu Kyi's Health, Safety at Risk," AFP, 16 December 2004). (Please see chapter on arbitrary detention for more information.)

In response to the restrictions faced by the party, the NLD commenced a petition campaign on 20 July calling for the release of Daw Aung San Suu Kyi, U Tin Oo and all other political prisoners, as well as for the re-opening of all NLD offices (source: "Burmese Opposition Collecting Signatures for Suu Kyi's Release," DVB, 21 July 2004). Shortly after the campaign commenced, it was reported that the military headquarters instructed government troops, utilizing the assistance of actors such as fire fighters and USDA members, to monitor and deter people from signing the NLD petition (source: "Order to Watch the Signing of the NLD Petitions," DVB, 27 July 2004). This order materialized in the way of intimidation and threats to NLD members and others who either gathered signatures or wished to sign the petition. On 3 August, for example, local authorities ordered local NLD members in Monywa, Sagaing Division, to cease the signature campaign and barred the activity. Monywa Township organizing committee member Daw Khin Than's phone line was reportedly cut following these instructions from the authorities. In addition, local authorities interrogated NLD leaders in Taungup, Arakan State, regarding the petition (source: "Petition Campaign Banned by Burma Junta," DVB, 4 August 2004). Again, on 1 September, local authorities in Thazi Township, Mandalay Division, instructed NLD leader U Than Saung to sign a pledge that he would desist from the signature campaign. In Kale, Sagaing Division, "thugs hired by the junta" were reportedly threatening residents not to sign the petition (source: "SPDC Still Hampering NLD Petition Campaign in Burma," DVB, 1 September 2004). Despite the authorities' attempts to thwart support and participation of the petition, the campaign continued throughout the year.

The NLD and the 2004 National Convention

Restrictions on the freedoms of assembly and association also contributed to the NLD's decision to boycott the 2004 National Convention. On 7 April 2004, the SPDC invited delegates to attend the convention, including seven of the nine NLD Central Executive Committee (CEC) members. The two excluded members were the detained Daw Aung San Suu Kyi and U Tin Oo. The invited CEC members indicated that they would be unable to determine their ability to participate without conferring with Daw Aung San Suu Kyi. On 27 April, all members of the CEC, including U Tin Oo, were permitted to gather in Daw Aung San Suu Kyi's home in Rangoon in the first of several meetings. The CEC concluded that the NLD's attendance was likely but was contingent upon the SPDC's agreement to a list of five demands. The 2004 Convention was to be based upon the "104 basic principles" and "six objectives" of the 1993 National Convention from which the NLD walked out in 1996, determining the process to be undemocratic. Therefore, the NLD's demands addressed both these conditions and the continuing restrictions hampering the activities of the party. The NLD's demands included:

1. "1. The "six objectives" should be regarded merely as suggestions to be considered in the drafting of the constitution.
2. The "104 principles" too should be regarded as suggestions to be considered for the drafting of the constitution, not as binding principles.
3. All political parties, including the NLD, should be able to choose their own representatives freely.
4. All NLD offices sealed since 30 May 2003 must be reopened and party signboards restored where they have been forcibly removed.
5. U Tin U, vice-chairman of the NLD, and General Secretary Daw Aung San Suu Kyi must be released from detention." (Source: *Burma Briefing: Issues and Concerns Volume 1*, ALTSEAN, November 2004)

As the SPDC only agreed to the second demand, the NLD declined the invitation and boycotted the National Convention. When announcing their decision, NLD Chairman U Aung Shwe indicated that the NLD's participation in the National Convention would not serve the best interests of the country (source: "Aung San Suu Kyi's NLD Boycotts Myanmar Convention," AFP, 14 May 2004). As the National Convention commenced on 17 May, military authorities disconnected phone lines in the NLD headquarters in Rangoon leading to expectations of further repressive measures (source: "Myanmar Junta Cuts NLD Phone Lines, Another Crackdown Looms," AFP, 18 May 2004).

Harassment of the NLD in 2004- partial list of incidents

During 2004, the NLD women's groups conducted regular Tuesday visits to the Shwedagon Pagoda without government permission. Military Intelligence personnel reportedly monitored these "illegal" activities and prohibited participants from wearing political pins, badges and jackets. (Source: *Country Reports on Human Rights Practices 2004*, Bureau for Democracy, Human Rights and Labor, U.S. Department of State, 28 February 2005)

On 17 April 2004, 400 members of the NLD staged a protest calling for the release of Daw Aung San Suu Kyi. The NLD members, dressed in the party's signature colors (saffron shirts, green *longyi* and prominent party badges), together with several monks, marched through Rangoon to a point on Inya Lake facing Daw Aung San Suu Kyi's house. There, they released fish from earthenware bowls in a Buddhist ritual to mark the New Year. Military intelligence

officers reportedly observed the procession but did not intervene due to its religious nature. Following the protest, approximately 12 activists approached the house of Daw Aung San Suu Kyi. However, they were stopped by some 15 riot police and dispersed peacefully. Military intelligence were reportedly deployed to NLD headquarters in downtown Rangoon following the protest but remained in their vehicles. (Source: Riot Police Bar Myanmar Democracy Activists From Suu Kyi's House," AFP, 17 April 2004)

On 17 May 2004, it was reported that the military government had cut the phone lines to the NLD's Rangoon headquarters as the proceedings of the National Convention commenced. More punitive measures were expected as the national convention progressed. (Source: "Myanmar Junta Cuts NLD Phone Lines, Another Crackdown Looms," AFP, 18 May 2004)

On 22 June 2004, it was reported that local authorities in Minbu, Magwe Division, banned the NLD from constructing an office building. Members of Minbu Township NLD had previously applied for a permit to build an office on a plot of land and had been granted permission in July 2001. (Source: "NLD Banned From Building Office in Burma," DVB, 22 June 2004)

On 25 June 2004, it was reported that Than Htay, an NLD MP-elect for Lashio, the capital of northern Shan State, was pressed by local authorities to resign from the party. According to local sources, on 3 June 2004, Police Colonel Win Naign called Than Htay into his office and told him that the NLD would soon be declared an illegal organization and that he may be arrested at any time for offenses related to his businesses (a grocery store and teashop). It was further reported that on 10 June 2004 Than Htay was again called into Police Colonel Win Naign officer were the Colonel told him that he did not need to resign from the party and offered to become his business partner. (Source: "Elected MP Pressed to Resign from NLD", *Irrawaddy*, 25 June 2004)

On 19 July 2004, it was reported that security forces prevented Daw Aung San Suu Kyi's supporters from entering the mausoleum of her father, General Aung San, on his 57th death anniversary, also recognized in Burma as Martyr's Day. Approximately 100 members of the NLD marched to the mausoleum from the party's headquarters. However, only 20 members, who were not wearing NLD badges or uniforms, were allowed to enter. Daw Aung San Suu Kyi was also not allowed to attend the ceremony for the 2nd year in a row. (Source: "Myanmar Junta Stops Suu Kyi Supporters from Entering Her Father's Mausoleum on Death Anniversary," AP, 19 July 2004)

On 25 August 2004, it was reported that the SPDC have employed former student activists who have surrendered to harass other pro-democracy activists in Burma. Ko Aye Lwin, a former student activist from Rangoon Institute of Technology, has reportedly formed a group called "21st Century Youth," whose members have sent threatening letters to pro-democracy activists in Burma. The members of "21st Century Youth" reportedly receive privileges from the military junta. (Source: "Burma Junta Uses Ex-student Activists to Undermine NLD," DVB, 25 August 2004)

On 9 September 2004, it was reported that the Burmese government hampered and intimidated NLD members who participated in collecting signatures in a campaign calling for the release of all political prisoners in Burma. In Kyaukpandaung Township, Mandalay Division, U Thaung Han was summoned by the local authorities and warned not to continue the campaign. The authorities also confiscated a message he was carrying which certified his

participation in the campaign and which was signed by NLD leader Daw Aung San Suu Kyi. It was further reported that the authorities sent out informers to threaten those who signed the petition. (Source: "Burma Junta Still Hampering NLD Activities," DVB, 9 September 2004)

On 5 November 2004, 3 NLD members were arrested and sentenced to 7 years imprisonment for distributing pamphlets to party members. (Source: "Three Members of Myanmar's Opposition Arrested for Distributing Pamphlets," AFP, 15 November 2004)

On 26 November 2004, the SPDC extended Daw Aung San Suu Kyi's house arrest for a further year. (Source: "Aung San Suu Kyi's Security," *Irrawaddy*, 23 December 2004)

On 6 December 2004, 13 local members of the NLD were arrested in Bogalay, Irrawaddy Division, for organizing a ceremony to mark the 84th Anniversary of National Day in their home town. They are reportedly being held in Phyaon Prison and NLD lawyers have gone to the township to defend the members who are expected to go to court shortly. (Source: "13 Opposition Members Arrested," *Irrawaddy*, 8 December 2004)

On 16 December 2004, the NLD released a statement announcing their concern regarding Daw Aung San Suu Kyi's security. It was reported that access to her doctor had been reduced from 3 visits a week to 1 visit a week. Daw Aung San Suu Kyi's security, consisting of 13 NLD guards, was also reduced to 6 in December. When Daw Aung San Suu Kyi responded by stating that the reduction in her security was "unacceptable", the junta responded by dismissing all her security detail. A NLD were reportedly "very worried that she may be in danger." (Source: "Myanmar Junta Putting Aung San Suu Kyi's Health, Safety At Risk, AFP, 16 December 2004)

12.15 Interviews

Interview with an NLD Member

Source: Human Rights Documentation Unit
Date of Interview: 11 February 2005
Name: U Aye Win (not real name)
Age: 50
Sex: Male
Ethnicity: Burman, Mon
Religion: Buddhist
Address: Mudon Township, Mon State
Occupation: NLD member and family business

I joined the NLD in 2002 as a Central Executive Committee (CEC) member. Before, I had participated but I had not joined. I participated in '88 with Aung Myo Min's demonstration. I wrote songs for the '88 demonstrations and for the 1990 elections, for the publicity committee for the election. I am still a CEC member now.

My eldest son is [omitted] of the NLD-Youth in Mudon Township. My son also worked for the family business outside.

We had many difficulties. If we wanted to have a meeting, we always had to wait and see. The MI was always watching us. But, that was usual so it was not really a problem. But, after the Depayin Massacre, we had to close our office and stop everything. We could not have meetings or activities. The MI focused on us, particularly me.

Indirectly, the MI harassed us through our business. The MI asked our neighbors and the community to watch our shops. So, people were afraid to come. Because I am NLD, the neighbors and other people were afraid to have anything to do with me.

My neighbors told me that the MI had come to talk to them. The MI did not talk to me personally and not to my family. If there was an important meeting in Rangoon, the MI told us that we had to inform them. This was the same after Depayin but it was very difficult to have activities. It was not an official rule to have to tell the MI.

Our neighbors were afraid of danger because my family is NLD. They were afraid to associate with us. Before the Depayin Massacre, they were also afraid. Sometimes, our neighbors secretly helped us and secretly donated to the NLD.

My family could not continue our *mohinga* [Burmese noodle soup] shop because the MI had scared our neighbors. We also have a [omitted] business which we named [omitted] for Daw Suu. The MI didn't like it but we continued to sell it.

I left Burma because I couldn't do political activities anymore and I couldn't do my business. I thought I might be arrested and I thought that I better go and live in [omitted]. I thought I would be able to do more activities there.

I thought I might be arrested because the authorities had been focused on my name. I have friends who worked for the police and the post office and they told me that the MI was focused on me.

I heard that in another area, the MI arrested many NLD members. In my township, the USDA was watching us. So, I thought before I am arrested, I should leave Burma. I haven't done anything significant, so I don't think I should go to prison yet.

Secretly, we held meetings but not in our office. Maybe in members' houses. Before Depayin, we organized for Daw Aung San Suu Kyi's visit and for youth, women, and village committees. After Depayin, nothing. Before Depayin, the MI did not harass our local offices. Indirectly, they told villagers not to support NLD members.

When Daw Aung San Suu Kyi made her trip to Mudon, the MI told villagers not to welcome her. If they welcomed her, the MI would record the villagers' names.

When Daw Suu came, she wanted to know who threatened the villagers and it was MI officer San Aung and policeman Ohn Than and VPDC U Win. The Mudon trip was 21 July 2002.

After Khin Nyunt was arrested, the situation was the same as before because we thought the MI was taken away for the government's political purposes.

The political situation is the same as before, but people are more free to do things like buying from my shop. As for the NLD, we have to wait and see. The central office did not give us an order to do anything. We can't organize because the government has given the USDA and the police more power to watch us.

Before I left Burma, Min Ko Naing was released and came to Mudon because it is his home town. Many police and USDA watched him.

I know they are watching because I have friends among police and they have told me about it.

The USDA never came to my house but among the CEC, some are spies for the USDA. We just try to organize the members who are weak in the meeting. If we have a meeting, the USDA knows about it before we go back home. They don't make any problems though. Before we have a meeting, we try to have a secret meeting with 5 people who we trust. After, we organize the CEC. Before Depayin, we did it like this.

The CEC has 17 people.

[paragraph omitted]

Partial Interview with Migrant Worker Deported Officially through Myawaddy

Source: Human Rights Documentation Unit
Date of Interview: 3 March 2004
Name: Ko Aung (not real name)
Age: 23
Ethnicity: Burman/Shan
Religion: Buddhist
Marital Status: Married, no children
Occupation: Construction worker
Address in Thailand: Mae Sot, Thailand

I came to Thailand around April 2003 because of economic reasons. I feel more freedom here than in Burma. The only thing is that the police arrest us here because we do not have work permits. I have been arrested three times in Mae Sot and two times in Bangkok.

On 16 February 2004, I was arrested by immigration police on the way to my room from the construction site where I work. They asked me if I have a pass and I said no pass. They said, "Follow us." The immigration police arrested other people walking on the street. There were two immigration police with a motorbike. They stopped people and had them sit on the street. There were about five people. Then the immigration police contacted a car. At first, they put us in a small white van. Then we went to the market where they arrested seven or eight children. The children were selling Thai newspapers in the market. I think they were 12 or 13 years old. They also arrested one woman selling dried fish in the market as well as two men working in the market.

Then our white van met up with the large car at the corner near Pawo Hospital. The car was very crowded. People could not sit. There was only enough room to stand. I think there were around 50 people in the car, including some mothers with small babies. I heard that the police get 50 baht for each person that they arrest.

Then we were taken to the Immigration Detention Center (IDC), this was around 8:00 pm. We were put in the IDC cell. When we arrived, there were already 20 or 30 people in the cell.

[Paragraph omitted]

[Paragraph omitted]

[Paragraph omitted]

[Paragraph omitted]

[Paragraph omitted]

Throughout the day, more people who were arrested were brought to the cell by both police and Tawmaw (immigration police). I do not remember how many came each time. I had to stay there for 4 days until they had 250 people. I know this because the wife of one detainee went to Myawaddy and asked around. She found out that the Burmese authorities would accept groups of 250 people deported 2 times in one month. That is why I know they were waiting for 250 people.

[Paragraph omitted]

We slept on concrete and they opened the fans, so it was very cold at night. We burned Styrofoam containers to stay warm.

On 20 February 2004 at around 2:00 pm, there were 250 people. We were put into 2 trucks and then we were driven across the (Thai-Myanmar Friendship) bridge. We were dropped off at the gate on the Burma side. We had to sit there with the Burmese soldiers and authorities around us. After about 5 minutes, 4 mini-buses arrived. They came two times and transported all of the people to the Myawaddy football stadium. When we arrived at the football stadium, we were divided into groups according to our native town. We were given numbers and we had to put them on our shirts. After we got our numbers, we were called for a blood test. We were called one by one to take our blood. The official from the Health Department told us that they cannot trust us because we have been working in Thailand and maybe we are infected with HIV.

After we gave blood, we went back to our groups. We sat and waited to go to the different desks.

At the first desk were representatives from the Fire Brigade. They asked my name and took my photo with my number.

Then I had to go to the second desk, which was the immigration desk. They copied my information from the first desk and then asked me many questions. They asked: Why did you go to Thailand? When did you arrive in Thailand? What is your father's name, your mother's name, and your siblings' names? What is your address? Why were you working in Thailand? Why don't you work in Burma? How were you arrested by the Thai authorities? How much salary do you make each month? How much do you get for daily wages?

They told me that I should not work in Thailand but that I should find work in Burma.

Then the official told me that, "the State warmly welcomes you and spent a lot of money to bring you back."

Then I went to another desk, the police desk. They asked me the same questions. They read my answers from the immigration desk while I answered again.

The fourth desk was the Trade Cooperation Department. They received a copy of my paper from the desk before and asked the same questions again. Why was I working in Thailand? What kind of work did I do? How much was my salary?

The fifth desk was the Rescue Department. They only asked me where I am from and then gave me the transportation fee for Pa'an to my hometown according to the distance and the government rate. If you are from Arakan, you receive 950 kyat. If you are from Bago, you receive 400 kyat, Rangoon 500 kyat, and Irrawaddy 675 kyat.

After I received my money, the officials took us to the sleeping barracks. This was around 9:00 pm. There are three different sleeping barracks. There is one for women and two for men. It looks like one building because the spaces between the buildings are covered with wood. The barracks are on the other side of the football field.

We had to wait for a while. Group by group, we went to eat. Groups of 50 people were taken to the dinning barrack to eat. There were five groups. I was in the last group, so I ate at 11:00 pm.

There was a police sentry who followed us to the toilet to make sure we did not run away.

For sleeping, we had one mat and one mosquito net for two people. We had a pillow and a small thin blanket that could not cover you from head to foot.

After eating, we were told to go back to the sleeping barrack. Some people tried to escape. The walls are made of woven bamboo and they broke the wall. Three men and five women escaped. Then the guard/sentry came and stayed in our barrack so that no one else would escape.

The next day, they woke us up at 5:30 am to wash our faces and brush our teeth. They didn't feed us, but told us that if we had money we could go and eat at the shop nearby. We had to wait for three days for the car to transport us to Pa'an because it goes on alternative days. The authorities told us that when we arrived to Pa'an, a Colonel would give us a speech and then we could go back to our native towns.

We received two meals each day, at 12:00 noon and 5:00 pm. We were not allowed to meet guests who came looking for detainees.

On the day that they sent us to Pa'an, they woke us up at 5:00 am and checked all of us. Then they fed us fried rice and eggs. According to my knowledge, the food was provided by different quarters of Myawaddy. Different quarters were responsible on different days. On the first day, quarter five was responsible. On the second day, quarter three was responsible. On the third day, quarter two was responsible. It was the villagers who cooked the food, brought it to the barracks and gave it to the responsible person there. A villager told me that they were ordered to donate food for the detainees. After eating, we went back to the barracks. One of the immigration officials told us not to jump out of the car when being transported to Pa'an. He also said that we should not go back to Thailand and that we should work in Burma. But, another soldier told us that if we want to come back, we must find the way by ourselves. He also said that we should not run away from the car.

Then we were told how many people in how many cars. There were three buses and one large car (SUV). They divided us into groups and we started to leave at 9:00 am. Along the way, we stopped at one place. My friend was following on his motorbike and he gave me money to bribe the officials. I gave them the money and they let me go. We were near the Myawaddy gate at the time.

I hired a motorbike and went back to Myawaddy. On the way, my friend and I stopped to eat at the market. The vendor who sold us our food told me that I was lucky because her children had been deported from Thailand in January, were sent to do labor, and had not come back yet. The officials told them that they were going to be sent to Pa'an but they really sent them to work on the Mothama-Moulmein bridge project in Mon State.

13. Internally Displaced People and Forced Relocation

"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)

13.1 Background

Large scale internal displacement and forced relocation within Burma continued throughout 2004. While systematic estimates for the total number of internally displaced persons (IDPs) in Burma are not available, government and non-government organizations monitoring the IDP situation within Burma estimate a current IDP population of some one million persons (source: *Country Reports on Human Rights Practices 2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). The Thailand Burma Border Consortium (TBBC) has compiled findings from field surveys conducted in the eastern border areas, namely Karen State, Karenni State, Mon State, eastern Pegu Division, southern Shan State and Tenasserim Division, in the first half of 2004. In this report, *Internal Displacement and Vulnerability in Eastern Burma*, TBBC estimates the IDP population of these areas to be 526,000. The majority of this population is believed to be in settlements located in ceasefire areas administered by ethnic ceasefire groups. The remaining IDP population is believed to be either in hiding in contested "free fire" zones or residing in government designated relocation sites. 2004 estimates for the eastern border areas are significantly lower than estimates in 2002, which placed the IDP population of this area at 633,000. This decrease has been attributed to several factors, including sustainable return or resettlement, forced migration into urban and rural communities, cross border migration into Thailand and methodological differences in data collection. Despite this decrease, as many as 157,000 persons are estimated to have become internally displaced within the eastern border areas since 2002. (Source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004)

A table representing the number of IDPs in each state and division of eastern Burma together with a breakdown according to location for both 2002 and 2004 has been compiled by TBBC.

States and Divisions	IDPs in Hiding or Temporary Settlements			IDPs in Relocation Sites (& no. of Sites)		Total IDPs	
	2002	2004		2002	2004	2002	2004
		FF areas*	CF areas*				
Southern Shan	75,000	9,300	18,500	200,000 (40)	21,800 (37)	275,000	216,000
Karenni	50,000	7,000	75,000	7,000 (9)	6,400 (14)	57,000	88,400
Eastern Pegu	10,500	13,500	0	18,000 (18)	4,500 (25)	28,500	18,000
Karen	75,500	46,900	75,000	54,000 (42)	13,400 (37)	129,500	135,300
Mon	50,500	2,300	25,000	28,000 (28)	3,800 (16)	78,500	31,100
Tenasserim	6,500	5,000	5,000	58,000 (39)	27,100 (38)	64,500	37,100
Total	268,000	84,000	365,000	365,000 (176)	77,000 (167)	633,000	526,000

Note: * CF = Ceasefire areas

* FF = Free fire areas

(Source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004)

The large number of civilians displaced in the last two years in the eastern border areas can be attributed to the forced relocation campaigns, harassment and human rights violations perpetrated against the ethnic minority populations of these areas by members of the Tatmadaw (armed forces) or other state sponsored individuals or groups. Since gaining independence in 1948, successive military regimes have engaged in numerous armed struggles with ethnic minority nationalities who have been fighting for self determination. Since 1989, there have been 17 ceasefire agreements reached between Burma's successive military regimes and ethnic minority groups. Most recently, in the beginning of 2004 the State Peace and Development Council (SPDC) and the Karen National Union (KNU) reached a verbal ceasefire agreement. However, despite this agreement, there were reports of armed conflict between SPDC troops and the KNU in early 2004 and again at the end of the rainy session in September 2004 (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). State sponsored attacks on villagers in Karen State and eastern Pegu Division during the last six months of 2004 have reportedly resulted in 8,000 IDPs and the destruction of almost 20,000 baskets of paddy. Human rights abuses, including forced labor for the construction of new military camps and to upgrade roads reaching from Toungoo and Kyaukgyi to the Thailand border have also been reported (source: *Six-Month Report*, TBBC, July – December 2004). Such reports lend credence to claims by non-government organizations, such as the Karen Human Rights Group (KHRG), that ceasefire agreements have done little to address the human rights abuses perpetrated by the Tatmadaw against ethnic minority peoples (source: *Thaton District: Continued Consolidation of SPDC and DKBA Control through the use of Forced Labour, Extortion and Movement Restrictions*, KHRG, 21 February 2005). Consequently, despite the signing of ceasefire agreements between the Burmese military junta and ethnic minority groups, forced relocation and human

rights abuses have continued in many ceasefire areas throughout Burma's ethnic minority areas. Such practices have contributed to the internal displacement of villagers within these areas throughout 2004.

In 2004 the Burmese military continued to forcibly evict and relocate villages in areas where active armed conflict persisted. The SPDC's policy of forcibly relocating ethnic minority villages has resulted in the destruction of approximately 3,000 villages and the displacement of hundreds of thousands of villagers in as many as 200 relocation sites. There are numerous reports of forced labor, extrajudicial executions, rape and torture of villagers in relocation sites (source: *World Report*, Human Rights Watch, 13 January 2005). Villagers forcibly relocated to these sites often flee to settlements located in ceasefire zones or hide in the jungle in contested "free fire" zones in an attempt to escape these human rights violations. This trend is typified by Daw Tama Gyi and Htee Poh Kloh relocation sites in Demawso Township, Karenni State, which were established in 1996. Both sites were abandoned by 2000 and have since been repopulated again in 2004 with newly relocated villagers (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

In areas with decreased instances of forced relocation, such as Shan State and Tenasserim Division, the number of displaced persons in 2004 remained high. The high number of displaced persons in these areas is attributed to the level of harassment and human rights abuses perpetrated by the Tatmadaw and other state sponsored agents against the ethnic minority populations. TBBC's 2004 study records the instances of human rights abuses suffered by IDPs as indicators of the vulnerability of IDP populations in eastern Burma. TBBC found that IDPs were subjected to high levels of human rights abuses. These human rights abuses included, forced labor (57%), extortion in the form of arbitrary taxation (52%), travel restrictions (23%), food destruction (17%), arbitrary arrest (14%) and eviction (12%). Human rights abuses are therefore identified as a major cause of internal displacement within the eastern border areas (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

The UN defines forced eviction as 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 UN 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). The right to adequate housing is enshrined in Article 25 (1) of the Universal Declaration of Human Rights.

The right to adequate housing is also provided for in Principle 4 of the Declaration of the Rights of the Child (1959). Under the UN Convention on the Rights of the Child (CRC, 1989), the obligation of state parties to provide assistance to families and children, particularly in regards to housing, is set out in Article 27(3). Internally displaced children are particularly vulnerable and make up the greater proportion of the internally displaced population in Burma. Child mortality rates and malnutrition rates are believed to be double the national baseline rate (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004). Burma is a signatory to the CRC. And yet, in June 2004 the UN

Committee on the Rights of the Child expressed their concern at the high number of children and their families who were internally displaced in Burma due to armed insurgencies taking place in the country. In its concluding observations, the UN Committee on the Rights of the Child recommended that the SPDC "Strengthen its efforts to provide adequate assistance to internally displaced children, including access to food, education and health and to support the return home of internally displaced populations and their re-integration into their communities" (source: "Concluding Observations: Myanmar," *Thirty-sixth Session of the UN Committee of the Rights of the Child*, UN Committee of the Rights of the Child, June 2004).

The obligation of state parties to eliminate discrimination against woman, particularly in rural areas, and ensure that they enjoy adequate living conditions, including adequate housing, is provided for in Article 14(2)(h) of the UN Convention of the Elimination of All Forms of Discrimination against Woman (CEDAW, 1981). Females comprise more than half of the IDP population in Burma. While there are significantly more female children and working aged woman in the IDP population, females constitute the minority in the older age brackets (48% of the 45 – 59 years and 47% of the over 60 years). The higher rate of woman in the working age group is attributed to several factors. These factors include, that men are more at risk of being conscripted into the army and into the armed resistance, that men migrate in search of income for their families and that they flee to avoid forced labor and porter duty. The lower rate of woman in the older age bracket illustrates a shorter life expectancy. This lower life expectancy of women in the IDP population is attributed to the impacts of conflict, malnutrition and poor general health (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004). Burma is a signatory to CEDAW. And yet, it is evident from demographic indicators concerning IDP women that they are not afforded an adequate standard of living and that they lack adequate housing. Adequate housing is recognized by the international community as a "requisite imperative...for personal security, privacy, health, safety, protection from the elements and many other attributes of a shared humanity" (source: *Report No. 1, Housing Rights Legislation, Review of International and National Legal Instruments*, UN Housing Rights Program, UN-HABITAT and OHCHR, 2002).

In April 2004, the UN Commission on Human Rights expressed grave concern at the continued practice of forced relocation, destruction of livelihood and confiscation of land and other human rights abuses perpetrated by the Burmese military, particularly against ethnic minority nationalities. The UN Commission on Human Rights strongly urged the Burmese government to "end the systematic enforced displacement ... (and) provide the necessary protection and assistance to internally displaced persons... (for) voluntary, safe and dignified return monitored by appropriate international agencies" (source: cited in *Six-Month Report*, TBBC, January – July 2004).

13.2 Causes and Situations of Displacement in Burma

There are several factors which cause people in Burma to flee their homes in search of safer environments. Internal displacement and forced relocation in Burma is induced by armed conflict, government sanctioned counter insurgency efforts, such as the "four cuts" campaign, development projects and scarcity of resources.

The Burmese government's "four cuts" campaign has resulted in the eviction and relocation of thousands of villagers in ethnic border areas. The "four cuts" campaign is a counter insurgency strategy targeting the civilian population and designed to undermine the opposition groups' access to four main supplies; food, funds, information and recruits. The SPDC has divided ethnic minority areas into three types of areas: "black areas" are those that are ostensibly under the control of opposition groups, "brown areas" are areas under contested administration and "white areas" are those under SPDC control. In an attempt to gain domination of opposition controlled "black areas", the Tatmadaw has long implemented the "four cuts" strategy, which has resulted in the forcible relocation of hundreds of thousands of villagers to SPDC controlled relocation sites.

In border areas, which the SPDC has designated "brown areas", systematic forced relocation programs have been carried out. Villagers who are suspected of supporting opposition groups are detained, tortured, and sometimes executed. The Tatmadaw and other state sponsored agents systematically extort and pillage villagers' crops, food supplies, livestock, cash and valuables. Villages suspected of supporting opposition groups are ordered to relocate. When this occurs, villagers rarely receive adequate notice and are therefore only able to take with them what they can carry. Villagers are not compensated for their loss of property or live stock and conditions within the relocation sites are extremely harsh. Villagers are not provided with either housing or food supplies upon arrival at relocation sites and must construct their own shelters from whatever building materials they can find in the surrounding area. Once an area has been cleared of villagers, it is designated a "free fire" area. Villages, fields and paddy barns in "free fire" areas are often pillaged, dismantled and/or burnt. Anyone found in the area after a relocation order has transpired is assumed to be a rebel supporter and shot on site.

In 2004, conflict induced displacement was most pronounced along the Karen – Karenni State border. In an attempt to "secure" this border area, villagers near the Mawchi road in southern Karenni State were ordered to move to relocation sites on the west bank of the Salween River. Ten SPDC battalions were deployed to the area to enforce the order. These battalions attacked villages that disobeyed the order. It is estimated that 5,000 villagers along the Karen – Karenni border fled from their homes in the first six months of 2004 as a result of this relocation operation. (Source: *Six-Month Report*, TBBC, January – June 2004).

Displacement resulting from development projects in ethnic border areas has increased in recent years and remained a major cause of displacement in 2004. In May 1989 the State Law and Restoration Council (SLORC) initiated the Border Area Development (BAD) program. In November 2003 the Prime Ministers of Thailand, Burma, Laos and Cambodia signed the Pagan Declaration which established an Economic Cooperation Strategy (ECS). Under the ECS, infrastructure and economic projects in Burma's border areas would be funded by grants and loans from Thailand. In turn, focus on border area development projects has contributed to the displacement of villages in these areas. The BAD program consists largely of infrastructure projects, including not only roads and bridges but also the

controversial Salween dams and the Yadana and Shwe gas pipeline projects. Salween Watch has estimated that at least 2,000 households near the Tasang Dam site in Shan State were forcibly relocated in 2003 alone (source: "The Salween Under Threat," Salween Watch, September 2004).

In July 2004, drilling of the Shwe offshore gas field began in the Bay of Bengal, off the western coast of Burma. The Shwe Project Consortium consists of both South Korean and Indian entities and the Myanmar Oil and Gas Enterprise (MOGE), which is owned by the Burmese military and which is responsible for coordinating the development of the joint venture within Burma. While the exact route of the gas pipeline has not been made publicly available, it is likely that it will affect both Arakan State and Chin States. The Burmese military's use of forced relocation without compensation, forced labor, torture, rape and extra-judicial execution was widely documented by human rights organizations during the construction of the Yadana gas pipeline. An estimated 36,000 people were forcibly relocated without compensation in order to secure the Yadana gas pipeline corridor. Given this trend of development induced displacement, it is feared by human rights organizations, such as EarthRights International, that the Shwe gas pipeline project will also result in the massive forced relocation of villages along the proposed gas corridor route through Arakan State and Chin State (source: *Another Yadana: The Shwe Natural Gas Pipeline Project (Burma-Bangladesh-India)*, ERI, 27 August 2004).

Many human rights organizations have highlighted a correlation between the presence of the Burmese military and an increase in human rights abuses, including land confiscation, forced labor, excessive taxes and fees, destruction of property and looting. SPDC soldiers commonly confiscate land from villagers in order to establish new military bases in an area. These bases are not only constructed with the use of forced labor but SPDC soldiers also extort money, food and goods from the civilian population of nearby villages. Villagers who are unable to provide their share of the village quota to military camps often go into considerable debt in order to avoid punishment. Furthermore, soldiers passing through villages routinely loot rice, pigs, poultry and other items from the villagers. Many villagers live in poverty due to the constant demands placed upon them by SPDC troops. Even more pressing are villagers' fears of the consequences of being unable to meet soldiers' demands for food and other supplies. These consequences include torture, rape, arbitrary arrest and arbitrary killings. The excessive demands placed on villagers, compounded by their fear of punishment, leads many villagers to flee in search of safer locations where they are better able to provide for themselves and their families. (Please see chapter on 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 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

Satellite Towns

Since the 1990's the Burmese government has forcibly relocated tens of thousands of impoverished citizens from urban centers to new "satellite towns". These towns are usually located a few miles outside a city where there are very few facilities available. 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 level of education for children. Access to healthcare is a serious problem and the few clinics that exist in these towns are critically understaffed and under supplied. Due to the lack of public transport available in satellite towns, most residents can not access city hospitals, which are also understaffed and under supplied.

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)

Villagers in ethnic border areas who are forcibly evicted by SPDC soldiers are ordered to relocate to one of some 200 relocation sites throughout Burma. It is estimated that approximately 350,000 people currently reside in relocation sites throughout the country (source: *Country Reports on Human Rights Practices-2004*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 28 February 2005). This estimate includes approximately 77,000 villagers from eastern Burma (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004). Relocation sites can be formed by either the relocation of villagers from one area to another or from the consolidation of dispersed villages into one densely populated site in the same area.

When relocation orders transpire, villagers are generally given little to no warning prior to the time that they must move. Villagers therefore have little opportunity to prepare for their departure and take only what they can carry. In most relocation sites villagers are not provided with any assistance upon arrival. The SPDC is unconcerned whether or not water, food, cultivatable land, employment or social 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 who were already residents of the area prior to the establishment of the relocation site. This results in further depletion of the resources available to the original population.

Services at the relocation villages vary from site to site, as each site is under the responsibility of the relevant state or township committees. However, in general there are no arrangements made to provide services for the relocated people. There is limited **access to safe drinking water** at most relocation sites. The Burmese government's Department of Health, in conjunction with UNICEF, defines safe drinking water as water obtained through pipes, tanks or protected wells. National baseline figures indicate that 72% of households in

Burma have access to and consume safe drinking water. According to TBBC, uncovered wells are the main source of drinking water in relocation sites, with only 13% of households having access to safe drinking water. Limited access to safe drinking water contributes to health concerns as poor water quality is associated with the spread of diseases such as malaria. The majority of relocation sites are not equipped with **sanitary facilities** and IDPs are either required to build their own latrines or use outer areas of the sites for these purposes. Burma's national baseline rates indicate that 63% of households have access to sewers, septic tanks, pour/flush latrines or covered pits. This is in sharp contrast to relocation site statistics collected by TBBC, which indicate that only 18% of households in relocation sites in eastern Burma have access to these same sanitary facilities. Most relocation sites have either no **healthcare facilities** whatsoever or have healthcare facilities which are seriously under equipped and under supplied. TBBC asked IDPs in eastern Burma about which healthcare facilities they were able to access over the past year (2003-2004). IDPs indicated that they had varying degrees of access to government clinics, community clinics, cross border aid and traditional healers. Significantly, IDPs living in hiding in the jungle recorded a greater ability to access healthcare facilities than IDPs living in relocation sites.

There is no **access to electricity** in most sites, and in some sites, 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. According to Burma's baseline rates, Burma's adult literacy rate is 90%. Adult literacy figures compiled by TBBC indicate that only 64% of adult IDPs in relocation sites are literate in either Burmese or an ethnic language script. Furthermore, only 67% of IDP child living in relocation sites in eastern Burma have access to primary school facilities all year round. (Source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004) (Please see chapter on health and education for more information.)

Relocation sites are often located on barren land near SPDC military camps. The location of relocation sites, together with population density, severely restricts people's livelihood options. The limited agricultural land available is usually already taken by the original inhabitants of the village or has been confiscated for use by SPDC troops. Furthermore, employment is difficult to obtain and while some IDPs work as day laborers, the money they receive for this work is typically not enough to support themselves and their family. The Human Rights Foundation of Monland (HURFOM), a Thai based Mon human rights organization, estimates that displaced persons in Mon State only have the opportunity for employment 3 months of the year and that the average daily income of IDPs is less than 50 baht (approx. US\$ 1.25) per day (source: "Socio-Economic Conditions of Mon IDPs in Southern Burma," HURFOM, 30 September 2004).

Forced labor is typically demanded from villagers in relocation sites. 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, porter duty for the military and other general servant work. The villagers are also forced to work on

infrastructure projects in the area. Furthermore, they are subject to various arbitrary taxes and fees.

Restriction of movement outside relocation sites further impinges on people's ability to survive. 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 (please see chapter on freedom of movement for more information). 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 to collect water (please see chapter on the rights of women for more information). The local authorities do nothing when villagers report cases of abuse.

2. Displacement into Areas under SPDC Control

Many villagers suffering from human rights abuses as a result of the Tatmadaw's "four cuts" campaign, or who have fled in anticipation of orders to relocate, have chosen to settle in areas under SPDC control. While there are no estimates for the number of IDPs who have fled to rural and urban fringe communities, there is speculation that tens of hundreds of thousands of people could have fled to these areas in recent years (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

While many IDPs may feel that areas under SPDC control are safer and more stable than conflict areas, conditions are often extremely difficult. Displaced families often have little choice but to leave behind many of their belongings when they leave their homes. Although some IDPs choose rural or urban communities in which other family or friends already live, their family and/or friends are often unable to provide them with much assistance, as they too are struggling to survive. Employment is often difficult to obtain in these areas as most 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. In addition, IDPs living in areas under SPDC control are subject to the same abuses as the other villagers around them. These include 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 SPDC control.

3. Displacement into Areas and Camps Controlled by Armed Opposition Groups

The majority of IDPs in the eastern border area are located in ceasefire areas controlled by opposition groups. Several of the armed opposition groups operate camps and resettlement sites in their areas of activity. However, in these camps and resettlement sites supplies and social services are very limited, and often temporary. Access to food, education and healthcare varies from area to area, as does the level of security. Furthermore, some ceasefire groups, such as the United Wa State Army (UWSA), continue to oppress the rights of IDPs.

TBBC has estimated that there are 365,000 IDPs living in ten ceasefire areas in eastern Burma. This includes 120,000 IDPs in areas controlled by the UWSA, 60,000 IDPs in areas controlled by the New Mon State Party (NMSP), 60,000 IDPs in Karenni National People's Liberation Front (KNPLF) controlled areas and 45,000 IDPs in Shan State Peace Council (SSPC) administered areas. There are also small IDP populations located in ceasefire areas governed by other ceasefire groups, including the Democratic Karen Buddhist Army (DKBA), the Karenni Solidarity Organization (KnSO) and a Karenni National Progressive Party (KNPP) splinter group led by U Goeri (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

Mon State provides an example of IDP flows from conflict areas to areas under the administration of the NMSP. In June 1995 the NMSP signed a ceasefire agreement with the Burmese junta. However, in November 2001, 153 people broke away from the NMSP to form the Hongsawatoi Restoration Party (HRP). Since this time, there has been armed conflict between the HRP, NMSP and the Tatmadaw. This has led to an increase of SPDC military in the area and a subsequent increase of human rights abuses against the civilian population, including land confiscation, forced labor, excessive taxation and increased restrictions on movement. Consequently, villagers in southern Mon State have fled to both resettlement sites in NMSP territory and to refugee camps in Thailand. While this has afforded villagers security from fighting and protection from human rights abuses, the lack of infrastructure, constant new arrivals, lack of access to agricultural lands outside of the ceasefire areas and a variety of other factors have resulted in poor conditions within the resettlement sites/camps. IDPs therefore remain dependent upon humanitarian assistance to meet their survival needs. (Sources: *Six-Month Report*, TBBC, July-December 2004; HRW)

4. Displacement into Jungles, Fields, and Other Remote, Usually "Free Fire" Areas

There are believed to be tens of thousands of IDPs hiding in remote areas in Burma's ethnic border regions. TBBC estimates that there are 84,000 people living in such areas in the eastern border area. Many IDPs choose to remain in hiding in "free fire" areas close to their original villages rather than flee to far off settlements in opposition controlled areas or be forcibly relocated to government run relocation sites. This group of IDPs also includes those people who have previously been forcibly resettled and who, unable to stand the harsh conditions in relocation sites, have returned. However, as resettlement back into their homes is impossible due to SPDC harassment, people flee into hiding in the forests and jungles in the surrounding areas. (Source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004)

IDPs in "free fire" areas are considered enemies and rebel supporters by the Tatmadaw and risk being caught, tortured and executed if detected. Under the guise of ridding areas of opposition forces, the Tatmadaw and other state sponsored groups have 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.

The risk of being killed and the need to constantly be prepared to move is highest among IDPs hiding in "free fire" areas. This is exemplified by TBBC's 2004 survey, which indicated that almost half of all IDPs killed or wounded by Tatmadaw soldiers in the past two years were in hiding in "free fire" areas. TBBC also reported that IDPs in "free fire" areas were forced to move location once every 8 months. Concurrently, community based organizations have reported in recent years that IDPs in "free fire" areas are forced to move as often as three or four times a year. (Source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004)

The precarious nature of life for IDPs living in "free fire" areas affects every aspect of their existence. Food security is a major issue as military patrols seek out and destroy crops planted by IDPs in upland fields. TBBC has reported that only 22% of households in "free fire" areas were able to eat two meals a day all year. Access to safe drinking water and adequate sanitary excretion disposal was also lowest among IDPs in "free fire" areas, with only 9% and 5% of households being able to access these respectively. Life in the tropical climate of Burma without shelter, adequate food, safe drinking water and adequate sanitary excretion disposal leads to high sickness and mortality rates from malnutrition, diarrhea, malaria, minor injuries and other easily preventable illnesses. IDPs in "free fire" zones are least able to access government or community healthcare facilities and rely heavily on traditional healers and cross border aid to meet their healthcare needs. Education is also severely restricted for IDPs living in "free fire" areas. While IDPs hiding in the jungle are sometimes able to operate temporary makeshift schools with volunteer teachers, these schools lack supplies, and they are forced to shift from place to place depending on Tatmadaw troop movements. According to TBBC, access to primary schools was most restricted for children living in "free fire" zones, with only 11% of schools being open all year round. (Source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004)

Border Policies Towards IDPs in Burma

"Many refugees only come to Thailand as a last resort, having tried for years to survive on the run."

(Source: "Myanmarese Refugees in Thailand: No Freedom," *World Survey 2004*, USCRI, June 2004)

There is an obvious relationship between IDP populations inside Burma and refugee populations in neighboring countries. Both IDPs and refugees have fled from their homes due to forced relocation, forced labor, torture, rape and other human rights violations perpetrated by the Tatmadaw or other state sponsored groups. However, unlike refugees, IDPs have not crossed an international border and remain inside Burma. According to the Global IDP Project, the majority of refugees usually live inside Burma for several years as IDPs and only flee across the border when they have exhausted all options for protection (source: "Burma: Internally Displaced Are Increasingly Vulnerable", Global IDP Project, 2004) Furthermore, adverse policies towards refugees in neighboring countries, together with tight border security, prevents many IDPs from seeking refuge across the border. There are an estimated one million IDPs currently in Burma who have the potential to become cross border refugees.

Refugees can also cross the border back into Burma and rejoin IDP communities. The return of refugees can occur through voluntary repatriation, be it through established repatriation programs or through a refugee's own motivations, through deportation exercises intended to

clear a country of illegal residents and in some instances processes of forcible repatriation or refoulement. For example, approximately 10,000 refugees were repatriated from Thailand to Mon State as part of the 1995 ceasefire agreement between the NMSP and the SLORC. Fearing human rights abuses at the hands of the Tatmadaw, these villagers did not return to their villages but settled into NMSP ceasefire areas. The conditions within NMSP areas do not allow for the resettlement and reintegration of these refugees into the community. Therefore, the returning refugees have continued until today to survive in NMSP ceasefire areas as IDPs. (Please see section 13.6 for more information on Mon IDPs, below.)

According to the U.S. Committee for Refugees, there are approximately 600,000 refugees seeking protection in countries neighboring Burma. These included 400,000 in Thailand (mostly ethnic Karen, Karenni and Shan), 50,000 ethnic Chin in India, approximately 120,000 Rohingya in Bangladesh and 10,000 Rohingya in Malaysia. These figures do not include the thousands of ethnic refugees living outside of camps in Thailand and Bangladesh who are classified as illegal migrants.

Significantly, Thailand, Bangladesh, India and Malaysia are not signatories to the 1951 International Convention on Refugees and its 1967 protocol. Nor do they have adequate legal frameworks through which refugee status determinations can be made. This creates an extremely precarious environment for those that flee across Burma's borders in search of protection and security. Following the uprising of 1988, tens of thousands of refugees fled Burma into neighboring Thailand, India and Bangladesh and refugee camps within these countries provided limited humanitarian assistance. However, these camps have now all been closed to new arrivals and UNHCR's access to both the remaining refugee camp communities and border areas with a high refugee population is either severely limited or prevented altogether. Newly arrived refugees in these countries are considered illegal migrants, are frequently denied access to humanitarian assistance, and remain liable to arrest and deportation by local authorities. Furthermore, 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. (Please see chapter on situation of refugees for more information.)

13.3 Situation in Arakan State

Northwestern Arakan State is home to the majority of Burma's Rohingya population, a Muslim ethnic minority nationality. The Rohingya are arguably subject to more discrimination in Burma than any other ethnic minority. Of Arakan State's estimated population of 3 million, the Rohingya, concentrated in the northern townships of Maungdaw, Buthidaung and Rathedaung, make up as much as 50% of the population, with current estimates placing the Rohingya population at between 700,000 and 1½ million. Other ethnic nationalities in Arakan State include the majority Rakhine Buddhist population and small numbers of Mro, Dagnet, Kamein, Thet and Chin (source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004). Policies of discrimination and exclusion against the Rohingya stem, in part, from the fact that the Rohingya are denied Burmese citizenship. The 1982 Citizenship Act defines citizens as those belonging to one of Burma's 135 "national races", of which Rohingya is not one, and those whose ancestors settled in the country before 1823, the British annexation of Burma. As few Rohingya have the necessary documentary evidence to establish proof of their ancestry, they are ineligible for Citizenship and therefore rendered *de-facto* stateless. As non citizens, the Rohingya are

labeled as illegal immigrants and are subject to severe restrictions on movement, excessive taxation, extortion, forced labor, forced relocation and land confiscation. These human rights abuses impinge on the Rohingya population's ability to actively participate within the political, economic, social and cultural life of Burma (source: *Conflict, Discrimination and Humanitarian Challenges in Northern Arakan State*, Forum Asia, 8 October 2003). The harsh conditions faced by the Rohingya have rendered widespread internal displacement and refugee flows into Bangladesh, which continued throughout 2004.

Forced eviction and land confiscation are widely practiced in northern Arakan State and this has led to the widespread internal displacement of Rohingya. Arakan State is heavily militarized and most forced relocation in Arakan State is connected to the SPDC's efforts to construct military and police camps, settle Buddhist people in "model villages" and establish farmlands to support SPDC security personnel and new settlers. There have also been reports of security forces evicting civilians in order to use land for commercial purposes, such as establishing rice and shrimp farms. Furthermore, evictions based on old land-use demarcations have reportedly become more frequent since 2002. People who have built their homes or farms on land which had decades ago been demarcated for other uses have been forcibly evicted and ordered to dismantle their homes/farms (source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004).

The practice of establishing "model villages" intensified after the formation of the Nasaka (a border administration force which was comprised of police, military intelligence (MI), Lone Htein (riot police), customs and immigration officials) in 1992 and has resulted in the displacement of thousands of Rohingya. While the Nasaka were disbanded after General Khin Nyunt was ousted in October 2004, it is estimated that they coordinated the building of numerous "model villages" in northern Arakan State. Amnesty International and Forum Asia have estimated that there are approximately 26 "model villages" of about 100 houses each in northern Arakan State. Concurrently, Kaladan News, a Rohingya news organization based in Bangladesh, has estimated that as many as 39 "model villages" exist in this area (source: "Nasaka Forcibly Extracts Labor and Donation from Rohingya villagers," *Kaladan News*, 18 October 2004). It was reported in October 2004, that there were plans to build an "ideal city" in Maungdaw Township, along the Burma-Bangladesh border. According to Kaladan News, the city has been designed to serve as both the main gateway to the Asia Highway and as an important trade center between Burma and Bangladesh (source: "SPDC Plan to Build The Village As Ideal City," *Kaladan News*, 15 October 2004).

"Model villages" typically consist of 100 houses and other facilities, including schools, healthcare centers, Buddhist temples and monasteries. Settlers are usually poor Buddhist Rakhine from other parts of Arakan State but may also include ethnic Burman from central Burma and Karnein, Daingnet, Mro and Thet from the highlands. It has also been reported that former prisoners and former insurgents have also been settled in "model villages". Settlers are reportedly provided with not only a house, but also one to four acres of land, a pair of oxen and rations during their initial settlement period.

Both the land for housing and the agricultural land allocated to settlers are confiscated from the Rohingya. While Free Burma Rangers reported in 2003 that the use of Rohingya for forced labor in the construction of "model villages" had lessened, there were credible reports of the continued use of Rohingya for forced labor in the construction of "model villages" in 2004. It has also been reported that settlers often do not farm their own land but rent it back to Rohingya villagers. In some cases the land is rented to the original Rohingya owner to

cultivate. The forced eviction and confiscation of lands from the Rohingya has rendered thousands of Rohingya villagers homeless. No compensation is given and no alternative housing is provided for the evicted family. Therefore, thousands of Rohingya have become internally displaced within northern Arakan State (source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004).

Significantly, the establishment of "model villages" has directly affected the ethnic composition of northern Arakan State. As mentioned above, settlers are typically Rakhine or Burman Buddhists from other parts of Arakan State or from central Burma. Many human rights groups have argued that this program of "colonization" is motivated by the SPDC's desire to "Burmanize" Arakan State. Some commentators have even gone so far as to suggest that the "model village" program, along with other policies of exclusion, are designed not only to "dilute" the Rohingya population in northern Arakan State but are policies of ethnic and religious "cleansing" designed to eradicate the Rohingya people and their Muslim faith from Arakan State (source: "Nasaka Forcibly Extracts Labor and Donation from Rohingya Villagers," *Kaladan News*, 18 October 2004).

Human rights abuses, such as severe restrictions on movement and excessive demands for forced labor, have also led to the internal displacement of Rohingya. As non citizens, the Rohingya are required to apply to the SPDC to obtain a travel permit to leave their village. Travel permits range between 500 – 2,000 kyat and are issued for specific periods of time. As some 60% of Rohingya are poor day laborers, most can not afford to obtain the required travel permits to travel outside their towns or villages. These restrictions severely affect their ability to find employment and sell produce in other villages and towns. Furthermore, the Rohingya are often subject to demands for forced labor. According to reports by both Amnesty International and Forum Asia, in northern Arakan State only Rohingya are normally subject to demands for forced labor. The demands placed on the Rohingya for forced labor limits the amount of time they have to do paid work. This again affects their ability to provide a livelihood for themselves and their families. Such human rights abuses contribute to the internal displacement of Rohingya as it forces many people to flee in search of a location in which they can meet their survival needs (source: *The Rohingya Minority: Fundamental Rights Denied*, Amnesty International, May 2004).

Forced Relocation in Arakan State - partial list of incidents for 2004

From the end of May 2004, the Nasaka (Border Security Force) Director Lt. Col. Myint Oo ordered the evacuation of 130 Rohingya houses from Myaw Taung (Wa-beg) and Kyi Kan Pyin (Kawa Bil) villages in Maungdaw Township and the construction of a "model village". Rohingya villagers were ordered to build houses for newly arriving settlers from central Burma. Rohingya villagers from nearby villages were forced to work on the "settlement program" while no alternative arrangements were made for the evacuated Rohingya families, who were living in harsh conditions in nearby villages. Under the construction scheme, the villagers build 120 houses, a monastery, a school, a health center, several ponds and wells. The nearby villagers were compelled to abandon their agriculture works in order to undertake the construction works demanded by the Nasaka authorities. The villagers were not paid and in addition to labor, were required to provide house building materials, including pillars, bamboos etc., and to pay 3,000 to 6,000 kyat per family according to their financial status. The Nasaka authorities also confiscated 260 acres of land from surrounding Rohingya villages in order to provide the newcomers with farmland. As a result of the measures imposed, some villagers' family members have been facing starvation.

(Source: "Forced Labor for Newcomers and Relocated the Rohingya Villagers in Northern Arakan," *Kaladan News*, 23 June 2004)

On 4 July 2004, Captain Aung Kyaw Moe, Nasaka commander of sector no. 4, called a meeting with the village chairman, village secretaries and the villagers of Kyein Chaung and Pruma villages in Maungdaw Township. In the meeting, the commander ordered Rohingya villagers to demolish houses which had constructed tin roofs. In 1999 – 2000, General Khin Nyunt, the then Prime Minister of the SPDC, visited the area and instructed villagers to decorate the town and construct quality roofing for houses in the area. Villagers therefore constructed tin roofs in accordance with this order and with the permission of the appropriate authorities. Captain Aung Kyaw Moe denied that this was the case and charged the villagers with illegally modifying their houses. To avoid having to destroy their homes, villagers had to pay a fine of 500,000 kyat (\$556 USD). As this order came in the rainy season, participants requested the commander to withdraw the order as many villagers would have difficulty finding alternative accommodation if forced to destroy their homes. The commander would not withdraw the order and it is estimated that 120 houses in the 2 villages were affected by the order. While some villagers were able to pay the 500,000 kyat fine, most villagers were too poor to afford this. Nasaka forces also arrested and detained 3 villagers who were discussing the order after the meeting. They were later released after money was extorted from them. (Source: "Nasaka Issued Ultimatum to the Villagers whether to Pay Kyats 500,000 or to Demolish the Houses," *Kaladan News*, 20 July 2004)

In October 2004, a high level team including the Nasaka Western Commander Major General Maung Oo, the Tactical Operations Commander Col. Aung Naing Tun (Buthidaung), the Director of Nasaka Lt Col Myint Oo, Col. Aye Thite of Military Operation Command (MOC-15), Major Than Sein of Military Intelligence (MI-18) and other military officers visited Thet Khin Nyar village and inquired into the death of a junior military officer in the area and demanded the return of the dead soldier's gun. It was alleged that the junior officer, Ran Aung, had raped a 13 year-old village girl while drunk and had fled the village when villagers pursued him. It was also alleged that the junior officer jumped into a nearby stream to escape the villagers and drowned. His body was found 2 days later and his gun was never recovered. On 14 October 2004, Western Commander Major General Maung Oo demanded that the villagers return the missing gun or face forced relocation. Two hundred and fifty families fled their homes to avoid harassment and arbitrary arrest. By 19 September 2004, 172 of the 250 families had returned to the village. The remaining IDP families remained in hiding in the border area. (Source: "Western Commander Orders Villagers to Move Out," *Kaladan News*, 14 October 2004)

13.4 Situation in Chin State

Internal displacement continued to be a significant problem in Chin State throughout 2004. Of an estimated total population of two million, the Chin Human Rights Organization (CHRO) approximates that 60,000 Chin are taking refuge in neighboring countries and that several thousands of Chin remain internally displaced within Burma. There are several Chin tribes in Chin State, including Asho, Cho, Khumi, Kuki, Laimi, Lushai and Zomi. Conversion to Christianity has been widespread within Chin State in the past century and it is estimated that 90% of Chin are Christian (source: *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, February 2004).

Since the 1990s there has been an increase in militarization within Chin State. This has been due to the formation of the Chin National Front (CNF) following the 1988 nationwide pro-democracy uprising. The CNF is an armed opposition group whose aims included fighting for the restoration of democracy in Burma and Chin self determination. On the pretext of fighting CNF opposition, the SPDC military has increased its army presence in Chin State, from one battalion prior to 1988 to at least 12 active battalions in the area at the beginning of 2004 (source: *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, February 2004).

A direct result of the increased militarization of Chin State has been an increase in human rights abuses. Civilians are used as forced labor in the building and maintenance of military camps, on road construction projects and as porters for the army. Further human rights abuses in Chin State include excessive taxation, the destruction of houses and places of worship, the confiscation of land, food and livestock, arbitrary arrest, torture and extra-judicial execution. The demands for forced labor, food and money, as well as the risks to ones personal safety, has led many people to flee their homes in search of safer areas in which they can adequately provide for both themselves and their families.

Significantly, an estimated 90% of Chins are Christian and widespread religious persecution has also contributed to the Chin IDP and refugee populations. In conjunction with an increase in military presence in Chin State, Buddhist monks have also been dispatched throughout Chin State as part of the "Hill Regions Buddhist Mission". These monks, who reportedly hold more power than local army commanders, seek to coerce local residents into converting to Buddhism. Coercive techniques reportedly include subjecting only the Christian population to demands for forced labor and taxation while giving those who "choose" to convert to Buddhism numerous incentives, including monthly stipends, food rations and access to education. The policies of discrimination based on religious identity adopted within Chin State have led CHRO to go so far as to argue that the SPDC is actively attempting to inflict ethnocide on the Chin people. For those who refuse to convert to Buddhism, fleeing their homes to live as IDPs is often the only way to survive (source: *Religious Persecution: A Campaign of Ethnocide Against Chin Christians in Burma*, CHRO, February 2004). (Please see chapter on religion for more information.)

In 2004, continued harassment of Chin refugees in Mizoram, a northeastern state of India, by the Young Mizo Association (YMA) has led some Chin refugees to return to Burma, where they reportedly living as IDPs. In July 2003, the attack and rape of a nine year old Mizo girl, allegedly by a man of Burmese origin, led to increased tension between the YMA and Chin refugees living in Mizoram State. The YMA, with the knowledge of local and state authorities, ordered all Burmese, include Chin refugees, out of Mizoram State. The most recent deadline for eviction in Lunglei, the second largest town of Mizoram State, was the end of July 2004 (source: "Chin Refugees in Mizoram Face Threat of Deportation," *Rhododendron News*, Volume VII. No. IV. July-August 2004). CHRO and Refugees International have estimated that the harassment of Chin refugees in Mizoram has led as many as 6,000 Chin to return to Burma and tens of thousands to go into hiding in Mizoram. The situation of the 6,000 refugees who returned to Burma has remained to date unclear. (Source: "Refugees International Letter to Sonia Ghandi," *Rhododendron News*, Volume VII. No. IV. July-August 2004)

Forced Relocation in Chin State - Partial List of Incidents for 2004

In March 2004, local SPDC authorities ordered residents of Tamu-Kalay Highway to vacate their houses by the end of March to make way for a planned highway extension. No alternate arrangements were made for the residents and no compensation was provided for the loss of property. The buildings destroyed as a result of the order included a Seventh Day Adventist Church, a Kuki Chin Baptist Association (KCBA), Kabaw Valley Thadou Baptist Association (KVTBA) Bible institution and other highly priced buildings. (Source: "Eviction Order Served to Residents of Tamu-Kalay Highway," *Rhododendron News*, CHRO, March-April 2004)

13.5 Situation in Kachin State

Geographical isolation together with travel restrictions into Kachin State has severely limited access to reliable information concerning the internal affairs of Kachin State. Both the size of the IDP population and their conditions remain unknown. However, Kachin State, like other ethnic nationality states within Burma, has a history of armed ethnic struggle resulting in the forced relocation of tens of thousands of villagers. Armed Kachin groups, such as the Kachin Independence Organization (KIO), actively fought for independence from Burma from the 1960s to the 1990s. During this period it is estimated that the Tatmadaw forcibly relocated up to 100,000 villagers as part of counter insurgency operations (source: "Kachin State," BERG, September 2000).

Kachin State is rich in jade, gold, platinum and coal and there is little doubt that the current exploitation of these lucrative natural resources has resulted in the internal displacement of villagers. The SPDC has held nominal control over most of Kachin State since signing a ceasefire with the KIO in 1994. This has allowed the SPDC to capitalize on Kachin State's natural resources. In 2002, the Ministry of Mines identified 23 blocks of land within Kachin State as likely to contain gold and began taking bids for their excavation (source: *Mining, Gender and the Environment in Burma*, EarthRights International, November 2004). In 2004, a further three blocks for gem mining were identified in Phakant, Lonkhin and Nantyahseik, and concession grants were opened for bidding (source: *Blurred Vision*, ALTSEAN, 1 January–31 March 2004). Several companies, including mining companies operated by the KIO and the New Democratic Army-Kachin (NDA-K), have negotiated gold concessions with the SPDC and their private sector partner, northern Star Trading Company. EarthRights International has drawn attention to how the practices employed in gold excavation in Kachin State mirror those of the logging and mining industries in other areas of central and eastern Burma. EarthRights International found that "the rapid shift to large-scale forms of intensive mining has displaced local communities that historically used artisanal forms of mining to supplement their incomes" (source: *Mining, Gender and the Environment in Burma*, EarthRights International, November 2004).

The SPDC and private companies forcibly evict villagers and confiscate farming land in order to clear mining areas for which they have been granted concessions. Forced relocation has been reported in both Naung Hkin and Mali Zupi. Images Asia and the Pan Kachin Development Society, two Thai based NGOs, released a joint report in November 2004 which included photographic evidence of villagers in Hpakant area, an area mined for both gold and jade, being forced by armed soldiers to move a house located in a mining site

(source: *At What Price? Gold Mining in Kachin State, Burma*, Images Asia and the Pan Kachin Development Society, November 2004). Such evidence suggests that forced relocation, together with other human rights abuses typical of development projects, such as forced labor, are widespread throughout Kachin State.

13.6 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: 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.

Despite the January 2004 verbal ceasefire agreement between the SPDC and the Karen National Union (KNU), the situation of IDPs in Karen State in 2004 remained grave. Successive military regimes have fought the KNU for control of Karen State for over 50 years. In 1995, with the help of the breakaway Democratic Karen Buddhist Army (DKBA), the SLORC successfully attacked and overran the KNU headquarters in Manerplaw. Since that time, the SPDC has progressively gained further control of KNU territory. The Tatmadaw has actively attempted to eliminate KNU forces and has infiltrated and consolidated its presence in Karen State. As the Tatmadaw has moved farther into Karen State it has brought the civilian population under its control through not only programs of forced relocation but through the perpetration of various human rights violations including forced labor, excessive taxation, detention, torture and extra-judicial killings. This has contributed to a growth in the IDP population in Karen State.

TBBC has reported that there were 135,300 IDPs in Karen State as of October 2004, with 13,400 IDPs living in relocation sites and the remaining 121,900 living in either ceasefire areas or in hiding in "free fire" areas. Major causes of displacement within Karen State during 2004 included continued conflict between the KNU and the SPDC. Despite the verbal ceasefire agreement, as many as 200 skirmishes were reported between the SPDC and KNU forces in the first half of 2004 alone (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

Human rights abuses perpetrated by the Tatmadaw and their ceasefire partner, the DKBA, also significantly contributed to internal displacement within Karen State throughout the year. It has been widely reported by human rights organizations that the SPDC has used the ceasefire agreement as an opportunity to both consolidate and expand its military presence into previously KNU controlled areas of Karen State. This has resulted in an increase in

human rights abuses, including the forced eviction and confiscation of land for new military barracks, forced labor for the construction and maintenance of military barracks and infrastructure projects, such as roads, extortion and demands for civilian porters. Furthermore, in an attempt to gain control of the area, the SPDC military and other state sponsored agents undertook a number of operations throughout the year designed to seek out and destroy IDP hiding places and force IDPs into SPDC controlled relocation sites (source: *'Peace', or Control? The SPDC's use of the Karen ceasefire to expand its control and repression of villagers in Toungoo District, Northern Karen State*, KHRG, 22 March 2005).

Major SPDC military offensives in early 2004 in southern Karenni State spilt over into both Toungoo District and Papun District, Karen State, resulting in the displacement of approximately 3,000 Karen villagers. Free Burma Rangers, a Thailand based humanitarian relief organization, reported that in December 2003 ten SPDC battalions forcibly evicted southern Karenni villages to designated relocation sites on the Mawchi road in order to "secure" the area. In order to avoid forced relocation, approximately 2,000 Karenni villagers fled into Toungoo District and Papun District. SPDC troops reportedly chased the Karenni villagers across the border and launched offensives against Karen villages. This resulted in 3,000 Karen villagers fleeing their homes. While FBR reported that most Karen villages were able to return home by June, the attacks disrupted the rice harvest and reportedly resulted in major food shortages in the area (source: FBR, 2004).

Other major SPDC offensives that resulted in large numbers of IDPs include attacks in both Shweygyin Township in southern Nyaunglebin District and Kyaukkyi Township, located in the north central area, in November and December 2004. The offensives displaced 4,781 villagers in the area and destroyed more than 20,000 baskets of rice paddy. SPDC troops reportedly patrolled the area and laid landmines to prevent the IDPs from returning home. The area east of Shweygyin is reportedly rich in both gold and timber. Villagers there believed that the attacks were motivated by the SPDC's desire to secure the area in order to exploit these natural resources (source: FBR, 2004). The SPDC military has consolidated its presence in this area by establishing a further three military camps. They have also forced villagers who have remained in the area to work on the upgrading of roads reaching from Toungoo and Kyaukkyi to the Thailand border (source: *Six-Month Report*, TBBC, July – December 2004).

Internal displacement in both Thaton and Pa'an District throughout the year was attributed to human rights abuses perpetrated by both the SPDC and DKBA troops in the area. Human rights abuses, such as forced labor for the construction of military camps and road construction and demands for civilian porters to carry army rations and ammunition, were widely reported throughout 2004 in both districts. It was reported that the DKBA perpetrated some of the worst human rights abuses in these areas. For example, that DKBA troops threatened to fine and torture villagers from Bilin Township, Thaton District, if they left their villages to go to their fields during the November rice harvest period. Furthermore, DKBA troops reportedly worked in conjunction with the *Tha Ka Hsa Pa*, an SPDC controlled militia group. Villagers in the area reportedly believe that the DKBA is only working on instructions from the SPDC and that the SPDC is using the DKBA to deflect accusations that they have defied the verbal ceasefire agreement. KHRG contends that the military build up in this area could be in preparation for future military attacks (source: *Thaton District: Continued Consolidation of SPDC and DKBA Control through the use of Forced Labour, Extortion and Movement Restrictions*, KHRG, 21 February 2005).

There are an estimated 30,000 IDPs living in two NMSP ceasefire areas in Dooplaya District in southern Karen State and IDPs continued to flee to these areas in 2004 to escape both conflict and continued human rights abuses. There were reports in 2004 of skirmishes between the Burmese military and the KNLA, particularly in the southwestern township of Waw Raw. According to KHRG, demands by the Tatmadaw for rice and livestock resulted in a quarter of the population of Dooplaya District facing food shortages at the end of 2004. This, coupled with other human rights violations perpetrated by Tatmadaw and DKBA soldiers, contributed to both new IDPs in the area and refugee flows into Thailand. (Source: *Dooplaya District: Fighting And Human Rights Abuse Still Continue After Ceasefire*, KHRG, 18 February 2004)

Forced Relocation in Karen State - Partial List of Incidents for 2004

Dooplaya District

In February 2004, DKBA Battalion 907 led by Officer Soe Moe Oo ordered Ka Moh, Ah Pyauk and Klaw Hseh villages to relocate to a place they designated in Weh Taw Tay. All the villagers had to be there by March 2004. The officers threatened to take action against any villagers who did not go. (Source: KHRG, 2004)

On 6 October 2004, troops from SPDC LIB 63 gathered villagers from Choo Cha Plu village, Three Pagoda Pass Township, and ordered 40 house owners to move from their land. The confiscated land, 3 kilometers wide and 4 kilometers long, is to be used for the construction of a new army base. There were some rumors that the army would either pay the house owners half the price of the house or provide the land owners with alternative land. However, compensation was not discussed at the meeting and many villagers feared that no compensation would be provided. (Source: "Army Ordered Villager About They Are Going to Confiscate Land," IMNA, 7 October 2004)

Papun District

In January 2004, continued attacks by the Burmese military on Karenni villages along the Karen-Karenni border spilt over into Karen State causing 3,000 Karen villagers to flee their homes. The SPDC military, which attempted to clear Karenni villagers from the southern Karreni State border, burnt down rice barns, chased villagers from their villages and laid landmines around the abandoned villages. The Burmese military also crossed the Karen State border and chased villagers out of the following villages:

1. Ka Lae Lo village,
2. Lay Wa village,
3. Say Ba Ti village and
4. Marmee village.

Troops from SPDC LIB 586, LIB 512, LIB 18 and IB 3 under Military Command 2 and 3 of LID 55 also attacked villagers in Na Yo Hta village tract, Lu Thaw Township, during this offensive. The following villagers and number of persons were forced to flee their homes:

1. Keh Kho Mu Doe village, 71 families with 440 persons;
2. Kho Lay village, 25 families with 180 persons;
3. Bler Lu village, 17 families with 120 persons;
4. Kler Lor village, 30 families with 229 persons;
5. Thay Pa Hti village and Ma Mee village, 35 families with 230 persons;
6. Lay Wah village, 21 families with 125 persons;

7. Thoo Kler village, 33 families with 237 persons;
8. Po Khee village, 24 families with 166 persons;
9. He Po village, 17 families with 83 persons; and
10. Saw Mu Plaw village, 4 families with 23 persons.

CIDKP reported that 277 families with 1833 persons were forced to flee from the above villagers. CIDKP has also reported that a further 1000 villagers from Kaw Lu Doe village tract were forced to flee due to SPDC military offensives in the area. The affected villagers were:

1. Nu Thoo Hta,
2. Nu Thoo Khee,
3. Plo Ywai Mu Deh,
4. Thway Deh,
5. Lay Baw Mu,
6. Kya Lar Deh,
7. Kler Khee and
8. Htee Ta Hkay Hta.

The troops also burnt down 2 rice barns at Ka Lae Lo village and planted a landmine on the main trail out of Ka Lae Lo about 500 meters from the village. On 7 January 2004 at 11.45 am, a 17 year-old boy stepped on a landmine (Burma Army mine MM2 or the same type Chinese manufacture), outside of Ka Lae Lo village and lost his leg from the knee down. A FBR team, which was nearby, together with a KNU medic, attended to the boy. An emergency amputation was conducted and the boy was stabilized and then carried for 4 days to a mobile clinic. At the time of this report, he was alive and recovering. The SPDC military offensive ended in late January 2004 and by early June 2004 most of the displaced Karen and Karenni villagers had returned home. (Source: FBR, 2004)

Nyaunglebin District

On 16 January 2004, No. 2 Operation Command Commander Tin Maung Oo ordered Column Commander Ko Ko Oo to relocate Ko Ni village, Mon Township, to Noe Nya Lar Kwet Yhit by 2 February 2004. A list of those who did not want to relocate was sent to the office of SPDC LIB 590 and each person had to pay 200,000 kyat. Due to the forced relocation, the village school had to be closed and villagers' paddy and bean crops were destroyed. The new relocation site was also a place where bricks were baked and as a result many people, especially children and elderly people, became ill. Six hundred people were affected by the forced relocation order. (Source: CIDKP, 2004)

On 3 March 2004, the SPDC Operation Command No. 3 summoned heads of villages from villages located in the plain and mountain foot areas of Kyaukkyi Township and ordered the villages to relocate to new sites by 7 March 2004. The villagers made appeals to the authorities concerned but they were ignored. Ten thousand people from 13 villages were affected by the forced relocation order. The following villages were ordered to relocate to the following relocation sites:

1. Pay Tu and Sa Leh villages were ordered to relocate to the Shwegyin-Kyaukkyi road;
2. Villages in Pa Ta Lar village tract were ordered to relocate to In Ggyin Gon;
3. Wet Lar Daw village was ordered to relocate to Yan Myo Aung and In Gyin Ggon;
4. Villages in Noe Gaw village tract were ordered to relocate to Pae Thaung village;
5. Shwe Thaung villages were ordered to relocate to Taik Tu village;

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6. Nyaung Tan village of Thoo Ka Bee village tract was ordered to relocate to Yan Myo Aung and In Gyin Gon;
 7. Way Daw Kho village was ordered to relocate to Kyauk Sayit; and
 8. Gamone Aing village and Weh Byin villages were ordered to relocate to Inn Net.

On 22 March 2004, SPDC Operation Command No. 3 Commander Htein Win issued an order that not all villages ordered to relocate now had to relocate. The following villages no longer had to relocate but instead were required to pay 100,000 kyat per village tract:

1. Wet Lar Daw village tract,
2. Toe Wah Saik village tract,
3. Noe Gaw village tract,
4. Thoo Ka Bee village tract,
5. Gamon Aing village tract,
6. Kyauk Sa Yit village tract,
7. Par Ta Lar village tract and
8. Hin Tha Weh village tract. (Source: CIDKP, 2004)

On 20 April 2004, troops from SPDC LIB 389 departed from their base at Mu Theh camp, Kyaukkyi Township, and conducted military operations in Ta Kaw Doe and Hkeh Doe areas. Troops from SPDC LIB 381 were operating in Kwee Lah Meh Kho area in Kyaukkyi Township. For this reason, IDPs in these areas faced great difficulty and had to abandon their hill paddy fields and hide in deep jungle. (Source: CIDKP, 2004)

From 14 November 2004 into 2005, 6 SPDC battalions, including LIB 589, LIB 350, IB 57, LIB 20 and LIB 264 launched attacks against villagers (IDPs) in Shwegyin Township in the southern part of Nyaunglebin District, Karen State. These attacks have resulted in 4,781 new IDPs and the destruction of 19,425 baskets of rice. The affected village tracts were:

1. Bla Ko village tract,
2. Mae Ya Kee village tract,
3. Mae K'Tee village tract,
4. Saw Per Kee village tract and
5. Htee Blu (Bleh) village tract.

The attacks included an attack on 14 November 2004 against Htee Township. During this attack SPDC troops burnt down over 30 homes, destroyed over 2,000 baskets of rice, looted homes and livestock and drove over 800 people into the jungle. (Source: FBR, 2004)

From 22 December 2004 to the date of this report, 27 December 2004, SPDC LIB 382 and LIB 368 began to attack villages in Kyauk Kyi Township in north central Nyaunglebin District. The SPDC operation, of smaller scale than that in Shwegyin Township, displaced 955 people from 13 villages. Most of the villagers were IDPs who had had to flee from their homes many times before. This year alone, they have had to flee the SPDC army twice, in June and September. The villages, families and numbers of persons forced to flee were:

1. Thauny Nye Der village, 12 families, 65 persons;
2. Tha Kaw Du village, 12 families, 122 persons;
3. Do Kae Kee village, 12 families, 95 persons;
4. Kwe Du village, 9 families, 65 persons;
5. Ko Lu village, 10 families, 52 persons;
6. Kaw Hta village, 6 families, 38 persons;
7. Ler Taw Lu village, 9 families, 44 persons;
8. Day Baw Kae village, 9 families, 64 persons;
9. Mukkee village, 30 families, 173 persons;

10. Tee Thaw Lo village, 8 families, 40 persons;
11. Kaw Taw Hay Ko village, 4 families, 29 persons;
12. Day Baw Lu village, 9 families, 61 persons; and
13. Mae Lae Kee village, 15 families, 94 persons. (Source: FBR, 2004)

Toungoo District

In March 2004, 468 families with 2,658 persons from 8 villages in Than Daung Township, Toungoo District, were forcibly relocated by SPDC troops to resettlement sites. Due to the destruction of villages by SPDC troops, 922 families with 4,590 persons from 30 villages already lived in these sites as IDPs. In Tantabin Township, 628 families with 3,362 persons from 15 villages were forcibly relocated by SPDC troops to resettlement sites where 865 families with 5,348 persons from 26 villages lived as IDPs. (Source: CIDKP, 2004)

13.7 Situation in Karenni State

Concerted attacks by the Tatmadaw against Karenni villagers in southern Karenni State throughout 2004 have resulted in a marked increase in the IDP population. TBBC estimates that there are now 88,400 IDPs in Karenni State, with the vast majority of 75,000 residing in ceasefire areas, 7,000 in "free fire" areas and 6,400 located in SPDC designated relocation sites. This is a significant rise of over 30,000 IDPs from estimates in 2002, which placed the IDP population of Karenni State at 57,000 (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

Forced relocation campaigns led by government troops have largely stemmed from motivation to eliminate Karenni armed resistance. The Karenni National Progressive Party (KNPP) was first formed in 1957 and has sought to re-establish the right of independence which was originally part of the 1947 constitution but which was later removed in 1962. In 1978, due to ideological differences, a faction of the KNPP broke away and formed the Karenni National People's Liberation Front (KNPLF). Numerous splits and factions have ensued since that time and as many as eight ceasefire agreements have been signed between the SPDC and Karenni ethnic insurgent groups (source: *Conflict and Displacement in Karenni State: The Need for Considered Responses*, BERG, 2000). Most notably, the KNPLF signed a ceasefire agreement in 1994 and since that time has established ceasefire areas within Karenni State. In March 1995, the KNPP also negotiated a ceasefire agreement. However, this agreement broke down within months when the SPDC began deploying troops into KNPP territory east of the Salween River. Following the breakdown of the ceasefire agreement in June 1995, the SLORC launched a massive relocation campaign in Karenni State that resulted in 25,000 IDPs in 1996 alone (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

The situation between the KNPP and the SPDC remained tense throughout 2004. In December 2003, the SPDC issued a relocation order to all villagers north and south of the Mawchi road, in southern Karenni State, and redeployed approximately 1,000 troops from Nyaunglebin District, Karen State, to Karenni State. Reports originally cited the SPDC's plans to build a new road from Mawchi to serve the Wolfram mine as the primary reason for the relocation order. Other reports have cited the SPDC's desire to cut support to the KNPP as the main reason for the renewed attacks. It was reported by FBR that some villagers believed that the SPDC was taking advantage of the verbal ceasefire with the KNU to concentrate their

forces against the KNPP (source: FBR, 2004). At the beginning of 2004, the SPDC and KNPP began ceasefire discussions. However, these discussions quickly stalled when the SPDC refused to negotiate with the KNPP on a government to government basis. Instead, the SPDC insisted on negotiating with the KNPP as a party (source: "Karenni Ceasefire Talks Stall," *Irrawaddy*, April 2004). In December 2004, the SPDC military launched a major offensive against the KNPP stronghold at Nyamu Hill in eastern Karenni State, along the Thailand border. This area has been virtually deserted since 1996 and hence concerns centered on the use of civilian porters rather than displacement (source: *Six-Month Report*, TBBC, July–December 2004).

Many villagers refused to obey the relocation order issued in December 2003. TBBC reported that only 500 people resided in relocation sites around Pasaung Township in 2004. The low rate of compliance has been attributed to the harsh conditions faced by IDPs living in relocation sites. IDPs forced to move to relocation sites in early 2004 reportedly did not have access to their farms, a means of securing an income or medicine. There were also reports that IDPs in these relocation sites were subject to forced labor and other human rights abuses (source: FBR, 2004). The unsustainable nature of relocation sites is further evidenced by the fact that figures compiled by TBBC show that while there has been an increase in the number of relocation sites in Karenni State, the number of IDPs within these sites has decreased. According to TBBC, 7,000 IDPs were located in 9 relocation sites throughout Karenni State in 2002. In 2004, TBBC recorded fewer IDPs (6,400) in as many as 14 relocation sites throughout the state. This trend can be attributed to the unsustainable nature of relocation sites which has forced many IDPs to attempt to resettle in KNPLF ceasefire areas rather than following orders to move to, or remain in, SPDC relocation sites. (Source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004)

Following the relocation order issued in December 2003, southern Karenni State was designated a "free fire" area. All villagers who did not obey the relocation order were considered supporters of the KNPP and SPDC troops were ordered to shoot any villagers seen in the area on sight. SPDC troops attacked villages in the early part of 2004 and lay mines in and around villages to stop IDPs from returning home. There were also reports of SPDC troops, together with KNPLF and KnSO soldiers, conducting "search and destroy" missions designed to locate and destroy IDP hideouts. According to FBR, SPDC battalions were actively patrolling the area throughout most of 2004 and the situation for IDPs remained critical. It was reported that IDPs in the area were not only forced to constantly move from one hideout to another but also faced severe food shortages, lacked necessary medicines and were unable to light fires at night due to the proximity of the SPDC battalions. This caused particular hardship in January when temperatures were often at or near freezing (source: FBR, 2004).

Forced Relocation in Karenni State - Partial List of Incidents for 2004

In January 2004, continued attacks by the Burmese army resulted in 5,000 Karenni and Karen IDPs on the Karen-Karenni border, just inside northern Muthraw District, Karen State. Karenni villages along the border were ordered by SPDC LIB 249 to relocate to relocation sites on Mawchi road, including Mandaline, Mawchi, Bwa Doh, "8-mile" village and Ko Sa Kee relocation sites. Villagers, fearing forced labor and beatings by the SPDC military, did not comply with the order. The villagers would also be unable to farm their land and harvest their crops if they complied with the relocation order.

On 23 January 2004, SPDC LID 55 enforced the relocation order. On 26 and 29 January 2004 the Division 55 sent 10 battalions to attack the villages, resulting in over 2,000 Karenni IDPs: 1,000 people fled to Toungoo District, Karen State, while 1,000 fled into Papun District (Muthraw), Karen State. The following villages and number of persons reportedly fled to Lu Thaw Township, Papun District:

1. Pa Hko village, 39 families with 207 persons;
2. Ka Yai Khee village, 38 families with 186 persons;
3. Yu Heh Daw Kho village, 39 families with 167 persons;
4. Per Khee, Per Lor, Per Has Khee and Ka Waw Kyo villages, 215 families with 1055 persons; and
5. Kaw Kha Daw Kho, Htee Wi and Nu Hta villages, 99 families with 495 persons.

The SPDC military chased the Karenni villages into Karen State and then attacked Karen villages causing over 3,000 Karen to flee. (Source: CIDKP, 2004) (Please see section 13.4 "Forced Relocation in Karen State" for more information, below.)

The Burmese army offensive ended in late January 2004 and by early June 2004 most of the displaced Karen and Karenni villagers had returned home. Of the 2,000 Karenni IDPs, approximately 350-400 were still in Karen State at the time of this report, 25 June 2004. In Karenni State, some of the displaced returned but could not live in their villages. Instead they live in hiding nearby so that they are close enough to tend their fields but still relatively safe from attack. 600-700 people went to relocation sites during the offensive but had been allowed to return to their villages by the time of this report because they had no food in the relocation sites. Most were able to live in their old villages, but some were only able to stay near their fields.

During the January offensive, the IDPs received some emergency relief from FBR teams and once the offensive ended rice from the KSWC (Karenni Social Welfare Committee) was delivered to the IDPs. The rice was sufficient for the months of April and May and in June local villagers and the Karenni resistance provided rice. However, there was a need for rice in July for the Karenni IDPs who remained in Karen State (approximately 350-400 in Papun District (Muthraw), Karen State, and 30-40 in Toungoo District, Karen State). Even if they were able to return to their villages it would have been too late to harvest for 2004. In May, plastic sheeting for shelter for these IDPs was sent from the KSDP (Karenni Student Development Program).

The SPDC military placed landmines extensively in the areas south of the Mawchi Road and near the village of Paho, three miles north of the Karen border. The Karenni resistance removed four landmines near the village. On 10 May 2004 at 11:00 am, a 30 year-old Karenni man was killed when he stepped on a landmine laid by the SPDC military while trying to return to his village. On 26 May 2004 at 9:00 am, Naw Ger Moo Paw, a 16 year-old

Karenni girl, stepped on a landmine near Htoo Ka Htoo village northwest of Mawchi. She lost her leg and was sent to a mobile clinic in Karen State. (Source: FBR, 2004)

On 13 January 2004, approximately 100 SPDC troops from IB 3 under the command of Htun Oo came to Nuthu Htar village, west of Mawchi, and burnt the whole village to the ground. Villagers had already fled, abandoning the village just before the attack took place. (Source: KNAHR, 2004)

On 28 February 2004 at 6:00 am, troops from SPDC LIB 422 entered a hideout site near the Karenni-Karen border where some Karenni villagers from Hosarkee were taking refuge with local Karen. The SPDC troops opened fire without warning and killed three Hosakee villagers and wounded another. The villagers were:

1. Saw Bwemu, age 60;
2. Naw Kee Lei, age 45;
3. Saw Deh Tar, age 40; and
4. Saw Taw Htee, age 46, was wounded. (Source: KNAHR, 2004)

On 25 June 2004, villagers of Pao village, Karreni State, fled into the jungle as SPDC LIB 135 approached the village. The fleeing villagers took with them only what they could carry. (Source: FBR, 2004)

On 28 June 2004, SPDC troops entered Paho village, Karenni State, and captured 1 villager. The villager had left his hiding place, where he had been hiding with other IDP villagers, to gather his possessions. The SPDC troops then approached the hiding place of the villagers causing the villagers to flee deeper into the jungle. (Source: FBR, 2004)

On 30 June 2004, SPDC LIB 428 approached Gay Lo village causing more than 100 villagers to flee. In this area, 200 people are in hiding and over 800 more, who were in the path of the operation, were preparing to flee at the time the incident was reported. (Source: FBR, 2004)

On 15 September 2004, SPDC troops called the village headmen and pastors of villages in the Mawchi area to a meeting at Saya Daw Temple. In the meeting the SPDC demanded that the villagers move to a relocation site no later than 16 October 2004. None of the villagers wanted to move so they were in hiding in the forest at the time of this report. Villagers who remained in their villages are preparing to flee into the jungle rather than be forcibly relocated. (Source: FBR, 2004)

On 28 September 2004 at 2:00 pm, troops from SPDC LIB 428 led by Colonel Win Zaw attacked the Karenni Army and civilians in Nu Thu Hta village, Mae Chie District, southern Karenni State. The villagers fled into the mountains while 1 Karenni soldier was killed and 1 SPDC soldier was killed during the fighting. Following the attack, the SPDC troops entered and burnt down Nu Thu Hta village, arresting 1 villager, Kaloo Pah, without reason. After burning the village, the SPDC troops laid 18 landmines around the village. (Source: FBR, 2004)

On 28 September 2004, troops from SPDC LIB 428, guided by KNSO (Karenni pro-SPDC faction), attacked Karenni IDPs in their hiding place across the Karen border in the vicinity of K'Si Kee. The SPDC and KNSO attacked the IDP hiding place with sustained rifle and machine gun fire, causing the IDPs to flee. One family, including a 95 year old grandmother, her daughter, three grandchildren and one 20 year old grandson were unable to flee and

huddled together in their hut. During the shooting the grandmother and grandson were each shot in the leg. When the SPDC troops and KNSO entered the hide site they found this family in their hut and yelled, "Go see if he is an IDP, and if he is, then kill him." The granddaughter held her 3 children and the soldiers fired a complete magazine of ammunition into the wounded grandson, killing him. The soldiers then left the hut. The grandmother, granddaughter and her 3 children followed them out of the hut and the grandmother confronted them saying, "Now that you have killed my grandson, kill all of us." The soldiers ignored her and began to burn all the IDP huts down. (Source: FBR, 2004)

In October 2004, militia groups (Pyithusit) ordered villagers in the western part of Mawchi to relocate to Su See village, Khamaphya, northern Mawchi, by 15 October 2004. According to U Khun Reh, joint secretary of the KNPP, the order affected approximately 40 villages from Mawchi and Baw Keh Townships and more than 3000 people. If the villagers failed to move to the relocation site by the deadline a military operation would be launched to arrest and kill the remaining villagers. Typically, the military shoots villagers who they find hiding in small groups in the jungle. They also force people who they arrest to porter for the army. According to U Khun Reh, because of the shooting some villages had sustained serious injuries and more than 10 villagers had been killed. The villages are being moved to Su See village so that villagers are kept close together. This ensures that it will be possible for the SPDC to conscript villagers to serve as laborers for building military camps and for road construction when needed. The villagers who do not want to move have been preparing to flee to avoid the military attack. They have asked KNPP to take care of them and find them a secure place to stay. U Khun Reh has stated that he has sent this request to the allied government and expects that the villages will be provided with support. (Source: "Many Villagers in Kayah State Are Ordered to Relocate," NMG, 11 October 2004)

In November 2004, Shadow Police officer, Hla Shwe, and Union Solidarity and Development Association (USDA) member, Soe Soe Shwe, forced Thridah village tract chairman, Hla Reh, to sign an order which said all villagers located in Thiridah village tract, namely Thiriday and Daw Tadah, must relocate by 10 December 2004 at the latest. The order was signed by Shadow USDA's chairman on the 1st of November 2004. However, the order did not say where these villagers were to relocate. (Source: KNAHR, 2004)

13.7 Situation in Mon State

According to the October 2004 TBBC report, the number of IDPs in Mon State has decreased from 75,800 in 2002 to 31,100 in 2004. TBBC has reported that of the 31,100 IDPs in Mon State, the vast majority (25,000) live in New Mon State Party (NMSP) ceasefire areas, 3,800 live in hiding in "free fire" areas and 3,800 live in SPDC controlled relocation sites. Significantly, the decrease in IDP estimates is not attributed to the resettlement and reintegration of IDPs into the community but rather is a result of IDP population movements. TBBC has speculated that the decrease in estimates of IDPs in relocation sites stems from the unsustainable nature of relocation sites and can be attributed to the movement of Karen villagers in northern Mon State into urban fringe areas nominally under KNU control. While TBBC has not provided a specific explanation for the decrease in estimates of IDPs in both ceasefire and "free fire" areas, this decrease could also partly be explained by movement of IDPs in southern Mon State into urban fringe communities and partly to migration into Thailand (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004). According to the Mon National Relief Committee, a committee

established by the NMSP to coordinate assistance to Mon refugees and IDPs, the number of IDPs in Mon State is significantly higher, at over 50,000 (source: "Socio- Economic Condition of Mon IDPs in Southern Burma," HURFOM, 30 September 2004).

Some reports indicate that forced relocation decreased after July 1995 when the NMSP made a ceasefire agreement with SLORC, the military regime at the time. As part of the ceasefire agreement, the NMSP was given administrative control of twelve areas located within Mon State, Karen State and Tenasserim Division. Areas outside of the twelve designated NMSP ceasefire areas remained under the control of the SLORC. Significantly, the agreement also included the repatriation of over 10,000 Mon refugees from Thailand. The repatriation of Mon refugees was completed in 1996. However, as many of the Mon refugees had fled to Thailand to escape human rights violations perpetrated by the SLORC, they feared returning home to their villages. Therefore, many of the returning refugees did not resettle into their villages, which were located in SLORC controlled areas, but into the NMSP ceasefire areas, which offered some security (source: *Unwanted and Unprotected: Burmese Refugees in Thailand*, Human Rights Watch, September 1998).

The sustainability of resettlement into NMSP ceasefire areas has been limited and therefore both the returning refugees and other villagers fleeing to these ceasefire areas have remained internally displaced within Mon State. According to TBBC, the number of IDPs in NMSP ceasefire areas has increased to 25,000 in 2004. While the population within NMSP ceasefire areas has grown significantly, the size of ceasefire areas have remained fixed. This affects villagers' ability to access a sustainable livelihood. Cultivable lands are limited and the SPDC severely restricts movement outside the ceasefire areas. Therefore, extending fields beyond the ceasefire areas is not possible and consequently there are severe food shortages in the ceasefire areas (source: *Reclaiming the Right to Rice: Food Security and Internal Displacement in Eastern Burma*, BBC, October 2003). While acknowledging difficulties in assessing food shortages due to its subjective nature, TBBC found that IDPs in Mon State faced the greatest levels of food shortages in eastern Burma. Concerning the sustainability of resettlement in ceasefire areas, TBBC concluded that "it is the inability of NMSP to offer both a protective and enabling environment which restricts the sustainability of resettlement in the ceasefire areas. Upland ceasefire areas are not suitable for low land farmers such as the Mon, but SPDC's counter insurgency campaign restricts the option of searching for fertile fields away from home. Yet without the restoration of rights, people do not feel safe to return to their villages or resettle elsewhere in Burma. Eight years after the refugees returned from Thailand, international humanitarian assistance has still not been able to reach these ceasefire areas via Rangoon. Relief aid from Thailand prolongs the viability of the ceasefire areas as temporary sanctuaries, but there has not been an end to displacement for 25,000 people currently residing there" (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

Areas of Ye Township, in southern Mon State, have remained contested areas where NMSP splinter groups have continued armed resistance. Between late 2003 and June 2004, the SPDC launched a military offensive in southern Ye Township against the Monland Restoration Army (MRA). The MRA is the armed wing of the Honsawatoi Restoration Party (HRP), which was formed in November 2001 when Col Nai Pan Nyunt and approximately 150 troops broke away from the NMSP. As a result of SPDC led counter insurgency campaigns and ensuing human rights abuses, approximately 16,000 IDPs fled from Ye Township in 2003 and 2004 (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004). The HURFOM reported that following military offensives in

the first half of 2004, widespread human rights abuses continued as the SPDC military consolidated their presence in the area. Human rights abuses included arbitrary detention, torture and the killing of villagers suspected of being rebel supporters. The SPDC military also restricted the movement of villagers, often preventing them from attending to their fields. This, together with demands for both money and food, severely affected villagers' ability to provide for themselves and their families. The threat to personal security together with the lack of a sustainable livelihood has contributed to the sharp increase in the IDP population in Ye Township in the past two years (source: "Gross Human Rights Violations in Ye Township, Southern Part of Mon State," *The Mon Forum*, HURFOM, 30 September 2004).

Internal displacement induced by counter insurgency activity has also been reported in northern Mon State throughout 2004. Northern Mon State is largely populated by Karen villagers and the KNU is active in this area. TBBC reported that the population of relocation sites in this area has decreased in the past two years. TBBC has speculated that this decrease of IDPs in relocation sites is a result of villagers fleeing from relocation sites to villages afforded some protection by the KNU (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

Land confiscation also continued throughout 2004, which further contributed to internal displacement. Since 1998 the SPDC has confiscated over 8,000 acres of agricultural lands in southern Mon State. The SPDC military also often forces villagers to work in these plantations, further restricting their time to attend to their own fields. The threats posed to both villagers' personal security and livelihood in areas under contested administration has led thousands of villagers from southern Mon State to flee. According to TBBC, these abuses have led as many as half the population of over 20 Mon villages to become displaced in the past two years (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

There is a strong history of development induced displacement in Mon State which persisted through 2004. Most notable, large scale displacement was recorded during the construction of the railroad between Ye and Tavoy, which covered a distance of 160 kilometers, in the early 1990s. In 2004, there were reports that 1,200 families from six wards in Moulmein city, the capital of Mon State, were displaced as a result of the Rangoon to Moulmein railway project. The project aims to make Moulmein city the terminus for the Rangoon rail line. The railway route will run over a newly constructed bridge over the Salween River through to Moulmein city center. According to the HURFOM, the SPDC originally did not offer compensation to the city residents who were forcibly evicted to make way for the railway line through the city. However, following international outcry, the SPDC reportedly promised full compensation for the cost of the destroyed properties and the distribution of land allotments in a new Satellite town designed to house the evicted city residents. The land allocations were based on the size of the house destroyed and allotted on a lottery bases. According to HURFOM, as of March 2004, only 200 – 300 families had moved to the new Satellite town, while as many as 5,000 people have remained in the city as IDPs. This is partly attributed to the fact that the new Satellite town is located on paddy fields in a valley and prone to severe flooding in the wet session. Furthermore, many of the IDPs hold jobs as either vendors in the city center or as hard laborers on the sea bank in the western part of the city. They would therefore lose their employment if forced to move to the Satellite town, where very few employment opportunities exist (source: "Eviction by Salween Bridge (Moulmein) Project and Rangoon-Moulmein Railway Project in Mon State," *The Mon Forum*, HURFOM, 31 March 2004).

Forced Relocation in Mon State - Partial List of Incidents for 2004

In July 2004, the Ye Township Peace and Development Council ordered 300 households to relocate and also confiscated nearby land. A public hospital and police station will be constructed on the confiscated land. The Village Maternal and Child Welfare Association (MCWA), an SPDC sponsored organization, has also been sent to households in the Township to collect 1,000 kyat per household to fund the construction of the hospital and police station. (Source: "Forced Relocation of 300 Houses in Northern Part of Ye Township," *The Mon Forum*, HURFOM, 31 July 2004)

13.8 Situation in Shan State

Shan State is the largest ethnic nationality state in Burma and its sheer geographical size together with issues of access have made both population and IDP figures difficult to ascertain. Despite these constraints, it is estimated by Shan Human Rights Foundation (SHRF) that there are over 300,000 IDPs currently in Shan State. According to TBBC, the current IDP population of southern Shan State is 216,100, with the vast majority of 185,000 located in ceasefire areas, 9,300 in hiding in "free fire" areas and 2,800 in relocation sites. Furthermore, it was reported that throughout 2004 an average of 1,400 Shan refugees per month crossed the border into Thailand (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004). The large number of Shan IDPs fleeing into Thailand indicates that the conditions for IDPs in Shan State throughout 2004 remained desperate.

The people of Shan State have been the victims of one of the largest ongoing forced relocation campaigns in Burma. Beginning in 1996, the SLORC ordered the forced relocation and destruction of every village within a designated region of Central Shan State. The villagers were forced to move into sites directly under SPDC 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).

The Shan State Army South (SSA-S) formed in 1996 following the surrender of Khun Sa and the Mong Tai Army. The SSA-S are active in southern Shan State and the massive forced relocation campaign in Shan State can be partly attributed to the SPDC's counter insurgency efforts against the SSA-S. It is widely documented that the SPDC use forced relocation as part of their "four cuts" campaign to prevent civilian support of insurgents. Prior to 2002, approximately 120,000 villagers were relocated from northern and central Shan State into ceasefire areas controlled by the United Wa State Army (UWSA). These areas are reportedly a major supply route for the SSA-S and are strictly controlled by both the SPDC military and the UWSA. According to TBBC, the "autocratic rule and the ongoing suppression of rights by the UWSA has obstructed opportunities for people forcibly relocated to re-establish their livelihoods. At the same time, further displacement has been induced amongst former land owners whose property has been seized to accommodate the new arrivals" (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

Forced relocation in Shan State often takes place in the name of crop substitution and drug eradication programs. For instance, the SPDC forcibly relocated tens of thousands of Wa and Lahu villagers from northern Shan State to low land fields in southern Shan State between

1999 and 2002. In July 2002 this area was then proclaimed as "drug free" by the authorities. However, recent reports on the drug trade in Burma have highlighted both the human rights abuses suffered by the relocated communities and the fact that drug production has continued at a high rate. Relocated farmers are neither provided with an alternative livelihood or with adequate infrastructure. Furthermore, crops are destroyed and no compensation is provided, further impoverishing the community. Opium farmers are also subject to detention and extra-judicial killings. ALTSEAN Burma has estimated that 260,000 households, or 1.2 million people on the opium zone, are facing starvation and death as a result of "drug eradication" measures. Furthermore, while areas of central Shan State have been deemed "drug free", there has been a marked increase in drug production in other areas of Shan State, such as in the northeastern townships of Mongpaw, Mongka, Mongngen and Mawfah on the east bank of the Salween River (source: *A Failing Grade: Burma's Drug Eradication Efforts*, ALTSEAN Burma, November 2004).

In May 2004, Free Burma Rangers (FBR) conducted a relief mission into the Mong Pan area in southern Shan State. This area is controlled by the SPDC military and their ceasefire partners the UWSA. The relief team documented cases of rape, torture and forced labor inflicted on IDPs. FBR also reported that IDPs continued to flee from SPDC controlled relocation sites and that they usually fled in groups of one to three families. The IDPs reportedly try to flee to SSA-S areas or into Thailand (source: FBR, 2004).

In 2004, development induced relocation resulting from the proposed Ta Sang dams continued. Ta Sang is located along the Pang River, which is the largest tributary of the Salween River. On 20 December 2002, MDX, a Thai based company, signed a Memorandum of Understanding (MoU) with the Burmese government to develop the dam project. It is estimated that the main dam will be 188 meters and that the reservoir will flood hundreds of kilometers. The dam project has already attracted the attention of environmentalists and human rights activists because of expected environmental destruction and large scale forced relocation. According to Salween Watch and Southeast Asia Rivers Network (SEARIN), "If the Ta Sang Dam is built, about fifty of the original communities and the forests along both sides of the lower Pang River would be flooded." Salween Watch and SEARIN have estimated that at least 2,000 families have already been forcibly relocated from this area under the pretext of counter insurgency operations and that 600 of these families continue to live as IDPs close to their original homes on Pang Island. Salween Watch and SEARIN have gone so far as to argue that "the forced relocation program conveniently cleared out communities along the river so that if the dam is built, the military simply can say that no one is living in the area that will be flooded, thereby avoiding having to pay any compensation to those villagers who already were relocated" (source: *The Salween Under Threat: Damming the Longest Free River in Southeast Asia*, Salween Watch and Southeast Asia Rivers Network (SEARIN), September 2004). TBBC has also reported that attempts to consolidate control of the areas adjacent to the dam site resulted in villages being forcibly relocated from the Mong Nai area in the first half of 2004 (source: *Six-Month Report*, TBBC, January – July 2004).

Forced Relocation in Shan State - Partial List of Incidents for 2004

In January 2004, a patrol of SPDC troops from LIB 513 led by Commander Naing Win looted and then burnt down 12 houses of villagers in Tawng Laang village relocation site in Sanin village tract, Paang Long, Loi-Lem Township. The attack came after LIB 513 and Shan opposition soldiers clashed on 22 January 2004. Following the fighting, SPDC troops came to Tawng Laang village and accused villagers of harboring Shan soldiers. The SPDC troops then chose 12 of the biggest houses in the village and after looting them, burnt them to the ground. (Source: *SHRF Monthly Report*, SHRF, August 2004)

In July 2004, 150 acres of rice fields and gardens and a village adjacent to them were confiscated by SPDC troops of Central Command No.3, led by Col. Tint Lwin, in the Kaeng Tawng area of Murng-Nai Township. The land confiscation was ordered by Rangoon and affected 147 villagers, living in 37 houses and 150 acres of rice fields and gardens. The villagers were ordered to move away from the village within 15 days. The villagers were told that they could move where they wished to go and that they could take their possessions with them. They were also told that they could dismantle their homes and take them or sell them to the SPDC. The villagers requested that they be allowed to look after and harvest their rice fields before leaving their land and the SPDC commander stated that he had no objection to this as long as no further orders were received from Rangoon. All the villagers of Nam Tum Nur village moved out between 8 and 22 July 2004, many of them to Ton Hung village tract in Murng-Nai Township and some to other places. (*SHRF Monthly Report*, SHRF, September 2004)

On 23 October 2004, a patrol of SPDC troops from IB 248 came to villages in both Murng-Nai Township and Nam-Zarng Township and ordered villages to relocate. The villages in Murng-Nai Township were ordered to relocate to Naa Khaan village. These villages had previously been forcibly moved to Naa Khaan village relocation site by SLORC (State Law and Order Restoration Council) troops in 1996 and allowed to return in 2000 by SPDC troops. The affected villages were:

1. Wan Kala village,
2. Khaai Tawng Gi village,
3. Maak Laang village,
4. Loi Wawt village and
5. Loi Aai village.

The villages in Nam-Zarng Township were ordered to relocate to Wan Nawng Kung Mong village. These villages had also previously been forcibly moved to Wan Nawng Kung Mong village relocation site by SLORC troops in 1996 and allowed to return in 2000 by SPDC troops. The affected villages were:

1. Pong Lao village,
2. Loi La village,
3. Haai Oi village,
4. Yawn Kung Niu village,
5. Lin Leng village and
6. Kung Sa village.

The original order demanded that the villagers relocate within 7 days. However, according to later reports, villagers were allowed to remain in their villages if they paid 300,000 kyat to the SPDC troops. (Source: *SHRF Monthly Report*, SHRF, January 2005)

13.9 Situation in Tenasserim Division

Conflict and development induced displacement continued in Tenasserim Division throughout 2004. TBBC reported that there were approximately 37,100 IDPs in Tenasserim Division in 2004, 31,700 of which were living in one of 38 relocation sites. Five thousand IDPs were reported to be living in ceasefire areas and a further 5,000 in hiding in "free fire" areas within the state. TBBC also reported that over 100 villagers had recently attempted to return to their original villages. However, these efforts were reportedly not successful and resulted in further displacement (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

There were reports of continued conflict between the Tatmadaw and the Mon splinter group, the Mon National Liberation Army (MNLA), throughout 2004 in the northern township of Yebyu. This conflict is reported to have led to the displacement of 1,000 people in Yebyu and Ye Township and to an influx of IDPs into the NMSP ceasefire area in northern Tenasserim Division. Counter insurgency operations and human rights abuses have been perpetrated by not only the Tatmadaw but also the MNLA in this area. Villages within the NMSP ceasefire areas have also been subject to these abuses, including the destruction of houses, the confiscation of food stocks, extortion, movement restrictions and killings (source: *Internal Displacement and Vulnerability in Eastern Burma*, TBBC, October 2004).

Displacement due to development projects in Tenasserim Division continued in 2004. The Yadana gas pipeline was built through Tenasserim Division between 1993 and 1996 and there have been numerous reports of the forced relocation and other human rights abuses perpetrated by the Tatmadaw during its construction. More recently, development induced displacement has been related to the construction of the Ye-Tavoy road and railway project. In the second half of 2004 there were reports that the Tatmadaw ordered the relocation of approximately 2,000 villagers from villages adjacent to the project site (source: *Six-Month Report*, TBBC, July – December 2004). It was reported that the vacated land was to be used for the construction of new military barracks and a hospital. Concurrently, households in Du Yah village were also ordered to contribute 1,000 kyat each for the construction of the buildings (source: Paung, Shah, "Army Orders Mon Villagers to Move," *Irrawaddy*, 27 July 2004). In November 2004, there were also reports of land confiscation in Tavoy Township where there are plans to construct a new airport (source: ABSDF, 2004).

Forced Relocation in Tenasserim Division - Partial List of Incidents for 2004

On 9 February 2004, 12 Salons (Mokens) escaped from their native islands in Kawthaung Township, Tenasserim Division, and fled to nearby Ranong in Thailand. Local SDPC authorities are rounding up and arresting Salons (Mokens) in southern Burma to make them partake in a sea gypsy festival starting on 14 February. According to the 12 Salons who escaped, the Burmese authorities arrested and detained 5 young Salons on each island and intend to force them to perform traditional dances for tourists. The Salon women were also treated with disrespect by the soldiers who arrested them. On 10 February 2004, the Thai authorities sent the escaped Salons back into Burma waters where they are in danger of being arrested and tortured by Burmese authorities. (Source: "Burmese Authorities Rounding Up Sea Gypsies For Show," DVB, 10 February 2004)

On 14 February 2004, 11 families working on their plantation up stream of Pa Wa Chaung in Tenasserim Township, Mergui District, were ordered to move to Pawa village where, along with local villagers, they were forcibly relocated to Pawa Plaw Hpa Htaw (Pawa Kwin She) monastery. Though the IDPs did not finish building their new shelters in the new site the houses they left were burnt down by SPDC troops. Seven hundred and fifty baskets of paddy rice, 100,000 betel nuts and 1 garden were also destroyed. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

In July 2004, SPDC troops ordered several hundred villagers in northern Ye Township, Tenasserim Division, to leave their homes by the end of the monsoon season. The military government plans to build a hospital and a military building on the vacated land. Army troops also ordered all households in Du Yah village, including those that had been displaced by the order, to pay 1,000 kyat for the construction of the new buildings. The villagers were not compensated for their loss of property and military authorities have also confiscated several of the villagers' farms, rubber gardens and areca palm gardens. (Source: "Army Orders Mon Villagers to Move," *Irrawaddy*, 27 July 2004)

On 27 September 2004 at 5:30 am, SPDC LIB 262 led by Commander Aung Kyaw Oo attacked Nah Ka Praw (Hsaw K'daw Hta) village, Mergui- Tavoy. The village was an IDP hide site. Three Karen villagers were killed by the SPDC troops. They were:

1. Saw Bua, male, age 46;
2. Saw Yin Poe, male, age 40; and
3. Naw Ah, female, age 45.

A KNLA medic, Saw See Pa Thru (age 27) was also killed. The troops destroyed 62 houses, 5 rice barns, a health clinic and a school. Two hundred and forty two villagers were displaced. (Source: FBR, 2004)

In November 2004, The District Development Council from Tavoy Township confiscated and destroyed residents' lands, gardens and materials in order to construct a new airport. In the beginning of November 2004, the construction engineers in Tavoy Township started taking measurements in the front and at the back of the old airport for the construction of the new airport. In that area, 2 monasteries and more than 20 houses were destroyed and forced to relocate. No compensation was provided to the residents who lost their land and property. There was also another monastery and over 30 houses in Let-wai-kyun section which were destroyed. (Source: ABSDF, 2004)

13.10 Forced Relocations in Other States/Divisions

On 1 May 2004 at 9:00 am, approximately 400 soldiers led by department authority director General Htin Aung Kyaw and the secretaries of the Section, Township and District Development Councils, including (Swun-ah-shin), raided and destroyed the houses of villagers in Shwe-lin-ban village, Hlaine-tha-ya Township, Rangoon Division. While the soldiers were destroying the houses, the villagers attempted to defend themselves and fight back as they did not agree. As a result, 1 policeman was seriously injured. On 3 May 2004 at 8:00 pm, the same group kidnapped villager U Tin Shwe and took him to the VPDC office and then handed him over to the police station.

There were approximately 40 families living in Shwe-li-ban village. The village had existed for approximately 50 years. The villagers were forced to relocate to a field by the riverside, approximately 800 yards from the original village site. According to U Thein Naing, who lived in Shwe-li-ban village, "We have been living and earning our lives in this village for over 50 years in peace. Now, our village has been destroyed by the authorities who claim that the village is situated where the road goes although it is not near the road. This will also affect the 2 second year students at my house who are going to have examinations. The authorities totally destroyed the houses in Shwe-li-ban village then forcibly relocated the villagers as the result." The villagers were not provided with any compensation for their loss of property. (Source: "Forced Relocation Village in Hlaine-Tha-Ya Township," *Yoma*3, 15 May 2004)

13.11 Interviews

Interview #1

Source: Free Burma Rangers
Date of interview: 16 April 2004
Name: Xxx Xxx (name withheld)
Age: 25
Address: Palawa Township, Arakan State, Burma
Occupation: Soldier
Marital Status: Single

Xxx Xxx fled from Burma Army Battalion 55, located at Capali Island. He became a soldier because he had gone to Bangladesh for two months and upon returning to his village he was arrested at the Ta Raw Li camp. While in custody, a Captain asked him to pay 10,000 kyat or join the military. He didn't have enough cash so he was forced to join the Burma Army.

He ran away from Mari Wa Camp on 12 March 2004 due to racial discrimination. There was only one other Arakanese soldier, most of the others were Burman in Mari Wa Camp, a border security camp near India. He says that his Captain did not issue him a gun because he was Arakanese. He was given a gun when he was on sentry, but he observed that all of the Burman soldiers had their guns all the time. He was not allowed to leave the camp, but all of the Burman soldiers were allowed to leave the camp and watch movies.

His Captain forced him to carry bamboo and supplies. He was paid very little. He fled to the Arakan Liberation Party with one G-3 and 200 bullets.

Interview #2

Source: Free Burma Rangers
Date of interview: 12 May 2004
Name: Xxx Xxx (name withheld)
Age: 32 years old
Address: Withheld
Nationality: Karen
Religion: Animist
Family Status: 6 persons
Occupation: Cultivator

She said she was hiding with her father in a barn (storehouse) on the west side of her village. Her father, Saw Xxx Xxx, was 90 years old and could not see well. While she and her father were hiding, on 11 May 2004 at about 12:00 pm, the Burma Army troops from LIB 388 came into her village. They found her hiding place and she ran out and left her father alone. The troops captured her father and took him away. She said she saw three of the Burma Army soldiers come toward the barn and then they took all of her household and farming materials and destroyed the barn as well. There were 16 sacks of paddy in the barn. The owner of the barn was Naw Xxx Xxx. It is assumed that Saw Xxx Xxx was killed.

Interview #3

Source: Free Burma Rangers
Date of interview: 16 May 2004
Name: Xxx Xxx (name withheld)
Age: 47
Address: Palawa Township, Arakan State, Burma
Occupation: Cutting bamboo and farming
Marital Status: Married with 4 sons and 4 daughters

Xxx Xxx was forced to search for his son (please see interview above) who escaped from his military camp (Burma Army Battalion 55). Burma Army Battalion 33 forced Xxx Xxx to come to their camp, they asked about his son and searched him. He was afraid of being arrested, so he left his village and fled to India. Xxx Xxx is worried for his family now.

Interview #4

Source: Free Burma Rangers
Date of interview: 19 May 2004
Name: Xxx Xxx (name withheld)
Age: 47 years old
Nationality: Karen
Religion: Animist
Address: Withheld
Family Status: 5 persons
Occupation: Farmer

Saw Xxx Xxx was a village chief in X X and X XX, with 52 houses and 507 villagers. His villagers were under the control of Burma Army IB 60, based at Chein Ma Taung Camp. Because of this, his villagers are facing many problems. He said, "The Burma Army do not force villagers to be porters and demand money, but they still demand villagers to work for them, and to give food such as chicken, duck, pork, eggs, and cigars." He also said that the camp commander ordered one of his villagers to go and wait in the Burma Army office each day. Moreover, the Burma Army LIB 264 mobile troops took two villagers to work for them for a day whenever they entered and left the village. During 2004, his villagers were forced to relocate close to the Burma Army car road. The order came from the division commander.

Interview #5

Source: Free Burma Rangers
Date of interview: 29 June 2004
Name: Xxx Xxx (name withheld)
Family Status: Married, 12 children (oldest child is 17 years and the youngest child is 2 months)
Village: Paho

The Burma Army from Mawchi gave an order for their village to move within five days. This was after Christmas, late December 2003/early January 2004 when they gave the order. His family had no time to get all of their possessions. They went to X X for one month and after that moved to X XX. He is farming in this village now.

In Paho his house was burnt twice within the past five years by the Burma Army from Mawchi. The Burma Army troops who burnt his house also took his chicks and other possessions. Many times the Burma Army took things from villagers in Paho. The KNSO (Karenni National Solidarity Organization) also asked villagers to come see them many times, but they never went. The KNSO came one time to Paho in October 2003 and destroyed all of their banana plantations, rice and vegetable farms. He never experienced forced labor. Seventeen years ago he was arrested by Burma Army soldiers. They tied his hands and neck and kicked his stomach. They accused him of being part of the Karenni resistance and asked for his gun.

"If they come, we run away."

14. The Situation of Refugees

“Everyone has the right to seek and to enjoy in other countries asylum from persecution.”

- Article 14, Paragraph 1, Universal Declaration of Human Rights

14.1 Background

According to the U.S. Committee for Refugees and Immigrants (USCRI), more than 600,000 Burmese refugees and asylum seekers remained in countries neighboring Burma at the end of 2004. 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 State Peace and Development Council (SPDC) continues to try and eliminate all armed and unarmed resistance, the military's 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 USCRI reported a population of approximately 453,500 refugees at the end of 2004, the majority of whom were from Karen, Karenni, Mon and Shan ethnic groups. At the same time, there were more than one million migrant workers in Thailand who traveled there for many of the same reasons as refugees yet identify themselves by their immediate economic needs. In Bangladesh, over 20,000 Rohingya refugees resided in the two remaining refugee camps as well as 100,000 others who were living and working among the Bangladeshi communities as they are denied access to the camps. Rohingya have also fled to Malaysia where the USCRI reported there were approximately 10,000 Rohingya as well as 15,000 Chin refugees at the end of 2004. In India, the refugee population of approximately 60,000 consisted of mostly ethnic Chin people. In smaller numbers, other ethnic groups including Burman, Kachin and Rakhine have also fled to Bangladesh, India, Malaysia and Thailand. (Source: *World Refugee Survey 2005*, USCRI, 15 June 2005)

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 of Refugees in Thailand

Refugee Demographics in 2004

The Thailand Burma Border Consortium (TBBC) reported a population of 155,785 refugees living inside the nine Thai border refugee camps at the end of 2004, which was an increase over the population from 2003. This increase has not been attributed to any major influx of new refugees, as the monthly arrival rate for 2003 and 2004 was lower than the previous five years. The camp population increase was partially the result of “hidden” refugees being included in some counts in some camps. The hidden refugee population is comprised of those who arrived to the camps after the Provincial Admissions Boards (PABs) ceased to function in late 2001, preventing them from registering in the camps. Because the PABs have remained dormant since that time, the Thai government has maintained the policy of “no new arrivals” and the hidden population has continued to grow. In addition, the Ministry of the Interior (MOI) and the United Nations High Commission for Refugees (UNHCR) conducted the last official population headcount in 1999. As a result, there has been a growing discrepancy between the official camp population as recorded by the MOI and the actual population. In October 2004, the UNHCR commenced a new registration exercise in the camps. While only previously registered refugees were re-registered, the UNHCR also collected information about the non-registered population, to both create a more detailed representation of the camp population and in preparation for the reestablishment of the PABs. (Source: *Six-Month Report*, TBBC, July-December 2004)

The breakdown by age and sex reported by the Karen, Mon and Karenni Committees in December 2004 was as follows:

Group	Families	Adult*		Children		Under 5 years		Total
		Male	Female	Male	Female	Male	Female	
Karenni	4,463	7,725	6,511	2,488	2,728	1,518	1,570	22,540
Karen	17,906	34,495	33,093	12,019	11,236	6,761	6,398	104,002
Mon	2,194	3,898	3,982	1,556	1,441	599	697	12,173
Total	24,563	46,118	43,586	16,063	15,405	8,878	8,665	138,715

* For Karen and Mon, this is over 12 years old, for Karenni over 14 years old.

(Source: *Six-Month Report*, TBBC, July-December 2004)

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, not accounted for in any official refugee population numbers or recognized as separate from the camp refugee population. According to the TBBC, there were approximately 50,000 ethnic refugees residing outside of the camps at the end of 2003 (source: “Overview of the Situation of Burmese Refugees in Thailand,” Burmese Border Consortium, 6 November 2003). The USCRI reported a population of over 300,000 ethnic Shan refugees in the country in 2004 (source: *World Refugee Survey 2005*, USCRI, 15 June 2005). In addition, at the end of 2004, there were 2,500 Persons of Concern (POC) recognized by the UNHCR while approximately 6,000 people in urban centers had registered with the UNHCR in order to be reviewed by the PABs for entrance into the border refugee camps.

Thai Government Policy towards Refugees and Asylum Seekers

Situated on the eastern border of Burma, Thailand is one of the main destinations for refugees, political dissidents and others fleeing the oppressive policies and practices of the SPDC military regime. While Thailand directly borders Shan State, Karenni State, Karen State, Mon State and Tenasserim Division, refugees and asylum seekers from all states and divisions of Burma flee to Thailand in search of security and protection. However, Thailand is not a signatory to the 1951 Convention on the Status of Refugees (Refugee Convention) and therefore is not obligated to follow any international norms or standards in the treatment and protection of refugees. Thailand also lacks an adequate legal framework through which refugee status determination can be made. This creates a precarious environment for those who come to Thailand seeking refuge. Thailand's attitude towards refugees is based on the belief that any assistance provided by humanitarian non-government organizations (NGOs) or the UNHCR will serve as a "pull" factor, encouraging refugees to enter the country and deterring them from eventual repatriation. Only those determined to be fleeing from armed conflict have been permitted to remain in one of the nine border refugee camps. Yet, according to Thai policy, the 155,785 inhabitants of the camps are temporarily displaced persons fleeing the effects of fighting. Ethnic refugees outside the camps, refugees from Shan State, political dissidents in urban areas and migrant workers who are also refugees are all considered illegal immigrants by Thai law and are vulnerable to arrest and deportation at any time.

Thailand's policies towards refugees and asylum seekers have become increasingly intolerant over the past few years as Thai-Burma economic and political relations have improved. Since Prime Minister Thaksin Shinawatra came to office in 2001, he has worked to improve the historically troublesome relations between the two countries. Economic and commercial agreements such as the Economic Cooperation Strategy to develop border areas of both countries, signed in November 2003, have coincided with Thailand's public support of the SPDC. In 2004, it was reported that "Thailand is Burma's third most important investment partner, and Thai exports to Burma generate around US\$ 1.26 billion each year" (source: Kyaw Zwa Moe, "Commercial Interests Driving Refugee Policy," *Irrawaddy*, 26 February 2004). The Prime Minister's 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.

Since December 2002, Thai authorities have expressed that foreign opposition groups working against Thailand's neighbors would not be allowed to operate from Thai soil. Comprised of asylum seekers who have fled from Burma, Burmese political dissident groups fell into this category. In accordance with this policy, Thai authorities engaged in crackdowns in 2002 and 2003, confiscating possessions and documents, arresting and deporting activists, and closing offices of Burmese opposition groups in Sangklaburi, Chiang Mai, Mae Hong Song and Mae Sariang. Throughout 2004, the Thai government continued to exert pressure on and restrict the activities of Burmese political dissidents seeking asylum in Thailand. In April, local authorities and immigration officials in Mae Sot forced several pro-democracy organizations to cease and disperse from conferences and other politically related activities. The organizations affected included the National Council of the Union of Burma (NCUB), the National League for Democracy-Liberated Area (Youth)(NLD-LA (Youth)) and the Student Youth Congress of Burma (SYCB) (source: Kyaw Zwa Moe, "Mae Sot Opposition

Meetings Stopped,” *Irrawaddy*, 27 April 2004). Again in May, Thai authorities reportedly instructed all Burmese organizations operating in Thailand to halt organizing, training and travel simultaneous to the period of the National Convention in Burma (source: “Threats to Burmese Refugees in Thailand Increasing,” Refugees International, 16 June 2004).

Refugees and asylum seekers in Thailand have also become increasingly vulnerable to Thailand’s tightening policies towards illegal migrants. Registered camp refugees outside of the camp, asylum seekers recognized by the UNHCR in urban areas and undocumented asylum seekers have all been subject to arrest on the charge of illegal entry as Thai authorities have cracked down on illegal migrants. The USCRI reported that the Thai authorities arrested approximately 100,000 people from Burma who did not have “proper documentation” in 2004. Approximately 10,000 Burmese were deported unofficially each month with the Thai authorities depositing those who were arrested at various border checkpoints. Yet, in accordance with a June 2003 Memorandum of Understanding (MoU) between the SPDC and the Thai government, 400 illegal migrants have been returned officially to SPDC authorities each month. Both methods of deportation are alarming for asylum seekers who fear they may be recognized and face further persecution if sent back to Burma. Those who are recognized by the UNHCR or registered in the camps are sometimes able to contact the UNHCR for assistance to prevent deportation. In addition, the Thai authorities have permitted UNHCR to maintain a presence in the Immigration Detention Center (IDC) in Bangkok. However, asylum seekers are frequently unable to contact the UNHCR. Even when the UNHCR is able to intervene, refugees are not always spared from deportation. For example, the USCRI reported that in December 2004 the UNHCR intervened to assist three boys, all registered in the refugee camp, who were arrested outside of the camp and detained at the IDC in Kanchanaburi province. Despite the UNHCR’s attempts, the Thai authorities deported the three boys to Three Pagodas Pass. (Source: *World Refugee Survey 2005*, USCRI, 15 June 2005)

The UNHCR and the Refugee Status Determination Process

Until the end of 2003, an individual asylum seeker 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 received a document certifying that they are refugees under the UNHCR’s mandate. The document included their photograph, some biographical information and the UNHCR’s address and contact information in the event that a POC encountered difficulties with the Thai authorities. POCs recognized before April 2004 received a small monthly subsistence allowance from the UNHCR and tended to reside in urban areas. Refugees in the border camps were not eligible to receive POC status. Instead, the UNHCR granted POC status to asylum seekers who were not part of the border camp caseload. Asylum seekers who registered with the UNHCR but whose cases had not yet been determined were also provided with a certificate indicating that they were 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 did not guarantee any greater protection as many POCs and those awaiting determination experienced harassment, extortion, confiscation of documents and arrest by both the police and immigration police. Some POCs have also been deported (refouled) back to Burma.

Following the 30 May 2003 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 tenuous situation for refugees and asylum seekers increasingly so.

When 11 Burmese dissidents were arrested for protesting outside of the Burmese Embassy in Bangkok and charged with illegal entry, their POC status drew Prime Minister Thaksin's attention to the UNHCR's refugee status determination process (source: "Police Chief Warns Burmese Dissidents," *Bangkok Post*, 30 June 2003). 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 (source: "Thai Border Camps to Take 1,500 Myanmar Refugees," AFP, 2 July 2003). Furthermore, in July 2003, 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. This admission process was later revealed to be the PABs.

The UNHCR continued to process applications for refugee status determination until 5 January 2004, when the Thai government officially ordered the UNHCR to halt from doing so. In conjunction with the order, the UNHCR temporarily ceased receiving applications for the month of January while continuing to process applications received before the cutoff date of 1 January 2004 (source: "Suspension of Refugee Status Determination Processing for New Applications from Myanmar Asylum-seekers As of 1 January 2004," UNHCR, 6 January 2004). On 1 February, the UNHCR resumed receiving applications from asylum seekers only for the purpose of referring the applicants to the PABs for entrance to one of the border camps. If admitted to the camps, they will receive the same support and services as all of the other camp refugees (source: "New UNHCR Registration Process for Applications from Myanmar Asylum-Seekers as of 1 February 2004," UNHCR, 31 January 2004). A group of 100 applicants from 2004, considered emergency or urgent cases, were processed on an individual basis for refugee status determination by the UNHCR. Aside from these 100 cases, applicants during 2004 received a document from the UNHCR indicating their registration for admission to the camps, which could be presented to law enforcement or other Thai officials. Like POCs, 2004 applicants faced harassment and remained vulnerable to arrest and deportation.

By the end of 2004, approximately 6,000 applicants had registered with the UNHCR, waiting in urban areas to be processed under the new procedure of the PABs. At the same time, there were approximately 2,500 recognized POCs and the UNHCR faced a backlog of approximately 2,000 applications, which had been submitted before the 1 January 2004 cutoff date to be processed for refugee status determination. Aside from the risks of arrest and deportation, many faced difficulties maintaining their livelihoods as POCs recognized after April 2004 were not provided with a subsistence allowance unless considered a special or vulnerable case. These cases included those with medical issues, physical/mental disabilities, lactating women, women-at-risk, single parents, unaccompanied minors, former child soldiers, victims of torture, a couple with more than five children, unaccompanied women, survivors of gender based violence, or unaccompanied elders. Without legal permission to work in Thailand, POCs, those awaiting determination and 2004 applicants attempting to secure employment to support themselves faced many of the same obstacles as migrant workers. Those who found work were vulnerable to exploitation and abuse by their employers which often included unfair wages, excessive work hours and poor working conditions (please see chapter on migrants for more information).

In January, the United States announced their intention to consider recognized POCs for resettlement. Norway, Sweden, England, Australia, New Zealand, Switzerland and Finland also agreed to resettle POCs in varying numbers. By the end of 2004, approximately 1,500 POCs had departed for resettlement in third countries while the resettlement process continued. However, the Thai government held firm that all POCs must be relocated from urban areas to the border refugee camps. The deadline for the relocation was postponed throughout the year until 31 March 2005. It was hoped that the majority of the POC population would depart for third countries before the relocation deadline to Nu Po, Ban Dong Yang and Tham Hin camps (source: *Six-Month Report*, TBBC, July-December 2004). POCs, along with various advocacy organizations, have great concerns for the security of the POCs if forced to relocate to the camps as the population includes many leaders and well-known activists from the pro-democracy organizations. The UNHCR's non-permanent presence, close proximity to the border, Thai supervision of protection and lack of communication with the outside world has led to fears of abuse with no avenue to report or seek protection (source: *Out of Sight, Out of Mind*, Human Rights Watch, February 2004).

The Provincial Admission Boards (PABs)

Newly arrived asylum seekers to the camps also face great obstacles obtaining official permission to remain in Thailand. The Provincial Admission Boards (PABs), created by the Thai government in 1999 to handle the cases of new arrivals to the refugee camps, stopped meeting at the end of 2001 and therefore have not examined any new cases since that time. During 2004, the Thai government announced that the PABs would be reestablished to process the unregistered camp population of over 30,000 persons. Moreover, the Thai government reported that the PABs would replace the refugee status determination process formerly conducted by the UNHCR for asylum seekers in urban areas.

While they were meeting, the PABs only considered those who were fleeing from fighting in border areas and the UNHCR was only granted observer status in the process. Moreover, since the middle of 2000, the PABs had been rejecting the majority of cases with the justification that they did not fit the required criteria. This is despite the fact that in the 1998 working arrangements made 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%) were 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 that they were appealing the decision to repatriate these individuals. At the end of 2003, 5,541 of these cases had been reconfirmed as rejected with 330 people already repatriated. (Source: *Six-Month Report*, BBC, July-December 2003)

The future PABs will reportedly function differently, with the UNHCR having participant as opposed to observer status. In addition, the determination criteria will reportedly be expanded to include those fearing persecution. Without an expanded definition of a refugee, political dissidents and others fearing persecution will face a precarious environment with little to no option for obtaining protection against deportation and further persecution. At the end of 2004, the PABs had yet to resume functioning and both the finalized criteria and process for determination remained to be seen.

Situation in the Camps

Throughout 2004, villagers from Karen, Karenni, Mon and other ethnic border areas, aside from Shan State, continued to arrive to the nine existing refugee camps, fleeing from armed conflict and gross human rights violations. Because the PABs ceased to function at the end of 2001, Thai policy has not allowed for any increase in the camp populations. Newly arrived refugees have remained hidden in the camps unregistered and many fear deportation if they make their presence known. Since October 2003, the National Security Council has attempted to recruit refugees for repatriation by offering cash for those who volunteer to return. Registered refugees were offered 600 baht while unregistered refugees were offered 300 baht. The discrepancy in amounts offered came from the belief that unregistered refugees could easily return to the same or different camp locations. As of July 2004, 65 families or 285 people had accepted the money and volunteered to repatriate.

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 are considered illegal migrants and face arrest, deportation and abuse from Thai authorities and 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 resistance groups controlled greater areas of land near the border, the refugees were able to engage in black market trade and 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 living conditions 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, blended food and fish paste from relief agencies. In 2001, the then BBC (known as TBBC in 2004) 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 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 micro-nutrients, low-level, chronic malnutrition was 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 (WHO), less than 5% is acceptable. (Source: *Six-Month Report*, TBBC, July–December 2004)

Thailand does not permit refugees to build permanent structures in accordance with the policy that they are only temporarily displaced people. 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 has 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 TBBC, to supply building materials as well (source: *Six-Month Report*, BBC, July–December 2003). In an attempt to prevent refugees from participating in illegal logging and environmental destruction, the Forestry Service constructed barbed wire and concrete fences around the perimeters of the border camps by the end of 2004 (source: "Tighter Conditions at Thai Camp," *Far Eastern Economic Review*, 23 September 2004).

Deforestation and illegal logging practices were highlighted as some of the main reasons for 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 demonized the refugees for their participation in or responsibility for the felling of timber in the area. In addition, Mae Khong Kha had been subject to several natural disasters which caused significant damage to the camp. Relocation to a new site, Mae La Oon, commenced in late 2003 and was completed in early 2004. Approximately 1,200 refugees returned to Burma out of fear of the new location, just four kilometers from the Thai-Burma border and opposite Manerplaw, the former KNU headquarters, now controlled by the SPDC. With the onset of the rainy season, it became apparent that Mae La Oon was prone to flooding. This caused serious concern over possible erosion, landslides and lack of access to the camp. In June, more than 90 houses determined to be of particular risk were relocated to Pwe Ber Lu, which had been considered as a site for the camp relocation but was rejected on the grounds that it was too close to the border. In December, a landslide resulted in the destruction of 5 houses. By the end of the year, 96 additional families situated in high-risk areas were relocated to Pwe Ber Lu. In addition, UNHCR and humanitarian NGOs providing assistance in the camps reported that Mae La Oon was an unsuitable site necessitating the relocation of at least part of the camp. (Source: *Six-Month Report*, TBBC, July-December 2004)

Tham Hin refugee camp, located in Ratchaburi province, was also determined to be an unsuitable living site by the end of the year. Since 1997 when Tham Hin was erected, the amount of designated space has been of concern as it is below international standards. A registered population of approximately 9,000 refugees, comprised of ethnic Karen and former residents of the Maneeloy Student Center, reside in a 16-acre campsite with each family living in a five square foot space. Refugees International reported that the average family size is seven to 10 people. The lack of space and overcrowded houses has caused ongoing concerns for the health of the camp population and sanitation conditions. Lack of personal

space has also been reported as a source of tension within the community and within families. Despite efforts to obtain additional space, Thai authorities have not conceded, insisting that land is not available. At the end of 2004, Medecins Sans Frontieres (MSF) reported that toilets built beneath the houses were full and could not be drained or replaced, necessitating a resolution to the space dilemma. While UNHCR had communicated the situation to the Thai authorities, there was no solution proposed by the end of the year (source: *Six-Month Report*, TBBC, July-December 2004). Organizations such as Refugees International (RI) have asserted that the Thai government should embrace resettlement to third countries as a solution for the Tham Hin residents who have endured such unsuitable conditions (source: "Thailand: Resettlement As A Durable Solution for Burmese Refugees in Tham Hin," Refugees International, 29 November 2004).

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 5.6 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, healthcare 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 of 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*, TBBC, July-December 2004)

The majority of refugee women come from ethnic minority groups and have suffered from a wide range of human rights violations prior to their arrival in the camps. Ethnic minority women living in conflict areas are used as forced labor on infrastructure projects and as 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. In addition, traditional ideas of gender-roles are contradicted by the strict regulations they live under, which force them to rely on humanitarian agencies for their livelihoods. EarthRights International, a human rights organization, argues that restrictions, which prevent refugees from being able to fulfill cultural gender roles, lead to a sense of frustration and powerlessness. In turn, this sense of frustration frequently results in domestic violence as refugees struggle to gain a sense of power over something in their lives (source: "Facing Violence Amongst Ourselves: Domestic Violence in Refugee Communities," EarthRights International, 2003). 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 on the physical, psychological and social development of refugee children.

Children born of Burmese refugee or migrant parents in Thailand are not eligible for Thai citizenship due to their status as illegal immigrants. As a result, a growing population of stateless children is emerging, born from both migrant workers and refugees. While Thailand has signed the UN Convention on the Rights of the Child (CRC), it maintains reservations concerning Articles 7 and 22 which address birth registration and citizenship for refugee children. 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. In addition, the Burmese government denies citizenship to these children on the grounds that they do not have birth certificates (source: "Stolen Future: The Stateless Children of Burmese Asylum Seekers," Refugees International, 25 June 2004). Beginning on 1 July 2003, the Thai government allowed delivery certificates to be issued to babies born in the camps to registered camp refugees. Refugees are also eligible to obtain a delivery certificate in state hospitals. However, a delivery certificate is not the same as a birth certificate and does not grant citizenship to refugees. Yet, without legal documentation, children of Burmese in Thailand are "stateless and unable to prove they are from Myanmar [Burma] should they ever go there." (Sources: *World Refugee Survey 2005*, USCRI, 15 June 2005; *Six-Month Report*, BBC, July–December 2003).

Children of refugee/asylum seeker populations residing outside the refugee camps face increased risk of exploitation and abuse at the hands of employers or other community members. In addition, without a citizenship, stateless children outside of the refugee camps in Thailand face even greater difficulties accessing education or health institutions. Under the provisions set forth in the CRC and the Thai Ministry of Education's 1992 Regulation on Evidence of a Child's Birth for School Admission, Thailand is obligated to allow non-Thai children to attend Thai schools. In addition, admission to a school should not be contingent upon possession of civil registration documents. However, in reality, Burmese children are rarely able to access Thai schools. At the same time, children of Burmese born in Thailand who are able to attend Thai schools reportedly "are unable to attain an official degree or certificate permitting the young person to pursue further education or to find a job." (Sources: "Stolen Future: The Stateless Children of Burmese Asylum Seekers," Refugees International, 25 June 2004; *World Refugee Survey 2005*, USCRI, 15 June 2005)

Situation of Specific Ethnic Groups of the Refugee Population

Situation of Karen Refugees

The Karen, like 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 Karen National Union (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

breakaway Democratic Karen Buddhist Army (DKBA). They claimed that KNLA Christian commanders 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.

After more than 50 years of armed struggle against the government in Rangoon, the KNU and SPDC agreed to a verbal ceasefire in late 2003. The verbal ceasefire agreement came after a SPDC delegation visit to KNU leaders in Thailand and a subsequent visit of a KNU delegation to Rangoon. From 15-22 January 2004, the KNU and SPDC held their first round of ceasefire talks in Rangoon. And again, on 22 February, a KNU delegation met with the SPDC in Moulmein, Mon State. While representatives from the KNU traveled to Rangoon to celebrate *Thingyun*, or Water Festival, as a gesture of good relations, the next round of ceasefire talks were not scheduled until October.

The commencement of KNU-SPDC ceasefire discussions coupled with the SPDC's plans to move forward with reconvening the stalled 1993 National Convention both lent to what seemed an improving political environment in Burma. With this backdrop, the UNHCR believed that an appropriate time had come to commence a contingency planning process in the event that the political and security conditions inside Karen areas would be conducive for refugee return. The planning process moved forward with the cooperation of the Thai government, NGOs providing humanitarian assistance to the refugees and the SPDC. In March, the SPDC granted the UNHCR access to border areas in eastern Burma to evaluate the potential for return and to support infrastructure, health and education development projects (source: "UNHCR Gets Permission to Visit Easter Myanmar," AP, 11 March 2004). These missions revealed that considerable infrastructure development was necessary before refugee return could take place (source: *Six-Month Report*, TBBC, July-December 2004).

The contingency planning process moved forward against a backdrop of ongoing fighting inside Karen State despite the verbal ceasefire agreement, the highly restricted nature of the National Convention in which the National League for Democracy (NLD) did not participate and the lack of progress in the KNU-SPDC ceasefire discussions. On 19 October, Prime Minister Khin Nyunt was arrested and replaced with Lt. General Soe Win, well known for his hardline stance against the NLD and believed to be responsible for orchestrating the 30 May 2003 attack on Aung San Suu Kyi and the NLD in Depayin, Sagaing Division. Khin Nyunt's removal occurred at the same time KNU-SPDC ceasefire negotiations were scheduled to transpire. As a result, ceasefire talks were not held at that time and the KNU returned to the Thai-Burma border after brief communication with members of the SPDC. Khin Nyunt's removal and replacement with Soe Win dimmed hopes of political improvement and suitable conditions for refugee return in the near future. Thereafter, the voluntary repatriation contingency planning process reportedly came to a halt while the idea of skills and vocational training for refugees as a preparatory measure remained (source: *Six-Month Report*, TBBC, July-December 2004).

By the end of 2004, a formal ceasefire agreement had yet to be reached and SPDC forces continued to perpetrate human rights abuses in Karen areas. These abuses included forced labor, forced relocation, extortion, looting and arbitrary killing. Aside from ongoing skirmishes between KNLA and SPDC forces, the SPDC army took advantage of the verbal ceasefire agreement to develop and secure their presence in Karen State. This was executed through the construction of new army camps and roads. As a result of these conditions, Karen

villagers continued to flee across the border to seek refuge in Thailand throughout 2004. (Source: *Six-Month Report*, TBBC, January-June 2004)

Situation of Karenni Refugees

In 1989, Karenni State, with a relatively low population, had four separate armed groups. In the early 1990s, two of these groups signed ceasefire agreements with the ruling military regime, 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 State Law and Order Restoration Council (SLORC), the ruling military regime at the time, in their area of operations, the KNPLF was forced into a ceasefire agreement. As the situation remained insecure, most people who had fled the area did not return. The KNPP also signed a ceasefire with the Burmese government in March 1995, but by June of the same year 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.

In December 2003, the KNPP announced plans to engage in ceasefire talks with the SPDC, which were to commence in late March 2004. However, progress was thwarted when the SPDC and KNPP disagreed on the KNPP's position of representation. The KNPP aspired to negotiate as a government while the SPDC wished only to recognize the KNPP as a party. In addition, the KNPP intended to negotiate a new ceasefire agreement as the 1995 agreement had failed. Yet, the SPDC wanted to base the new ceasefire on the 1995 agreement (source: "Karenni Ceasefire Talks Stall," *Irrawaddy*, 4 April 2004). At the same time, Karenni State was host to continued armed conflict throughout 2004. Moreover, both the perpetration of human rights abuses by state sanctioned actors and continued fighting caused Karenni villagers to flee to Thailand throughout the year. The KNPP reported that their intentions to negotiate a ceasefire with the SPDC remained despite the ongoing-armed conflict. At the end of 2004, there were approximately 22,500 Karenni refugees in refugee camps in Thailand. (Sources: HRW, 2001; *Six-Month Report*, TBBC, July-December 2004)

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 (MNLA). There are nearly two 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 ceasefire 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. In addition, due to the lack of infrastructure, constant new arrivals, lack of access to agricultural lands outside of the ceasefire areas and a variety of other factors, the resettlement sites/camps within Mon State remain dependent upon humanitarian assistance. (Sources: *Six-Month Report*, TBBC, July-December 2004; HRW, 2001)

In November 2001, 153 people broke away from the NMSP to form the Hongkawatoe Restoration Party (HRP). Since its formation, fighting has ensued between the HRP, NMSP and the SPDC army, which continued through 2004. The SPDC army has reportedly increased its military presence in southern Mon State over the past three years in an attempt to overtake the HRP. The increased SPDC military presence has resulted in increased restrictions and abuses of Mon villagers. In addition, on 18 September 2004, the KNLA combined with the All Burma Muslim Union (ABMU) and attacked the HRP stronghold, killing two HRP soldiers and the leader of the HRP Colonel Pan Nyunt's five children. The HRP also lost control of the base and many HRP members sought medical treatment in Thailand for injuries sustained during the attack, including Col Pan Nyunt. The KNU reported that the attack was a result of the HRP's unsanctioned tax collecting activities in KNU territories. (Source: "Mon Splinter Group Under Pressure," *Irrawaddy*, 12 October 2004)

Throughout 2004, Mon refugees continued to arrive at Halokhanee, Bee Ree and Tavoy resettlement-sites in NMSP territory and to refugee camps in Thailand. Mon villagers fled from various human rights abuses, including land confiscation, forced labor, excessive taxation and increased restrictions on movement. These abuses either caused displacement or created greater obstacles for maintaining livelihoods, which in turn caused villagers to flee their homes. It has been reported that certain human rights abuses, such as land confiscation, have increased in southern Mon State over the past three years due to the augmented SPDC military presence to combat the HRP (source: "More Mainland Lost to Burma Army," *Kao Iaw News*, 2 November 2004). At the same time, SPDC counter insurgency campaigns and concurrent human rights abuses in 2003 led to decreased agricultural production and the need for greater humanitarian assistance in the Tavoy resettlement site in 2004 (source: *Six-Month Report*, TBBC, January- June 2004).

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 ceasefire with SLORC in 1991. Yet, 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 Akha, Lahu, Lishau, Palaung, Pa-o and Wa. At one time, Shan State was an autonomous region in Burma. The Shan were promised the right to secede from the Union of 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 an attempt to both eliminate all support for the Shan armed resistance groups and to also control the region's natural resources. It is estimated that within a 6-month period, between March and September 1996, more than 450 villages in the area between Namsan-Kung 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, between 50,000 to 100,000 people had been relocated with the intention of resettling 250,000 Wa people in total. (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. The USCRI reported that over 300,000 refugees from Shan State remained in Thailand in 2004 (source: *World Refugee Survey 2005*, USCRI, 15 June 2005). The Shan Human Rights Foundation (SHRF) reported that the arrival rate to the Fang district area of Thailand alone reached approximately 1,400 people per month in the first half of 2004, while it was only 900 per month in the second half of the year (source: *Six-Month Report*, TBBC, January-June & July-December 2004). 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, the Thai government labels them as "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 SHRF 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. These people 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*, SHRF, 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 Shan State Army (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 2004

January

On 4 January, a group of 23 Burmese activists in detention in the Special Detention Center (SDC) in Bangkok engaged in a hunger strike protesting the Thai government's intention to return all activists to Burma and the human rights abuses perpetrated against pro-democracy activists both in Thailand and in Burma. On 5 January, a representative from the UNCHR met with the protestors. However, the discussions did not yield any understanding between the two parties and the strike persisted. On 7 January, the activists halted the strike when UNHCR agreed to accept their applications for resettlement in third countries. (Sources: "Activists Stop Hunger Strike," *Irrawaddy*, 7 January 2004; "Burmese Activists Stage Hunger Strikes in Thai Prison," DVB, 5 January 2004)

On 5 January, the UNHCR announced that it would temporarily halt accepting applications for recognition as a POC under the refugee status determination process from asylum seekers residing outside of the refugee camps. The announcement was retroactive, causing all applications received from 1 January onward to be held and not reviewed. Applications received before the cut off date of 31 December 2003 were still reviewed. UNHCR's actions came following a Thai government order. (Source: HRDU, 2004)

February

On 1 February, the UNHCR resumed accepting applications from asylum seekers residing outside of the refugee camps. Applications received after 31 December 2003 were not to be reviewed by the UNHCR's refugee status determination process. Instead, all applicants in 2004 and beyond were to be reviewed by the Thai government under a new system yet to be announced with the goal of placing all asylum seekers in one of the border refugee camps. New applicants in 2004 received a document from the UNHCR indicating that they had applied to be considered for entrance to a border refugee camp.

March

On 3 March, the European Union (EU) announced the allocation of 9.5 million euros or 11.59 million dollars for humanitarian assistance programs for Burmese refugees both on the Thai-Burma border and inside Burma. Organizations to receive funding included the Thai-Burma Border Consortium, International Organization for Migration (IOM) and the UNHCR. The

EU also announced the intention to grant 1.78 million euros to the UNHCR to support repatriation assistance programs for refugees returning from both Bangladesh and Thailand. (Source: "EU Pledges 9.5 Mln Euros in Aid for Myanmar Refugees, Ethnic Groups," AFP, 3 March 2004)

In the beginning of March, local authorities placed Burmese language signs throughout Mae Sot to inform undocumented Burmese migrant workers of an upcoming crackdown. Those arrested during the sweep were vulnerable to jail time along with deportation. In addition, landlords renting to undocumented migrants were also threatened with fines and possible jail time. In turn, many landlords were reportedly evicting tenants prior to the 15 March deadline. As all asylum seekers residing outside of the refugee camps are classified as illegal migrants, undocumented Burmese activists in exile were also vulnerable to the consequences of the crackdown. Out of fear, many undocumented workers returned to Burma prior to the crackdown on 15 March. For activists in exile, return to Burma was not an option. (Source: "Migrants Flee Arrest, Go Home," *Irrawaddy*, 12 March 2004)

On 11 March, it was reported that the UNHCR and the SPDC agreed to commence creating conditions in Burma acceptable to allow for repatriation of the refugees in the camps in Thailand. Through the agreement, the UNHCR was granted access to the border areas. The UNHCR would operate from its offices in Rangoon and utilize local NGOs to provide health, education, infrastructure development and community support assistance. Any plans for repatriation would also be dependent upon the result of ceasefire discussions between the SPDC and ethnic opposition groups such as the KNU (source: "UN & Myanmar Strike Deal Possible Refugee Returns," *Scoop*, 15 March 2004). The UNHCR announced that it would run three exploratory workshops in Karen State, Mon State and Tenasserim Division to measure the situation (source: Macan-Markar, Marwaan, "Refugees' Return Won't Be Easy or Quick," *Inter Press Service*, 18 March 2004).

On 16 March, the International Organization for Migration (IOM) reported that medical screening of POCs preparing for resettlement in the USA had commenced. (Source: "Thailand - Hmong and Burmese Refugees Prepare for US Resettlement," IOM, 16 March 2004)

By 16 March and the commencement of the crackdown on illegal residents, it was estimated that 6,000 migrant workers had returned to Burma leaving Mae Sot, Thailand quiet and businesses lacking workers. In addition, unable to return to Burma while the crackdown ensued, many activists in exile without any documents went into hiding. (Source: Seng, Naw, "Mae Sot Very Quiet as Crackdown Starts," *Irrawaddy*, 16 March 2004)

On 22 March, at the Repatriation of Burmese Refugees Seminar at Chulalongkorn University, National Security Council (NSC) deputy secretary-general Prakrit Prachaonpachanuk reported that the refugee determination process would be performed by the Provincial Admissions Boards (PABs) while the UNHCR would maintain only an observer status in the process. The PABs are led by the governors of Chiang Rai, Kanchanaburi, Mae Hong Son and Tak provinces. (Source: Pinyorat, Rungrawee C, "Burmese Refugees: UNHCR Barred from Giving Status," *The Nation*, 23 March 2004)

April

In April, UNHCR met with the Royal Thai Government, various donors and NGOs in separate meetings in an attempt to commence creating a contingency plan for the repatriation of refugees from Burma. The meetings were a preliminary step with the intention that all groups would eventually meet together. (Source: *Six-Month Report*, TBBC, January- June 2004)

On 7 April, Mae Sot customs chief, Surachart Jantawatchrakorn, reported that four customs checkpoints might open over the following three months in Umphang, Phoppa, Mae Ramat and Tha Song Yang. The opening of the customs checkpoints would follow the Pagan Agreement reached in March 2004 between leaders of Thailand, Laos, Cambodia and Burma to promote greater economic cooperation between countries in the region. (Source: Shin, Aung Su, "Four Border Checkpoints to Open," *Irrawaddy*, 8 April 2004)

On 16 April, a Thai military officer informed Maw Paw, the head of a Shan clinic near the border in Mae Fa Luang district, Chiang Rai province, that the clinic had to move. The clinic contained 12 beds and was established on 25 January 2001 following a Burma Army offensive against the Shan State Army (SSA), which caused the major displacement of Shan people. The clinic was also frequented by local Thai villagers. (Source: "Shan Border Clinic Told to Move Out," SHAN, 4 May 2004)

On 24 April, local Thai authorities in Mae Sot, Tak province, ordered the National Council of the Union of Burma (NCUB) to stop and dissolve a regular organizational meeting. The order to stop the meeting reportedly came from Bangkok level authorities. (Source: Kyaw Zwa Moe, "Mae Sot Opposition Meetings Stopped," *Irrawaddy*, 27 April 2004)

On 25 April, the local Thai authorities stopped the National League for Democracy-Liberated Area (Youth) (NLD-LA(Youth)) organization's tri-annual meeting on the third and final day. One member of the NLD-LA (Youth) reported that the Thai authorities photographed all 36 attendees and questioned them about the party and their activities. (Source: Kyaw Zwa Moe, "Mae Sot Opposition Meetings Stopped," *Irrawaddy*, 27 April 2004)

On 26 April, approximately 20 Thai military, police and immigration personnel told the Students & Youth Congress of Burma (SYCB) to stop and disband a meeting of the organization in Mae Sot, Tak province. According to one member of the organization, the Thai authorities were polite in their request and remained to monitor as the participants exited the meeting. (Source: Kyaw Zwa Moe, "Mae Sot Opposition Meetings Stopped," *Irrawaddy*, 27 April 2004)

May

On 18 May, it was reported that more than six pro-democracy activists and former political prisoners arrived to the Thai side of the Thai-Burma border fleeing an environment of heightened security and surveillance by military authorities during the first few weeks of May. The tenuous environment was believed to be a result of the SPDC organized National Convention, which commenced on 17 May. Several of the new arrivals indicated that they feared arrest for the smallest association with political activities at that time. (Source: "Burmese Activists Flee Rangoon for the Border," *Irrawaddy*, 18 May 2004)

On 23 May, Maj. General Pongsapat Pongcharoen, spokesman for the Acting National Police Chief, reported that immigration police posted at border checkpoints with Burma, Cambodia and Laos were ordered to augment the screening process. Thai authorities believed that the labor registration process set to commence on 15 June would draw high numbers of migrants across the border. Immigration officials would also keep an eye on illegal border crossing points, while the military combined with immigration would crackdown on areas where illegal workers were housed in 30 provinces. (Source: "Clampdown Ahead of Worker Registration," *The Nation*, 24 May 2004)

From 24 May to 28 May, the first group of 187 UNHCR recognized POCs left for the USA as part of a resettlement program. (Source: Naw Seng, "Burmese Refugee Set to Leave for US," *Irrawaddy*, 10 May 2004)

On 27 May, 25 pro-democracy supporters-in-exile demonstrated outside of the Burmese Embassy in Bangkok in honor of the 14th anniversary of the 1990 elections and to protest the ongoing detention of Aung San Suu Kyi. Bangkok police arrested the group representing several ethnic groups from Burma, including Chin, Mon and Rohingya. Many members of the group were UNHCR recognized POCs and were released shortly after presenting documentation of their status. The others were charged with being illegal immigrants although it was reported that they had already applied for UNHCR status. (Source: "Thai Police Swoop on Protestors at Myanmar Embassy," AFP, 27 May 2004)

In mid May, "Thai government authorities insisted that Thai-based Burmese NGOs, heretofore permitted by authorities to travel and provide training and aid to refugees, cancel all public meetings and travel. These NGOs are uncertain when, or if, they will be able to renew their activities. The Thai government told international NGOs to limit their presence in the border refugee camps to one to two staff and to get a schedule of visits approved a month in advance." These instructions were issued around the same time that the SPDC organized National Convention was convened in Burma on 17 May. (Source: "Threats to Burmese Refugees in Thailand Increasing," Refugees International, 16 June 2004)

June

On 8 June, a delegation from Norway commenced interviewing approximately 100 UNHCR recognized POCs for resettlement to Norway at the UNHCR office in Bangkok. It was also reported that the Australian Embassy reinstated a resettlement program for Burmese with relatives already living in Australia. Both countries joined the USA as a recipient for resettling Burmese refugees from Thailand. (Source: Aung Lwin Oo, "More Burmese Refugees to Be Granted Asylum," *Irrawaddy*, 10 June 2004)

In June, heavy rains caused significant erosion in Mae La Oon refugee camp which endangered both roads and houses in the camp. The heavy rains also caused the Yuam River to rise to flood levels which blocked road access to the camp. The effect of the heavy rains in the early part of rainy season raised concerns for potential damage following increased rainfall in the latter part of the season. (Source: *Six-Month Report*, TBBC, January-June 2004)

July

From 6 to 7 July, UNHCR representatives conducted a mission to Kanchanaburi, Sanklaburi, Ban Don Yang camp and Tham Hin camp to evaluate needs and attitudes of refugees and stakeholders as part of the contingency planning process for voluntary repatriation pending suitable conditions. From 19 to 24 July, UNHCR conducted a mission to Mae Sot, Mae La camp, Nu Po camp and Umpeium Mai camp for the same purposes.

On 15 July, the first group of UNHCR recognized POCs who had been living in Mae Sot, Tak province, left for resettlement in the USA. The group included activists from the Democratic Party for A New Society (DPNS), All Burma Students Democratic Front (ABSDF) and the Mae Tao Clinic. (Source: Aung Su Shin, "First Batch of Refugees US-Bound," *Irrawaddy*, 15 July 2004)

On 18, 20 and 23 July, more UNHCR recognized POCs living in Mae Sot, Tak province, left for resettlement in third countries. (Source: Aung Su Shin, "First Batch of Refugees US-Bound," *Irrawaddy*, 15 July 2004)

On 21 July, the Ministry of the Interior (MOI) of Thailand issued an order under which all POCs recognized before 31 August 2003 were required to register with the Immigration offices in Bangkok and Mae Sot by the end of August 2004. This directive was one step in the process of relocating POCs to the border refugee camps. According to the order, those who did not register with immigration would be considered illegal immigrants. The deadline for the relocation was later pushed back and POCs continued to remain in urban centers beyond August 2004. (Source: Aung Lwin Oo, "Refugees Bound to Border Camps," *Irrawaddy*, 10 August 2004)

By the end of July, approximately 600 recognized POCs had departed for resettlement in the USA. (Source: *Six-Month Report*, TBBC, January-June 2004)

August

On 7 August, Karen villagers from the Zami River area in Kya-in Sei-ki, Karen State, fled from their homes to escape forced portering for SPDC battalions 547 and 355 who engaged in an offensive against the Karen National Liberation Army (KNLA) Brigade 6. It was reported that approximately 80 people were taken for portering duties on the frontlines. At the same time, other villagers from Taung Zan, Than Pa Yar, Nat Eing and Sin Pyay villages were held with the troops for potering duties as needed. It was also reported that troops from these two battalions erected unofficial checkpoints to collect taxes from travelers. (Source: Taramon, "Karen Villagers Flee Military Operation," *Kao Wao News*, 10 August 2004)

On 7 August, the Burma Army and the SSA engaged in their first considerable battle of the year approximately one kilometer from the border with Thailand. The location of fighting was near Ban Piang Luang, Wiang Haeng District, Chiang Mai, Thailand. Due to the fighting, four mortars reportedly fell in the Thai forest while there were no reported injuries. (Source: Subin Khuenkaew, "Burmese Forces Wage Battle Near Thai Border," *Bangkok Post*, 8 August 2004)

In August and September, heavy rains in Mae La Oon refugee camp posed threat of landslides and flooding. As a result, 73 houses determined to be most vulnerable were

relocated to Pwe Ba Lu, a site near Mae La Oo which had been considered as a site for the camp when it was first relocated in late 2003. Pwe Ba Lu was concluded to be unsuitable because it was too close to the border. (Source: *Six-Month Report*, TBBC, July-December 2004)

September

On 23 September, it was reported that the Thai authorities commenced construction of concrete and barbed wire fences around Mae La refugee camp in Tak province. The Thai Foreign Ministry reported that the fence was an attempt to stem refugees' participation in deforestation and environmental degradation. It was also reported that foreign humanitarian aid organizations were facing increased restrictions on their activities in the camps. (Source: "Tighter Conditions at Thai Camp," *Far Eastern Economic Review*, 23 September 2004)

October

In October, the UNHCR commenced registration of the refugee camp populations. This was the first official camp headcount in six years. The registration recorded greater details about the refugees, including original village. Only refugees who had previously been registered would be re-registered. Unregistered refugees would be counted and their information would be recorded with the intention for their cases to be presented for consideration by the PABs when they commence operations. (Source: *Six-Month Report*, TBBC, July-December 2004)

On 9 October, it was reported that the governor of Tak province intended to propose the repatriation of Burmese refugees in Tak province to Prime Minister Thaksin Shinawatra at an 18 October mobile cabinet meeting. The proposal would target the 80,000 both registered and unregistered refugees residing in the province. Deputy Governor Suracahi Puengjitton insisted that the refugees faced uncertain futures outside of their homeland and return was in their best interest. In addition, he contended that unregistered refugees created a financial burden for the province. (Source: Supamart Kasem, "Tak Governor Wants 80,000 Burmese in Mae Sot Repatriated," *Bangkok Post*, 9 October 2004)

On 18 October, Prime Minister Khin Nyunt was arrested on corruption charges. At the same time, representatives from the KNU arrived in Rangoon to continue ceasefire discussions. The delegation left Rangoon quickly without any formal discussions transpiring.

On 25 October, a drunken Karen man aggravated a Muslim man in Mae La refugee camp and a quarrel between the two men ensued. Shortly after, approximately 100 Muslim men joined the scene and beat the Karen man. As a result, in the following evening of 26 October, approximately 200 Muslim men and a large group of both Christian and Buddhist Karen fought again. The second fight reportedly resulted in the injury of two Karen men and one Muslim man. In addition, Muslim owned shops in the camp were temporarily closed. (Source: Shah Paung, "Fracas in Mae La Refugee Camp," *Irrawaddy*, 27 October 2004)

December

On 13 December, it was reported that approximately 5,000 ethnic Karen were hiding in the jungles of Karen State from attacks perpetrated by the Burma Army. The attacks had commenced in mid-November but had become worse around the time of the report. In addition, it was reported that approximately 8,000 Karen had fled to refugee camps in Thailand due to the same attacks, which included destruction of food stores and barns. The Karen hiding in the jungles were reportedly enduring dysentery and respiratory complications due to a lack of proper water supplies and overcrowding. (Source: "Thousands Flee Crackdown in Burma," AP, 13 December 2004)

By the end of 2004, Medicines Sans Frontieres (MSF), an NGO administering health programs in the refugee camps and along the border, reported that sanitation conditions in Tham Hin camp were unacceptable. MSF reported that the toilets built beneath the houses were full and could not be emptied or replaced. The toilet situation combined with the inadequate space for the high volume of refugees inhabiting the camp contributed to an ongoing argument that the living conditions should be improved, the camp relocated, or the refugees be offered the opportunity for third country resettlement. (Source: *Six-Month Report*, TBBC, July-December 2004)

By the end of 2004, approximately 1,500 POCs had departed for resettlement in third countries. Approximately 1,250 were resettled in the United States, approximately 150 in Norway and the remainder in Australia, Canada, the Netherlands and Sweden. At the same time, the pace of the resettlement program was reduced when POCs with multiple-drug-resistant-tuberculosis were discovered among those destined for the USA, forcing the health examination system to be reviewed. In addition, housing to accommodate 1,400 people was constructed in Ban Don Yang, Nu Po and Tham Hin camps in accordance with the Thai government's order to relocate all POCs to the border camps. (Source: *Six-Month Report*, TBBC, July-December 2004)

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. Bangladesh only allows UNHCR to provide protection and assistance in the two refugee camps. New Rohingya asylum seekers continue to flee to Bangladesh but access to the camps is denied and their only option is to stay outside the camps as illegal migrants unprotected and unassisted. 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. The Rohingya are not considered one of the 135 national races. In 1990, the increased military presence in Arakan State 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 but 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. New arrivals also include refugees who may have been repatriated but found the conditions in Burma unbearable and fled again. 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. According to Amnesty International, approximately 236,000 refugees have been repatriated to Burma with approximately 20,000 Rohingya refugees remaining in the two 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 Government of Bangladesh 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 had been the fact that the SPDC had not officially cleared the remaining refugees in the camps and had created extensive bureaucratic procedures that complicated the repatriation process. Marking improved diplomatic and economic relations between the two countries in 2003, the SPDC agreed to lift conditions obstructing repatriation and to accept the remaining refugees in the camps who opt for voluntary repatriation.

Throughout 2004, relations between the two countries continued along the same sentiment as economic cooperation blossomed. Bangladesh has embraced on a "Look East" policy with the intention of opening new routes for commercial opportunities. Specifically, Burma and Bangladesh engaged in discussions for the construction of a road running from Ramu, Chittagong, Bangladesh to Buthidaung, Arakan State, Burma, which would allow Bangladesh to access Burma and eventually the rest of the ASEAN region (source: "Why Bangladesh Choose 'Look East' Policy?" *Kaladan News*, 5 May 2004). In addition, on 24 July, it was reported that the two countries had nearly agreed upon the construction of a bridge over the Karniphuli River which would connect the road system between Thailand, Burma and Bangladesh. While the construction of the bridge was not anticipated to be completed before the end of two years, the road link is expected to provide opportunities for commercial growth (source: "Bridge to be Built on Karniphuli Linking Road to Rangoon," *Kaladan News*, 24 July 2004). Many speculate that the improved relations between the two countries will result in tougher policies towards refugees.

Situation of Rohingya in Nayapara and Kutupalong Camps

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. As of 31 December 2004, the population of Kutupalong camp stood at 8,280 and Nayapara at 12,035 people. According to the UNHCR/World Food Program (WFP) joint assessment mission conducted in September 2004, the average family was comprised of 6.8 persons. Moreover, 40% of the families registered were comprised of a minimum of 10 persons. Families and extended family members tend to share the same houses due to a lack of access to new living space. Overpopulation and overcrowded living conditions contribute to poor sanitation and a “high-level disease environment.” The government of Bangladesh prohibits any construction of permanent structures or improvements to old ones as the refugees’ stay is viewed as temporary. As a result, refugee homes, constructed from bamboo and thatch, are easily damaged in harsh weather.

Rohingya are also denied access to local education and health institutions, and prior to 1997, all education was prohibited in the camps. While education is available to children up to 12 years old, the level is reported to be low as most teachers are volunteer refugees who have received the same poor level of education. Children are taught for only two hours each day and camp literacy rates stand at 12%. Higher education or vocational training is not available. Refugee teachers are reportedly pressured and threatened by camp officials as they are suspected of organizing refugees or engaging in political activities. (Source: “Bangladesh: Burmese Rohingya Refugees Virtual Hostages,” Refugees International, 9 May 2005)

Officially, refugees are prohibited from exiting the camp or seeking employment and may be subject to punishment from camp authorities if they are caught. Despite this risk, the UNHCR and WFP reported that 40% of refugee families have secured external sources of income. Refugees who work outside the camp are vulnerable to arrest by local police and harassment from the local community. While some refugees have managed to procure employment, most refugees are dependent upon humanitarian assistance for their survival. A 2003 UNHCR nutrition survey showed that more than 65 percent of refugee children were chronically malnourished. (Source: *Joint Assessment Mission Report*, UNHCR and WFP Bangladesh, October 2004)

Both Nayapara and Kutupalong are organized and managed by the Bangladeshi authorities and corruption and violence within the camps has long been reported. Majees, volunteer refugees who are selected by and work alongside the Bangladeshi camp officials as leaders of sections of the camps, also serve as intimidators and oppressors of the camp populations. Refugees do not have a camp committee of refugee representatives partaking in the decision making process or administration of any camp policies. They are prohibited from organizing meetings in the camp, and are threatened if they speak out against the conditions and treatment to either camp officials or foreigners who visit the camps. Some refugees have reported being subjected to jail time or other forms of punishment for being vocal about their situation. (Source: “Bangladesh: Burmese Rohingya Refugees Virtual Hostages,” Refugees International, 9 May 2005)

In response to the harsh treatment of camp officials and an incident on 7 June, the refugees of Kutupalong camp engaged in a hunger strike in June 2004. On 7 June, the Camp-in-Charge and police entered Kutupalong camp in the middle of the night to arrest one refugee. The refugee did not come out of his shed or respond when the Camp-in-Charge called him. As a

result, the Camp-in-Charge “instructed the police to break into the room. (Bangladesh) law enforcement and camp officials beat his wife and young child and stole some of the family belongings.” The Camp-in-Charge also ordered the police to open fire upon several other refugees who had gathered around the area when they heard the disturbance. As a result, three refugees sustained injuries. While UNHCR representatives came to look into the incident the following day, there was no direct response. In reaction, refugees commenced a hunger strike on 9 June during which “they refused to collect their food ration and displayed banners demanding protection from abuses by camp officials.” Refugee advocates expressed concern that the Bangladeshi authorities “might use excessive force” to contend with the refugees (source: “Violence Feared Against Rohingya Refugees in Bangladesh,” Forum-Asia, 18 June 2004). After approximately 21 days, representatives from the UNHCR met with the refugees. The UNHCR indicated that the authorities had agreed to allow the formation of a refugee committee elected by the refugees and to release protestors who had recently been arrested. As a result, the refugees commenced collecting their rations again. Yet, the strike had not entirely ceased. Tensions elevated again as the authorities did not honor their promises. (Source: Forum-Asia, 2005)

Following the hunger strike, incidents between refugees in Kutupalong camp and NGOs providing humanitarian assistance were reported. On 22 September 2004, refugees harassed a World Food Program employee. As a result, UNHCR increased their security measures, restricting movement for all UN staff and their implementation partners. On 12 October, a group of refugees attempted to halt a UN convoy which was passing Kutupalong camp in an effort to hand over petitions. Yet, the police made the refugees scatter. (Source: Forum-Asia, 2005)

On 18 November, a major altercation between refugees and Bangladeshi authorities transpired in Kutupalong camp. According to Refugees International, refugees had wanted to assemble to discuss the harsh ways in which they were treated by camp officials and majees. However, camp authorities prohibited the assembly and arrested one refugee leader. Subsequently, local people entered the camp and combined with the police. Together, they sought to arrest more refugees and the refugees attempted to block the groups’ passage. A conflict transpired when a majee reportedly threw a stone at and hit a police officer. In response, the police officer shot in the air and then at the crowd. The conflict resulted in the death of three refugees and injury of several others. The clash also resulted in the detention of 42 refugees. The following day, local people entered the camps again looting refugee possessions and destroying a few refugee sheds. (Sources: “Bangladesh: Burmese Rohingya Refugees Virtual Hostages,” Refugees International, 9 May 2005; Forum-Asia, 2005)

UNHCR Disengagement and Forced Repatriation

“There are clear indications that the repatriation process may soon quicken. It is important that both Bangladesh and the UNHCR sustain and build upon the progress achieved so far. I would like to conclude by reiterating that it is important not to digress from efforts towards encouraging the repatriation process, but to maintain this momentum. People must be allowed to live in their homes, with dignity, and have the means to earn their livelihoods there.”

(Source: Excerpts of Statement by H.E. Toufiq Ali, Ambassador of the Bangladesh mission to the UN in Geneva, 5 October 2004)

In early 2003, the UNHCR announced a plan for “promoting self sufficiency pending voluntary repatriation,” which proposed the transfer of responsibility for assistance programs in the two refugee camps to the Bangladesh authorities and the phasing out of UNHCR and partner NGOs’ presence. To enable the refugees to become self-reliant, the UNHCR proposal included 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)

The disengagement plan raised many concerns for 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 expressed its desire for the UNHCR to remain an active participant in the repatriation process and a source of assistance for the camps. Aside from being ill-equipped to manage all of the assistance programs, the government of Bangladesh 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, in response to UNHCR’s plan to disengage from the repatriation process, reports of harassment, coercion, intimidation, and forced repatriation came in high volume from the camps. The number of refugees repatriated dramatically increased from 93 in April to 704 in May. Evidence of forcible repatriation emerged, revealing coercion perpetrated by camp police, Camp-in-Charges, camp staff and majees. The methods of coercion included confiscation of ration books, arbitrary arrest and detention, confiscation of refugees’ property, 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. As a result of advocacy efforts, the forcible repatriations were brought to the attention of UNHCR in Geneva, leading to an increase in the number of protection staff in Bangladesh. While the reports of physical threats and numbers of refugees repatriated reduced, other methods of harassment and pressure were still exerted by the majees. (Sources: “We Are Like A Soccer Ball, Kicked by Burma, Kicked by Bangladesh,” Forum-Asia, June 2003; “Thousands of Refugees Harassed to Return to Myanmar,” MSF, 17 September 2003)

According to the UNHCR, 210 refugees were repatriated in 2004, a significant decrease from the 3,000 repatriated in 2003. Several repatriations were forced in 2004. Yet, when the UNHCR in Burma discovered this, they sent the forcibly repatriated refugees back to the camps in Bangladesh. Concurrently, the Government of Bangladesh officially repudiated the UNHCR’s plan for local integration in September 2004 while highlighting repatriation as the

only solution to the refugee issue. Furthermore, the government of Bangladesh indicated their intention to complete the repatriation process by the end of 2005, again raising concerns for the protection of refugees. By the end of the year, approximately 6,000 refugees had signed voluntary repatriation affidavits and had been cleared by the SPDC for re-entry, although it is believed that many of these forms were signed due to methods of coercion similar to those reported in 2003. (Source: *Overview of the Bangladesh-Burma Border*, Forum-Asia, 10 November 2004)

Despite the low numbers of refugees repatriated in 2004, camp officials, majees, and police continued to harass refugees who refused to sign the declaration of voluntary repatriation. In January 2004, Kaladan News reported the detention of six Rohingya refugees following their refusal to repatriate (source: "Detained for Refusal of Forced Repatriation in Bangladesh," *Kaladan News*, 11 January 2004).

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. Access to the camps has been denied to those who arrived after the mass repatriation started in 1994. Therefore, 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 as 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 also 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 results 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 November 2002, the Bangladeshi authorities forced several thousand Rohingya in the Teknaf area to vacate their homes. As the evicted Rohingya had nowhere to go, an unofficial makeshift camp in Teknaf near the Naf River was immediately created. Approximately 4,000 people lived in the camp which was essentially a slum with houses made of plastic sheeting. The conditions in the camp were reported to be extremely poor as there are only a few water pumps, latrines, and no proper sanitation. Each hut housed 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 were not eligible for health services from NGOs or the government. As a result, the Burma Centrum Nederland reported that diarrhea, skin and other infectious diseases, worms, and malaria were common (source: *Caught Between A Crocodile and A Snake*, Burma Centrum Nederland, April/May

2003). In May 2004, three young children reportedly died from diarrhea and lack of access to medical treatment (source: "Diarrhea Claims Three Infants in Teknaf Makeshift Refugee Camp," *Kaladan News*, 23 May 2004). Moreover, the camp was located in a low level area that was prone to flooding which had 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).

Throughout 2004, the population of the unofficial camp increased to up to 10,000. Rohingya refugee residents were subject to several attacks and relations with the local community remained precarious. On 24 February, it was reported that four refugee women were raped when an altercation ensued between local residents and camp residents (source: "Four Refugee Women Raped," *Kaladan News*, 14 March 2004). In addition, on 9 June, young local residents attacked the refugee residents of Teknaf using knives and sticks as weapons, causing injury to 20 refugees. Again on the following morning of 10 June, the group of young local residents attacked the camp resulting in the injury of 15 additional refugees. Moreover, the attackers continued to threaten and monitor the refugees' movements preventing them from exiting the camp. The anti-refugee sentiment reportedly stemmed from the arrest of two local people who stole tube wells which had been provided by local NGOs for the refugees. When the Rohingya reported the theft and lodged a complaint against seven alleged perpetrators, two men were arrested and later released on bail. The two who were arrested were reportedly part of the group of attackers (source: "What A Fate of Unofficial Rohingya Refugees in Bangladesh!" *Kaladan News*, 11 June 2004).

On 19 October 2004, the unofficial refugee camp at Teknaf was relocated to Dumdumia near Ukhiya, approximately 6 km north of Teknaf and formerly the site of another refugee camp. The relocation was the result of increased tension and anti-Rohingya sentiment among the local community due to the distribution of donated items from a local Islamic NGO (source: "Overview of the Bangladesh-Burma Border," Forum-Asia, 10 November 2004). According to *Kaladan News*, the population of Dumdumia consisted of approximately 10,000 refugees (source: "Unofficial Makeshift Refugee Camp of Teknaf Relocation to Dhomdomia," *Kaladan News*, 12 November 2004).

Situation of Rakhine Refugees in Bangladesh

At the end of 2004, there were 110 Rakhine, mostly from Rakhine State also known as Arakan State, and other Burmese in Dhaka who were recognized as refugees by the UNHCR. The Burma Centrum Nederland reported that a few hundred 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 POCs 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 2003, a number of protests ensued calling for a faster process of receiving recognition for new applicants, an end to the lump-sum small business grant, and continuation of the monthly assistance allowance. Despite these protests, Rakhine refugees in Dhaka continued to endure the same difficulties throughout 2004. Many refugees who had lost their 1,300 taka monthly subsistence allowance after the six-month allowance period ended and accepted the lump-sum small business grant were reportedly facing increased difficulties in their daily survival. UNHCR grants usually amount to 15,000 taka while grants as much as 35,000 taka have been reported. Refugees who accepted the grant have indicated that the amount of money provided is inadequate for establishing a proper business which is able to compete with Bangladeshi businesses. In addition, the continued language barrier, racism, and other social stigmas remain obstacles. Single women face particular hardships due to the conservatism in Bangladesh society. (Source: "Forgotten Burmese Refugees in Dhaka," *Narinjara News*, 21 June 2004)

A number of Rakhine refugees seeking UNHCR recognition reside in the Chittagong Hills. The lengthy duration of the application process for UNHCR recognition creates major barriers for these refugees as they do not have enough money to pay for repeated trips from the jungle to Dhaka, which may be necessary during the application process. Moreover, they do not have sufficient funds to stay in Dhaka while awaiting the UNHCR's decision. Many refugees who have applied for UNCHR recognition reported rejection without an adequate explanation. (Source: "Burmese Refugees' Hunger Strike in Dhaka: Respite after Talks with High Officials," *Narinjara News*, 8 February 2003)

Arakanese (Rakhine) exiles demonstrate in Dhaka

On 8 August 2004, approximately 80 Arakanese activists-in-exile from the Working Committee for Demonstration Restoration in Burma (WCDRB), Arakan League for Democracy (ALD), and All Arakan Students and Youth Congress (AASYC) demonstrated in honor of the 16th anniversary of the 8-8-88 uprising. Bangladesh police instructed the activists to relocate from in front of the Bangladesh High Court where they had assembled and not to shout too loudly. The demonstration ensued for only two hours before the police forced it to end. According to one participant, police had never interceded in demonstrations before. Moreover, the participant believed that the police intervention was indicative of the increasingly positive relationship between the SPDC and government of Bangladesh. (Source: "Arakanese Exiles Hold Demonstration in Dhaka," *Narinjara News*, 9 August 2004)

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 of these detainees 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, 2004)

Following meetings between Bangladeshi and Burmese border authorities, some Burmese who completed their jail terms were returned to Burma in 2004. On 5 March 2004, in front of regional authorities and local people at a Buddhist celebration in Bandarban, the Burmese Ambassador to Bangladesh reported that citizens from Burma in Bangladesh's jails would be received by Burma (source: "Burma Will Accept Its Citizens Jailed in Bangladesh," *Narinjara News*, 11 March 2004). This statement gave rise to hopes for the remaining Burmese in the many Bangladeshi jails. On 28 February, the Bangladesh Rifles (border authorities) handed 72 Burmese who had completed their jail terms in Bangladesh over to the Nasaka border authorities of Burma. The majority of the group of 72 had served seven to eight year terms in jail for entering Bangladesh illegally (source: "72 Burmese Nationals Sent Back to Their Home," *Kaladan News*, 3 March 2004). Again on 19 August, 133 Burmese were returned to Burmese authorities after having completed jail terms for illegal entry. The group was largely comprised of fisherman who had served three to six-month jail terms (source: "Bangladesh Hand Backs 133 Myanmar Nationals," *Reuters News*, 19 August 2004). Those who were returned to Burma during the year did not include any Rohingya.

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 USCRI, there are approximately 60,000 refugees from Burma residing in India. Yet, refugees from Burma in India remain in unstable and precarious situations as the Indian government is not a signatory to the 1951 Refugee Convention and nor does India have the legal framework through which refugee status can be determined. Following the exodus of refugees after the 1988 pro-democracy uprising, the Indian government established refugee camps in Mizoram State. In 1992, these camps were closed and all humanitarian assistance provided to Burmese refugees was halted.

According to the CHRO, 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 pro-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 majority of Chin, concentrated mostly in Chin State, are Christian and face a high level of persecution aimed at converting them 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 projects 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, the local ethnic group of Mizoram State, and the Chin are ethnically and linguistically related, the Chin

were initially accepted in the local communities. In recent years, the Chin have met increasing intolerance as they are often blamed for social problems such as crime and drug trafficking. 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 July 2003, the alleged rape of a nine-year old Mizo girl by a Burmese man led the YMA to launch the "Quit Mizoram Campaign" to evict all of the Chin refugees from Mizoram. As a result, an estimated 6,000 Chin were forced back to Burma while approximately 10,000 were rendered homeless.

Throughout 2004, over 50,000 Chin remained in Mizoram State with many reporting that they would prefer to contend with the ongoing threat and harassment of the YMA rather than return to the abuse and insecurity from which they fled in Burma. According to Refugees International, an estimated 30,000 Chin remained in hiding following the eviction and deportation campaign of 2003. While deportations of the same magnitude did not occur during 2004, Chin refugees endured ongoing risk of harassment, torture, arrest, eviction, and deportation perpetrated largely by members of the YMA. Local police have been reported to have gone with YMA members from time to time as they visited Chin homes. Some Chin, who received warning of an imminent YMA visit, hid in the forests returning after a few days to find their residence in disarray and many of their possessions ravished. The YMA have also threatened landlords against renting to Chin, resulting in further difficulties for Chins in obtaining shelter and stability (source: "Between a Rock and a Hard Place: Burmese Chin Refugees in India," Refugees International, 22 July 2004). In June 2004, the Lunglei YMA issued an order that all foreigners without an Inner Line Permit had to vacate the Lunglei area by the end of July 2004. The YMA claimed that their order coincided with Indian government policy towards foreigners. The Lunglei YMA also announced that they would not be held accountable for the effects endured by those who did not follow the order. As of 1 August, at least 3 Chin people had been arrested in conjunction with the campaign (source: "Chin Refugees in Mizoram Face Threat of Deportation," *Rhododendron News*, Volume VII. No. IV, CHRO, July-August 2004).

Refugees International reported that some local community members sympathized with the Chin and engaged in efforts to assist them. A police superintendent in Lunglei provided temporary permits to remain in the area for Chin who he concluded to have fled from oppression. Other local officials in Lunglei allowed Chin, who had a Mizo employer to verify employment, to apply for permission to remain in the area. (Source: "Between a Rock and a Hard Place: Burmese Chin Refugees in India," Refugees International, 22 July 2004)

Situation of Refugees and Asylum Seekers in New Delhi

According to the CHRO, there are approximately 1,500 Chin, Kachin and Burman refugees living in New Delhi. Refugees International reported that New Delhi holds the largest population of UNHCR recognized refugees, also known as Persons of Concern (POCs), in the world at approximately 15,000 refugees. However, only approximately 1,000 of these are refugees from Burma. Those who are recognized by the UNHCR receive residence permits but do not receive work permits, which makes obtaining employment both difficult and illegal, rendering the informal sector as one of the few possibilities for employment. 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 contended that the monthly subsistence allowance 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 for integration, the UNHCR has been providing Hindi, English, computer, and vocational training. Despite the provision of training, 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)

In 2004, UNHCR continued to implement the subsistence phase-out rendering many UNHCR refugees unable to meet their daily survival needs. Many refugees have reportedly been evicted from their homes and forced to live in overcrowded accommodation, as they were no longer able to pay their rent. Other reports indicate that refugees have turned to searching in markets after hours for repudiated food. As a result of these increased hardships, the CHRO argues that the subsistence allowance phase-out has created greater obstacles to local integration rather than promoting it. Moreover, CHRO contends that the lack of subsistence support has increased the vulnerability and instability of the refugees from Burma residing in Delhi. (Source: *CHRO’s Presentation at the US State Department Bureau for Population, Migration and Refugees*, CHRO, 12 October 2004)

Non-UNHCR recognized refugees residing in Delhi face the same difficulties in their daily survival. The formation of urban “camps” have been reported with approximately 30 to 50 people sharing small flats with extremely limited space. The refugees inhabiting these “camps” have reportedly been rejected for UNHCR recognition or have not yet applied. Moreover, obtaining refugee recognition from the UNHCR had become increasingly rare with few other options for assistance. (Sources: *Razor’s Edge: Survival Crisis for Refugees from Burma in Delhi, India*, Project Maje, November 2004; *Visit to the Chin and Kachin Refugees in India*, CSW, 2-9 March 2004)

14.5 Situation of Refugees in Malaysia

Asylum seekers and refugees from Burma make up the second largest group of refugees in Malaysia. According to the UNHCR, there are approximately 10,000 Rohingya refugees and 8,000 refugees of different ethnic groups from Burma. The Rohingya along with other ethnic groups flee religious and ethnic persecution along with other human rights abuses perpetrated by the Burma Army or other state affiliated bodies and actors. Like Bangladesh, India, and Thailand, Malaysia is not a signatory to the 1951 Convention on the Status of Refugees resulting in lack of security and protection for those who seek asylum there. According to Malaysian law, refugees and asylum seekers are considered illegal immigrants and are subject to severe immigration laws under the Immigration Act. At the same time, as illegal immigrants, refugees and asylum seekers from Burma are vulnerable to extortion, theft, sexual abuse, arrest, deportation, and many other difficulties. They also face lack of access to social services such as 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, frequently leading to work in brothels or on fishing boats.

A few asylum seekers attempt to apply to the UNHCR in Kuala Lumpur for recognition as refugees. Since 2003, Rohingya asylum seekers who approach UNHCR receive a temporary protection letter indicating that they are Rohingya Muslims registered with the UNHCR. The UNHCR reports that it recognizes that Rohingya are stateless in Burma. As a result, individual applications for recognition as a refugee have not been processed due to the length of time an asylum seeker must wait for an interview. The temporary protection letters for Rohingya are intended to serve as a faster solution (source: Yap Mun Ching, "Rohingya Discontent Troubles Malaysia," *Malaysiakini*, 27 April 2004). Yet, those who are recognized by the UNCHR or those who have temporary protection letters have no greater sense of security as the Malaysian authorities have been reported to arrest, harass, detain, and deport both UNHCR recognized refugees and those who are under consideration for refugee recognition. In addition, the Malaysian police frequently block access to and arrest asylum seekers outside of the UNHCR compound, intimidating and preventing many refugees from registering. On 13 April 2004, Malaysian police arrested 30 asylum seekers from Burma who were outside of the UNHCR compound in Kuala Lumpur in a regular operation to crackdown on illegal immigrants. (Source: Ching, Yap Mun, "Burmese Nationals, Asylum Seekers in Police Dragnet," *Malaysiakini*, 14 April 2004)

Pro-democracy activists arrested outside of Burmese embassy

On 17 May 2004, 21 pro-democracy activists were arrested while peacefully demonstrating against the SPDC and the convening of the National Convention outside of the Burmese Embassy in Kuala Lumpur. The group of activists, which included a five year-old boy, were held at the Cheras police station. The police reportedly detained the group in order to determine the existence and/or status of their travel documents. In addition, the local police chief reported that while peaceful demonstrations were acceptable in Malaysia, without a proper permit the public assembly was deemed illegal. (Source: "Malaysian Police Arrest Activists Demonstrating for Democracy in Myanmar," AFP, 17 May 2004)

Crackdown on Illegal Immigrants

In July 2004, Malaysian Home Minister Azmi Khalid announced a crackdown to sweep the country of illegal immigrants which would occur at the end of 2004 and beginning of 2005. Prior to the crackdown, the government announced an amnesty during which the estimated 700,000 to 1.2 million illegal immigrants could return to their home countries without punishment. Initially, the amnesty was scheduled for 29 October until 4 November, but was extended through to the end of 2004. Those who did not exit Malaysia and were arrested during the crackdown were to be subjected to punishment under the Immigration Act prior to deportation. This punishment includes caning, fine, and jail time. (Source: *Malaysia: Human Rights at Risk in Mass Deportation of Undocumented Migrants*, Amnesty International, 2 December 2004)

The impending crackdown raised many concerns for the safety and security of refugees and asylum seekers, most of who fall into the category of illegal immigrants. The Malaysian government indicated that during the crackdown, police and the Peoples' Volunteer Corp, who would assist with the sweeps, would not arrest persons who possess UNHCR temporary protection letters. Yet, doubts remained because of the Malaysian authorities' history of arresting asylum seekers with UNHCR documents and those waiting outside of the UNHCR office. Moreover, there was fear that the cash reward offered for each migrant arrested coupled with inadequate training or lack of comprehension of refugee rights would result in members of the Peoples' Volunteer Corp not respecting UNHCR document holders. (Source: "UN Combs Malaysian Jungles for Refugees Ahead of Crackdown," AFP, 1 December 2004)

The lack of adequate reporting mechanisms also raised many fears that refugees and asylum seekers who were arrested during the crackdown would not have an opportunity to contact the UNHCR to access protection while in detention and would subsequently be refouled. Furthermore, the poor conditions of detention centers coupled with overcrowding during the crackdown were feared to potentially lead to "constructive refoulement." In this circumstance, asylum seekers choose to voluntarily repatriate to an environment of persecution in their countries of origin rather than remain in detention. (Source: *Malaysia: Human Rights at Risk in Mass Deportation of Undocumented Migrants*, Amnesty International, 2 December 2004)

In October, the Malaysian government announced that the Rohingya population of approximately 10,000 people would be granted official identification cards allowing them to live and work legally in Malaysia. Furthermore, those who received the cards would not be vulnerable to arrest and deportation during the impending crackdown. Yet, by December, the government had yet to issue any documents raising concerns that the Rohingya refugees would not have them in time for the crackdown in January 2005 (source: "U.N. Refugee Agency Worried Over Looming Malaysian Clampdown," AP, 3 December 2004). Chin and other ethnic groups from Burma remained susceptible to the consequences of the crackdown as they were not included in the Malaysian government's offer (source: *Malaysia: Human Rights at Risk in Mass Deportation of Undocumented Migrants*, Amnesty International, 2 December 2004). In an attempt to provide documents and some level of protection, the UNHCR sent mobile teams to jungles and outskirts of cities to register refugees in December (source: "UN Combs Malaysian Jungles for Refugees Ahead of Crackdown," AFP, 1 December 2004).

14.6 Situation of Refugees in Other Locations

Japan

On 5 February, a 30 year-old man from Burma gained a second opportunity to apply for asylum in Japan when Judge Masayuki Fujiyama ruled to overturn the Japanese immigration authorities' rejection of his application for asylum. The Burmese man had applied for asylum in 1999 with the claim that he was from a persecuted ethnic minority group, had actively participated in the pro-democracy movement since 1988, and had been unfairly detained and tortured due to his political activities. In 1999, the man had filed a lawsuit against the immigration department when his application for asylum had been rejected. Judge Masayuki Fujiyama ruled that the investigation into the Burmese man's claims for asylum had not been adequate and therefore overturned the rejection. The ruling affords the Burmese man a second opportunity to seek asylum in Japan, marking the first case of its kind for asylum seekers from Burma. (Source: "Myanmar Man Wins Lawsuit in Seeking Refugee Status in Japan," AFP, 5 February 2004)

On 19 February, a 39 year-old man from Burma received refugee status when Judge Masayuki Fujiyama overturned the Tokyo Regional Immigration Bureau's rejection of his asylum application. The Burmese man had participated in the pro-democracy movement, absconded to Japan in 1989, and applied for asylum in 1997. In 1998, his application was rejected and in July 2001 he was detained under an order for deportation. He was held in detention for approximately one year and finally filed suit for the withdrawal of both the rejection for refugee status and the order for deportation. The Tokyo District Court judge indicated that the man had a legitimate fear of persecution due to his political involvement if forced to return to Burma. (Source: "Tokyo Court Grants Refugee Status to Myanmar Man," Japan Economic Newswire, 19 February 2004)

On 17 December, it was reported that a married couple from Burma living in Tokyo filed a suit protesting their detention in the immigration center and requesting that they be released. The couple had been detained for illegal entry to Japan and were separated from their 1 year-old son and 3 year-old daughter, who were placed in the care of a children's facility in Tokyo. The couple reportedly arrived in Japan prior to 1999, fleeing persecution due to their ethnic background and participation in political opposition activities. On 21 December, the Tokyo Regional Immigration Bureau agreed to release the wife on bail while the husband remained in immigration detention. (Source: "Myanmar Couple Protest Detention Separating Them from Children," Japan Economic Newswire, 17 December 2004)

15. The Situation of Migrant Workers

15.1 Background

Throughout 2004, 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. The regime's gross and continued violation of fundamental human rights resulted in the extension of U.S. trade sanctions and the institution of EU non-trade related sanctions in August 2004, placing further economic pressure on the citizens of Burma (source: World Factbook, CIA, 2004). For these reasons, many Burmese view their migration as less of a decision than an economic necessity.

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 perpetrated against them 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 enter refugee camps in Thailand and Bangladesh. However, many of those fleeing human rights violations are not recognized as refugees by the governments of countries neighboring Burma to which they usually arrive. 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 seven 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 migrant 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.

15.2 Situation of Burmese Migrants in Thailand

Throughout 2004, 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. 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, including demands for forced labor, that are specifically acute in areas along the Thai border.

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 as illegal immigrants. In turn, many 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. (Please see chapter on refugees for more information.)

Patterns of Migration and Trafficking

Burmese people coming to Thailand as migrant workers enter the country in a variety of 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. Previous Thai immigration records have indicated that up to 15,000 of the 50,000 Burmese people entering Thailand in a month do not return. 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 these areas is risky for undocumented people. In the border town of Mae Sot, for example, there are an estimated 100,000 Burmese migrant workers employed in some 200 factories, and on fruit and vegetable plantations and flower farms in the surrounding areas. Many Shan people work in the northern border areas; thousands of Burmese (mostly Mons) from Mon State work in the fisheries in the southern border town of Mahachai; with the rubber plantations and fishing industries of the six southern provinces of Thailand also hosting thousands of migrant workers.

The year 2003 saw change in migration patterns, with an increasing number of migrants attempting to travel further into Thailand to work. This pattern, in part, is due to heightened pressure on migrant workers and security crackdowns in the border areas. As a result, in April 2003, the cost of being smuggled into central Thailand from the border reportedly doubled to 10,000 baht per head (source: "Killing Seen as Warning to Others," *Bangkok Post*, 28 May, 2003). The increase in roadblocks along the Mae Sot to Bangkok highways affected the trafficking route to the inner provinces and meant that traffickers and the people they were aiding preferred to trek across the Tha Nong Thong Chai mountain range to reach Kamphengphet province. While it was possible in 2002 to arrange a car from Mae Sot to Bangkok for 2,000 baht, in 2003, migrants paid 6,000 baht from Mae Sot to Kamphengphet on foot, with the additional leg to Bangkok costing another 2,000 baht.

In 2004, the Thai government announced a new migrant worker registration process to begin in July, which reportedly prompted thousands of Burmese to attempt entry into Thailand. Security along the border was increased in response to the alleged large numbers of people gathering in Burmese border areas. In May, it was reported that traffickers were demanding over 7,000 baht per head from those who had gathered in Three Pagodas Pass, a Burmese border town. The traffickers were reportedly collaborating with Thai traffickers across the border, many of whom were believed to be police (source: Taramon, "Hundreds of Migrant Workers Waiting at the Border," *Kao Wao News*, 10 May 2004).

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 were no visible decreases in the trafficking market (source: "Migrants and Traffickers Arrested in Jungle," *Irrawaddy*, 25 June 2003). Moreover, in 2004, it was reported that a major impediment to the dismantling of trafficking networks in Thailand was the continued involvement of state officials. According to Physicians for Human Rights, the level of involvement and complicity of police, border and immigration officials in the trafficking of girls and women remained high despite the Thai government raising the issue of trafficking in persons to a national priority (source: *No Status: Migration, Trafficking & Exploitation of Women In Thailand - Health and HIV/AIDS Risks for Burmese and Hill Tribe Women and Girls*, Physicians for Human Rights, June 2004).

Thailand's failure to combat the humanitarian threat posed by human trafficking resulted in its placement on the second tier of the United States' human trafficking monitoring system in 2004. The development of the system has followed the rise of human trafficking as the fastest growing transnational crime, and adopts a tiered system of classification, grading countries according to their records in countering trafficking. An enhanced monitoring system, or "watch list," has been created to alert tier-two nations in danger of slipping into the third and lowest category. Thailand was placed on this watch list for the first time in 2004. The specific reason for Thailand's placement on the watch list was their inadequate response to protecting trafficked street children from Cambodia. (Source: *Victims of Trafficking and the Violence Protection Act of 2000: Trafficking in Persons Report*, U.S. Department of State, June 2004)

At the same time, Burma remains on the third tier, the lowest of the U.S. government standards, for its failure to comply with the minimum standards of the 2000 Trafficking Victims Protection Act. Third tier ranking allows for the imposition of "non-trade-related economic sanctions." In response to international criticisms and sanctions leveled at the country for its poor trafficking record, the State Peace and Development Council (SPDC), the ruling military regime, has made trafficking part of its national agenda since 2003. During

2004, the SPDC made concerted efforts designed to signal Burma's commitment to combating trafficking. In September 2004, government officials announced the intention to open three anti-human trafficking liaison offices in the border towns of Tachileik, Myawaddy and Muse. In addition, the *Myanmar Times* reported "that 795 arrests were made, 335 prison sentences handed down in relation to human trafficking, and 2,181 victims "rescued" since 2002." The *Myanmar Times* report came following the U.S.'s announcement to increase sanctions because of Myanmar's lack of action to combat trafficking (source: "Myanmar Announces New Moves to Battle Human Trafficking," AFP, 12 September 2004). (Please see chapter on women for more information about trafficking in Burma.)

Various measures implemented by the regime to combat trafficking have been criticized for failing to address the push and pull factors that perpetuate its existence. By way of example, the restrictions placed on the movement of women, particularly in border areas, simply places women in a position of greater dependence on a male escort. At the same time, increasing the number of checkpoints along travel routes has merely contributed to augment the costs of trafficking, due to the increased number of bribes required to complete the journey. According to the Shan Women's Action Network (SWAN), a Thailand based Shan women's organization, nine distinct groups of public officials share the profits of trafficking: Immigration, Military Police, Military Intelligence, Police Special Branch, Customs, Narcotics Control, Army, Township Peace and Development Council and municipal officials (source: *Shan Women's Action Network Newsletter*, SWAN, September 2004). The most important contributing factors to trafficking; economic mismanagement, military offensives against ethnic minorities and human rights violations continue to go unchecked, ensuring that the push factors which underlie trafficking remain unaddressed

Trafficking network from Shan State, Burma, to northern Thailand

In 2004, it was reported that a trafficking operation based in Mongton Township, Burma, opposite Chiang Mai, Thailand, had agents working as far inside Burma as Mongkerng and Hsweni in northern Shan State. Agents reportedly liaised with the then local MI officers and informants to develop community based trafficking networks to identify possible targets for trafficking. This operation had three main trafficking routes which transported persons to Nakawngmu, Mongton Township. Traveling from Hsenwi, Mongkerng and Namzarng cost 75,000, 50,000 and 35,000 kyat per head respectively. In addition, drivers were required to pay 200 kyat per person at each checkpoint and 2,000 kyat for those without correct documentation. From Nawkawngmu, the trafficking network serviced either Chiang Mai (160km – 3,500 baht) or the Fang plantations by foot, across the mountains and the border (2,800 – 3,100 baht). This network involved a Thai village head (an appointed political position in Thailand) and serviced firms looking for cheap labor. Total trafficking costs from central Shan State were believed to be around 14,000 baht to Chiang Mai and an additional 4,000 baht to Bangkok. (Source: "Human Trafficking A Big Industry," SHAN, 17 March 2004)

Domestic worker trafficking network in Thailand

In 2004, a trafficking network based in Tak province, Thailand, and headed by a former Thai civil servant was reported. The network trafficked Burmese women to wealthy households to work as maids. The operation was reported to be worth over one million baht per month. Two hundred Burmese girls and women between the ages of 13 and 30 were reportedly trafficked each month at a cost of 5,000 baht per person to Thai employers, with costs of up to 8,000 for

satisfying specific requests, such as language requirements or looks. Most of the clients “are senior police or military officers and high-ranking government officials whose mansions require more than one maid.” (Source: Punnee Amornviputpanich, “Illegal Workers: Confessions of A Burma-maid Smuggler,” *The Nation*, 7 June 2004)

Situation of Female Migrant Workers

Women make up a significant percentage of migrants from Burma. In 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.

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. Numerous allegations from human rights bodies alleging sexual molestation and rape of female migrant workers on the border by police and immigration officials continued in 2004. Mo Chu, secretary-general of an association working to protect Burmese workers’ rights in Mae Sot, reported that “many police officers hung around in front of factories or along roadsides arresting any Burmese they see...”demanding to sleep “with good-looking female immigrants. These girls are raped and sometimes gang-raped with no recourse except to “swallow their pain” (source: “IMMIGRATION: Police Prey on Burmese,” *The Nation*, 6 June 2004). 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 sort of circumstance, a number of young migrant women have reported feeling pressure to get married in order to have some protection against unwanted sexual advances from others.

In December 2004, the situation for migrant women was placed in further jeopardy when the Thai Labour Ministry issued a statement, reminiscent of a January 2002 announcement, indicating that female foreign workers would be given a medical checkup and those found to be pregnant would be unable to renew their work permits and would be deported (source: “Thai Government To Deport Pregnant Foreign Workers,” ASEAN Watch, 27 December 2004). The December announcement met with the same outrage from labor and human rights groups as did the 2002 regulation. As a result, the government revised this policy, with female migrant workers entitled to remain in Thailand for a year after birth, or indefinitely in the event that they find employment or can be supported by their husband (source: “Thailand Not to Deport Pregnant Illegal Workers,” MCOT NEWS, 16 December 2004).

Despite the official line, for all practical purposes, pregnancy has remained grounds for dismissal by factory owners who place pressure on migrant women to be “productive but not reproductive” (source: Suzanne Belton and Cynthia Maung, “Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border,” *Forced Migration Review*, Issue 19, January 2004). Confirming this position, Yaung Chi Oo Workers’ Association (YCOWA), a Burmese labor rights organization based in Thailand, reported, “in July [2003], 20 pregnant women were fired from a knitting factory because they were pregnant.” It was also reported that pregnant migrant workers were not offered maternity leave and breast-feeding was forbidden

during work hours. (Source: Marwan Macan-Markar, "Thailand: Motherhood a Risk for Burmese Migrants," IPS, 23 September 2003)

As in Burma, most migrant women suffer from a lack of access to reproductive healthcare, information on STDs and contraceptives. In Burma, it is estimated that only 28% of fertile-age women use a modern method of contraception, compared to 72% of Thai women in Thailand (source: Suzanne Belton and Cynthia Maung, "Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border," *Forced Migration Review*, Issue 19, January 2004). Furthermore, both women's rights advocates and health workers have indicated that migrant workers have limited access to free condoms. As the costs of purchasing condoms would mean losing over half a day's average wage, which ranges between Bt60 (US\$ 1.50) to Bt80 (US\$ 2), unprotected sex has ensured a high STD infection rate and placed intense pressure on pregnant migrant workers to procure abortions by whatever method possible. The illegality of abortion in both Thailand and Burma causes migrant workers to seek assistance outside formal channels.

Key findings from Suzanne Belton, a PhD candidate at the University of Melbourne's Key Centre for Women's Health in Society, and Mae Tao Clinic Director Dr Cynthia Maung's research into Burmese women's health on the Thai-Burma border, found that:

- At least a quarter of women with post-abortion complications have self-induced abortions.
- A third of women have five or more pregnancies, which is a health risk in itself.
- Most women and lay midwives classified menstrual regulation and abortion as traditional methods of fertility control.
- Unqualified abortionists and home remedies are the only recourse women have to end an unwanted pregnancy.
- Women used a wide variety of methods to end their pregnancy, including self-medication with Western and Burmese medicines, drinking ginger and whisky, vigorous pelvic pummeling and insertion of objects into the sex organs.
- Temporary contraceptive information or methods were not offered to women during post abortion care in the local Thai hospital.
- The Thai Ministry of Health has recorded the abortion rate among migrants as 2.4 times higher than that of Thai women.

It was also noted that the women interviewed had little to no education and nearly 25% could not read or write, making alternatives to written information on reproductive health a necessity. (Source: Suzanne Belton and Cynthia Maung, "Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border," *Forced Migration Review*, Issue 19, January 2004).

Numerous underlying causes place pressure on Burmese women to seek abortions in these difficult circumstances, with poverty, domestic violence, job retention, ill-timing and community pressure all cited as reasons for ending pregnancy. In order for "assistance and intervention to be effective and sustainable," it is within this context of underlying causes that abortion as well as reproductive and maternal health related issues must be addressed. (Source: Suzanne Belton, PhD Candidate, Melbourne University Key Centre for Women's Health in Society, Faculty of Medicine)

In their 2004 report "Fertility and Abortion: Burmese Women's Health on the Thai-Burma Border," Suzanne Belton and Dr Cynthia Maung noted that when staff from the Mae Tao

Clinic, a clinic for refugees and migrants on the Thai-Burma border, 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. (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)

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 province earn about US\$ 45 per month, making hospital fees far beyond their reach. (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)

HIV and AIDS

According to a 2004 report by Physicians for Human Rights, Burmese migrants face an increased risk of contracting HIV/AIDS as compared to the local population. Discriminatory treatment of minorities in such areas as access to healthcare, lack of protection for pregnant migrant workers in the workforce, the prevalence of trafficking, violence and exploitation are all major factors in "elevating their risk of HIV/AIDS and virtually assuring" the continuance of the problem in Thailand. (Source: *No Status: Migration, Trafficking & Exploitation of Women In Thailand - Health and HIV/AIDS Risks for Burmese and Hill Tribe Women and Girls*, Physicians for Human Rights, June 2004).

It has been reported that, "Although credible data is not available, infection rates among Burmese commercial sex workers in the border towns of Mae Sot, Mae Sai, and Ranong are considered high" (source: Aung Zaw, "The AIDS Embargo," *Irrawaddy*, 1 January 2002). In addition, concern has been expressed that releasing precise figures of infection rates could further damage the already negative image of Burmese migrant workers and lead the Thai authorities, who attribute soaring health problems to Burmese migrants, to intensify their crackdowns. However, while there is a widespread prejudice that migrants "bring AIDS with them," research reveals that many migrants move from low HIV prevalence areas to those with higher prevalence rates, increasing their own risk of exposure to the virus. (Source: "2004 Report on the Global AIDS Epidemic," UNAIDS, July 2004)

Ranong, Thailand, has been identified as an area of particular concern, with migrant workers engaged in highly mobile work in the fishing and sex industries. According to one doctor working with an NGO addressing HIV/AIDS in the area, Dr Win Maung, 130 people were found infected with HIV between February 2002 and January 2004, with between 10 and 20 people dying each month in the port. Between 7,000 and 8,000 Burmese migrants work on the fishing boats and they are serviced by a growing sex industry in the port area. The high mobility of both fisherman and sex workers, coupled with low awareness and understanding of the disease, has contributed to high transmission rates. As a result, NGOs and Burmese

organizations have led education projects aimed at reducing the infection and transmission rates in the port area. The trainings have promoted fidelity, condom use, moderate as opposed to excessive alcohol consumption and a stop to decoration or enlargement of the penis through insertion of studs, stones or oils. (Source: Pollard, Jim, "Struggling to Stem Ranong's Tide of HIV," *The Nation*, 28 June 2004)

As sex remains a taboo subject in many parts of Burma, migrant workers continue to be placed, or place themselves, into high HIV risk situations without the background knowledge or education to protect themselves from such risks. References to condoms are still restricted in the media in Burma and interviews conducted with Burmese migrant workers have highlighted the various myths which are prevalent within migrant worker communities, including the potential for transmission via toilet seats, kissing and coughing. Of even more concern is the belief that contraceptive pills act as transmission preventatives (source: Aung Zaw, "The Aids Embargo: Cover Story," *Irrawaddy*, 1 January 2002). Other reports have indicated the belief amongst fishermen that a "person's HIV status can be discerned from appearances, citing fair-skinned women, and those with cool skin as 'clean,'" (source: Inbaraj, Sonny, "Migrant Fishermen's Risky Behaviour Spreads HIV," *Vietnam News*, 17 July 2004).

Criticism has been leveled at both the Burmese and Thai governments for the lack of political will demonstrated in combating the vulnerabilities of those at risk. Although some efforts have been made to address the issue recently, Burma has been censured for effectively denying the existence of the problem while Thailand has been criticized for the discriminatory implementation of its anti-HIV/AIDS policies. The discriminatory provision of HIV/AIDS treatment in Thailand and the low levels of education concerning the virus have ensured the continued transmission amongst migrant worker communities. The inability of migrant workers to access health services without threat of deportation and associated problems in confronting language or cultural barriers have also persisted, effectively removing migrant workers from the national agenda for HIV prevention.

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. The majority of children age 13 migrate with their parents or relatives. After migrating, children and young people were involved in abusive, exploitative and sometimes violent situations or working environments. Young women and girls were frequently sexually abused. Moreover, many children were either not attending school or had an extremely minimal level of education. While economic hardships, political instability and armed conflict were all cited as reasons for this, the belief that practical skills were more valuable than a high-level education was also highlighted. In turn, working in foreign countries was considered to build both experience and skills. Yet, young people and children with minimal education faced greater vulnerability to exploitation and abuse in situations of employment.

The study further revealed "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 and AIDS, and loss of contact with family

during migration. In addition, migrants' illegal status often led 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)

According to the International Confederation of Free Trade Unions (ICFTU), Burmese children as young as 8 years-old can be found working in a number of industries in Thailand, including: textiles, garments, bottle making, tinning, domestic work, snack bars, dish washing, fishing, construction, agriculture etc. Children are also found as sex workers, although the Thai government's battle against child prostitution has "dramatically decreased" the numbers involved. Yet, child prostitution has not been totally eliminated, particularly as the demand for younger sex workers who are presumed to be cleaner and safer continues. Ascertaining the numbers of child laborers is difficult, as their presence in a workplace is often clandestine. (Source: *Growing up under the Burmese Dictatorship*, ICFTU, August 2003)

An issue of increasing concern is the growing number of stateless children emerging from the Burmese migrant population in Thailand. The problems begin in Burma, particularly for ethnic minorities, who often do not receive birth certificates due to their marginalized status within the country. Under the 1982 Citizenship law, the Burmese government also refuses to grant citizenship to the children of parents who have left Burma illegally. Therefore, children born of Burmese parents in Thailand are denied citizenship in Burma. At the same time, Thailand denies citizenship to illegal migrants from Burma. In addition, Thai Ministry of the Interior (MOI) regulations prohibit the registration of the births of children born to illegal migrants. While children who are born in either refugee camps or government health facilities may obtain a delivery certificate (not the same as a birth certificate), few migrant births occur in these places. As a result, "the lack of legal documentation renders Myanmar [Burmese] children stateless and unable to prove they are from Myanmar [Burma] should they ever go there." (Source: "Prospects for Hope? Myanmar Refugees in Thailand," *World Refugee Survey 2005*, USCRI, 15 June 2005)

As a signatory to the Convention on the Rights of the Child (CRC), Thailand is obligated to make primary education available to all. Under the provisions set forth in the CRC and the Thai Ministry of Education's 1992 Regulation on Evidence of a Child's Birth for School Admission, Thailand is obligated to allow non-Thai children to attend Thai schools. However, this rarely happens. Instead, the absence of a Thai identity card, language barriers, differences in schooling levels and the associated costs of education (materials, registration, transport) have meant that, in practice, the children of Burmese migrant workers are excluded from the formal education system. At the same time, they are unable to access the educational opportunities offered in the refugee camps, where only refugees are authorized entry. (Sources: *Growing up under the Burmese Dictatorship: The situation facing children after 41 years of military rule in Burma*, ICFTU, August 2003; *World Refugee Survey 2005*, USCRI, 15 June 2005)

As a result, migrant worker children, both those who migrate from Burma and those who are born in Thailand, are reliant on the informal schools established by various bodies, ranging from NGO's, exiled trade unions and political groups, religious communities, small migrant associations, or motivated individuals in the community. However, the informal nature of these schools and their insufficient number and resources continue to mean that primary education possibilities are restricted. Furthermore, even when education is available,

completion of courses is not recognized by the Thai education system. Another impediment to expanding the availability of education to the children of migrant workers is the illegal nature of their existence, which requires the payment of up to US\$ 100 per year per person in bribe money to local police, municipal employees and immigration authorities. (Source: *Growing up under the Burmese Dictatorship: The situation facing children after 41 years of military rule in Burma*, ICFTU, August 2003)

The Memorandum of Understanding (MoU)

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 included 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 would be charged a fee for medical examinations and work permits, and employers would 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 labor for migrants are also expected. The Thai Ministry of Labor also plans to allow Burmese workers to come into Thailand for the day to work in border factories, as long as they return home in the evenings.

Doubts expressed in 2003 by labor experts on the likelihood of a successful transition to the terms of the MoU for the importation of legal labor proved correct, with the one-year transition period being an unrealistic time frame to institute such massive changes. The Burmese government continued to restrict the freedom of movement of its citizens with the fees required to obtain a passport (50,000 baht or US\$ 1,220) prohibitively expensive. The Burmese government also continues to deny citizenship to many members of ethnic minority groups, making it impossible for many migrants to prove their Burmese nationality as required by the MoU. 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). By the end of 2004, the transition had yet to be completed.

In 2004, as in 2003, the implementation of the MoU had two main effects. Firstly, the number of labor sectors in which migrant workers were legally entitled to register for work was reduced. Secondly, the deportation process was expedited with Burmese authorities consenting under the agreement 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 centers for long periods of time while the SPDC decided whether or not to allow its nationals to return. (Please see section on deportation, below.)

Thai Migration Policy and Legal Registration of Migrant Workers

Thailand's policy on migration prioritizes economic development and national security, often at the expense of protecting the rights of migrant workers. For the past eight years, Thai migration policy has been drafted through a series of cabinet resolutions that reflect the attitude of the administration 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. Compounding this problem is the traditional high degree of autonomy with which local police, military and immigration officials are allowed to operate, resulting in policy implementation difficulties.

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 that have allowed migrants to pay a fee and apply for a work permit that 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. Unregistered workers are also protected by various provisions of the Labour Relations Act. The work permit also grants migrant workers access to the Thai public healthcare system, subject to an initial medical check and payment of health insurance.

Unfortunately, enforcement of these protections for migrant workers has been lax, resulting in a large divide between policy and practice. Additionally, language barriers and a lack of political initiative have meant that many workers are not aware of what rights the permit entitles them to and how to respond if these rights are violated. Violations of these rights and the relatively high costs of registration saw a significant decrease in the number of registered migrant workers in 2003. In 2001, 568,249 workers were registered, 409,339 in 2002 and 353,274 at the beginning of 2003. However, by August/September 2003 only 110,000 migrant workers were registered. A dramatic turnaround occurred in 2004, with 1,210,633 migrant workers registering, including 852,758 Burmese.

Unlike the previous years, the 2004 registration process included three steps designed to increase security and certainty for migrant workers. The first step required all migrant workers, together with their landlords, to register their house or room. Completion of this step provided workers with a one-year permit to reside within Thailand. Possession of this permit would prevent arrest by police. The second step required all migrants to have a medical examination and to solicit health insurance. Finally, the third step was application for a work permit in one of the permitted industries. Only migrants who had completed the first two steps were eligible to apply for a work permit. In addition, only migrants possessing work permits had legal permission to work. Those who only possessed the housing permit of the first step were only legally permitted to live in Thailand and not to work (source: Arnold, Dennis, *The Situation of Burmese Migrant Workers in Mae Sot, Thailand*, SEARC Working Papers, September 2004). The three step process allowed migrant workers to register their families, designed to increase security for migrant worker families and provide the Thai government with more detailed information on the numbers of migrants in Thailand.

Following the terms of the MoU, the Thai government planned to send registered workers' records to their country of origin. In turn, the Burmese government would be responsible for

verifying workers' information and issuing travel documents. It is believed that this step of the MoU will necessitate years to implement. (Source: Arnold, Dennis, *The Situation of Burmese Migrant Workers in Mae Sot, Thailand*, SEARC Working Papers, September 2004)

Withholding Work Permits

Employers frequently withhold work permits providing workers with either a photocopy or nothing at all. By retaining the permit, employers are able to protect their labor supply and costs by restricting the mobility of their workforce. Workers are still subject to arrest and deportation, while employers are exempted from penalties related to employing unregistered migrants. The practical result of this for migrant workers employed in factories is that they are often forced to live in the factory, further increasing the dependence of workers on their employer. In this situation, unlawful (contrary to s76 LPA) and disproportionate deductions are taken from a worker's wage to pay for accommodation, water and rice and is one reason cited for the low rates of remuneration received by migrant workers. (Source: Arnold, Dennis, "The Situation of Burmese Migrant Workers in Mae Sot, Thailand," *Working Papers Series*, No. 71 September 2004)

Typical complaints related to living conditions in these factories are the low sanitary conditions, with hundreds of workers forced to share very few bathing facilities, cramped living quarters and the provision of low quality drinking water. There were also indications that workers frequently subsisted on only rice and bath water during periods of low productivity. Incidences of violence, intimidation and threats of violence were also frequent in these situations.

In addition, without their original work permits, workers are unable to access healthcare services. One of the aims of registration was to bring migrant workers within the public health system, initially involving a medical check-up and payment of health insurance. As photocopies of the work permit are not accepted by Thai hospitals, access to the public health system is effectively prevented.

The Labour Protection Office (LPO) and the Federation of Thai Industries (FTI)

The Labor Protection Office (LPO) is responsible for ensuring adherence to Thai labor laws. The Office is invested with power to act as negotiator and arbitrator in disputes between employees and employers. Yet, criticism persisted throughout 2004 over perceived ambivalence to violations of labor rights and bias toward the interests of employers. In January 2004, there were reports that the LPO relayed a message to NGO's focused on labor rights. The message "was to stop trying to utilize the labour protection mechanism and to stop calling for the enforcement of the legal minimum wage which is not enforced even for Thai workers, as these mechanisms were biased in the workers favor." (Source: Arnold, Dennis, "Work, Rights, and Discrimination against Burmese Workers in Thailand," *Asian Labour Update*, December 2004)

Many commentators cite the close relationship between the LPO and employer organizations such as the Federation of Thai Industries (FTI) as the reason for the Office's failure to adequately respond to violations of labor law against migrant workers (source: Arnold, Dennis, "The Situation of Burmese Migrant Workers in Mae Sot, Thailand," *SEARC Working Papers Series*. No. 71, September 2004). The influence of the FTI was evident in December

2003 when the Tak Chapter requested the Tak governor investigate the operations of NGO's in the area on the basis that organizations such as the Yaung Chi Oo Workers' Association (YCOWA) and the Migrant Assistance Program Foundation (MAP) were provoking workers strikes. Shortly after, prominent members of these organizations were targeted by thugs (source: Arnold, Dennis, "Work, Rights, and Discrimination against Burmese Workers in Thailand," *Asian Labour Update*, December 2004).

Migrant Workers' Rights Organizations

Significant developments in labor activism on behalf of Burmese migrant workers in Thailand, particularly in the city of Mae Sot, Tak province, have highlighted the degree to which labor and human rights have been denied to this marginalized group in the past. Moreover, labor rights efforts have revealed the impediments to reform posed by employer organizations, police and immigration officials in the present.

Until recently, employers had been able to exploit the cheap labor flowing out of Burma, subjecting workers to poor working and living conditions, below minimum wage pay and overtime rates and sometimes no pay, with the ability to meet any form of resistance from their workforces with instant dismissals. Due to the collaboration of police and immigration officials, it has been possible for employers of migrant workers, factory owners especially, to summarily dismiss their workforces, have them arrested and deported. This has resulted in numerous instances of registered workers being denied the rights attached to their registration.

The growth of labor activism and the prominence of Burmese worker organizations, including exiled trade unions from Burma, have begun to address the labor and human rights abuses that have traditionally characterized migrant labor working conditions in Thailand. Worker organizations focused on the rights of Burmese migrant workers, such as Free Trade Unions-Burma (FTUB), the Migrant Assistance Program Foundation (MAP), Yaung Chi Oo Workers' Association (YCOWA), Burma Labor Solidarity Organization (BLSO), Free Trade Unions-Kawthoolei (FTUK), shelter organizations and other smaller groups dedicated to promoting the observance of labor rights and continue to fulfill a much needed educative function. These organizations contribute in disseminating information about labor rights to migrant workers in their own language; issuing press releases; and assisting in the preparation of complaints used to initiate compensation proceedings. However, due to the restrictions on their activities, these organizations are as yet unable to represent the interests of migrant workers in the labor courts, or in the court system proper.

The 2004 registration process went some way towards ameliorating the legal power imbalance between employer and employee. Yet, the increased effectiveness of these groups, such as the Law Society of Thailand and Burmese worker organizations, has continued to result in their being targeted by employer organizations and the police. As a result, employers and Thai authorities have sought to discredit the workers' organizations and those who work for them as trouble-makers. To this end, pictures of two prominent members of YCOWA were posted and circulated warning workers to stay away from the 'trouble-makers' upon pain of dismissal. According to the Asian Legal Resource Center (ALRC), police searched for the two activists displayed in the posters, who were consequently forced into hiding, fearing torture and long term imprisonment in Burma if deported. (Source: Arnold, Dennis "Work, Rights, and Discrimination against Burmese Workers in Thailand," *Asian Labour Update*, December 2004)

Other methods of intimidation of and violence against members of these worker organizations also continued in 2004. There were numerous attacks against labor activists by hired thugs, death threats, raids on worker organization offices, confiscation of documents and the arrest of volunteer workers for their involvement in providing assistance for workers taking legal action against employers. (Source: "Abuses of Migrant Workers in Thailand," ALRC, *Sixtieth session of the Commission on Human Rights*, United Nations Economic and Social Council, 12 February 2004) (Please see timeline of events for specific incidents, below)

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.

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 of whom 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 Defence Service Intelligence (DSI) of the Ministry of Defence, 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 officials, 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. (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 or simply ignore documents a refugee or asylum seeker may have. 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 the information provided with their own files in search of 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 (STDs). 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 photograph and maintain 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. (Please see chapter on assembly, association and movement for more information about the screening process in Myawaddy.)

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 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 is 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.

Some migrants have reported that once they are returned to their villages from the Myawaddy holding center, they are forced to sign pledges saying that 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 for more information.)

The Tsunami

On 26 December, tsunami waves ravaged the Andaman coastline causing unprecedented damage to the western coast of Thailand, specifically to the provinces of Ranong, Phuket, Phangnga, Trang, Satun and Krabi. According to Surapong Kongchanthuek, deputy chairman of the Law Society of Thailand's Committee on Human Rights for Stateless and Displaced People, 127,714 Burmese migrant workers were employed in the effected provinces. Of these, only 22,504 were registered with the Ministry of Labor.

A breakdown of Burmese migrant workers by province estimates the numbers of Burmese migrant workers as follows:

1. Ranong: 47,501
2. Phuket: 36,483
3. Phangnga: 29,730
4. Trang: 8,000
5. Satun: 3,000
6. Krabi: 3,000

The majority of these workers were employed in fishing, construction, on rubber plantations, as well as in various hospitality-related positions. (Source: "800 Burmese Workers 'Killed in Catastrophe'," *The Bangkok Post*, 30 December 2004)

There were a number of difficulties in determining the death toll and in estimating the number of Burmese missing in Thailand's southern provinces following the tsunami. Estimates have ranged from 1000–3000 dead with thousands more missing. The absence of any form of response or assistance from the Burmese government, either in providing aid, transport or any kind of documentation to assist in the identification of bodies, including DNA or dental records, played a key roll in the uncertainty surrounding the numbers missing, affected and dead. Additionally, the illegal status of the majority of Burmese migrant workers located in the southern provinces also caused difficulties in estimating and determining casualties as only approximations could be made.

The activities of Thai relief agencies and the police were also questioned by numerous sources, the chief concern being that Burmese corpses were ignored upon discovery, to the extent that no official recordings were taken. There were also reports that police actively discouraged the identification of corpses by Burmese migrant workers, denying them access to these bodies. In one instance, Aung Myo Min, a Burmese activist-in-exile and director of the Human Rights Education Institute of Burma (HREIB), attempted to identify "several bodies of friends and tried to retrieve them" but was prevented from doing so by the local search and rescue teams. (Source: Sonny Inbaraj, "TSUNAMI IMPACT: Thai Compassion for Burmese Migrants Wears Thin," IPS, 13 January 2005)

Difficulties in establishing the numbers of dead and missing were also related to the reluctance of Burmese migrant workers to claim the dead bodies of friends, families and co-workers in morgues or monasteries, due to fear of arrest and deportation. This fear surfaced as a result of the mass deportations undertaken by police in the wake of the tsunami. As many migrant workers lost their work permits during the tsunami, they were rendered unable to prove their legal status. This was compounded by the deaths of employers, which prevented registered workers from being "vouched for" by their employers. Allegations that police did not discriminate between registered and unregistered workers were not uncommon during this period, a procedure which failed to comply with assurances from the Labour Ministry that only unregistered migrant workers should have been targeted for deportation (source: Sanitsuda Ekachai, "Tsunami aftermath; Help or Hurt? An Uncertain Future," *Bangkok Post*, Outlook, 16 March 2005). In turn, those without appropriate documentation were discouraged from entering areas with a police presence to identify the dead and report the missing (source: "AHRC UPDATE (Thailand): Updates on The Tsunami-Affected Burmese Migrant Workers," AHRC, 16 February 2005). In the days following the tsunami, around 1,000 migrant workers were deported. In the weeks that followed, dozens of Burmese migrant workers continued to be arrested and deported each day.

Fear of arrest and deportation also prevented both registered and unregistered Burmese migrant workers from accessing humanitarian aid, despite the fact that the Thai government and the international community were quick to respond to the after-effects of the tsunami, with the delivery of humanitarian aid, air and ground support. In an attempt to escape the authorities, many migrant workers fled the beaches and their former workplaces and went into hiding, placing themselves in positions where they were unable to access aid. At the same time, problems at points of distribution of aid were also highlighted with numerous incidents of Burmese migrant workers being told that they were not entitled to humanitarian relief. This practice contradicted statements from Thai public health officials that Burmese migrant workers were entitled to relief and Thai law which provides for registered workers' access to aid. (Source: Sonny Inbaraj, "TSUNAMI IMPACT: Thai Compassion for Burmese Migrants Wears Thin," IPS, 13 January 2005)

In addition to the difficulties faced by Burmese migrant workers in accessing humanitarian aid, reports of Thais intervening to prevent aid agencies delivering assistance to Burmese also surfaced. In one incident, three World Vision aid workers reported being beaten up and placed in a cage by local Thais in response to assistance they were providing to migrant workers. A fourth World Vision worker sought to intervene and was also beaten up. The tension that flared was reported to be related to the potential loss of the cheap labor that migrant workers represent. (Source: "Burmese Migrant Workers in the Aftermath of the Tsunami," APFWLD, 11 January 2005)

Thai media reports in the immediate aftermath of the tsunami were blamed for increasing tension between Burmese and Thais, with television and print media attributing responsibility for post-tsunami looting on Burmese migrant workers. These unfounded reports provided police with a reason to continue targeting unregistered migrant workers for deportation. The Thai reports were accused of being racially inflammatory in their use of pejorative terms for Burmese people. Criticism was also leveled at Thai police for providing false and misleading information to the media with regard to the role played by Burmese in the small scale looting which followed the tsunami. In addition, looting was used as a pretext by some police officers to strip migrant workers of their possessions and even cash. (Source: Inbaraj, Sonny, "TSUNAMI IMPACT: Thai Compassion for Burmese Migrants Wears Thin," 13 January 2005)

Timeline of Events Relating to Migrant Workers in Thailand

January

In the beginning of January, two prominent members of the Yaung Chi Oo Workers Association (YCOWA) were forced into hiding fearing reprisals for their labor rights activism, specifically targeted at raising awareness among the Burmese migrant worker population. The two men who went into hiding, Ko Phyo and Moe Swe, believed that the threats of violence from those affiliated with factory owners was a result of their participation in organizing labor strikes and providing information and assistance on how to claim for minimum wage standards to be observed. (Source: Kyaw Zwa Moe, "Workers' Advocates In Hiding," *Irrawaddy*, 7 January 2004)

On 13 January, the brutal murders of 6 Burmese nationals on a rubber plantation about 460 kilometres from Bangkok were reported. Three men, a woman, a seven-year old boy and a three-year old girl were shot. (Source: "Six Myanmar Nationals Found Shot Dead in Southern Thailand," AFP, 13 January 2004)

February

On 20 February, an immigration truck, deporting over 100 illegal Burmese immigrants, was involved in an accident in Kanchanaburi province in western Thailand, killing six people. Estimates placed the number of injured at nearly 100, who were deported despite the injuries. (Source: "Burmese Workers Killed in Thailand Again," DVB, 20 February 2004)

March

On 9 March, hundreds of Burmese migrant workers were arrested in Mahachai, Thailand. Naing Aung Min, a Care International worker, estimated that up to 1,000 people were arrested, with more than 600 Burmese detained and awaiting deportation. According to the report, some of the people detained possessed valid work permits. (Source: Kyaw Zwa Moe, "Hundreds of Burmese Workers Rounded up Near Bangkok," *Irrawaddy*, 10 March 2004)

On 12 March 2004, reports detailed the mass exodus of illegal Burmese migrant workers from Mae Sot, a city in Tak province bordering Thailand. The exodus of illegal workers was aimed at pre-empting the repercussions of an impending crackdown, which would have included arrest, detention, a fine and deportation. Posters in Burmese language were placed across the district on Thursday, requiring voluntary deportation by 15 March. Six thousand

illegal workers had reportedly left by the deadline, resulting in the closure of many teashops and restaurants throughout Mae Sot. (Sources: Aung Su Shin, "Migrants Flee Arrest," *Irrawaddy*, 12 March 2004; Naw Seng, "Mae Sot Very Quiet as Crackdown Starts," *Irrawaddy*, 16 March 2004)

On 25 March, the Thai Labour Protection Office ordered Nasawat Apparel Factory Co Ltd to pay 16.5m baht to 257 Burmese migrant workers for violations of minimum wage requirements over a two-year period. Workers received approximately 50 baht per day, significantly lower than the minimum of 133 baht required by the Labour Protection Act and set by the Central Wage Committee. Over time, rates were also far below the required minimum, with workers receiving 8 baht per hour instead of the prescribed rate of 25 baht. (Source: Rungrawee C Pinyorat, "Sweatshop Ordered to Pay Fired Burmese," *The Nation*, 9 April 2004)

April

On 27 April, "a Thai immigration car carrying Burmese migrants back to Burma via Mae Sot plunged into a valley near Hwe Hin Phon village." Of the 42 migrant workers on board, one passenger died, 18 suffered serious injuries and 21 were slightly injured. Two were unharmed. The immigration car was traveling from Samut Sakhon province to Mae Sot, Tak province, and was organized through a broker at 2,200 baht per person to voluntarily return registered migrant workers to Burma. The incident revealed new methods of brokers to transport migrant workers in and out of Thailand with the consent of police and immigration officials. (Source: Aung Shin, "New Way of Human Trafficking" *Irrawaddy*, 28 April 2004)

May

On 11 May, a YCOWA member and a Burmese migrant were attacked near the Mae Sot hospital in Mae Sot, Tak province. The two men were assaulted by six men on three motorcycles, armed with knives and sticks. The unprovoked attack left both men with head wounds. One of the men required hospital treatment and received stitches in his head. (Source: "Rights Activists Attacked in Mae Sod," Network Media Group, 18 May 2004)

On 14 May, a labor rights activist from YCOWA, Moe Swe, and Bent Gehrt, a Danish member from the Washington based Workers Rights Consortium, were attacked in Mae Sot's night market. The attack took place at around midnight, with Gehrt suffering stab wounds to the abdomen. The two thugs who attacked the men escaped. (Source: "Rights Activists Attacked in Mae Sod," Network Media Group, 18 May 2004)

On 15 May, another attack was made on a YCOWA member who was taking labor rights worker Bent Gehrt, from Denmark, to the Mae Sot bus station. Four thugs followed the two men on motorbikes and attacked the YCOWA member with sticks, knocking him off his motorcycle before crowd intervention brought the attack to a halt. The four attackers escaped. (Source: "Rights Activists Attacked in Mae Sod," Network Media Group, 18 May 2004)

June

In June, a night-time curfew was imposed on all alien workers in Ranong province as part of the authorities' efforts to manage the "influx of illegal foreign laborers into the country" and in an effort to protect national security. The terms of the curfew require that migrant worker remain indoors after 7:00 pm and bans were also placed on the use of mobile phones and motorbikes by Ranong governor, Winai Mongkholtarn. (Source: "Curfew Imposed on All Alien Labourers," *The Bangkok Post*, 30 June 2004)

July

In July, reports continued to relate the difficulties faced by Burmese labor rights activists in Mae Sot, particularly with respect to YCOWA labor rights activist Moe Swe. According to Moe Swe, a 100,000 baht bounty was placed on his head by Mae Sot factory owners in response to Moe Swe and Yaung Ch Oo's continued fight for Burmese migrant workers labor rights. The bounty was believed to have been organized in December, just prior to Moe Swe going into hiding.

Reports of "malevolent surveillance" of the YCOWA compound and offices were also recorded. Pressure to halt its labor rights activism have increased since last year, following a number of factory strikes by migrant workers demanding the observance of their labor rights. The strikes sometimes led to short term factory closures and led to losses that ran into the millions of baht for factory owners. (Source: Kyaw Zwa Moe, "Hitmen Target Burmese Rights Champion," *Irrawaddy*, 14 July 2004)

On 1 July, a new registration procedure for migrant workers was introduced. The registration process was divided into three stages. The first stage, from 1-31 July, required the registration of accommodation for migrant workers, which was followed by fingerprinting and the issuance of a registration book and ID card. The second stage, from 22 July – 31 October, involved medical checks on migrant workers and applications for health insurance. The third stage in the process, from 1 August – 30 November, required the migrant workers to register their employment for a period of 3, 6 or 12 months.

August

On 10 August, Thai authorities returned 20 young Burmese women back to Burma at the Mae Sai border checkpoint after they were discovered in Bangkok. The women were victims of human trafficking, either lured into the sex trade or sold to traffickers by their families. The women were employed as unpaid housemaids, factory workers and prostitutes in brothels. (Source: "The Plight of Burmese Women in Thailand," DVB, 11 August 2004)

The repatriation of the young women was organized by the social development ministries of Thailand and Burma and lauded for the coordinated nature of the operation to return trafficking victims to Burma. The majority of the workers were rescued from massage parlors and brothels in Bangkok and Sing Buri. Prior to repatriation they were sent to the Ban Kredtrakarn Protection and Vocational Development Centre "for rehabilitation and job training." (Source: Anjira Assavanonda, "Burmese Victims Reunited with Their Families," *Bangkok Post*, 12 August 2004)

On 17 August, it was reported that overtime hours were extended while wages decreased in the wake of migrant worker registration. According to the head of the Mae Sot based YCOWA, traditional overtime hours of 6-9 pm had been extended to midnight in several factories, with workers receiving between 4-10 baht per hour instead of the regulated overtime rate of 25 baht per hour. (Source: Shah Paung, "Migrants Working Overtime Since Registration," *Irrawaddy*, 17 August 2004)

On 24 August, owners of Nut Knitting factory were ordered to pay 1.17 million baht compensation to Burmese migrant workers for the severe exploitation they had endured for over two years. The Thai Labor Court ordered "the Thai owner of a garment factory to pay 1.17 million baht (US\$ 29,250) in compensation to 18 Burmese migrant workers" for its failure to observe the minimum wage and overtime requirements of the Thai Labour Protection Act (source: "Migrant Workers Bask in Hope Offered by Key Verdict," *Mizzima*, 27 August 2004). Beset with difficulties and stalled in the courts for over a year, the case is considered a watershed in terms of recognizing the rights of Burmese migrant workers in the Thai legal system.

In late August, it was reported that approximately 200 Burmese migrant workers from the Asia Apparel Knitting Co Ltd in Mae Sot were struck down with food poisoning. The workers were supplied with pre-cooked food by Thai contractors. The meal was supposed to consist of chicken, squash, beans and meat curry, although doubts remain over the exact content of the food. Around 200 workers became ill and were sent to the Mae Tao Clinic for treatment, as their incomplete worker registration precluded treatment in the Mae Sot hospital. Kyaw Myo, an Asia Apparel worker stated that, "We all had our dinner yesterday as usual, but at about 11:00 pm some workers started to vomit and others suffered stomachaches. [Before eating] we noticed that the curry smelled rotten, but we have no choice but to eat what we're given." (Source: Aung Su Shin, "Burmese Factory Workers Suffer Food Poisoning," *Irrawaddy*, 31 August 2004)

September

On 2 September, it was reported that a child trafficking network was uncovered and two women arrested for their role in buying and intending to sell a baby purchased from a Burmese refugee woman in Mae La refugee camp. The baby was bought for 5,000 baht. Malaysia was the intended destination and the baby was reportedly worth 20,000 baht upon arrival. (Source: Aung Su Shin, "Child Trafficking Gang Arrested in Mae Sot," *Irrawaddy*, 2 September 2004)

October

In October, Burmese migrant workers received 1.17 million baht compensation from Nut Knitting Factory, following the 24 August order of the Thai Labor Court, bringing a two year legal battle to an end. The sum compensates 18 migrant workers out of the original 38 who brought the action. Nut Knitting had initially been ordered to pay workers 4.6 billion baht in compensation by the Labor Protection Office in February 2003. When Nut Knitting refused to do so, legal action in the Labor courts ensued. Financial concerns, intimidation, threats of violence, arrest and deportation resulted in only 18 of the original plaintiffs involved in the case remaining until its conclusion. The rest either returned to Burma or settled out of court with the employer. The case marked the first legal victory for migrant workers in the Labor

courts. (Source: "Migrant Workers Bask in Hope Offered by Key Verdict," *Mizzima*, 27 August 2004)

On 25 October, 400 out of 700 workers at Khi Phone, a knitting factory in Mae Tao, Tak province, were dismissed without any prior notice. On the same day, the workers left the factory and were no longer able to live there. The workers believe that the employer did not want to purchase new work permits for all 700 workers and therefore dismissed them. During the previous work permit registration period, the employer had registered and obtained work permits for all 700 workers. Because the new work permit registration period had commenced, the 400 dismissed workers no longer had valid work permits. In addition, they had only been able to complete housing registration, the first step of the new work permit process. Yet, when they left the factory, their employer would not return the original copies of their housing registration papers.

On 27 October, 35 of the 400 dismissed workers organized and went to the Labor Office to file a complaint against their employer. The 35 workers reported that during the last two years they had received less than minimum wage salaries. Therefore, they requested that their employer provide remuneration for the unpaid wages. After an initial meeting with the labor officer and the employer, the employer offered to pay 10% of what was owed to each worker. The workers did not agree and the employer refused to compromise. By February 2005, the workers reported that they had met with the labor officer and the employer over 10 times but had yet to reach an agreement. (Source: HRDU, 2005)

November

In November, the trial of Suchart Akkavibul and his wife Yuwadee for the brutal murder of their 18-year-old Burmese migrant worker, Ma Suu, who was set on fire, left unaided and then dumped by the roadside in Lop Burip province in early July 2002, was further delayed. In their initial appearance before the court in June 2004, Suchart and his wife were given bail on the grounds that Suchart is a state officer in the Royal Thai Airforce.

Testimony was given at two hearings on 26 July and 4 August 2004, by five Burmese workers who were employed by Suchart, all of which implicated Suchart and his wife in the severe beating of Ma Suu, with some also testifying that they saw the burn injuries after the incident. Finally, the Public Prosecutor charged Suchart and his wife with murder, confinement and harboring an illegal alien under Sections 289 and 310 of the Penal Code of Thailand and Section 64 of the Immigration Act B.E.2522 (1979).

The first hearing of the case was held at Uthaitanee Provincial Court on 1 November 2004, and despite the case being delayed for two years already, the court set the next hearing date for January 2006, due to the introduction of a new hearing system. This has prompted concerns that Suchart's influence and position of authority is allowing him to escape justice. (Source: "UPDATE (Thailand): Case of the Killing of a Migrant Worker Dragged On by Apparent Delay of Trial," AHRC, 10 December 2004)

On 5 November, YCOWA member Aye Salam was assaulted by three men on a motorcycle. The three thugs had followed Aye Salam after he left a mosque at around 9:45 pm. Salam was surrounded by the men, with one member of the group hitting Mr Salam with a club. Mr Salam was able to make his escape shortly after, preceding to a hospital for medical attention. Salam reported the incident to police. The assault was believed to be related to Salam's work

in the promotion of labor rights for Burmese migrant workers. (Source: "THAILAND: Migrant Workers' Rights Activist Facing Legal Prosecution and Death Threats," AHRC, 22 December 2004)

On 6 November, Thai police arrested 30 illegal Burmese migrants attempting to make their way to Ratchaburi where, by prior arrangement, they were to be employed as factory workers. The Burmese migrants were in the back of a pick-up, which was followed by police after the driver had failed to stop at a checkpoint near the shared border between Burma and Thailand. The workers were taken into custody, while the driver escaped after abandoning his car. (Source: "Up to 30 illegal Myanmar Workers Nabbed in Thailand," *Xinhua News*, 7 November 2004)

December

On 3 December, workers at Nun Cho Rune (a knitting and sewing factory in Mae Sot) approached their employer seeking a 3 day remuneration rate of 320 baht, increasing their daily wage from 60 to 106 baht, a figure still below the minimum wage requirements. This request was followed by 5 workers from the factory seeking assistance from the LPO in dealing with their wage concerns. An appointment was made for a meeting between employees, the employer and an LPO Officer on 27 December. On 20 December, 76 workers were dismissed by their employer and threatened with deportation before eventually being taken to a monastery. As a result, another group of workers visited the LPO in order to better determine their position. At this meeting the workers were told to wait for the meeting and that any moves made on their behalf to seek redress for violations of their labor rights would result in deportation. (Source: HRDU, 2004)

On 14 December, police raided the offices of YCOWA in Mae Sot, Tak province. The raid resulted in the arrest of YCOWA labor activist Aye Salam on the grounds that he was working illegally in Thailand. Salam assisted in drafting complaints for Burmese migrant workers who were paid below minimum wage and the arrest is believed to be related to his involvement in disputes between migrant workers and their employers. Subsequently, Salam was charged for working in an industry other than those prescribed by the government. During the raid, police confiscated 3kg of complaint forms prepared by the organization.

On 16 December, one day after being released on bail, Aye Salam received a death threat from an unknown source, threatening to kidnap and kill him unless he ceased his involvement in labor rights activism. (Source: "Thailand: Migrant Workers' Rights Activists Facing Legal Prosecution and Death Threats," Asian Human Rights Commission, 21 December 2004)

On 19 December, 76 workers were dismissed from the Nun Cho Rune textile and garment factory and threatened with deportation by their employer and police. Workers visited the LPO on 20 and 22 December, seeking redress for their dismissal. On 22 December they were told to await the previously arranged meeting on 27 December. They were also told that any efforts to pursue their legal rights on or before the meeting would result in their deportation. (Source: HRDU, 2005)

On 26 December, the southern provinces of Thailand were ravaged by tsunami waves, leading to the deaths of thousands of Burmese migrant workers. Specific numbers have been difficult to document due to the lack of assistance rendered by the Burmese military government after the tsunami, the fact that a large proportion of the migrant workers were

unregistered and the unwillingness of Thai authorities to collect accurate information concerning the deaths of Burmese in the region.

15.3 Situation of 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 around 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, specifically religious persecution, in Burma, which prompts their flight to countries such as Malaysia.

Malaysia has not ratified the 1951 Convention relating to the Status of Refugees, and the Malaysian government does not, for the most part, differentiate between refugees and migrant workers. Under immigration policy, all undocumented people are considered "illegal immigrants" and are therefore 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 that 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 a time and they have no legal recourse against their employers. Undocumented workers also lack access to basic healthcare 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," 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 to have overstayed their visas were 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 sheltered undocumented persons were also subject to severe punishments.

In April 2003, a decrease in the number of illegal immigrants had been reported since the 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 jeopardized.” (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 have often been 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)

In 2004, the Malaysian government planned a similar crackdown on illegal workers, in an attempt to gain greater control and regulation over its migrant workforce. Prior to the planned crackdown, illegal workers were given an amnesty period to leave the country, beginning on 29 October and coinciding with the Islamic holy fasting month of Ramadan (source: “Malaysia Warns Illegals: Amnesty Your Last Chance,” *The Manila Times*, 1 November 2004). This period was originally to end on 14 November, when arrests, punishments and deportations were planned to begin. In spite of the severity of the repercussions outlined by the government, a disappointing response to the general amnesty was reported. Consequently, the Malaysian government extended the amnesty period until the end of December (source: “Malaysia Extends Amnesty Deadline for Migrant Workers,” *The Jakarta Post*, 6 November 2004).

A number of reasons were cited for the poor response to the amnesty period. Of particular relevance to illegal Burmese workers in Malaysia is the cost of transport to return home, coupled with the likely prospect of arrest and detention upon arrival at the Burmese border for illegally leaving the country and the fear of human rights abuses and religious persecution once inside Burma.

The consequences for illegal workers who failed to avail themselves of the amnesty period were to include arrest, fines, caning and deportation. Government officers were expected to inspect building sites, plantations, factories, restaurants and even private homes with domestic servants to pursue arrests. To enforce the crackdown, 500,000 members of volunteer neighborhood security groups were to assist in the search for illegal migrants. Human rights groups expressed concern over the minimal training of these groups and the cash rewards for capture, suggesting these factors were likely to encourage vigilantism. Government releases have stated that the operation would be carried out humanely, although doubts have been cast over the ability of the government to control the volunteer groups entrusted with the power to arrest. (Source: “Malaysia’s Massive Crackdown on Migrants Sparks Rights Fears,” AFP, 30 January 2004)

In the wake of the tsunami of 26 December 2004, however, the crackdown on illegal migrant workers was put on hold until 31 January 2005, following a request from Indonesia, the country worst affected by the disaster. The crackdown was primarily targeted at Indonesian migrant workers, who make up the majority of migrants working illegally in Malaysia. Prior to the tsunami, reports had estimated that 60,000 illegal migrants had been deported, with

18,607 caned for entering the country without valid documentation. At the time of writing, 1 March 2005 was viewed as a likely date for the commencement of the crackdown.

The amnesty period and the subsequent crackdown were aimed at evicting 400,000 of the 1.2 million migrant workers in Malaysia. Official statements acknowledged that expulsion did not preclude re-entering the country with legitimate documentation. In addition, the Malaysian government was already focusing on the regulated import of labor from Pakistan, Burma, Vietnam, India and Nepal (source: "Malaysia Widens Recruitment for Foreign Workers," DVB, 4 April 2005). This would require the payment of a 1,325 RM (US\$ 348) government levy and 180 RM (US\$ 47) for medical tests. Yet, with monthly incomes estimated at US\$ 144 per month, the costs become prohibitive for many migrant workers. Another problem for Burmese attempting to follow correct registration procedures is their lack of documentation. Very few have passports due to their prohibitive cost, while many ethnic minorities fleeing Burma do not possess citizenship papers due to their marginalized status within Burma.

In October 2004, the Malaysian government announced its willingness to issue official identity documents for Burmese Rohingya in order to allow them to work legally in Malaysia. In turn, these documents would protect the Rohingya from the impending deportation process. Mohamed Nazri Abdul Aziz, Minister in the PM's department, acknowledged that the move was in response to the Burmese government's failure to issue the Rohingya with citizenship and its policy of persecution against the Muslim minority. Procedures have yet to be confirmed for the estimated 10,000 Rohingya currently living in Malaysia. (Source: "Malaysia: Government Must Halt Deportation of One Million Migrants," *Amnesty International Press Release*, 12 February 2004)

15.4 Situation of Burmese Migrants in Japan

There are an estimated 10,000 Burmese people living in Japan, according to the Tokyo-based 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. The Japanese Immigration Department listed the number of illegal workers at around 230,000 in 2001, with 2004 estimates of up to 250,000. (Source: Naw Sen, "New Fees for Burmese in Japan," *Irrawaddy*, 8 January 2004)

Until the beginning of 2004, Burmese migrants living in Japan were 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. Payments were required regardless of income and visa status. Due to the high costs of these tariffs, many undocumented Burmese migrants in Japan did not pay regularly. This fee structure was subject to scrutiny by the Japanese government in the past on the grounds that the levy may represent the exercise of sovereign power in a foreign country, in contravention of customary international law. No bilateral agreement between the two countries exists to prevent dual taxation, although Burma has traditionally sidestepped this issue of sovereignty by masking the fee as a voluntary donation to the government.

As of 1 January 2004, the Burmese Embassy in Japan introduced a new fee payment program for Burmese living there who wish to renew their passports. The new regulations require those seeking to renew existing documents and those applying for new documents to pay a

fee as well as graded income tax. The new fee structure as of the beginning of 2004 was as follows:

	Fee	Income tax
Renewal	17,500 yen	Graded
Passport expiry 1-5 years ago	17,500 yen	200,000 yen
Passport expiry 5+ years ago	17,500 yen	300,000 yen
No documents	35,000 yen	300,000 yen

Concurrently, the Japanese Ministry of Justice and the Tokyo government announced the intention to crackdown on the number of illegal workers in the country. The government aims to halve the size of the illegal population over the next five years through the enforcement of increasingly strict immigration laws. Therefore, the prospects for Burmese migrant workers of remaining in Japan or returning to Burma legally are dim, with the prohibitive costs associated likely to leave Burmese migrant workers in a state of uncertainty, stuck without visas to stay in Japan legally or documents to return home. Consequently, they are forced to live either in detention centers in Japan or on the margins of society, often without access to social security protection. (Source: Naw Seng, "New Fees for Burmese in Japan," *Irrawaddy*, 8 January 2004).

15.5 Situation of Burmese Migrants in India

Migration from Chin State in Burma has continued throughout 2004 due to the Burmese military government's campaigns against the Chin ethnic minority group. Fearing religious, cultural and political persecution, as well as economic destitution, many Chin Christians continue to flee across the border and into Mizoram State, India. However, India has not ratified the 1951 Refugee Convention and nor does India allow the UNHCR access to Mizoram State. Therefore, those Chin Christians who are unable to make their way to New Delhi and access the protection and assistance of the UNHCR are labeled as illegal immigrants in Mizoram State and fall within the jurisdiction of India's Foreigners Act of 1946. No distinction is made between refugees and illegal aliens in Mizoram State and ethnic Chin Christians are afforded little to no legal protection in this area.

Approximately 50,000 Chin reside in Mizoram State and an estimated 10,000 are thought to be engaged in illegal employment. The Mizo, the local ethnic groups of Mizoram State, and the Chin are ethnically and linguistically related and the Chin were initially accepted into the local communities. However, in recent years relations between the two groups have steadily deteriorated and the Chin are frequently blamed for social problems by political groups such as the Young Mizo Association (YMA). In July 2003, the alleged rape of a nine-year old Mizo girl by a Burmese man led the YMA, in collaboration with other organizations, to launch the "Quit Mizoram Campaign." The campaign aimed to evict all Burmese people from the state and there were reports that to this end the Chin were subjected to threats, ultimatums and incidents of violence and property destruction. There were also reports that these acts were carried out with the full knowledge of state authorities.

While tensions between the YMA and the Chin have reportedly subsided since July 2003, there were continued reports of discrimination against Burmese Chin residents in Mizoram State throughout 2004. Chin residents continued to be harassed to leave Mizoram State. The most recent deadline for eviction in Lunglei, the second largest town of Mizoram State, was

the end of July 2004. In some cases, Chin residents have been put in jail overnight in order to "teach them a lesson" (source: "Chin Refugees in Mizoram Face Threat of Deportation," *Rhododendron News*, Volume VII. No. IV. July-August 2004). It was also reported that Mizo landlords were told by the YMA not to rent their property to Burmese people and subsequently the Chin have had difficulty finding accommodation. Refugees International has reported that as many as 80% of the Burmese population in Langlei have been forced to return to Burma. It is further estimated that the campaign has resulted in the forced deportation of as many as 6,000 Chin, while an estimated 10,000 Chin have fled their homes and gone into hiding in Mizoram State (source: "Between a Rock and a Hard Place: Burmese Chin Refugees in India," Refugees International, 22 July 2004). The situation of the 6,000 Chin who returned to Burma has remained to date unclear. (Please see chapter on refugees for more information.)

15.5 Situation of Burmese Migrants in Singapore

For decades, Burmese migrants have worked legally in Singapore. The number of Burmese in Singapore began to increase 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 can only be provided by naturalized Singapore citizens, Burmese with Permanent Resident (PR) status, or to those who have already 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 must 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 (source: HRDU, 2004).

For many people, these fees are only part of the money that must be spent to obtain a permit to legally work in Singapore. In Rangoon, job broker agencies connected to Singapore businesses charge high fees to expedite 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 associated visa costs effectively prevent them from being able to pursue the option of working legally in Singapore.

Approximately 300 Burmese go to Singapore each month for the purposes of either work or study. Two thousand two hundred and eighteen Burmese workers have been sent to work in Singapore through official channels, with the Departments of Labor between the two

countries entering occasional agreements on the provision of skilled migrants to Singapore. Employment through this avenue requires prospective employees to meet the criteria established by the Department of Labor. (Source: "Singapore: Port Authority to hire Burmese workers," *Asian Labour News*, 29 July 2004)

In July 2004, the Port Authority of Singapore announced its requirements for more electricians, container drivers and mechanics, with Burma targeted to provide 160 people for an October start. The rates of pay for container drivers mirrors the rates received by the majority of Burmese working in Singapore (US\$ 550 per month), while the rates for mechanics and electricians is slightly higher (US\$ 800 per month). The Port Authority was also expected to pay the costs of transport, provide accommodation and free medical care. (Source: Ye Lwin, "Singapore Port Hires Myanmar Workers," *The Myanmar Times and Weekly Review*, 7-13 February 2005)

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 US\$ 16 (9,200 kyat) per day, while more skilled workers earn slightly more. Burmese workers make about US\$ 600 (345,000 kyat) per month, with basic living costs running from US\$ 80-100. In addition, the SPDC charges citizens a 10% tax on overseas earnings and workers must also pay a flat tax of US\$ 30 to the Singapore government. If workers need to renew their passports they must pay the Burmese government US\$ 300 and replacing a worn or lost passport costs US\$ 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, they are 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

"We have heard that they plant landmines and that other villagers have struck these landmines. Some of the people have died and some of them have had their legs or arms blown off when they were walking on the path to go and buy and sell their food. We are afraid of them [landmines]. The SPDC plants their landmines on the path so it is not easy for us to work."

- *Naw Der Ler, villager from Tantabin Township, Karen State, (Source: Interview #128, 4/02, Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District, Karen Human Rights Group, September 2004)*

16.1 Background

The immense violence that has been inflicted upon civilians throughout the world from anti-personnel landmines has led to the growing international acceptance of the necessity of their eradication. On 5 December 1997, in response to this realization, 122 countries came together and signed the Mine Ban Treaty (also known as the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction). In opposition to the worldwide trend however, Burma has to date not acceded to nor signed the treaty and continues to be not only a regular user of landmines, but also a producer. Since the Mine Ban Treaty's inception in 1997, Burma has abstained from voting on every resolution of the UN General Assembly which supports it and continues to state that the problem of insurgency prevents them from signing the treaty.

Anti-personnel landmines are victim-activated weapons that indiscriminately kill and maim civilians, soldiers, elderly people, women, children and animals. These devices can remain functioning long after military personnel have departed and even after the cessation of hostilities. As a result of their autonomous nature, landmines often inflict injury in situations that might otherwise appear peaceful. Civilians often perceive environments to be safe after the cessation of open conflict and attempt to resume their means of livelihood. Accordingly, one study suggests that a third of Burma's landmine casualties are civilians. (Source: *Analysis of the Impact of Landmines in Burma*, Nonviolence International, 2002)

Despite the numerous ceasefires that have been signed between the Burmese government and various insurgent groups, landmine casualties in the country still appear to be rising. Burma currently suffers amongst the highest numbers of landmine victims each year of any country. Despite the growing carnage resulting from the use of landmines, Burma remains, along with Russia, the only other country to have been deploying them on a regular basis since 1999. (Source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 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 domestically as well as to and from their home country). 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 (and in some cases departure) of both forcibly relocated communities as well as, in some areas, refugees.

In 2004, the UN pursued a more direct approach to landmine issues in Burma. In their April 2004 resolution, the UN Commission on Human Rights urged Burma to “consider as a matter of high priority becoming party to ... the Convention on the Prohibition on the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.” (Source: “Situation of Human Rights in Myanmar,” *Sixtieth Session of the Commission on Human Rights*, United Nations Economic and Social Council, 9 April 2004)

Despite the Burmese government’s dismissal of the issue, three armed groups came forward in 2004 and signed the Geneva Call Deed of Commitment, thereby forswearing the use of anti-personnel mines. These three groups were: the Arakan Rohingya National Organisation, the National United Party of Arakan, and the National Socialist Council of Nagaland (based in India). Despite the Burmese government’s reluctance to pursue a restrictive landmine policy, they did send a representative to attend the Humanitarian Mine/UXO Clearance Technology and Cooperation Workshop in Kunming, China, on 26-28 April 2004. (Source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004)

16.2 Human Minesweepers

The Burma Army’s practice of forced conscription of villagers for use as porters continued in 2004. Forced portering was normally conducted in states along the Thai, India, or Bangladesh borders where the majority of military campaigns were carried out. These are also the areas where landmine deployment and density is the greatest.

As in previous years, civilians conscripted as porters in 2004 were forced to carry heavy loads of food and ammunition and were regularly sent ahead of troops in order to act as human minesweepers. Prisoners have also been used as porters and minesweepers. In such cases, porters are forced to walk over minefields so as to trigger the detonators. They are also forced to employ more systematic methods of de-mining such as dragging logs across minefields in front of military troops. According to a survey cited in the 2004 *Landmine Monitor* report “more than seven percent of interviewed refugees identified being ‘forced to walk on minefields’” as a source of trauma in their lives in Burma (source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004).

16.3 Situation in Border Areas

As a consequence of Burma's many lasting conflicts, much of the countryside has been left heavily mined. Landmine deployment tends to be concentrated in the border areas where the scale of insurgent warfare has been the highest. Border areas have been mined by government troops in order to both prevent insurgent forces from penetrating the central region of the country and also as a means of controlling the movements of villagers in conflict areas.

Villagers are seen by government troops as sources of logistical support for insurgent forces. As a result, villagers have frequently been forcibly relocated to areas under Burma Army control and their former villages and fields have been heavily mined in order to dissuade them from returning. According to a report by the Karen Human Rights Group (KHRG), this is becoming an increasingly common practice employed so as not to leave evidence of the forcible evacuation (source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004). Villagers forcibly relocated often return to their former farmlands in order to tend and harvest their crops. This results in frequent civilian casualties. Roads and paths are also regularly mined, thus creating barriers to movement that villagers will not easily cross.

Insurgent forces are also regular users of landmines in Burma's border areas. Mines are laid by opposition forces throughout border states as a means of protecting secured areas and blocking the advancement of government troops. The combined landmine deployment by both government and opposition forces has effectively littered border areas with hidden barriers and no-mans lands.

In past years, Burma Army forces have been accused of laying mines across the border in neighboring Thailand and Bangladesh. These accusations have created tension between governing powers and the 2004 joint-country border demarcation programs between Burma and Bangladesh were suspended after extensive landmines in the region prevented the project from being carried out. (Please see section 16.7 Bangladesh-Burma Border, below)

16.4 Mine Deployment

There remain numerous countries that have yet to sign the Mine Ban Treaty, though Burma, along with Russia, is the only other country that continues to deploy landmines on a regular basis (source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004). The Burma Army has pursued two separate strategies in order to maintain their landmine stockpiles.

The Burmese government has, in the past, imported and deployed anti-personnel landmines manufactured in China, India, Italy, the Soviet Union and the United States. The state-run Myanmar Defense Products Industries has, however, become the army's major supplier and produces MM1, MM2 and Claymore-type mines, which it produces in its No. 4 plant in Pyay (Prome) in central Burma (source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004). According to the KHRG "The MM-1 is a copy of the Chinese-made PMOZ-2 stake fragmentation or 'corn-cob' mine, and the MM-2 is a

copy of the Chinese-made PMN blast mine” (source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004). Each SPDC battalion in Karen State is reportedly given an arsenal of 50 “blast” landmines (MM1 and MM2) as well as 30 directional fragmentation mines (Claymore-type) and is likely to be re-issued supplementary mines when their initial stock has been used up. There have been no reports of the Burmese government exporting any foreign or domestically manufactured mines to other countries, though they did present an offer of sale to Bangladesh in late 2003, which was declined (source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004). The government continues to remain silent on the types and quantities of landmines which they retain in their stockpiles and estimates of their possessions can not be accurately made. Along with this, the Burmese Ministry of Defense denies that their troops use landmines and even the existence of them within the country (source: *Landmines: When Repatriation Becomes an Act of Murder*, BI, 1 October 2004).

The Burma Army’s most intense campaign of landmine deployment has been focused in the border areas along the east of the country in Karen, Karenni and Shan States, as well as in west of the country in Arakan and Chin States. In 2004, 9 out of Burma’s 14 States and Divisions were mine-affected as well as cross-border areas in Thailand, Bangladesh and India. Mines have been laid in these regions during counter insurgency campaigns for militarily strategic goals as well as to restrict the movement of forcibly relocated villagers who are suspected *en masse* of offering logistical support to insurgent forces. The Democratic Karen Buddhist Army (DKBA), a pro-junta militia based in the east of the country, has regularly received landmines from SPDC troops. These have been deployed, like those of government troops, in campaigns against opposition forces as well as to control civilian movement. Landmine deployment in civilian areas is so great that a multi-year survey found 14% of civilian mine victims had been injured within half a kilometer of the center of a village. (Source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004)

Despite the renunciation of landmine deployment by three armed opposition groups, the number of such groups using landmines has increased over the years from 10 in 1999 to 15 in 2004. Those groups, as reported in the 2004 *Landmine Monitor Report*, were “the Shan State Army; Karenni Army; Karen National Liberation Army; All Burma Students Democratic Front; People’s Defense Forces; Myiek-Dawei United Front; Wa National Army; Pa-o People’s Liberation Front; Chin National Army; All Burma Muslim Union, as well as a cluster of smaller organizations in southern Karen State who field a few combatants under the banner of the DAB Column. Other armed groups that use landmines, but currently have non-hostility pacts with the ruling authorities, include the United Wa State Army and the Democratic Karen Buddhist Army. A splinter faction, the Hongsawatoi Restoration Party, also used mines.” (Source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004)

Insurgent groups in the past have been able to purchase American and Chinese made landmines on the black market, though this practice has become more difficult in recent years. These groups have therefore predominantly been using SPDC-laid mines, lifted from their place of deployment or stolen from Burma Army stockpiles, as well as an increasing number which they have manufactured by themselves. (Source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004)

Locally made landmines have been constructed out of materials like PVC piping, bamboo, wood, scrap metal, shotgun pellets, empty bottles and milk cans (source: *Enduring Hunger and Repression: Food Scarcity, Internal Displacement, and the Continued Use of Forced Labour in Toungoo District*, KHRG, September 2004). These mines typically use batteries as their source of power to ignite the detonator. As a consequence of this, the mines are rendered ineffective after about six to nine months when the batteries die, thus limiting their long-term potential to inflict civilian casualties. Several armed groups reportedly have the capacity to manufacture blast mines, fragmentation mines and Claymore-type mines. A reporter with the International Campaign to Ban Landmines was shown one locally made mine which employed an anti-tilting mechanism so as to prevent its removal by the enemy (source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004). According to one opposition soldier, these locally made landmines cost the groups an average of US\$ 1 per unit. Component parts for these mines have been bought from various armed opposition groups as well as Thai businessmen who operate logging concessions in border areas within Burma.

16.5 De-mining

Within Burma there has been an appalling lack of de-mining activities and this trend continued into 2004. There were no de-mining activities carried out in 2004 for humanitarian purposes. The limited de-mining that did take place was done for the purpose of achieving militarily strategic goals. De-mining in these situations was typically done by civilian porters or convicts. As mentioned above, conscripted villagers or convicts were regularly forced to walk in front of government military personnel through minefields in order to trigger the explosions. The KHRG reported that convicts had been forced to detect and clear mines using sticks and their bare hands and that at least three had died during such a procedure (source: *Karen Human Rights Group Information Update*, KHRG, 23 March 2004).

There has been no systematic recording of mine locations either by Burma Army troops or insurgent forces. Some armed opposition groups have claimed that they inform local villagers of mine locations, though no civilian mine survivors who were interviewed during a survey by Non-Violence International reported having heard any such warnings. There were infrequent reports in 2004 of minefield labeling, such as signs on the road from Hpa-an to Myawaddy in Karen State which read "mines" in Burmese. In Toungoo District, Karen State, an area mined by government forces was marked by military personnel with a red and white hand-painted sign. (Source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004)

The lack of systematic recording and marking of landmine locations is a likely contributor to continued civilian casualties. If and when future de-mining activities are attempted, the absence of records will prove to be a significant hindrance in the achievement of a landmine-free country.

16.6 Thailand-Burma Border

The eastern region of Burma which runs along the border with Thailand continued in 2004 to be the most extensively mined area in the country. The density and expanse of landmine coverage in Karen, Karenni and Shan State is the result of decades of civil warfare which has seen both government and opposition forces deploying mines. SPDC and DKBA troops have made regular use of landmines throughout the region in amongst civilian habitation and transport routes. Both groups have also made use of local villagers as forcibly conscripted porters and minesweepers.

A systematic policy known as the “four cuts” campaign has been employed to remove civilians out of villages situated in areas where resistance forces are suspected of operating. Under the program, landmines have been heavily laid in and around the emptied villages and fields, which have both often been burnt to the ground once villagers are expelled. The “four cuts” campaign is intended to separate opposition forces from their sources of logistical support, which the villagers are perceived to be. Along with landmine deployment in villages and fields, paths and roadways have also been covered in attempts to restrict the movement of both soldiers and villagers alike. Pathways leading to Thailand have also been mined in order to restrict refugees from both leaving for Thailand and returning to Burma. This last policy has had the dual effect of creating landmine victims and hindering their efforts to seek treatment in Thailand.

Thailand is seen as a location of both medical treatment and refuge. As a result, 46% of landmine victims in Karen State make the journey to Thailand through jungle and militarized areas in order to receive some form of treatment. Functional medical facilities along the Burma side of the border are rare and mostly without the capacity to properly treat landmine victims. With an estimated one civilian landmine amputee each day in Karen State, this leaves a significant amount of survivors in hazardous health conditions each year who do not make it to adequate medical facilities. (Source: *Landmines: When Repatriation Becomes an Act of Murder*, BI, 1 October 2004)

Further mine related issues arose in 2004 as a result of developments in the proposed construction of a new hydroelectric dam on the Salween River in eastern Burma. Since beginning the development of the Salween Dam, government troops have concentrated their efforts along the river and the roadways and paths that have been constructed to connect the dam with the country’s central region. Mines have been laid all along these new roads in order to fend off incursions from insurgent groups. From March to April 2004, Burma Army troops constructed a new road which ran from Kor Pu to Paw Hta, which was to allow supplies to be brought in from Papun and would also connect to the SPDC garrison at Dar Gwin. Landmines have been laid along this road as well as along the previously constructed Papun - Kor Pu-Dar Gwin road. Karen Rivers Watch, an NGO which monitors the impact of developments in the construction of the Salween Dam, reported that “landmines which have been laid beside the roads have frequently proven deadly for villagers in the area.” (Source: *Damming at Gunpoint: Burma Army Atrocities Pave the Way for Salween Dams in Karen State*, Karen Rivers Watch, November 2004)

In 2004, the United Nations High Commission for Refugees began preliminary negotiations with the Thai government for the repatriation of Burmese refugees (source: *Landmines: When Repatriation Becomes an Act of Murder*, BI, 1 October 2004). Thailand is not a signatory to the 1951 Convention Relating to the Status of Refugees and therefore is not obligated to

follow any international norms or standards in the protection and treatment of refugees. The Thai government considers the refugees to be temporarily seeking shelter from situations of conflict. When armed opposition groups in Burma sign ceasefires with the SPDC, the Thai government claims that the refugees no longer require a place of asylum and can therefore return to their country of origin. Unfortunately, the areas along the Thai-Burma border where the majority of the Burmese refugees in Thailand have fled from are so densely covered in landmines that repatriated refugees are certain to traverse over dangerous terrain. Many of the villages where refugees once lived are also heavily mined and the former inhabitants will therefore require a different place of residence until the landmines have been cleared and the area is deemed safe enough for their return. The landmines in the border areas will continue to pose a grave threat to civilians long after the cessation of open conflict and will prevent the area from being a place to where refugees can be safely repatriated until much work has gone into mine clearance.

16.7 Bangladesh-Burma Border

The border dividing Bangladesh and Burma stretches along 208 kilometers of extremely rugged terrain and continues to be one of the most heavily mined areas in the country. The Burmese army has planted landmines along the Burma side of the border since 1991 when 250,000 Rohingya Muslims fled to Bangladesh from Arakan State. A report released in 2004, however, claimed that mines had been laid along the border-line and into Bangladesh since 1997 (source: "List of Landmine Deaths on Bangladesh-Burma Border," *Narinjara News*, 20 July 2004). The mines were allegedly laid to restrict the cross-border movement of insurgent forces and smuggled weapons. A consequence of this is that subsequent travel has become extremely dangerous for both refugees fleeing from and returning to Burma as well as for economic migrants and traders.

It was further reported in a Bangladesh paper that, since 1997, there have been 16 landmine related deaths on the Bangladesh side of the border as well as countless animal casualties (source: "List of Landmine Deaths on Bangladesh-Burma Border," *Narinjara News*, 20 July 2004). *Narinjara News* later reported over two dozen victims of SPDC-laid landmines along the Bangladesh-Burma border during the few years prior to the article's release in late 2004 (source: "Border Landmines Have Far Reaching Effects," *Narinjara News*, 14 December 2004).

One problem relating to both landmine deployment and conventional military campaigns is the lack of a clearly demarcated border between the two countries. Joint Burma-Bangladesh attempts to mark out the borderline were suspended in 1998 when it was realized that extensive landmine coverage was posing too great a risk to those involved (source: "Border Landmines Have Far Reaching Effects," *Narinjara News*, 14 December 2004). The undefined border continues to cause tension between the two countries and in March 2004 it was reported that Nasaka (Burma border security force) troops had abducted 13 Bangladeshi loggers from the Bangladesh side of the border (source: "Burma and Bangladesh Clash Over Abduction of 13 Loggers," *Narinjara News*, 28 March 2004).

16.8 India-Burma Border

The potential for landmine victims along the India-Burma border remained throughout the year despite the fact that there were no reports obtained by this organization regarding new incidents of landmine casualties in this area for 2004. The continued state of insecurity comes as a result of landmines which, according to earlier reports, were laid throughout Naga areas in Western Burma during the SPDC's military campaign there in 2001 (source: *Country Reports on Human Rights Practices-2003*, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, 25 February 2004). Government forces allegedly laid landmines in the villages of Naga refugees who had sought shelter in India as a result of the conflict. The situation for the Naga has been further exacerbated by pressures put on them in India to return to Burma.

In 2004, there was one armed group along the India-Burma border that consciously abstained from the use of anti-personnel landmines. The National Socialists Council of Nagaland, which claims to represent the Naga people, signed the Geneva Call Deed of Commitment on 21 October 2003, thereby forswearing mine use (source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004).

16.8 Mine Risk Education

Mine Risk Education in Burma has typically been a poor recipient of domestic and international attention. This trend began to change in 2003 and gained increasingly more attention in 2004 with an expansion of programs related to landmine dangers. Nonviolence International, a human rights organization, continued in 2004 to run their advanced mine risk education program in Karen State. The program consisted of training local trainers of Mine Risk Education. The International Committee of the Red Cross conducted an assessment in February 2004 in order to determine whether to begin a Mine Risk Education program (source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004). The Burmese government showed some interest in Mine Risk Education by sending a representative to the Humanitarian Mine/UXO Clearance Technology and Cooperation Workshop in Kunming, China, on 26-28 April 2004. (Source: *Landmine Monitor Report 2004 (Burma)*, International Campaign to Ban Landmines, November 2004)

16.8 Landmines – Partial List of Incidents for 2004

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.

Pa-an District

On 16 March 2004, troops from DKBA battalion 999 began restricting villagers of Pah Klo village, Na Boo Township, from staying outside of the village and forced them to remain inside the village. The DKBA troops then set up landmines around the village. (Source: CIDKP, 2004)

On 19 March 2004 at 3:30 pm, some villagers from Pah Klo village left their village and triggered a landmine. Saw Pah Htweh (age 35) died on the spot and Pah Di Khu (age 40) was wounded in the stomach and his intestines were exposed. (Source: CIDKP, 2004)

In November, Battalion Commander Chit Thu of DKBA 999 special battalion instructed his troops to plant landmines extensively. He also ordered villagers together with their cattle and buffalo to come back and stay in the village after harvesting their paddy. (Source: KIC, 2004)

On 16 November 2004 at 7:15 pm, Saw Po Du (age 30) of Pa Klo village, Na Boo Township, stepped on a landmine planted by DKBA troops near Pa Klo. (Source: KIC, 2004)

Papun District

In January 2004, the Burma Army increased its patrolling of the east-west road from Kaukkyi to Saw Hta on the Salween River. The troops involved also laid mines along the road and posted additional positions to guard crossing routes and shoot on sight anyone attempting to cross the road. (Source: "Ongoing Burma Army offensive in the Northern Karen State and Southern Karenni State," FBR, 26 January 2004)

Toungoo District

On 7 January 2004, a 17 year old boy stepped on a MM2 style landmine of either Burmese or Chinese manufacture outside of Ka Lae Lo village and lost his leg from the knee down. The mine had been laid by Burma Army troops during their campaign to clear all Karenni refugees out of southern Karenni State. The troops had crossed into Karen State and chased out villagers from Ka Lae Lo, Lay Wa, Say Ba Ti and Marmee villages. The troops then burned down 3 rice barns at Ka Lae Lo village and planted a landmine on the main trail out of Ka Lae Lo village about 500 meters from the village. (Source: FBR, 12 January 2004)

From 9 January 2004 until September 2004, SPDC LID 55 led by Commander Nyi Lin of Tactical Command No.2, G-2 Kyaw Thura, G-3 Kyaw Moe, SPDC LID 511 Battalion Commander Aung Kyaw Moe, SPDC LIB 508 Battalion Commander Aung Moe Naing and SPDC IB 94 Battalion Commander Aung Moe Naing came and set up a base at the Karenni State border and demanded 70 villagers each from 2 townships in Toungoo District and forced them to construct 2 motor roads: 1 from Baw Ga Li to Maw Chee; and the other from Kaw Thay Doe to Bu Sa Khee. They also forced them to carry food supplies and clear landmines, bringing with them their own food supplies. (Source: CIDKP, 2004)

On 23 January 2004, Burma Army troops arrived at Siday village in northern Karen State. They encountered previously laid landmines and subsequently retreated to Sa Kee village, Eastern Toungoo District, after suffering an unknown number of casualties. (Source: FBR, 26 January 2004)

On 24 February 2004, troops from SPDC IB 48 led by Column 2 Commander Myo Zaw Win under control of SPDC Southern Headquarters Operation Command 1, in combination with troops from SPDC IB 75, came to Kaw Thay Doe village, Tantabin Township, and fired gun shots to threaten the villagers and also detonated 7 landmines. As a result, Kaw Thay Doe villagers were very much frightened. (Source: CIDKP, 2004)

On 15 March 2004, Operation Command 1 Commander Khin Soe of SPDC Southern Command Headquarters based at Baw Gali forcibly gathered 150 villagers in Baw Gali area and forced them to clear bushes and landmines along the Kaw Thay Doe to Ba Hsa Khee motor road. They were also required to bring their own food supplies. (Source: CIDKP, 2004)

On 7 April 2004, SPDC Operation Command 1 Commander Khin Soe commandeered trucks from the following individuals:

1. Naw No Noe, Kaw Thay Doe village;
2. Saw Lah Doe, Baw Ga Li village;
3. Saw Toe See, Baw Ga Li village; and
4. Saw Yo Ha, Baw Ga Li village.

A total of 4 trucks were taken for the purpose of transporting military supplies and clearing landmines. (Source: CIDKP, 2004)

On 23 December 2004, troops from SPDC LIB 439 led by Battalion Commander Aung Htay Win ordered 4 women and 14 men from Klay Soe Khee village to clear landmines from the road to Bu Hsa Khee camp and repair it. As a result, Klay Soe Khee villager Saw Ta Po Dee (age 15) was wounded by a landmine. (Source: KIC, 2004)

Karenni State

On 10 May 2004 at 11:00 am, a 30 year old Karenni man was killed when he stepped on a Burma Army landmine while trying to return to his village south of Mawchi near the Karen State border. (Source: FBR, July 2004)

On 26 May 2004 at 9:00 am, Naw Ger Moo Paw (female, age 16) stepped on a landmine near Htoo Ka Htoo village northwest of Mawchi. She lost her leg and was sent to a mobile clinic in Karen State. (Source: FBR, July 2004)

Mon State

In February 2004, it was reported that a Buddhist novice monk was injured by a landmine while trying to evade SPDC soldiers who were patrolling around the monastery near Krein Kanyar village in southern Ye Township. (Source: "Landmine Use by Both Parties," *Kao Wao News*, 29 February 2004)

On 29 February 2004, it was reported that 3 porters and 2 SPDC soldiers were wounded after stepping on landmines near Krein Kanyar village in southern Ye Township, Mon State. The porters had been forced to walk ahead of the patrolling troops. The 2 injured soldiers were taken for treatment to the military hospital at Southeast Command in Moulmein. One of the porters, Nai Bee (age 33), lost his leg and was sent to a public hospital. His family was required to pay a huge sum of money for his treatment. Another of the porters, Nai Hlear, fled to Thailand. (Source: "Landmine Use by Both Parties," *Kao Wao News*, 29 February 2004)

Pegu Division

Note: Both Nyaunglebin District and Toungoo District are areas demarcated by the KNU as Karen territory. 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 Nyaunglebin or Toungoo as official districts.

Nyaunglebin District

On 24 September 2004, troops from SPDC LIB 599, who were based at Daung-taung camp, ordered Htay Naing of Myaung Oo village to carry a soldier. The soldier was ill and resting at Daung-taung camp. In the process, Htay Naing stepped on a landmine and lost one of his legs but the troops did not assist him or provide any medical care. (Source: CIDKP, 2004)

On 12 December 2004, after a dry season campaign through KNU territory, SPDC LIB 589 started the construction of a new military camp on the site of Su Mu Klo village on the south bank of the Bolo Chuang River, approximately 20 kilometers north-east of Shweygyn City. This camp was 1 of 3 that were built on the site of razed Karen villages which, at the time this was reported, marked the eastern most front of the SPDC's penetration into KNU territory. The second camp was started by SPDC IB 20 on 19 December on the site of Wa Law Thae village, 15 kilometers east of Shweygyn and the third camp was begun on 21 December on the site of Mae Tae Ta village on the Taungale River, 15 kilometers east-south-

east of Shweygyn, under the direction of SPDC LIB 350 and LIB 598. The approaches to all 3 of these camps/former villages were extensively mined. Other sites of razed villages that the SPDC passed through in their eastward campaign were also heavily mined so as to prevent anyone from returning to their former homes. (Source: FBR, 27 December 2004)

On 20 December 2004, Company Commander Yan Naing Soe and Bo Ko Lay of SPDC LIB 599 ordered 1 person from each household of Mar Lar Daw village, Mone Township, to clear their military compound at Wah Mi Soe. At 1:30 pm, a villager named Saw Paw Baw stepped on a landmine and was severely wounded. (Source: KIC, 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 25 February 2004, an 8 year old boy stepped on a landmine that had been planted by the Burmese army. Saw Wah Lay's son was playing beside his village in Htee Seh Baw Htee Hta, Tenasserim Township, Mergui District, when he stepped on a landmine. He survived but lost his left foot. (Source: *Monthly Human Rights Situation Report; Tenasserim Division*, Mergui-Tavoy District Information Department, KNU, February 2004)

On 25 July 2004, about 60 troops from SPDC LIB 350 led by Lieutenant Colonel Aung Min Thein came and planted landmines in the Peh-htaw-khee area. Tha-may-plaw villager Saw Thoo Meh (age 24), son of Saw Po Shaw, was killed by 1 of those landmines. (Source: KIC, 2004)

Resources and Contributors

All Burma Federation of Student Unions (ABFSU-FAC) P.O Box 102, Mae Ping P.O. Chiang Mai 50301, Thailand Tel: 66-53-252843 E-mail: bakatha@loxinfo.co.th	All Burma Student League (ABSL) (Headquarters) 3, Krishna Menon Marg New Delhi 110011, India Tel: (91-11) 301 7172 or 301 6035 Fax: (91-11) 379 3397 E-mail: absl_india88@yahoo.com
All Burma Student's Democratic Front (ABSDF) P.O. Box 31 Mae Sarieng P.O. Mae Hong Son, 58110, Thailand E-mail: absdfhq@loxinfo.co.th caroline@ksc15.th.com Tel: 01-961-2383, 053-681-865	Alternative Asean Network on Burma [ALTSEAN] BURMA P.O Box 296, Lardprad P.O. Bangkok, 10310, Thailand Tel: 66-1-850-9008 Fax: 66-2-693 4939 E-mail: altsean@altsean.org
Amnesty International 99-119 Rosebery Avenue London EC1R 4RE United Kingdom Tel: (+44 20 7814 620) Fax: (+44 20 7833 1510) Website: www.amnesty.org.uk	Amyin Thit Media Agency P.O Box 157 Chiang Mai University P. O Box Chiang Mai 50202, Thailand E-mail: amyinthit@amyinthit.com office@amyinthit.com letters@amyinthit.com info@amyinthit.com editor@amyinthit.com Website: www.amyinthit.com
Asian Forum for Human Rights and Development (Forum-Asia) 111 Suthisarnwinichai Rd Samsennok Huay Kwang Bangkok, 10320, Thailand Tel: (662) 276 9846-7 ext. 0 Fax: (662) 693 4939 E-mail: info@forumasia.org Website: www.forumasia.org	Assistance Association for Political Prisoners-Burma (AAPP) P.O. Box 93 Mae Sot, Tak Province 63110, Thailand E-mail: aappb@cscoms.com Tel: 055-545-495
Badar Road & Shwekhamauk P.O. Box 34, Mae Sot Tak, 63110, Thailand E-mail: khamauk@cscoms.com	Bamboo Youth Project E-mail: helpbyp@yahoo.com Website: www.byp2002.homestead.com/byp.html
Burma Alert c/o Harn Yawngghwe R.R. 4, Shawville Quebec, Canada, JOX 2YO, Canada Tel: (819) 647 5403 Fax: (819) 647 5405 E-mail: yawngghwe@qouest.net	Thailand Burma Border Consortium 12/15 Convent Road Silom Road, Bangkok, 10500, Thailand Tel: (662) 236 0211 Fax: (662) 236 7000 E-mail: dunfoj@mozart.inet.co.th

Burma Debate P.O. Box 19126 Washington, DC 20036. U.S.A Fax: (301)838-0587 E-mail: burmad@clark.net Website: www.burmaproject.org	Burma Information Group P.O.Box. 14154, Silver Spring MD 20911, USA E-mail: waddy@cm-sun.cm.ksc.co.th
Burma Issues P.O.Box 1076, Silom Post Office Bangkok, 10504, Thailand Tel: (662) 234-6674 Fax: (662) 631-0133 E-mail: durham@mozart.inet.th	Burma Labor Solidarity Organization (BLSO) P.O. 37, Mae Sot, Tak 63110, Thailand E-mail: blso21@cscsoms.com Phone: 01-960-3751
Burma Lawyers' Council (BLC) P.O. Box 29, Huamark P.O. Ramkhamheang Road Bangkok, 10243 Thailand E-mail: blcsan@ksc.th.com	Burma Office Labor Council Building, Suite 6, 8th Floor 377-383, Sussex Street, Sydney, NSW 2000, Australia Tel: (02) 9264 7694 Fax: (02) 9264 7693 E-mail: burma@sydney.net
Burmese Women's Union P.O. Box 40 Mae Rin, 50180 Thailand E-mail: bwunion04@loxinfo.co.th	Chin National Journal (C.N.F) 62D, Possangipur Janak Puri, New Delhi-58 E-mail: kmtchro@hotmail.com
Committee for Internally Displaced Karen People (CIDKP) P.O. Box 22, Mae Sot Tak, 63110, Thailand E-mail: kidpc@cscsoms.com Tel/Fax: 055-531-330 Cell: 015328433	Committee for Protection and Promotion of Child Rights(Burma) (CPPCR) Mae Sot, Tak 63110, Thailand E-mail: cppcr@cscsoms.com
Democratic Voice of Burma P.O. Box 6720, St. Olavs Plass N 0130, Oslo, Norway Tel: (47) 22 868474 Fax: (47) 22 868471 E-mail: dvb@sn.no	Drum Publication P.O.Box 66 Kanchanaburi, 71000 Thailand E-mail: htoo@loxinfo.co.th
Earth Rights International (ERI) P.O.Box 123 Chiang Mai University P.O. Chiang Mai 50220, Thailand E-mail: infoasia@earthrights.org Tel: 66-1-531-1256	Ethnic Cooperation for Human Rights and Environment (ECHRE) P.O. Box 134, Mae Sot Tak, 63110, Thailand E-mail: echre@cscsoms.com Tel/Fax: 072-099-039
Human Rights Documentation Unit (HRDU) P.O. Box 70, Mae Sot, Tak 63110, Thailand E-mail: hrdums@yahoo.com	Human Rights Education Institute of Burma (HREIB) P.O Box 37 Chiang Mai University P.O Chiang Mai, 50202, Thailand E-mail: hreburma@loxinfo.co.th

Human Rights Formun of Monland (HURFOM) <i>The Mon Forum</i> P.O Box 11, Ratchburana P.O. Bangkok, 10140, Thailand E-mail: mforum@np.anet.net.th Website: www.geocities.com/monforum2003	Human Rights Watch/Asia 350 Fifth Avenue, 34th floor New York, NY 10118-3299, USA Tel: 1-(212) 290-4700 Fax: 1-(212) 736-1300 Email: hrwnyc@hrw.org
Images Asia P.O. Box 2, Prasingha P.O. Chiang Mai, 50200, Thailand Tel: (66-53) 278 948 Fax: (66-53) 279 544 E-mail: sitti@cm.ksc.co.th images@cm.ksc.co.th Website: www.imagesasia.org	Institute for Asian Democracy 1518, K St. N.W., Suite 410 Washington, DC 20005, USA Tel: (202) 7374101 Fax: (202) 2320474 E-mail: 76513.1112@compuserve.com
International Rescue Committee (IRC) (Thailand) 19 Soi 33, Sukhumvit Rd Bangkok, 10110 Thailand	Irrawaddy Newsmagazine P.O. Box 242, Chaing Mai University P.O. Chiang Mai 50200, Thailand E-mail: information@irrawaddy.org
Karen Human Rights Group (KHRG) Website: http://www.khrg.org Email: khrg@khrg.org	Karen Information Center (KIC) P.O. Box 22 Mae Sot, Tak 63110 Thailand E-mail: kicinter@loxinfo.co.th Tel: 055-534-303
Karen Teacher Working Group Tel: (053) 681 440 Email: teaching@cscoms.com Website: www.members.cscoms.com/~teaching/	Karen Women's Organization (KWO) Central PO Box 19 Mae Sariang, 58110 Mae Hong Son Province Thailand E-mail: kwo@loxinfo.co.th
Karenni National Progress Party (KNPP) P.O. Box. 19 Mae Hong Son, 58000, Thailand Tel: 053-611-691 E-mail: ooreh@cm.ksc.co.th	Karenni News Agency for Human Rights (KNAHR) P.O. Box 19 Mae Hong Son, 58000, Thailand E-mail: ooreh@cscoms.com
Kernyamaw Bulletin P.O. Box 31 Mae Hong Son, 58000 Thailand Tel/Fax: 053-612 053 E-mail: knwocen@xmail.com	Mon Information Service (Bangkok) 1189/3 Soi panitchakan-Tonburi Charan-Snitwong Road Bangkok, 10160, Thailand Tel/Fax: (662) 410 7844
Muslim Agency for News P.O. Box 17 Ratburana, 10140 Bangkok, Thailand E-mail: manburma@yahoo.com.sg	National Coalition Government of the Union of Burma (Thailand) P.O. Box 1151 Ramkham Haeng P.O Bangkok 10241, Thailand E-mail: yadana98@ksc.th.com

National Council of the Union of Burma (NCUB) P.O. Box 38 Mae Sod P.O. Tak 63110, Thailand Tel: 055 542 089 E-mail: ncoffice@cscoms.com	National Democratic Front (NDF) P.O. Box 31 Mae Sod P.O. Tak 63110, Thailand E-mail: unity@loxinfo.co.th
National League for Democracy (Liberated Area) P.O. Box 34 Mae Sot P.O. Tak 63110, Thailand E-mail: nldlahq@loxinfo.co.th	National League for Democracy - Liberated Area (Youth) P.O. Box 156 Mae Sot P.O. Tak 63110, Thailand E-mail: nldlayouth@csloxinfo.com
Network for Democracy and Development (NDD) P.O Box 91 Chiang Mai University P.O. Chiang Mai 50202 Thailand	Orchestra Burma P.O. Box 54 Chiang Mai University P.O. Chiang Mai, 50202, Thailand E-mail: lokanat@cm.ksc.co.th Website: www.freeburma.org/lokanat/obstart.htm
Palaung Women Organization (PWO) P.O. Box 108, Mae Sot Tak, 63110, Thailand E-mail: ta_angnnt@yahoo.com	Palaung Youth Network Group P.O Box 108 Mae Sot P.O. Tak, 63110 Thailand E-mail: ta_ang@ksc.th.com palaung@yahoo.com
Parliamentary Democracy Party (PDP) GHQ (Liberated area) Burma P.O. Box 28 Central City Bang Na Post Office Bangkok 10264, Thailand E-mail: emlmpdp@aol.com Website: www.pdp-burma.net	PD Burma Keysersgate 1 0165 Oslo Norway Tel: +47-22-989005 Fax: +47-22-114988 E-mail: pdburma@online.no
Radio Free Asia (RFA) 2025 M Street, N.W. Suite 300 Washington, DC 200036, USA Tel: (202) 530 4985 Fax: (202) 721 7401	Refugee Newsletter P.O. Box 339 Chiang Mai, 50000 Thailand
Shan Herald Agency for News (S.H.A.N.) P.O. Box 15 Nonghoi P.O. Chiang Mai, 50007, Thailand Phone: 053-807-121 E-mail: shan@cm.ksc.co.th Website: www.shanland.org	Shan Human Rights Foundation (SHRF) P.O. Box 201, Phrasing P.O. Chiang Mai 50200 Thailand E-mail: shrf@cm.ksc.co.th Tel: 053-806-136

Shan State Army News E-mail: ssanews@loxinfo.co.th Tel: 053-384 100 Thailand E-mail: kenneri@loxinfo.co.th	Shan Women's Action Network (SWAN) P.O Box (120) Phrasing P.O Chiang Mai 50200
Students And Youth Congress of Burma (SYCB) P.O Box 123 Mae Sot Tak- 63110 Thailand E-mail: sycbt@bkk3.loxinfo.co.th	Suara Rakyat Malaysia (SUARAM) 383, 1 st Floor, Jalan 5/59 46000 Petaling Jaya Selangor, Malaysia E-mail: www.suaram.org
The Ad hoc Commission on the Depayin Massacre P.O Box 29 Hua Mark P.O 10243 Bangkok, Thailand E-mail: ahcdm@cscoms.com	The Lighting P.O Box 91 Mae Sot Tak- 63110 Thailand E-mail: binamojo@cscoms.com
The Lighting P.O Box 91 Mae Sot Tak- 63110 Thailand E-mail: binamojo@cscoms.com	The Millennium Window Journal 184-5 Wonmi 2 Dong, Wonmi Gu, Bucheon City, Gyeonggi Do, 421-112 Korea E-mail: win1000J@hotmail.com
The New Era (Khit Pyaing) Journal P.O. Box 115 Raminthra P.O., Bangkhan, Bangkok 10220, Thailand E-mail: newera@ksc.th.com	Tenasserim Information Release (TIR) (KNU Megui-Tavoy Information Service) P.O. Box 11 Kanchanaburi, 71000 Thailand E-mail: ehna@ksc.th.co
Thai Action Committee for Democracy in Burma (TACDB) 328 Phayathai Road, Rajthevee, Bangkok 10400, Thailand Tel: (662) 424-9173, 883-4428 Fax: (662) 424-9173 Email: tacdb@ksc.th.com	U.S Committee for Refugees and Immigrants 1717 Massachusetts Ave, NW Suite 200 Washington D.C., 20036
Voice of Burma 903, Grand Masion Itabashi 1-47-9, Itabashi Ku Tokyo 173-0004, Japan Tel/Fax: +813-3579-3772 E-mail: voburma@gol.com	Women's League of Burma Chiang Mai 50000, Thailand Tel: 053-217-006 Fax: 053-226-578 E-mail: wlb@womenofburma.org
Yaung Chi Oo Workers' Association P.O.Box 37 Mae Sot, Tak 63110, Thailand	Yoma-3 P.O. Box 4, Sangkhlaburi Kanchanaburi, 71240 Thailand



Human Rights Documentation Unit
of the
National Coalition Government of the Union of Burma